

State of Iowa
2008

JOURNAL OF THE HOUSE

2008
REGULAR SESSION
EIGHTY-SECOND
GENERAL ASSEMBLY

Convened January 14, 2008
Adjourned April 25, 2008

Volume I
January 14, 2008—April 17, 2008

CHESTER J. CULVER, Governor
PATRICK J. MURPHY, Speaker of the House
JOHN P. KIBBIE, President of the Senate

Published by the
STATE OF IOWA
Des Moines

EIGHTY-SECOND GENERAL ASSEMBLY
2008 Regular Session
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ROBERT YEAGER, *Chief Doorkeeper*..... Windsor Heights
MARK WILLEMSSEN, *Facilities Manager*..... Johnston
MARK S. LUNDBERG, *Conservation/Restoration*
Specialist II Des Moines
DICK LABERTEW, *Conservation/Restoration*
Specialist II Indianola

ELECTED OFFICERS, SUPREME COURT JUSTICES AND
 IOWA COURT OF APPEALS JUDGES
 ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

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PATTY JUDGE, <i>Lieutenant Governor</i>	Albia
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MICHAEL L. FITZGERALD, <i>Treasurer of State</i>	Urbandale
BILL NORTHEY, <i>Secretary of Agriculture and Land Stewardship</i>	Spirit Lake
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JUSTICES OF THE IOWA SUPREME COURT

MARSHA K. TERNUS, <i>Chief Justice</i>	Grimes
BRENT APPEL, <i>Justice</i>	Ackworth
MARK S. CADY, <i>Justice</i>	Fort Dodge
DARYL HECHT, <i>Justice</i>	Sioux City
JERRY L. LARSON, <i>Justice</i>	Harlan
MICHAEL J. STREIT, <i>Justice</i>	Johnston
DAVID WIGGINS, <i>Justice</i>	West Des Moines

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DAVID BAKER, <i>Judge</i>	Cedar Rapids
LARRY J. EISENHAUER, <i>Judge</i>	Ankeny
TERRY L. HUITINK, <i>Judge</i>	Ireton
ROBERT E. MAHAN, <i>Judge</i>	Waterloo
JOHN C. MILLER, <i>Judge</i>	Burlington
ANURADHA VAITHESWARAN, <i>Judge</i>	Des Moines
GAYLE NELSON VOGEL, <i>Judge</i>	Spirit Lake
VAN D. ZIMMER, <i>Judge</i>	Vinton

MEMBERS OF THE HOUSE—EIGHTY—SECOND GENERAL ASSEMBLY – 2008 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Abdul-Samad, Ako	Des Moines		CEO	66 <i>Polk</i>	82
Alons, Dwayne	Hull	61	Farmer	4th— <i>Sioux, Lyon</i>	78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Anderson, Richard	Clarinda	51	Attorney	97th— <i>Page, Fremont, Mills</i>	81, 81X, 82
Arnold, Richard	Russell	62	Farmer	72nd— <i>Lucas, Mahaska,</i> <i>Marion, Monroe</i>	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Bailey, McKinley	Webster City		Student	9th — <i>Franklin, Hamilton,</i> <i>Webster, Wright</i>	82
Baudler, Clel	Greenfield		Retired State Trooper/Farmer.....	58th— <i>Adair, Audubon, Cass,</i> <i>Guthrie</i>	78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Bell, Paul	Newton	57	Retired Police Lieutenant.....	41st— <i>Jasper</i>	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Berry, Deborah L.	Waterloo	49	Corporate Fundraising Director....	22nd— <i>Blackhawk</i>	80, 80X, 80XX, 81, 81X, 82
Boal, Carmine.....	Ankeny	51	Legislator	70th— <i>Polk</i>	78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Bukta, Polly	Clinton		Retired Educator	26th— <i>Clinton</i>	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Chambers, Royd E.	Sheldon	46	Educator/IA Air National Guard...	5th— <i>O'Brien, Clay, Osceola,</i> <i>Sioux</i>	80, 80X, 80XX, 81, 81X, 82
Clute, Dan	Clive		Vice President/Public Affairs	59th— <i>Polk</i>	82
Cphoon, Dennis M.	Burlington.....		Special Education Teacher	88th— <i>Des Moines</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Dandekar, Swati A.	Marion.....	56	Community Leader	36th— <i>Linn</i>	80, 80X, 80XX, 81, 81X, 82
Davitt, Mark	Indianola	55	Communications Consultant.....	74th— <i>Warren</i>	80, 80X, 80XX, 81,81X, 82
De Boef, Betty R.	What Cheer.....	56	Partner in farming and wood	76th— <i>Keokuk, Iowa,</i> <i>Poweshiek, Tama</i>	79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Deyoe, Dave.....	Nevada		Farmer	10th— <i>Story</i>	82

MEMBERS OF THE HOUSE—EIGHTY—SECOND GENERAL ASSEMBLY – 2008 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Dolecheck, Cecil.....	Mount Ayr.....	56	Farmer	96th— <i>Ringgold</i> , Adams,	77, 78, 79, 79X, 79XX, 80, Montgomery, Taylor, Union
Drake, Jack	Lewis	73	Farmer	57th— <i>Pottawattamie</i> , Cass, Shelby..	75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Foege, Ro	Mount Vernon.....	69	Social Worker-Retired	29th— <i>Linn</i> , Johnson	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Ford, Wayne W.....	Des Moines.....	54	Exec. Director Urban Dreams.....	65th— <i>Polk</i>	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Forristall, Greg.....	Macedonia.....		Retired Farmer	98th— <i>Mills</i> , <i>Pottawattamie</i>	82
Frevert, Marcella R.....	Emmetsburg	69	Retired Teacher	7th— <i>Palo Alto</i> , Emmet, Kossuth ..	77, 78, 79, 79X, 79XX 80, 80X, 80XX, 81, 81X, 82
Gaskill, Mary.....	Ottumwa	66	Retired County Auditor	93rd— <i>Wapello</i>	80, 80X, 80XX, 81, 81X, 82
Gayman, Elesha	Davenport		Non Profit Sector	84th— <i>Scott</i>	82
Gipp, Chuck.....	Decorah	60	Farmer	16th— <i>Winneshiek</i> , Allamakee	74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82,
Granzow, Polly	Eldora.....	65	Farmer	44th— <i>Hardin</i> , Marshall.....	80, 80X, 80XX, 81, 81X, 82
Grassley, Pat	New Hartford.....		Farmer	17th— <i>Bremer</i> , <i>Butler</i>	82
Greiner, Sandra H.....	Keota	62	Farmer	89th— <i>Washington</i> , Jefferson,	75, 76, 77, 78, 80, 80X, 80XX, 81, 81X, 82
Heaton, Dave.....	Mt. Pleasant.....	62	Restaurant Owner.....	91st— <i>Henry</i> , Lee	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Heddens, Lisa K.....	Ames.....	43	Family Support Coordinator	46th— <i>Story</i> , Boone	80, 80X, 80XX, 81, 81X, 82
Hoffman, Clarence C.....	Denison	74	Insurance	55th— <i>Crawford</i> , Ida, Monona,	78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82
Horbach, Lance J.	Tama	49	Insurance Agent	40th— <i>Tama</i> , Grundy	78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Hunter, Bruce.....	Des Moines.....		IA Student Loan Counselor.....	62nd— <i>Polk</i>	80, 80X, 80XX, 81,81X, 82

MEMBERS OF THE HOUSE—EIGHTY—SECOND GENERAL ASSEMBLY – 2008 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Huseman, Daniel A.	Aurelia	55	Farmer	53rd— <i>Cherokee</i> , Plymouth Woodbury	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Huser, Geri D.	Altoona		Lawyer/Social Worker	42nd— <i>Polk</i> , Jasper,	77, 78, 79, 79X, 79XX 80, 80X, 80XX, 81, 81, 82
Jacobs, Elizabeth "Libby" S.	West Des Moines	51	Community Relation Director	60th— <i>Polk</i>	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
*Jacoby, Dave	Coralville	51	Program Director	30th— <i>Johnson</i>	80, 80X, 80XX, 81, 81X, 82
Jochum, Pam	Dubuque		Instructor for NICC	27th— <i>Dubuque</i>	75, 76, 77, 78, 79, 79X 79XX, 80, 80X, 80XX, 81, 82
Kaufmann, Jeffrey A.	Wilton	44	Teacher/Livestock Operator	79th <i>Cedar</i> , Johnson, Muscatine	81, 81X, 82
Kelley, Doris	Waterloo		Telecommunications Consultant	20th— <i>Black Hawk</i>	82
Kressig, Bob	Cedar Falls	52	Retired (John Deere)	19th <i>Black Hawk</i>	81, 81X, 82
Kuhn, Mark A.	Charles City	57	Family Farmer	14th— <i>Floyd</i> , Cerro Gordo, Mitchell	78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Lensing, Vicki	Iowa City		Funeral Home Owner	78th— <i>Johnson</i>	79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Lukan, Steven F.	New Vienna	29	Tire Technician	32nd— <i>Dubuque</i> , Delaware	80, 80X, 80XX, 81, 82
Lykam, Jim D.	Davenport		Small Business Owner	85th— <i>Scott</i>	73, 80, 80X, 80XX, 81, 81X, 82
Mascher, Mary	Iowa City	52	Teacher	77th— <i>Johnson</i>	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82
May, Mike	Spirit Lake	62	Retired Teacher/Resort Owner	6th— <i>Dickinson</i> , Clay	81, 81X, 82
McCarthy, Kevin M.	Des Moines	36	Attorney	67th— <i>Polk</i>	80, 80X, 80XX, 81, 81X, 82
Mertz, Dolores M.	Ottosen	79	Farmer/Legislator	8th— <i>Kossuth</i> , Humboldt, Pocahontas, Webster	73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Miller, Helen	Fort Dodge	62	Attorney/Arts Educator	49th— <i>Webster</i>	80, 80X, 80XX, 81, 81X, 82

*Elected in Special Election August 26, 2003

MEMBERS OF THE HOUSE—EIGHTY—SECOND GENERAL ASSEMBLY – 2008 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Miller, Linda J.....	Bettendorf.....		Registered Nurse/Clinic Mgr.....	82nd— <i>Scott</i>	82
*Murphy, Patrick J.	Dubuque.....	48	Democratic Leader.....	28th— <i>Dubuque</i>	73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Oldson, Jo.....	Des Moines.....	51		61st— <i>Polk</i>	80, 80X, 80XX, 81, 81X, 82
Olson, Donovan	Boone	42	Distance Education Coordinator	48th— <i>Boone, Dallas</i>	80, 80X, 80XX, 81, 81X, 82
Olson, Rick L.	Des Moines.....	56	Attorney.....	68th— <i>Polk</i>	81, 81X, 82
Olson, Steven N.....	DeWitt.....	60	Farmer.....	83rd— <i>Clinton, Scott</i>	80, 80X, 80XX, 81, 81X, 82
Olson, Tyler.....	Cedar Rapids.....		Attorney.....	38th— <i>Linn</i>	82
Palmer, Eric J.....	Oskaloosa.....		Attorney.....	75th— <i>Mahaska, Poweshiek</i>	82
Paulsen, Kraig.....	Hiawatha.....	43	Attorney.....	35th— <i>Linn</i>	80, 80X, 80XX, 81, 81X, 82
Petersen, Janet.....	Des Moines.....	37	Marketing Communications.....	64th— <i>Polk</i>	79, 79X, 79XX, 80, 80X, Consultant 80XX, 81, 81X, 82
Paulsen, Kraig.....	Hiawatha.....	43	Attorney.....	35th— <i>Linn</i>	80, 80X, 80XX, 81, 81X, 82
Pettengill, Dawn E.	Mt. Auburn.....	52	Retirement/Investor Services.....	39th— <i>Benton, Iowa</i>	81, 81X, 82, 83
Quirk, Brian J.	New Hampton.....	34	Electrical Contractor.....	15th— <i>Chickasaw, Howard,</i> <i>Winneshiek</i>	79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Raecker, J. Scott.....	Urbandale.....	42	Exec. Director-Institute.....	63rd— <i>Polk</i>	78, 79, 79X, 79XX, 80, for Character Development 80X, 80XX, 81, 81X, 82
Rants, Christopher C.	Sioux City.....	40	Self Employed.....	54th— <i>Woodbury</i>	75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Rasmussen, Daniel J.....	Independence.....	60	Exe. Land Improvement.....	23rd— <i>Buchanan, Black Hawk</i>	80, 80X, 80XX, 81, 81X, Contractor Cont. Assn. 82
Rayhons, Henry V.	Garner.....	71	Farmer.....	11th— <i>Hancock, Winnebago,</i> <i>Worth</i>	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82

*Elected in Special Election June 12, 2001

MEMBERS OF THE HOUSE—EIGHTY—SECOND GENERAL ASSEMBLY – 2008 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Reasoner, Michael J	Creston	47	State Legislator	95th—Union, Clark, Decatur	80, 80X, 80XX, 81, 81X, 82
Reichert, Nathan	Muscatine	37	Allsteel Customer Support	80th—Muscatine	81, 81X, 82
Roberts, Rod	Carroll	50	Dev. Dir./Christian Churches/ Church of Christ in Iowa	51st—Carroll, Crawford, Sac	80, 80X, 80XX, 81, 81X, 82
Sands, Thomas R.	Columbus Junction	53	Banker/Farmer/Appraiser	87th—Louisa Des Moines, Muscatine	80, 80X, 80XX, 81, 81X, 82
Schickel, Bill	Mason City	56	Radio Station Gen. Manager	13th—Cerro Gordo	80, 80X, 80XX, 81, 81X, 82
Schueller, Thomas J	Maquoketa	52	Contractor	25th—Jackson, Clinton, Dubuque	81, 81X, 82
Shomshor, Paul C., Jr.	Council Bluffs	40	Certified Public Accountant	100th—Pottawattamie	81, 81X, 82
Smith, Mark	Marshalltown	55	Independent Social Worker	43rd—Marshall	79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Soderberg, Chuck	Le Mars	50	VP Planning & Legis Services, NW Power Cooperative	3rd—Plymouth, Sioux	81, 81X, 82
Staed, Art	Cedar Rapids		Educator	37th—Linn	82
Struyk, Douglas L.	Council Bluffs	37	Small Business Owner/Attorney	99th—Pottawattamie	80, 80X, 80XX, 81, 81X, 82
Swaim, Kurt	Bloomfield	57	Attorney	94th—Davis Appanoose, Wayne	80, 80X, 80XX, 81, 81X, 82
*Taylor, Dick	Cedar Rapids	74	Electrician/Project Manager	33rd—Linn	78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
**Taylor, Todd	Cedar Rapids	40	Union Representative	34th—Linn	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82

REPRESENTATIVES

* Elected in Special Election January 4, 2000

**Elected in Special Election June 27, 1995

MEMBERS OF THE HOUSE—EIGHTY—SECOND GENERAL ASSEMBLY – 2008 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Thomas, Roger	Elkader	57	Farmer/Paramedic	24th—Clayton, Delaware, Fayette	77, 78, 80, 80X, 80XX, 81, 81X, 82
Tjepkes, David A.	Gowrie	63	Retired State Trooper	50th—Webster, Calhoun, Greene	80, 80X, 80XX, 81, 82
Tomenga, F. Walter	Johnston	61	Management Consultant	69th—Polk	81, 81X, 82
Tymeson, Jodi S.	Winterset	52	Natl. Brigadier General in Iowa National Guard/ Licensed Teacher	73rd—Madison, Dallas, Warren	79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Upmeyer, Linda L.	Garner	55	Nurse Practitioner	12th—Hancock, Cerro Gordo, Franklin	80, 80X, 80XX, 81, 81X, 82
Van Engelenhoven, James L.	Pella		Farmer	71st—Marion, Jasper	78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Van Fossen, Jamie	Davenport	47	Economic Development Analyst-Mid-American Energy	81st—Scott	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Watts, Ralph C.	Adel	63	Engineer, Business Mgmt. Retired	47th—Dallas, Boone	80, 80X, 80XX, 81, 81X, 82
Wendt, Roger F.	Sioux City	74	Retired School Administrator	2nd—Woodbury	80, 80X, 80XX, 81, 81X, 82
Wenthe, Andrew	Hawkeye		Dir. External Affairs Upper IA	18th—Black Hawk, Bremer, Fayette	82
Wessel-Kroeschell, Beth	Ames	48	Legislator	45th—Story	81, 81X, 82
Whitaker, John R.	Hillsboro		Family Farmer	90th—Van Buren, Jefferson, Wapello	80, 80X, 80XX, 81, 81X, 82
Whitead, Wesley E.	Sioux City	74	Retired	1st—Woodbury	77, 78, 80, 80X, 80XX, 81, 81X, 82
Wienczek, Tami Jo	Waterloo		Partner-Public Relations Firm	21st—Black Hawk	82
Winckler, Cindy Lou	Davenport	57	Educator/Quality Learning Consultant	86th—Scott	79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82

MEMBERS OF THE HOUSE—EIGHTY—SECOND GENERAL ASSEMBLY – 2008 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Windschitl, Matt W.	Missouri Valley		Switchman-Union Pacific R.R.	56th—Harrison, Monona, Pottawattamie	82
Wise, Philip	Keokuk	61	Consultant, Retired Educator	92nd—Lee	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82
Worthan, Gary	Storm Lake		Farmer	52nd—Buena Vista, Sac	82
Zirkelbach, Raymond	Monticello	29	Correctional Officer/ Soldier	31st—Jones, Dubuque	81, 81X, 82

JOURNAL OF THE HOUSE

First Calendar Day - First Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 14, 2008

Pursuant to chapter two (2), section two point one (2.1), Code of Iowa, the House of Representatives of the Eighty-second General Assembly of Iowa, 2008 Regular Session, convened at 10:01 a.m., Monday, January 14, 2008.

The House was called to order by the Honorable Patrick Murphy, Speaker of the House.

Prayer was offered by Imam Mohammed Khan of the Islamic Center of Des Moines. He was the guest of Speaker Murphy and Representative Abdul-Samad of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Speakers Page, Sabrina Ahmed of West Des Moines.

The Journal of Saturday, April 28, 2007 was approved.

COMMITTEE TO NOTIFY THE GOVERNOR

Gaskill of Wapello moved that a committee of three be appointed to notify the Governor that the House was duly organized and ready to receive any communication that he may desire to transmit.

The motion prevailed and the following committee was appointed: Gaskill of Wapello, Kressig of Black Hawk and Clute of Polk.

COMMITTEE TO NOTIFY THE SENATE

Reasoner of Union moved that a committee of three be appointed to notify the Senate that the House was duly organized and ready to receive any communication that the Senate may desire to transmit.

The motion prevailed and the following committee was appointed: Reasoner of Union, Mascher of Johnson and Schickel of Cerro Gordo.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 101

McCarthy of Polk asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

1 House Concurrent Resolution 101
2 By McCarthy and Rants
3 *Be it resolved by the House of Representatives, the*
4 *Senate concurring,* That a joint convention of the two
5 houses of the 2008 session of the Eighty-second
6 General Assembly be held on Tuesday, January 15, 2008,
7 at 10:00 a.m.; and
8 *Be it further resolved,* That Governor Chester J.
9 Culver be invited to deliver his budget message at
10 this joint convention of the two houses of the General
11 Assembly, and that the Speaker of the House of
12 Representatives and the President of the Senate be
13 designated to extend the invitation to him.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 102

McCarthy of Polk asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

1 House Concurrent Resolution 102
2 By McCarthy and Rants
3 *Be it resolved by the House of Representatives, the*
4 *Senate concurring,* That a joint convention of the two
5 houses of the 2008 session of the Eighty-second General
6 Assembly be held on Wednesday, January 16, 2008, at
7 10:00 a.m.; and
8 *Be it further resolved,* That Chief Justice Ternus
9 be invited to present her message of the condition of
10 the judicial branch at this convention, and recommend
11 such matters as the Chief Justice deems expedient,
12 pursuant to section 602.1207 of the Code.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that **House Concurrent Resolutions 101** and **102** be immediately messaged to the Senate.

The House stood at ease at 10:13 a.m., until the fall of the gavel.

The House resumed session at 10:31 a.m., Speaker Murphy in the chair.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

Gaskill of Wapello, Chair of the committee to notify the Governor that the House was duly organized and ready to receive any communication he might desire to transmit, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Reasoner of Union, Chair of the committee to notify the Senate that the House was duly organized and ready to receive any communication that the Senate might desire to transmit, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

COMMITTEE FROM THE SENATE

Senator Connolly of Dubuque appeared and notified the House that the Senate was duly organized and ready to receive any communication that the House might desire to transmit.

REMARKS BY THE MAJORITY LEADER

Majority Leader Kevin McCarthy addressed the House as follows:

Thank you Mr. Speaker and ladies & gentlemen of the House. This legislative session we are perfectly poised – perfectly poised to maintain the historic progress we made last year while putting people before politics.

If the Iowa caucuses showed us anything earlier this month, Iowans want us to have a more hopeful, optimistic politics...and we are perfectly poised to do so.

But it will not be easy...it's an election year and we all know it will be easy to slip into partisan politics and negativity....Is it possible we can disagree without being disagreeable?

If we can do this...if we can work together...we can continue to deliver positive things for Iowa.

Last year we made great strides in education, health care, and renewable energy. This year we are perfectly poised to maintain that progress, if we have the will to do so, and we can maintain that progress while still balancing the budget. We will be smart with state's pocketbook.

A word of thanks to those who have served this body well. Two Democrats are running for the lower chamber – the Senate. Representative Jochum and Representative Dandekar – thank you for your service. For the Republicans who will be serving in their last session –

Representative Hoffman, Representative Tomenga, Representative Clute, Representative Boal, Representative Gipp, Representative Greiner, Representative Jacobs and Representative Schickel.

Thank you for your service. To any other Republican who would like to be added to this list...I would be happy to publicly thank you as well.

We are perfectly poised to maintain the progress we made last session while putting people before politics...Now let's roll up our sleeves and get to work.

REMARKS BY THE MINORITY LEADER

Minority Leader Christopher Rants addressed the House as follows:

Thank you Mr. Speaker. Mr. Speaker, ladies and gentlemen of the House, friends and families....

It's only the 14th of January and already it's been quite an interesting political year here in Iowa – one full of surprises, excitement, renewed optimism and a few disappointments.

People across the country fixed their eyes on Iowa, waiting to see what we would do in our respective parties to chart the future of the nation by selecting our candidates for the presidency. Now people across our state are fixing their attention on this chamber to see what we will do to chart the future of the state. Will there be surprises? Excitement? Do they have reason to feel optimistic or disappointment?

Across Iowa, while families sat down at the kitchen table and hashed over presidential candidates, they also talked about their fears and hopes. They are worried about their children, wondering if they are getting the kind of education they need for a good job. They worry about how they are going to take care of their parents. And they worry about how they can afford to take care of their own healthcare. They worry about what kind of a world their kids are growing up in.

Parents are right to be worried about the relevancy of their children's education. Particularly because last year Iowa's standards were reduced. For the first time ever, Iowa lowered the bar for teacher standards, and lowered the bar for student performance. All the while our competitors at home and abroad were setting higher

expectations. Parents are right to be worried. But we can restore their confidence. Republicans propose that Iowa adopt, for the first time, state wide standards for student achievement, curriculum and proficiency. We believe every student needs access to a curriculum that prepares them for global competition, and that means more math and sciences.

Families are right to be worried about affording health care. For the past year, they have heard all sorts of ideas from candidates promising free health care coverage for the nine percent of Iowans that have none. While candidates focus on those without coverage, what about the 91 percent of Iowans who do have coverage and are more concerned that their costs keep going up? For all the talk we have heard in this state about how poorly the federal government pays our doctors and hospitals for Medicare, the state of Iowa pays even less for Medicaid. And because of this, Iowans pay a 10 percent hidden tax on their health care premiums. Thanks to the actions of this House in 2005 and 2006, we started to address this hidden tax with the provider rate increases we approved. But that progress stopped last year. It's time to give Iowans a break by completing the job and eliminating the hidden health care tax.

The cost of health care is not the only concern of Iowa families. Many our of friends and neighbors are confused and angered when they change jobs or change insurance plans but keep the same insurer and suddenly find their coverage limited or non-existent due to pre-existing conditions. This is a critical issue for Iowans who are nearing retirement and will have to wait several years for Medicare. There is a common sense solution to this which Republicans support...change our insurance laws to prevent this from occurring in the future.

Iowa families also realize that they must be more responsible for their health. Health care costs will continue to rise if we do not start leading healthier lives. That is why Republicans believe that we should come forward with ways to promote wellness activities and to help Iowans manage chronic diseases like diabetes and asthma. We have done this before, in the IowaCare bill passed unanimously in 2005. Unfortunately, putting these programs into place has not been a priority for the Department of Human Services and the costs to taxpayers continue to escalate. Through bipartisanship, we can make wellness and chronic disease management not just a priority for Medicaid or IowaCare, but for all of Iowa.

Property taxpayers are right to be worried – no, not worried – **angry** about their tax bill. Last year they heard promise after promise that something would be done and every promise was broken. From Governor Culver's promises on the first day of session, to the promises made in this chamber on the last day of session, we all were told that something would be done, yet the only people who have something to smile about are some outside consultants who were handed a blank check to pay for yet another study. This fall however, we learned that property owners are out of time. According to a report by the Legislative Service Agency, we have reached a tipping point. The most telling line of the report is that the next five years will be markedly different from the last five in terms of property taxes. For those of you that haven't read the report, that means if you think your taxes are high now – you ain't seen nothin' yet. If this General Assembly fails to act, homeowners and farmers will see a \$500 million tax increase. Let me say that again. Failure to act results in a \$500 million tax increase. Now some will want to downplay the report, but we all know what is going on – higher ag prices raise ag land values under the productivity formula for property taxes, and as those rise residential values will be carried up to. If

Democrats are content to kick the can down the road yet again, and only plan to study the problem staring them in the face, then please, please, at least agree to not make the problem any worse. Iowa common sense says, when you're in a hole and want to get out – first, stop digging. Sometime in the next 30 days this chamber will set allowable growth, the state aid for school districts. At that same time, we will have the choice to allow school districts to levy more property taxes - \$45 million more – or we can decide to have the state pay this cost rather than hitting property owners. Republicans suggest that with the record increase in revenues, the state should pay.

As if worrying about their children's education or how they'll pay their insurance premiums and property taxes at the same time isn't enough – some Iowans are worried that they are going to see one more expense added to their family's budget – dues withheld from their paycheck to support a union they choose not to belong to. Mr. Speaker, this is the most divisive issue that was placed before this chamber for debate last year, and it would have the most devastating impact on Iowa's fragile economy. We can spend the next 100 days moving chess pieces around, trying to prepare for this debate – one that would surely destroy any semblance of bipartisanship for the session. Or – you have the power to dispose of the issue today, and take SF413, the so-called "Fair Share" bill that guts our Right to Work Law off the table for discussion this year. Members of my caucus will not support this bill, and there are members of your caucus that don't want to vote on it. Even Samuel Gompers, the founder of the American Labor movement said "there may be here and there a worker who for certain reasons... does not join a union of labor. It is his legal right and no one can or dare question his exercise of that legal right." Mr. Speaker, tabling this bill for the year is the bipartisan thing to do.

Many of these issues we could have predicted would be around when we adjourned last year. But there is one that has cropped up anew – and that happened when a single Polk county judge threw out the will of this body and nullified our law declaring marriage to be between one man and one woman. Traditional marriage is an institution that this chamber has twice, in bipartisan fashion, protected with overwhelming majorities. Yet today one judge has turned Iowa law upside down and inside out, in a way that the elected representatives would never think to do. Mr. Speaker, you have a choice. You can let this stand, and by inaction the majority party will affirm what this one judge has done. Or you can bring up for a vote a bill or resolution that would overturn this ruling. In fact, HJR 8, with 48 bipartisan co-sponsors is sitting in Judiciary Committee ready for action. I know that the quick and casual answer is to say we don't have time, we'll let the courts sort it out. But Mr. Speaker, we do have the time. If this chamber can spend an hour debating the merits of registering propane tanks, then surely there is one hour, out of 100 days that we can debate the merits of marriage. That's all I'm asking for, one hour to debate and vote. This is a bipartisan issue – members of both caucuses are on record supporting such a resolution. I don't think that's asking too much to protect this sacred institution.

Ladies and Gentlemen, it's costing more and more just to be middle class in Iowa. Both spouses are already working. They are already stretching just to pay the mortgage and health insurance – not to mention things like paying off student loans and setting aside just a bit for retirement or savings. They don't need their state government setting them up for a tax increase. The facts speak for themselves. A irresponsible billion dollar increase in spending last year. A half a billion dollar property tax increase on the horizon. New property tax levies. The threat of forced union dues coming out of their paychecks. An interim committee that proposes new

taxes on health care services. And last week the governor proposed taking away their largest tax deduction. Middle class Iowans can't afford what the governor and this legislature are laying in front of them. We can do better, and it can be done in a bipartisan fashion.

Teddy Roosevelt once said, "Rhetoric is a poor substitute for action, and we have trusted only to rhetoric. If we really want to be a great nation, we must not merely talk; we must act big." Roosevelt's axiom applies to our state as well. Be it affordability and portability of healthcare, raising educational standards, or property tax relief – the time for talk is over, its time to act. Mr. Speaker, Republicans are ready to go to work.

REMARKS BY THE SPEAKER

Speaker Murphy addressed the House as follows:

Since I have mentioned this person by name during the past two sessions, and before I welcome you all back today, the first thing I would like to say is welcome back to a member who has served our country abroad for the last two years. Representative Zirkelbach, welcome back.

Now to the rest of you, welcome back, it is time for us to go to work.

Last year when Democrats took control we talked about our Plan for Prosperity, which targeted a number of things we thought we needed to do to push this state forward. One of them was the Power Fund to make Iowa the renewable fuels leader of the world. We passed the Power Fund bill last year. But the first bill that we did last year was raising the minimum wage, a bipartisan effort to help middle-class families, which went into full effect earlier this month.

We also focused on early childhood so four-year olds would have access to education. We focused on teacher quality so we could raise teacher pay from forty-second to twenty-fifth in the nation. We wanted to focus on higher education. The previous five years saw a ninety per cent increase in tuition at our Regents universities. Last year, with the work that we did, the Board of Regents raised tuition by three per cent, two tenths of a per cent below the inflation rate and the lowest tuition increase in twenty-seven years. Along with that, we also focused on what would help middle class families. We passed the small business health insurance bill that was a very bi-partisan effort to offer some new incentives to help small businesses offer health insurance to their employees. We had a tough vote on the tobacco tax, but we put all that money into health care. The Department of Human Services reported that about seventeen thousand more Iowan's had access to health care due to the initiatives this legislative body passed.

But, we also could not forget the veterans. There were numerous bills that we ended up passing last year to address some of the veterans concerns as they arose from people coming back from Iraq and Afghanistan.

Then there were those things that we didn't accomplish. One of those was property taxes. This year we have an interim committee that Representatives Wise, Shomshor and Olson have worked on, and I know it is a two-year study, but we are hoping this

year we will be able to come up with a bi-partisan effort to do some things in the areas of commercial and industrial property taxes to help businesses in this state so they can help middle class families.

This year, we need to focus on our commitments made last year. Continue our focus on early childhood, teacher quality and higher education. We need to make sure that we make higher education affordable to middle class families. We need to make sure that teachers are treated with the respect they need, especially when you think of the fact that we rank statistically in the top five or ten categories in almost every performance measure that is judged by what our children achieve.

We also have an interim committee that dealt with health care. I know everybody has referred to it as Senator Hatch's committee. But, I know there are five legislators in this chamber that worked on that bill and will be coming to us with recommendations they passed last week to help make health care more accessible and more affordable to middle class families and we are glad that they did that work and we are going to look very closely at those recommendations and see what we can pass.

There is also the issue of veterans retaining their job status when they return from military service. Rep. McKinley Bailey unveiled proposed legislation several months ago. It is not right when somebody goes over and serves their country for one or two years and they don't get their same job back and they don't get the same pay they had when they left. Addressing that issue needs to be a priority for this chamber. We need to adopt that legislation early. We need to make sure that we treat our veterans the way they have protected us. That is only out of due respect that we make sure they get their job back with the same pay. So, I am very hopeful that we will be able to get that bill done early this legislative session.

There are some other issues addressed by interim committees that we want to take a look at. There is the whole issue of water quality. We have the Water Quality Planning Task Force which made recommendations. We won't be able to do every recommendation, but there is no question that we will be focusing on the environment.

There was a huge increase last year for REAP funding, the first increase since 1991. We want to continue to focus on REAP and water quality and also take a look at recommendations from the Climate Change Advisory Council.

We also talk about job growth in Iowa. There is no question that we want Iowa to continue to grow so that young people can find good jobs and settle down and raise families here in Iowa. And we need to find ways to make it happen, because these are the workers and families who will form the middle class of the future. We have the worker's shortage interim committee that has made recommendations. And we also need to look at what was proposed by the Generation Iowa Commission, which recently issued a guide for creating job opportunities for young people.

There is no question that these are a lot of priorities, but we are going to try to get as many done as we can, while managing to balance the state budget. We have almost six-hundred million dollars in our two reserve accounts. The first time they have been full in years. We have the Senior Living Trust Fund with one-hundred and eighty-two million dollars in it when it was down to seven millions dollars just a few years ago. We are very proud of our budget and we are going to continue to maintain fiscal discipline.

There are also a couple of other issues that we will need to try to address this legislative session. We will, no doubt, need a bi-partisan effort to address some of the issues that Representatives Huser and Lykam and Tjepkes have worked on with regard to infrastructure funding for our roads. We need to see whether there is common ground where we can come together to pass a bill that will help take care of our infrastructure needs so we don't have the type of tragic incident that occurred in Minnesota last year.

The last point I want make is that, when we talk about job opportunities, we always talk about working hard and playing by the rules and being fair. There is a whole issue now with immigration. I think we need to take a look at why immigrants are coming to Iowa, and in some cases being brought up here without proper documentation, and then getting jobs. Our focus will be on employers who knowingly hiring immigrants who are not properly documented. Hopefully we can do a bill this session that will deal with these issues.

There is no question that we have a lot on our plate. The goal is to get accomplished as much as we can. There is no question that we need to do it in a bi-partisan manner as much as possible. There is no question that at times we are going to have our differences, but our goal is to overcome those differences and find commonality where we can work together and move this state forward. It is not about the one hundred people that are in this room that are duly elected to represent their districts. It is about the three million people that follow our leadership in this chamber to strive for a new future and to move forward. So, with that, I welcome you all back. I look forward to being in session for the next one hundred days or less, hopefully, and to see what we can get done.

I thank you all for your service that you give to both your state and your districts and lets see what we can do now for the citizens of the state of Iowa in a bi-partisan effort. Thank you.

RULE 57 SUSPENDED

McCarthy of Polk asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for committee meetings upon recess.

SPECIAL PRESENTATION

Speaker Murphy presented to Representative Ray Zirkelbach of Jones County, the United States Flag that was draped upon his desk as he was serving his country in the 133rd Infantry in Iraq.

The House rose and expressed its appreciation.

Representative Zirkelbach of Jones addressed the House briefly thanking the body and his wife and daughter for their support and appreciation for his fellow soldiers in the 133rd Infantry.

INTRODUCTION OF BILLS

House File 2001, by Bailey, Foege, Whitaker, Jacoby, Oldson, Berry, Wendt, Wenthe, Palmer, D. Olson, Smith, Bukta, Kressig, Wise, Reichert, Kelley, Dandekar, Gayman, Schueller, H. Miller, Reasoner, Davitt, Gaskill, Zirkelbach, Heddens, Whitead, Baudler, Staed, Thomas, Lykam and Murphy, a bill for an act relating to military leaves of absence and reemployment.

Read first time and referred to committee on **veterans affairs**.

House File 2002, by R. Olson, a bill for an act relating to exemptions to state minimum wage requirements.

Read first time and referred to committee on **labor**.

House File 2003, by Heaton, a bill for an act relating to the removal of highway obstructions by highway authorities on secondary roads.

Read first time and referred to committee on **transportation**.

House File 2004, by Smith, a bill for an act relating to preliminary screening tests for persons under legal age for the detection of the presence of alcohol, and providing a penalty.

Read first time and referred to committee on **public safety**.

House File 2005, by Lykam, a bill for an act relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators.

Read first time and referred to committee on **public safety**.

SENATE MESSAGE CONSIDERED

Senate File 607, by committee on appropriations, a bill for an act relating to increases in the reimbursement rates or amounts for

certain providers under the purview of the department of human services or the department of public health, and providing appropriations.

Read first time and referred to committee on **appropriations**.

On motion by McCarthy of Polk, the House was recessed at 11:08 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:02 p.m., Speaker Murphy in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 14, 2008, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 101, a concurrent resolution resolving that a joint convention of the two houses of the 2008 session of the Eighty-second General Assembly be held on Tuesday, January 15, 2008, at 10:00 a.m. for Governor Chester J. Culver to deliver his budget message.

Also, that the Senate has on January 14, 2008, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 102, a concurrent resolution resolving that a joint convention of the two houses of the 2008 session of the Eighty-second General Assembly be held on Wednesday, January 16, 2008 at 10:00 a.m. for Chief Justice Ternus to present her message of the condition of the judicial branch.

MICHAEL E. MARSHALL, Secretary

SPONSORS ADDED (House Joint Resolution 8)

Hoffman of Crawford requested to be added as a sponsor of House Joint Resolution 8.

Pettengill of Benton requested to be added as a sponsor of House Joint Resolution 8.

Raecker of Polk requested to be added as a sponsor of House Joint Resolution 8.

Schickel of Cerro Gordo requested to be added as a sponsor of House Joint Resolution 8.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

ATTORNEY GENERAL'S OFFICE

Fiscal year 2007 Iowa Communications Network (ICN) report of savings, pursuant to Chapter 8D.10, Code of Iowa.

BOARD OF REGENTS

Report of the Study of Campus Security Protocols, pursuant to Chapter 262.13, Code of Iowa.

Iowa Communications Network (ICN) savings report, pursuant to Chapter 8D.10, Code of Iowa.

CITIZENS' AIDE/OMBUDSMAN DEPARTMENT

Report on "Investigation of County Treasurers' Tax-Sale Registration Fees", pursuant to Chapter 2C.17, Code of Iowa.

DEPARTMENT OF ADMINISTRATIVE SERVICES Iowa Technology Governance Board

Annual report, pursuant to Chapter 8A.204(3a), Code of Iowa.

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

2007 Iowa Communications Network (ICN) report, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Three annual reports, pursuant to Chapters 260G.4C, 15.108(3)"a"(1) and 15.108(6)"b"3, Code of Iowa.

DEPARTMENT OF EDUCATION

Student Achievement and Accountability annual report, pursuant to Chapter 284.12(1), Code of Iowa.

Savings report on use of Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

Community College Date Collection Report, pursuant to Chapter 206C.14, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Report on "Options and Resources Needed to Support Responsible Fatherhood", pursuant to 2007 Iowa Acts, Chapter 218.9.

Independent living services annual report, pursuant to Chapter 234.35(4), Code of Iowa.

Report of savings using the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

Iowa Mental Health, Mental Retardation, Developmental Disabilities, Brain Injury
Commission

Annual report, pursuant to Chapter 225C.6(h)(1), Code of Iowa.

DEPARTMENT OF JUSTICE

Prosecutor intern program annual report, pursuant to Chapter 13.2(12), Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

Annual report of boat fee revenue and expenditures report, pursuant to Chapter 462A, Code of Iowa.

DEPARTMENT OF PUBLIC DEFENSE

Iowa Homeland Security and Emergency Management Division

2007 annual report for the Iowa Individual Assistance Grant Program, pursuant to Chapter 29C.20A(4), Code of Iowa.

DEPARTMENT OF PUBLIC SAFETY

Annual report, pursuant to Chapter 7E.3(4), Code of Iowa.

DEPARTMENT OF REVENUE

Fiscal year 2007 annual report, pursuant to Chapter 421.17(27)(h)(J), Code of Iowa.

Report of Tax Credit Tracking and Analysis System, pursuant to 2007 Iowa Acts.

Annual report on the Tax Gap Compliance Project for FY 2007, pursuant to Chapter 421.17(23), Code of Iowa.

Report of the Iowa Industrial Processing Exemption Study Committee, pursuant to Chapter 7A.11A, Code of Iowa.

DEPARTMENT OF VETERANS AFFAIRS

Report regarding Regional Veterans Affairs Offices, pursuant to 2007 Iowa Acts.

Status report to the County Grant Program, pursuant to 2006 Iowa Acts.

IOWA CIVIL RIGHTS COMMISSION

Annual savings report on Iowa Communications Network (ICN) usage for FY 2007, pursuant to Chapter 8D.10, Code of Iowa.

IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

Annual report, pursuant to Chapter 312.3B, Code of Iowa.

IOWA LOTTERY

Report of Iowa Telecommunications Network (ICN) usage for FY 2007, pursuant to Chapter 8D.10, Code of Iowa.

IOWA NATIONAL GUARD

Annual reports of savings using Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM

Iowa Telecommunications Network (ICN) annual report of usage for FY 2007, pursuant to Chapter 8D.10, Code of Iowa.

IOWA TECHNOLOGY GOVERNANCE BOARD

Annual report, pursuant to Chapter 8A.204(3a), Code of Iowa.

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

Annual report of savings using the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

Review of maintenance contracts, pursuant to Chapter 8D.3(3)(g), Code of Iowa.

IOWA UTILITIES BOARD

Replacement Tax Study Committee Report, pursuant to Chapter 476.6(20), Code of Iowa.

IOWA VETERANS HOME

Iowa Communications Network (ICN) annual cost savings report, pursuant to Chapter 8D.10, Code of Iowa.

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

Annual report, pursuant to Chapter 411.5, Code of Iowa.

OFFICE OF DRUG CONTROL POLICY

2008 Iowa Drug Control Report, pursuant to Chapters 80E.1 and 80E.2, Code of Iowa.

PUBLIC EMPLOYMENT RELATIONS BOARD

Annual report for FY 2007, pursuant to Chapter 7E.3(4), Code of Iowa.

SECRETARY OF STATE

Report of funding to reimburse counties opting to purchase the VVPAT attachment for their Direct Record Electronic (DRE) units and Automark ballot marking devices, pursuant to section 52.7 of House File 911.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|----------|--|
| 2008\001 | Marie Gray, La Porte City – For celebrating her 88 th birthday. |
| 2008\002 | Albert and Lavon Roepke, Aurora – For celebrating their 65 th anniversary. |
| 2008\003 | Leona Ochs, Grinnell – For celebrating her 90 th birthday. |
| 2008\004 | Delores Schwertfeger, Deep River – For celebrating her 80 th birthday. |
| 2008\005 | Martha Moffit, North English – For celebrating her 90 th birthday. |
| 2008\006 | Vera Knocks, Williamsburg – For celebrating her 80 th birthday. |
| 2008\007 | Harold and Koke Baderstadt, Brooklyn – For celebrating their 60 th anniversary. |

- 2008\008 Larry and Alice Coble, Hedrick – For celebrating their 50th anniversary.
- 2008\009 Raymond and Lois Axemear, Sigourney – For celebrating their 60th anniversary.
- 2008\010 Eunice Shroeder, Sigourney – For celebrating her 90th birthday.
- 2008\011 Denny Claeys, Victor – For his 30 years of service to the United States Postal System.
- 2008\012 Goerge and Ann Halma, Inwood – For celebrating their 60th anniversary.
- 2008\013 John Vande Pol, Sioux Center – For celebrating his 90th birthday.
- 2008\014 Richard and Connie Weidman, Winterset – For celebrating their 50th anniversary.
- 2008\015 Robert and Elizabeth Smith, Davenport – For celebrating their 50th anniversary.
- 2008\016 Jack Nissley, Iowa Falls – For celebrating his 80th birthday.
- 2008\017 Harold La Velle, Iowa Falls – For celebrating his 95th birthday.
- 2008\018 Clarence and Mable Wright, Ackley – For celebrating their 70th anniversary.
- 2008\019 Shirley Peterson, Clear Lake – For celebrating her 80th birthday.
- 2008\020 Carl Barkema, Alexander – For celebrating his 100th birthday.
- 2008\021 David Smith, Kanawha – For celebrating his 80th birthday.
- 2008\022 Richard and Darlene Mason, Chapin – For celebrating their 50th anniversary.
- 2008\023 Margie Burras, Kanawha – For celebrating her 80th birthday.
- 2008\024 Mike Keefe, Clear Lake – For his 32 years of dedicated service and commitment to the State Fire Marshall's Office.
- 2008\025 Jerry and Suzanne Olson, Clear Lake – For celebrating their 50th anniversary.
- 2008\026 Marlis Ames, Rockwell – For celebrating her 80th birthday.
- 2008\027 Esther Hirth, Ackley – For celebrating her 85th birthday.

- 2008\028 Lonnie Gabrielson, Clear Lake – For receiving the Shirley Echelbarger Award as Outstanding Employee of the Year from Opportunity Village.
- 2008\029 Joe Skow, Spencer – For his 35 years of dedicated service and commitment to Iowa Law Enforcement.
- 2008\030 Lee Howard Ibbotson, Mount Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\031 Esther Dettmann, Sac City – For celebrating her 80th birthday
- 2008\032 Edgar and Marcella Ehlers, Storm Lake – For celebrating their 50th anniversary.
- 2008\033 Ella Wilson, Storm Lake – For celebrating her 105th birthday.
- 2008\034 Dave Kwikkel, Superintendent of Schaller–Crestland Schools – For receiving the Storm Lake Times Citizen of the Year Award.

On motion by McCarthy of Polk the House adjourned at 3:02 p.m., until 9:00 a.m., Tuesday, January 15, 2008.

JOURNAL OF THE HOUSE

Second Calendar Day - Second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 15, 2008

The House met pursuant to adjournment at 9:00 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Marcella Frevert, state representative from Palo Alto County.

THE PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Page Jana Guy from Newton.

The Journal of Monday, January 14, 2008 was approved.

INTRODUCTION OF BILLS

House File 2006, by Swaim, a bill for an act allowing the issuance of special destination park deer hunting licenses to nonresidents.

Read first time and referred to committee on **natural resources**.

House File 2007, by Baudler, a bill for an act creating a special Thanksgiving nonresident antlerless deer hunting season.

Read first time and referred to committee on **natural resources**.

House File 2008, by Zirkelbach, a bill for an act limiting methods of campaign communications and making penalties applicable.

Read first time and referred to committee on **state government**.

House File 2009, by Zirkelbach, a bill for an act providing for membership in a protection occupation under the Iowa public employees' retirement system for county jailers.

Read first time and referred to committee on **state government**.

House File 2010, by Whitaker, a bill for an act relating to the use of certain bicycles on streets and highways.

Read first time and referred to committee on **transportation**.

House File 2011, by Zirkelbach, a bill for an act concerning eligibility for post-retirement adjustments to benefits under the municipal fire and police retirement system.

Read first time and referred to committee on **state government**.

House File 2012, by Zirkelbach, a bill for an act requiring the incorporation of a personal finance course into the high school curriculum.

Read first time and referred to committee on **education**.

House File 2013, by Whitaker, a bill for an act relating to leaves of absence for service in elective office.

Read first time and referred to committee on **state government**.

House File 2014, by Schickel, a bill for an act providing for a study regarding the shortage of doctors of psychiatry in Iowa.

Read first time and referred to committee on **human resources**.

House File 2015, by Schickel, a bill for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information.

Read first time and referred to committee on **education**.

House File 2016, by S. Olson, a bill for an act providing volunteer fire fighters with an individual income tax credit and providing effective and retroactive applicability dates.

Read first time and referred to committee on **ways and means**.

House File 2017, by Schickel, a bill for an act relating to competitive bidding requirements.

Read first time and referred to committee on **state government**.

House File 2018, by Schickel, a bill for an act requiring the department of transportation to study the acceptance of electronic payments at its customer service sites.

Read first time and referred to committee on **transportation**.

House File 2019, by Reasoner, a bill for an act relating to short-term nonresident hunting licenses and providing fees.

Read first time and referred to committee on **natural resources**.

House File 2020, by Thomas, a bill for an act allowing belated claims for military service tax credits.

Read first time and referred to committee on **veterans affairs**.

House File 2021, by Zirkelbach, a bill for an act providing an income tax credit for a fitness club membership purchased by a member of the Iowa national guard or a volunteer fire fighter and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **veterans affairs**.

The House stood at ease at 9:07 a.m., until the fall of the gavel.

The House resumed session at 9:33 a.m., Speaker Murphy in the chair.

COMMITTEE TO NOTIFY THE SENATE

Mertz of Kossuth moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee Mertz of Kossuth, Smith of Marshall and Grassley of Butler.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Mertz of Kossuth, Chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention reported that the committee had performed its duty.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 101, duly adopted, the joint convention was called to order at 9:43 a.m., President Kibbie presiding.

Senator Gronstal of Pottawattamie moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

President Kibbie announced a quorum present and the joint convention duly organized.

Senator Gronstal of Pottawattamie moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives, be appointed to notify Governor Chester J. Culver that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators McCoy of Polk, Wood of Scott and Zaun of Polk, on the part of the Senate, and Representatives Zirkelbach of Jones, Schueller of Jackson and Pettengill of Benton, on the part of the House.

The House stood at ease at 9:45 a.m., until the fall of the gavel.

The House resumed session at 9:49 a.m., President Kibbie in the chair.

Secretary of State Michael A. Mauro; Treasurer of State, Michael Fitzgerald; Secretary of Agriculture and Land Stewardship, Bill Northey; State Auditor, David Vaudt and Attorney General, Tom Miller were escorted into the House chamber.

The Supreme Court Justice, the Justices of the Supreme Court, the Chief Judge and Judges of the Appellate Court were escorted into the House chamber.

Lieutenant Governor Patty Judge was escorted into the House chamber.

Ann Cooper Culver, mother of the Governor, Joanne Thinnes, mother-in-law of the Governor and guests, were escorted into the House chamber.

The committee waited upon Governor Chester J. Culver and escorted him to the Speaker's station.

President Kibbie presented Governor Chester J. Culver, who delivered the following condition of the state message:

My Fellow Iowans, Lieutenant Governor Judge, Members of the General Assembly, President Kibbie and Speaker Murphy; Leaders Gronstal, McCarthy, Rants and Wieck.

Fellow statewide elected officials: Miller, Mauro, Northey, Fitzgerald, and Vaudt; all department directors, and state employees.

To General Dardis, Chief Justice Ternus; Justices and members of the Court of Appeals, and special guests. Welcome!

I would like to begin today by recognizing the brave men and women who are serving in our armed forces.

Thank you for your service. We appreciate the sacrifices you and your families, are making on our behalf. To those families who have lost a loved one in the current conflicts in Iraq and Afghanistan, I say, although no one can truly know your pain, you should know all Iowans share your grief. Our thoughts and prayers are with you.

On a personal note, one of my most memorable experiences last year was greeting members of the 133rd Battalion upon their return home from Iraq. There, I had the pleasure of meeting one soldier, Specialist Jason Timler, from my hometown of McGregor.

Jason and Representative Ray Zirkelbach are members of the 1st Division of the 133rd Infantry, simply known as the Ironmen. These brave Iowans were overseas for nearly 22 months, serving the longest overseas deployment by an Iowa unit since World War II.

The 133rd has also been one of the most highly decorated units deployed to Iraq. The soldiers of the 133rd have: Earned 26 Bronze Stars, with 3 of those cited for valor; they earned 11 Army commendation medals for valor; and, conducted more than 500 combat missions, more than 30 of them earned the Purple Heart; (including Representative Zirkelbach) and they built 29 schools for Iraqi children.

So, we are all very proud of the 133rd! And, as a token of our appreciation, please join me in welcoming Specialist Jason Timler to the chamber.

Article Four, Section Twelve, of the Iowa Constitution says, and I quote: The Governor shall communicate, by message, to the General Assembly, at every regular session, the condition of the state, and recommend such matters as he shall deem expedient.

Well, it's my Constitutional duty, my pleasure, and my privilege to report, that on this 15th day of January, in the year 2008:

The Condition of our state is strong!

Here's why: First of all, our fiscal house is in order. The budget you passed and the one I signed was fiscally responsible. It included a \$600 million dollar cash reserve, the largest in Iowa history.

Second, our bio-economy is booming. With your help, we are building the Silicon Valley of the Midwest and becoming the renewable energy capital of the United States.

Most importantly, this is resulting in historic job creation and economic development.

The bio-fuels industry has added more than \$8 billion dollars to Iowa's economy, and has created or supported more than 50,000 new jobs.

The state has partnered in this effort too. In 2007, with our assistance, more than 1,800 new green-collar jobs were created. And, more than \$3 billion dollars of private sector green investments were made.

Communities across Iowa that have experienced real economic challenges, like Keokuk, Fort Madison and Newton, have recently seen a new rebirth by tapping into the booming wind industry. Each of these cities is in the process of adding hundreds of new wind-generation manufacturing jobs.

I believe this is only the beginning of what's possible!

A recent study projects within a 600 mile radius of Iowa, more than \$20 billion dollars in wind projects will be constructed over the next seven years. To capitalize on this opportunity for our state, I've traveled across the nation, and to countries like Germany, Denmark and Spain, to do everything within my power to bring these jobs to Iowa.

And we've gotten results.

Iowa is now home to five wind generation manufacturers who have recently decided to locate or expand here – Acciona, Siemens, Clipper, Hendricks, and TPI.

So, to put it in perspective, Iowa is now one of only two states in the nation manufacturing the three major component parts of a windmill - towers, turbines and blades.

These new advanced manufacturing “bio-jobs” we're creating are key to Iowa's continued economic growth.

In addition, the Condition of the State is strong because last year you passed and I signed historic legislation. These new initiatives related to job creation, renewable energy, health care, and education, will improve our quality of life and strengthen our economy.

Most importantly, we kept the promises we made to the people who sent us here.

We promised to raise the minimum wage - and we did.

We promised to increase teacher pay and expand early childhood education - and we did.

We promised to provide income tax relief for tens of thousands of hard working Iowans - and we did.

We promised to expand health care for Iowa's kids - and we did.

We promised to lift the ban on stem cell research and build a state of the art research facility at the University of Iowa - and we did.

We promised to provide our veterans injury, education and housing assistance – and we did.

We promised our seniors we'd put more senior advocates to work across Iowa - and we did.

We promised to make college more affordable and to support our public and private colleges and universities at the highest levels since 1981 - and we did.

We promised to increase civil liberties protections for all Iowans, to fight discrimination and harassment at work and in our schools - and we did.

We promised to invest in our environment, by supporting REAP, the Resource Enhancement and Protection program, at its highest levels ever - and we did.

Finally, we promised to make Iowa the national leader in renewable energy. We said we'd establish an office of Energy Independence and create a, \$100 million dollar renewable energy research and development fund. And we did!

We should be proud of these accomplishments. Now, it's up to us to build on them.

So, for all of these reasons, I'm happy to report, the Condition of the State is strong!

I believe our goals this session are simple - protect our priorities, balance the budget, and address some unmet needs.

Our budget must reflect our commitment to protect the new initiatives we launched last session.

So, in order to maintain our lead in this new bio-economy, we must continue to support the Iowa Power Fund.

Let's make sure we pay our teachers what they deserve, and do whatever it takes to bring them to the national average in teacher pay.

We need to maintain the funding levels for our community colleges, regents' institutions and private colleges.

Let's expand early childhood education so we can meet our goal of offering it statewide by 2010.

We must meet the obligation we have to the most vulnerable among us, our uninsured children. Let's expand health care to 7,500 more kids.

And let's not forget those who helped us make this state such a great place - our senior citizens and our veterans.

The only way we can be certain to fulfill these priorities is to keep our fiscal house in order. Here's how we can do it: limit new spending; continue to live within our means, and protect our cash reserves.

Today I want to share with you the steps I've already taken to present a balanced budget.

First....we just have to say no!! In August, of last year, I asked my Department Directors to submit budget requests that limited any new spending.

Second, the budget I'm proposing allows us to keep our promises. It also protects our priorities, identifies a few new revenue sources, and fully funds our cash reserves. Third, our administration continues to find ways to save taxpayer money, and we're making government more efficient.

To my second Constitutional duty of the day I will touch on such matters as I deem expedient!

The fact is, there are still unmet needs. We have much work to do in the areas of: health care, environment, renewable energy, infrastructure, tax fairness, workforce development, and worker's rights.

Let's start with health care.

Why shouldn't every Iowan get the same type of insurance coverage as elected officials get?

Well, that's my goal.

Let's take up the challenge of making health care affordable and accessible to all Iowans!

I want to acknowledge the hard work of the Affordable Health Care Commission, chaired by Senator Jack Hatch and Representative Ro Foege, and thank all who contributed to this effort.

I believe, as the report indicated, there are some immediate steps we need to take.

We should expand pooling options for associations, small businesses, and organizations in an effort to reduce the cost of group rates.

Let's allow parents to cover their adult children up to age 25, on a family plan. Let's eliminate exclusions and waiting periods for people who are transitioning from group health plans to individual plans.

Let's cap long-term care insurance rate increases, at 12 percent per year, to protect our aging policyholders.

Let's set the standard for electronic medical records and telemedicine! Iowa providers are now partnering with the state and federal government to build the nation's first statewide fiber-optic health care information network.

Additionally, we need to address our health care worker shortage. Let's start with nurses. We need more of them, and better pay for them.

The U.S. Department of Labor ranks Iowa as the 49th lowest paying state for registered nurses. This is unacceptable and we need to do something about it.

So, I'm appointing a task force to meet and make recommendations by March 1st of this year, on how we can best increase nurse's pay and address the shortage.

As a former nurse, Lieutenant Governor Judge, is the perfect person to lead this effort, and she's agreed to do so.

We also need additional funding for early detection. So, in my budget I have dedicated resources to ensure more Iowans, especially women, have access to early screening for cancer.

Finally, if you send me a bill to ban smoking at the local level, I will sign it!! While all these steps are critically important, the reality is, our most effective health care

reform opportunity lies in the area of prevention, wellness and chronic disease management.

So, in an effort to save the state millions of dollars and improve the lives of thousands, we will institute a new state employees' wellness initiative. After all, wellness and prevention are key to reducing costs, reducing medical claims filed, and reducing the number of procedures performed, and keeping people healthy. This has already been done in places like Asheville, North Carolina. Over a three year period, the city of Asheville cut their medical claims in half for their employees by encouraging fitness and managing chronic disease. I believe we can, too.

In addition, we will initiate a state employee's chronic disease management program. This will put trained professionals to work coaching state employees and their families about how best to eliminate or reduce the effects of the five most common chronic diseases, like: obesity, heart disease, and diabetes.

Finally, whether it's popular or not, the fact is, the best way to achieve affordable, accessible health care for all, involves each of us taking responsibility for the quality of our own health.

That's why Lieutenant Governor Judge last summer started a statewide conversation about the future of wellness. I want to commend her for her efforts, and thank her for the tremendous work she's doing as Iowa's Lt. Governor.

The Lieutenant Governor's Commission on Health and Wellness has forwarded their findings to you. One of the most frightening things the wellness commission noted is that, 50% of Iowa's kids are overweight and 20% of those kids are morbidly obese.

That's why this session I have recommended we establish a minimum standard for physical activity in our schools. We will also partner with the American Diabetes Association and other groups to create a statewide focus on wellness for our children.

And we should take the steps necessary to replace unhealthy food choices in schools, with a statewide effort to promote healthier school meals, and better options when it comes to vending machines.

So, my budget places significant resources into wellness initiatives and I look forward to working with you on taking steps to a healthier Iowa.

There's one more thing. As a former coach, I used to say, if you want to talk the talk, you better walk the walk.

So, in an effort to provide leadership on this important issue, I have asked every state employee, and today I ask everyone in this chamber, and all Iowans, to join the Lt. Governor, and me, to take on the: 100-Day Lighten Up Iowa Challenge. Let's lose weight and exercise more together!

The program begins tomorrow, and so I encourage you to sign up today at: WWW.GOVERNOR.IOWA.GOV, or call 1-888-777-8881.

Now, let's move to needs related to our environment. Clean air, clean water and conservation are important Iowa values. So, I think we need to take two important steps this session to protect them. One: I believe we should fully honor our commitment to Iowa's natural resources through the incredibly successful REAP program. In addition, we need to find a sustainable funding source for REAP.

I've identified, I believe, the best way to pay for it. That's why I've proposed expanding the bottle bill. This is fitting as we celebrate its 30th anniversary this year. This bi-partisan success was sponsored by former Governor Branstad in this very chamber when he was a legislator, and signed by former Governor Ray, in 1978.

After thirty years of Keeping Iowa Beautiful and keeping bottles and cans out of the ditches and landfills, I believe expanding the bottle bill is an idea whose time has come.

So, I propose we make more containers subject to the deposit including the plastic and aluminum containers of bottled water, juice, and energy drinks that more and more consumers are seeking out.

I am also proposing the deposit be changed to 10 cents per container. The solution is practical, and workable. One more cent will go to your local recycler, one cent to permanently protect our environment, and the rest goes right back into the consumer's pocket where it belongs!

I believe it's the right thing to do. That's why I'm committed to working with Legislators, grocers, retailers, redemption centers, environmental groups and consumers to get the bill signed into law as soon as possible.

Number two: to address air quality, my budget calls for a first -ever, statewide, million dollar, new odor management program.

I'm calling for a field-based, study with hands-on research by experts at Iowa State University, with real, on the ground impact.

Number three: To improve water quality, I urge this body to continue its work in seeking common ground on the sometimes challenging issues related to contained animal feeding operations, siting, zoning, local control, and protecting our lakes, rivers, and streams. I have, and I will continue to meet with all interested parties to try to move forward on this issue.

You know, we've made real progress on renewable energy, and now is time to build on it.

As I stated previously, funding the Iowa Power Fund and supporting the Office of Energy Independence and the Power Fund Board should be our top priorities.

But, it's also time for a new Renewable Energy Portfolio Standard. We must require 25% percent of all energy produced in Iowa be from a renewable source by 2025.

I'd also like to expand the Renewable Fuels Infrastructure Program, to include terminal blending of ethanol and biodiesel.

Let's help our farmers, consumers, and ethanol, and biodiesel producers, by developing the infrastructure necessary to increase access and drive greater consumption of Iowa-grown bio-fuels. This will increase the demand for flex fuel vehicles, which will allow us to sell more E-10, E-85 and biodiesel at the pump.

Speaking of infrastructure, we all know there are needs with our bridges and roads because of the density and age of our roads system. Addressing this issue is critical to our public safety, quality of life, and economy.

That's why I have directed the Department of Economic Development to come up with a long-range, comprehensive infrastructure plan for Iowa.

And we're not just talking about bridges and roads – we're looking at rivers, trails, walkways, light rail, public buildings, schools, correctional facilities, and telecommunications.

We must address every facet of our 21st century infrastructure, to ensure we continue to grow our economy and support the jobs of the future.

While I've said I'm not in favor of increasing the gas tax, with oil at \$100 per barrel and gas prices at record highs, I have been clear about my willingness to join in any bipartisan agreement on how to best generate the revenue necessary.

In the meantime, my budget calls for a quarter-billion dollar investment in our corrections system. The package includes a new penitentiary at Fort Madison. This will replace the outdated civil war-era facility. Replacing this prison is, first and foremost, a matter of public safety. We will also be making significant investments in modernizing the facilities at Mitchellville, Anamosa and Rockwell City.

Most importantly, in an effort to significantly reduce recidivism, we will invest more than ever before in substance abuse and mental health treatment.

In addition, my infrastructure plan allows us to stand up for our veterans whom we owe a debt of gratitude. We'll invest \$20 million in the Iowa Veterans Home in Marshalltown, to provide the quality long term care these veterans deserve.

Now, let's move to the issue of tax fairness.

I believe our corporate tax structure must be fixed.

It's just not fair that big, out of state, multi-billion dollar corporations that do tens of millions of dollars of business in Iowa avoid paying Iowa income taxes because of an outdated tax loophole.

While it might be convenient for them, it's just not fair, especially for Iowa-based businesses.

So, let's level the playing field for locally owned, small businesses on Main Street, especially as they compete with larger, out-of-state, corporations.

It's just a matter of common sense. Twenty other states have closed this loophole. Of those, seven are listed on the top ten list of best states in America to do business, according to Forbes Magazine.

Our neighbors in the Midwest like: Nebraska, Illinois, Minnesota, Kansas and North Dakota, have already done this, and we should too!

A final challenge before us includes making sure we have a prepared workforce to meet the needs of the 21st Century.

We have all seen the data that shows our state will soon face a workforce shortage, unless we do something about it. That's why I recently convened the first-ever Governor's Workforce Summit to bring those affected by this challenge to the table to come up with solutions.

Based on this, I'm proposing we build a \$5 million dollar science, technology, engineering, and math – or STEM – Center at the University of Northern Iowa.

This will help us double the number of math and science teachers in our public schools and make sure every high school graduate is ready for the jobs of the future.

In addition, I am asking you to join with me in fully funding our successful community college level workforce training program, known as ACE.

And, to meet the workforce needs of the future, let's continue to do what we can to make college more affordable. One way to do this is by expanding the All Iowa Opportunity Scholarship.

This new Needs-Based scholarship program has been very successful. Today, 179 students who have each received scholarship awards of up to \$6,200, are now enrolled in universities and community colleges statewide who likely would not have been able to go to college without it.

Finally, we must raise the bar and expect more from our students in the classroom. We will do whatever it takes to institute Iowa's new Model Core Curriculum statewide standard by 2010. Our goal should be to teach our kids to "love to learn" more chemistry, more physics, more algebra, and more trigonometry.

I am also interested in working with you to determine how we can best address issues related to educational equity.

Let's make sure all Iowa students receive the same educational opportunities, regardless of geography, family income, or school district.

There's one more thing we need to always keep in mind regarding our workforce—the people on the front-lines: our workers!

Iowa has always had a tradition of fairness in the workplace. Republicans and Democrats proved this when they locked arms and joined together in a bipartisan effort to pass the state's first-ever collective bargaining law.

Our predecessors showed great courage when they found consensus on this, and so many other important labor-management issues. I believe, if we try, we can too.

Let's start by talking about what we can agree on. Let's make Iowa the best place in the nation to work. We can all agree a dignified work environment is an Iowa value.

We can all agree we must pay our workers competitive wages. We can all agree that the right to bargain collectively in the workplace is an important right. We can all agree that companies should be held accountable for hiring illegal workers.

And, we can also agree that it's critical to have healthy and productive labor-management relations in our state.

So, for the benefit of working Iowans, I challenge you to try to find consensus, and to not be afraid to debate difficult issues, like, prevailing wage, independent contractor reform, choice of doctor, fair share, and the right to bargain matters like employee discipline and discharge.

Perhaps one place to start our discussion is with wages. The fact is, Iowa currently ranks 41st in the nation in the wages we pay our workers.

And, the Generation Iowa Commission, which is trying to help us reverse the "Brain Drain" just made improving wages their number one legislative recommendation to keep young people here.

Finally, our workplace needs to be, diverse, inclusive and welcoming. It should be a place that respects workers and accepts all people. If we want to meet the workforce challenges of the future, we must embrace the talents of all Iowans.

Let's do what we can, to ensure Iowa is a land where the American Dream can come true for everyone in our workplace.

In closing, I'm asking for a call to action. Let's always remember what unites us, not what divides us.

My friends, civility works. People expect us to do our work, and to get along. I stand ready to do my part.

I often think about the "Character Counts" program my children John and Clare take part in at their school. This statewide character development initiative is directed by my friend State Representative Scott Raecker.

Three years ago, Michael Josephson, the Founder of "Character Counts" came to this chamber, and spoke to the Legislature about the importance of character. I was in the chamber that day, and I believe the "Six Pillars" of Character: Trustworthiness, Respect, Responsibility, Fairness, Caring and Citizenship are important principles that should guide us every day.

Our duties and our opportunities are tied together. And in both, we find the possibilities for greatness. So, Members of the General Assembly, let's embrace that greatness.

Let's lift up our great state this session. Let's ensure 2008 is a year in which our civility and our constituents are our focus. Let's give it our best effort, tone down the partisan rhetoric, get the peoples' work done, and end the session as friends.

Last year we proved our collective hopes and dreams for Iowa are worth fighting for. Well, I'm asking for a renewal of our commitment to Iowa's future.

One year ago, I stood before you, and spoke of my belief that this was "Our time , to lock arms and work together for the common good". Our time, to create, "One Iowa, With One Unlimited Future". A future not for Democrats, not for Republicans, but for all Iowans.

Well, one year later, I believe this even more than I did then.

I know, if we approach our efforts with the same spirit of optimism, honesty, and hard work, that every Iowan knows, we will be successful. When we do this, citizens will look back at our efforts, and say, "We have a government as good as our people."

Thank you, God bless you, and God Bless the State of Iowa.

Governor Chester J. Culver was escorted from the House chamber by the committee previously appointed.

On motion by McCarthy of Polk, the joint convention was dissolved at 11:05 a.m.

The House resumed session at 11:15 a.m., Speaker Murphy in the chair.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|---------|--|
| 2008\35 | Elvira Riessen, Denison – For celebrating her 85 th birthday. |
| 2008\36 | Harold and Ellen Henningsen, Denison – For celebrating their 62 nd anniversary. |
| 2008\37 | Ervin Kuhlmann, Charter Oak – For celebrating his 90 th birthday. |
| 2008\38 | Martha Timm, Charter Oak – For celebrating her 103 rd birthday. |
| 2008\39 | Richard and Marie Peters, Schleswig – For celebrating their 50 th anniversary. |

2008\40	Wilford Laverman, Sully – For celebrating his 80 th birthday.
2008\41	Bill and Bertha Zylstra, Sully – For celebrating their 60 th anniversary.
2008\42	Hendrika Rozendaal, Grinnell – For celebrating her 90 th birthday.
2008\43	Gunnar Shipley, Newton – For earning the Honor Cadet award and receiving the Meritorious Recognition Ribbon from the Naval Sea Cadets Corps.
2008\44	Orville and Rita Deardorff, Bagley – For celebrating their 60 th anniversary.
2008045	Glen and Colleen Deardorff, Yale – For celebrating their 60 th anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 885

Agriculture: Wenthe, Chair; De Boef and Gayman.

House File 2001

Veterans Affairs: Bailey, Chair; Thomas and Tymeson.

Senate File 34

Transportation: Cohoon Chair; Arnold, Bukta, Huseman and Lykam.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 500 Transportation

Relating to the motor vehicle financial liability law and dismissal of citations for drivers or owners who acquire financial liability coverage.

H.S.B. 501 Transportation

Relating to fees charged for driver's licenses.

H.S.B. 502 Transportation

Relating to the safety of motor vehicle passengers under eighteen years of age and providing penalties.

H.S.B. 503 Education

Relating to appointments to the college student aid commission and including an effective date and applicability provision.

H.S.B. 504 Human Resources

Requiring the posting of a notice regarding the effects of alcohol on pregnant women and fetuses in the licensed premises of holders of liquor control, beer, and wine licenses or permits.

On motion by McCarthy of Polk the House adjourned at 11:15 a.m., until 9:00 a.m., Wednesday, January 16, 2008.

JOURNAL OF THE HOUSE

Third Calendar Day - Third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 16, 2008

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

Prayer was offered by Chaplain Rosemary Vaske with the Iowa Veterans' Home in Marshalltown followed with a choral response from the Iowa Veterans' Home Choir. She was the guest of Representative Mark Smith of Marshall County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Iowa Veterans' Home Choir from Marshalltown.

The Journal of Tuesday, January 15, 2008 was approved.

INTRODUCTION OF BILLS

House File 2022, by Tjepkes, a bill for an act concerning the operation of motor vehicles on a highway during a weather-related road closure and providing a penalty.

Read first time and referred to committee on **transportation**.

House File 2023, by H. Miller, Mertz, Frevert and Tjepkes, a bill for an act providing an appropriation to support all-terrain vehicle recreation, and providing an effective date.

Read first time and referred to committee on **appropriations**.

House File 2024, by Lykam, a bill for an act relating to continuation of group health insurance for spouses of certain retired public employees and providing for retroactive applicability.

Read first time and referred to committee on **commerce**.

House File 2025, by Schickel, a bill for an act limiting the sales tax imposed on the operation of bingo games to the net receipts.

Read first time and referred to committee on **state government**.

House File 2026, by McCarthy, Whitaker, Bukta, Whitead, Lykam, Cohoon, D. Taylor, D. Olson, Palmer, Zirkelbach, T. Taylor, Wise, Jacoby, Gayman, Bailey, Schueller, Wendt, Wenthe, Thomas, Kelley, T. Olson, R. Olson, Lensing, Winckler, Hunter, Staed, Quirk, Kressig, Kuhn, Oldson, Davitt, Shomshor, Gaskill, Heddens, Frevert, Ford, Swaim, Foege, Mascher, Bell, Reasoner, Reichert, Mertz and Murphy, a bill for an act relating to the employer-employee relationship by providing for the employment classification of individuals and proscribing the employment of unauthorized aliens, and providing penalties and an applicability date.

Read first time and referred to committee on **labor**.

The House stood at ease at 9:14 a.m., until the fall of the gavel.

The House resumed session at 9:44 a.m., Speaker Murphy in the chair.

COMMITTEE TO NOTIFY THE SENATE

Kuhn of Floyd moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee the following: Kuhn of Floyd, chair; Bukta of Clinton and Lukan of Dubuque.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Kuhn of Floyd, chair of the committee to notify the Senate that the House was ready to receive it in joint convention, reported that it had performed its duty.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 102, duly adopted, the joint convention was called to order at 9:53 a.m., President Kibbie presiding.

Senator Gronstal of Pottawattamie moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

Senator Gronstal of Pottawattamie moved that a committee of six consisting of three members from the Senate and three members from the House of Representatives be appointed to escort Governor Chester J. Culver to the House Chamber for the Condition of the Judicial Branch Message.

The motion prevailed and the President appointed as such committee Senators Danielson of Black Hawk, Fraise of Lee and Angelo of Union, on the part of the Senate, and Representatives Bailey of Hamilton, Wenthe of Fayette and Granzow of Hardin, on the part of the House.

Senator Gronstal of Pottawattamie moved that a committee of six consisting of three members from the Senate and three members from the House of Representatives be appointed to notify Chief Justice Marsha K. Ternus that the joint convention was ready to receive her.

The motion prevailed and the President appointed as such committee Senators Hancock of Dubuque, Rielly of Mahaska and Ward of Polk, on the part of the Senate, and Representatives Swaim of Davis, Lensing of Johnson and Anderson of Page, on the part of the House.

Secretary of State, Michael A. Mauro; Treasurer of State, Michael Fitzgerald; Secretary of Agriculture and Land Stewardship, Bill Northey; State Auditor David Vaudt; and Attorney General Tom Miller were escorted into the House chamber.

The Justices of the Supreme Court, the Chief Judge and Chief Judges of the Court of Appeals and the Chief Judges of the state's judicial districts were escorted into the House chamber.

Denny Drake, husband of the Chief Justice, was escorted into the House chamber.

Lieutenant Governor Patti Judge was escorted into the House chamber.

The committee waited upon Governor Chester J. Culver and escorted him into the House chamber.

The committee waited upon Chief Justice Marsha K. Ternus who delivered the following Condition of the Judicial Branch Message:

Good morning. I appreciate the warm reception and the kind invitation to once again speak with you about the state of Iowa's judiciary.

We're gathered here because by constitutional design all three branches of government contribute to the administration of justice in our great state. The role of the judicial branch is evident: to administer justice according to law, equally to all people. Your role is different, but equally important: to marshal the resources we need to fulfill this important responsibility. My annual report serves not only to inform you of our present ability to fulfill our constitutional mandate, but also to advise you of specific strategies required to meet the ever-changing needs of the people we serve.

I am pleased to say that the judicial branch is ably fulfilling its constitutional mission to the people of Iowa. This positive assessment is due in part to the resources you provide us. It is also due to the efforts of our capable judges and court employees who enable our branch of government to resolve thousands upon thousands of cases that cover the gamut of legal issues and social problems.

While I am proud of our solid performance, I am not here to take comfort in the current state of affairs. I have come here to talk about the future, in particular, two challenges that have a tremendous bearing on the future of Iowa. First, I will address the challenge of ensuring equal justice to all people. Then, I will discuss the challenge presented by the special needs of children who are in our care.

I. Equal Justice to All

The premise of equal justice to all people involves two principles: access to justice and impartial justice. Ensuring access to justice is, perhaps, one of the greatest

challenges facing the future of our court system. As Iowa's population and economy change, as demands for court services grow, the courts must also change and grow to ensure that Iowans continue to have equal access to justice. There are many steps we can take to provide and facilitate access to the courts. Today, I want to discuss four issues that we, as a state, should address if we are to continue to provide meaningful access to the courts: adequate high-caliber judicial resources, electronic filing, pro se forms and language interpreters.

Judicial Resources

Judges are the driving force of our court system. Consequently, the first step in ensuring access to justice is to provide an adequate number of judicial officers who have the required intelligence and character and who have the resources and tools to perform their important role as efficiently as possible.

Part-time Magistrates

I want to first focus on our part-time county magistrates. Part-time magistrates handle procedures that require urgent judicial attention such as search and arrest warrants and emergency hospitalization matters. They also resolve thousands of everyday lawsuits such as small claims and landlord-tenant cases, and they preside over misdemeanor and traffic offenses. In many counties, the part-time magistrate is the only resident judge.

Our part-time magistrate system has remained relatively unchanged since the mid-1970s, yet during this same time our state has changed dramatically. Rising demands for mental health services, population migration, increasing numbers of drug crimes and incidents of domestic violence, more appearances by self-represented litigants, shifts in our economy, and a more diverse population are some of the changes that have affected our communities and placed different and greater demands on our courts.

We think it is time to step back and ask whether the present magistrate framework is meeting the needs of local communities for equally accessible justice and, most importantly, what improvements are required to meet these needs. The Iowa Supreme Court has assembled a broadly based task force to answer these questions. One of your former colleagues, Cedar Falls attorney Donald Redfern, has graciously agreed to lead this group. The task force also includes four legislators: Senator Keith Kreiman, Senator Larry McKibben, Representative Rick Olson and Representative Richard Anderson, as well as representatives from the judiciary, the legal community, law enforcement, and local government. In my speech to you next year, I hope to share some of the task force's recommendations for improvement of our magistrate system.

Ensuring a High-Caliber Judiciary

As I stated earlier, an important element of ensuring equal justice is a high-caliber judiciary. Thanks to the foresight of our grandparents and parents, Iowa has a judicial merit-selection system that ensures our judges are as fair and impartial as possible.

Since becoming chief justice, I have talked with many chief justices from other states who hold Iowa's judiciary in high regard. They view our bench as being one of the most capable, ethical and impartial in the nation. This good reputation is absolutely due to Iowa's merit selection system for appointing judges, which

emphasizes professional qualifications above all else—and most especially, above politics. Merit selection ensures that our judges possess integrity, legal excellence, diligence and prudence—the attributes most valued in judicial officers. As a result, Iowans can be assured that their judges are highly capable and make decisions based upon legal principles, not political considerations.

All the same, the quality of our judiciary hinges on Iowa's continued ability to attract experienced and skillful lawyers to the bench, a goal that may become increasingly difficult if lawyers perceive that the pressures and demands on judges outweigh the benefits of judicial service. If this happens, the quality of justice in Iowa will surely suffer. And, over time, the consequences will expand beyond the judicial branch. At the annual meeting of the Conference of Chief Justices last summer, a top attorney for a multinational corporation spoke to the chiefs and stated that when searching for a suitable new location for offices and plants, corporations consider, among other things, the quality of a state's court system in making this business decision. So we all have an interest in a high-caliber judiciary.

For two reasons, I am very concerned that we are at a critical juncture. As I mentioned earlier, Iowa is changing and so is the work of the judiciary. Today, the work of judges is much more stressful, demanding and complicated than it was just a decade ago. We also anticipate a large number of judges retiring over the next few years. The quality of their successors will affect the quality of justice in Iowa for the next twenty years or more. There is, however, something you can do to ensure that well-qualified attorneys continue to apply for judicial service. It is imperative that judicial compensation reflect the vital and increasingly difficult role judges play in our society. We believe the salary recommendations of the Iowa State Bar Association's Judicial Compensation Task Force achieve this important goal. You have already implemented the first and second phases of the task force recommendation. I urge you to follow through this year with the third and final phase.

Paperless Courts: Electronic Filing and Document Management

Now I want to discuss electronic filing and document management, a case-processing tool that will make judges and court employees more efficient and productive and a technology that will improve access to court records. With this technology in place, judges and court staff will be able to retrieve a full court file electronically and simultaneously review the same court file from different locations, judges will be able to review a court file from their home or office, and lawyers and litigants will be able to file and view their court files 24/7 from any location in the state.

Last year, I told you we would test this technology in two pilot counties by the end of 2007. Well, things did not turn out exactly as I had predicted. We have selected two counties, Plymouth and Story, as our pilot sites for testing this ambitious undertaking. However, we are running behind schedule due to contract negotiations with vendors. We are not concerned by this delay. Our primary goal is the construction of a system that is affordable and functional—not rigid adherence to a timetable. At this point, we hope to begin testing the system in the pilot counties later this year.

Now that we are on the verge of beginning this long-awaited change, the prospect of wide open Internet access to court records has given us pause. While broad Internet access to court records will shine even more light on the work of Iowa's courts, which

we welcome and support, it will also make sensitive information about countless Iowans available to the merely curious, and worse, to identity thieves—an unwelcome by-product of the Internet that we cannot ignore and should not facilitate. Since I last spoke with you about this project a year ago, the court has received and reviewed public comments made in response to our proposed rules regulating the use of this system. The most troubling concern expressed was the potential chilling effect that unfettered public access would have on citizens using the courts. Unconstrained exposure of the details of one's personal problems that are chronicled in court records would surely discourage Iowans from using the courts, or at the very least affect what allegations are made and what evidence is introduced into the record. We cannot allow a system designed to improve the delivery of justice to operate in such a manner as to discourage access to the courts or to undermine confidence in the fairness and reliability of the court process.

For these reasons, we have scaled back our plans for remote public access to electronic court records. We intend to provide full public access to nonconfidential electronic court records only through public access terminals located in clerk of court offices. In addition, we plan to provide limited, remote online access to certain registered users who need such records to conduct their court business such as litigants and attorneys, and to government officials who need certain court records to fulfill their statutory and constitutional functions. We believe these new parameters will strike a balance between our goal of providing convenient and open access to court records and our responsibility to promote public safety and to ensure full access to the courts.

Self-Represented Litigants

Now I want to tell you of our efforts to address the needs of litigants who represent themselves in family law cases—another topic I mentioned to you last year. These efforts are quite important because they will enhance court access for thousands of Iowans who cannot afford an attorney to represent them in these often life-altering cases.

Last summer we released our first set of self-help forms, which are for use by a divorcing couple who does not have any minor or dependent children. The public's response was positive and immediate. In addition to the countless sets printed from our website, over 1000 paper sets were gone in the first month. Soon, we will make available forms for another type of family law case—forms for parents who seek to change or resist changes to their child support orders. After that our committee will tackle forms for parents who seek to change or resist changes in child custody orders. We know that these last two categories of forms are of great concern to many of your constituents, and we hope these forms will meet their need for access to the courts.

Over time we intend to offer Iowans self-help forms for a wide variety of court procedures. However, we have learned that producing an easy-to-understand legal form is not so easy. It is painstaking and time-consuming work—even for the committee of talented judges and lawyers who are developing our forms. We now realize that we need a staff lawyer who can support this monumental endeavor. This lawyer would also assist with the development and promulgation of our court rules in general. Can you imagine how your work would proceed without the aid of your talented service bureau attorneys? We hope that the relatively modest cost of a staff

lawyer will meet with your approval. In this way, we will have the resources to address the growing demands of pro se and other court users.

Interpreters

In addition to the challenge posed by self-represented litigants, Iowa's courts are significantly affected by the increasing diversity of Iowa's population. A recent analysis of our statewide use of Language Line, a service to access interpreters over the telephone, identified twenty-eight foreign languages, from Albanian to Vietnamese, spoken in Iowa's courts in a recent twelve-month period. The demand for Spanish language interpreters in Polk County is high enough to justify employing a full-time Spanish interpreter just for that county! The courts have an obligation to ensure equal access for everyone before us, including those who speak and understand little or no English. Consequently, communication through the use of interpreters is an essential element of equal access to the courts.

As a general proposition, the state covers the cost of interpreters for criminal and juvenile court proceedings. But the Code does not address how, if, or by whom interpreters for litigants in most other types of cases will be paid. When these litigants do not have the financial means to pay for their own interpreter—and most do not—we pay the interpreters and absorb the expense. If we do not, the case would be delayed indefinitely. Although we tax these expenses as costs, litigants are rarely able to reimburse the state, so we end up diverting court resources from other priorities. Our district court administrators say this problem is growing. We believe an appropriation specifically for this purpose will improve the process for all concerned. Because other state offices are likely facing the same challenge, you may want to consider developing a comprehensive solution.

II. Improving the Lives of Children in the Courts

I've discussed many of the challenges we must address so we can continue to ensure equal justice to all people. Now I turn to the challenges presented by the special needs of children who are in our care—children who are abused and neglected and children who commit delinquent acts. Like you, we regard our work with children as one of the most important things we do.

Children in Foster Care

In my remarks to you last year, I talked about the plight of Iowa's most vulnerable children—children in foster care. I described our efforts to strengthen court oversight of child welfare cases so we can expeditiously find permanent, loving homes for these children. Today, I thank you for heeding our concerns, joining our efforts, and making these children one of your top priorities. You should be so proud of what you did for these children during last year's session. By working together, all three branches of government made great strides to improve results for children in foster care. Time does not permit me to list everything we have accomplished, but among other things,

- we added and assigned more judges to preside over juvenile cases so each child has the same judge throughout the child's involvement with juvenile court,
- the CASA program was expanded to all 99 counties, and

- we have built a strong collaborative effort that serves as a catalyst for continuous reform.

The details of our progress are included in material we will provide to you following my remarks.

These successes demonstrate our collective power to promote change and ensure a bright future for a new generation of Iowans. President Franklin D. Roosevelt once said, "We cannot always build the future for our youth, but we can build our youth for the future." While we have accomplished a great deal towards that goal, our work on behalf of children in juvenile court has just begun.

Iowa's Young Offenders

It is now time to focus our attention on the young people who end up in Iowa's juvenile justice system. Unlike the violent youths who are often the subject of national news stories, most young Iowans who are referred to juvenile court services are accused of nonviolent property offenses such as shoplifting and vandalism. The good news is that the majority of these young people are one-time offenders, who are handled without intensive supervision or treatment. Nevertheless, many young people present more difficult cases. Youths who commit serious offenses and have serious problems have a greater chance for continued unlawful behavior that may eventually land them in our adult criminal justice system. And if, in the future, they end up incarcerated, their children will be more likely to end up in the same way. But thankfully, we can stop this destructive cycle for many.

Juvenile Court Services: Restorative Justice Model

Using a restorative justice model, the people who work in Iowa's juvenile justice system help hundreds of troubled young Iowans confront their problems, change their negative behavior and forge better lives for themselves.

What is restorative justice?

Restorative justice has three goals:

- To ensure community safety
- To hold young offenders accountable, and
- To teach them how to make better decisions in the future.

To achieve these goals, Iowa's juvenile court services (JCS) uses an evidence-based, risk assessment tool that enables juvenile court officers to distinguish between youths who have a low, moderate or high risk of committing more delinquent acts. Risk factors include drug use, family conflict, truancy, poor academic performance, and a history of delinquent acts. In addition to the risk assessment, JCS assesses the underlying problems and needs of each youth.

Armed with this information, JCS provides supervision, treatment and services tailored to address the needs of a particular child. For example, we treat their drug and alcohol addiction, teach them problem solving and communication skills, treat their mental health problems, teach them how to manage their anger, and provide educational assistance. If their bad behavior is linked to family problems, we work

with the parents to address their problems, improve their parenting skills, and improve their relationships with their children. At the same time, JCS emphasizes victim restitution. Restitution helps young offenders understand how their behavior affected their victims and impresses upon them the importance of making amends.

Why invest our time, resources, and energy in these young people?

As research shows—and as most parents know—teenagers have immature thought processes. Because young brains are still developing, juveniles tend to be impulsive, emotionally volatile and highly vulnerable to peer pressure. They overlook alternative courses of action and underestimate the long-range consequences of their behavior. But the same immature brains that make juveniles susceptible to misbehavior also make them good candidates for reform. The key to successful reform is finding the right response.

Now, let me be clear: Public safety always comes first. I'm not talking about using a soft glove approach on hardened juvenile delinquents, including those who end up in adult court. That said, there are many juvenile offenders who have the potential to become responsible, productive citizens if they receive the right kind of direction, structure and treatment.

In fact, studies show that using risk assessments and community-based programs reduce delinquency and help young people become law abiding citizens. Let me give you two examples of young people who overcame their problems with the help of JCS. To preserve confidentiality, I have changed their names.

Juvenile Court Success Stories

When referred to JCS, fourteen-year-old Brittany was using drugs, doing poorly in school, and regularly running away from home. After attempting to distribute prescription medication at school, the juvenile court adjudicated her as a delinquent, placed her on formal supervision, and ordered her to participate in several programs, including treatment for depression and drug and alcohol abuse. A case worker helped Brittany and her parents improve their relationship. Once Brittany's family relationships improved, other positive changes followed. Today, after many months of treatment and services, Brittany is a straight-A student, involved in extracurricular activities at school, and setting her sights on college.

Michael was an even more difficult case. He came to the attention of JCS for an assault complaint at the age of eight and, over time, gained quite a reputation as a bully and troublemaker. By the time he was seventeen, he had been referred to JCS for seventeen more complaints and had been through an array of programs. Nothing seemed to work, but JCS did not give up. Michael was placed in a 90-day highly structured group foster care program, and he finally started to make changes. When Michael eventually returned home, he began to make good decisions for himself. He stayed out of trouble, excelled academically, and participated in extracurricular activities at school. His relationships with his schoolmates improved so well that they named him homecoming king. Now Michael is working part-time and attending college.

These stories repeat themselves across Iowa, and involve young people in all economic brackets; with only a single parent or both parents at home; from suburban

cul-de-sacs or inner-city neighborhoods. While preparing for my remarks, I learned of many young people who turned their lives around. I wish there was time to tell you about all of them and their achievements.

There's a common thread running through many of our success stories that I have not yet mentioned. Most of the young people who have come to my attention attribute their turn around, in large part, to one or two caring adults they encountered in the juvenile justice system. Iowa's juvenile court officers and staff, school liaisons, trackers, and other juvenile justice professionals believe in the untapped potential of these young people and in their own capacity to make a difference for most. Words cannot express the thanks we owe all the selfless men and women who work with these youths day and night. I wish it were possible today to personally recognize each and every one of them. I do want to recognize our eight chief juvenile court officers, all of whom are here today and will be available after my remarks if you wish to speak with them. Would our juvenile court officers please stand?

Of course, we do not have all the answers. Many young people don't achieve the success of Brittany and Michael, but their examples illustrate the kind of change we can help bring about with restorative justice. With your support, we can help more youths overcome their problems, realize their potential, and become productive citizens who will contribute to their communities.

Legislative Action

First, we urgently need more juvenile court officers and support staff to strengthen our oversight of troubled youths. As most of you know, our juvenile court staff is central to our successful work with these young people. They routinely meet with the youths under their supervision, attend court hearings, meet with families, work with law enforcement and school officials, and visit youths who are placed out of home. Due to a new federal law, juvenile court officers must increase the frequency of their visits with youths in out-of-home placements and with their parents. This practice is a good one that we will follow, but realistically we must have more staff to fulfill this federal mandate.

In addition to more juvenile court officers and staff, we also need two more judges—one of whom will be used exclusively in juvenile court and another who will handle a variety of cases, including juvenile court cases. These judges will help sustain our one judge/one child policy, which is a crucial component of work with juvenile offenders, as well as with abused and neglected children.

We also urge you to provide even more funds for children who are waiting for treatment for mental health problems. I spoke to you last year about the large number of children waiting for this treatment, and you responded generously by providing funds to treat nearly 300 more children. You should feel so good about what you did for these children. I must tell you, however, that the number of children in need of mental health treatment continues to grow. Our chief juvenile court officers say that many of these children, who they describe as low-risk, high-needs children, end up in the juvenile justice system. We can change this result by treating their problems early on before they get into trouble with the law. Based upon your positive response last year, I know you share our concerns and will do what needs to be done to fund mental health treatment for our children in need.

As another improvement, we suggest a simple statutory change that would increase the potential term of a juvenile consent decree from one year to two years. A consent decree is a procedure frequently used for low-risk youths. It is analogous to a deferred judgment for adults. If a youth complies with all of the conditions of a consent decree, the court will dismiss the delinquency action, allowing the youth to avoid a delinquency adjudication. But the current one-year term for this decree is too short for youths to complete treatment for mental health problems or substance abuse. So the judgment of our juvenile court judges and officers is that our reformed youth would be greatly benefited if consent decrees could be used for two years rather than only one.

Although the judicial branch can accomplish a great deal to improve the lives and prospects of the young people who come under the umbrella of the juvenile court, we can accomplish a great deal more with your support. I ask you to keep these young people in mind as you set your priorities this year.

Now I would like to mention one other endeavor that is making a difference for children, families and communities.

Drug Courts

Alcohol abuse and drug addiction are frequently the underlying cause of juvenile delinquency. They are also often the underlying cause of adult criminal behavior, child abuse and neglect, and many other problems that hurt families, and ultimately, communities. We know because we struggle with these problems in our courts every day.

When we deal with addicted, nonviolent offenders in the conventional way, by imposing punitive measures without motivating them to end their addiction, we are guaranteed to see them in court again and again and again. According to District Judge Thomas Bower, "The charge may be burglary, but the cause is drug addiction." To get to the root of the problem, the judicial branch is working with others to expand the use of drug courts.

Drug courts employ a problem-solving approach that emphasizes treatment and integrates social services with consequences for noncompliance. Drug court judges retain their sanctioning role, but also actively direct and monitor an offender's progress. Drug courts help offenders develop problem-solving skills, help motivate them to change, and help improve their compliance with probation. Experience shows that when compared with offenders handled in the traditional way, drug court participants are more inclined to follow through with their treatment. And successful treatment is the key. It reduces recidivism and improves the lives of offenders, which ultimately improves the lives of their families.

As Judge Bower, who presides over the drug court in Black Hawk County, observes, "Many of the individuals in the drug court program have victimized their family members and friends through theft and deceit. So, in addition to helping individuals end their addiction, the program helps reclaim relationships and reunite families."

Iowa presently has ten drug courts. Most of our drug courts are designed to work with adult offenders; a few are designed to work with juveniles. I'm pleased to report that we're adding two more drug courts for adult offenders in the 6th and 8th judicial districts. We are also adding three new family drug courts and expanding two existing

family drug courts with the aid of a sizable five-year federal grant. These judge-led family drug courts will emphasize treatment for meth-addicted parents with the overarching goal of helping these parents keep their families together.

Most judges who preside in our drug courts volunteered for this tough assignment. It's tough for several reasons. First, these cases are much more time-consuming than most conventional court procedures. Second, because there's less emphasis on purely legal problems and more emphasis on complex social problems, judges are required to use skills and knowledge not taught in law school. What's more, these cases are often emotionally draining. I am very grateful for the leadership and dedication of the judges who make our drug courts possible. Some of those judges are here today, and they too will be available for conversation after my remarks. Would our drug court judges please stand so we can recognize you?

Conclusion

Today, I have talked about two important challenges: ensuring equal justice for all people and addressing the special needs of children in our care. Although both primarily involve the work of the courts, their impact extends far beyond the walls of Iowa's courthouses and well into the future. Why? Because many of the problems that our courts struggle with every day affect the well-being of our communities as well as the well-being of future generations of Iowans. Naturally, other institutions deal with these matters, often before we do, but when all else fails, these problems land in the courts for us to resolve. So the work of the courts has a tremendous bearing on the future of Iowa.

This morning, I have outlined a number of steps we can take to ensure our capacity to meet both challenges. We have a court system of which all Iowans can be proud, but we must be vigilant to maintain it. Ensuring that all citizens have equal access requires the constant attention and commitment of all three branches of government. I urge you to do your part. There is also much we can do together to address the problems of abused and neglected children and young offenders. We intend to expand the reach of our successful juvenile justice programs and drug courts and to strengthen court oversight of child dependency cases so more children, families, and communities can benefit from them. Your support of these efforts is essential.

Before I end my remarks, I want to emphasize the importance of doing all we can in this legislative session to address the special needs of children who are in our care because the work we do now will in many ways affect their future, and ultimately, the future of our communities. Let's help all our children become responsible, productive adults so future generations can build schools, not prisons.

If my words have not persuaded you, listen to the words of a real-life father, whose teenage daughter was struggling with serious problems. She was uncontrollable and defiant, abusing alcohol, stealing from a sibling, and continually running away from home. Her distressed parents eventually turned to DHS and the juvenile court for help. Last month, the father wrote to one of our judges. He says,

“[My daughter] was running away. We were putting ads in the paper asking her to call us and tell us she was okay...We think she would have committed suicide before she reached the age of 18 if we had not made contact with the [county] DHS...”

His letter goes on:

“She is now married ...with three children and doing nicely with her husband

This all could have ended up much differently and terrible if we hadn't followed the recommendations of [DHS] and your Court Room. [My wife] and I will always say that this is what made the difference from a tragedy to the eventual triumph.

Thanks for listening. I just wanted to go on record because though this has been more than 20 years ago, her mother and I have never forgotten that you started the action that got our family straightened out.”

The words of this father convey the importance of our work far better than I can. It is enough to say that childhood is brief and so is the window of opportunity to help these children. Consequently, the future of these children depends a great deal on what we do now—so please, let's do all we can.

Governor Culver was escorted from the House chamber by the committee previously appointed.

Chief Justice Marsha K. Ternus was escorted from the House chamber by the committee previously appointed.

McCarthy of Polk moved that the Joint Convention be dissolved at 10:51 a.m.

The House resumed session at 11:00 a.m., Speaker Murphy in the chair.

On motion by McCarthy of Polk, the House was recessed at 11:01 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:07 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

House File 2027, by Wise, a bill for an act providing for postretirement adjustments to benefits and creditable service under the municipal fire and police retirement system.

Read first time and referred to committee on **state government**.

House File 2028, by Tymeson, a bill for an act allowing receiving school districts to send school vehicles into the district of residence to transport an open-enrolled pupil.

Read first time and referred to committee on **education**.

House File 2029, by Pettengill, a bill for an act relating to hunting by landowners on certain land owned by them.

Read first time and referred to committee on **natural resources**.

House File 2030, by Tymeson, a bill for an act relating to establishment of a grade review process for certain members of the armed forces enrolled at state postsecondary institutions.

Read first time and referred to committee on **education**.

House File 2031, by Rants, a bill for an act relating to teacher training and practitioner preparation related to autism spectrum disorders and providing an appropriation.

Read first time and referred to committee on **education**.

House File 2032, by Struyk, May, Jacobs, Horbach, Heaton, De Boef, Boal, Upmeyer, Tymeson, Forristall, Drake, Alons and Huser, a bill for an act providing exceptions to the age of admission to kindergarten.

Read first time and referred to committee on **education**.

House File 2033, by Zirkelbach, a bill for an act requiring insurance coverage benefits for veterans for treatment of mental illness and substance abuse.

Read first time and referred to committee on **veterans affairs**.

House File 2034, by H. Miller, a bill for an act allowing the state poet laureate to be reimbursed for expenses for the performance of official duties and making an appropriation.

Read first time and referred to committee on **appropriations**.

House File 2035, by Anderson, a bill for an act relating to certain county distress criteria under the enterprise zone program.

Read first time and referred to committee on **economic growth**.

House File 2036, by Tymeson, a bill for an act requiring a school district to return a portion of state funding for each dropout in the district.

Read first time and referred to committee on **education**.

House File 2037, by Kaufmann, Tomenga, Grassley, Tymeson, Boal, May, Clute, Watts, Worthan, Chambers, Granzow, De Boef, Huseman, Upmeyer, Wiencek, Raecker, Rayhons, Anderson, Hoffman, Greiner, Pettengill, Drake, Forristall, Heaton, Paulsen, Struyk, Tjepkes, Soderberg, Sands, Schickel, Jacobs, L. Miller, Alons, Dolecheck, Baudler, Rasmussen, Van Engelenhoven, Arnold, Horbach, Van Fossen, Windschitl and Roberts, a bill for an act exempting active duty pay of members of the armed forces military reserve and national guard and including a retroactive applicability date provision.

Read first time and referred to committee on **veterans affairs**.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

Annual reports on Patents and Licenses, Iowa Values Fund and Progress of Regents Institutions on Tech Transfer, pursuant to Chapter 262B.3 and 2005 and 2007 Iowa Acts.

DEPARTMENT OF ADMINISTRATIVE SERVICES

Annual report of recommendations for the electronic submission and retention of contracts, pursuant to Chapters 8A.202(e) and 305.10, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Report of the Iowa Commission on Volunteer Services, pursuant to Chapter 15H.2(2), Code of Iowa.

Report of savings using the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF EDUCATION

Annual report of charter schools, pursuant to Chapter 256F.10, Code of Iowa.

DEPARTMENT OF PUBLIC SAFETY

Annual report of the Statewide Interoperable Communications System Board, pursuant to the 2007 Iowa Acts.

DEPARTMENT OF REVENUE

Annual report of the Rebuild Iowa Infrastructure Fund, pursuant to Chapter 8.57(6)(h), Code of Iowa.

IOWA VOCATIONAL REHABILITATION SERVICES

Annual report of savings using the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|---------|---|
| 2008\46 | Gene and Marian Guenther, Le Mars – For celebrating their 50 th wedding anniversary. |
| 2008\47 | Ray and Betty Bockelman, Hawarden – For celebrating their 60 th wedding anniversary. |
| 2008\48 | Ben and Suzy Pratt, Kingsley – For celebrating their 65 th wedding anniversary. |
| 2008\49 | Lyle and Phyllis Schroeder, Granville – For celebrating their 50 th wedding anniversary. |
| 2008\50 | Virtus and Lois Hargens, Le Mars – For celebrating their 60 th wedding anniversary. |
| 2008\51 | Adri and Gene Ruisch, Le Mars – For celebrating their 50 th wedding anniversary. |
| 2008\52 | Lewis and Jean Arkema, Sioux Center – For celebrating their 50 th wedding anniversary. |

- 2008\53 Marion and Agnes Wilenga, Orange City – For celebrating their 60th wedding anniversary.
- 2008\54 Gerald and Marilyn Bruxvoort, Orange City – For celebrating their wedding 60th anniversary.
- 2008\55 Denis and Rose May Schilmoeller, Granville – For celebrating their 50th wedding anniversary.
- 2008\56 Herman and Della Kluver, Remsen – For celebrating their 60th wedding anniversary.
- 2008\57 Mark Rolling, Kingsley – For celebrating his 80th birthday.
- 2008\58 Charlotte Jost, Le Mars – For celebrating her 70th birthday.
- 2008\59 Marie Larson-Kosbab, Stratford – For celebrating her 80th birthday.
- 2008\60 Fern Lant, Burlington – For celebrating her 98th birthday, and for her 90th anniversary of becoming a member of Grace United Methodist Church.
- 2008\61 John McCullough, Conesville – For being named a 2007 Daktronics–NAIA Scholar Athlete.
- 2008\62 Cody Dill, Danville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\63 Mark Robertson, Burlington – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\64 Mildred Mower, Burlington – For celebrating her 90th birthday.
- 2008\65 Ruth Buehler, Burlington – For celebrating her 91st birthday.
- 2008\66 Darlene Slinger, Mount Pleasant – For celebrating her 95th birthday.
- 2008\67 Roger McAllister, Mount Union – For celebrating his 80th birthday.
- 2008\68 Betty Sloan, Muscatine – For celebrating her 90th birthday.
- 2008\69 Esther Stuart, Muscatine – For celebrating her 85th birthday.
- 2008\70 Lela Gundrum, Muscatine – For celebrating her 96th birthday.
- 2008\71 Patty D. Trimble, Muscatine – For celebrating her 85th birthday.
- 2008\72 Billye Hines, Burlington – For celebrating her 80th birthday.
- 2008\73 Don Hallberg, Burlington – For celebrating his 92nd birthday.

- 2008\74 Evelyn Walsh, Burlington – For celebrating her 89th birthday.
- 2008\75 James Stewart, Burlington – For celebrating his 90th birthday.
- 2008\76 David Bliven, Burlington – For celebrating his 75th birthday.
- 2008\77 Bill Stewart, Columbus Junction – For celebrating his 80th birthday.
- 2008\78 Jan Rueckert, Columbus Junction – For celebrating her 80th birthday.
- 2008\79 Leonard Hixson, Columbus City – For celebrating his 80th birthday.
- 2008\80 Grace Bauer, Muscatine – For celebrating her 95th birthday.
- 2008\81 Loraine Marthaler, Muscatine – For celebrating her 90th birthday.
- 2008\82 Patricia Tomfeld, Letts – For celebrating her 75th birthday.
- 2008\83 John and Suzanne Carlson, Danville – For celebrating their 50th wedding anniversary.
- 2008\84 Martha Jane “MJ” Campbell, Burlington – For celebrating her 85th wedding birthday.
- 2008\85 Dick and Ruth Lukins, Columbus Junction – For celebrating their 50th wedding anniversary.
- 2008\86 Mike and Janet Langan, Mount Pleasant – For celebrating their 50th wedding anniversary.
- 2008\87 Clarence and Leota Logan, Burlington – For celebrating their 50th wedding anniversary.
- 2008\88 Wendall and Iona Patton, West Burlington – For celebrating their 50th wedding anniversary.
- 2008\89 Leon and Janet Kardux, Muscatine – For celebrating their 50th wedding anniversary.
- 2008\90 Mr. and Mrs. Richard Fridley, Nichols – For celebrating their 60th wedding anniversary.
- 2008\91 LeRoy and Teresa Preuschl, Garner – For celebrating their 50th wedding anniversary.
- 2008\92 Carol Schulz, Corwith – For celebrating her 80th birthday.
- 2008\93 Carlton (Pete) Rauk, Forest City – For celebrating his 90th birthday.
- 2008\94 Melba Gschneidner, Ames – For celebrating her 80th birthday.

- 2008\95 Norma Peterson, Ames – For celebrating her 80th birthday.
- 2008\96 Edmund Young, Ames – For celebrating his 85th birthday.
- 2008\97 Margaret Mischke, Ames – For celebrating her 80th birthday.
- 2008\98 Gregor Junk, Ames – For celebrating his 75th birthday.
- 2008\99 Betty Olsen, Madrid – For celebrating her 85th birthday.
- 2008\100 Emma Wilson, Madrid – For celebrating her 80th birthday.
- 2008\101 Eugene Torson, Ames – For celebrating his 90th birthday.
- 2008\102 Darlene Harl, Ames – For celebrating her 75th birthday.
- 2008\103 Elsie Lekwa, Ames – For celebrating her 80th birthday.
- 2008\104 John Waters, Ames – For celebrating his 80th birthday.
- 2008\105 Donald Furman, Ames – For celebrating his 90th birthday.
- 2008\106 Eugene Baker, Gilbert – For celebrating his 80th birthday.
- 2008\107 William Weisshaar, Ames – For celebrating his 75th birthday.
- 2008\108 Robert Miller, Ames – For celebrating his 80th birthday.
- 2008\109 Dean Stebbins, Ames – For celebrating his 95th birthday.
- 2008\110 Clyde Smalley, Boone – For celebrating his 85th birthday.
- 2008\111 Ernest Anderson, Madrid – For celebrating his 80th birthday.
- 2008\112 Eleanor Redmond, Ames – For celebrating her 80th birthday.
- 2008\113 Dorothy Vos-Voelker, Ames – For celebrating her 85th birthday.
- 2008\114 Karl Korbel, Madrid – For celebrating his 75th birthday.
- 2008\115 Robert Gaskill, Ames – For celebrating his 90th birthday.
- 2008\116 Loren Truman, Ames – For celebrating his 90th birthday.
- 2008\117 Isabelle Gay, Madrid – For celebrating her 90th birthday.
- 2008\118 Bernice Bro, Ames – For celebrating her 80th birthday.
- 2008\119 John Wallize, Ames – For celebrating his 80th birthday.
- 2008\120 George Inger, Ames – For celebrating his 75th birthday.

- 2008\121 Howard Johnson, Ames – For celebrating his 85th birthday.
- 2008\122 Patsy Hansen, Ames – For celebrating her 75th birthday.
- 2008\123 Betty Wenger, Ames – For celebrating her 80th birthday.
- 2008\124 Hazel Streith, Ames – For celebrating her 95th birthday.
- 2008\125 Tony J. Kruse, Dubuque – For being chosen to assist Pope Benedict during the New Year’s Day Mass at St. Peter’s Basilica.
- 2008\126 Michael Pennington, Earlville– For attaining rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\127 Seedorff Masonry Inc., Strawberry Point – For reaching One Million Consecutive Safe Hours.
- 2008\128 Kandi Wolfe, Ryan – For volunteering to create a Veterans memorial painting.
- 2008\129 Alex Ahern, Dyersville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\130 Edward and Ruth Neyens, Dubuque – For celebrating their 60th wedding anniversary.
- 2008\131 Elmer and Sharon Fink, Dubuque – For celebrating their 50th wedding anniversary.
- 2008\132 Melvin and Bernice Mai, Dubuque – For celebrating their 65th wedding anniversary.
- 2008\133 Bryant School, Dubuque – For being selected as a “2007 Blue Ribbon School.”
- 2008\134 Bernice Mai, Dubuque – For celebrating her 90th birthday.
- 2008\135 Helen Fisher, Spirit Lake – For celebrating her birthday.
- 2008\136 Lucile Fischer, Lake Park – For celebrating her 90th birthday.
- 2008\137 Kevin Range – For getting his 200th career win as the Okoboji girls’ basketball coach .
- 2008\138 Larry Rupert, Spencer Police Department – For his 22 years of dedicated service and commitment to the Spencer Police Department.
- 2008\139 Aeden Riggs, Irving School, Dubuque – For winning 1st place in the Kindergarden-2nd Grade Poster Division of the 2007-2008 Martin Luther King Jr. Tribute Contest.

- 2008\140 Bennett Cutsforth, St. Columbkille School, Dubuque – For receiving 2nd place in the Kindergarden-2nd Grade Poster Division of the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\141 Macy Ingles, Carver School, Dubuque – For receiving 2nd place in the Kindergarden-2nd Grade Poster Division of the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\142 Kali Becker, Fulton School, Dubuque – For winning 1st place in the 3rd-5th Grade Poster Division of the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\143 Sam Donath, Washington Middle School, Dubuque – For receiving 2nd place in the 6th-8th Grade Poster Division of the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\144 Alexis Riechmann, Kennedy School, Dubuque – For receiving 2nd place in the 3rd-5th Grade Poster Division of the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\145 Dylan Callahan, St. Anthony School, Dubuque – For winning 1st place in the 3rd-5th Grade Essay Division of the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\146 Andrew Nedder, Resurrection School, Dubuque – For receiving 2nd place in the 3rd-5th Grade Essay Division of the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\147 Bradley Mieke, Roosevelt Middle School, Dubuque – For winning 1st place in the 6th-8th Grade Poster Division of the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\148 Ean Armstrong, Mazzuchelli Middle School, Dubuque – For receiving 2nd place in the 6th-8th Grade Poster Division of the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\149 Morgan Philippi, Roosevelt Middle School, Dubuque – For winning 1st place in the 6th-8th Grade Essay Division of the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\150 John Baer, Roosevelt Middle School, Dubuque – For receiving 2nd place in the 6th-8th Grade Essay Division of the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\151 Kierstyn Feld, Roosevelt Middle School, Dubuque – For receiving 2nd place in the 6th -8th Grade Essay Division of the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\152 Nakiah Kimble Lieb, Roosevelt Middle School, Dubuque – For winning 1st place in the 6th-8th Grade Multimedia Presentation Division of the 2007-2008 Martin Luther King Jr. Tribute Contest.

- 2008\153 Morgan Schill, Roosevelt Middle School, Dubuque – For receiving 2nd place in the 6th-8th Grade Multimedia Presentation Division of the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\154 Monica Tembe, Hempstead High School, Dubuque – For winning 1st place in the 9th-12th Grade Poster Division of the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\155 Katherine Mockler, Wahlert High School, Dubuque –For winning 1st place in the 9th-12th Grade Essay Division of the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\156 Kylah Hitchcock, Hempstead High School, Dubuque – For receiving 2nd place in the 9th-12th Grade Essay Division of the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\157 Dillon Gottschalk, Marshall School, Dubuque – For receiving an Honorable Mention in the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\158 Brianna Fry, Marshall School, Dubuque – For receiving an Honorable Mention in the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\159 Nick Arredondo, Marshall School, Dubuque – For receiving an Honorable Mention in the 2007-2008 Martin Luther King Jr. Tribute Contest
- 2008\160 William Allman, Marshall School, Dubuque – For receiving an Honorable Mention in the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\161 Nick Dolphin, Resurrection School, Dubuque – For receiving an Honorable Mention in the 2007-2008 Martin Luther King Jr. Tribute Contest.
- 2008\162 Bernie and Alida Vander Molen, Pella – For celebrating their 60th wedding anniversary.
- 2008\163 Daniel Dykstra, Shenandoah – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\164 Mary D. “Polly” Stockman, Iowa City – For celebrating her 90th birthday.
- 2008\165 Carol Vorwald, North Liberty – For receiving the Arthritis Foundation Iowa Chapter’s Volunteer of the Year award.
- 2008\166 Waterloo Community School District, Waterloo – For receiving the Breaking Barriers to Learning and Teaching award from the Iowa State Board of Education.
- 2008\167 Jack Nissly, Iowa Falls – For celebrating his 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 474

Public Safety: R. Olson, Chair; Swaim and Tomenga.

House File 876

Appropriations: Oldson, Chair; Jacoby and Raecker.

House File 891

Appropriations: Oldson, Chair; Jacoby and Raecker.

House File 900

Appropriations: Oldson, Chair; Jacoby and Raecker.

House File 922

Appropriations: Oldson, Chair; Jacoby and Raecker.

House File 2003

Transportation: Rasmussen, Chair; Bell and Whitaker.

House File 2010

Transportation: Whitaker, Chair; Lykam and Roberts.

House File 2018

Transportation: May, Chair; Gaskill and D. Olson.

Senate File 138

Judiciary: Mertz, Chair; Boal and Oldson.

Senate File 599

Appropriations: Oldson, Chair; Jacoby and Raecker.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 505 Judiciary

Relating to the regulation and certification of shorthand reporters and the appropriation of fees to offset costs.

H.S.B. 506 Judiciary

Relating to the Iowa civil rights Act by expanding the public accommodations protections of the Act to include correctional facilities.

H.S.B. 507 Judiciary

Expanding the time period during which a complaint may be filed with the Iowa civil rights commission.

H.S.B. 508 Judiciary

Relating to filing and docketing fees collected by the clerk of the district court for parking violations and tribal judgments, fees for examination and admission to practice law, appropriations from the jury and witness fee revolving fund, and providing an effective date.

H.S.B. 509 State Government

Relating to campaign signs and contributions.

H.S.B. 510 State Government

Providing for changes in electrician licensure requirements for specified licensure classifications, and providing an effective date.

H.S.B. 511 State Government

Relating to the annual renewal fee for licensure of hospitals.

H.S.B. 512 Transportation

Providing for advance notification of the need to renew a driver's license.

H.S.B. 513 Transportation

Relating to requirements for operation of a motor vehicle in merging traffic and providing a penalty.

On motion by Reasoner of Union the House adjourned at 4:11 p.m., until 9:00 a.m., Thursday, January 17, 2008.

JOURNAL OF THE HOUSE

Fourth Calendar Day - Fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 17, 2008

The House met pursuant to adjournment at 9:04 a.m., Speaker Murphy in the chair.

Prayer was offered by Salvation Army Captain Danielle Shield, Fort Dodge. She was the guest of Representative Helen Miller of Webster County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ryan Alfred, House Page from Johnston.

The Journal of Wednesday, January 16, 2008 was approved.

INTRODUCTION OF BILLS

House File 2038, by H. Miller, Whitaker, Mertz, Heddens, Frevert, Kuhn, Foege, Mascher, Lensing, R. Olson, Wessel-Kroeschell, Reasoner, Davitt, Jochum, Abdul-Samad, T. Olson, Thomas, Wenthe, Wendt, Schueller, Gayman, Bailey, Jacoby, Swaim and Staed, a bill for an act creating a baby boom generation commission.

Read first time and referred to committee on **economic growth**.

House File 2039, by Berry, a bill for an act raising the compulsory education attendance age, providing for related matters, and providing an effective date.

Read first time and referred to committee on **education**.

House File 2040, by Pettengill, a bill for an act requiring certain new school buses to be equipped with seat belts, requiring the use of such seat belts, and making a penalty applicable.

Read first time and referred to committee on **transportation**.

House File 2041, by R. Olson, a bill for an act relating to the reconsideration of a misdemeanor sentence.

Read first time and referred to committee on **judiciary**.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|----------|---|
| 2008\168 | Marcella Dvorak, Toledo – For celebrating her 80 th birthday. |
| 2008\169 | Raymond Huisman, Grundy Center – For celebrating his 80 th birthday. |
| 2008\170 | Hattie Cibula, Tama – For celebrating her 100 th birthday. |
| 2008\171 | Boyd and Delores Meyer, Wellsburg – For celebrating their 50 th wedding anniversary. |
| 2008\172 | Don and Arlyne Buchanan, Grundy Center – For celebrating their 55 th wedding anniversary. |
| 2008\173 | Amos and Marion Albright, Grundy Center – For celebrating their 60 th wedding anniversary. |
| 2008\174 | John and Faye Jungman, Winterset – For celebrating their 50 th wedding anniversary. |
| 2008\175 | Laverne Huehl, Sac City – For celebrating his 90 th birthday. |
| 2008\176 | Grace and Marion Allen, Chariton – For celebrating their 64 th wedding anniversary. |

SUBCOMMITTEE ASSIGNMENTS

House File 42 Reassigned

Ways and Means: Davitt, Chair; T. Olson and Van Fossen.

House File 105 Reassigned

Ways and Means: Thomas, Chair; Huser and Windschitl.

House File 183 Reassigned

Ways and Means: Frevert, Chair; Schueller and Wienczek.

House File 334 Reassigned

Labor: T. Taylor, Chair; Chambers and Zirkelbach.

House File 675

Labor: Mascher, Chair; Grassley and Jochum.

House File 676

Labor: R. Olson, Chair; Horbach and Palmer.

House File 677

Labor: R. Olson, Chair; Abdul-Samad and Horbach.

House File 689 Reassigned

Ways and Means: T. Olson, Chair; Frevert and Windschitl.

House File 705 Reassigned

Ways and Means: Quirk, Chair; Kelley and Pettengill.

House File 730 Reassigned

Ways and Means: Kelley, Chair; Pettengill and Wendt.

House File 737

Public Safety: R. Olson, Chair; Baudler and Bell.

House File 743

Labor: R. Olson, Chair; Horbach and Palmer.

House File 797

Labor: R. Olson, Chair; Horbach and Palmer.

House File 861

Labor: Mascher, Chair; Abdul-Samad and Tymeson.

House File 881

Ways and Means: Thomas, Chair; Schueller and Soderberg.

House File 882

Ways and Means: Kelley, Chair; Quirk and Wiencek.

House File 898

Ways and Means: Jochum, Chair; Pettengill and Schueller.

House File 902

Ways and Means: Frevert, Chair; Forristall and T. Olson.

House File 903

Ways and Means: Schueller, Chair; Soderberg and Thomas.

House File 914

Labor: R. Olson, Chair; Horbach and T. Taylor.

House File 2002

Labor: Jochum, Chair; Watts and Zirkelbach.

House File 2004

Public Safety: Kuhn, Chair; Lykam and Tjepkes.

House File 2005

Public Safety: Lykam, Chair; Baudler and Berry.

House File 2012

Education: Cohoon, Chair; Foege and May.

House File 2015

Education: Kelley, Chair; Heddens and Wiencek.

House File 2022

Transportation: Tjepkes, Chair; Bukta and Dandekar.

House File 2026

Labor: R. Olson, Chair; Horbach and Palmer.

Senate File 261

Environmental Protection: Kressig, Chair; Gaskill and Sands.

Senate File 417 Reassigned

Labor: T. Taylor, Chair; Grassley and Jochum.

Senate File 572

Ways and Means: Kelley, Chair; Quirk and Wiencek.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 24 Reassigned

Commerce: T. Olson, Chair; Lukan, Petersen, Van Fossen and Wise.

House Study Bill 500

Transportation: Bell, Chair; Huseman, Reasoner, Swaim and Worthan.

House Study Bill 501

Transportation: Reasoner, Chair; Mertz and Windschitl.

House Study Bill 502

Transportation: Cohoon, Chair; Arnold, Bukta, Huseman and Lykam.

House Study Bill 503

Education: Wendt, Chair; Chambers and Staed.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 514 Transportation

Relating to technical matters concerning the regulation of motor vehicles by the department of transportation and providing an effective date.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House File 761), eliminating provisions relating to the contents of the uniform citation and complaint.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 17, 2008.

On motion by McCarthy of Polk the House adjourned at 9:14 a.m., until 9:00 a.m., Friday, January 18, 2008.

JOURNAL OF THE HOUSE

Fifth Calendar Day - Fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 18, 2008

The House met pursuant to adjournment at 9:15 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Patrick J. Murphy, Speaker of the House.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the honorable Patrick J. Murphy, Speaker of the House.

The Journal of Thursday, January 17, 2008 was approved.

PETITION FILED

The following petition was received and placed on file:

By T. Taylor of Linn, from seventy-six constituents of Iowa House district 34 favoring a change in Iowa code 35B.6, #4 so that each county can have a veteran's affairs office staffed with a full or part-time qualified County Veteran Service Office to assist county veterans with state and federal benefits.

INTRODUCTION OF BILLS

House File 2042, by Granzow and Bailey, a bill for an act relating to the productivity formula used to assess agricultural property for purposes of property taxation and providing an applicability date.

Read first time and referred to committee on **ways and means**.

House File 2043, by Jacoby, a bill for an act concerning the requirements for the use of safety belts and safety harnesses in motor vehicles.

Read first time and referred to committee on **transportation**.

House File 2044, by Berry, a bill for an act relating to the setting aside of a portion of child support payments in a separate fund to be invested and reserved for the child.

Read first time and referred to committee on **judiciary**.

House File 2045, by Pettengill, Windschitl, Chambers, Tymeson, Arnold, Horbach, Rayhons, De Boef, May, S. Olson, Wiencek, Boal, Huseman, Drake, Greiner, Lukan, Rasmussen, Schickel, Deyoe, Baudler and Soderberg, a bill for an act excluding military pay received for active duty service performed outside the state and including a retroactive applicability provision.

Read first time and referred to committee on **veterans affairs**.

House File 2046, by Whitaker, a bill for an act providing for standardized analytical testing methods for measuring components of distillers commercial feed, and providing penalties.

Read first time and referred to committee on **agriculture**.

House File 2047, by Lukan, a bill for an act relating to textbooks and associated computer hardware adopted for use by school districts and provided to public and accredited nonpublic school students.

Read first time and referred to committee on **education**.

House File 2048, by Whitaker, a bill for an act relating to the placement of deer transportation tags on antlered deer that have been taken pursuant to a deer hunting license.

Read first time and referred to committee on **natural resources**.

House File 2049, by Deyoe, a bill for an act reducing the assessment limitation for commercial and industrial property and including a retroactive applicability date provision.

Read first time and referred to committee on **ways and means**.

House File 2050, by Schickel, a bill for an act relating to certain meetings of members of the general assembly and open meeting requirements.

Read first time and referred to committee on **state government**.

House File 2051, by Baudler, a bill for an act providing for trespass on gambling facilities for certain persons and making penalties applicable.

Read first time and referred to committee on **public safety**.

House File 2052, by Swaim, a bill for an act relating to issuance of additional free deer hunting licenses to owners and tenants of farm units.

Read first time and referred to committee on **natural resources**.

HOUSE FILE 886 REREFERRED

The Speaker announced that House File 886, previously referred to committee on **labor** was rereferred to committee on **judiciary**.

HOUSE FILE 887 REREFERRED

The Speaker announced that House File 887, previously referred to committee on **labor** was rereferred to committee on **judiciary**.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON LOCAL GOVERNMENT

House File 247, a bill for an act providing voting member representation on joint E911 service boards for cities or townships providing fire protection services through a volunteer fire department.

Fiscal note is not required.

Recommended **Do Pass** January 16, 2008.

On motion by McCarthy of Polk the House adjourned at 9:18 a.m., until 10:00 a.m., Tuesday, January 22, 2008.

JOURNAL OF THE HOUSE

Ninth Calendar Day - Sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 22, 2008

The House met pursuant to adjournment at 10:07 a.m., the honorable John Whitaker of Van Buren County in the chair.

Prayer was offered by Reverend Mario Lara with Lifebridge Christian Church, Des Moines. He was the guest of Representative Rod Roberts of Carroll County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Allie Ford, House Page from Glenwood High School, Glenwood.

The Journal of Friday, January 18, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Van Fossen of Scott on request of Rants of Woodbury.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF EDUCATIONAL EXAMINERS

2007 Iowa Communication Network (ICN) savings report, pursuant to Chapter 8D.10, Code of Iowa.

BOARD OF REGENTS

Annual report on the Beginning Farmer Center, pursuant to Chapter 266.39E, Code of Iowa.

DEPARTMENT OF ADMINISTRATIVE SERVICES

2007 IOWAccess Revolving Fund annual report, pursuant to Chapter 8A.224(2), Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

2007 Annual report of the Iowa Values Fund and Business Assistance programs, pursuant to Chapters 15G.120, 15.104(9) and 15.113, Code of Iowa.

Report on Provision of Regulatory Assistance, pursuant to Chapter 15E.19(3), Code of Iowa.

Report on the Sales Tax Rebate Pilot Project, pursuant to 2006 Iowa Acts.

DEPARTMENT OF EDUCATION

Report of Core Curriculum, pursuant to Chapter 256.9(10), Code of Iowa.

Report on Teacher Quality Professional Development funding, Career Ladder and Pay for Performance and Market Factor Pay, pursuant to Chapters 284.14(3), 284.14A(3), 284.11(4) and 284.13(1)(c), Code of Iowa.

Report regarding Modified At-Risk Allowable Growth, pursuant to Chapter 257.40, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Report of the Medicaid Smoking Cessation Program, pursuant to Chapter 441, Code of Iowa.

DEPARTMENT OF MANAGEMENT

Report of savings with the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

Environmental Protection Commission

Annual report and recommendations, pursuant to Chapter 455B.105.5, Code of Iowa.

DEPARTMENT OF REVENUE

Internal Services Division

Annual savings report using Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Report of savings using the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

Annual report of the Iowa Railway Finance Authority, pursuant to Chapter 3271.8(6), Code of Iowa.

DEPARTMENT OF VETERANS AFFAIRS

Report of expenditures from the Iowa Veterans Trust Fund, pursuant to Chapter 35.13(9), Code of Iowa.

Report on the Veterans Counseling and Outreach Program, pursuant to Chapter 35.12, Code of Iowa.

IOWA HIGHER EDUCATION LOAN AUTHORITY

2007 annual report, pursuant to Chapter 261A.21, Code of Iowa.

IOWA UTILITIES BOARD

Annual report of the status of utility customer contribution fund, pursuant to 476.66(6), Code of Iowa.

TREASURER OF STATE

Annual report of the Tobacco Settlement Authority (TSA), pursuant to Chapter 12E.15, Code of Iowa.

WORKFORCE DEVELOPMENT

Annual report of usage of the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|----------|--|
| 2008\177 | Howard H. Cherry Scout Reservation – For being the first Boy Scout organization in the United States to be recognized as a StormReady Supporter. |
| 2008\178 | David Johnston, Solon – For celebrating his 75 th birthday. |
| 2008\179 | Helen Johnson, Oxford – For celebrating her 85 th birthday |
| 2008\180 | Mildred Randall, Springville – For celebrating her 90 th birthday. |
| 2008\181 | Richard Jordan, Swisher – For celebrating his 80 th birthday. |

- 2008\182 Arthur Barnes, Cedar Rapids – For celebrating his 75th birthday.
- 2008\183 Raymond Schmedding, Mount Vernon – For celebrating his 85th birthday.
- 2008\184 Evelyn Bennett, Lisbon – For celebrating her 101st birthday.
- 2008\185 Vivian Heywood, Mount Vernon – For celebrating her 85th birthday.
- 2008\186 Larry Moore, Mount Vernon – For celebrating his 85th birthday.
- 2008\187 Fredrick Bark, Solon – For celebrating his 80th birthday.
- 2008\188 Martene Soukup, Cedar Rapids – For celebrating her 85th birthday.
- 2008\189 Bonnie Poulson, Swisher – For celebrating her 75th birthday.
- 2008\190 Paul Nielsen, Springville – For celebrating his 80th birthday.
- 2008\191 Henry Stahr, Jr., Cedar Rapids – For celebrating his 80th birthday.
- 2008\192 Harold Sirowy, Swisher – For celebrating his 90th birthday.
- 2008\193 Dorothy Gallmeyer, Lisbon – For celebrating her 95th birthday.
- 2008\194 Frances Neuzil, Solon – For celebrating her 75th birthday.
- 2008\195 William Bacher, Lisbon – For celebrating his 80th birthday.
- 2008\196 Vera Kaefring, Oxford – For celebrating her 85th birthday.
- 2008\197 Madonna Petrick, Springville – For celebrating her 75th birthday.
- 2008\198 Henrietta Malloy, Oxford – For celebrating her 80th birthday.
- 2008\199 Marion Low, Mount Vernon – For celebrating her 80th birthday.
- 2008\200 Joe Turkal, Solon – For celebrating his 80th birthday.
- 2008\201 Lawrence Huber, Solon – For celebrating his 75th birthday.
- 2008\202 Nancy Hansen, Cedar Rapids – For celebrating her 75th birthday.
- 2008\203 Fred Lehman, Mount Vernon – For celebrating his 85th birthday.
- 2008\204 Sherle Kasik, Solon – For celebrating her 80th birthday.
- 2008\205 Beatrice Dudek, Springville – For celebrating her 85th birthday.
- 2008\206 Fredric Vail, Solon – For celebrating his 95th birthday.
- 2008\207 Walter Plotz, Swisher – For celebrating his 75th birthday.
- 2008\208 Betty Buchmayer, Solon – For celebrating her 75th birthday.

- 2008\209 Darrel Lindley, Oxford – For celebrating his 75th birthday.
- 2008\210 Bernice Kohl, Solon – For celebrating her 85th birthday.
- 2008\211 Melba Gschneidner, Ames – For celebrating her 80th birthday.
- 2008\212 Norma Perterson, Ames – For celebrating her 80th birthday.
- 2008\213 Edmund Young, Ames – For celebrating his 85th birthday.
- 2008\214 Margaret Mischke, Ames – For celebrating her 80th birthday.
- 2008\215 Gregor Junk, Ames – For celebrating his 75th birthday.
- 2008\216 Betty Olsen, Madrid – For celebrating her 85th birthday.
- 2008\217 Emma Wilson, Madrid – For celebrating her 80th birthday.
- 2008\218 Eugene Torson, Ames – For celebrating his 90th birthday.
- 2008\219 Darlene Harl, Ames – For celebrating her 75th birthday.
- 2008\220 Elsei Lekwa, Ames – For celebrating her 80th birthday.
- 2008\221 John Waters, Ames – For celebrating his 80th birthday.
- 2008\222 Donald Furman, Ames – For celebrating his 90th birthday.
- 2008\223 Eugene Baker, Gilbert – For celebrating his 80th birthday.
- 2008\224 William Weisshaar, Ames – For celebrating his 75th birthday.
- 2008\225 Robert Miller, Ames – For celebrating his 80th birthday.
- 2008\226 Dean Stebbins, Ames – For celebrating his 95th birthday.
- 2008\227 Clyde Smalley, Boone – For celebrating his 85th birthday.
- 2008\228 Ernest Anderson, Madrid – For celebrating his 80th birthday.
- 2008\229 Eleanor Redmond, Ames – For celebrating her 80th birthday.
- 2008\230 Dorothy Vos-Voelker, Ames – For celebrating her 85th birthday.
- 2008\231 Karl Korbel, Madrid – For celebrating his 75th birthday.
- 2008\232 Robert Gaskill, Ames – For celebrating his 90th birthday.
- 2008\233 Loren Truman, Ames – For celebrating his 90th birthday.
- 2008\234 Isabelle Gay, Madrid – For celebrating her 90th birthday.

- 2008\235 Bernice Bro, Ames – For celebrating her 80th birthday.
- 2008\236 John Wallize, Ames – For celebrating his 80th birthday.
- 2008\237 George Inger, Ames – For celebrating his 75th birthday.
- 2008\238 Howard Johnson, Ames – For celebrating his 85th birthday.
- 2008\239 Patsy Hansen, Ames – For celebrating her 75th birthday.
- 2008\240 Betty Wenger, Ames – For celebrating her 80th birthday.
- 2008\241 Hazel Streit, Ames – For celebrating her 95th birthday.
- 2008\242 Thomas Gill, Altoona – For celebrating his 85th birthday.
- 2008\243 Billy Bridges, Des Moines – For celebrating his 80th birthday.
- 2008\244 Freeman Storms, Altoona – For celebrating his 90th birthday.
- 2008\245 Evelyn Thomas, Pleasant Hill – For celebrating her 75th birthday.
- 2008\246 Eugene Gardner, Altoona – For celebrating his 75th birthday.
- 2008\247 William Harrington, Pleasant Hill – For celebrating his 75th birthday.
- 2008\248 Carolyn Terpstra, Altoona – For celebrating her 75th birthday.
- 2008\249 Annabelle Degraff, Runnells – For celebrating her 75th birthday.
- 2008\250 Marilyn Wicker, Prairie City – For celebrating her 75th birthday.
- 2008\251 L. Janice Mart, Altoona – For celebrating her 75th birthday.
- 2008\252 Jesse Glenn, Altoona – For celebrating his 85th birthday.
- 2008\253 Leota Hamlin, Bondurant – For celebrating her 85th birthday.
- 2008\254 James Cox, Des Moines – For celebrating his 80th birthday.
- 2008\255 Robert Cross, Des Moines – For celebrating his 85th birthday.
- 2008\256 William Roby, Des Moines – For celebrating his 75th birthday.
- 2008\257 William Frantz, Altoona – For celebrating his 75th birthday.
- 2008\258 Michael J. Davis, Woodward – For his 21 years of dedicated service as the Superintendent of Woodward Resource Center.
- 2008\259 Thelma Freel, Altoona – For celebrating her 80th birthday.

- 2008\260 Beulah Findley, Mitchellville – For celebrating her 90th birthday.
- 2008\261 Evelyn John, Des Moines – For celebrating her 75th birthday.
- 2008\262 Betty Newquist, Des Moines – For celebrating her 80th birthday.
- 2008\263 Gwendolyn Rodruck, Altoona – For celebrating her 80th birthday.
- 2008\264 Dorothy McCleary, Bondurant – For celebrating her 75th birthday.
- 2008\265 Melvin Kinder, Altoona – For celebrating his 75th birthday.
- 2008\266 Freda Cooper, Altoona – For celebrating her 75th birthday.
- 2008\267 Jo Cooper, Mitchellville – For celebrating her 75th birthday.
- 2008\268 Michael Rooney, Altoona – For celebrating his 80th birthday.
- 2008\269 Betty Ingham, Altoona – For celebrating her 80th birthday.
- 2008\270 Richard Tibbetts, North Liberty – For celebrating his 70th birthday.
- 2008\271 Laverne Flansburg, Tiffin – For celebrating her 85th birthday.
- 2008\272 Ethel Madison, Coralville – For celebrating her 70th birthday.
- 2008\273 Barbara Dixon, North Liberty – For celebrating her 70th birthday.
- 2008\274 Constance Corcoran, North Liberty – For celebrating her 75th birthday.
- 2008\275 Linnia Campbell, Tiffin – For celebrating her 75th birthday.
- 2008\276 Betty Frimml, Coralville – For celebrating her 80th birthday.
- 2008\277 Alverta Williams, Tiffin – For celebrating her 90th birthday.
- 2008\278 Joyce Erkel, Coralville – For celebrating her 75th birthday.
- 2008\279 Clara Johnson, Coralville – For celebrating her 95th birthday.
- 2008\280 Janet Rawley, Iowa City – For celebrating her 70th birthday.
- 2008\281 William Burger, Iowa City – For celebrating his 70th birthday.
- 2008\282 John Butler, Coralville – For celebrating his 70th birthday.
- 2008\283 James Kelley, Iowa City – For celebrating his 70th birthday.
- 2008\284 Colleen Lenz, Coralville – For celebrating her 70th birthday.
- 2008\285 Mary Sewall, North Liberty – For celebrating her 80th birthday.

- 2008\286 Vernon Detert, North Liberty – For celebrating his 80th birthday.
- 2008\287 Donald Breneman, Iowa City – For celebrating his 70th birthday.
- 2008\288 James Osborne, Coralville – For celebrating his 80th birthday.
- 2008\289 Dorothy Shalla, Coralville – For celebrating her 90th birthday.
- 2008\290 Ildefonso Mancilla, Coralville – For celebrating his 80th birthday.
- 2008\291 Lois Nelson, Iowa City – For celebrating her 90th birthday.
- 2008\292 Dorothy Dayton, Iowa City – For celebrating her 80th birthday.
- 2008\293 James Fisher, Coralville – For celebrating his 70th birthday.
- 2008\294 Janice Gerlits, Coralville – For celebrating her 75th birthday.
- 2008\295 Walter Jensen, North Liberty – For celebrating his 75th birthday.
- 2008\296 Lucy Landon, North Liberty – For celebrating her 70th birthday.
- 2008\297 G. Lillian Sneed, North Liberty – For celebrating her 75th birthday.
- 2008\298 Herbert Wilson, Coralville – For celebrating his 80th birthday.
- 2008\299 Viola Savala, Davenport – For celebrating her 75th birthday.
- 2008\300 Richard Kerker, Davenport – For celebrating his 75th birthday.
- 2008\301 Robert Johnson, Davenport – For celebrating his 80th birthday.
- 2008\302 Marilyn Boldt, Davenport – For celebrating her 85th birthday.
- 2008\303 Laverne Wellendorf, Davenport – For celebrating his 90th birthday.
- 2008\304 Ervin Eisenhauer, Davenport – For celebrating his 75th birthday.
- 2008\305 Robert Wilson, Davenport – For celebrating his 80th birthday.
- 2008\306 Florence Soukop, Davenport – For celebrating her 95th birthday.
- 2008\307 Edith Dannenfeldt, Davenport – For celebrating her 95th birthday.
- 2008\308 George Winfield, Davenport – For celebrating his 75th birthday.
- 2008\309 Robert Mahl, Davenport – For celebrating his 80th birthday.
- 2008\310 Devota Hein, Davenport – For celebrating her 80th birthday.
- 2008\311 Shirley Saladino, Davenport – For celebrating her 80th birthday.

- 2008\312 Margaret Baker, Davenport – For celebrating her 85th birthday.
- 2008\313 Richard Slattery, Davenport – For celebrating his 90th birthday.
- 2008\314 Helena Kavanagh, Davenport – For celebrating her 85th birthday.
- 2008\315 Irene King, Davenport – For celebrating her 90th birthday.
- 2008\316 Gerald Porter, Davenport – For celebrating his 75th birthday.
- 2008\317 Phyllis Frymoyer, Davenport – For celebrating her 85th birthday.
- 2008\318 Jeanette Korthaus, Davenport – For celebrating her 75th birthday.
- 2008\319 Jack Hebbeln, Davenport – For celebrating his 85th birthday.
- 2008\320 Lola Fike, Davenport – For celebrating her 90th birthday.
- 2008\321 Raymond Farley, Davenport – For celebrating his 75th birthday.
- 2008\322 Joyce Claussen, Davenport – For celebrating her 75th birthday.
- 2008\323 Janice Dumerauf, Davenport – For celebrating her 80th birthday.
- 2008\324 Shirley Kilfoy, Davenport – For celebrating her 80th birthday.
- 2008\325 Juanita Rodenburg, Davenport – For celebrating her 85th birthday.
- 2008\326 Helen Munson, Davenport – For celebrating her 85th birthday.
- 2008\327 John Heyden, Davenport – For celebrating his 75th birthday.
- 2008\328 Loretta Wagner, Davenport – For celebrating her 80th birthday.
- 2008\329 Patrick Devine, Davenport – For celebrating his 80th birthday.
- 2008\330 Helen Riessen, Davenport – For celebrating her 85th birthday.
- 2008\331 Betty Savary, Davenport – For celebrating her 75th birthday.
- 2008\332 Margaret Johnston, Davenport – For celebrating her 85th birthday.
- 2008\333 Barbara Melby, Davenport – For celebrating her 80th birthday.
- 2008\334 Phyllis Gill, Davenport – For celebrating her 75th birthday.
- 2008\335 Dorothy Post, Davenport – For celebrating her 85th birthday.
- 2008\336 Dora Williams, Davenport – For celebrating her 75th birthday.
- 2008\337 William Hughes, Davenport – For celebrating his 85th birthday.

- 2008\338 James Gruetzmacher, Marshalltown – For celebrating his 75th birthday.
- 2008\339 Robert Scott, Marshalltown – For celebrating his 75th birthday.
- 2008\340 Clara Barker, Marshalltown – For celebrating her 75th birthday.
- 2008\341 William Brimeyer, Marshalltown – For celebrating his 75th birthday.
- 2008\342 Mary Brennecke, Marshalltown – For celebrating her 75th birthday.
- 2008\343 Janice Glass, Marshalltown – For celebrating her 75th birthday.
- 2008\344 Earnest Sumpter, Marshalltown – For celebrating his 75th birthday.
- 2008\345 Helen Chambers, Marshalltown – For celebrating her 75th birthday.
- 2008\346 Lois Anderson, Marshalltown – For celebrating her 75th birthday.
- 2008\347 Irvin Vaske, Marshalltown – For celebrating his 75th birthday.
- 2008\348 David Wilson, Marshalltown – For celebrating his 75th birthday.
- 2008\349 Helen Haynes, Marshalltown– For celebrating her 75th birthday.
- 2008\350 Duane Gifford, Liscomb – For celebrating his 75th birthday.
- 2008\351 Greta Thomae, Marshalltown– For celebrating her 75th birthday.
- 2008\352 Donna Cox, Marshalltown– For celebrating her 75th birthday.
- 2008\353 Lavina Kent, Marshalltown– For celebrating her 75th birthday.
- 2008\354 Monica Loftus, Cedar Rapids – For celebrating her 90th birthday.
- 2008\355 Ruth Utt, Cedar Rapids – For celebrating her 75th birthday.
- 2008\356 Barbara Smejkal, Cedar Rapids – For celebrating her 75th birthday.
- 2008\357 Lois Rea, Cedar Rapids – For celebrating her 80th birthday.
- 2008\358 Genevieve Keefer, Cedar Rapids – For celebrating her 85th birthday.
- 2008\359 James McElree, Cedar Rapids – For celebrating his 75th birthday.
- 2008\360 Julius Richter, Jr., Cedar Rapids – For celebrating his 75th birthday.
- 2008\361 Lila Shupp, Cedar Rapids – For celebrating her 80th birthday.
- 2008\362 Melvin Boots, Cedar Rapids – For celebrating his 85th birthday.

- 2008\363 Mabel Kruse, Cedar Rapids – For celebrating her 100th birthday.
- 2008\364 Gerald Seidl, Cedar Rapids – For celebrating his 75th birthday.
- 2008\365 Margaret McDonald, Cedar Rapids – For celebrating her 85th birthday.
- 2008\366 Rosemary Rich, Cedar Rapids – For celebrating her 80th birthday.
- 2008\367 Marion Urban, Cedar Rapids – For celebrating her 85th birthday.
- 2008\368 Chen Pi Shih, Cedar Rapids – For celebrating his 75th birthday.
- 2008\369 Lorraine Dietrich, Cedar Rapids – For celebrating her 75th birthday.
- 2008\370 Faye Iverson, Cedar Rapids – For celebrating her 75th birthday.
- 2008\371 Mary Ericson, Cedar Rapids – For celebrating her 95th birthday.
- 2008\372 Mary Michalick, Cedar Rapids – For celebrating her 80th birthday.
- 2008\373 Donna Schlampp, Cedar Rapids – For celebrating her 75th birthday.
- 2008\374 Opal Gish, Cedar Rapids – For celebrating her 80th birthday.
- 2008\375 Joe McGrath, Cedar Rapids – For celebrating his 85th birthday.
- 2008\376 Audrey Kelly, Cedar Rapids – For celebrating her 75th birthday.
- 2008\377 Imogene Coles, Cedar Rapids – For celebrating her 80th birthday.
- 2008\378 Mattie Williams, Cedar Rapids – For celebrating her 85th birthday.
- 2008\379 Barbara Proctor, Cedar Rapids – For celebrating her 75th birthday.
- 2008\380 Pauline Pristash, Cedar Rapids – For celebrating her 75th birthday.
- 2008\381 Patricia Pruess, Cedar Rapids – For celebrating her 80th birthday.
- 2008\382 Faye Mosher, Cedar Rapids – For celebrating her 80th birthday.
- 2008\383 Claire Posusta, Cedar Rapids – For celebrating her 75th birthday.
- 2008\384 Jack Opdahl, Cedar Rapids – For celebrating his 75th birthday.
- 2008\385 Marilyn Demarah, Cedar Rapids – For celebrating her 80th birthday.
- 2008\386 Betty Travis, Cedar Rapids – For celebrating her 80th birthday.
- 2008\387 George Ross, Cedar Rapids – For celebrating his 85th birthday.

- 2008\388 Jerome Johannes, Cedar Rapids – For celebrating his 80th birthday.
- 2008\389 Herbert Dorsey, Cedar Rapids – For celebrating his 85th birthday.
- 2008\390 Harry Schuster, Cedar Rapids – For celebrating his 90th birthday.
- 2008\391 Ferne Newlin, Cedar Rapids – For celebrating her 85th birthday.
- 2008\392 Gladys Kubalek, Cedar Rapids – For celebrating her 85th birthday.
- 2008\393 Nell Schuster, Cedar Rapids – For celebrating her 95th birthday.
- 2008\394 Agnes Fish, Cedar Rapids – For celebrating her 85th birthday.
- 2008\395 Mary Klisart, Cedar Rapids – For celebrating her 75th birthday.
- 2008\396 Marie Finch, Cedar Rapids – For celebrating her 85th birthday.
- 2008\397 Ruth Beers, Cedar Rapids – For celebrating her 100th birthday.
- 2008\398 Velma Myers, Cedar Rapids – For celebrating her 80th birthday.
- 2008\399 Mardean Struve, Cedar Rapids – For celebrating her 85th birthday.
- 2008\400 Wilma Davis, Cedar Rapids – For celebrating her 95th birthday.
- 2008\401 Dorothy Mrstik, Cedar Rapids – For celebrating her 75th birthday.
- 2008\402 Julia Wise, Cedar Rapids – For celebrating her 85th birthday.
- 2008\403 Margaret Streets, Cedar Rapids – For celebrating her 75th birthday.
- 2008\404 Bernard Graham, Cedar Rapids – For celebrating his 90th birthday.
- 2008\405 Verla Keeling, Cedar Rapids – For celebrating her 75th birthday.
- 2008\406 Bernice Brooks, Cedar Rapids – For celebrating her 85th birthday.
- 2008\407 Shirley Fleisher, Cedar Rapids – For celebrating her 75th birthday.
- 2008\408 Doris Waite, Cedar Rapids – For celebrating her 90th birthday.
- 2008\409 Kathleen O'hare, Cedar Rapids – For celebrating her 85th birthday.
- 2008\410 Virginia Stahle, Cedar Rapids – For celebrating her 80th birthday.
- 2008\411 Naomi Bowen, Cedar Rapids – For celebrating her 85th birthday.
- 2008\412 Marilyn Ash, Cedar Rapids – For celebrating her 75th birthday.
- 2008\413 Agnes Okken, Cedar Rapids – For celebrating her 75th birthday.

- 2008\414 Mary Labarge, Cedar Rapids – For celebrating her 75th birthday.
- 2008\415 Patricia Streets, Cedar Rapids – For celebrating her 75th birthday.
- 2008\416 Mary Laughrige, Cedar Rapids – For celebrating her 75th birthday.
- 2008\417 Herbert Hendriks, Cedar Rapids – For celebrating his 90th birthday.
- 2008\418 Donald High, Cedar Rapids – For celebrating his 80th birthday.
- 2008\419 Russell Proffitt, Cedar Rapids – For celebrating his 75th birthday.
- 2008\420 Charlotte Bassett, Cedar Rapids – For celebrating her 80th birthday.
- 2008\421 Walter Knoebel, Cedar Rapids – For celebrating his 85th birthday.
- 2008\422 Jean Shahan, Cedar Rapids – For celebrating her 85th birthday.
- 2008\423 Anna Green, Sioux City – For celebrating her 75th birthday.
- 2008\424 Myrtle Schutt, Sioux City – For celebrating her 80th birthday.
- 2008\425 Dolores Jacobson, Sioux City – For celebrating her 80th birthday.
- 2008\426 Gladys Guy, Sioux City – For celebrating her 80th birthday.
- 2008\427 Frank Gunnink, Sioux City – For celebrating his 75th birthday.
- 2008\428 Robert Keegan, Sioux City – For celebrating his 75th birthday.
- 2008\429 Lillian Hadden, Sioux City – For celebrating her 103rd birthday.
- 2008\430 Robert Barger, Sioux City – For celebrating his 80th birthday.
- 2008\431 Marie Kale, Sioux City – For celebrating her 90th birthday.
- 2008\432 Clifford Goodrich, Sioux City – For celebrating his 75th birthday.
- 2008\433 Beverly Smith, Sioux City – For celebrating her 80th birthday.
- 2008\434 Zita Galvin, Sioux City – For celebrating her 85th birthday.
- 2008\435 Joseph Long, Sioux City – For celebrating his 75th birthday.
- 2008\436 Wilbur Bennett, Sioux City – For celebrating his 80th birthday.
- 2008\437 Wilfred Puetz, Sioux City – For celebrating his 80th birthday.
- 2008\438 Marcia Levin, Sioux City – For celebrating her 80th birthday.
- 2008\439 Gloria Kenagy, Sioux City – For celebrating her 75th birthday.

- 2008\440 James Hanna, Sioux City – For celebrating his 100th birthday.
- 2008\441 Mary Julius, Sioux City – For celebrating her 80th birthday.
- 2008\442 Armada Grasma, Sioux City – For celebrating her 85th birthday.
- 2008\443 Darlene Bay, Sioux City – For celebrating her 80th birthday.
- 2008\444 Le Roy Yanney, Sioux City – For celebrating his 80th birthday.
- 2008\445 Patricia Beauchene, Sioux City – For celebrating her 80th birthday.
- 2008\446 Betty Rhodman, Sioux City – For celebrating her 75th birthday.
- 2008\447 Helen Young, Sioux City – For celebrating her 95th birthday.
- 2008\448 I. Louise Mc Connell, Sioux City – For celebrating her 80th birthday.
- 2008\449 Frank Audino, Sioux City – For celebrating his 75th birthday.
- 2008\450 Nancy Harrington, Sioux City – For celebrating her 75th birthday.
- 2008\451 Adrian Reuwsaat, Sioux City – For celebrating his 75th birthday.
- 2008\452 Beverly Streeter, Sioux City – For celebrating her 80th birthday.
- 2008\453 Anna Miosek, Sioux City – For celebrating her 95th birthday.
- 2008\454 Leo Larkin, Sioux City – For celebrating his 75th birthday.
- 2008\455 Myra Harbeck, Sioux City – For celebrating her 80th birthday.
- 2008\456 Eleanor Hogen, Sioux City – For celebrating her 85th birthday.
- 2008\457 Marjorie Killinger, Sioux City – For celebrating her 102nd birthday.
- 2008\458 Luella Nyreen, Sioux City – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 65 Reassigned

Commerce: T. Olson, Chair; Hoffman, Pettengill, Quirk and Wise.

House File 66 Reassigned

Commerce: T. Olson, Chair; Hoffman, Pettengill, Quirk and Wise.

House File 81 Reassigned

Transportation: Huser, Chair; Lykam and Tjepkes.

House File 178 Reassigned

Commerce: T. Olson, Chair; Kressig, Pettengill, Upmeyer and Wise.

House File 321 Reassigned

Commerce: T. Olson, Chair; Hoffman, Kressig, Pettengill and Wise.

House File 349 Reassigned

Commerce: T. Olson, Chair; Hoffman, Kressig, Pettengill and Wise.

House File 424 Reassigned

Commerce: T. Olson, Chair; Hoffman, Jacobs, Quirk and Wise.

House File 459

Education: Heddens, Chair; Forristall and Palmer.

House File 469

Education: Heddens, Chair; Forristall and Palmer.

House File 507 Reassigned

Commerce: T. Olson, Chair; Hoffman, Pettengill, Quirk and Wise.

House File 514 Reassigned

Commerce: T. Olson, Chair; Hoffman, Pettengill, Quirk and Wise.

House File 576 Reassigned

Commerce: Quirk, Chair; Berry and Struyk.

House File 582 Reassigned

Transportation: Huser, Chair; Lykam and Tjepkes.

House File 645 Reassigned

Commerce: T. Olson, Chair; Hoffman, Jacobs, Kressig and Wise.

House File 659 Reassigned

Commerce: T. Olson, Chair; Hoffman, Jacobs, Quirk and Wise

House File 754

Education: Abdul-Samad, Chair; Gayman and Kaufmann.

House File 778

Local Government: Thomas, Chair; Clute, Kelley, Tjepkes and Whitead.

House File 779

Education: Winckler, Chair; Chambers and Staed.

House File 789

Commerce: T. Olson, Chair; Hoffman, Kressig, Upmeyer and Wise.

House File 804

Education: Wendt, Chair; Cohoon and May.

House File 833

Commerce: T. Olson, Chair; Hoffman, Kressig, Upmeyer and Wise.

House File 834

Commerce: T. Olson, Chair; Hoffman, Kressig, Upmeyer and Wise.

Senate File 208 Reassigned

Local Government: Gaskill, Chair; Kaufmann and Kressig.

Senate File 236

Local Government: Thomas, Chair; Clute, Kelley, Tjepkes and Whitead.

Senate File 508

Commerce: T. Olson, Chair; Jacobs, Kressig, Pettengill and Wise.

Senate File 544 Reassigned

Commerce: Reichert, Chair; Lukan, Petersen, Quirk, Soderberg, D. Taylor and Van Fossen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 512

Transportation: D. Olson, Chair; Gaskill and Gipp.

House Study Bill 513

Transportation: Bell, Chair; Cohoon and Tjepkes.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 515 Human Resources

Relating to the advanced practice registered nurse licensure compact and providing an effective date.

H.S.B. 516 Human Resources

Relating to authorized access to certain dependent adult abuse information.

H.S.B. 517 Human Resources

Relating to controlled substance schedules and the reporting requirements to the board of pharmacy and making penalties applicable.

H.S.B. 518 Human Resources

Relating to the practice of pharmacy, including provisions governing tech-check-tech programs and specifying applicable penalty provisions.

H.S.B. 519 Public Safety

Modifying the definition of sexual abuse by including certain deceptive acts, and providing penalties.

H.S.B. 520 Public Safety

Creating a criminal offense for impeding the normal breathing or circulation of the blood of another, and providing penalties.

H.S.B. 521 Public Safety

Adding hallucinogenic substances to the list of schedule I controlled substances, and providing penalties.

H.S.B. 522 Public Safety

Relating to the sale of a pseudoephedrine product by a pharmacy or retailer, and providing penalties and contingent applicability.

H.S.B. 523 Public Safety

Relating to the division of criminal and juvenile justice planning of the department of human rights by making changes to the membership of the council, permitting access to the records of the department of workforce development, and modifying the sex offender treatment and supervision task force.

H.S.B. 524 Public Safety

Relating to the criminal offense of enticing a minor, and providing penalties.

H.S.B. 525 Public Safety

Establishing a central warehouse fund under the control of the department of corrections.

H.S.B. 526 Education

Relating to requirements for blood lead testing and dental screening of children.

H.S.B. 527 Education

Relating to alternative educational instruction options including home school assistance programs.

H.S.B. 528 Education

Relating to the membership requirements and oversight responsibilities of the board of educational examiners.

H.S.B. 529 Education

Relating to student achievement and teacher quality program definitions and requirements and extending or changing program allocations.

H.S.B. 530 Education

Relating to voluntary or court-ordered school desegregation plans under the state's open enrollment law.

H.S.B. 531 Education

Relating to high school equivalency diplomas as issued by the department of education.

H.S.B. 532 Education

Relating to the compulsory education attendance age and providing an effective date.

H.S.B. 533 Education

Incorporating intervention program funding into the State foundation aid formula and including effective and applicability date provisions.

H.S.B. 534 Education

Relating to the elimination of reporting or data collection requirements related to the department of education.

H.S.B. 535 Economic Growth

Relating to the annual aggregate amount of tax credits available under the endow Iowa program and to the amount of credits a taxpayer may receive.

H.S.B. 536 Economic Growth

Providing for the establishment of a council on homelessness.

H.S.B. 537 Commerce

Creating a smokefree air Act and providing penalties.

On motion by McCarthy of Polk the House adjourned at 10:20 a.m., until 9:00 a.m., Wednesday, January 23, 2008.

JOURNAL OF THE HOUSE

Tenth Calendar Day - Seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 23, 2008

The House met pursuant to adjournment at 9:08 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Dr. Lee Zachary Maxey, pastor of the Corinthian Baptist Church, Des Moines. He was the guest of Representative Abdul-Samad of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Foster Grandparent Association and Tyanna, Tysierra and Tyshay Whitaker. Tyanna, Tyshay and Tysierre are the granddaughters of Representative Ako Abdul-Samad of Polk County

The Journal of Tuesday, January 22, 2008 was approved.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 22, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2023, a bill for an act relating to the distribution to counties of certain utility replacement tax revenues credited to the property tax relief fund and providing an effective date.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2053, by Greiner, a bill for an act creating a special 4-H motor vehicle registration plate, establishing fees, and providing for the crediting of the fees to the Iowa state 4-H council.

Read first time and referred to committee on **transportation**.

House File 2054, by Wise, a bill for an act relating to the regulation of smoking in certain public places, and making penalties applicable.

Read first time and referred to committee on **commerce**.

House File 2055, by Staed, a bill for an act requiring certification of the performance of an eye examination, and submission of the results of such examination, when a child is enrolled in kindergarten.

Read first time and referred to committee on **human resources**.

House File 2056, by Heaton, a bill for an act relating to the subsidization of the personal needs allowance for residents of certain facilities.

Read first time and referred to committee on **human resources**.

House File 2057, by Thomas, a bill for an act providing for county eligibility for state payment of certain mental health, mental retardation, and developmental disabilities services funding and providing effective and retroactive applicability dates.

Read first time and referred to committee on **human resources**.

House File 2058, by Smith, a bill for an act establishing a shaken baby syndrome prevention program in the department of public health.

Read first time and referred to committee on **human resources**.

House File 2059, by Bailey, a bill for an act relating to text messaging and the use of cellular telephones by certain minor motor vehicle operators and making penalties applicable.

Read first time and referred to committee on **transportation**.

House File 2060, by Staed, a bill for an act concerning the use of certain motorboats on lake Macbride and providing an effective date.

Read first time and referred to committee on **natural resources**.

House File 2061, by Bailey, Foegen, Pettengill, Mertz, Smith, Gayman, Reichert, Wenthe, Palmer, Granzow, Upmeyer, and L. Miller, a bill for an act relating to a temporary permit to practice dentistry or dental hygiene.

Read first time and referred to committee on **human resources**.

House File 2062, by Staed, a bill for an act restricting the presence of a registered sex offender on the real property comprising a school or child care facility, making an appropriation, and providing a penalty.

Read first time and referred to committee on **public safety**.

House File 2063, by Wessel-Kroeschell, a bill for an act relating to the time by which school districts may start the instructional day for grades nine through twelve.

Read first time and referred to committee on **education**.

House File 2064, by Pettengill, a bill for an act requiring all payments for prepaid cemetery and funeral merchandise, and funeral services to be placed in trust or secured by a surety bond.

Read first time and referred to committee on **commerce**.

House File 2065, by committee on veterans affairs, a bill for an act relating to military leaves of absence and reemployment and providing an effective date.

Read first time and placed on the **calendar**.

REPORT OF ADMINISTRATION AND RULES COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 3, your committee on administration and rules submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated.

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Assistant Legal Counsel	Doreen R. Terrell	27-7 to	P-FT	05-04-07
Assistant Legal Counsel I		30-5		
Admin Asst II to Speaker	Dwayne Dean Fiihr, Jr.	32-4 to	P-FT	06-15-07
Admin Asst III to Speaker		35-3		
Admin Asst III to Leader	Brian J. Meyer	35-3	P-FT	06-18-07
Caucus Secretary	Jake D. Friedrichsen	21-1 to	P-FT	06-29-07
		21-2		
Editor I	Vicki L. Jones	22-3 to	P-FT	06-29-07
		22-5		
Indexing Assistant	Katherine G. Kenline	19-2 to	P-FT	06-29-07
		19-3		
Supervisor of Secretaries I	Mary M. Sanders	24-1 to	P-FT	06-29-07
		24-2		
Admin Asst to Leader	Mark N. Langgin	27-3 to	P-FT	07-01-07
		27-4		
Leg. Research Analyst I	Kelly M. Ryan	29-4 to	P-FT	07-13-07
Legis. Research Analyst II		32-3		
Legis. Research Analyst II	Mary K. Earnhardt	32-3 to	P-FT	07-13-07
Legis. Research Analyst III		35-2		
Sr Leg. Research Analyst	Lewis E. Olson	38-5 to	P-FT	07-13-07
		38-6		
Sr Leg. Research Analyst	Bradley A. Trow	38-3 to	P-FT	07-27-07
		38-4		
Legis. Research Analyst	Noreen F. Bush	27-3	P-FT	09-24-07
Sr Caucus Secretary	Jason M. Chapman	24-5	P-FT	11-13-07
Assistant Legal Counsel I	Doreen R. Terrell	30-5 to	P-FT	11-16-07
		30-6		
Recording Clerk I	Rachelle D. Thomas	21-2 to	S-O	12-03-07
Caucus Secretary		21-3	P-FT	
Sr Editor	Gayle A. Goble	30-6 to	P-FT	12-14-07
		30-7		
Text Processor I	Joseph M. Gilde	19-3 to	P-FT	12-28-07
		19-4		
Legis. Research Analyst I	David L. Epley	29-3 to	P-FT	12-28-07
		29-5		
Legis. Research Analyst	Devin L. Boerm	27-2 to	P-FT	12-28-07
		27-4		
Admin Asst III to Leader	Allison G. Dorr Kleis	35-4 to	P-FT	12-28-07
Sr Admin Asst to Leader		38-3		
Legis. Research Analyst	Ezekiel L. Furlong	27-2 to	P-FT	12-28-07
		27-4		
Exe. Sec to Chief Clerk	Janet R. Ramsay	24-1 to	E-FT	12-28-07
		24-2		
Assistant Chief Clerk II	David F. Schrader	35-3 to	P-FT	12-28-07
		35-4		
Clerk to Chief Clerk	Diane K. Burget	16-4 to	S-O	01-07-08
Recording Clerk I		21-4	E-FT	
Legis. Research Analyst	William T.D. Freeland	27-3	P-FT	01-07-08

<u>Position</u>	<u>Name</u>	<u>Grade And Step</u>		<u>Eff. Date</u>
Assis. to Legal Counsel	Cindy L. Lewis	19-5	S-O	01-07-08
Assis. to Legal Counsel	Kathy J. Stachon	19-1 to	S-O	01-07-08
Clerk to Chief Clerk		16-1		
Doorkeeper	Darrell E. Brown	11-1	S-O	01-09-08
Doorkeeper	Henry J. Luetjen	11-1	S-O	01-09-08
Switchboard Operator	Karol D. Skeffington	14-1	S-O	01-09-08
Assistant Bill Clerk	Joyce A. Hendrix	12-1 to	S-O	01-09-08
Bill Clerk		14-1		
Assistant Bill Clerk	Joan E. Skeffington	12-1	S-O	01-09-08
Doorkeeper	Robert B. Yeager	11-3 to	S-O	01-09-08
Chief Doorkeeper		12-3		
Doorkeeper	Donald L. Wederquist	11-1	S-O	01-09-08
Chief Clerk	Mark W. Brandsgard	44-4 to	P-FT	01-11-08
		44-5		
Doorkeeper	Harold L. Harker	11-1 to	S-O	01-11-08
		11-2		
Admin Asst to Leader	Mark N. Langgin	27-4 to	P-FT	01-11-08
		27-5		
Sr Indexer	Kristin L. Wentz	28-6 to	P-FT	01-11-08
		28-7		
Legis. Comm. Secretary	Jacob E. Appel	17-1 to	S-O	01-14-08
Legis. Secretary		16-1		
Legis. Comm. Secretary	Curtis I. Bigsby	17-2 to	S-O	01-14-08
Legis. Secretary		17-2		
Legis. Secretary	Marcus A. Branstad	17-1	S-O	01-14-08
Legis. Secretary	Joel A. Bronsink	15-1	S-O	01-14-08
Legis. Secretary	Sarah S. Cutshall	16-1	S-O	01-14-08
Legis. Comm. Secretary	Mary K. Davis	17-3 to	S-O	01-14-08
Legis. Secretary		15-3		
Legis. Comm. Secretary	Allison N. Delagardelle	18-1	S-O	01-14-08
Legis. Comm. Secretary	Donna K. Downey	17-1	S-O	01-14-08
Legis. Secretary	Sue E. Fetters	15-7+2	S-O	01-14-08
Legis. Secretary	Timothy M. Fink	16-1	S-O	01-14-08
Legis. Secretary	Harry W. Flipping	16-2	S-O	01-14-08
Legis. Secretary	Hannah R. Garden- Monheit	16-1	S-O	01-14-08
Legis. Comm. Secretary	Amanda A. Glaser	17-1	S-O	01-14-08
Legis. Secretary	Aaron R. Gott	15-1	S-O	01-14-08
Legis. Comm. Secretary	Amy L. Hein	17-1	S-O	01-14-08
Legis. Comm. Secretary	Nathan G. Huss	18-2 to	S-O	01-14-08
		17-2		
Legis. Secretary	Jeremy A. Jansen	16-1	S-O	01-14-08
Legis. Secretary	Jill Jennings	15-1	S-O	01-14-08
Legis. Comm. Secretary	Luke J. Kluesner	18-1	S-O	01-14-08
Legis. Comm. Secretary	Erin T. Kreiman	17-2	S-O	01-14-08
Legis. Secretary	Carol J. Lamb	16-2 to	S-O	01-14-08
		17-2		
Legis. Secretary	John R. Lund	15-1	S-O	01-14-08

<u>Position</u>	<u>Name</u>	<u>Grade And Step</u>		<u>Eff. Date</u>
Legis. Comm. Secretary	Amy L. Lynch	18-2 to	S-O	01-14-08
Legis. Secretary		16-2		
Legis. Comm. Secretary	Colleen R. MacRae	17-1	S-O	01-14-08
Legis. Secretary	Emily M. Miller	15-1	S-O	01-14-08
Legis. Comm. Secretary	Natasha Newcomb	18-1 to	S-O	01-14-08
Legis. Secretary		15-1		
Legis. Comm. Secretary	Gina Nichols	18-1	S-O	01-14-08
Legis. Secretary	Elizabeth A. Orr	16-1	S-O	01-14-08
Legis. Secretary	Janet M. Peterson	15-1	S-O	01-14-08
Legis. Secretary	Anthony D. Phillips	17-1	S-O	01-14-08
Legis. Secretary	Jessica L. Rundlett	15-1	S-O	01-14-08
Legis. Comm. Secretary	Carissa L. Sagar	17-1	S-O	01-14-08
Legis. Secretary	Barbara S. Sanders	16-1	S-O	01-14-08
Legis. Comm. Secretary	Alec W. Schierenbeck	18-1	S-O	01-14-08
Legis. Secretary	Melissa J. Spiegel	15-1	S-O	01-14-08
Legis. Comm. Secretary	Kaitlyn E. Swaim	17-1	S-O	01-14-08
Legis. Comm. Secretary	Jesse Tangkhpanya	18-1	S-O	01-14-08
Legis. Secretary	Susan E. Temere	17-1	S-O	01-14-08
Legis. Secretary	Lynzey R. Tharp	16-1	S-O	01-14-08
Legis. Secretary	Ruth E. Ward	16-1	S-O	01-14-08
Legis. Secretary	Jacob I. Wilson	16-1	S-O	01-14-08

PAGES-GROUP I

Speaker's Page	Sabrina A. Ahmed	9-1	S-O
Chief Clerk's Page	Michael T. DuPre	9-1	S-O
Chief Clerk's Page	Nicole S. Lenius	9-1	S-O
Chief Clerk's Page	Christina A. Schueth	9-1	S-O
Chief Clerk's Page	Gloria J. Steinke	9-1	S-O
Page	Ryan J. Alfred	9-1	S-O
Page	Bonnie L. Brown	9-1	S-O
Page	Jordan M. Durham	9-1	S-O
Page	Jennifer A. Fisher	9-1	S-O
Page	Alexandra M. Ford	9-1	S-O
Page	Jana R. Guy	9-1	S-O
Page	Megan E. Lacey	9-1	S-O
Page	Nicole L. Martin	9-1	S-O
Page	Ethridge A. Netz	9-1	S-O
Page	Kaytlin E. Peine	9-1	S-O
Page	Lauralee M. Schneider	9-1	S-O
Page	Matthew J. Sexton	9-1	S-O
Page	Tyler W. Strable	9-1	S-O
Page	Jonathan H. Sukup	9-1	S-O
Page	Sara M. Thoma	9-1	S-O
Page	Bryce E. Williams	9-1	S-O

PAGES-GROUP II

Page	Michael M. Belding	9-1	S-O
Page	Caitlin D. Forrester	9-1	S-O

The following are resignations from the officers and employees of the House:

Admin Asst II to Leader	Scott D. Ourth	06-01-07
Legis. Research Analyst I	Kristin A. Kunert	08-09-07
<u>Position</u>	<u>Name</u>	<u>Eff. Date</u>
Sr Caucus Secretary	Bruce G. Brandt	09-19-07
Sr Legis. Res. Analyst	Anna M. Hyatt-Crozier	12-03-07
Caucus Secretary	Jake D. Friedrichsen	12-04-07

Pursuant to Senate Concurrent Resolution 2, duly adopted, the following is a list of changes for officers and employees of the Joint Senate/House:

<u>Position</u>	<u>Name</u>	<u>Grade And Step</u>		<u>Eff. Date</u>
Legis. Security Officer I	Mahlon Y. Lamp	20-4 to 20-5	P-FT	05-04-07
Legis. Security Officer I	Gordon M. Skeffington	20-1 to 20-2	P-FT	05-04-07
Legis. Security Officer I	Robert W. Cornwell	20-1 to 20-2	P-FT	05-18-07
Legis. Security Officer I	Marshall T. Irwin	20-5 to 20-6	P-FT	07-13-07
Legis. Security Officer I	Carl E. Lami	20-5 to 20-6	P-FT	07-13-07
Legis. Security Officer I	Judith A. Salier	20-5 to 20-6	P-FT	07-13-07
Legis. Security Officer I	Curtis L. Scott	20-3 to 20-4	P-FT	07-13-07
Legis. Security Officer I	Leo R. Skeffington	20-3 to 20-4	P-FT	07-13-07
Legis. Security Officer I	Roy E. Paradise	20-4 to 20-5	E-FT	09-07-07
Legis. Security Officer I	Steven D. Marsh	20-5 to 20-6	P-FT	11-30-07
Legis. Security Coordinator I	Shawna S. Ferguson	23-5 to 26-4	P-FT	12-28-07
Legis. Security Coordinator II				

The following are resignations from the officers and employees of the Joint Senate/House:

Legis. Security Officer I	Robert J. Porter	05-31-07
Legis. Security Officer I	Kent M. Stevens	08-31-07

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\459 Verda Muth, Sioux City – For celebrating her 95th birthday.
- 2008\460 James and Patricia Duff, Sioux City – For celebrating their 50th wedding anniversary.
- 2008\461 Albert and LaVon Roepke, Aurora – For celebrating their 65th wedding anniversary.
- 2008\462 Marvin and Pat Vaske, Garnavillo – For celebrating their 50th wedding anniversary.
- 2008\463 Charles Thomas, Strawberry Point – For celebrating his 80th birthday.
- 2008\464 Harlan Kruse, Rock Rapids – For his 26 years of dedicated service to the Rock Rapids Volunteer Fire Department.
- 2008\465 Donald Brommer, Sioux Center – For his 54 years of dedicated service as a firefighter in Sioux Center.
- 2008\466 Nancy Kooima, Rock Valley – For celebrating her 90th birthday.
- 2008\467 Lyn Stinson, Burlington – For receiving the 2008 Martin Luther King, Jr. Lifetime Achievement Award.
- 2008\468 Jim and Marilyn Conrey, West Liberty – For celebrating their 50th wedding anniversary.
- 2008\469 Norma Wacker, Durant – For celebrating her 100th birthday.
- 2008\470 Dick Stoolman, West Branch – For his 50 years of service as a member of the West Branch Fire Department.
- 2008\471 Charles Goeken, Audubon – For his 61 years of faithful service to Veritas Lodge 392.
- 2008\472 Jim Gulbranson, Stuart – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\473 Ada Marie Peasley, Adair – For celebrating her 80th birthday.
- 2008\474 Ray Courtney, Guthrie Center – For celebrating his 90th birthday.

- 2008\475 Marcella Lee, Clear Lake – For celebrating her 95th birthday.
- 2008\476 Lucille Anderson, Clear Lake – For celebrating her 90th birthday.
- 2008\477 June Hanna, Clear Lake – For celebrating her 90th birthday.
- 2008\478 Irene Waddingham, Meservey – For celebrating her 86th birthday.
- 2008\479 Kathryn “Kady” Petrositch, Battle Creek – For celebrating her 105th birthday.
- 2008\480 Marvin and Dorothy Routh, Lenox – For celebrating their 60th wedding anniversary.
- 2008\481 Mamie Kruse, Grundy Center – For celebrating her 100th birthday.
- 2008\482 Ray and Jean Wellman, Traer – For celebrating their 50th wedding anniversary.
- 2008\483 Cliff Adcock, Manchester – For being named Iowa Emergency Medical Services Association Instructor of the Year.
- 2008\484 Regional Medical Center, Manchester – For receiving the Patriotic Employer Award for supporting employee participation in America’s National Guard and Reserves.
- 2008\485 Area Residential Care – for celebrating its 40th Anniversary.
- 2008\486 Loris Gabel Heeren, Le Mars – For celebrating her 90th birthday.
- 2008\487 Melvin and Elfrieda Ludwig, Merrill – For celebrating their 50th wedding anniversary.
- 2008\488 Dave and Pat Norton, Monticello – For celebrating their 55th wedding anniversary.
- 2008\489 Pauline Gordon, Storm Lake – For celebrating her 90th birthday.
- 2008\490 Joseph and Mary Ann Sippel, Storm Lake – For celebrating their 60th wedding anniversary.
- 2008\491 Dale and Liz Wheat, Storm Lake – For celebrating their 55th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 53 Reassigned

State Government: Abdul-Samad, Chair; Gaskill and Pettengill.

House File 70 Reassigned

State Government: Lensing, Chair; Pettengill and Wessel-Kroeschell.

House File 220 Reassigned

State Government: T. Taylor, Chair; Boal, Drake, Jochum, Mascher, Pettengill and Wendt.

House File 252 Reassigned

State Government: Gaskill, Chair; Abdul-Samad, Jacobs, Pettengill and T. Taylor.

House File 279 Reassigned

State Government: Gaskill, Chair; Abdul-Samad, Jacobs, Pettengill and T. Taylor.

House File 321 Reassigned

Commerce: T. Olson, Chair; Hoffman, Kressig, Pettengill and Wise.

House File 331 Reassigned

State Government: T. Taylor, Chair; Boal, Drake, Jochum, Mascher, Pettengill and Wendt.

House File 405 Reassigned

State Government: Jochum, Chair; Jacoby and Pettengill.

House File 447 Reassigned

State Government: Jacoby, Chair; Lensing and Roberts.

House File 620 Reassigned

State Government: Abdul-Samad, Chair; Lensing and Roberts.

House File 644 Reassigned

State Government: Wendt, Chair; Jochum and Pettengill.

House File 652

State Government: T. Taylor, Chair; Abdul-Samad, Gaskill, Jacobs and Pettengill.

House File 757

State Government: Wessel-Kroeschell, Chair; Boal, Jochum, Kaufmann and Lensing.

House File 763

Economic Growth: Bailey, Chair; Anderson and Schueller.

House File 799

Economic Growth: Thomas, Chair; D. Olson and Schickel.

House File 806

State Government: Jochum, Chair; Boal, Kaufmann, Lensing and Wessel-Kroeschell.

House File 863

State Government: Wessel-Kroeschell, Chair; Boal, Jochum, Kaufmann and Lensing.

House File 871

Economic Growth: Staed, Chair; May and Petersen.

House File 886

Judiciary: R. Olson, Chair; Jacobs and Lensing.

House File 887

Judiciary: R. Olson, Chair; Lensing and Tomenga.

House File 2006

Natural Resources: Davitt, Chair; Arnold and Reichert.

House File 2007

Natural Resources: Reichert, Chair; Baudler and Davitt.

House File 2016

Ways and Means: Thomas, Chair; Huser and Windschitl.

House File 2019

Natural Resources: Wenthe, Chair; Huseman and Shomshor.

House File 2020

Veterans Affairs: Thomas, Chair; Bukta and Granzow.

House File 2021

Veterans Affairs: H. Miller, Chair; Alons and Bailey.

House File 2023

Appropriations: Kuhn, Chair; Lukan and Wenthe.

House File 2029

Natural Resources: D. Taylor, Chair; Lykam and Van Engelenhoven.

House File 2033

Veterans Affairs: Bukta, Chair; Chambers and H. Miller.

House File 2034

Appropriations: Jacoby, Chair; Berry and Chambers.

House File 2035

Economic Growth: Bailey, Chair; Anderson and Schueller.

House File 2038

Economic Growth: H. Miller, Chair; Granzow and Wenthe.

House File 2041

Judiciary: R. Olson, Chair; Lensing and Struyk.

House File 2044

Judiciary: Wendt, Chair; Heaton and Smith.

House File 2048

Natural Resources: Whitaker, Chair; Mertz and Rasmussen.

House File 2051

Public Safety: Berry, Chair; Baudler and Gayman.

House File 2052

Natural Resources: Whitaker, Chair; Rayhons and Whitead.

House File 2060

Natural Resources: T. Taylor, Chair; Bailey and Soderberg.

Senate File 607

Appropriations: Foegen, Chair; Gayman and Heaton.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 504

Human Resources: Wessel-Kroeschell, Chair; Ford and Grassley.

House Study Bill 505

Judiciary: Wendt, Chair; Jacobs and Schueller.

House Study Bill 506

Judiciary: Lensing, Chair; Baudler and Winckler.

House Study Bill 507

Judiciary: Smith, Chair; Baudler and Wessel-Kroeschell.

House Study Bill 508

Judiciary: R. Olson, Chair; Horbach and Huser.

House Study Bill 515

Human Resources: Hunter, Chair; Jacoby and L. Miller.

House Study Bill 516

Human Resources: Abdul-Samad, Chair; Heddens and Upmeyer.

House Study Bill 517

Human Resources: T. Olson, Chair; Palmer and Soderberg.

House Study Bill 518

Human Resources: T. Olson, Chair; Palmer and Soderberg.

House Study Bill 526

Education: Gayman, Chair; Abdul-Samad and L. Miller.

House Study Bill 527

Education: Cohoon, Chair; Boal and Mascher.

House Study Bill 528

Education: Palmer, Chair; Chambers and Staed.

House Study Bill 529

Education: Winckler, Chair; Tymeson and Wendt.

House Study Bill 530

Education: Abdul-Samad, Chair; Forristall and Kelley.

House Study Bill 531

Education: Bukta, Chair; Gayman and Wiencek.

House Study Bill 532

Education: Heddens, Chair; Dolecheck and Staed.

House Study Bill 533

Education: Wendt, Chair; Staed and Tymeson.

House Study Bill 534

Education: Wendt, Chair; Abdul-Samad and Kaufmann.

House Study Bill 535

Economic Growth: Wenthe, Chair; Anderson and H. Miller.

House Study Bill 536

Economic Growth: Ford, Chair; Granzow and T. Olson.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 538 Human Resources**

Relating to case permanency plans, consent decrees, and attendance at proceedings in juvenile court.

H.S.B. 539 Economic Growth

Relating to private activity bond allocation procedures.

H.S.B. 540 Economic Growth

Relating to the administration of the department of cultural affairs.

H.S.B. 541 Economic Growth

Relating to the limit on tax credits available for renewable energy research activities.

H.S.B. 542 Economic Growth

Relating to allowable investments by the treasurer of state and other authorized state agencies.

H.S.B. 543 Judiciary

Relating to the judicial branch including judicial review of state agency decisions, contested and uncontested parking violations, filing civil citations of municipal infractions with the clerk, appointments to the clerk of the district court, records kept by the clerk, and service of original notice in a small claims action.

H.S.B. 544 Judiciary

Relating to business corporations, by providing for distributions and business opportunities.

H.S.B. 545 Judiciary

Relating to the confidentiality of court records and information.

H.S.B. 546 Judiciary

Relating to deferred judgment records in a criminal proceeding.

H.S.B. 547 Commerce

Relating to the recording of a certificate of release by the Iowa finance authority.

H.S.B. 548 Commerce

Relating to real estate broker trust accounts.

H.S.B. 549 Commerce

Providing for the establishment or approval of discounted gas and electric utility rates applicable to low-income residents.

H.S.B. 550 Commerce

Making specified revisions to the consumer credit code to conform to federal statutory updates and prohibit the transfer of ownership of a motor vehicle pursuant to a consumer rental purchase agreement.

H.S.B. 551 Commerce

Specifying a duty of agency applicable to licensed mortgage brokers and making penalties applicable.

H.S.B. 552 Commerce

Providing for increases in dollar amount limitations contained within specified provisions of the consumer credit code, and providing for periodic adjustment of those amounts pursuant to changes in the consumer price index.

H.S.B. 553 Commerce

Relating to coverage of closing protection letters in real estate transactions and providing an effective date.

H.S.B. 554 Commerce

Requiring licensure of and regulating escrow agents and escrow agencies, making an appropriation, and providing a penalty.

H.S.B. 555 State Government

Making specified changes relating to professional licensing and regulation under the purview of the banking division of the department of commerce.

H.S.B. 556 State Government

Increasing license fees for the regulation of hotels, food establishments, and food processing plants.

H.S.B. 557 Economic Growth

Relating to certain department of economic development programs including vision Iowa board membership, renewable fuels marketing, film project tax credits, the promotion of Iowa tourism experiences, the consolidation of reporting requirements, and the administration of targeted industries development.

H.S.B. 558 Transportation

Concerning the licensure of motor vehicle drivers under eighteen years of age and making a penalty applicable.

H.S.B. 559 Transportation

Providing increased penalties for speeding violations committed by a motor vehicle operator in a road work zone.

H.S.B. 560 Transportation

Relating to regulation of commercial motor vehicle operators by the state department of transportation and providing penalties.

H.S.B. 561 Transportation

Relating to the use of child restraint systems or seat belts by motor vehicle passengers under eighteen years of age and making a penalty applicable.

H.S.B. 562 Human Resources

Relating to requirements of the department of human services involving electronic benefits transfer.

H.S.B. 563 Education

Providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

H.S.B. 564 Human Resources

Requiring insurance coverage benefits for treatment of mental illness and substance abuse and providing an effective date.

H.S.B. 565 Human Resources

Relating to state and local regulation of smoking and making penalties applicable.

H.S.B. 566 Human Resources

Require insurers offering certain individual or group health insurance contracts, policies, or plans to provide coverage for vaccinations for human papilloma virus.

H.S.B. 567 Human Resources

Relating to using, delivering, or possessing intoxicating compounds, and providing penalties.

H.S.B. 568 Human Resources

Requiring the departments of public health and human services to collect data and develop a protocol to address the relationship between substance misuse, abuse, or dependency by a child's parent, guardian, or custodian and child abuse.

H.S.B. 569 Economic Growth

Relating to cultural affairs by providing for the preservation of electronic records, establishing regional cultural committees, and creating a civil war sesquicentennial advisory committee.

H.S.B. 570 Economic Growth

Directing interest on moneys in the title guaranty fund to the housing trust fund.

H.S.B. 571 Ways and Means

Updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability date provisions.

H.S.B. 572 Veterans Affairs

Increasing the penalties that may be imposed by courts-martial under the Iowa code of military justice.

H.S.B. 573 Appropriations

Making a supplemental appropriation of federal temporary assistance to needy families block grant funding to the department of human services for certain child care costs and providing an effective date.

H.S.B. 574 Judiciary

Relating to providing legal representation to an eligible indigent person and the appointment of a guardian ad litem.

H.S.B. 575 Veterans Affairs

Establishing a veterans assistance grant fund and providing an appropriation.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly House File 2001), relating to military leaves of absence and reemployment.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 22, 2008.

On motion by McCarthy of Polk the House adjourned at 9:36 a.m., until 9:00 a.m., Thursday, January 24, 2008.

JOURNAL OF THE HOUSE

Eleventh Calendar Day - Eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 24, 2008

The House met pursuant to adjournment at 9:03 a.m., Zirkelbach of Jones in the chair.

Prayer was offered by Reverend Ron Burcham, pastor of the Gloria Dei Lutheran Church, Urbandale. He was the guest of Representative Scott Raecker of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jeni Danielson of Boone. She is the legislative secretary to Representative Donovan Olson of Boone County.

The Journal of Wednesday, January 23, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dandekar of Linn on request of Speaker Murphy; Deyoe of Story on request of Kaufmann of Cedar.

INTRODUCTION OF BILLS

House File 2066, by Wendt, Kaufmann, D. Olson, Dolecheck, Bukta, Hoffman, Whitaker, Tjepkes, Davitt, Wenthe, Frevort, Tomenga, Chambers and Baudler, a bill for an act relating to the repeal of the local option sales and services tax for school infrastructure purposes by using the revenues from the increase in the state sales and use taxes for replacing lost school district revenues resulting from the repeal and for road construction, providing property tax relief, providing a penalty, and including an effective date provision.

Read first time and referred to committee on **education**.

House File 2067, by Foege, a bill for an act relating to local regulation of smoking.

Read first time and referred to committee on **human resources**.

House File 2068, by Chambers, a bill for an act relating to hunting by certain nonresident landowners on land owned by them.

Read first time and referred to committee on **natural resources**.

House File 2069, by Smith, a bill for an act relating to the maximum finance charge allowed and to terms and conditions for consumer loans made for postsecondary education purposes and making penalties applicable.

Read first time and referred to committee on **commerce**.

House File 2070, by McCarthy, a bill for an act relating to campaign contributions by lobbyists and political committees and providing an effective date.

Read first time and referred to committee on **state government**.

House file 2071, by Wise, a bill for an act relating to state and local measures for preparing a student for a career or postsecondary education, including a statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system.

Read first time and referred to committee on **education**.

House File 2072, by committee on public safety, a bill for an act eliminating provisions relating to the contents of the uniform citation and complaint.

Read first time and placed on the **calendar**.

SENATE MESSAGE CONSIDERED

Senate File 2023, by committee on appropriations, a bill for an act relating to the distribution to counties of certain utility

replacement tax revenues credited to the property tax relief fund and providing an effective date.

Read first time and referred to committee on **appropriations**.

RULES SUSPENDED

McCarthy of Polk asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2065.

CONSIDERATION OF BILLS

Regular Calendar

House File 2065, a bill for an act relating to military leaves of absence and reemployment and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2065)

The ayes were, 97:

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

Wessel-Kroeschell	Whitaker	Whitead	Wienczek
Winckler	Windschitl	Wise	Worthan
Zirkelbach, Presiding			

The nays were, none.

Absent or not voting, 3:

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2065** be immediately messaged to the Senate.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|----------|---|
| 2008\492 | Charles and Erma Lou Scearcy, Ollie – For celebrating their 50 th wedding anniversary, |
| 2008\493 | Dickinson County Soil and Water Conservation District Commissioners – For receiving the National Association of Conservation Districts' 2007 Excellence Award for Urban Conservation. |
| 2008\494 | Lillian Shaffer, Burlington – For celebrating her 101 st birthday. |
| 2008\495 | Dorothy Campbell, West Burlington – For celebrating her 80 th birthday. |
| 2008\496 | Bessie Avon Finke, Burlington – For celebrating her 90 th birthday. |
| 2008\497 | Helen Roach, Burlington – For celebrating her 91 st birthday. |
| 2008\498 | Mr. and Mrs. Allen Bruce, Carlisle – For celebrating their 60 th wedding anniversary. |

2008\499 Galen and Shirley Van Beek, Inwood – For being named 2007 Master Pork Producers by the Iowa Pork Producers Association.

2008\500 Opal Jacobsen, Greenfield – For celebrating her 92nd birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 104 Reassigned

State Government: Lensing, Chair; L. Miller and Whitead.

House File 162 Reassigned

State Government: T. Taylor, Chair; Abdul-Samad and Pettengill.

House File 248 Reassigned

State Government: Gaskill, Chair; Abdul-Samad, Jacobs, Pettengill and T. Taylor.

House File 320

Transportation: Huser, Chair; Lykam and Tjepkes.

House File 359 Reassigned

State Government: T. Taylor, Chair; Abdul-Samad and Pettengill.

House File 393

Commerce: Petersen, Chair; Jacoby and Soderberg.

House File 609

Environmental Protection: D. Olson, Chair; Frevert and S. Olson.

House File 646

Transportation: Huser, Chair; Lykam and Tjepkes.

House File 692

Labor: Hunter, Chair; Mascher and Tymeson.

House File 791

Commerce: Petersen, Chair; Jacoby and Soderberg.

House File 818

Judiciary: Schueller, Chair; Heaton and Oldson.

House File 843

Environmental Protection: D. Olson, Chair; Frevert and S. Olson.

House File 847

Transportation: Huser, Chair; Lykam and Tjepkes.

House File 866

Environmental Protection: D. Olson, Chair; Frevert and S. Olson.

House File 2014

Human Resources: Wessel-Kroeschell, Chair; Heaton and Hunter.

House File 2028

Education: Cohoon, Chair; Foege and Forristall.

House File 2030

Education: Mascher, Chair; Gayman and Tymeson.

House File 2031

Education: Cohoon, Chair; L. Miller and Staed.

House File 2032

Education: Cohoon, Chair; Foege and Forristall.

House File 2036

Education: Cohoon, Chair; Chambers and Foege.

House File 2039

Education: Heddens, Chair; Dolecheck and Staed.

House File 2040

Transportation: Bukta, Chair; Dandekar and Windschitl.

House File 2043

Transportation: Dandekar, Chair; Cohoon and Windschitl.

House File 2047

Education: Cohoon, Chair; Foege and Kaufmann.

House File 2054

Commerce: T. Olson, Chair; Lukan, Petersen, Van Fossen and Wise.

House File 2055

Human Resources: Mascher, Chair; L. Miller and Smith.

House File 2056

Human Resources: Hunter, Chair; Heaton and Mascher.

House File 2057

Human Resources: Smith, Chair; Foege and Granzow.

House File 2058

Human Resources: Smith, Chair; L. Miller and Palmer.

House File 2059

Transportation: Dandekar, Chair; Huser and Worthan.

House File 2061

Human Resources: Mascher, Chair; Granzow and T. Olson.

House File 2064

Commerce: Jacoby, Chair; Petersen and Pettengill.

Senate File 248 Reassigned

Human Resources: Smith, Chair; Ford and L. Miller.

Senate File 413

Labor: T. Taylor, Chair; Horbach and Hunter.

Senate File 465 Reassigned

State Government: T. Taylor, Chair; Abdul-Samad and Jacobs.

Senate File 466 Reassigned

Commerce: Petersen, Chair; Jacoby and Soderberg.

Senate File 482 Reassigned

State Government: Lensing, Chair; Pettengill and Wessel-Kroeschell.

Senate File 488

Labor: Hunter, Chair; Watts and Winckler.

Senate File 493 Reassigned

Environmental Protection: D. Olson, Chair; Frevert and S. Olson.

Senate File 2023

Appropriations: Foege, Chair; Gayman and Watts.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 514**

Transportation: Lykam, Chair; Gaskill, Huser, Roberts and Tjepkes.

House Study Bill 538

Human Resources: Jacoby, Chair; Foege and Tomenga.

House Study Bill 539

Economic Growth: Staed, Chair; Bailey and Schickel.

House Study Bill 540

Economic Growth: H. Miller, Chair; Staed and Wiencek.

House Study Bill 542

Economic Growth: H. Miller, Chair; Petersen and Wiencek.

House Study Bill 543

Judiciary: Palmer, Chair; Boal and Schueller.

House Study Bill 544

Judiciary: Swaim, Chair; R. Olson and Struyk.

House Study Bill 545

Judiciary: Lensing, Chair; Heaton and Winckler.

House Study Bill 546

Judiciary: Swaim, Chair; R. Olson and Struyk.

House Study Bill 547

Commerce: Berry, Chair; Bailey and Sands.

House Study Bill 548

Commerce: Berry, Chair; Bailey and Clute.

House Study Bill 549

Commerce: Bailey, Chair; Berry and Van Fossen.

House Study Bill 550

Commerce: Kressig, Chair; Berry and Sands.

House Study Bill 551

Commerce: Wise, Chair; Bailey, Clute, Reichert and Sands.

House Study Bill 552

Commerce: Kelley, Chair; Berry, Kressig, Lukan, Quirk, Sands and Struyk.

House Study Bill 553

Commerce: Berry, Chair; Bailey and Lukan.

House Study Bill 554

Commerce: Kelley, Chair; Clute, Kressig, Quirk and Sands.

House Study Bill 557

Economic Growth: Thomas, Chair; Hoffman and Schueller.

House Study Bill 558

Transportation: Bukta, Chair; Bell, Gaskill, Windschitl and Worthan.

House Study Bill 559

Transportation: Reasoner, Chair; Lykam and May.

House Study Bill 560

Transportation: Gipp, Chair; Arnold, Huser and Whitaker.

House Study Bill 561

Transportation: Cohoon, Chair; Arnold, Bukta, Huseman and Lykam.

House Study Bill 562

Human Resources: Ford, Chair; Forristall and Hunter.

House Study Bill 563

Education: Wendt, Chair; May and Staed.

House Study Bill 564

Human Resources: Wessel-Kroeschell, Chair; Abdul-Samad and Soderberg.

House Study Bill 565

Human Resources: Petersen, Chair; Upmeyer and Wessel-Kroeschell.

House Study Bill 566

Human Resources: Petersen, Chair; Tomenga and Wessel-Kroeschell.

House Study Bill 567

Human Resources: Hunter, Chair; Ford and L. Miller.

House Study Bill 568

Human Resources: Smith, Chair; Abdul-Samad and Roberts.

House Study Bill 569

Economic Growth: H. Miller, Chair; Staed and Wiencek.

House Study Bill 570

Economic Growth: Thomas, Chair; Anderson and Staed.

House Study Bill 573

Appropriations: Foege, Chair; Gayman and Heaton.

House Study Bill 574

Judiciary: Winckler, Chair; Horbach and Oldson.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 576 Education

Allowing the director of the department of education to withhold certain state funding from school districts, area education agencies, and community colleges when required report submissions are late.

H.S.B. 577 Education

Relating to the statewide preschool program for four-year-old children and funding associated with the program and providing an effective date.

H.S.B. 578 Education

Relating to the duties and operations of the state board of education, the department of education, and local school boards.

H.S.B. 579 Education

Relating to the elimination of the educational excellence phase II program and providing for the equivalent of the education excellence phase II funding to be transferred into the state school foundation aid formula and providing an appropriation and effective and applicability dates.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

House File 221, a bill for an act relating to an unfair or discriminatory practice under the civil rights law based upon the wearing apparel of a person.

Fiscal Note is not required.

Recommended **Do Pass** January 23, 2008.

Senate File 249, a bill for an act relating to the conference of eligibility on and conditions of eligibility for individuals for certain programs under the purview of the department of human services.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8002** January 23, 2008.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House File 761), eliminating provisions relating to the contents of the uniform citation and complaint.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 17, 2008.

COMMITTEE ON WAYS AND MEANS

Senate File 572, a bill for an act extending state tax benefits for use of soy-based transformer fluid by electric utilities and including effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8001** January 23, 2008.

Committee Bill (Formerly House File 902), providing for individual and corporate income tax credits for the charitable conveyance of real property for conservation purposes and including a retroactive applicability date provision.

Fiscal Note is required.

Recommended **Amend and Do Pass** January 23, 2008.

AMENDMENTS FILED

H—8001	S.F.	572	Committee on Ways and Means
H—8002	S.F.	249	Committee on Human Resources

On motion by McCarthy of Polk the House adjourned at 9:30 a.m., until 9:00 a.m., Friday, January 25, 2008.

JOURNAL OF THE HOUSE

Fifteenth Calendar Day - Tenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 28, 2008

The House met pursuant to adjournment at 1:16 p.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Tom Sands, state representative from Louisa County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Chief Clerk's Page, Nicole Lenius from Tripoli, Iowa.

The Journal of Friday, January 25, 2008 was approved.

PETITION FILED

The following petition was received and placed on file:

By Alons of Sioux, from six thousand one hundred-twenty citizens of Everyday America, for the impeachment of Judge Robert Hanson.

INTRODUCTION OF BILLS

House File 2086, by Granzow, a bill for an act establishing a new bicycle user fee and making an appropriation.

Read first time and referred to committee on **natural resources**.

House File 2087, by Schickel, a bill for an act providing for a feasibility study of conducting floor debate and other legislative business via the internet.

Read first time and referred to committee on **administration and rules**.

House File 2088, by Lensing, Hunter, Watts, Greiner, Pettengill, Whitaker, Mertz, Winckler, Sands, Tymeson, Heddens, Wessel-Kroeschell, Foege and Lukan, a bill for an act identifying and prioritizing persons authorized to provide instructions and approval regarding funeral arrangements.

Read first time and referred to committee on **human resources**.

House File 2089, by Wendt, a bill for an act relating to local property tax funding for community colleges.

Read first time and referred to committee on **education**.

House File 2090, by Alons, De Boef, Windschitl, Rayhons, Lukan, Worthan, S. Olson, Kressig, Tjepkes, Baudler, Watts, Soderberg, Forristall, Sands, Roberts, Dolecheck, Greiner, Heaton, Chambers, Huseman and Rasmussen, a bill for an act allowing the issuance of special senior crossbow deer hunting licenses to residents who are sixty-five years of age or older.

Read first time and referred to committee on **natural resources**.

HOUSE FILE 2001 WITHDRAWN

Bailey of Hamilton asked and received unanimous consent to withdraw House File 2001 from further consideration by the House.

On motion by McCarthy of Polk, the House was recessed at 1:28 p.m., until 4:30 p.m.

EVENING SESSION

The House reconvened at 5:02 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

House File 2091, by Tymeson, Lukan and Chambers, a bill for an act relating to time lost for certain activities in order to meet the minimum hours of school instruction for grades one through twelve.

Read first time and referred to committee on **education**.

House File 2092, by Baudler, Watts, Windschitl, Pettengill, Huseman, Tymeson, Tjepkes, Chambers, Reichert, De Boef, Deyoe, Kaufmann, Worthan, Gayman, Grassley, Dolecheck, Rasmussen, Alons, S. Olson, Sands, Horbach, Forristall, Van Fossen, May, Hoffman, Heaton, Lukan, Drake, Soderberg, Schickel, Granzow, Quirk, Arnold, D. Taylor, Struyk, Boal, Wise, Bell, Mertz, Whitaker and Rants, a bill for an act relating to the issuance of permits to carry weapons.

Read first time and referred to committee on **public safety**.

House File 2093, by Baudler, a bill for an act providing an exemption for certain military personnel and veterans from a requirement to complete a hunter safety and ethics education course before obtaining a hunting license.

Read first time and referred to committee on **natural resources**.

House File 2094, by Bailey and Davitt, a bill for an act relating to the reopening of a criminal sentence for a defendant convicted of conspiracy to manufacture, deliver, or possess with intent to deliver amphetamine or methamphetamine to a minor.

Read first time and referred to committee on **judiciary**.

HOUSE FILE 2051 REREFERRED

The Speaker announced that House File 2051, previously referred to committee on **public safety** was rereferred to committee on **state government**.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

Annual report of the College Bound and IMAGES programs, pursuant to Chapter 262.93, Code of Iowa.

DEPARTMENT OF EDUCATION

Annual report of the Parent Liaison Program, pursuant to Chapter 216.9, Code of Iowa.

DEPARTMENT OF ELDER AFFAIRS

Annual report of the Long-Term Care Ombudsman, pursuant to Chapter 321.8.5(3), Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

Postnatal Tissue and Fluid Banking Task Force Report, pursuant to 2007 Iowa Acts.

Child Death Review Team annual report, pursuant to Chapter 135.43, Code of Iowa.

Anatomical Gift Review Team annual report, pursuant to Chapter 142C.17, Code of Iowa.

Hemophilia Advisory Committee annual report, pursuant to Chapter 135N.6, Code of Iowa

Board of Medicine and Physicians Assistant Collaboration annual report, pursuant to Chapter 148C.12, Code of Iowa.

Bureau of Communication and Planning

Annual report of the Nursing, Medical, Dental and Pharmacy Boards Sharing of Administrative Staff Program, pursuant to Chapter 147.80, Code of Iowa.

Bureau of Communication and Planning

Iowa Communications Network (ICN) utilization report, pursuant to Chapter 8D.10, Code of Iowa.

IOWA DIVISION OF BANKING

Annual report of savings using the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\507 William and Patricia Sweeney, Dubuque – For celebrating their 50th wedding anniversary.
- 2008\508 Mr. and Mrs. Jerry Grueber, Davenport – For celebrating their 50th wedding anniversary.
- 2008\509 Ted and Louise Venenga, Little Rock – For celebrating their 65th wedding anniversary.
- 2008\510 Minard and Cora Van Den Top, Doon, – For celebrating their 60th wedding anniversary.
- 2008\511 Merle Vanda Brake, Center Point – For celebrating his 90th birthday.
- 2008\512 John and Grada Van Ballegooyen, Hawarden – For celebrating their 57th wedding anniversary.
- 2008\513 Pete and Esther Bos, Hawarden – For celebrating their 60th wedding anniversary.
- 2008\514 Dr. Wayne and Ruth Marie Faber, Le Mars – For celebrating their 50th wedding anniversary.
- 2008\515 Jerry and Mary Sharp, Marquette – For celebrating their 50th wedding anniversary.
- 2008\516 Don and Blanche Thomas, Strawberry Point – For celebrating their 60th wedding anniversary.
- 2008\517 Agnes Ackerman, Ackley – For celebrating her 80th birthday.
- 2008\518 DeLores and Robert Vasey, Eldora – For celebrating their 50th wedding anniversary.
- 2008\519 Margaret Rodgers, Iowa Falls – For celebrating her 80th birthday.
- 2008\520 Jim and Helen Nevins, Stuart – For celebrating their 60th wedding anniversary.
- 2008\521 Alvin and Elaine Christensen, Exira – For celebrating their 60th wedding anniversary.
- 2008\522 Ruth Krutsinger, Chariton – For celebrating her 75th birthday.
- 2008\523 John and Marjorie DeHamer, Eddyville – For celebrating their 50th wedding anniversary.
- 2008\524 Evelyn Buttz, Russell – For celebrating her 80th birthday.
- 2008\525 Dorothea Horton, Chariton – For celebrating her 90th birthday.

- 2008\526 Elaine Pearson, Chariton – For celebrating her 90th birthday.
- 2008\527 Dorothy and Clair Caldwell, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 2008\528 Arnold Schmauss, Cresco – For celebrating his 90th birthday.
- 2008\529 Florence Schneider, DeWitt – For celebrating her 95th birthday.
- 2008\530 Marie Will, DeWitt – For celebrating her 96th birthday.
- 2008\531 Eleanor Bowman, DeWitt – For celebrating her 80th birthday.
- 2008\532 Helen Howson, DeWitt – For celebrating her 80th birthday.
- 2008\533 Edna McManus, DeWitt – For celebrating her 85th birthday.
- 2008\534 Mr. and Mrs. Dale Jones, Muscatine – For celebrating their 50th wedding anniversary.
- 2008\535 June Pries, Muscatine – For celebrating her 90th birthday.
- 2008\536 Pat Carroll, Muscatine – For celebrating her 80th birthday.
- 2008\537 Mr. and Mrs. Ralph Pace, Muscatine – For celebrating their 69th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 2063

Education: Heddens, Chair; Gayman and Wiencek.

House File 2066

Education: Wendt, Chair; Abdul-Samad, Chambers, Cohoon and Kaufmann.

House File 2067

Human Resources: Petersen, Chair; Soderberg and Wessel-Kroeschell.

House File 2068

Natural Resources: Bailey, Chair; Arnold and Whitead.

Senate File 525

Public Safety: Hunter, Chair; Kuhn and Sands.

Senate File 545 Reassigned

Public Safety: Whitaker, Chair; R. Olson and Tjepkes.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 580

Judiciary: R. Olson, Chair; Baudler and Winckler.

House Study Bill 581

Judiciary: Swaim, Chair; Boal and Smith.

House Study Bill 582

Public Safety: Berry, Chair; Kressig and S. Olson.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 583 Education

Transferring administration of the entrepreneurs with disabilities program to the department of education.

H.S.B. 584 Public Safety

Relating to escape from custody by a person detained or committed as a sexually violent predator, and providing a penalty.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 503), relating to appointments to the college student aid commission and including an effective date and applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 2008.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 2057), providing for county eligibility for state payment of certain mental health, mental retardation, and developmental disabilities services funding and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 28, 2008.

RESOLUTION FILED

HCR 103, by Sands, a concurrent resolution amending the joint rules of the Senate and the House of Representatives for the Eighty-second General Assembly.

Referred to committee on **administration and rules**.

On motion by McCarthy of Polk the House adjourned at 5:04 p.m., until 9:00 a.m., Tuesday, January 29, 2008.

JOURNAL OF THE HOUSE

Sixteenth Calendar Day - Eleventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 29, 2008

The House met pursuant to adjournment at 9:03 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Amy Miracle, pastor of Westminster Presbyterian Church, she was the guest of Representative Janet Petersen of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Page Megan Lacey from Anamosa.

The Journal of Monday, January 28, 2008 was approved.

INTRODUCTION OF BILLS

House File 2095, by Pettengill, Horbach, Forristall, Lukan, Kaufmann and Upmeyer, a bill for an act exempting investment counseling services from state sales tax.

Read first time and referred to committee on **ways and means**.

House File 2096, by Boal, a bill for an act providing an exemption from the sales and use taxes of paint and other refinish materials applied or affixed to motor vehicles during their repair.

Read first time and referred to committee on **ways and means**.

House File 2097, by Boal, a bill for an act relating to the charges for paint and other vehicle refinish materials as retail sales under the sales and use taxes.

Read first time and referred to committee on **ways and means**.

House File 2098, by committee on human resources, a bill for an act providing for county eligibility for state payment of certain mental health, mental retardation, and developmental disabilities services funding and providing effective and retroactive applicability dates.

Read first time and placed on the **calendar**.

SPECIAL PRESENTATION

Boal of Polk and Gayman of Scott introduced to the House several engineering students here to participate in the mentoring program.

The House rose and expressed its welcome.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|----------|---|
| 2008\538 | Susan Houseal, Burlington – For receiving the Des Moines County Conservation Board’s Volunteer of the Year Award. |
| 2008\539 | Marvin and Jean Johnson, Red Oak – For celebrating their 60 th wedding anniversary. |
| 2008\540 | Harry and Eunice Brandt, Hampton – For celebrating their 50 th wedding anniversary. |
| 2008\541 | Irene Waddinham, Merervey – For celebrating her 86 th birthday. |
| 2008\542 | Richard and Margaret Holze, Hampton – For celebrating their 50 th wedding anniversary. |
| 2008\543 | Esther Cooper, Hampton – For celebrating her 85 th birthday. |
| 2008\544 | Evelyn Christians, Kanawha – For celebrating her 80 th birthday. |
| 2008\545 | Leanard and Myrtle Bauer, Avoca – For celebrating their 60 th wedding anniversary. |
| 2008\546 | John and Isabel Klein, Harlan – For celebrating their 60 th wedding anniversary. |

- 2008\547 Charles Mysak, Springville – For celebrating his 85th birthday.
- 2008\548 Dorothy Mullaley, Mount Vernon – For celebrating her 80th birthday.
- 2008\549 Violet Reihman, Oxford – For celebrating her 85th birthday.
- 2008\550 Robert Kahler, Oxford – For celebrating his 75th birthday.
- 2008\551 Andrew Wehde, Iowa City – For celebrating his 75th birthday.
- 2008\552 Marianna Colony, Tiffin – For celebrating her 75th birthday.
- 2008\553 Robert Snead, Solon – For celebrating his 75th birthday.
- 2008\554 Kathleen Hendricksmeier, Cedar Rapids – For celebrating her 80th birthday.
- 2008\555 Shirley Morehead, Swisher – For celebrating her 80th birthday.
- 2008\556 Leo Frederick, Lisbon – For celebrating his 80th birthday.
- 2008\557 Vera Grimm, Mount Vernon – For celebrating her 85th birthday.
- 2008\558 George Rosel, Cedar Rapids – For celebrating his 85th birthday.
- 2008\559 Maxine Havill, Mount Vernon – For celebrating her 80th birthday.
- 2008\560 Clarence Zenisek, Solon – For celebrating his 85th birthday.
- 2008\561 Howard Sorgenfrey, Lisbon – For celebrating his 75th birthday.
- 2008\562 Norman Crossley, Lisbon – For celebrating his 80th birthday.
- 2008\563 Shirley Lamb, Solon – For celebrating her 75th birthday.
- 2008\564 Sylvia Ulch, Solon – For celebrating her 90th birthday.
- 2008\565 Dolores Rose, Solon – For celebrating her 75th birthday.
- 2008\566 Donna Kibler, Springville – For celebrating her 75th birthday.
- 2008\567 Marylou Boney, Ames – For celebrating her 75th birthday.
- 2008\568 Richard Hendrickson, Ames – For celebrating his 75th birthday.
- 2008\569 Dorothy Schnormeier, Ames – For celebrating her 75th birthday.
- 2008\570 Betty Stoll, Ames – For celebrating her 85th birthday.
- 2008\571 Dorothy Burkheimer, Ames – For celebrating her 80th birthday.

- 2008\572 Helen Ingvaldstad, Ames – For celebrating her 85th birthday.
- 2008\573 Florence Austrheim, Ames – For celebrating her 90th birthday.
- 2008\574 Malcolm Rougvie, Ames – For celebrating his 80th birthday.
- 2008\575 Mary Edwards, Ames – For celebrating her 85th birthday.
- 2008\576 Wallace Teagarden, Ames – For celebrating his 85th birthday.
- 2008\577 Lila Randles, Ames – For celebrating her 90th birthday.
- 2008\578 Audrey Gibbons, Madrid – For celebrating her 75th birthday.
- 2008\579 Mavis Varland, Ames – For celebrating her 90th birthday.
- 2008\580 Lois Pietz, Ames – For celebrating her 75th birthday.
- 2008\581 Elsie Grezlak, Ames – For celebrating her 85th birthday.
- 2008\582 Richard Shibles, Ames – For celebrating his 75th birthday.
- 2008\583 Robert Clark, Ames – For celebrating his 85th birthday.
- 2008\584 Harry Wurster, Ames – For celebrating his 75th birthday.
- 2008\585 Dean Huston, Ames – For celebrating his 85th birthday.
- 2008\586 Harry Weiss, Ames – For celebrating his 85th birthday.
- 2008\587 Ronald Moorman, Ames – For celebrating his 75th birthday.
- 2008\588 Shirley Hulse, Ames – For celebrating her 75th birthday.
- 2008\589 Barbara Wright, Madrid – For celebrating her 95th birthday.
- 2008\590 Will Fulton, Ames – For celebrating his 75th birthday.
- 2008\591 Betty Sogard, Ames – For celebrating her 75th birthday.
- 2008\592 Eila Smith, Ames – For celebrating her 85th birthday.
- 2008\593 Mildred Cooper, Ames – For celebrating her 90th birthday.
- 2008\594 Addie Heifner, Madrid – For celebrating her 90th birthday.
- 2008\595 Beverly Methum, Ames – For celebrating her 75th birthday.
- 2008\596 Ugo Ugolini, Madrid – For celebrating his 85th birthday.
- 2008\597 Kenneth Kemmerer, Gilbert – For celebrating his 85th birthday.

- 2008\598 Donald Watts, Ames – For celebrating his 90th birthday.
- 2008\599 Charles Ricketts, Ames – For celebrating his 75th birthday.
- 2008\600 Thomas Cummins, Ames – For celebrating his 80th birthday.
- 2008\601 Russell Watson, Jr., Ames – For celebrating his 80th birthday.
- 2008\602 Mary Mulford, Ames – For celebrating her 75th birthday.
- 2008\603 Constance Egemo, Ames – For celebrating her 75th birthday.
- 2008\604 Marilyn Kniss, Ames – For celebrating her 75th birthday.
- 2008\605 William Galetich, Madrid – For celebrating his 85th birthday.
- 2008\606 Jordan Cabalka, Manchester – For attaining the rank of Eagle Scout, the highest rank in the Boys Scouts of America.
- 2008\607 Vince Lilienthal, Manchester – For attaining the rank of Eagle Scout, the highest rank in the Boys Scouts of America.
- 2008\608 Scott Egemo, Manchester – For attaining the rank of Eagle Scout, the highest rank in the Boys Scouts of America.
- 2008\609 Ethan Marolf, Manchester – For attaining the rank of Eagle Scout, the highest rank in the Boys Scouts of America.
- 2008\610 Matthew Sullivan, Manchester – For attaining the rank of Eagle Scout, the highest rank in the Boys Scouts of America.
- 2008\611 Richard Scher, Davenport – For celebrating his 75th birthday.
- 2008\612 Earl Peterson, Davenport – For celebrating his 85th birthday.
- 2008\613 Ben Channon, Davenport – For celebrating his 85th birthday.
- 2008\614 Bernice Ladehoff Davenport – For celebrating her 95th birthday.
- 2008\615 Edward Lodwig, Davenport – For celebrating his 95th birthday.
- 2008\616 Mildred Vanblaricom, Davenport – For celebrating her 85th birthday.
- 2008\617 John Warner, Davenport – For celebrating his 90th birthday.
- 2008\618 Roberta Coffman, Davenport – For celebrating her 80th birthday.
- 2008\619 Lauren Pike, Davenport – For celebrating his 85th birthday.
- 2008\620 Helen Lund, Davenport – For celebrating her 90th birthday.

- 2008\621 Samuel Vanderjagt, Davenport – For celebrating his 90th birthday.
- 2008\622 Paul Walters, Davenport – For celebrating his 75th birthday.
- 2008\623 Elizabeth Keim, Davenport – For celebrating her 75th birthday.
- 2008\624 Earl Stoltenberg, Davenport – For celebrating his 90th birthday.
- 2008\625 Howard Dreyer, Davenport – For celebrating his 75th birthday.
- 2008\626 Jean Shepherd, Davenport – For celebrating her 80th birthday.
- 2008\627 Leroy Offerman, Davenport – For celebrating his 75th birthday.
- 2008\628 Dolly Scott, Davenport – For celebrating her 75th birthday.
- 2008\629 Ruth Harms, Davenport – For celebrating her 75th birthday.
- 2008\630 Richard Henneman, Davenport – For celebrating his 85th birthday.
- 2008\631 Robert Berry, Davenport – For celebrating his 85th birthday.
- 2008\632 Guy Boyer, Davenport – For celebrating his 80th birthday.
- 2008\633 Robert Reed, Davenport – For celebrating his 75th birthday.
- 2008\634 Mary Pacha, Davenport – For celebrating her 75th birthday.
- 2008\635 Maxine Smith, Davenport – For celebrating her 80th birthday.
- 2008\636 Guy Brock, Davenport – For celebrating his 80th birthday.
- 2008\637 Elmer Haase, Davenport – For celebrating his 85th birthday.
- 2008\638 Warren Chapman, Davenport – For celebrating his 85th birthday.
- 2008\639 Dolores Walters, Davenport – For celebrating her 75th birthday.
- 2008\640 Everlye Muilenburg, Davenport – For celebrating her 85th birthday.
- 2008\641 Vernon Chapman, Davenport – For celebrating his 90th birthday.
- 2008\642 Kathryn Degen, Davenport – For celebrating her 95th birthday.
- 2008\643 Ardis Viviani, Davenport – For celebrating her 75th birthday.
- 2008\644 Marjorie Kerns, Davenport – For celebrating her 80th birthday.
- 2008\645 Priscilla Cavanagh, Davenport – For celebrating her 80th birthday.
- 2008\646 Jeannette Green, Davenport – For celebrating her 80th birthday.

- 2008\647 Hershel Hornbuckle, Davenport – For celebrating his 85th birthday.
- 2008\648 Juanita Lopez, Davenport – For celebrating her 75th birthday.
- 2008\649 Leroy Kelso, Davenport – For celebrating his 75th birthday.
- 2008\650 Charlotte Entwistle, Davenport – For celebrating her 75th birthday.
- 2008\651 Barbara Hess, Davenport – For celebrating her 75th birthday.
- 2008\652 Janet Heyden, Davenport – For celebrating her 75th birthday.
- 2008\653 Claude Laster, Davenport – For celebrating his 75th birthday.
- 2008\654 Donald Martin, Davenport – For celebrating his 80th birthday.
- 2008\655 Evelyn Stirts, Davenport – For celebrating her 80th birthday.
- 2008\656 Richard Treharne, Davenport – For celebrating his 102nd birthday.
- 2008\657 Adolph Lopez, Davenport – For celebrating his 75th birthday.
- 2008\658 Eva Liedtke, Davenport – For celebrating her 85th birthday.
- 2008\659 August Keim, Davenport – For celebrating his 75th birthday.
- 2008\660 Helen Zoepfel, Davenport – For celebrating her 90th birthday.
- 2008\661 Velma Massick, Davenport – For celebrating her 90th birthday.
- 2008\662 Grace Roeder, Davenport – For celebrating her 95th birthday.
- 2008\663 Patricia Drumm, Davenport – For celebrating her 75th birthday.
- 2008\664 Jack Worley, Davenport – For celebrating his 85th birthday.
- 2008\665 Emery Kellums, Davenport – For celebrating his 75th birthday.
- 2008\666 William Quiram, Davenport – For celebrating his 85th birthday.
- 2008\667 Warren Gordon, Davenport – For celebrating his 90th birthday.
- 2008\668 Helen Winters, Davenport – For celebrating her 100th birthday.
- 2008\669 Robert Landsteiner, Davenport – For celebrating his 75th birthday.
- 2008\670 Rosetta Newman, Davenport – For celebrating her 75th birthday.
- 2008\671 Vivian Boyack, Davenport – For celebrating her 85th birthday.
- 2008\672 Robert Kronfeld, Davenport – For celebrating his 75th birthday.

- 2008\673 Lola Peterson, Davenport – For celebrating her 90th birthday.
- 2008\674 Merle Hayden, Davenport – For celebrating his 90th birthday.
- 2008\675 Marion Dreier, Davenport – For celebrating her 80th birthday.
- 2008\676 Marion Warner, Davenport – For celebrating her 90th birthday.
- 2008\677 Robert Martin, Davenport – For celebrating his 75th birthday.
- 2008\678 Aldena Farnsworth, Davenport – For celebrating her 80th birthday.
- 2008\679 Jessie Dougherty, Davenport – For celebrating his 80th birthday.
- 2008\680 Jack Hunsley, Davenport – For celebrating his 90th birthday.
- 2008\681 Shirley Doerscher, Davenport – For celebrating her 75th birthday.
- 2008\682 Ronald Freeman, Davenport – For celebrating his 80th birthday.
- 2008\683 Elton Royal, Davenport – For celebrating his 75th birthday.
- 2008\684 Alvin Roggenkamp, Davenport – For celebrating his 75th birthday.
- 2008\685 Ann Voigt, Davenport – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2008

State Government: Wessel-Kroeschell, Chair; Jochum and Kaufmann.

House File 2009

State Government: Jochum, Chair; Boal and Mascher.

House File 2011

State Government: Jochum, Chair; Drake, Pettengill, Mascher and Wendt.

House File 2013

State Government: Abdul-Samad, Chair; L. Miller and Whitead.

House File 2025

State Government: Quirk, Chair; Raecker and Shomshor.

House File 2027

State Government: Jochum, Chair; Drake and T. Taylor.

House File 2050

State Government: Lensing, Chair; Abdul-Samad and Roberts.

House File 2078

Transportation: Lykam, Chair; Arnold and Cohoon.

Senate File 591 Reassigned

Ways and Means: Schueller, Chair; Davitt and Grassley.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 583

Education: Staed, Chair; Bukta and L. Miller.

House Study Bill 584

Public Safety: Hunter, Chair; Heddens and Lukan.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 585 Economic Growth

Limiting the portion of the state ceiling that can be allocated for a single project.

H.S.B. 586 Economic Growth

Increasing the amount of investment tax credit for which an eligible housing business may qualify if specified energy efficiency standards are met, and including effective and retroactive applicability date provisions.

H.S.B. 587 Local Government

Designating peace officer communication equipment and other emergency services communication equipment as an essential county purpose and as an essential corporate purpose that authorizes the issuance of general obligation bonds and providing an effective date.

H.S.B. 588 Human Resources

Authorizing a chief primary health clinician to file certain periodic court reports on chronic substance abusers and persons with mental illness who do not require full-time placement in a treatment facility.

H.S.B. 589 Human Resources

Requiring a minority impact statement as part of an application for a grant from the department of public health, human services, or human rights and providing effective and applicability dates.

H.S.B. 590 Human Resources

Requiring consideration of each parent's cost of living and standard of living in determining child support.

H.S.B. 591 Ways and Means

Relating to bonds and notes providing for exemption from state income tax.

H.S.B. 592 State Government

Relating to whistleblower complaints received by the citizens' aide.

H.S.B. 593 State Government

Modifying provisions relating to statewide licensure and certification of electricians and alarm system contractors and installers, and providing an effective date.

H.S.B. 594 Commerce

Creating the homeowners' consumer protection fund, providing for the assessment of a surcharge, and making an appropriation.

H.S.B. 595 Commerce

Making nonsubstantive corrections to certain provisions relating to insurance and making repeals.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 2057), providing for county eligibility for state payment of certain mental health, mental retardation, and developmental disabilities services funding and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 28, 2008.

On motion by McCarthy of Polk the House adjourned at 9:10 a.m., until 9:00 a.m., Wednesday, January 30, 2008.

JOURNAL OF THE HOUSE

Seventeenth Calendar Day - Twelfth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 30, 2008

The House met pursuant to adjournment at 9:17 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Jim Howland, pastor of the First United Presbyterian Church, Winterset. He was the guest of Representative Jodi Tymeson of Madison County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Page, Nicole Martin of Shelby.

The Journal of Tuesday, January 30, 2008 was approved.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 30, 2008, passed the following bill in which the concurrence of the House was asked:

Senate File 2054, a bill for an act providing for county eligibility from state payment of certain mental health, mental retardation, and developmental disabilities services funding and providing effective and retroactive applicability dates.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2099, by Zirkelbach, a bill for an act prohibiting a city from adopting an ordinance that prevents discharging a firearm as a salute to an individual during an authorized parade or at a funeral or memorial service.

Read first time and referred to committee on **veterans affairs**.

House File 2100, by Petersen, Wise and Berry, a bill for an act relating to nutritional guidelines for food and beverages sold on school grounds.

Read first time and referred to committee on **education**.

House File 2101, by Boal, Wiencek, Baudler, Grassley, Lukan, Drake, Upmeyer, Raecker, Greiner, Heaton, Rayhons, Chambers and Huseman, a bill for an act creating a mathematics and science teacher practical experience incentive program, providing for a tax credit, and including a retroactive applicability date.

Read first time and referred to committee on **education**.

House File 2102, by Boal, Wiencek, Baudler, Jacobs, Grassley, Lukan, De Boef, Deyoe, Pettengill, Drake, Upmeyer, Paulsen, Raecker, Sands, S. Olson, Horbach, Tymeson, Watts, Kaufmann, Tomenga, Struyk, Windschitl, Van Fossen, Rasmussen, Arnold, Worthan, Alons, Soderberg, Forristall, L. Miller, Tjepkes, Heaton, Rayhons, Chambers, Van Engelenhoven and Huseman, a bill for an act relating to a property assessment adjustment for certain elderly persons, providing a penalty, and including retroactive applicability date provisions.

Read first time and referred to committee on **ways and means**.

House File 2103, by committee on education, a bill for an act relating to appointments to the college student aid commission and including an effective date and applicability provision.

Read first time and placed on the **calendar**.

House File 2104, by Pettengill, Tymeson, Arnold, Horbach, Rayhons, De Boef, May, S. Olson, Wiencek, Boal, Huseman, Drake, Greiner, Lukan, Deyoe, Rasmussen, Baudler and Soderberg, a bill for an act relating to a postsecondary tuition and mandatory fee waiver for Iowa national guard veterans attending community colleges or state universities.

Read first time and referred to committee on **education**.

House File 2105, by Kelley and Staed, a bill for an act relating to removal from office of certain public officials.

Read first time and referred to committee on **state government**.

House File 2106, by Kelley, a bill for an act beginning the compulsory education attendance age at age five, providing for related matters, and providing an effective date.

Read first time and referred to committee on **education**.

House File 2107, by R. Olson, a bill for an act concerning limitations on granting new licenses to conduct gambling games and providing an effective date and retroactive applicability provision.

Read first time and referred to committee on **state government**.

House File 2108, by Whitaker, a bill for an act relating to the annual registration fee for antique motor vehicles owned by an antique motor vehicle dealer.

Read first time and referred to committee on **transportation**.

House File 2109, by R. Olson, a bill for an act providing for membership in a protection occupation under the Iowa public employees' retirement system for members and employees of the board of parole.

Read first time and referred to committee on **state government**.

House File 2110, by Dandekar and Huser, a bill for an act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs.

Read first time and referred to committee on **transportation**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Petersen of Polk on request of Speaker Murphy.

SENATE MESSAGE CONSIDERED

Senate File 2054, by committee on human resources, a bill for an act providing for county eligibility for state payment of certain mental health, mental retardation, and developmental disabilities services funding and providing effective and retroactive applicability dates.

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

SPECIAL PRESENTATION

Jochum of Dubuque introduced to the House the honorable Paul Scherrman former state representative from Dubuque County.

The House rose and expressed its welcome.

RULES SUSPENDED

McCarthy of Polk asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2098.

CONSIDERATION OF BILLS

Regular Calendar

House File 2098, a bill for an act providing for county eligibility for state payment of certain mental health, mental retardation, and developmental disabilities services funding and providing effective and retroactive applicability dates, was taken up for consideration.

SENATE FILE 2054 SUBSTITUTED FOR HOUSE FILE 2098

Smith of Marshall asked and received unanimous consent to substitute Senate File 2054 for House File 2098.

Senate File 2054, a bill for an act providing for county eligibility for state payment of certain mental health, mental retardation, and developmental disabilities services funding and providing effective and retroactive applicability dates, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2054)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Palmer Petersen

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

HOUSE FILES 2057 and 2098 WITHDRAWN

Smith of Marshall asked and received unanimous consent to withdraw House Files 2057 and 2098 from further consideration by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2054** be immediately messaged to the Senate.

SPECIAL PRESENTATION

Wendt of Woodbury introduced to the House the honorable Mike Peters, former state representative from Woodbury County.

The House rose and expressed its welcome.

HOUSE FILE 2021 REREFERRED

The Speaker announced that House File 2021, previously referred to committee on **veterans affairs** was rereferred to committee on **ways and means**.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\686 Darvin Smith, Colfax – For celebrating his 80th birthday.
- 2008\687 Kenneth Frazier, Runnells – For celebrating his 75th birthday.
- 2008\688 Helen Watson, Altoona – For celebrating her 75th birthday.
- 2008\689 Stella English, Runnells – For celebrating her 80th birthday.
- 2008\690 Julia Kirts, Des Moines – For celebrating her 90th birthday.
- 2008\691 Paul Gregory, Altoona – For celebrating his 75th birthday.
- 2008\692 Ruth Olson, Colfax – For celebrating her 80th birthday.
- 2008\693 Rita Smith, Bondurant – For celebrating her 80th birthday.
- 2008\694 Wilber Robson, Colfax – For celebrating his 85th birthday.
- 2008\695 Jerald Dyer, Des Moines – For celebrating his 75th birthday.
- 2008\696 Duane Laffey, Runnells – For celebrating his 75th birthday.

- 2008\697 Elva McCombs, Mitchellville – For celebrating her 90th birthday.
- 2008\698 John Galbreath, Prairie City – For celebrating his 80th birthday.
- 2008\699 Mildred Kness, Des Moines – For celebrating her 80th birthday.
- 2008\700 Delores McMullin, Prairie City – For celebrating her 75th birthday.
- 2008\701 Thomas Dilliner, Altoona – For celebrating his 85th birthday.
- 2008\702 Richard Talley, Altoona – For celebrating his 75th birthday.
- 2008\703 Ramona Korbek, Berwick – For celebrating her 75th birthday.
- 2008\704 Dorothy Riley, Colfax – For celebrating her 85th birthday.
- 2008\705 Everett Stapp, Altoona – For celebrating his 80th birthday.
- 2008\706 Marjorie Jaques, Berwick – For celebrating her 80th birthday.
- 2008\707 Patricia Haning, Bondurant – For celebrating her 75th birthday.
- 2008\708 Marianne Lamp, Altoona – For celebrating her 75th birthday.
- 2008\709 Kenneth Howell, Altoona – For celebrating his 75th birthday.
- 2008\710 Helen Lockwood, Altoona – For celebrating her 80th birthday.
- 2008\711 Elsie Collmann, Bondurant – For celebrating her 95th birthday.
- 2008\712 Marilyn Juhl, Mitchellville – For celebrating her 75th birthday.
- 2008\713 Dorothea Hackathorn, Prairie City – For celebrating her 85th birthday.
- 2008\714 Doris McVay, Colfax – For celebrating her 80th birthday.
- 2008\715 Roberta Duckstein, Prairie City – For celebrating her 75th birthday.
- 2008\716 Gerald Blaine, Des Moines – For celebrating his 80th birthday.
- 2008\717 Ethan Marolf, Manchester – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\718 Barbara McNutt, Mason City – For celebrating her 90th birthday.
- 2008\719 Lucille Balek, Mason City – For celebrating her 90th birthday.
- 2008\720 Norma Sheriff Zimmerman, Mason City – For celebrating her 80th birthday.

- 2008\721 Clem "Johnny" O'Rourke, Mason City – For celebrating his 80th birthday.
- 2008\722 Marianne Gandrup, Story City – For celebrating her 80th birthday.
- 2008\723 Isabelle Hillis, Story City – For celebrating her 80th birthday.
- 2008\724 Elizabeth Fremming, Story City – For celebrating her 90th birthday.
- 2008\725 Don and Marilyn Kolbe, Story City – For celebrating their 50th wedding anniversary.
- 2008\726 Roger and Janice Wilson, Slater – For celebrating their 50th wedding anniversary.
- 2008\727 Kenneth and Helen Nollen, Independence – For celebrating their 60th wedding anniversary.
- 2008\728 Roy and Pat Patty, Kellogg – For celebrating their 50th wedding anniversary.
- 2008\729 Ed and Caroline Rasmussen, Newton – For celebrating their 50th wedding anniversary.
- 2008\730 Dr. Patricia Gilbaugh, Van Horne – For doing great work in District 39 for families and children.
- 2008\731 Becky Cottrell, Vinton – For 26 years of service to the Daily Times/Livewire newspaper.
- 2008\732 Cliff Adcock, Manchester – For being honored as instructor of the year for EMC.
- 2008\733 Ben Weir, Colo – For being named Colo January Volunteer of the Month.
- 2008\734 Ben Watson, Story City – For his outstanding efforts in developing new business for Farmers National Company during 2007.
- 2008\735 Ashley Morlan, Story City – For receiving a DMACC Scholarship.
- 2008\736 Pastor Stephen Anenson, Story City – For 25 years of service to The Immanuel Lutheran Church.
- 2008\737 Sgt. Ryan Wienhold, Jesup – For being promoted to Sergeant.
- 2008\738 Mindy Coghlan, Roland – For graduating from DMACC's Nursing program.
- 2008\739 Scott Rottinghaus, Jesup – For graduating from Officer Candidate School (OCS) Phase III training and was commissioned as a second lieutenant in the U.S. Army National Guard.

- 2008\740 Marjorie Wetherill, Coralville – For celebrating her 80th birthday.
- 2008\741 Norma Feldick, Coralville – For celebrating her 85th birthday.
- 2008\742 Lloyd Johansen, Coralville – For celebrating his 85th birthday.
- 2008\743 Gerald Vraspier, Iowa City – For celebrating his 80th birthday.
- 2008\744 Gloria Peters, Coralville – For celebrating her 75th birthday.
- 2008\745 Leslie Cullers, Coralville – For celebrating his 75th birthday.
- 2008\746 Michael Logan, Coralville – For celebrating his 75th birthday.
- 2008\747 Robert Kretzschmar, Iowa City – For celebrating his 80th birthday.
- 2008\748 Dwayne Dahnke, Coralville – For celebrating his 80th birthday.
- 2008\749 Pearl Paintin, Coralville – For celebrating her 80th birthday.
- 2008\750 Ella Stoner, North Liberty – For celebrating her 75th birthday.
- 2008\751 John Grady, Iowa City – For celebrating his 85th birthday.
- 2008\752 Frieda Dybczynski – For celebrating her 85th birthday.
- 2008\753 Rita Jensen, North Liberty – For celebrating her 75th birthday.
- 2008\754 Merle Heck, Iowa City – For celebrating her 85th birthday.
- 2008\755 Judith Brookhaus, Coralville – For celebrating her 75th birthday.
- 2008\756 Eldon Hans, Iowa City – For celebrating his 85th birthday.
- 2008\757 Raymond Gill, Coralville – For celebrating his 85th birthday.
- 2008\758 Dorris Fox, Coralville – For celebrating her 102nd birthday.
- 2008\759 Opal Kajer, Toledo – For celebrating her 96th birthday.
- 2008\760 Arvella Janssen, Traer – For celebrating her 90th birthday.
- 2008\761 Helen Poland, Gladbrook – For celebrating her 95th birthday.
- 2008\762 Elsie Mae Brown, Peterson – For celebrating her 80th birthday.
- 2008\763 John B. Anderson, Storm Lake – For celebrating his 85th birthday.
- 2008\764 Verla Anderson, Peterson – For celebrating her 95th birthday.
- 2008\765 Sergeant James Loveland, Mason City – For retiring from his dedicated service with the Iowa State Patrol.

- 2008\766 M. Maxine Sebeniecher, Marshalltown – For celebrating her 75th birthday.
- 2008\767 Phillip Barker, Marshalltown – For celebrating his 75th birthday.
- 2008\768 John Weiss, Marshalltown – For celebrating his 75th birthday.
- 2008\769 Marjorie Martelli, Marshalltown – For celebrating her 75th birthday.
- 2008\770 Marilyn Jensen, Marshalltown – For celebrating her 75th birthday.
- 2008\771 Ramona Coyle, Marshalltown – For celebrating her 75th birthday.
- 2008\772 Beverly Schultz, Marshalltown – For celebrating her 75th birthday.
- 2008\773 Berniece Mitchell, Marshalltown – For celebrating her 75th birthday.
- 2008\774 James Perkins, Marshalltown – For celebrating his 75th birthday.
- 2008\775 Bernard Donahue, Marshalltown – For celebrating his 75th birthday.
- 2008\776 Betty Freel, Marshalltown – For celebrating her 75th birthday.
- 2008\777 Dotta Robertson, Marshalltown – For celebrating her 75th birthday.
- 2008\778 Louise Pohlplatz, Marshalltown – For celebrating her 75th birthday.
- 2008\779 Marilyn Hoffman, Marshalltown – For celebrating her 75th birthday.
- 2008\780 Gladys Wright, Marshalltown – For celebrating her 78th birthday.
- 2008\781 Frank Donohue, Marshalltown – For celebrating his 75th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 354 Reassigned

Commerce: Jacoby, Chair; Jacobs and Kressig.

House File 512 Reassigned

Government Oversight: Lensing, Chair; Ford and Watts.

House File 933

Government Oversight: Lensing, Chair; Ford and Watts.

House File 2017

State Government: Jacoby, Chair; L. Miller and Whitead.

House File 2062

Public Safety: Swaim, Chair; Baudler, Berry, Lykam and Sands.

House File 2069

Commerce: Kelley, Chair; Clute, Kressig, Quirk and Sands.

House File 2070

State Government: Wessel-Kroeschell, Chair; Jochum and Kaufmann.

House File 2074

Education: Cohoon, Chair; Foege and Tymeson.

House File 2077

State Government: Gaskill, Chair; Jacobs and T. Taylor.

House File 2088

Human Resources: Petersen, Chair; Grassley and Wessel-Kroeschell.

House File 2089

Education: Wendt, Chair; Gayman and Kaufmann.

House File 2091

Education: Winckler, Chair; Dolecheck and Palmer.

House File 2094

Judiciary: R. Olson, Chair; Huser and Jacobs.

House File 2095

Ways and Means: Reasoner, Chair; Forristall and Shomshor.

House File 2096

Ways and Means: Reasoner, Chair; Shomshor and Windschitl.

House File 2097

Ways and Means: Reasoner, Chair; Shomshor and Windschitl.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 519

Public Safety: Berry, Chair; Gayman and Tomenga.

House Study Bill 520

Public Safety: Gayman, Chair; Baudler, Hunter.

House Study Bill 521

Public Safety: Kressig, Chair; Sands and Whitaker.

House Study Bill 522

Public Safety: Heddens, Chair; Baudler and R. Olson.

House Study Bill 523

Public Safety: Swaim, Chair; Hunter and Lukan.

House Study Bill 524

Public Safety: Berry, Chair; Heddens and Tomenga.

House Study Bill 525

Public Safety: Zirkelbach, Chair; Kressig and Tjepkes.

House Study Bill 588

Human Resources: Smith, Chair; Ford and Upmeyer.

House Study Bill 589

Human Resources: Ford, Chair; Forristall and Smith.

House Study Bill 590

Human Resources: Smith, Chair; Ford and Heaton.

House Study Bill 594

Commerce: Wise, Chair; Bailey and Jacobs.

House Study Bill 595

Commerce: Oldson, Chair; Hoffman and Petersen.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 596 Labor**

Relating to registration and bonding requirements for contractors, and providing criminal and civil penalties.

H.S.B. 597 Labor

Relating to workers' compensation benefit payments for burial expenses.

H.S.B. 598 Labor

Relating to the boiler and pressure vessel safety and elevator safety revolving funds under the control of the labor commissioner.

H.S.B. 599 Labor

Relating to amusement ride safety inspections conducted by special inspectors authorized by the division of labor services in the department of workforce development.

H.S.B. 600 Labor

Relating to employers' participation in unemployment insurance adjudications.

H.S.B. 601 Labor

Relating to unemployment insurance benefits and compliance with federal law and including effective date and applicability provisions.

H.S.B. 602 Labor

Relating to inclined or vertical wheelchair lifts regulated by the elevator safety board.

H.S.B. 603 Labor

Relating to circumstances for employees' right of recourse when an employer is late paying wages.

H.S.B. 604 Labor

Relating to unemployment insurance tax penalties.

H.S.B. 605 Judiciary

Relating to the commission of a criminal offense classified as murder in the first degree, and providing a penalty.

H.S.B. 606 Judiciary

Relating to the payment of costs for an attorney appointed to serve as a guardian ad litem.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 503), relating to appointments to the college student aid commission and including an effective date and applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 2008.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House File 663), relating to taking the fingerprints of a child by a governmental unit.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 2008.

On motion by McCarthy of Polk the House adjourned at 9:42 a.m., until 9:00 a.m., Thursday, January 31, 2008.

JOURNAL OF THE HOUSE

Eighteenth Calendar Day - Thirteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 31, 2008

The House met pursuant to adjournment at 9:25 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Linda Stueve, pastor of the First United Methodist Church, Indianola. She was the guest of Representative Mark Davitt of Warren County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Brandon Dunning, Vice President of the Student Senate at Marshalltown Community College. He was the guest of Representative Lance Horbach of Tama County and Representative Mark Smith of Marshall County.

The Journal of Wednesday, January 30, 2008 was approved.

PETITION FILED

The following petition was received and placed on file:

By Staed of Linn, from one thousand six hundred fifty-one constituents favoring House File 2062, an act concerning the use of certain motorboats on Lake Macbride.

INTRODUCTION OF BILLS

House Joint Resolution 2001, by Tymeson, Clute, Deyoe, Granzow, Alons, Soderberg, Pettengill, Huseman, Rayhons, Boal, May, De Boef, Kaufmann, Lukan, Chambers, Tjepkes, D. Taylor, Wiencek and Baudler, a joint resolution proposing an amendment to the Constitution of the State of Iowa restricting the expenditure of public or private funds appropriated, allocated, or received by the state to provide assistance to veterans.

Read first time and referred to committee on **state government**.

House File 2111, by Murphy, a bill for an act relating to mowing within the right-of-way of a primary highway.

Read first time and referred to committee on **natural resources**.

House File 2112, by D. Taylor and Lukan, a bill for an act relating to an appropriation to the department of natural resources for dam restoration and lake maintenance.

Read first time and referred to committee on **appropriations**.

House File 2113, by Thomas, a bill for an act requiring that motor vehicle passengers under eighteen years of age be secured in a child restraint system or by a seat belt and making a penalty applicable.

Read first time and referred to committee on **transportation**.

House File 2114, by Mascher, a bill for an act relating to the senior living trust fund and providing limitations on appropriation of moneys in the fund.

Read first time and referred to committee on **human resources**.

House File 2115, by Mascher, a bill for an act relating to reimbursement of the actual cost of services provided under the medical assistance elderly waiver.

Read first time and referred to committee on **human resources**.

House File 2116, by Mascher, a bill for an act relating to and providing for an appropriation to the department of elder affairs for statewide expansion of the elder abuse initiative program.

Read first time and referred to committee on **appropriations**.

House File 2117, by Mascher, a bill for an act relating to the annual adjustment of the personal needs allowance for residents of certain institutional health facilities.

Read first time and referred to committee on **human resources**.

House File 2118, by Mascher, a bill for an act relating to reimbursement for services provided under a medical assistance home and community-based services waiver for the elderly.

Read first time and referred to committee on **human resources**.

House File 2119, by committee on public safety, a bill for an act relating to taking the fingerprints of a child by a governmental unit.

Read first time and placed on the **calendar**.

House File 2120, by Kelley, Pettengill, Whitaker, Kressig, Wenthe, Abdul-Samad and Bailey, a bill for an act relating to the setting aside of a percentage of child support payments to be invested and reserved for the child.

Read first time and referred to committee on **judiciary**.

House File 2121, by Wise, a bill for an act authorizing appeal of denials of dental insurance coverage based on medical necessity.

Read first time and referred to committee on **commerce**.

House File 2122, by Quirk, a bill for an act prohibiting insurers from requiring repair businesses to buy parts and supplies from specified sellers and providing penalties.

Read first time and referred to committee on **commerce**.

House File 2123, by Struyk, a bill for an act relating to the distribution, possession, and reporting of obscene material and making penalties applicable.

Read first time and referred to committee on **public safety**.

House File 2124, by Windschitl, Van Fossen, Lukan and Baudler, a bill for an act relating to the taking of fingerprints upon an application for a permit to carry a weapon.

Read first time and referred to committee on **public safety**.

House File 2125, by Quirk, Tymeson, Kaufmann and Bailey, a bill for an act concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service, providing a penalty, and making an appropriation.

Read first time and referred to committee on **veterans affairs**.

House File 2126, by Quirk, a bill for an act relating to the location of advertising devices within the adjacent area of a primary highway.

Read first time and referred to committee on **transportation**.

House File 2127, by Sands and Paulsen, a bill for an act requiring the creation of a publicly available, single state database providing detailed information on state budgets and expenditures.

Read first time and referred to committee on **state government**.

House File 2128, by Tomenga, Clute, R. Olson, May, Jacoby, Hoffman, Bukta, Foege, Anderson, Bailey, Mascher and Wiencek, a bill for an act establishing a state health insurance mandate commission.

Read first time and referred to committee on **commerce**.

House File 2129, by Tymeson, a bill for an act directing the department of education to conduct a study of high school exit examinations.

Read first time and referred to committee on **education**.

House File 2130, by Zirkelbach, a bill for an act making an appropriation to the department of natural resources for a river water trail.

Read first time and referred to committee on **appropriations**.

House File 2131, by Raecker and Murphy, a bill for an act relating to participation in varsity interscholastic athletic contests

and athletic competitions by students participating in open enrollment.

Read first time and referred to committee on **education**.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\782 Elva Gauper, Cedar Rapids – For celebrating her 85th birthday.
- 2008\783 Lois Eells, Cedar Rapids – For celebrating her 85th birthday.
- 2008\784 Phyllis Plunge, Cedar Rapids – For celebrating her 75th birthday.
- 2008\785 Irene Hamous, Cedar Rapids – For celebrating her 75th birthday.
- 2008\786 Yvonne Elliott, Cedar Rapids – For celebrating her 80th birthday.
- 2008\787 Ann Hughes, Cedar Rapids – For celebrating her 85th birthday.
- 2008\788 Frances Green, Cedar Rapids – For celebrating her 90th birthday.
- 2008\789 Jeanette Hamer, Cedar Rapids – For celebrating her 75th birthday.
- 2008\790 Anneliese Tisdale, Cedar Rapids – For celebrating her 80th birthday.
- 2008\791 Carol Taylor, Cedar Rapids – For celebrating her 85th birthday.
- 2008\792 Patricia Nelson, Cedar Rapids – For celebrating her 75th birthday.
- 2008\793 Phyllis Hanson, Cedar Rapids – For celebrating her 80th birthday.
- 2008\794 Anita Terpstra, Cedar Rapids – For celebrating her 75th birthday.
- 2008\795 Lyle Fisher, Cedar Rapids – For celebrating his 75th birthday.
- 2008\796 Helen Brown, Cedar Rapids – For celebrating her 80th birthday.
- 2008\797 Alfred Trumblee, Cedar Rapids – For celebrating her 75th birthday.
- 2008\798 Jerry Keefe, Cedar Rapids – For celebrating his 75th birthday.

- 2008\799 Earlene Opperman, Cedar Rapids – For celebrating her 80th birthday.
- 2008\800 Carolyn Melton, Cedar Rapids – For celebrating her 80th birthday.
- 2008\801 Nelda Powers, Cedar Rapids – For celebrating her 80th birthday.
- 2008\802 Rodney Newland, Cedar Rapids – For celebrating his 85th birthday.
- 2008\803 Joanne Alley, Cedar Rapids – For celebrating her 75th birthday.
- 2008\804 Darlene Cox, Cedar Rapids – For celebrating her 75th birthday.
- 2008\805 Wilma Langston, Cedar Rapids – For celebrating her 80th birthday.
- 2008\806 Margaret Billett, Cedar Rapids – For celebrating her 75th birthday.
- 2008\807 Dorothy Hershner, Cedar Rapids – For celebrating her 80th birthday.
- 2008\808 Bertha Veitch, Cedar Rapids – For celebrating her 80th birthday.
- 2008\809 Jack Homan, Cedar Rapids – For celebrating his 80th birthday.
- 2008\810 Corrine Sentelik, Cedar Rapids – For celebrating her 80th birthday.
- 2008\811 Rita Cours, Cedar Rapids – For celebrating her 80th birthday.
- 2008\812 Elizabeth Weiland, Cedar Rapids – For celebrating her 75th birthday.
- 2008\813 Eugene Kelsey, Cedar Rapids – For celebrating his 95th birthday.
- 2008\814 Mary Kloos, Cedar Rapids – For celebrating her 75th birthday.
- 2008\815 Elena Murillo, Cedar Rapids – For celebrating her 85th birthday.
- 2008\816 Toby Fisch, Cedar Rapids – For celebrating her 75th birthday.
- 2008\817 Bonnie Schmidt, Cedar Rapids – For celebrating her 75th birthday.
- 2008\818 Leroy Watkins, Cedar Rapids – For celebrating his 80th birthday.
- 2008\819 Marion Franklin, Hiawatha – For celebrating his 80th birthday.
- 2008\820 Betty Gibbens, Cedar Rapids – For celebrating her 75th birthday.
- 2008\821 Betty Draker, Cedar Rapids – For celebrating her 80th birthday.
- 2008\822 Wilma Connor, Cedar Rapids – For celebrating her 90th birthday.
- 2008\823 Phyllis Griggs, Cedar Rapids – For celebrating her 90th birthday.

- 2008\824 Constance Runde, Cedar Rapids – For celebrating her 75th birthday.
- 2008\825 C. Rene Stephen – For celebrating his 80th birthday.
- 2008\826 Bonnie Murphy, Cedar Rapids – For celebrating her 80th birthday.
- 2008\827 Fred Stingers, Cedar Rapids – For celebrating his 75th birthday.
- 2008\828 Leona Simon, Cedar Rapids – For celebrating her 101st birthday.
- 2008\829 Leland Nowadzky, Cedar Rapids – For celebrating his 80th birthday.
- 2008\830 Mary Dill, Cedar Rapids – For celebrating her 85th birthday.
- 2008\831 Mamie Waterbury, Cedar Rapids – For celebrating her 90th birthday.
- 2008\832 Maribelle Benesh, Cedar Rapids – For celebrating her 75th birthday.
- 2008\833 Henry Feuss, Cedar Rapids – For celebrating his 85th birthday.
- 2008\834 Clarence Kessler, Cedar Rapids – For celebrating his 80th birthday.
- 2008\835 Mary Flowers, Cedar Rapids – For celebrating her 75th birthday.
- 2008\836 Dorothy Walters, Cedar Rapids – For celebrating her 80th birthday.
- 2008\837 Bonnie Dean, Cedar Rapids – For celebrating her 80th birthday.
- 2008\838 Bety Larison, Cedar Rapids – For celebrating her 80th birthday.
- 2008\839 Lillian Miller, Cedar Rapids – For celebrating her 95th birthday.
- 2008\840 Robert Bowen, Cedar Rapids – For celebrating his 85th birthday.
- 2008\841 Arlene Core, Cedar Rapids – For celebrating her 80th birthday.
- 2008\842 Carole Murray, Cedar Rapids – For celebrating her 75th birthday.
- 2008\843 Marcella Olson, Cedar Rapids – For celebrating her 85th birthday.
- 2008\844 William Jamison, Cedar Rapids – For celebrating his 85th birthday.
- 2008\845 Fern Carie, Cedar Rapids – For celebrating her 85th birthday.
- 2008\846 William Zaruba, Cedar Rapids – For celebrating his 80th birthday.
- 2008\847 Donald Willmott, Cedar Rapids – For celebrating his 85th birthday.

- 2008\848 Jeraldine Wheeler, Cedar Rapids – For celebrating her 85th birthday.
- 2008\849 Kenneth Kupka, Cedar Rapids – For celebrating his 85th birthday.
- 2008\850 Louise Niedermayer, Cedar Rapids – For celebrating her 85th birthday.
- 2008\851 Molly Olson, Cedar Rapids – For celebrating her 75th birthday.
- 2008\852 Margaret Race-Stamp, Cedar Rapids – For celebrating her 80th birthday.
- 2008\853 Helen Steitz, Cedar Rapids – For celebrating her 90th birthday.
- 2008\854 Wilma Musick, Cedar Rapids – For celebrating her 95th birthday.
- 2008\855 Betty Shaw, Cedar Rapids – For celebrating her 80th birthday.
- 2008\856 Marjorie Heffner, Cedar Rapids – For celebrating her 80th birthday.
- 2008\857 Juanita Baer, Cedar Rapids – For celebrating her 80th birthday.
- 2008\858 Faye Allen, Cedar Rapids – For celebrating her 75th birthday.
- 2008\859 Aline Frederick-Netz, Cedar Rapids – For celebrating her 90th birthday.
- 2008\860 Leland Martin, Cedar Rapids – For celebrating his 85th birthday.
- 2008\861 John Wiley, Cedar Rapids – For celebrating his 85th birthday.
- 2008\862 George Clark, Cedar Rapids – For celebrating his 95th birthday.
- 2008\863 Dr. Ken Clayton, Spirit Lake – For his 60 years of dedicated community service through the Spirit Lake Noon Kiwanis.
- 2008\864 Al Klein, Spirit Lake – For his 60 years of dedicated community service through the Spirit Lake Noon Kiwanis.
- 2008\865 Blaine Hoiem, Spirit Lake – For his 60 years of dedicated community service through the Spirit Lake Noon Kiwanis.
- 2008\866 Berkley Bedell, Spirit Lake – For his 60 years of dedicated community service through the Spirit Lake Noon Kiwanis.
- 2008\867 Peter B. Narey, Spirit Lake – For his 60 years of dedicated community service through the Spirit Lake Noon Kiwanis.
- 2008\868 Lois Duncan, Denison – For celebrating her 80th birthday.
- 2008\869 Hazel Palmquist, Mapleton – For celebrating her 96th birthday.

- 2008\870 Mary Coffey, Sioux City – For celebrating her 75th birthday.
- 2008\871 Mildred Aguirre, Sioux City – For celebrating her 85th birthday.
- 2008\872 Carolyn Jensen, Sioux City – For celebrating her 75th birthday.
- 2008\873 Jean Lambert, Sioux City – For celebrating her 80th birthday.
- 2008\874 John Okonoski, Sioux City – For celebrating his 85th birthday.
- 2008\875 Joe Meyer, Sioux City – For celebrating his 80th birthday.
- 2008\876 Thomas Smith, Sioux City – For celebrating his 85th birthday.
- 2008\877 Roberta Pendleton, Sioux City – For celebrating her 90th birthday.
- 2008\878 Leon Harbeck, Sioux City – For celebrating his 80th birthday.
- 2008\879 Jo Ann Stokes, Sioux City – For celebrating her 75th birthday.
- 2008\880 Myron Osbahr, Sioux City – For celebrating his 95th birthday.
- 2008\881 Marie Aupperle, Sioux City – For celebrating her 90th birthday.
- 2008\882 William Rawlings, Sioux City – For celebrating his 75th birthday.
- 2008\883 Jean Ziebell, Sioux City – For celebrating her 80th birthday.
- 2008\884 Robert Force, Sioux City – For celebrating his 90th birthday.
- 2008\885 Herta Schenk, Sioux City – For celebrating her 80th birthday.
- 2008\886 Kenneth Girard, Sr., Sioux City – For celebrating his 80th birthday.
- 2008\887 Coleene Christiansen, Sioux City – For celebrating her 75th birthday.
- 2008\888 Elnora Jenkins, Sioux City – For celebrating her 80th birthday.
- 2009\889 Kenneth Bonthuis, Sioux City – For celebrating his 80th birthday.
- 2008\890 James Golden, Sioux City – For celebrating his 80th birthday.
- 2008\891 John Schultz, Sioux City – For celebrating his 85th birthday.
- 2008\892 Bernard Bock, Sioux City – For celebrating his 80th birthday.
- 2008\893 William Le Clair, Sioux City – For celebrating his 75th birthday.
- 2008\894 Mavis Gaul, Sioux City – For celebrating her 80th birthday.
- 2008\895 Joan Hicks, Sioux City – For celebrating her 75th birthday.

- 2008\896 Joseph Corkery, Sioux City – For celebrating his 80th birthday.
- 2008\897 Darrell Dokken, Sioux City – For celebrating his 75th birthday.
- 2008\898 Carl Schuttpelz, Sioux City – For celebrating his 75th birthday.
- 2008\899 Viola Carver, Sioux City – For celebrating her 80th birthday.
- 2008\900 Charlyn Bennett, Sioux City – For celebrating her 80th birthday.
- 2008\901 Donald Fillaus, Sioux City – For celebrating his 85th birthday.
- 2008\902 Margaret Engstrand, Sioux City – For celebrating her 75th birthday.
- 2008\903 Betty Brandhorst, Washburn – For her many years of dedicated service to community.
- 2008\904 Bernard Kremer, Jesup – For his 42 years of dedicated service to John Deere.
- 2008\905 Bob Speed, Dunkerton – For being honored with Lifetime Membership as founding president of Minnesota Poured Wall Association.
- 2008\906 Don Payne, Traer – For his 30 years of dedicated service to John Deere DSS.
- 2008\907 Marilyn Bedard, Waterloo – For her 22 years of dedicated service to the residents of Friendship Village.
- 2008\908 Jerry Rickert, Waterloo – For his 35 years of dedicated service to John Deere.
- 2008\909 Henrietta “Hank” Shipp, Waterloo – For her 37 years of dedicated service to C and H Café.
- 2008\910 Paul Rottinghaus, Waterloo – For his 30 years of dedicated service to John Deere.
- 2008\911 Don and Marilyn Gonnerman, Waterloo – For celebrating their 50th wedding anniversary.
- 2008\912 Duane and Dorothy Mueller, Dike – For celebrating their 50th wedding anniversary.
- 2008\913 Larry and Claudia Bertram, Aplington – For celebrating their 50th wedding anniversary.
- 2008\914 Dallas and Gladys Allen, Dumont – For celebrating their 70th wedding anniversary.

- 2008\915 Fred and Stella Meier, Gilbertville – For celebrating their 50th wedding anniversary.
- 2008\916 David and Marilyn Steiner, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 2008\917 Armand De Cook, Sully – For celebrating his 80th birthday,
- 2008\918 William “Bill” and Cora Scholten, Sully – For celebrating their 65th wedding anniversary.
- 2008\919 Leola Harms, Waverly – For celebrating her 90th birthday.
- 2008\920 Earl and Madalyn Vierow, Waverly – For celebrating their 50th wedding anniversary.
- 2008\921 Nathan P. Dolter, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

House File 354 Reassigned

Commerce: Kressig, Chair; Jacobs and Kelley.

House File 2083

Education: Gayman, Chair; Palmer and Raecker.

House File 2084

Natural Resources: Davitt, Chair; Mertz and Rasmussen.

House File 2086

Natural Resources: Davitt, Chair; Lukan and Reichert.

House File 2088 Reassigned

Human Resources: Hunter, Chair; Roberts and Wessel-Kroeschell.

House File 2090

Natural Resources: D. Taylor, Chair; Lykam and Rasmussen.

House File 2092

Public Safety: Hunter, Chair; Baudler and Whitaker.

House File 2093

Natural Resources: Bailey, Chair; Baudler and Wenthe.

House File 2099

Veterans Affairs: Zirkelbach, Chair; Thomas and Windschitl.

House File 2100

Education: Palmer, Chair; May and Staed.

House File 2101

Education: Bukta, Chair; Mascher and Wiencsek.

House File 2104

Education: Winckler, Chair; Boal and Cohoon.

House File 2106

Education: Kelley, Chair; Gayman and L. Miller.

House File 2108

Transportation: Gaskill, Chair; Tjepkes and Whitaker.

House File 2110

Transportation: Dandekar, Chair; Mertz and Worthan.

House File 2113

Transportation: Cohoon, Chair; Arnold, Bukta, Huseman and Lykam.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 571

Ways and Means: Kelley, Chair; Palmer and Wiencsek.

House Study Bill 591

Ways and Means: Davitt, Chair; T. Olson and Pettengill.

House Study Bill 596

Labor: Jochum, Chair; Horbach and T. Taylor.

House Study Bill 597

Labor: T. Taylor, Chair; Horbach and Winckler.

House Study Bill 598

Labor: T. Taylor, Chair; Palmer and Van Engelenhoven.

House Study Bill 599

Labor: Hunter, Chair; Van Engelenhoven and Winckler.

House Study Bill 600

Labor: T. Taylor, Chair; Watts and Winckler.

House Study Bill 601

Labor: T. Taylor, Chair; Tymeson and Winckler.

House Study Bill 602

Labor: T. Taylor, Chair; Grassley and Zirkelbach.

House Study Bill 603

Labor: Hunter, Chair; Chambers and Staed.

House Study Bill 604

Labor: Staed, Chair; T. Taylor and Tymeson.

House Study Bill 605

Judiciary: R. Olson, Chair; Baudler and Smith.

House Study Bill 606

Judiciary: Oldson, Chair; Heaton and Palmer.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 607 Public Safety**

Relating to the regulation of explosives, and the possession of an incendiary or explosive device or material, and providing penalties.

H.S.B. 608 Judiciary

Relating to the disposal of dead animal carcasses in a water of this state, and providing penalties.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2023, a bill for an act relating to the distribution to counties of certain utility replacement tax revenues credited to the property tax relief fund and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 2008.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 528), relating to the membership requirements and oversight responsibilities of the board of educational examiners.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 2008.

Committee Bill (Formerly House Study Bill 563), providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 2008.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Senate File 261, a bill for an act requiring certain private sewage disposal system-related inspections to be conducted when certain property is sold or transferred and including an effective date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H—8005** January 30, 2008.

COMMITTEE ON HUMAN RESOURCES

House File 2058, a bill for an act establishing a shaken baby syndrome prevention program in the department of public health.

Fiscal Note is required.

Recommended **Do Pass** January 30, 2008.

Pursuant to Rule 31.7, House File 2058 was referred to the committee on appropriations.

Committee Bill (Formerly House Study Bill 515), relating to the advanced practice registered nurse licensure compact and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 30, 2008.

Committee Bill (Formerly House Study Bill 516), relating to authorized access to certain dependent adult abuse information.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 30, 2008.

Committee Bill (Formerly House Study Bill 566), to require insurers offering certain individual or group health insurance contracts, policies, or plans to provide coverage for vaccinations for human papilloma virus.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 2008.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House File 663), relating to taking the fingerprints of a child by a governmental unit.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 2008.

AMENDMENTS FILED

H—8003	S.F.	2023	Watts of Dallas
H—8004	S.F.	2023	Watts of Dallas
H—8005	S.F.	261	Committee on Environmental Protection
H—8006	S.F.	2023	Raecker of Polk

On motion by Whitaker of Van Buren the House adjourned at 9:43 a.m., until 9:00 a.m., Friday, February 1, 2008.

JOURNAL OF THE HOUSE

Nineteenth Calendar Day - Fourteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 1, 2008

The House met pursuant to adjournment at 9:26 a.m., Speaker Murphy in the chair.

Prayer was offered by Speaker Murphy.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Murphy.

The Journal of Thursday, January 31, 2008 was approved.

INTRODUCTION OF BILLS

House File 2132, by Paulsen, a bill for an act relating to the tally of absentee votes by precinct.

Read first time and referred to committee on **state government**.

House File 2133, by Huser and Schueller, a bill for an act relating to certain city utilities or city enterprises by making changes to procedures for notice and collection of delinquent charges and by making changes to billing notifications for water service provided to certain residential rental property.

Read first time and referred to committee on **local government**.

House File 2134, by Struyk, a bill for an act concerning eligibility to participate in a sick leave conversion program by certain peace officers employed within the department of public safety.

Read first time and referred to committee on **state government**.

House File 2135, by Wiencek, a bill for an act establishing a violence prevention competitive grant program administered by the

department of education for school districts to assist elementary school children and providing an appropriation.

Read first time and referred to committee on **education**.

House File 2136, by Boal, a bill for an act relating to public access to certain vital statistics records.

Read first time and referred to committee on **human resources**.

House File 2137, by committee on education, a bill for an act relating to the membership requirements and oversight responsibilities of the board of educational examiners.

Read first time and placed on the **calendar**.

House File 2138, by Tymeson, a bill for an act requiring certain persons who register to vote after the close of registration to vote a provisional ballot.

Read first time and referred to committee on **state government**.

House File 2139, by Quirk, a bill for an act relating to the licensing and regulation of plumbers and mechanical professionals and providing effective dates.

Read first time and referred to committee on **state government**.

House File 2140, by committee on education, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Read first time and placed on the **calendar**.

House File 2141, by Tymeson, a bill for an act concerning permissible expenditures from the veterans trust fund.

Read first time and referred to committee on **veterans affairs**.

House File 2142, by Palmer, a bill for an act providing for a private cause of action for certain consumer fraud violations.

Read first time and referred to committee on **judiciary**.

House File 2143, by Wessel-Kroeschell, a bill for an act requiring school districts to provide transportation to students who are not entitled to free transportation.

Read first time and referred to committee on **education**.

House File 2144, by Dandekar, Heddens, Murphy, Berry, Kelley, Wendt, Smith, Mertz, Kressig, D. Olson, T. Olson, Abdul-Samad, Shomshor, Zirkelbach, Gaskill, Ford and T. Taylor, a bill for an act relating to the compulsory school attendance age and providing effective dates.

Read first time and referred to committee on **education**.

House File 2145, by committee on human resources, a bill for an act to require insurers offering certain individual or group health insurance contracts, policies, or plans to provide coverage for vaccinations for human papilloma virus.

Read first time and placed on the **calendar**.

House File 2146, by Bailey, Kelley, Smith, Reichert, Foege, Tomenga, Horbach, May, Zirkelbach, L. Miller, Rayhons, Heaton, Gayman, Gaskill, Swaim, Frevert, Abdul-Samad, Quirk, Schueller, Clute, Tjepkes, Van Fossen, Baudler, Gipp, Pettengill, Wenthe, Jacoby, D. Taylor, Dolecheck, Granzow, Soderberg, Sands, Schickel, Hoffman, Dandekar, Berry, Bukta and Petersen, a bill for an act adding personal finance skills and literacy requirements to the education programs school districts and accredited nonpublic schools must offer.

Read first time and referred to committee on **commerce**.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|----------|--|
| 2008\922 | Todd Wiley, Walker – For being named a 2007 Pork All American Winner by the Iowa Pork Producers Association. |
| 2008\923 | Sean Dolan, Masonville – For being named a 2007 Master Pork Producer by the Iowa Pork Producers Association. |
| 2008\924 | Kayla Kehrli, Winthrop – For being named a candidate in the 2008 Iowa Pork Queen contest. |

On motion by McCarthy of Polk the House adjourned at 9:31 a.m., until 1:00 p.m., Monday, February 4, 2008.

JOURNAL OF THE HOUSE

Twenty-second Calendar Day - Fifteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 4, 2008

The House met pursuant to adjournment at 1:15 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Steven Hetzel, pastor of Faith Lutheran Church, Onawa. He was the guest of Representative Matt Windschitl of Harrison County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Page Reggie Netz from Manson.

The Journal of Friday, February 1, 2008 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 2002, by Windschitl, Paulsen, Van Fossen and Forristall, a resolution proposing an amendment to the Constitution of the State of Iowa relating to the sessions of the General Assembly.

Read first time and referred to committee on **state government**.

House File 2147, by Gaskill, a bill for an act allowing counties to share a county assessor.

Read first time and referred to committee on **local government**.

House File 2148, by Gaskill, a bill for an act modifying the voter registration deadline for primary elections and providing an effective date.

Read first time and referred to committee on **state government**.

House File 2149, by T. Olson, a bill for an act revising the schedule of basic needs for the family investment program.

Read first time and referred to committee on **human resources**.

House File 2150, by T. Olson, Tomenga, May, Horbach, Bailey, Foege, Zirkelbach, L. Miller, Rayhons, Heaton, Gayman, Gaskill, Swaim, Frevert, Upmeyer, Abdul-Samad, Quirk, Schueller, Petersen, D. Olson and Mertz , a bill for an act increasing the amount of the state earned income tax credit and including a retroactive applicability date provision.

Read first time and referred to committee on **ways and means**.

House File 2151, by committee on human resources, a bill for an act relating to the advanced practice registered nurse licensure compact and providing an effective date.

Read first time and placed on the **calendar**.

House File 2152, by committee on human resources, a bill for an act relating to authorized access to certain dependent adult abuse information.

Read first time and placed on the **calendar**.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 4, 2008, he approved and transmitted to the Secretary of State the following bill:

Senate File 2054, an Act providing for county eligibility for state payment of certain mental health, mental retardation, and developmental disabilities services funding and providing effective and retroactive applicability dates.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\925 Roberta Pendleton, Sioux City – For celebrating her 90th birthday.
- 2008\926 Dorothy Hutchinson, Sioux City – For celebrating her 80th birthday.
- 2008\927 Jim and Betty Reese, Sioux City – For celebrating their 60th wedding anniversary.
- 2008\928 Robert and Janis Kazimour, Cedar Rapids – For receiving the Peter Teahen Award, for their spirit of patriotism and for exemplifying the sense of community and family.
- 2008\929 J. C. Van't Land, Hull – For receiving the Boyden-Hull High School 2008 Student of the Year Award by the Hull Business and Professional Club.
- 2008\930 Erin Boer, Hull – For receiving the Western Christian High School 2008 Student of the Year Award by the Hull Business and Professional Club.
- 2008\931 Kelsi Wesselink, Hull – For being crowned 2008 Miss Hull.
- 2008\932 Andrew Rathbun, Sioux Center – For attaining the rank of Eagle Scout, the highest rank in the Boys Scouts of America.
- 2008\933 John and Jeanette Feekes, Sioux Center – For celebrating their 60th wedding anniversary.
- 2008\934 Henrietta Uittenbogaard, George – For celebrating her 90th birthday.
- 2008\935 Floyd Meacham, Stuart – For celebrating his 90th birthday.
- 2008\936 Ethel Mack, Audubon – For celebrating her 90th birthday.
- 2008\937 Bob and Pat Porter, Bagley – For celebrating their 80th birthdays.
- 2008\938 Jr. and Joyce Allsup, Peru – For celebrating their 50th wedding anniversary.
- 2008\939 Dan Willenbring, Dubuque – For receiving the “A Friend of the School” award from the Iowa High School Athletic Association.
- 2008\940 Tom Danner, Dubuque – For being name District Coach of the Year by the Iowa Wrestling Coaches and Officials Association.
- 2008\941 Marshall W. Rose, Donnellson – For celebrating his 80th birthday.
- 2008\942 Harold Woodruff, Burlington – For celebrating his 80th birthday.
- 2008\943 Duane and Carole Sulzberger, Burlington – For celebrating their 50th wedding anniversary.

- 2008\944 Father John J. O'Connor, New Vienna/St. Boniface – For celebrating his 50th anniversary of ordination to the priesthood.
- 2008\945 Esther Leaf, Newton – For celebrating her 95th birthday.
- 2008\946 Jerry Castonguay, Newton – For celebrating his 85th birthday.
- 2008\947 J.R. Fanning, Kellogg – For celebrating his 80th birthday.
- 2008\948 Juanita C. Houser, Newton – For celebrating her 100th birthday.
- 2008\949 Marvin and Pat Vaske, Garnavillo – For celebrating their 50th wedding anniversary.
- 2008\950 Cleyta Lange, Monona – For celebrating her 101st birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 678

Judiciary: Wessel-Kroeschell, Chair; Baudler and Lensing.

House File 2073

Economic Growth: Thomas, Chair; Bailey and Hoffman.

House File 2079

Economic Growth: D. Olson, Chair; Schickel and Wise.

House File 2111

Natural Resources: Mertz, Chair; Soderberg and Wenthe.

House File 2120

Judiciary: Huser, Chair; Palmer and Struyk.

House File 2121

Commerce: T. Olson, Chair; Clute and Wise.

House File 2122

Commerce: Quirk, Chair; Bailey and Van Fossen.

House File 2125

Veterans Affairs: Bailey, Chair; Alons and D. Taylor.

House File 2128

Commerce: T. Olson, Chair; Kressig, Petersen, Struyk and Upmeyer.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 585

Economic Growth: Staed, Chair; Bailey and Schickel.

House Study Bill 586

Economic Growth: D. Olson, Chair; Anderson and Wenthe.

House Study Bill 607

Public Safety: Kressig, Chair; Kuhn and Tjepkes.

House Study Bill 608

Judiciary: Winckler, Chair; Horbach and Mertz.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 609 State Government

Requiring the licensing of abstractors within the department of commerce, establishing fees, penalties, and judicial remedies, and providing an effective date.

H.S.B. 610 State Government

Relating to the regulation of the practice of certified public accounting.

H.S.B. 611 State Government

Relating to the applicable percentage used in calculating retirement benefits under the municipal fire and police retirement system of Iowa.

H.S.B. 612 State Government

Relating to campaign finance procedures and requirements and providing an effective date.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 530), relating to voluntary or court-ordered school desegregation plans under the state's open enrollment law.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 4, 2008.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 517), relating to controlled substance schedules and the reporting requirements to the board of pharmacy and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 2008.

Committee Bill (Formerly House Study Bill 518), relating to the practice of pharmacy, including provisions governing tech-check-tech programs and specifying applicable penalty provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 2008.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 507), expanding the time period during which a complaint may be filed with the Iowa civil rights commission.

Fiscal Note is not required.

Recommended **Do Pass** January 31, 2008.

Committee Bill (Formerly House Study Bill 544), relating to business corporations, by providing for distributions and business opportunities.

Fiscal Note is not required.

Recommended **Do Pass** January 31, 2008.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 2048), relating to the placement of deer transportation tags on antlered deer that have been taken pursuant to a deer hunting license.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 2008.

RESOLUTION FILED

HR 102, by McCarthy, Murphy and Rants, a resolution designating February 5, 2008, as Iowa Insurance Day.

Laid over under Rule 25.

AMENDMENTS FILED

H—8007	H.F.	2140	Paulsen of Linn
H—8008	S.F.	261	Huser of Polk
H—8009	S.F.	261	Alons of Sioux
			Baudler of Adair
			S. Olson of Clinton
			Drake of Pottawattamie
			Sands of Louisa
			De Boef of Keokuk
			Windschitl of Harrison
H—8010	S.F.	261	Sands of Louisa

On motion by McCarthy of Polk the House adjourned at 1:21 p.m., until 9:00 a.m., Tuesday, February 5, 2008.

JOURNAL OF THE HOUSE

Twenty-third Calendar Day - Sixteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 5, 2008

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

Prayer was offered by Rabbi Beryl Padorr from the Tifereth Israel Synagogue, Des Moines. She was the guest of Representative Jo Oldson of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Page Jennifer Fisher from Ellsworth.

The Journal of Monday, February 4, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

D. Olson of Boone on request of Thomas of Clayton; Pettengill of Benton on request of Struyk of Pottawattamie.

INTRODUCTION OF BILLS

House File 2153, by Thomas, a bill for an act relating to the transportation of passengers in a motor vehicle operated by a person with a special minor's driver's license and making penalties applicable.

Read first time and referred to committee on **transportation**.

House File 2154, by Wise, Petersen, and Berry, a bill for an act relating to monitoring the academic progress of high school students.

Read first time and referred to committee on **education**.

House File 2155, by Jacoby, a bill for an act relating to increases in the reimbursement rates or amounts for certain providers under the purview of the department of human services, and providing an appropriation.

Read first time and referred to committee on **appropriations**.

House File 2156, by Pettengill, Bailey, Kelley and Horbach, a bill for an act establishing a minimum speed limit for interstate highways and making a penalty applicable.

Read first time and referred to committee on **transportation**.

House File 2157, by committee on judiciary, a bill for an act expanding the time period during which a complaint may be filed with the Iowa civil rights commission.

Read first time and placed on the **calendar**.

SPECIAL PRESENTATION

McCarthy of Polk, Rants of Woodbury and Chief Clerk Mark Brandsgard presented certificates of appreciation to former doorkeepers Jim Glenn and Jerry Orman.

The House rose and expressed its appreciation.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 102.

ADOPTION OF HOUSE RESOLUTION 102

Kelley of Black Hawk and T. Olson of Linn called up for consideration **House Resolution 102**, a resolution designating February 5, 2008, as Iowa Insurance Day, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Regular Calendar

House File 247, a bill for an act providing voting member representation on joint E911 service boards for cities or townships

providing fire protection services through a volunteer fire department, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 247)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Olson, D. Pettengill

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

Senate File 572, a bill for an act extending state tax benefits for use of soy-based transformer fluid by electric utilities and including effective and applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Kelley of Black Hawk offered the following amendment H-8001 filed by the committee on ways and means and moved its adoption:

H-8001

- 1 Amend Senate File 572, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 1, by inserting after the word
- 4 "Code" the following: "Supplement".
- 5 2. Page 1, line 5, by striking the words and
- 6 figures "sections 422.12 and 422.12B" and inserting
- 7 the following: "section 422.12".
- 8 3. Page 1, line 9, by striking the word and
- 9 figure "23, Code" and inserting the following: "22,
- 10 Code Supplement".
- 11 4. Page 1, line 11, by striking the figure "23."
- 12 and inserting the following: "22."
- 13 5. Page 1, line 15, by inserting after the word
- 14 "Code" the following: "Supplement".

The committee amendment H-8001 was adopted.

Kelley of Black Hawk asked and received unanimous consent to withdraw amendment H-1900 filed by her on April 23, 2007.

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

On the question "Shall the bill pass?" (S.F. 572)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman

Horbach	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencek	Winckler
Windschitl	Wise	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 1:

Hunter

Absent or not voting and 2:

Olson, D. Pettengill

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 247** and **Senate File 572**.

HOUSE FILE 154 WITHDRAWN

Wendt of Woodbury asked and received unanimous consent to withdraw House File 154 from further consideration by the House.

HOUSE FILE 882 WITHDRAWN

Kelley of Black Hawk asked and received unanimous consent to withdraw House File 882 from further consideration by the House.

HOUSE FILES WITHDRAWN

Gaskill of Wapello asked and received unanimous consent to withdraw the following House Files:

House File 52
House File 192
House File 201
House File 343
House File 417

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|----------|---|
| 2008\951 | Lester and Jeanette Mennen, Ackley – For celebrating their 65 th wedding anniversary. |
| 2008\952 | Emma DeNeui, Ackley – For celebrating her 100 th birthday. |
| 2008\953 | Paul and Karen Nielsen, Springville – For celebrating their 50 th wedding anniversary. |
| 2008\954 | Rex and Linda Prunty, Swisher – For celebrating their 50 th wedding anniversary. |
| 2008\955 | Glenn W. Smith, Council Bluffs – For celebrating his 90 th birthday. |
| 2008\956 | Ashley Orris, Columbus Junction – For being named to Wartburg College's Dean's List. |
| 2008\957 | Jane Ohde, Columbus Junction – For being named to Wartburg College's Dean's List. |
| 2008\958 | Robert and Lorraine Hook, Wapello – For celebrating their 60 th wedding anniversary. |
| 2008\959 | Charles Dunlavy, Blakesburg – For celebrating his 75 th birthday. |
| 2008\960 | Burdess Drummond, Ottumwa – For celebrating his 80 th birthday. |
| 2008\961 | Ruby Greene, Ottumwa – For celebrating her 80 th birthday. |

- 2008\962 Samuel Brown, Ottumwa – For celebrating his 75th birthday.
- 2008\963 Mary Durham, Ottumwa – For celebrating her 85th birthday.
- 2008\964 Roberta Montagne, Ottumwa – For celebrating her 75th birthday.
- 2008\965 Norman Yeager, Ottumwa – For celebrating his 75th birthday.
- 2008\966 Glen Carman, Ottumwa – For celebrating his 80th birthday.
- 2008\967 Emma Davis, Ottumwa – For celebrating her 75th birthday.
- 2008\968 Richard Ellis, Ottumwa – For celebrating his 75th birthday.
- 2008\969 Louis Hendren, Ottumwa – For celebrating his 80th birthday.
- 2008\970 Harold Gipson, Ottumwa – For celebrating his 85th birthday.
- 2008\971 Anola Payne, Ottumwa – For celebrating her 75th birthday.
- 2008\972 Rosie Morrow, Ottumwa – For celebrating her 80th birthday.
- 2008\973 Jerri Livingston, Ottumwa – For celebrating her 75th birthday.
- 2008\974 Glen Vanroekel, Ottumwa – For celebrating his 75th birthday.
- 2008\975 Ronald McDowell, Blakesburg – For celebrating his 75th birthday.
- 2008\976 Garold Vincent, Ottumwa – For celebrating his 75th birthday.
- 2008\977 Elmer Thompson, Ottumwa – For celebrating his 80th birthday.
- 2008\978 Ruth Steffen, Ottumwa – For celebrating her 90th birthday.
- 2008\979 Donald Cudworth, Ottumwa – For celebrating his 80th birthday.
- 2008\980 Noble Carroll, Ottumwa – For celebrating his 90th birthday.
- 2008\981 Lester Veatch, Ottumwa – For celebrating his 85th birthday.
- 2008\982 Catherine Yochum, Ottumwa – For celebrating her 90th birthday.
- 2008\983 Gladys McDowell-Roquet, Ottumwa – For celebrating her 75th birthday.
- 2008\984 Billee Gullett, Ottumwa – For celebrating her 75th birthday.
- 2008\985 Georgimae Guyette, Ottumwa – For celebrating her 80th birthday.
- 2008\986 John Kooyman, Ottumwa – For celebrating his 80th birthday.
- 2008\987 Dorothy Campbell, Ottumwa – For celebrating her 85th birthday.

- 2008\988 Ferne Freese, Ottumwa – For celebrating her 85th birthday.
- 2008\989 Buinita Tinsley, Ottumwa – For celebrating her 95th birthday.
- 2008\990 Bessie Ullman, Ottumwa – For celebrating her 95th birthday.
- 2008\991 Maxine Davis, Ottumwa – For celebrating her 75th birthday.
- 2008\992 Harold Ellis, Ottumwa – For celebrating his 80th birthday.
- 2008\993 Charles Wilt, Ottumwa – For celebrating his 75th birthday.
- 2008\994 John Moughler, Ottumwa – For celebrating his 85th birthday.
- 2008\995 Lois Schelen, Ottumwa – For celebrating her 90th birthday.
- 2008\996 Helen Hartley, Ottumwa – For celebrating her 75th birthday.
- 2008\997 Deloris Leffler, Ottumwa – For celebrating her 75th birthday.
- 2008\998 Lavern Barker, Ottumwa – For celebrating his 90th birthday.
- 2008\999 Kenneth Holley, Ottumwa – For celebrating his 75th birthday.
- 2008\1000 Allen McFarling, Ottumwa – For celebrating his 75th birthday.
- 2008\1001 Lois Himes, Ottumwa – For celebrating her 80th birthday.
- 2008\1002 Maxine Courtney, Ottumwa – For celebrating her 80th birthday.
- 2008\1003 Loretta Langgin, Ottumwa – For celebrating her 90th birthday.
- 2008\1004 Homer Gardner, Albia – For celebrating his 80th birthday.
- 2008\1005 Barbara James, Ottumwa – For celebrating her 80th birthday.
- 2008\1006 Nick and June Nicholson, Lenox – For celebrating their 60th wedding anniversary.
- 2008\1007 Maxine Sickels, Mount Ayr – For celebrating her 100th birthday.
- 2008\1008 Carl and Phyllis Alm, Elliot – For celebrating their 60th wedding anniversary.
- 2008\1009 George and Nancy Ingham, Swaledale – For celebrating their 50th wedding anniversary.
- 2008\1010 Enid Crandon, Gilman – For celebrating his 80th birthday.
- 2008\1011 Donald Brown, Eldora – For celebrating his 85th birthday.

- 2008\1012 Bob and Connie McIlrath, Grundy Center – For celebrating their 50th wedding anniversary.
- 2008\1013 Marian Ballard, Reinbeck – For celebrating her 80th birthday.
- 2008\1014 Izetta Kuehl, Grundy Center – For celebrating her 90th birthday.
- 2008\1015 LeRoy Dew, Grundy Center – For celebrating his 90th birthday.
- 2008\1016 Ruth Rindels, Grundy Center – For celebrating her 80th birthday.
- 2008\1017 Leona Kuecker, Waverly – For celebrating her 90th birthday.
- 2008\1018 Shirley Heine, Waverly – For celebrating her 80th birthday.
- 2008\1019 Marion McNeilus, Waverly – For celebrating her 90th birthday.
- 2008\1020 Lydia Schneider, Garner – For celebrating her 100th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 622

Government Oversight: Ford, Chair; Swaim and Watts.

House File 2081

Education: Palmer, Chair; Boal and Kelley.

House File 2082

Education: Palmer, Chair; Kelley and May.

House File 2114

Human Resources: Mascher, Chair; Granzow and Smith.

House File 2115

Human Resources: Mascher, Chair; Grassley and Smith.

House File 2117

Human Resources: Mascher, Chair; Heaton and Smith.

House File 2118

Human Resources: Mascher, Chair; L. Miller and Smith.

House File 2123

Public Safety: Berry, Chair; Alons and Bell.

House File 2124

Public Safety: Whitaker, Chair; Baudler and Kressig.

House File 2126

Transportation: Windschitl, Chair; Cohoon and Lykam.

House File 2129

Education: Cohoon, Chair; Chambers and Foege.

House File 2131

Education: Cohoon, Chair; Palmer and Raecker.

House File 2133

Local Government: Huser, Chair; Schueller and Van Fossen.

House File 2135

Education: Winckler, Chair; Staed and Wiencek.

House File 2136

Human Resources: Palmer, Chair; T. Olson and Roberts.

House File 2142

Judiciary: Palmer, Chair; Horbach and Swaim.

House File 2143

Education: Cohoon, Chair; Foege and Forristall.

House File 2144

Education: Heddens, Chair; Dolecheck and Gayman.

House File 2147

Local Government: Gaskill, Chair; Arnold and Whitead.

House File 2153

Transportation: Cohoon, Chair; Arnold, Bukta, Huseman and Lykam.

Senate File 199

Judiciary: Lensing, Chair; Baudler and Winckler.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 613 State Government

Providing for the licensure of persons installing fire protection systems, providing for the establishment of fees, and providing penalties.

H.S.B. 614 Judiciary

Relating to the involvement of the juvenile court and the county attorney in certain child abuse cases.

H.S.B. 615 Environmental Protection

Relating to water quality by establishing a water resources coordinating council, authorizing a marketing campaign, directing assistance to local communities for monitoring and measurement, and creating a regional assessment program, a community-based improvement program, and a wastewater and storm water infrastructure program.

H.S.B. 616 State Government

Providing for the establishment of a commission on the status of Native Americans within the department of human rights.

H.S.B. 617 State Government

Relating to protection of personal information and notice procedures following a breach of security.

H.S.B. 618 State Government

Making technical and corrective changes to the law relating to elections and voter registration and making a penalty applicable.

H.S.B. 619 Human Resources

Requiring a preliminary investigation to be conducted by the county medical examiner in the event of the death of a resident of certain state facilities administered by the department of human services.

H.S.B. 620 Human Resources

Relating to adjudications of persons with mental illness and providing an effective date.

H.S.B. 621 Human Resources

Expanding eligibility for the preparation for adult living program administered by the department of human services.

H.S.B. 622 Economic Growth

Relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the Iowa summer youth corps account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing a retroactive applicability provision.

H.S.B. 623 Human Resources

Relating to communications and patient transfers among providers and payers for the IowaCare program.

H.S.B. 624 Human Resources

Relating to child support recovery including assignment of support to the state relative to receipt of family investment program benefits, garnishment of money held by the state for a person who owes delinquent child support, the reporting of delinquent child support obligors to consumer reporting agencies, access to cellular telephone numbers for the purpose of the computer match program by the child support recovery unit, collection of support from certain obligors, the information included in a notice regarding the administrative levy of an account, and medical support of a child, and providing effective and retroactive applicability dates.

H.S.B. 625 Judiciary

To increase the maximum allowable fine for violation of a city or county ordinance or a portion of the Code adopted by reference.

H.S.B. 626 Veterans Affairs

Concerning the substitution of antiepileptic drugs and establishing an effective date.

AMENDMENTS FILED

H—8011	H.F.	2140	Mascher of Johnson
H—8012	S.F.	261	Huser of Polk
H—8013	S.F.	261	Alons of Sioux
	S. Olson of Clinton		De Boef of Keokuk
	Watts of Dallas		Sands of Louisa
	Mertz of Kossuth		Drake of Pottawattamie
	Baudler of Adair		

On motion by McCarthy of Polk the House adjourned at 9:38 a.m., until 9:00 a.m., Wednesday, February 6, 2008.

JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day - Seventeenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 6, 2008

The House met pursuant to adjournment at 9:15 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend David Clark, pastor of the Ankeny Christian Church, Ankeny. He was the guest of Representative Carmen Boal of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Page, Matthew Sexton from Ankeny.

The Journal of Tuesday, February 5, 2008 was approved.

INTRODUCTION OF BILLS

House File 2158, by Bailey, H. Miller, Zirkelbach, Jacoby, D. Taylor, Bukta, Mertz, Quirk, Pettengill, Whitead, Staed, Reichert, Mascher, Kuhn, Kressig, Frevert, T. Olson, Wenthe, Kelley, Thomas, Winckler, Windschitl, Petersen, Kaufmann, Worthan, Gayman and Schueller, a bill for an act concerning veterans, including expenditures from the veterans trust fund and authorization of lottery games for veterans.

Read first time and referred to committee on **veterans affairs**.

House File 2159, by Wendt, a bill for an act limiting the authority of the director of the department of human services in reviewing decisions in contested cases.

Read first time and referred to committee on **human resources**.

House File 2160, by Sands, a bill for an act prohibiting the purchase of flags by state agencies and governmental subdivisions of the state if manufactured outside the United States.

Read first time and referred to committee on **state government**.

House File 2161, by Bailey, a bill for an act relating to a postsecondary tuition waiver for veterans attending community colleges or state universities and making appropriations.

Read first time and referred to committee on **veterans affairs**.

House File 2162, by Horbach, a bill for an act relating to swine by providing for their health and movement, the taking of estray swine, the registration of game swine, the imposition of fees, and providing for penalties and an effective date.

Read first time and referred to committee on **agriculture**.

House File 2163, by Whitaker and Reichert, a bill for an act relating to classification of certain residential property for purposes of property assessment and taxation and including effective date and retroactive applicability date provisions.

Read first time and referred to committee on **ways and means**.

House File 2164, by committee on education, a bill for an act relating to voluntary diversity or court-ordered school desegregation plans under the state's open enrollment law.

Read first time and placed on the **calendar**.

House File 2165, by committee on judiciary, a bill for an act relating to business corporations, by providing for distributions and business opportunities.

Read first time and placed on the **calendar**.

House File 2166, by committee on human resources, a bill for an act relating to the practice of pharmacy, including provisions governing tech-check-tech programs and specifying applicable penalty provisions.

Read first time and placed on the **calendar**.

House File 2167, by committee on human resources, a bill for an act relating to controlled substance schedules and the reporting

requirements to the board of pharmacy and making penalties applicable.

Read first time and placed on the **calendar**.

House File 2168, by Dandekar, Berry, Swaim, Bailey, Wenthe, Smith, Gayman, Kelley, Quirk, Kressig, Mertz, Heddens, Thomas, Wendt, Schueller and Huser, a bill for an act relating to the criminal offense of internet harassment and bullying, and providing penalties.

Read first time and referred to committee on **public safety**.

House File 2169, by R. Olson, a bill for an act relating to communications made by a person under arrest or in custody.

Read first time and referred to committee on **public safety**.

House File 2170, by Kressig, a bill for an act concerning permissible prizes for use of an electrical and mechanical amusement device.

Read first time and referred to committee on **state government**.

House File 2171, by Reichert, a bill for an act requiring public schools and specified nonpublic schools to utilize environmentally sensitive cleaning and maintenance products in school facilities.

Read first time and referred to committee on **education**.

House File 2172, by Abdul-Samad, Swaim, Gayman, Lensing, Wessel-Kroeschell, Smith, Foege, Winckler, Gaskill, Hunter, Petersen, H. Miller, Schueller, Wendt, Reichert, Frevert, Bukta, Berry, T. Olson, Wenthe, Whitaker and Ford, a bill for an act making an appropriation for the hepatitis integration project.

Read first time and referred to committee on **appropriations**.

HOUSE FILES WITHDRAWN

Lykam of Scott asked and received unanimous consent to withdraw the following House Files from further consideration by the House:

House File 33
House File 186
House File 196
House File 295

On motion by McCarthy of Polk, the House was recessed at 9:24 a.m., until 4:30 p.m.

AFTERNOON SESSION

The House reconvened at 4:40 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

House File 2173, by Kressig, a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

Read first time and referred to committee on **public safety**.

House File 2174, by Heddens, a bill for an act imposing requirements on the driver of a motor vehicle involved in a single-vehicle accident and making a penalty applicable.

Read first time and referred to committee on **public safety**.

House File 2175, by R. Olson, a bill for an act establishing a county courthouse infrastructure and security fund and program, changing the tax rate on adjusted gross receipts from certain gambling structures, and providing an appropriation to the fund from a portion of adjusted gross receipts from gambling games on gambling structures.

Read first time and referred to committee on **state government**.

House File 2176, by Wenthe, a bill for an act relating to the incorporation of character education into the curricula of students in grades one through nine, and providing effective and applicability dates.

Read first time and referred to committee on **education**.

House File 2177, by committee on natural resources, a bill for an act relating to the placement of deer transportation tags on antlered deer that have been taken pursuant to a deer hunting license.

Read first time and placed on the **calendar**.

House File 2178, by Ford, a bill for an act requiring standardized requirements for long-term care insurance policies advertised, marketed, offered, delivered, or issued for delivery in the state, and providing an applicability date.

Read first time and referred to committee on **commerce**.

House File 2179, by Ford, a bill for an act requiring school districts to observe a moment of silence once during each instructional day.

Read first time and referred to committee on **education**.

House File 2180, by Chambers, a bill for an act expanding the national guard educational assistance program to provide assistance to students enrolled in graduate school.

Read first time and referred to committee on **education**.

House File 2181, by T. Taylor, Heaton, Zirkelbach, Smith, Tjepkes and Bell, a bill for an act requiring the department of corrections to test inmates for certain staph infections.

Read first time and referred to committee on **public safety**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Anderson of Page on request of Roberts of Carroll.

QUORUM CALL

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

CONSIDERATION OF BILLS
Regular Calendar

House File 2103, a bill for an act relating to appointments to the college student aid commission and including an effective date and applicability provision, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2103)

The ayes were, 99

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

The nays were, none.

Absent or not voting, 1:

Anderson

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

House File 2140, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date, was taken up for consideration.

Paulsen of Linn offered amendment H-8007 filed by him as follows:

H-8007

1 Amend House File 2140 as follows:

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

4 "Section 1. Section 257.4, subsection 1, paragraph
5 a, Code 2007, is amended to read as follows:

6 a. (1) A school district shall cause an
7 additional property tax to be levied each year. ~~The~~
8 Subject to subparagraph (2), the rate of the
9 additional property tax levy in a school district
10 shall be determined by the department of management
11 and shall be calculated to raise the difference
12 between the combined district cost for the budget year
13 and the sum of the products of the regular program
14 foundation base per pupil times the weighted
15 enrollment in the district and the special education
16 support services foundation base per pupil times the
17 special education support services weighted enrollment
18 in the district.

19 (2) The department of management shall recalculate
20 the additional property tax levy determined under
21 subparagraph (1) by subtracting the amount of
22 additional state aid to be received by the school
23 district under paragraphs "b" and "c".

24 Sec. 2. Section 257.4, subsection 1, Code 2007, is
25 amended by adding the following new paragraph:
26 NEW PARAGRAPH. c. (1) For the budget year
27 beginning July 1, 2009, the department of education
28 shall pay additional state aid to each school district
29 equal to the amount of additional property tax revenue
30 to be generated for the budget year as computed under
31 paragraph "a" that is attributable to the allowable
32 growth for the budget year.

33 (2) For the budget year beginning July 1, 2010,
34 and subsequent budget years, the department of
35 education shall pay additional state aid to each
36 school district equal to the sum of the amount of

37 additional property tax revenue to be generated for
 38 the budget year as computed under paragraph "a" that
 39 is attributable to the allowable growth for the budget
 40 year plus the amount of additional state aid paid to
 41 the school district for the base year."

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

44 "Sec. _____. Section 257.16, subsection 1, Code
 45 Supplement 2007, is amended to read as follows:

46 1. There is appropriated each year from the
 47 general fund of the state an amount necessary to pay
 48 the foundation aid under this chapter, the preschool
 49 foundation aid under chapter 256C, additional property
 50 tax levay aid under section 257.4, subsection 1,

Page 2

1 paragraph "c", supplementary aid under section 257.4,
 2 subsection 2, and adjusted additional property tax
 3 levy aid under section 257.15, subsection 4."

4 3. Page 1, by striking line 17 and inserting the
 5 following: "for the school budget years beginning on
 6 or after July 1, 2009."

7 4. Title page, by striking line 3 and inserting
 8 the following: "and redirecting state aid to
 9 compensate for property tax increases, and including
 10 an applicability date provision."

11 5. By renumbering as necessary.

Wendt of Woodbury rose on a point of order that amendment H-8007 was not germane.

The Speaker ruled the point well taken and amendment H-8007 not germane.

Paulsen of Linn asked for unanimous consent to suspend the rules to consider amendment H-8007.

Objection was raised.

Paulsen of Linn moved to suspend the rules to consider amendment H-8007.

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

On the question "Shall the rules be suspended to consider amendment H-8007?" (H.F. 2140)

The ayes were, 45:

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

The nays were, 54:

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

Absent or not voting, 1:

Anderson

The motion to suspend the rules lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-8011 filed by her on February 5, 2008.

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

On the question "Shall the bill pass?" (H.F. 2140)

The ayes were, 97:

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

The nays were, 2:

Raecker Watts

Absent or not voting, 1:

Anderson

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2103** and **2140**.

HOUSE FILE 2181 REREFERRED

The Speaker announced that House File 2181, previously referred to committee on **public safety** was rereferred to committee on **human resources**.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

CAPITOL PLANNING COMMISSION

Annual report, pursuant to Chapter 8A.373, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Report on activities of the Iowa Commission on Volunteer Services, pursuant to Chapter 15H.2(2), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Annual report of the Biodiesel Fuel Revolving Fund expenditures, pursuant to Chapter 307.20, Code of Iowa.

Midwest Regional Rail Passenger Initiative and Passenger Rail Service in Iowa annual report, pursuant to Chapter 327J.3(5), Code of Iowa.

Annual report of registered flex fuel vehicles, pursuant to Chapter 452A.33(3), Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Annual report from the hawk-i Board, pursuant to Chapter 514.1(7)(g), Code of Iowa.

LEGISLATIVE SERVICES AGENCY

Annual report of the State Prison System Planning Study Committee, pursuant to Chapter 179.1, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\1021 Mr. and Mrs. Marvin Brown, Muscatine – For celebrating their 50th wedding anniversary.
- 2008\1022 Mr. and Mrs. Richard Ricklefs, Muscatine – For celebrating their 50th wedding anniversary.
- 2008\1023 Esther Clemens, Muscatine – For celebrating her 80th birthday.
- 2008\1024 Alma Axtell, Muscatine – For celebrating her 80th birthday.
- 2008\1025 Winona Anderson, Oakville – For celebrating her 80th birthday.
- 2008\1026 Jerry Dwyer, Clear Lake – For receiving the FAA Wright Brothers Master Pilot and the Charles Taylor Master Mechanic awards.
- 2008\1027 Jordann Wenzel, Latimer – For participating in the Iowa Premier Pork Youth Ambassador Program.
- 2008\1028 Dan Burzloff, Delmar – For being named a 2007 Master Seedstock Producer by the Iowa Pork Producers.
- 2008\1029 Scott Cirkseña, Clive – For being named the 2008 Clive Citizen of the Year.
- 2008\1030 Rebecca Engler, Nevada – For her participation in the Iowa Pork Producers Premier Youth Ambassador Contest.
- 2008\1031 Whitney Krause, Alden – For her participation in the Iowa Pork Producers Iowa Pork Queen Contest.
- 2008\1032 Phyllis Ditmer, Columbia – For being named a 2007 State Bell Ringer Award winner by the Iowa Pork Producers Association.
- 2008\1033 Kevin Dittmer, Columbia – For being named a 2007 Hog Wild Award winner by the Iowa Pork Producers Association.
- 2008\1034 Brittney Zumbach, Ryan – For being named a candidate in the 2008 Iowa Pork Queen Contest.
- 2008\1035 Ann Domeyer, Earlville – For being named a 2007 State Bell Ringer Award winner by the Iowa Pork Producers Association.
- 2008\1036 Ron Domeyer, Earlville – For being named a 2007 Hog Wild Award winner by the Iowa Pork Producers Association.
- 2008\1037 Marty Broich, Alta – For being named a 2007 Hog Wild Award winner by the Iowa Pork Producers Association.
- 2008\1038 Kay Broich, Alta – For being named a 2007 State Bell Ringer Award winner by the Iowa Pork Producers Association.

- 2008\1039 Kourtney Determan, Early – For being named the 2008 Iowa Pork Queen by the Iowa Pork Producers Association.
- 2008\1040 Larry Dau, Primghar – For being named a 2007 Master Pork Producer by the Iowa Pork Producers Association.
- 2008\1041 Douglas Reuter, Le Mars – For being named a 2007 Master Pork Producer by the Iowa Pork Producers Association.
- 2008\1042 Louie Dade, Fort Madison – For celebrating his 100th birthday.
- 2008\1043 Roger Thompson, La Porte City – For all of his years of dedicated service to the La Porte City Fire Department.
- 2008\1044 Jim Tippett, La Porte City – For his many years of dedicated service to the La Porte City Fire Department since 1971.
- 2008\1045 Troy Brown, La Porte City – For being named the 2007 La Porte City Fire Fighter of the Year.
- 2008\1046 Ardis Hickey, Independence – For being a member of the Catholic Daughters of America for 50 years.
- 2008\1047 Elizabeth Decker, Winthrop – For being a member of the Catholic Daughters of America for 50 years.
- 2008\1048 Dorothy Keegan, Winthrop – For being a member of the Catholic Daughters of America for 50 years.
- 2008\1049 Andrew Bengston, Independence – For celebrating his 90th birthday.
- 2008\1050 Dave Wildeboer, La Porte City – For being named 2007 EMS Person of the Year.
- 2008\1051 Susan White, Aurora – For her 17 years of dedicated service to the Buchanan County Health Center Board of Trustees.
- 2008\1052 Lyle Luloff, Independence – For celebrating his 90th birthday.
- 2008\1053 Orv and Edna Ludwig, Carroll – For celebrating their 50th wedding anniversary.
- 2008\1054 Irene Piel, Hubbard – For celebrating her 85th birthday.
- 2008\1055 Lyla Kalous, Iowa Falls – For celebrating her 85th birthday.
- 2008\1056 Robert Phipps, Le Grand – For celebrating his 80th birthday.
- 2008\1057 Harry Doering, Iowa Falls – For celebrating his 85th birthday.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2002

State Government: Jacoby, Chair; Lensing and Roberts.

House File 2021

Ways and Means: Thomas, Chair; Huser and Windschitl.

House File 2051

State Government: Quirk, Chair; Roberts and Shomshor.

House File 2058

Appropriations: Foege, Chair; Gayman and Heaton.

House File 2075

State Government: Jochum, Chair; Boal and Wendt.

House File 2105

State Government: Jacoby, Chair; Abdul-Samad and Jacobs.

House File 2107

State Government: Quirk, Chair; Jacoby and Raecker.

House File 2109

State Government: Jochum, Chair; Pettengill and T. Taylor.

House File 2112

Appropriations: Cohoon, Chair; Huseman and Reichert.

House File 2116

Appropriations: Foege, Chair; Gayman and Heaton.

House File 2127

State Government: Abdul-Samad, Chair; L. Miller and Whitead.

House File 2130

Appropriations: Cohoon, Chair; Huseman and Reichert.

House File 2134

State Government: Jochum, Chair; Pettengill and Wendt.

House File 2138

State Government: Gaskill, Chair; Jacobs and T. Taylor.

House File 2139

State Government: Quirk, Chair; Greiner and Jacoby.

House File 2144 Reassigned

Education: Heddens, Chair; Dolecheck and Staed.

House File 2146

Commerce: Bailey, Chair; Berry, Sands, Van Fossen and Wise.

House File 2148

State Government: Gaskill, Chair; Pettengill and T. Taylor.

House File 2150

Ways and Means: T. Olson, Chair; Grassley and Palmer.

House File 2155

Appropriations: Foege, Chair; Gayman and Heaton.

House File 2172

Appropriations: Foege, Chair; Gayman and Heaton.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 587

Local Government: Kressig, Chair; Kelley and Tjepkes.

House Study Bill 592

State Government: Mascher, Chair; Jacobs and Lensing.

House Study Bill 593

State Government: Quirk, Chair; Greiner and Shomshor.

House Study Bill 609

State Government: Quirk, Chair; Jacoby and Roberts.

House Study Bill 610

State Government: Quirk, Chair; Roberts and Shomshor.

House Study Bill 611

State Government: Jochum, Chair; Drake and T. Taylor.

House Study Bill 612

State Government: Wessel-Kroeschell, Chair; Boal and Lensing.

House Study Bill 613

State Government: Quirk, Chair; Greiner and Jacoby.

House Study Bill 614

Judiciary: Wessel-Kroeschell, Chair; Boal and Winckler.

House Study Bill 617

State Government: Lensing, Chair; Abdul-Samad and Jacobs.

House Study Bill 618

State Government: Gaskill, Chair; Abdul-Samad and Jacobs.

House Study Bill 619

Human Resources: Hunter, Chair; Forristall and Jacoby.

House Study Bill 620

Human Resources: Wessel-Kroeschell, Chair; Palmer and Tomenga.

House Study Bill 621

Human Resources: Abdul-Samad, Chair; Granzow and T. Olson.

House Study Bill 622

Economic Growth: Dandekar, Chair; Bailey and May.

House Study Bill 625

Judiciary: Lensing, Chair; Heaton and Wendt.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 627 State Government

Relating to the conduct of elections and voter registration and including effective date, applicability date, and transition provisions.

H.S.B. 628 Transportation

Relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, and providing effective dates.

H.S.B. 629 Human Resources

Relating to health-related activities and regulation by the department of public health.

H.S.B. 630 Human Resources

Providing for implementation of an emergency mental health crisis services system.

H.S.B. 631 Human Resources

Requiring record checks of certain persons employed in a hospital facility that is licensed as a health care facility.

H.S.B. 632 Human Resources

Revising family investment program requirements for limited benefit plans.

H.S.B. 633 Ways and Means

Providing a sales tax exemption for purchases made by a nonprofit blood bank licensed by the federal food and drug administration.

H.S.B. 634 Commerce

Relating to the regulatory duties of the banking division of the department of commerce regarding banking, debt management, delayed deposit services, mortgage banking, and industrial loan companies, and providing penalties.

H.S.B. 635 Public Safety

Relating to the mandatory reporting to law enforcement officials of medical treatment for certain injuries and making a penalty applicable.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON COMMERCE

Committee Bill (Formerly House Study Bill 537), creating a smokefree air Act and providing penalties.

Fiscal Note is not required.

Recommended **Amend Without Recommendation** February 5, 2008.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House File 2035), relating to certain county distress criteria under the enterprise zone program.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 2008.

Committee Bill (Formerly House Study Bill 539), relating to private activity bond allocation procedures.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 2008.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 2015), requiring institutions of higher learning and community colleges to provide students with specific textbook information.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 6, 2008.

Committee Bill (Formerly House Study Bill 583), transferring administration of the entrepreneurs with disabilities program to the department of education.

Fiscal Note is not required.

Recommended **Do Pass** February 6, 2008.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 505), relating to the regulation and certification of shorthand reporters and the appropriation of fees to offset costs.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 2008.

COMMITTEE ON LABOR

Committee Bill (Formerly House File 2002), relating to exemptions to state minimum wage requirements.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 2008.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 2048), relating to the placement of deer transportation tags on antlered deer that have been taken pursuant to a deer hunting license.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 2008.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 2018), requiring the department of transportation to study the acceptance of electronic payments at its customer service sites.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 2008.

Committee Bill (Formerly House Study Bill 514), relating to technical matters concerning the regulation of motor vehicles by the department of transportation and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 2008.

AMENDMENT FILED

H—8014 S.F. 261 Kressig of Black Hawk

On motion by McCarthy of Polk the House adjourned at 5:49 p.m., until 9:00 a.m., Thursday, February 7, 2008.

JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day - Eighteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 7, 2008

The House met pursuant to adjournment at 9:12 a.m., Speaker Murphy in the chair.

Prayer was offered by Dr. David Ruhe, pastor of Plymouth Congregational Church, Des Moines. He is the guest of Representative Libby Jacobs of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Page Jonathan Sukup from Sheffield.

The Journal of Wednesday, February 6, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Anderson of Page on request of Roberts of Carroll.

INTRODUCTION OF BILLS

House File 2282, by Kelley, Reichert, Staed, and Wenthe, a bill for an act relating to the sentencing of a person convicted of a sexually predatory offense.

Read first time and referred to committee on **human resources**.

House File 2183, by Reichert, a bill for an act authorizing utilization of physical plant and equipment levy revenue to guarantee school district energy savings contracts.

Read first time and referred to committee on **education**.

House File 2184, by Arnold, a bill for an act relating to establishment of residency for purposes of the state's hunting and fishing regulations.

Read first time and referred to committee on **human resources**.

House File 2185, by Reasoner, a bill for an act relating to approval of proposed urban renewal plans and amendments to urban renewal plans, and including effective and applicability date provisions.

Read first time and referred to committee on **local government**.

House File 2186, by L. Miller, a bill for an act relating to the administration of epinephrine in schools, and providing effective and applicability dates.

Read first time and referred to committee on **education**.

House File 2187, by Baudler, a bill for an act relating to bail restrictions imposed against a person who is an unauthorized alien.

Read first time and referred to committee on **judiciary**.

House File 2188, by Whitead, a bill for an act relating to economic development urban renewal areas and including an effective date provision.

Read first time and referred to committee on **local government**.

House File 2189, by committee on judiciary, a bill for an act relating to the regulation and certification of shorthand reporters and the appropriation of fees to offset costs.

Read first time and placed on the **calendar**.

House File 2190, by Gaskill, a bill for an act relating to certain local hotel and motel tax elections.

Read first time and referred to committee on **local government**.

House File 2191, by Zirkelbach, Bukta, D. Taylor, Wise, Shomshor, Reasoner, Schueller, Smith, Quirk, Davitt, D. Olson, Bailey, Lensing, Wessel-Kroeschell, Hunter, Wendt, Thomas, Murphy, Mertz, Mascher, Heddens, Gaskill, Kuhn, H. Miller, Bell, Berry, Frevert, Whitead, Lykam, Whitaker, Gayman, Winckler, Kelley, Foege, and Reichert, a bill for an act prohibiting the sale at retail of designated flags manufactured outside of the United States and establishing a penalty.

Read first time and referred to committee on **veterans affairs**.

House File 2192, by Kuhn and Gaskill, a bill for an act providing for separation distance requirements between a structure associated with a confinement feeding operation and a wetland designated as protected by the department of natural resources, and making penalties applicable.

Read first time and referred to committee on **environmental protection**.

CONSIDERATION OF BILLS Regular Calendar

Senate File 261, a bill for an act requiring certain private sewage disposal system-related inspections to be conducted when certain property is sold or transferred and including an effective date provision, with report of committee recommending amendment and passage, was taken up for consideration.

Kressig of Black Hawk offered the following amendment H-8005 filed by the committee on environmental protection and moved its adoption:

H-8005

- 1 Amend Senate File 261, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, line 1, by striking the figure "2008"
- 4 and inserting the following: "2009".

The committee amendment H-8005 was adopted.

Sands of Louisa offered amendment H-8010 filed by him as follows:

H-8010

1 Amend Senate File 261, as passed by the Senate, as
2 follows:

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

5 "Section 1. NEW SECTION. 16.135 UNSEWERED
6 COMMUNITY REVOLVING LOAN PROGRAM – FUND.

7 1. The authority shall establish and administer an
8 unsewered community revolving loan program.
9 Assistance under the program shall consist of
10 no-interest loans with a term not to exceed forty
11 years and shall be used for purposes of installing
12 sewage disposal systems in a city without a sewage
13 disposal system or in an area where a cluster of homes
14 is located.

15 2. An unsewered community may apply for assistance
16 under the program. In awarding assistance, the
17 authority shall encourage the use of innovative,
18 cost-effective sewage disposal systems and
19 technologies. The authority shall adopt rules that
20 prioritize applications for disadvantaged unsewered
21 communities.

22 3. For purposes of this section, "an area where a
23 cluster of homes is located" means an area located in
24 a county which includes six or more homes but less
25 than five hundred homes.

26 4. An unsewered community revolving loan fund is
27 created in the state treasury under the control of the
28 authority and consisting of moneys appropriated by the
29 general assembly and any other moneys available to and
30 obtained or accepted by the authority for placement in
31 the fund.

32 5. Repayments of moneys loaned and recaptures of
33 loans shall be deposited in the fund.

34 6. Moneys in the fund shall be used to provide
35 assistance under the unsewered community revolving
36 loan program established in this section.

37 7. Moneys in the fund are not subject to section
38 8.33. Notwithstanding section 12C.7, interest or
39 earnings on moneys in the fund shall be credited to
40 the fund."

41 2. Title page, line 1, by inserting after the
42 word "Act" the following: "relating to sewage by
43 creating an unsewered community revolving loan program
44 and fund and by".

45 3. By renumbering as necessary.

Kressig of Black Hawk rose on a point of order that amendment H-8010 was not germane.

The Speaker ruled the point well taken and amendment H-8010 not germane.

Alons of Sioux asked and received unanimous consent to withdraw amendment H-8009 filed by Alons of Sioux et al., on February 4, 2008.

Sands of Louisa offered the following amendment H-1442 filed by him and moved its adoption:

H-1442

1 Amend Senate File 261 as follows:
2 1. Page 1, by striking lines 6 through 26 and
3 inserting the following: "system serving the building
4 inspected prior to July 1, 2017."
5 2. Page 2, by striking lines 5 through 7 and
6 inserting the following: "adopted by the department
7 within a reasonable time period as determined by the
8 department. The department shall prioritize the
9 renovation requirements schedule. The highest
10 priority systems for renovation shall be those that
11 are located nearest to public lakes and high quality
12 water resources as determined by the department. The
13 next highest priority shall be those that are located
14 nearest to public waters that have human sources of
15 bacteriological or pathogen impairments as determined
16 by the department. If moneys are not available
17 through the on-site wastewater systems assistance fund
18 established in section 466.9, renovations shall not be
19 required until financial assistance through those
20 programs are available. If the private".
21 3. Page 2, by striking lines 31 through 34.

A non-record roll call was requested.

The ayes were 43, nays 52.

Amendment H-1442 lost.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8008 filed by her on February 4, 2008.

Huser of Polk offered amendment H-8012 filed by her as follows:

H-8012

1 Amend Senate File 261, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 25 and 26 and
4 inserting the following: "For the purposes of this
5 subsection, "transfer" means the transfer or
6 conveyance by sale, exchange, real estate contract, or
7 any other method by which real estate and improvements
8 are purchased, if the property includes at least one
9 but not more than four dwelling units. However,
10 "transfer" does not include any of the following:

11 (1) A transfer made pursuant to a court order,
12 including but not limited to a transfer under chapter
13 633 or 633A, the execution of a judgment, the
14 foreclosure of a real estate mortgage pursuant to
15 chapter 654, the forfeiture of a real estate contract
16 under chapter 656, a transfer by a trustee in
17 bankruptcy, a transfer by eminent domain, or a
18 transfer resulting from a decree for specific
19 performance.

20 (2) A transfer to a mortgagee by a mortgagor or
21 successor in interest who is in default, or a transfer
22 by a mortgagee who has acquired real property at a
23 sale conducted pursuant to chapter 654, a transfer
24 back to a mortgagor exercising a right of first
25 refusal pursuant to section 654.16A, a nonjudicial
26 voluntary foreclosure procedure under section 654.18
27 or chapter 655A, or a deed in lieu of foreclosure
28 under section 654.19.

29 (3) A transfer by a fiduciary in the course of the
30 administration of a decedent's estate, guardianship,
31 conservatorship, or trust.

32 (4) A transfer between joint tenants or tenants in
33 common.

34 (5) A transfer made to a spouse, or to a person in
35 the lineal line of consanguinity of a person making
36 the transfer.

37 (6) A transfer between spouses resulting from a
38 decree of dissolution of marriage, a decree of legal
39 separation, or a property settlement agreement which
40 is incidental to the decree, including a decree
41 ordered pursuant to chapter 598."

42 2. Page 1, by inserting before line 27 the
43 following:

44 "aa. The inspection requirement of paragraph "a"
45 does not apply to a transfer in which the transferee
46 intends to demolish or raze the building. The
47 department shall adopt rules pertaining to such

48 transfers."

49 3. Page 1, line 31, by deleting the words "one
50 year" and inserting the following: "five years".

Page 2

1 4. By renumbering as necessary.

Kressig of Black Hawk offered the following amendment H-8014, to amendment H-8012, filed by him and moved its adoption:

H-8014

1 Amend the amendment H-8012, to Senate File 261, as
2 passed by the Senate, as follows:

3 1. Page 1, line 50, by striking the word "five"
4 and inserting the following: "three".

Amendment H-8014 was adopted.

On motion by Huser of Polk, amendment H-8012, as amended, was adopted.

Alons of Sioux offered the following amendment H-8013 filed by him and moved its adoption:

H-8013

1 Amend Senate File 261, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 27 the
4 following:

5 "aa. The inspection requirement of paragraph "a"
6 does not apply to transfers of a single-family
7 residence on a parcel consisting of three acres or
8 more as long as none of the following conditions
9 exist:

10 (1) The parcel is located in a county requiring
11 inspections at the time of transfer as of July 1,
12 2008.

13 (2) The parcel is located adjacent to a lake that
14 is operated by the United States army corps of
15 engineers or by a public utility.

16 (3) The discharge points of the sewage disposal
17 system are located within ten feet of an adjoining
18 property.

19 (4) Effluent is flowing onto an adjoining property
20 or contaminating surface water or groundwater.

21 (5) The system is creating a nuisance, as

22 determined quantifiably by a scientific method."

23 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 42, nays 51.

Amendment H-8013 lost.

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

On the question "Shall the bill pass?" (S.F. 261)

The ayes were, 95:

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

The nays were, 3:

Alons	Greiner	Sands
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Absent or not voting and 2:

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 261** be immediately messaged to the Senate.

HOUSE FILE 609 WITHDRAWN

Kressig of Black Hawk asked and received unanimous consent to withdraw House File 609 from further consideration by the House.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|--|
| 2008\1058 | Edward and Ruth Keller, Newton – For celebrating their 60 th wedding anniversary. |
| 2008\1059 | Otto Green, Newton – For celebrating his 90 th birthday. |
| 2008\1060 | Dorothy Probasco, Newton – For celebrating her 80 th birthday. |
| 2008\1061 | Dorothy Schimmelpfennig Thomas, Sigourney – for celebrating her 90 th birthday. |
| 2008\1062 | Thelma Shipley Keller, Sigourney – for celebrating her 90 th birthday. |
| 2008\1063 | Gordon Day, Ollie – For celebrating his 80 th birthday. |
| 2008\1064 | Larry and Pat Morrow, Victor – For celebrating their 50 th wedding anniversary. |
| 2008\1065 | Caroline Ballard, Sigourney – For celebrating her 90 th birthday. |
| 2008\1066 | Gale Joe and Dorothy Conrad, Sigourney – For celebrating their 60 th wedding anniversary. |
| 2008\1067 | Esther Heitshusen, Williamsburg – For celebrating her 80 th birthday. |

- 2008\1068 Harvey and Esther Huedepohl, Williamsburg – For celebrating their 60th wedding anniversary.
- 2008\1069 Wilfred “Bill” and Dorothy Furler, Williamsburg – For celebrating their 60th wedding anniversary.
- 2008\1070 David and Erna Davies, Williamsburg – For celebrating their 60th wedding anniversary.
- 2008\1071 Hugh and Shirley Owens, Homestead – For celebrating their 50th wedding anniversary.
- 2008\1072 James B. “Doc” and Anne Garringer, Williamsburg –For celebrating their 50th wedding anniversary.
- 2008\1073 Tiffany Homan, Sigourney – For receiving the 2007 Governor’s Volunteer Award.
- 2008\1074 Amy Becker, Le Mars – For celebrating her 95th birthday.
- 2008\1075 Norma and Bertha Eason, Alton – For celebrating their 60th wedding anniversary.
- 2008\1076 Howard and Wilma Ruisch, Maurice – For celebrating their 60th wedding anniversary.
- 2008\1077 Ilene Koehn – For celebrating her 100th birthday.
- 2008\1078 William “bill” and Mary “Bobbie” Shy, Iowa City – For celebrating their 60th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 2149

Human Resources: T. Olson, Chair; Foegen and Grassley.

House File 2168

Public Safety: Berry, Chair; Gayman and Sands.

House File 2169

Public Safety: R. Olson, Chair; Baudler and Whitaker.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 628

Transportation: Huser, Chair; Lykam, Roberts and Tjepkes.

House Study Bill 629

Human Resources: Abdul-Samad, Chair; Roberts and Smith.

House Study Bill 633

Ways and Means: Frevert, Chair; Huser and Van Fossen.

House Study Bill 634

Commerce: Kelley, Chair; Jacobs, Jacoby, Kressig, Quirk, Sands and Van Fossen.

House Study Bill 635

Public Safety: Zirkelbach, Chair; Gayman and Tomenga.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 636 Human Resources**

Relating to health care reform in Iowa including the Iowa health care coverage exchange; medical homes; prevention and chronic care management; the Iowa health information technology system; health care quality, consumer information, strategic planning, and resource development; and the certificate of need program.

H.S.B. 637 Human Resources

Relating to criminal and abuse records of prospective and current employees of licensed hospitals and health care facilities and certain health-related programs and services and providing penalties.

H.S.B. 638 Human Resources

Relating to services associated with the family investment program by moving the family development and self-sufficiency council and grant program to the department of human rights and revising confidentiality provisions involving the program.

H.S.B. 639 Human Resources

Relating to child care and family support subsidy services regulated or administered by the department of human services.

H.S.B. 640 State Government

Relating to alarm system installer or contractor certification and electrician licensure provisions, and providing an effective date.

H.S.B. 641 Local Government

Prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable.

H.S.B. 642 State Government

Relating to conflicts of interest, lobbying activities, and receipt of gifts by certain government officials and employees.

RESOLUTIONS FILED

HR 103, BY Kuhn, a resolution to ensure that Iowans with developmental disabilities are supported by a quality workforce.

Laid over under **Rule 25**.

HR 104, By Winckler and L. Miller, a resolution designating March 2008 as Iowa Women's History Month.

Laid over under **Rule 25**.

On motion by McCarthy of Polk the House adjourned at 10:07 a.m., until 9:00 a.m., Friday, February 8, 2008.

JOURNAL OF THE HOUSE

Twenty-sixth Calendar Day - Nineteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 8, 2008

The House met pursuant to adjournment at 9:02 a.m., the honorable J. Scott Raecker, state representative from Polk County, in the chair.

Prayer was offered by the honorable J. Scott Raecker of Polk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the honorable J. Scott Raecker.

The Journal of Thursday, February 7, 2008 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 2003, by Van Fossen, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the recall, by petition and election, of the Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, Attorney General, and members of the General Assembly.

Read first time and referred to committee on **state government**.

House File 2193, by Van Fossen, a bill for an act providing for the recall of elected officials of political subdivisions and providing a penalty.

Read first time and referred to committee on **state government**.

House File 2194, by committee on labor, a bill for an act relating to exemptions to state minimum wage requirements.

Read first time and placed on the **calendar**.

House File 2195, by committee on economic growth, a bill for an act relating to certain county distress criteria under the enterprise zone program.

Read first time and placed on the **calendar**.

House File 2196, by committee on transportation, a bill for an act requiring the department of transportation to study the acceptance of electronic payments at its customer service sites.

Read first time and placed on the **calendar**.

House File 2197, by committee on education, a bill for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information.

Read first time and placed on the **calendar**.

House File 2198, by Wise and Raecker, a bill for an act relating to statewide core content and performance standards and assessments for kindergarten through grade twelve.

Read first time and referred to committee on **education**.

House File 2199, by Arnold, Baudler and Whitaker, a bill for an act relating to deer hunting using muzzleloading firearms.

Read first time and referred to committee on **natural resources**.

House File 2200, by Tymeson, a bill for an act requiring a school employee to report an arrest to the board of educational examiners or the principal and making a penalty applicable.

Read first time and referred to committee on **education**.

House File 2201, by Paulsen, a bill for an act exempting from the individual and corporate income taxes interest and dividends from Iowa municipal securities and including a retroactive applicability date provision.

Read first time and referred to committee on **ways and means**.

House File 2202, by Paulsen, Tymeson and Baudler, a bill for an act relating to the regulation of a commercial social networking internet site, and providing a penalty.

Read first time and referred to committee on **public safety**.

House File 2203, by Arnold, a bill for an act allowing certain hunters to wear high-visibility lime green apparel.

Read first time and referred to committee on **natural resources**.

House File 2204, by Foege, a bill for an act requiring automated external defibrillators in all public and nonpublic schools.

Read first time and referred to committee on **education**.

House File 2205, by Drake and Struyk, a bill for an act to require bicyclists to wear reflective clothing when riding on certain highways and making a penalty applicable.

Read first time and referred to committee on **transportation**.

House File 2206, by Gaskill, a bill for an act relating to postelection audits of voting systems.

Read first time and referred to committee on **state government**.

House File 2207, by Upmeyer, a bill for an act relating to transfer procedures for and compensation of health care providers outside of the IowaCare provider network and requiring the development and implementation of a plan to transport eligible IowaCare members.

Read first time and referred to committee on **human resources**.

House File 2208, by Upmeyer, a bill for an act relating to a state tuition aid subsidy for resident community college students and making an appropriation.

Read first time and referred to committee on **education**.

House File 2209, by Drake, a bill for an act relating to the licensing and regulation of plumbers and mechanical professionals.

Read first time and referred to committee on **state government**.

House File 2210, by Mascher, a bill for an act requiring students in kindergarten through grade twelve to participate in physical education for a specified number of minutes per week.

Read first time and referred to committee on **education**.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 636

Human Resources: Heddens, Chair; Abdul-Samad, Heaton, Smith and Upmeyer.

House Study Bill 637

Human Resources: Abdul-Samad, Chair; Mascher and Tomenga.

House Study Bill 638

Human Resources: Smith, Chair; Ford and Grassley.

House Study Bill 639

Human Resources: Hunter, Chair; Ford and Forristall.

House Study Bill 641

Local Government: Kelley, Chair; Cohoon and Deyoe.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House Study Bill 540), relating to the administration of the department of cultural affairs.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 2008.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 2041), relating to the reconsideration of a misdemeanor sentence.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 2008.

On motion by McCarthy of Polk the House adjourned at 9:08 a.m., until 1:00 p.m., Monday, February 11, 2008.

JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day - Twentieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 11, 2008

The House met pursuant to adjournment at 1:03 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Sara Kretzman, pastor of Faith of Our Savior Lutheran Church, Calamus. She was the guest of Representative Steve Olson from Clinton County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Page Laura Schneider from Tabor.

The Journal of Friday, February 8, 2008 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 7, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2065, a bill for an act relating to military leaves of absence and reemployment and providing an effective date.

Also: That the Senate has on February 7, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2140, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2211, by Paulsen, a bill for an act relating to compensation paid to county supervisors.

Read first time and referred to committee on **local government**.

House File 2212, by committee on commerce, a bill for an act creating a smokefree air Act and providing penalties.

Read first time and placed on the **calendar**.

House File 2213, by committee on transportation, a bill for an act relating to technical matters concerning the regulation of motor vehicles by the department of transportation and providing an effective date.

Read first time and placed on the **calendar**.

House File 2214, by committee on education, a bill for an act transferring administration of the entrepreneurs with disabilities program to the department of education.

Read first time and placed on the **calendar**.

House File 2215, by committee on economic growth, a bill for an act relating to private activity bond allocation procedures and single-project limitations.

Read first time and placed on the **calendar**.

House File 2216, by committee on judiciary, a bill for an act relating to the reconsideration of a misdemeanor sentence.

Read first time and placed on the **calendar**.

House File 2217, by committee on economic growth, a bill for an act relating to the administration of the department of cultural affairs.

Read first time and placed on the **calendar**.

House File 2218, by Ford, a bill for an act establishing a financial literacy program for state employees.

Read first time and referred to committee on **state government**.

HOUSE JOINT RESOLUTION 9 WITHDRAWN

McCarthy of Polk asked and received unanimous consent to withdraw House Joint Resolution 9 from further consideration by the House.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 7, 2008. Had I been present, I would have voted "aye" on Senate File 261.

LYKAM of Scott

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 11th day of February, 2008: House File 2140.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|---|
| 2008\1079 | Walter and Evelyn Hack, Lowden – For celebrating their 60 th wedding anniversary. |
| 2008\1080 | Marshall Beal, Wilton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2008\1081 | Leon and Marie Bleile, Dubuque – For celebrating their 50 th wedding anniversary. |
| 2008\1082 | Servert Vander Esch, Hawarden – For celebrating his 80 th birthday. |
| 2008\1083 | Mary Reinke, Larchwood – For celebrating her 90 th birthday. |

- 2008\1084 Mr. and Mrs. Richard Kronfeld, Davenport – For celebrating their 50th wedding anniversary.
- 2008\1085 Mildred Schilling, Little Rock – For celebrating her 89th birthday.
- 2008\1086 Zola Clarke, Fontanelle – For celebrating her 90th birthday.
- 2008\1087 Doris Lewis, Greenfield – For celebrating her 85th birthday.
- 2008\1088 Gene George and Shirley Ann Hosfelt, Davenport – For celebrating their 50th wedding anniversary.
- 2008\1089 Vernon and Genevieve Scheuring, Defiance – For celebrating their 60th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 2159

Human Resources: Smith, Chair; Ford and Forristall.

House File 2181

Human Resources: Abdul-Samad, Chair; L. Miller and Palmer.

House File 2182

Human Resources: Smith, Chair; Ford and Granzow.

House File 2184

Natural Resources: Bailey, Chair; Arnold and T. Taylor.

House File 2187

Judiciary: Winckler, Chair; Baudler and R. Olson.

House File 2199

Natural Resources: Whitaker, Chair; Baudler and Mertz.

House File 2203

Natural Resources: Whitead, Chair; Arnold and Wenthe.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 572

Veterans Affairs: Tymeson, Chair; Bukta and Zirkelbach.

House Study Bill 627

State Government: Gaskill, Chair; Abdul-Samad and Jacobs.

House Study Bill 640

State Government: Quirk, Chair; Greiner and Jacoby.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 643 State Government**

Concerning the Iowa public employees' retirement system and providing effective date provisions.

H.S.B. 644 State Government

Concerning the Iowa public employees' retirement system and including effective date and retroactive applicability provisions.

H.S.B. 645 Local Government

Requiring lessees of certain real estate to file the lease with the county assessor and providing a civil penalty.

H.S.B. 646 Ways and Means

Relating to providing sales, use, and property tax exemptions for certain web search portal businesses.

H.S.B. 647 Local Government

Relating to rules for the discharge of wastewater from water well drilling sites.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 578), relating to the duties and operations of the state board of education, the department of education, and local school boards.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2008.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 509), relating to campaign signs and contributions.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 2008.

On motion by McCarthy of Polk the House adjourned at 1:18 p.m., until 9:00 a.m., Tuesday, February 12, 2008.

JOURNAL OF THE HOUSE

Thirtieth Calendar Day - Twenty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 12, 2008

The House met pursuant to adjournment at 9:17 a.m., Speaker Murphy in the chair.

Prayer was offered by Bishop Martin Amos of the Davenport Diocese. He was the guest of Representative Dolores Mertz of Kossuth County and Speaker pro tempore Bukta of Clinton County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Chief Clerks Page, Christina Schueth from New Hampton.

The Journal of Monday, February 11, 2008 was approved.

INTRODUCTION OF BILLS

House File 2219, by committee on state government, a bill for an act relating to campaign signs and contributions.

Read first time and placed on the **calendar**.

House File 2220, by Heaton and Tymeson, a bill for an act requiring the availability of electronic billing and payment for providers under the state child care assistance program.

Read first time and referred to committee on **human resources**.

House File 2221, by Tymeson, a bill for an act concerning restrictions on contracts for teachers and school nurses.

Read first time and referred to committee on **education**.

House File 2222, by Bailey, a bill for an act relating to the hospitalization of a minor who is mentally ill or who has symptoms of mental illness.

Read first time and referred to committee on **human resources**.

On motion by McCarthy of Polk, the House was recessed at 9:24 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:39 p.m., Speaker Murphy in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2036, a bill for an act relating to the division of criminal and juvenile justice planning of the department of human rights by making changes to the membership of the council, permitting access to the records of the department of workforce development, and modifying the sex offender treatment and supervision task force.

Also: That the Senate has on February 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2092, a bill for an act relating to authorized access to certain dependent adult abuse information.

Also: That the Senate has on February 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2101, a bill for an act transferring administration of the entrepreneurs with disabilities program to the department of education.

Also: That the Senate has on February 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2123, a bill for an act updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability date provisions.

Also: That the Senate has on February 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2124, a bill for an act relating to authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2223, by Heaton, L. Miller, Granzow, Tomenga and Upmeyer, a bill for an act relating to the disclosure of relationships with pharmaceutical manufacturers by members of the medical assistance pharmaceutical and therapeutics committee and the drug utilization review commission.

Read first time and referred to committee on **human resources**.

House File 2224, by Hunter, a bill for an act prohibiting the use of certain communication devices while operating a motor vehicle and providing a penalty.

Read first time and referred to committee on **transportation**.

House File 2225, by Hunter, a bill for an act providing free motor vehicle registration for certain disabled veterans.

Read first time and referred to committee on **veterans affairs**.

House File 2226, by Tymeson, Boal, Rants and Gipp, a bill for an act relating to the statewide tax revenues per student calculation under the local sales tax for school infrastructure purposes.

Read first time and referred to committee on **education**.

House File 2227, by Ford and Swaim, a bill for an act relating to the preparation of a correctional impact statement and the impact of certain legislation on racial and ethnic minorities.

Read first time and referred to committee on **judiciary**.

House File 2228, by Hunter, a bill for an act concerning young motor vehicle operators and passengers, including cell phone restrictions, passenger restraint requirements, and "alive at 25" education requirements for operating while intoxicated and providing penalties and an effective date.

Read first time and referred to committee on **transportation**.

House File 2229, by Alons, Dolecheck and Whitaker, a bill for an act allowing county boards of supervisors to establish the number of members on agricultural extension councils and providing for staggered terms of office.

Read first time and referred to committee on **local government**.

House File 2230, by Worthan, Van Fossen, Grassley, May, Baudler, Tjepkes, Deyoe, Windschitl, De Boef, Huseman, Rayhons and Kaufmann, a bill for an act relating to a postsecondary tuition and mandatory fee waiver for veterans attending community colleges or state universities and making appropriations.

Read first time and referred to committee on **veterans affairs**.

House File 2231, by Heaton, a bill for an act allowing appeal of denials of dental insurance coverage based on medical necessity.

Read first time and referred to committee on **commerce**.

House File 2232, by De Boef, Alons, Roberts, Tymeson, Boal, May, Deyoe, Van Fossen, Raecker, Rayhons, Soderberg, Upmeyer, Dolecheck, Sands, S. Olson, Jacobs, Watts, Kaufmann, Worthan, Chambers, Lukan, Arnold, Van Engelenhoven, Granzow, Hoffman, Rants, Heaton, Windschitl, Greiner and Drake, a bill for an act providing for the prohibition of human cloning, providing penalties, and providing for a repeal.

Read first time and referred to committee on **state government**.

House File 2233, by committee on ways and means, a bill for an act relating to providing sales, use, and property tax exemptions for certain web search portal businesses.

Read first time and referred to the **ways and means calendar**.

House File 2234, by R. Olson, a bill for an act relating to provisions for continued medically related benefits in certain settlements of workers' compensation claims.

Read first time and referred to committee on **labor**.

House File 2235, by R. Olson, a bill for an act relating to expunging the record of certain simple misdemeanor violations.

Read first time and referred to committee on **judiciary**.

House File 2236, by Wise, a bill for an act relating to long-term care insurance, including creation of a consumer advocate bureau and providing for penalties, an applicability date, repeals, and an appropriation.

Read first time and referred to committee on **commerce**.

House File 2237, by Dolecheck, a bill for an act creating a criminal offense relating to theft by a written instrument and making penalties applicable.

Read first time and referred to committee on **public safety**.

House File 2238, by Winckler, Wessel-Kroeschell, Lensing, Hunter, Mascher, Mertz, Bukta, Whitead, Lykam, Frevert, D. Taylor, Kressig, Zirkelbach, Swaim and Gaskill, a bill for an act allowing the continuation of group health insurance for spouses of certain retired public employees and providing for retroactive applicability.

Read first time and referred to committee on **commerce**.

House File 2239, by committee on education, a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards.

Read first time and placed on the **calendar**.

SENATE MESSAGES CONSIDERED

Senate File 2036, by committee on judiciary, a bill for an act relating to the division of criminal and juvenile justice planning of the department of human rights by making changes to the membership of the council, permitting access to the records of the department of workforce development, and modifying the sex offender treatment and supervision task force.

Read first time and referred to committee on **public safety**.

Senate File 2092, by committee on human resources, a bill for an act relating to authorized access to certain dependent adult abuse information.

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

Senate File 2101, by committee on education, a bill for an act transferring administration of the entrepreneurs with disabilities program to the department of education.

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

Senate File 2123, by committee on ways and means, a bill for an act updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability date provisions.

Read first time and referred to committee on **ways and means**.

Senate File 2124, by committee on veterans affairs, a bill for an act relating to authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority.

Read first time and referred to committee on **veterans affairs**.

CONSIDERATION OF BILLS Regular Calendar

House File 2151, a bill for an act relating to the advanced practice registered nurse licensure compact and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2151)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef

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

The nays were, none.

Absent or not voting, none.

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

House File 2137, by committee on education, a bill for an act relating to the membership requirements and oversight responsibilities of the board of educational examiners, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2137)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill

Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, none.

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

IMMEDIATE MESSAGES

Reasoner of Union asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2137** and **2151**.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 12th day of February, 2008: House File 2065.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 12, 2008, he approved and transmitted to the Secretary of State the following bill:

House File 2140, an Act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

Annual report of the Diversity and Minority and Women Educators Program, pursuant to Chapters 19B.5(3) and 262.93, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Value-added Agricultural Products and Processes Financial Assistance Program report, pursuant to Chapter 15E.111(8), Code of Iowa.

Targeted Small Business annual report, pursuant to Chapter 15.107(7)“c”(1)(e), Code of Iowa.

Report from the Lead Philanthropic Entity on the activities of Endow Iowa, pursuant to Chapter 15E.306, Code of Iowa.

DEPARTMENT OF EDUCATION

Report on Class Size/Early Intervention Program, pursuant to Chapter 256D.3, Code of Iowa.

Report regarding kindergarten assessment results, pursuant to Chapter 279.60, Code of Iowa.

Community College Quality Faculty Plan Report, pursuant to Chapters 216.9 and 256.10(2), Code of Iowa.

DEPARTMENT OF ELDER AFFAIRS

Report of Senior Living Coordinating Unit, pursuant to Chapter 231.58(4)(g), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Recycled Content Plastic Bag and Soy Inks report, pursuant to Chapter 307.21, Code of Iowa.

Contract Letting Summary, pursuant to Chapter 307.12(14), Code of Iowa.

Report of the Iowa Highway Research Board Research and Development Activities, pursuant to Chapters 310.36 and 312.3A, Code of Iowa.

HOMELAND SECURITY AND EMERGENCY MANAGEMENT

Report on the Enhanced 911 Status, pursuant to Chapter 34A.7A(3)(a), Code of Iowa.

STATE LIBRARY OF IOWA

Annual report of usage of the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|---|
| 2008\1090 | Earl and Eleanor Stratton, Tiffin– For celebrating their 70 th wedding anniversary. |
| 2008\1091 | Deb and Gene Tinker, Edgewood – For being named Cattlemen of the Year. |
| 2008\1092 | Mike Wessels, Delaware County – For receiving the 2007 Delaware Country Meritorious Service Award. |
| 2008\1093 | Steve Keppler, Delaware County – For receiving the 2007 Delaware County Meritorious Service Award. |
| 2008\1094 | Diane Hammell, Manchester – For her 30 years of leadership and commitment to excellence at F & M Bank. |
| 2008\1095 | Pat Becker, Manchester – For her 30 years of dedicated service to the Delaware County Sheriff's Department. |
| 2008\1096 | FarmTek, Dyersville – For being named the 2007 Business of the Year by the Dyersville Chamber of Commerce. |

- 2008\1097 William "Bud" and Alice Bockenstedt, Manchester – For celebrating their 60th wedding anniversary.
- 2008\1098 Julia Larsen, Clear Lake – For celebrating her 90th birthday.
- 2008\1099 Leona Goldhorn, Iowa Falls – For celebrating her 93rd birthday.
- 2008\1100 Hattie Floy, Clear Lake – For celebrating her 90th birthday.
- 2008\1101 Ellen Hillman–Figgins, Muscatine – For celebrating her 80th birthday.
- 2008\1102 Mary Ellen Melson, Muscatine – For celebrating her 90th birthday.
- 2008\1103 Bonnie Hollenbeck, Muscatine – For celebrating her 85th birthday.
- 2008\1104 Ronald and Wanda Campbell, Burlington – For celebrating their 60th wedding anniversary.
- 2008\1105 Charles "Lindy" Meyers, Burlington – For celebrating his 80th birthday.
- 2008\1106 Grace Kuehl, Elkport – For celebrating her 99th birthday.
- 2008\1107 Malinda Maiers, Garnavillo – For celebrating her 90th birthday.
- 2008\1108 Rodney and Doris Guyer, Elgin – For celebrating their 50th wedding anniversary.
- 2008\1109 Robert and Ruby Liechty, Guttenberg – For celebrating their 50th wedding anniversary.
- 2008\1110 Wayne and Louise Tauke, Greeley – For celebrating their 50th wedding anniversary.
- 2008\1111 Robert Duffy, Iowa Falls – For celebrating his 85th birthday.
- 2008\1112 Lelah Anhalt, Waverly – For celebrating her 90th birthday.
- 2008\1113 Keith Woodvine, Panora – For celebrating his 89th birthday.
- 2008\1114 John and Mildred Lindsay, Lamont – For celebrating their 60th wedding anniversary.
- 2008\1115 Mae Schrader, La Porte City – For celebrating her 90th birthday.
- 2008\1116 Lyle Luloff, Independence – For celebrating his 90th birthday.
- 2008\1117 Gladys Shipman, Mason City – For celebrating her 90th birthday.
- 2008\1118 Alroy and Audrey Hanna, Mason City – For celebrating their 60th wedding anniversary.

- 2008\1119 Odella Vosburg, Mason City – For celebrating her 80th birthday.
- 2008\1120 Marjorie Vath, Mason City – For celebrating her 80th birthday.
- 2008\1121 Harold and Janet Brinkman, Nevada – For celebrating their 50th wedding anniversary.
- 2008\1122 Keith and Pat Lindeman, Russell – For celebrating their 60th wedding anniversary.
- 2008\1123 Verda Reynolds, Chariton – For celebrating her 98th birthday.
- 2008\1124 Robert and Rosalie Sholten, Melvin – For celebrating their 50th wedding anniversary.
- 2008\1125 Mitchell and Lorine Verdoorn, Primghar – For celebrating their 60th wedding anniversary.
- 2008\1126 Charles Winterboer, Adel – For his 34 years of dedication to Iowa students as a teacher, with the last 30 years at ADM Schools.
- 2008\1127 Phillip and Betty Schwarzkopf, Adel – For celebrating their 80th birthdays.
- 2008\1128 Ed Buresh, Traer – For celebrating his 85th birthday.
- 2008\1129 Dorothy Elliot, Buckingham – For celebrating her 80th birthday.
- 2008\1130 Hazel Walton, Tama – For celebrating her 100th birthday.
- 2008\1131 Warren and Dorothy King, Conrad – For celebrating their 50th wedding anniversary.
- 2008\1132 Leonard and Verna Schmidt, Waverly – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2003

State Government: Jacoby, Chair; Roberts and Whitead.

House File 2154

Education: Wise, Chair; Gayman and Kaufmann.

House File 2158

Veterans Affairs: Bailey, Chair; Windschitl and Zirkelbach.

House File 2160

State Government: Lensing, Chair; L. Miller and Whitead.

House File 2170

State Government: Quirk, Chair; Raecker and Shomshor.

House File 2171

Education: Wendt, Chair; Forristall and Palmer.

House File 2173

Public Safety: Kressig, Chair; Tjepkes and Zirkelbach.

House File 2174

Public Safety: Heddens, Chair; Kuhn and Tjepkes.

House File 2175

State Government: Jacoby, Chair; Greiner and Lensing.

House File 2176

Education: Mascher, Chair; Gayman and Raecker.

House File 2179

Education: Cohoon, Chair; Foege and Wiencek.

House File 2180

Education: Chambers, Chair; Palmer and Staed.

House File 2183

Education: Heddens, Chair; Dolecheck and Wendt.

House File 2185

Local Government: D. Olson, Chair; Hoffman and Whitead.

House File 2186

Education: Gayman, Chair; Foege and L. Miller.

House File 2188

Local Government: D. Olson, Chair; Hoffman and Whitead.

House File 2190

Local Government: Bukta, Chair; Gaskill and Van Fossen.

House File 2191

Veterans Affairs: Zirkelbach, Chair; Bukta, Thomas, Watts and Worthan.

House File 2193

State Government: Gaskill, Chair; Abdul-Samad and Roberts.

House File 2200

Education: Cohoon, Chair; Foege and Kaufmann.

House File 2202

Public Safety: Whitaker, Chair; Baudler and Hunter.

House File 2204

Education: Gayman, Chair; L. Miller and Palmer.

House File 2206

State Government: Gaskill, Chair; Jacobs and T. Taylor.

House File 2207

Human Resources: Smith, Chair; Jacoby and Upmeyer.

House File 2209

State Government: Quirk, Chair; Greiner and Shomshor.

House File 2210

Education: Wendt, Chair; Dolecheck and Mascher.

House File 2218

State Government: Lensing, Chair; Jacoby and Raecker.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 623

Human Resources: Smith, Chair; Palmer and Upmeyer.

House Study Bill 624

Human Resources: Hunter, Chair; Ford and Heaton.

House Study Bill 626

Veterans Affairs: H. Miller, Chair; Staed and Worthan.

House Study Bill 630

Human Resources: Wessel-Kroeschell, Chair; Granzow and Smith.

House Study Bill 632

Human Resources: Mascher, Chair; L. Miller and Smith.

House Study Bill 642

State Government: Lensing, Chair; Abdul-Samad and Roberts.

House Study Bill 643

State Government: Jochum, Chair; Drake and Mascher.

House Study Bill 644

State Government: Jochum, Chair; Drake and Mascher.

House Study Bill 647

Local Government: Thomas, Chair; Rasmussen and Schueller.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 648 Transportation**

Relating to policies for the administration of highways and the regulation of motor vehicles by the department of transportation, including matters concerning the bid threshold for emergency highway repairs, the fee for replacement of special dealer registration plates, disqualification from operating a commercial motor vehicle, an exemption from the civil penalty imposed for certain driver's license sanctions, and permits and fees for the movement of certain overweight vehicles used for alternative energy purposes, and providing an effective date.

H.S.B. 649 Education

Establishing the senior year plus program, providing for related matters, and making an appropriation.

H.S.B. 650 Environmental Protection

Relating to the water quality protection fund by changing the calculation of operating fees assessed against public water supply systems.

H.S.B. 651 Environmental Protection

Relating to the disposal of solid waste by changing permitting requirements and updating and clarifying existing provisions.

H.S.B. 652 Environmental Protection

Relating to solid waste disposal and environmental management by providing for the designation of environmental management systems, providing incentives, and creating an environmental management systems board.

H.S.B. 653 Labor

Concerning work-related injuries suffered and claims made outside of this state and workers' compensation proceedings to reopen awards for payments or agreements for settlement of contested cases.

H.S.B. 654 State Government

Relating to open records and public meetings and providing an effective date.

H.S.B. 655 State Government

Relating to the provision of services over certain Iowa communications network connection facilities under specified circumstances.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON COMMERCE

Committee Bill (Formerly House Study Bill 547), relating to the recording of a certificate of release by the Iowa finance authority.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2008.

Committee Bill (Formerly House Study Bill 548), relating to real estate broker trust accounts.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2008.

Committee Bill (Formerly House Study Bill 550), making specified revisions to the consumer credit code to conform to federal statutory updates and prohibit the transfer of ownership of a motor vehicle pursuant to a consumer rental purchase agreement.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2008.

Committee Bill (Formerly House Study Bill 553), relating to coverage of closing protection letters in real estate transactions and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2008.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House File 2013), relating to leaves of absence for service in elective office.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2008.

Committee Bill (Formerly House File 2148), modifying the voter registration deadline for primary elections and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2008.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House File 852), relating to the sale of a pseudoephedrine product by a pharmacy or retailer, and providing penalties and contingent applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 2008.

Committee Bill (Formerly House Study Bill 607), relating to the regulation of explosives, and the possession of an incendiary or explosive device or material, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2008.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 646), relating to providing sales, use, and property tax exemptions for certain web search portal businesses.

Fiscal Note is required.

Recommended **Do Pass** February 11, 2008.

RESOLUTIONS FILED

HCR 104, By McCarthy and Rants, a joint convention of the two houses of the 2008 session of the Eighty-second General Assembly will be Tuesday, February 19, 2008, at 10:00 a.m. Major General Ron Dardis will present his Condition of the Iowa National Guard message.

Laid over under **Rule 25**.

HR 105, by May, a resolution honoring the Dickinson County Soil

and Water Conservation District for receiving the National Association of Conservation Districts 2007 Excellence Award.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8015	H.F.	2166	T. Olson of Linn
H—8016	H.F.	2212	Horbach of Tama
			Pettengill of Benton
			Drake of Pottawattamie
			Dolecheck of Ringgold
H—8017	H.F.	2212	Struyk of Pottawattamie
			Rasmussen of Buchanan
			Sands of Louisa
			May of Dickinson

On motion by Reasoner of Union the House adjourned at 5:00 p.m., until 9:00 a.m., Wednesday, February 13, 2008.

JOURNAL OF THE HOUSE

Thirty-first Calendar Day - Twenty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 13, 2008

The House met pursuant to adjournment at 9:13 a.m., Speaker Murphy in the chair.

Prayer was offered by the Reverend Dennis St. Lawrence, pastor of Grace Baptist Church, Chariton. He was the guest of Representative Rich Arnold of Lucas County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the “JEL” (Just Eliminate Lies) students from Marshalltown and surrounding area. The instructor of the group is Shannon Chyma. They were the guests of Representatives Smith of Marshall, Granzow of Hardin, Kuhn of Floyd, Jochum of Dubuque and Anderson of Page.

The Journal of Tuesday, February 12, 2008 was approved.

INTRODUCTION OF BILLS

House File 2240, by Reichert, a bill for an act relating to the Iowa power fund, specifying procedures applicable to Iowa power fund applications, authorizing allocations from the fund, and providing an effective date and applicability provision.

Read first time and referred to committee on **commerce**.

House File 2241, by Whitaker, a bill for an act concerning separation distance requirements that apply to two or more confinement feeding operations under common ownership or management, and making penalties applicable.

Read first time and referred to committee on **agriculture**.

House File 2242, by Zirkelbach and Smith, a bill for an act relating to offenses against identity by specifying a procedure to secure credit information and providing a penalty.

Read first time and referred to committee on **judiciary**.

House File 2243, by Tymeson, Heaton, Jacobs, Deyoe, De Boef and Soderberg, a bill for an act providing for implementation of a voluntary licensure system for certain home-based child care providers.

Read first time and referred to committee on **human resources**.

House File 2244, by Swaim, a bill for an act limiting the forest reservation acreage property tax exemption and including effective and applicability date provisions.

Read first time and referred to committee on **ways and means**.

House File 2245, by Boal, a bill for an act allowing certain belated claims for homestead property tax credits.

Read first time and referred to committee on **ways and means**.

House File 2246, by Davitt, a bill for an act requiring governments to include an attribution statement in government-provided or government-paid advertising and making a penalty applicable.

Read first time and referred to committee on **state government**.

House File 2247, by Kuhn and Whitead, a bill for an act providing for motor fuel pumps which dispense renewable fuel.

Read first time and referred to committee on **agriculture**.

CONSIDERATION OF BILLS Regular Calendar

House File 2166, a bill for an act relating to the practice of pharmacy, including provisions governing tech-check-tech programs

and specifying applicable penalty provisions, was taken up for consideration.

T. Olson of Linn offered the following amendment H-8015 filed by him and moved its adoption:

H-8015

- 1 Amend House File 2166 as follows:
- 2 1. Page 1, line 30, by striking the word
- 3 "registered" and inserting the following:
- 4 "certified".
- 5 2. Page 1, line 32, by striking the word
- 6 "registered" and inserting the following:
- 7 "certified".

Amendment H-8015 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2166)

The ayes were, 99:

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

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

The nays were, none.

Absent or not voting, 1:

Foegen

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

House File 2167, a bill for an act relating to controlled substance schedules and the reporting requirements to the board of pharmacy and making penalties applicable, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2167)

The ayes were, 99:

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

Wienczek
Worthan

Winckler
Zirkelbach

Windschitl
Mr. Speaker
Murphy

Wise

The nays were, none.

Absent or not voting, 1:

Foegen

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

IMMEDIATE MESSAGES

Reasoner of Union asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2166 and 2167.**

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\1133 Merlyn and Pearl Krueger, Waterloo – For celebrating their 65th wedding anniversary.
- 2008\1134 Edward and Ruth Neyens, Dubuque – For celebrating their 60th wedding anniversary.
- 2008\1135 Paul and Helen Barton, Dubuque – For celebrating their 66th wedding anniversary.
- 2008\1136 Victor and Myrtle Leibfried, Dubuque – For celebrating their 66th wedding anniversary.
- 2008\1137 Donald and Patricia Steuck, Dubuque – For celebrating their 50th wedding anniversary.
- 2008\1138 John and Algene Klotz, Dubuque – For celebrating their 53rd wedding anniversary.
- 2008\1139 Elmer and Sharon Fink, Dubuque – For celebrating their 50th wedding anniversary.

- 2008\1140 Melvin and Bernice Mai, Dubuque – For celebrating their 65th wedding anniversary.
- 2008\1141 Cletus Cashman, Dubuque – For celebrating his 80th birthday.
- 2008\1142 Winona Swier, Rock Valley – For celebrating her 90th birthday.
- 2008\1143 John Van Roekel, Sioux Center – For celebrating his 90th birthday.
- 2008\1144 Vi Lilly, Akron – For celebrating her 96th birthday.
- 2008\1145 Norman Heeren, Akron – For celebrating his 80th birthday.
- 2008\1146 Wayne and Beverly Weber, Le Mars – For celebrating their 50th wedding anniversary.
- 2008\1147 Melvin and Lois Nielsen, Akron – For celebrating their 70th wedding anniversary.
- 2008\1148 Barb Hess, Davenport – For her 46 years of skill, knowledge and dedication to the students at Central High School.
- 2008\1149 Irma Wendling, Donellson – For celebrating her 95th birthday.
- 2008\1150 Carl and Rita Holtz, West Point – For celebrating their 50th wedding anniversary.
- 2008\1151 Mary Wernke, Dubuque – For celebrating her 75th birthday.
- 2008\1152 Robert Steuer, Dubuque – For celebrating his 85th birthday.
- 2008\1153 Carl Thumser, Dubuque – For celebrating his 75th birthday.
- 2008\1154 Hariette Matous, Dubuque – For celebrating her 85th birthday.
- 2008\1155 Marjorie Treanor, Dubuque – For celebrating her 85th birthday.
- 2008\1156 Blanche Haag, Dubuque – For celebrating her 85th birthday.
- 2008\1157 Hannah Edgar, Dubuque – For celebrating her 95th birthday.
- 2008\1158 Ardith Donovan, Dubuque – For celebrating her 85th birthday.
- 2008\1159 Vernice Goedken, Dubuque – For celebrating her 90th birthday.
- 2008\1160 Robert Timmerman, Dubuque – For celebrating his 75th birthday.
- 2008\1161 Mary Splinter, Dubuque – For celebrating her 80th birthday.
- 2008\1162 Anna Johnson, Dubuque – For celebrating her 90th birthday.
- 2008\1163 Mary Sauser, Dubuque – For celebrating her 90th birthday.

- 2008\1164 Peggy Unangst, Dubuque – For celebrating her 75th birthday.
- 2008\1165 Lois Nethery, Dubuque – For celebrating her 75th birthday.
- 2008\1166 Mary Kelleher, Dubuque – For celebrating her 75th birthday.
- 2008\1167 Eileen Rosenow, Dubuque – For celebrating her 80th birthday.
- 2008\1168 Richard Powers, Dubuque – For celebrating his 75th birthday.
- 2008\1169 Dayton Miller, Dubuque – For celebrating her 85th birthday.
- 2008\1170 Solana Breuer, Dubuque – For celebrating her 90th birthday.
- 2008\1171 Dorothy Olson, Dubuque – For celebrating her 85th birthday.
- 2008\1172 Charles Rettenmaier, Dubuque – For celebrating his 85th birthday.
- 2008\1173 Raymond Avenarious, Dubuque – For celebrating his 85th birthday.
- 2008\1174 Allen Scheckel, Dubuque – For celebrating his 75th birthday.
- 2008\1175 Roger Hoskins, Dubuque – For celebrating his 75th birthday.
- 2008\1176 Louise Turner, Dubuque – For celebrating her 85th birthday.
- 2008\1177 Noel Weinert, Dubuque – For celebrating her 80th birthday.
- 2008\1178 Beverly Cummings, Dubuque – For celebrating her 80th birthday.
- 2008\1179 Paul Shearer, Dubuque – For celebrating his 80th birthday.
- 2008\1180 Eleanor Moehl, Dubuque – For celebrating her 100th birthday.
- 2008\1181 Elsei Lightcap, Dubuque – For celebrating her 75th birthday.
- 2008\1182 Lou Meyer, Dubuque – For celebrating her 80th birthday.
- 2008\1183 Pal Powers, Dubuque – For celebrating his 80th birthday.
- 2008\1184 Malind Sand, Dubuque – For celebrating her 90th birthday.
- 2008\1185 Roselyn Corbett, Dubuque – For celebrating her 90th birthday.
- 2008\1186 Edward Gansen, Dubuque – For celebrating his 80th birthday.
- 2008\1187 Mary Tigges, Dubuque – For celebrating her 85th birthday.
- 2008\1188 Wilma Sanders, Dubuque – For celebrating her 75th birthday.
- 2008\1189 Dorothy Kisting, Dubuque – For celebrating her 85th birthday.

- 2008\1190 Edward Beard, Dubuque – For celebrating his 85th birthday.
- 2008\1191 William Spitznas, Dubuque – For celebrating his 90th birthday.
- 2008\1192 Betty Peacock, Dubuque – For celebrating her 80th birthday.
- 2008\1193 Gerda Chappell, Dubuque – For celebrating her 85th birthday.
- 2008\1194 Merici Mary Oehrlein, Dubuque – For celebrating her 95th birthday.
- 2008\1195 Rosemary Kuhle, Dubuque – For celebrating her 80th birthday.
- 2008\1196 Irene Holz, Dubuque – For celebrating her 90th birthday.
- 2008\1197 Thelma Schlueter, Dubuque – For celebrating her 75th birthday.
- 2008\1198 Margaret Dolson, Dubuque – For celebrating her 85th birthday.
- 2008\1199 Ruth Frommelt, Dubuque – For celebrating her 95th birthday.
- 2008\1200 William O’Hearn, Dubuque – For celebrating his 95th birthday.
- 2008\1201 Ruth Scharnau, Dubuque – For celebrating her 75th birthday.
- 2008\1202 Margaret Peter, Dubuque – For celebrating her 80th birthday.
- 2008\1203 Richard Sherman, Dubuque – For celebrating his 80th birthday.
- 2008\1204 Bernice Meyer, Dubuque – For celebrating her 85th birthday.
- 2008\1205 Geroge Giannakouros, Dubuque – For celebrating his 75th birthday.
- 2008\1206 Janelle Donahue, Dubuque – For celebrating her 75th birthday.
- 2008\1207 William Maher, Dubuque – For celebrating her 85th birthday.
- 2008\1208 Marvel Thetford, Dubuque – For celebrating her 95th birthday.
- 2008\1209 Charles Schweitzer, Dubuque – For celebrating his 85th birthday.
- 2008\1210 Dorothy Klaas, Dubuque – For celebrating her 90th birthday.
- 2008\1211 Florence Sitzmann Dubuque – For celebrating her 85th birthday.
- 2008\1212 Eileen Tilp, Dubuque – For celebrating her 95th birthday.
- 2008\1213 Vernon Van Cleve, Dubuque – For celebrating his 80th birthday.
- 2008\1214 Joyce Mezzano, Dubuque – For celebrating her 80th birthday.
- 2008\1215 Cletus Herrig, Dubuque – For celebrating his 85th birthday.

- 2008\1216 Mavis Hanson, Dubuque – For celebrating her 75th birthday.
- 2008\1217 Rita Purcell, Dubuque – For celebrating her 85th birthday.
- 2008\1218 Buena Ryan, Dubuque – For celebrating her 90th birthday.
- 2008\1219 Robert Jochum, Dubuque – For celebrating his 75th birthday.
- 2008\1220 Arlene Hochberger, Dubuque – For celebrating her 85th birthday.
- 2008\1221 Elizabeth Presseller, Dubuque – For celebrating her 85th birthday.
- 2008\1222 Ruth Green, Dubuque – For celebrating her 85th birthday.
- 2008\1223 Carl Lange, Dubuque – For celebrating his 75th birthday.
- 2008\1224 Ronald Newton, Dubuque – For celebrating his 80th birthday.
- 2008\1225 Brenda Bloesch, Dubuque – For celebrating her 75th birthday.
- 2008\1226 Rosanne Rottinghaus, Dubuque – For celebrating her 75th birthday.
- 2008\1227 Joanne Schwarzhoff, Dubuque – For celebrating her 80th birthday.
- 2008\1228 Lyle Alshouse, Dubuque – For celebrating his 85th birthday.
- 2008\1229 Virginia Freiling, Dubuque – For celebrating her 85th birthday.
- 2008\1230 Helen Thielen, Dubuque – For celebrating her 80th birthday.
- 2008\1231 William Marshall, Dubuque – For celebrating his 85th birthday.
- 2008\1232 Alfreda Nesteby, Dubuque – For celebrating her 80th birthday.
- 2008\1233 Loretta Wittstock, Dubuque – For celebrating her 80th birthday.
- 2008\1234 Violet Mescher, Dubuque – For celebrating her 85th birthday.
- 2008\1235 Joseph Zahina, Dubuque – For celebrating his 85th birthday.
- 2008\1236 Lela Tigges, Dubuque – For celebrating her 90th birthday.
- 2008\1237 John Hackney, Dubuque – For celebrating his 80th birthday.
- 2008\1238 Julia White, Dubuque – For celebrating her 85th birthday.
- 2008\1239 Mary Poire, Dubuque – For celebrating her 95th birthday.
- 2008\1240 Ione McDermott, Dubuque – For celebrating her 85th birthday.
- 2008\1241 Delbert Nelson, Dubuque – For celebrating his 85th birthday.

2008\1242 Joseph Lange, Dubuque – For celebrating his 75th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2162

Agriculture: Gayman, Chair; Greiner, Reasoner, Reichert and Struyk.

House File 2178

Commerce: Jacoby, Chair; Petersen and Pettengill.

House File 2201

Ways and Means: Reasoner, Chair; Sands and Shomshor.

House File 2205

Transportation: Mertz, Chair; Rasmussen and Reasoner.

House File 2228

Transportation: Cohoon, Chair; Arnold, Bukta, Huseman and Lykam.

Senate File 2124

Veterans Affairs: Staed, Chair; Chambers and Whitead.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 653

Labor: T. Taylor, Chair; Horbach and Hunter.

House Study Bill 654

State Government: Lensing, Chair; Abdul-Samad, Boal, Jacobs and Jacoby.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 656 Government Oversight

Providing for the oversight of persons organized or doing business in this state on a nonprofit basis, providing for fees, and making an appropriation.

H.S.B. 657 Labor

Concerning civil service commissions, appointment and promotion procedures, disciplinary procedures, providing a civil penalty, and making a penalty applicable.

H.S.B. 658 Labor

Relating to the payment of certain medically related workers' compensation expenses and providing a penalty.

H.S.B. 659 Public Safety

Concerning the disaster aid individual assistance grant program.

H.S.B. 660 Judiciary

Relating to scrap metal transactions, prohibiting certain sales, imposing criminal penalties, and providing an effective date.

H.S.B. 661 Judiciary

Relating to the appointment of certain judicial officers, the retirement of senior judges, the entry of temporary custody and visitation orders, and the jurisdiction of certain judges in probate court.

H.S.B. 662 Ways and Means

Relating to the policy administration of the tax and related laws by the department of revenue, including administration of income and sales and use taxes, and including effective and retroactive applicability date provisions.

H.S.B. 663 Commerce

Relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation.

H.S.B. 664 Judiciary

Relating to the emancipation of a minor.

H.S.B. 665 Judiciary

Creating a criminal offense for leaving an unattended or not properly supervised child in a motor vehicle, and providing a penalty.

H.S.B. 666 Judiciary

Relating to the admissibility of medical records and bills in civil cases.

H.S.B. 667 Judiciary

Relating to juvenile court by striking provisions setting aside an order adjudicating a child delinquent who is mentally retarded or mentally ill, modifying aggravated circumstance determinations in child in need of assistance proceedings, and modifying circumstances for termination of parental rights.

H.S.B. 668 Judiciary

Relating to certain liability insurance policy information required to be given to claimants.

H.S.B. 669 Government Oversight

Relating to pharmacy benefits management including the timely payment of claims payable under a pharmacy benefits management plan and disclosure of certain information.

H.S.B. 670 Transportation

Exempting certain persons from motor vehicle manufacturer licensing requirements.

H.S.B. 671 Human Resources

Creating a heart disease and stroke prevention program and making an appropriation.

H.S.B. 672 Labor

Requiring certain weekly workers' compensation benefits to be calculated by including an employee's overtime, shift differential, and premium pay.

H.S.B. 673 Labor

Requiring an annual cost-of-living adjustment for certain weekly workers' compensation benefits.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly House File 2125), concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service, providing a penalty, and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 2008.

Committee Bill (Formerly House Study Bill 572), increasing the penalties that may be imposed by courts-martial under the Iowa code of military justice.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2008.

AMENDMENTS FILED

H—8018	H.F.	2212	Lukan of Dubuque
H—8019	H.F.	2212	Lukan of Dubuque
H—8020	H.F.	2212	Lukan of Dubuque
H—8021	H.F.	2212	Lukan of Dubuque
H—8022	H.F.	2212	Jacobs of Polk Clute of Polk

H—8023	H.F.	2212	Raecker of Polk
H—8024	H.F.	2212	Struyk of Pottawattamie
			Dolecheck of Ringgold
			Quirk of Chickasaw
H—8025	H.F.	2212	Paulsen of Linn
H—8026	H.F.	2212	Boal of Polk
			May of Dickinson

On motion by Reasoner of Union the House adjourned at 9:32 a.m., until 9:00 a.m., Thursday, February 14, 2008.

JOURNAL OF THE HOUSE

Thirty-second Calendar Day - Twenty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 14, 2008

The House met pursuant to adjournment at 9:29 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Polly Bukta, Speaker pro tempore from Clinton County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Page Tyler Strable from Des Moines.

The Journal of Wednesday, February 13, 2008 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 13, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 572, a bill for an act extending state tax benefits for use of soy-based transformer fluid by electric utilities and including effective and applicability date provisions.

Also: That the Senate has on February 13, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2059, a bill for an act relating to the administration of the department of cultural affairs.

Also: That the Senate has on February 13, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2111, a bill for an act relating to requirements for blood lead testing and dental screening of children.

Also: That the Senate has on February 13, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2116, a bill for an act relating to the recording of a certificate of release by the Iowa finance authority.

Also: That the Senate has on February 13, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2117, a bill for an act relating to coverage of closing protection letters in real estate transactions and providing an effective date.

Also: That the Senate has on February 13, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2122, a bill for an act making technical and corrective changes to the law relating to elections and voter registration and making a penalty applicable.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2248, by D. Olson, a bill for an act relating to reporting requirements for organizations that engage in public communications encouraging or discouraging a vote for a candidate for public office.

Read first time and referred to committee on **state government**.

House File 2249, by Swaim, a bill for an act relating to charging a fee for internet access at correctional institutions.

Read first time and referred to committee on **public safety**.

House File 2250, by Heddens, a bill for an act relating to the exclusion of qualified tuition plans in a determination of eligibility for the medical assistance program.

Read first time and referred to committee on **human resources**.

House File 2251, by Granzow and Heaton, a bill for an act requiring a legislative study of the state's mental health patient advocates.

Read first time and referred to committee on **judiciary**.

House File 2252, by Jacobs, a bill for an act relating to optical scan voting systems by requiring their use in every county and by

appropriating moneys for the purpose of reimbursing the cost of purchasing optical scan voting systems.

Read first time and referred to committee on **state government**.

House File 2253, by R. Olson, a bill for an act concerning the sale of alcoholic liquor or beer, including the establishment of a container redemption fund, and providing a penalty and an appropriation.

Read first time and referred to committee on **environmental protection**.

House File 2254, by De Boef, Rayhons, Dolecheck and Greiner, a bill for an act concerning rules relating to copayments and other information regarding services provided to medical assistance recipients.

Read first time and referred to committee on **human resources**.

House File 2255, by De Boef, Rayhons, Dolecheck and Granzow, a bill for an act relating to insulin-dependent motor vehicle operators that provide passenger service to elderly persons and providing penalties.

Read first time and referred to committee on **transportation**.

SPECIAL PRESENTATION

Chambers of O'Brien introduced to the House the honorable Richard Vande Hoef, former state representative from Osceola County.

The House rose and expressed its welcome.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 105.

ADOPTION OF HOUSE RESOLUTION 105

May of Dickinson called up for consideration **House Resolution 105**, a resolution honoring the Dickinson County Soil and Water

Conservation District for receiving the National Association of Conservation Districts 2007 Excellence Award, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

May of Dickinson introduced to the House, Steve Anderson of the Dickinson County Soil and Water Conservation District whom introduced Mark Ingwersen, Chair; and Chris Hoffman, Vice Chair; also from Dickinson County; and State Secretary of Agriculture and Land Stewardship, Bill Northey; Wayne Peterson the State Urban Conservation Program Coordinator and Senator David Johnson from Osceola County.

The House rose and expressed its welcome.

On motion by McCarthy of Polk, the House was recessed at 9:48 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:12 p.m., Hoffman of Crawford in the chair.

INTRODUCTION OF BILLS

House File 2256, by Berry and Kressig, a bill for an act specifying conditions for the issuance of a certificate of public convenience, use, and necessity by the Iowa utilities board to a coal-fired merchant power plant.

Read first time and referred to committee on **commerce**

House File 2257, by Soderberg, a bill for an act relating to a minor child's petition for a name change.

Read first time and referred to committee on **judiciary**.

House File 2258, by Berry, a bill for an act relating to authorized delayed deposit service transactions, and making penalties applicable.

Read first time and referred to committee on **commerce**.

House File 2259, by Ford, a bill for an act relating to reenrollment of former expansion population members under the IowaCare program.

Read first time and referred to committee on **human resources**.

House File 2260, by Heddens and Heaton, a bill for an act relating to the risk pool for county mental health, mental retardation, and developmental disabilities services by revising procedural and qualifying requirements.

Read first time and referred to committee on **human resources**.

SENATE MESSAGES CONSIDERED

Senate File 2059, by committee on state government, a bill for an act relating to the administration of the department of cultural affairs.

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

Senate File 2111, by committee on education, a bill for an act relating to requirements for blood lead testing and dental screening of children.

Read first time and referred to committee on **education**.

Senate File 2116, by committee on commerce, a bill for an act relating to the recording of a certificate of release by the Iowa finance authority.

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

Senate File 2117, by committee on commerce, a bill for an act relating to coverage of closing protection letters in real estate transactions and providing an effective date.

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

Senate File 2122, by committee on state government, a bill for an act making technical and corrective changes to the law relating to elections and voter registration and making a penalty applicable.

Read first time and referred to committee on **state government**.

CONSIDERATION OF BILLS Regular Calendar

House File 2177, a bill for an act relating to the placement of deer transportation tags on antlered deer that have been taken pursuant to a deer hunting license, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2177)

The ayes were, 100:

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

Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Hoffman, Presiding

The nays were, none.

Absent or not voting, none.

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

RULES SUSPENDED

McCarthy of Polk asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2233.

Ways and Means Calendar

House File 2233, a bill for an act relating to providing sales, use, and property tax exemptions for certain web search portal businesses, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2233)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Horbach
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson

Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Hoffman, Presiding	

The nays were, 1:

Hunter

Absent or not voting, none.

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2177** and **2233**.

HOUSE FILE 2048 WITHDRAWN

Whitaker of Van Buren asked and received unanimous consent to withdraw House File 2048 from further consideration by the House.

HOUSE FILE 2225 REREFERRED

The Speaker announced that House File 2225, previously referred to committee on **veterans affairs** was rereferred to committee on **transportation**.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 14, 2008, he approved and transmitted to the Secretary of State the following bill:

House File 2065, an Act relating to military leaves of absence and reemployment and providing an effective date.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\1243 John and Mary Doak, Grundy Center – For celebrating their 50th wedding anniversary.
- 2008\1244 James Coalter, Ida Grove – For celebrating his 90th birthday.
- 2008\1245 Thomas J. Case, Dow City – For celebrating his 80th birthday.
- 2008\1246 Vera Lee, Oto – For celebrating her 90th birthday.
- 2008\1247 Lucille Perkins, Correctionville – For celebrating her 80th birthday.
- 2008\1248 Russ and Clara Bennigsdorf, Ida Grove –For celebrating their 50th wedding anniversary.
- 2008\1249 Helen Blackburn, Stuart – For celebrating her 80th birthday.
- 2008\1250 Verle and Ellen Hunt, Marshalltown – For celebrating their 65th anniversary.
- 2008\1251 Albert and Lenora Pleima, Leighton – For celebrating their 60th wedding anniversary.
- 2008\1252 Pete and Freda Rozenboom, Pella – For celebrating their 60th wedding anniversary.
- 2008\1253 Jerry and Norma Schmitz, Wall Lake – For celebrating their 50th wedding anniversary.
- 2008\1254 Florence Harms, Radcliffe – For celebrating her 85th birthday.
- 2008\1255 Wayne McDonald, Clemons – For celebrating his 80th birthday.
- 2008\1256 Arlene Bogan, State Center – For celebrating her 80th birthday.
- 2008\1257 Rog and Kathy Pomrenke, Storm Lake – For celebrating their 50th wedding anniversary.
- 2008\1258 Wallace Roth, Hartwick – For celebrating his 80th birthday.

- 2008\1259 Nadine Gray, Hartwick – For celebrating her 80th birthday.
- 2008\1260 Gerald Steinaway, Hedrick – For celebrating his 80th birthday.
- 2008\1261 Betty Kelm, Grinnell – For celebrating her 80th birthday.
- 2008\1262 Adaline Zuber, Amana – For celebrating her 90th birthday.
- 2008\1263 Dorothy Thomas, Sigourney – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2132

State Government: Mascher, Chair; Gaskill and Jacobs.

House File 2220

Human Resources: Smith, Chair; Heaton and Mascher.

House File 2222

Human Resources: Smith, Chair; Granzow and Palmer.

House File 2223

Human Resources: Mascher, Chair; Smith and Upmeyer.

House File 2224

Transportation: Reasoner, Chair; Whitaker and Windschitl.

House File 2227

Judiciary: Swaim, Chair; Horbach and Wessel-Kroeschell.

House File 2229

Local Government: Lykam, Chair; Arnold and D. Taylor.

House File 2235

Judiciary: R. Olson, Chair; Lensing and Tomenga.

House File 2237

Public Safety: Hunter, Chair; Heddens and Sands.

House File 2242

Judiciary: Smith, Chair; Tomenga and Winckler.

House File 2244

Ways and Means: Thomas, Chair; Deyoe and Quirk.

House File 2251

Judiciary: Smith, Chair; Heaton and Lensing.

Senate File 2036

Public Safety: Swaim, Chair; Lukan and Zirkelbach.

Senate File 2123

Ways and Means: Kelley, Chair; Palmer and Wiencek.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 616**

State Government: Mascher, Chair; Lensing and L. Miller.

House Study Bill 649

Education: Winckler, Chair; Boal and Wendt.

House Study Bill 650

Environmental Protection: Frevert, Chair; Drake, Greiner, Kuhn, H. Miller, D. Olson and S. Olson.

House Study Bill 651

Environmental Protection: T. Olson, Chair; R. Olson and Watts.

House Study Bill 652

Environmental Protection: D. Olson, Chair; Deyoe and Lensing.

House Study Bill 659

Public Safety: Kuhn, Chair; Hunter and Lukan.

House Study Bill 660

Judiciary: Swaim, Chair; Jacobs and Schueller.

House Study Bill 661

Judiciary: Palmer, Chair; Jacobs and Wessel-Kroeschell.

House Study Bill 662

Ways and Means: Schueller, Chair; Deyoe and Palmer.

House Study Bill 664

Judiciary: Lensing, Chair; Boal and Winckler.

House Study Bill 665

Judiciary: Schueller, Chair; Tomenga and Wendt.

House Study Bill 666

Judiciary: Swaim, Chair; Palmer and Struyk.

House Study Bill 667

Judiciary: Wendt, Chair; Heaton and Smith.

House Study Bill 668

Judiciary: Wessel-Kroeschell, Chair; Horbach and Swaim.

House Study Bill 671

Human Resources: T. Olson, Chair; L. Miller and Palmer.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON EDUCATION

House File 2066, a bill for an act relating to the repeal of the local option sales and services tax for school infrastructure purposes by using the revenues from the increase in the state sales and use taxes for replacing lost school district revenues resulting from the repeal and for road construction, providing property tax relief, providing a penalty, and including an effective date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H—8028** February 13, 2008.

Pursuant to Rule 31.7, House File 2066 was referred to the committee on ways and means.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 568), requiring the departments of public health and human services to collect data and develop a protocol to address the relationship between substance misuse, abuse, or dependency by a child's parent, guardian, or custodian and child abuse.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 2008.

Committee Bill (Formerly House Study Bill 624), relating to child support recovery including assignment of support to the state relative to receipt of family investment program benefits, garnishment of money held by the state for a person who owes delinquent child support, the reporting of delinquent child support obligors to consumer reporting agencies, access to cellular telephone numbers for the purpose of the computer match program by the child support recovery unit, collection of support from certain obligors, the information included in a notice regarding the administrative levy of an account, and medical support of a child, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 2008.

AMENDMENTS FILED

H—8027	H.F.	2212	T. Olson of Linn
H—8028	H.F.	2066	Committee on Education
H—8029	H.F.	2239	Horbach of Tama
H—8030	H.F.	2239	Windschitl of Harrison
H—8031	H.F.	2239	Tymeson of Madison
H—8032	H.F.	2239	Tymeson of Madison
H—8033	H.F.	2212	Upmeyer of Hancock
H—8034	H.F.	2196	May of Dickinson
H—8035	H.F.	2212	Struyk of Pottawattamie
H—8036	H.F.	2212	Struyk of Pottawattamie

On motion by McCarthy of Polk the House adjourned at 2:04 p.m., until 9:00 a.m., Friday, February 15, 2008.

JOURNAL OF THE HOUSE

Thirty-third Calendar Day - Twenty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 15, 2008

The House met pursuant to adjournment at 9:16 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Pat Murphy, Speaker of the House.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Murphy.

The Journal of Thursday, February 14, 2008 was approved.

INTRODUCTION OF BILLS

House File 2261, by Bailey, a bill for an act relating to veterans affairs by modifying training requirements, requiring minimum hours of operation for local veteran affairs offices in each county, creating a county commission of veteran affairs training program, creating a county commissions of veteran affairs fund, providing an appropriation, and providing an effective date.

Read first time and referred to committee on **veterans affairs**.

House File 2262, by Jochum, a bill for an act authorizing cities to allow retail businesses locating in downtown areas to provide refunds of sales taxes paid by customers.

Read first time and referred to committee on **ways and means**.

House File 2263, by committee on state government, a bill for an act relating to leaves of absence for service in elective office.

Read first time and placed on the **calendar**.

House File 2264, by committee on state government, a bill for an act modifying the voter registration deadline for primary elections and providing an effective date.

Read first time and placed on the **calendar**.

House File 2265, by committee on public safety, a bill for an act relating to the sale of a pseudoephedrine product by a pharmacy or retailer, and providing penalties and contingent applicability.

Read first time and placed on the **calendar**.

House File 2266, by committee on public safety, a bill for an act relating to the regulation of explosives, and the possession of an incendiary or explosive device or material, and providing penalties.

Read first time and placed on the **calendar**.

House File 2267, by committee on commerce, a bill for an act relating to coverage of closing protection letters in real estate transactions and providing an effective date.

Read first time and placed on the **calendar**.

House File 2268, by committee on commerce, a bill for an act making specified revisions to the consumer credit code to conform to federal statutory updates and prohibit the transfer of ownership of a motor vehicle pursuant to a consumer rental purchase agreement.

Read first time and placed on the **calendar**.

House File 2269, by committee on commerce, a bill for an act relating to real estate broker trust accounts.

Read first time and placed on the **calendar**.

House File 2270, by committee on commerce, a bill for an act relating to the recording of a certificate of release by the Iowa finance authority.

Read first time and placed on the **calendar**.

House File 2271, by Forristall and Kaufmann, a bill for an act limiting the total number of full-time equivalent positions authorized for state government.

Read first time and referred to committee on **appropriations**.

House File 2272, by Whitaker, a bill for an act relating to the exceptions to the conflict of interest restrictions for city officials, city employees, and civil service commissioners.

Read first time and referred to committee on **local government**.

House File 2273, by Kaufmann, Jacoby and Foege, a bill for an act relating to the disposal and recycling of waste oil filters and establishing a fee.

Read first time and referred to committee on **environmental protection**.

House File 2274, by Foege, a bill for an act relating to the supplementation of the personal needs allowance for residents of specified facilities.

Read first time and referred to committee on **human resources**.

House File 2275, by Baudler, a bill for an act relating to a peace officer carrying a weapon in court.

Read first time and referred to committee on **public safety**.

House File 2276, by Kressig, a bill for an act relating to community attraction and tourism by allocating funds to the creation of water trails and parks.

Read first time and referred to committee on **economic growth**.

House File 2277, by Whitaker, a bill for an act relating to beverage container control by expanding the number of beverage

containers covered, eliminating the requirement of distributors to collect and pay refund values, and making conforming changes.

Read first time and referred to committee on **environmental protection**.

House File 2278, by Struyk, Kaufmann, Forristall, Hoffman, Rayhons, Sands, S. Olson, Pettengill, Jacobs, Deyoe, Raecker, Heaton, Tomenga, Huser, Van Fossen, Granzow, Lukan and Upmeyer, a bill for an act relating to the reimbursement rate for dental services under the medical assistance program, and providing an appropriation.

Read first time and referred to committee on **appropriations**.

House File 2279, by Roberts, a bill for an act relating to the definition of a rescue vehicle.

Read first time and referred to committee on **transportation**.

House File 2280, by Pettengill, Hoffman, Horbach, De Boef, Deyoe, Kaufmann, S. Olson, Windschitl, Granzow, Greiner, Dolecheck, Swaim, Rasmussen, Arnold and Heaton, a bill for an act creating a supplementary weighting plan for certain rural school districts.

Read first time and referred to committee on **education**.

House File 2281, by Hunter, a bill for an act relating to graduated driver licensing provisions and requiring the use of safety belts, safety harnesses, or child restraint systems by all passengers in a vehicle operated by a person with an intermediate driver's license and making a penalty applicable.

Read first time and referred to committee on **transportation**.

House File 2282, by Kelley, Reichert, Staed and Wenthe, a bill for an act relating to the sentencing of a person convicted of a sexually predatory offense.

Read first time and referred to committee on **judiciary**.

House File 2283, by committee on veterans affairs, a bill for an act concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service, providing a penalty, and including an effective date.

Read first time and placed on the **calendar**.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\1264 Bonnie Harden, Hubbard – For celebrating her 80th birthday.
- 2008\1265 Betty Nolta, State Center – For celebrating her 85th birthday.
- 2008\1266 Henrietta Benning, Ackley – For celebrating her 80th birthday.
- 2008\1267 George Washington High School Boys Swim Team, Cedar Rapids – For winning the Iowa Boys State Swimming Championship.

On motion by McCarthy of Polk the House adjourned at 9:23 a.m., until 1:00 p.m., Monday, February 18, 2008.

JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day - Twenty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 18, 2008

The House met pursuant to adjournment at 1:16 p.m., Speaker pro tempore Bukta in the chair.

Prayer was offered by the honorable Dave Mulder, state senator from Sioux County. He was the guest of Representative Dwayne Alons of Sioux County.

SPECIAL PRESENTATION

Prior to convening, Representative Helen Miller of Webster introduced to the House Jeremy Edouard, his parents Patrick and Grace Edouard and his sisters Marie and Jennifer. As a part of “Cultural Advocacy Day”, Jeremy played the theme from the movie “Schindler’s List” on the violin.

The House rose and expressed its appreciation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Page Nicole Lenius from Tripoli.

The Journal of Friday, February 15, 2008 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 2004, by Jacobs, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to cigarette and tobacco product taxes.

Read first time and referred to committee on **human resources**.

House File 2284, by Struyk, a bill for an act regulating grain transactions by grain dealers and warehouse operators, and providing for the administration of the grain indemnity fund.

Read first time and referred to committee on **agriculture**.

House File 2285, by Foege, a bill for an act relating to promotion of the health care workforce, providing for tax credits, providing appropriations, and providing effective and retroactive applicability dates.

Read first time and referred to committee on **human resources**.

House File 2286, by Pettengill, a bill for an act providing for criminal penalties for the mistreatment of livestock and other animals.

Read first time and referred to committee on **agriculture**.

House File 2287, by committee on veterans affairs, a bill for an act increasing the penalties that may be imposed by courts-martial under the Iowa code of military justice.

Read first time and placed on the **calendar**.

House File 2288, by Ford, a bill for an act requiring a minority impact statement as part of an application for a grant from a state agency and providing effective and applicability dates.

Read first time and referred to committee on **state government**.

House File 2289, by Reichert and Kressig, a bill for an act providing for a property tax credit for buildings meeting certification requirements for designation as a green building, making an appropriation, and including an effective and applicability date provision.

Read first time and referred to committee on **commerce**.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 104

McCarthy of Polk called up for consideration **House Concurrent Resolution 104** as follows, and moved its adoption:

- 1 HOUSE CONCURRENT RESOLUTION 104
- 2 By McCarthy and Rants
- 3 *Be It Resolved By The House Of Representatives, The*
- 4 *Senate Concurring*, That a joint convention of the two

5 houses of the 2008 session of the Eighty-second
6 General Assembly be held on Tuesday, February 19,
7 2008, at 10:00 a.m.; and
8 *Be It Further Resolved*, That Major General Ron
9 Dardis be invited to present his message of the
10 Condition of the Iowa National Guard at this
11 convention.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House Concurrent Resolution 104** be immediately messaged to the Senate.

SPONSOR WITHDRAWN (House File 2026)

Ford of Polk requested to be withdrawn as a sponsor of House File 2026.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\1268 Alexander Lloyd Peterson, Mt. Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\1269 Kenneth Gruder, Wilton – For celebrating his 80th birthday.
- 2008\1270 Rodney Drake, Moscow – For celebrating his 80th birthday.
- 2008\1271 Paul Crock, Mechanicsville – For celebrating his 80th birthday.
- 2008\1272 Merlin Hulse, Clarence – For over six decades of service to his party, country, and state.
- 2008\1273 Edward Williams, Wilton – For celebrating his 80th birthday, and for his dedicated service to the children of the Wilton community.

- 2008\1274 Terry and Cheryl Lichtenberg, George – For celebrating 30 years in business at Lichtenberg Hardware.
- 2008\1275 Bob and Waunda Johnson, Inwood – For celebrating their 66th wedding anniversary.
- 2008\1276 Doug Broek, Sioux Center – For receiving the News Media Award by the Iowa High School Athletic Association, as the “Voice of Northwest Iowa Sports”, calling state championship games for 18 years.
- 2008\1277 Sam and Wilma Altena, George – For celebrating their 60th wedding anniversary.
- 2008\1278 Johanna Int Veld, Rock Valley – For celebrating her 85th birthday.
- 2008\1279 Arie Van Veldhuizen, Rock Valley – For celebrating his 80th birthday.
- 2008\1280 Luke De Koster, Hull – For receiving six awards in the 2007 Better Newspaper Contest, sponsored by the Iowa Newspaper Association.
- 2008\1281 Jordan Gacke, Central Lyon High School – For winning the 171 lb. weight class in the Class 1-A Division of the 2008 State Wrestling Tournament.
- 2008\1282 Nate Herda, Rock Rapids – For winning the 140 lb. weight class in the Class 1-A Division of the 2008 State Wrestling Tournament.
- 2008\1283 Elizabeth Klaahsen, George – For celebrating her 93rd birthday.
- 2008\1284 Jake Lerdal, New London – For winning the 189 lb. weight class in the Class 2-A Division of the 2008 State Wrestling Tournament.
- 2008\1285 Jeret Chiri, New London – For winning the 152 lb. weight class in the Class 2-A Division of the 2008 State Wrestling Tournament.
- 2008\1286 Jake Kadel, New London – For receiving 3rd place, in the 103 lb. weight class in the Class 2-A Division of the 2008 State Wrestling Tournament.
- 2008\1287 Talia Leman, Waukee – For being named one of the top two youth volunteers in Iowa for 2008, in the 13th annual Prudential Spirit of Community Award, designed to emphasize the importance of community service by young people.
- 2008\1288 Max and Joan Hall, Knoxville – For celebrating their 50th wedding anniversary.
- 2008\1289 Betty Reeg, DeWitt – For receiving the Genesis Medical Center – DeWitt 2008 Pinnacle Award.

- 2008\1290 Donald and Delores Rathjen, Long Grove – For celebrating their 50th wedding anniversary.
- 2008\1291 Myron and Helen Workman, Delmar – For celebrating their 60th wedding anniversary.
- 2008\1292 Janice and Elmer Jandik, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 2008\1293 Sandra and Phillip Schatzle, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 2008\1294 Sam Wagner, Davenport – For being named one of the top two youth volunteers in Iowa for 2008, in the 13th annual Prudential Spirit of Community Award, designed to emphasize the importance of community service by young people.
- 2008\1295 Dick Polansky, DeWitt – For receiving the Genesis Medical Center – DeWitt 2008 Pinnacle Award.

SUBCOMMITTEE ASSIGNMENTS

House File 2198

Education: Wise, Chair; Gayman and Raecker.

House File 2221

Education: Palmer, Chair; Staed and Tymeson.

House File 2226

Education: Wendt, Chair; Abdul-Samad and Boal.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 674 Transportation

Authorizing counties to charge an administrative fee for issuance or renewal of a driver's license or nonoperator's identification card.

H.S.B. 675 Human Resources

Relating to sexual misconduct with a juvenile, and providing penalties.

H.S.B. 676 Human Resources

Limiting the scope of the electronic benefits transfer program maintained by the department of human services.

H.S.B. 677 Human Resources

Relating to the regulation of health-related professions.

H.S.B. 678 Education

Relating to the funding of school district programs for returning dropouts and dropout prevention.

H.S.B. 679 Agriculture

Providing for a research effort to mitigate odor emitted from livestock operations.

RESOLUTIONS FILED

HR 106, by Smith and Foegen, a resolution to designate the month of March 2008 as Professional Social Work Month.

Laid over under **Rule 25**.

HR 107, by Rayhons, Kuhn and Upmeyer, a resolution honoring Winnebago Industries on its 50th anniversary.

Laid over under **Rule 25**.

On motion by McCarthy of Polk the House adjourned at 1:30 p.m., until 9:00 a.m., Tuesday, February 19, 2008.

JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day - Twenty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 19, 2008

The House met pursuant to adjournment at 9:03 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Elizabeth Dille, Board Chair of the Religious Coalition for Reproductive Choice. She was the guest of Representative Eric Palmer of Mahaska County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Journal Page, Kaytlin Peine from Odebolt.

The Journal of Monday, February 18, 2008 was approved.

INTRODUCTION OF BILLS

House File 2290, by Abdul-Samad, a bill for an act relating to dental homes for children.

Read first time and referred to committee on **human resources**.

House File 2291, by Abdul-Samad, a bill for an act relating to appeals of denials of dental insurance coverage based on medical necessity.

Read first time and referred to committee on **commerce**.

House File 2292, by Abdul-Samad, a bill for an act relating to employees who are breast-feeding.

Read first time and referred to committee on **labor**.

House File 2293, by Foege, a bill for an act providing a small business qualified wellness program tax credit and providing a retroactive applicability date.

Read first time and referred to committee on **human resources**.

House File 2294, by Bailey, Foege, Whitaker, Winckler, Wessel-Kroeschell, Alons, Wenthe, L. Miller, Rayhons, Heaton, Gayman, Gaskill, Swaim, Frevert, Quirk, Abdul-Samad, Schueller, Mascher, Mertz, Murphy, Staed and Kressig, a bill for an act relating to individual development accounts authorized for certain individuals with low income, providing an appropriation, and providing effective and applicability date provisions.

Read first time and referred to committee on **human resources**.

House File 2295, by Tymeson, Chambers, Worthan, Windschitl, Baudler, Alons, D. Taylor and Granzow, a bill for an act concerning the county grant program for veterans and providing an effective date.

Read first time and referred to committee on **veterans affairs**.

House File 2296, by Ford, a bill for an act relating to the recruitment of minorities in certain businesses receiving incentives under the high quality job creation Act.

Read first time and referred to committee on **economic growth**.

House File 2297, by Ford, a bill for an act requiring state agencies to provide internet posting of the reports from agency studies or other analyses.

Read first time and referred to committee on **state government**.

House File 2298, by Whitead, a bill for an act relating to the certification of crane operators and providing an effective date.

Read first time and referred to committee on **labor**.

House File 2299, by Sands and Paulsen, a bill for an act relating to posting of local government budgets, certain annual financial reports, and contract information on the internet.

Read first time and referred to committee on **local government**.

House File 2300, by R. Olson, a bill for an act relating to mandatory retirement for senior judges.

Read first time and referred to committee on **judiciary**.

House File 2301, by Upmeyer, a bill for an act relating to health information technology including creating an electronic health information commission.

Read first time and referred to committee on **human resources**.

House File 2302, by R. Olson, a bill for an act relating to enforcement of requirements for illumination of motor vehicle registration plates.

Read first time and referred to committee on **transportation**.

House File 2303, by Abdul-Samad, Ford, and Smith, a bill for an act relating to the development and implementation of a certificate of employability program by the board of parole.

Read first time and referred to committee on **human resources**.

House File 2304, by Ford, a bill for an act relating to farmland preservation, by providing tax credits and restrictions on the uses of farmland eligible for tax credits, and providing penalties.

Read first time and referred to committee on **agriculture**.

SPECIAL PRESENTATION

Whitaker of Van Buren recognized Emily Meyer with a certificate of recognition to thank her for her service in computer services in the Iowa House.

The House rose and expressed its appreciation.

On motion by Whitaker of Van Buren, the House was recessed at 9:16 a.m., until 9:30 a.m.

The House reconvened at 9:40 a.m., Speaker Murphy in the chair.

COMMITTEE TO NOTIFY THE SENATE

Jochum of Dubuque moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee Jochum of Dubuque, Dandekar of Linn and Worthan of Buena Vista.

The House stood at ease at 9:40 a.m., until the fall of the gavel.

The House resumed session at 9:53 a.m., Speaker Murphy in the chair.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Jochum of Dubuque, Chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention reported that the committee had performed its duty.

The report was accepted, and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 104, duly adopted, the joint convention was called to order at 9:55 a.m., President Kibbie presiding.

Senator Gronstal of Pottawattamie moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

President Kibbie announced a quorum present and the joint convention duly organized.

Senator Gronstal of Pottawattamie moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives, be appointed to escort Governor Chester J. Culver to the House chamber for the Condition of the Iowa National Guard Message.

The motion prevailed and the President appointed as such committee Senators Courtney of Des Moines, Appel of Warren and Hartsuch of Scott, on the part of the Senate, and Representatives Wise of Lee, Petersen of Polk and Rasmussen of Buchanan, on the part of the House.

Senator Gronstal of Pottawattamie moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives, be appointed to escort Adjutant General Ron Dardis to the House chamber for the Condition of the Iowa National Guard Message.

The motion prevailed and the President appointed as such committee Senators Warnstadt of Woodbury, Beall of Webster and Zaun of Polk, on the part of the Senate, and Representatives Zirkelbach of Jones, Whitead of Woodbury and Windschitl of Harrison, on the part of the House.

State Auditor, David Vaudt; Secretary of State, Michael A. Mauro and Attorney General, Tom Miller were escorted into the House chamber.

The family of General Dardis was escorted into the House chamber.

The committee waited upon Governor Chester J. Culver and escorted him into the House chamber.

The committee waited upon Major General Dardis, Adjutant General of the Iowa National Guard and escorted him to the Speaker's station.

President Kibbie presented Major General Dardis, Adjutant General of the Iowa National Guard. General Dardis provides command and control for 105 Army and Air National Guard Units and over 9,500 Army and Air National Guard members in the state of Iowa.

Major General Dardis delivered the following Condition of the Iowa National Guard Message:

Thank you very much for that warm welcome.

I'm honored once again to stand before you and report on the Condition of the Iowa National Guard.

A Guard that has evolved from a territorial militia, formed to provide collective security on the American frontier, to a full-spectrum operational force prepared to defend our state and nation during an age of persistent conflict.

For more than 170 years, generations of Iowans mustered from throughout our communities to carry on this Prairie Soldier legacy, serving through a Civil War, domestic emergencies and disasters, World Wars, and ideological struggles.

Today, these Global Minutemen, like those who came before, carry on this proud legacy, serving their state and answering our Nation's call to duty here at home and around the globe.

Speaker Murphy, President Kibbie – thank you for inviting me to provide this update. It is a great honor for me to appear before this joint convention of the eight-second General Assembly of the Iowa Legislature.

The Iowa National Guard is indeed fortunate to have this opportunity to highlight our issues, tell our story and above all thank you and all the citizens of Iowa for the overwhelming and enduring support of our men and women in uniform. We could not succeed without it.

I also want to thank and recognize your colleague, our comrade-in-arms, Representative Ray Zirkelbach, a proud member of the longest serving unit in the history of the Global War on Terror – the "Ironman" Battalion, 1-133rd Infantry, Iowa Army National Guard!

Sgt. Zirkelbach: I'm sure you don't get tired of hearing it, and I certainly never tire of saying it to our returning Warriors – Welcome home!

Good to have you back home with your family, friends and the Iowa Guard Team. I thank you for your extraordinary service and for your family's tremendous sacrifice on behalf of our state and nation. Thank you for a job well done!

Governor Culver, members of the General Assembly, distinguished guests and fellow Iowans:

Last year I reported the condition of the Iowa National Guard was strong – the strongest it had been in generations. Today, I stand by that assessment. We are a battle-hardened and respected fighting force that continues to carry out our federal, state and community missions with vigor and determination.

Yet, six years of war and more than 10,000 mobilized Soldiers and Airmen, leaves no doubt we are an organization that is stretched and stressed. We see it in the faces of our Warriors sent off on their second, and in some cases, third deployments since 9-11; we see it in our families, asked to endure lengthy and in some cases repeated separations; and we see it in returning Soldiers and Airmen, struggling to reintegrate with their families and routines of their daily lives.

Ladies and Gentlemen: this is what keeps me awake at night. I worry so much for the health and well-being of our Soldiers and Airmen and their families. We are trying to assist in every way possible and yet it never seems like enough.

These are indeed challenging times for the one percent of Americans who proudly serve their nation in uniform. And it is increasingly true for the Soldiers and Airmen of the Iowa National Guard, who make up nearly two percent of our nation's National Guard forces.

Our military is not weak or hollow; it is not broken. It remains the preeminent military power in the world. And I want you and the citizens of Iowa to know, that the Iowa National Guard stands ready to meet anticipated state and federal mission requirements.

What we don't know and what most concerns senior leaders is this: "Where is the breaking point?" As Adm. Michael Mullen, chairman of the Joint Chiefs of Staff said recently: "The well is deep, but it is not infinite." Yet, in this age of persistent conflict, the demands on our military will not subside in the near future.

Protracted confrontation among state, non-state and individual actors willing to use violence to achieve political and ideological objectives will likely increase as trends in globalization, technological developments, shifts in demographics, competition for resources, and climate change continue to create friction among nations and throughout diverse populations.

The enduring lesson of 9-11 is that try as we might, we can't wish this reality away or close our eyes to the threat it poses to our national interest and domestic tranquility.

Whether we like it or not, a network of global extremists is at war against our country and it is clear that they seek to exploit those trends to challenge our security.

Some of you may be saying: "Okay, that's an interesting comment on the current national security debate, but what does it have to do with the Iowa National Guard?"

The answer is: everything!

When we were attacked on September 11, 2001, we had to respond with a Cold War Army reduced in size by more than 300,000 Soldiers from its Cold War peak, ill-suited and unprepared for the type of conflict thrust upon us.

We were in that position as a result of decisions made during the previous decade to cash the peace dividend and drawdown our military forces by nearly two-thirds.

The Cold War was over; we had won. We basked in the glow of an overwhelming victory in Operation Desert Storm. We scanned the horizon for peer competitors and saw none. Reductions in defense spending made sense.

However well-intentioned these reductions seemed at the time, today we are paying the price for those decisions.

When this decade began, the active Army was in desperate need of organizational change and transformation. The same was true for the Army National Guard. It was configured and resourced as a strategic reserve unprepared and ill-equipped for the demands that would soon come its way.

Accelerated security demands brought by the Global War on Terror forced the country to do what it has always done in times of military necessity – turn to the National Guard. And the National Guard responded in numbers unprecedented since World War II, at one time providing more than half the combat power in Iraq. The Iowa National Guard contributed its share, mobilizing more than 100% of its authorized strength during the past six years.

Looking back it is fair to say that those brave Americans fighting in this global war on terror, and their families, paid for the Cold War peace dividend with their blood, sweat and tears. And the men and women serving in the National Guard, especially, the Iowa National Guard, were no exception.

Inadequate funding for personnel, equipment and training forced the Army National Guard to cross-level units within and across state boundaries, severely impacting future unit and individual readiness. This practice did and continues to have a detrimental impact on Iowa National Guard readiness.

In order to overcome these challenges, the Army and its reserve components accelerated transformation and rebalancing efforts.

This means the National Guard is no longer a strategic reserve. It is now viewed as an operational force expected to prepare, train and deploy in a manner and at a rate much different than we saw during the Cold War.

This is a positive development. If properly trained and equipped, the National Guard can add much-needed depth to our active component forces at a fraction of the cost. Currently, the Guard provides more than a third of the Army and Air Forces' force structure, yet consumes only 7 percent of the resources needed to fund active duty forces.

And keep in mind that the dollars invested in the National Guard provide twice the benefit because its capabilities are immediately available to the Governor in times of domestic emergencies and natural disasters.

Once transformation and rebalancing of the Army National Guard is complete, there will be 112 brigades, including 28 Brigade Combat Teams, 46 Multifunctional brigades and 38 functional brigade formations in the Army National Guard. This rebalancing plan has created unique opportunities to station complete units, to the extent possible, within state boundaries. Iowa is a Brigade Combat Team state, home to the 2nd Brigade Combat Team, 34th Infantry Division; nearly a full brigade combat team is headquartered in Boone, with supporting units stationed across the state.

This realignment and restationing improves command and control of these units and greatly enhances our ability to meet manning, equipping, training and

mobilization requirements. While this is a positive development for the Iowa National Guard, it will create future challenges.

When the 2nd BCT is called to active duty, and that time will come given the current security requirements, it will be a significant event for the Iowa National Guard and the State of Iowa. We can expect more than 3,500 Soldiers to deploy from this state at one time – nearly 50 percent of our Army National Guard strength.

In today's global security environment, we expect our National Guard Soldiers to mobilize and deploy for 12 months once every four to five years, and our Airmen for 45 days every 18 months. This means the old mantra of "one weekend a month and two weeks a year" no longer applies to these citizen-warriors.

Not including a BCT mobilization, we believe, on average, the Iowa National Guard will deploy between 800-1,200 Soldiers annually, as well as approximately 600 Airmen every 18 months. Given the current environment, we believe, these are sustainable taskings.

The Army Force Generation cycle and Air Expeditionary Force concept have changed expectations. With these new models come increased pre-mobilization training and preparation requirements, which will cause our Soldiers and Airmen to spend more time away from families and jobs in the months and weeks preceding a deployment.

Our members and their families are beginning to understand and come to terms with this new reality. Employers, communities and policymakers must do so as well. In order to sustain these deployment cycles, we must have a reserve component force that is predictable, accessible, manned, equipped and organized to serve as an effective part of the Joint Force.

The current state of our Active military in this age of persistent conflict leaves us no choice. As the Commission on the National Guard and Reserve recently noted there is "no reasonable alternative to increased reliance on the reserve components."

Policymakers have accepted that the Active Army needs to grow – current plans call for adding nearly 75,000 Soldiers by 2010. But recruiting these new Soldiers and developing the officers and non-commissioned officers to lead them will be a daunting and time-consuming challenge.

This means continued reliance on reserve component forces for the foreseeable future. Continued changes in laws, rules, regulations, personnel and funding systems at the Department of Defense and congressional levels are needed in order to sustain the National Guard as an essential part of the Nation's all-volunteer force.

I'm talking about changes that improve readiness, modernize antiquated mobilization policies, and enhance current programs and organizations that support service members, their families and their employers not just before and during deployments, but also when they return home.

Investments in training and equipment are meaningless if we turn our backs on the needs of Citizen-Soldiers and Airmen when the deployment is over. Not only is this a readiness issue for the National Guard – we need them for future missions – more importantly, it's the right and honorable thing to do. We must develop programs and regulations that fully accommodate the unique nature of reintegrating reserve component service members.

Promises to fully equip and resource the Army National Guard are promises that must be kept to our Soldiers. They have served and sacrificed for our state and nation; they have proven their ability to accomplish their missions; and they have kept faith with the American people. Now, we owe it to them and future Soldiers to keep our end of the bargain.

In order to keep this promise, the Army must provide timely and predictable resources to the National Guard. The Army has pledged to boost Army National Guard spending by \$23 billion through 2011 and promised further increases in subsequent years.

Although the Air National Guard transformed to an operational force many years ago, it too faces significant funding challenges. It is faced with a rapidly-aging and overworked fleet of airplanes. The Air Force will need to invest heavily over the next several years to recapitalize its force.

The Iowa Air National Guard will benefit if the Air Force succeeds in acquiring the necessary funds to rebuild what it calls the "required force." Initial plans call for stationing the KC-X Tanker at Sioux City and the F35 Joint Strike Fighter at the Des Moines International Airport. This will ensure future flying missions for these Iowa units for years to come.

In order to sustain these promises, Congress will need to maintain defense spending to a minimum of 4% of gross domestic product, a relatively low percentage compared to previous conflicts (38% WWII, 14% Korea, 10% Vietnam).

I realize that for the most part these are not policy issues that come before this body. However, these are things that directly impact the condition of the Iowa National Guard.

The Iowa General Assembly and our Commander-in-Chief, Governor Culver, have been extremely supportive of our legislative proposals to help meet the needs of our Iowa National Guard Soldiers and Airmen, their families and their communities.

We see this in the Iowa National Guard Education Assistance program, which is helping nearly 1,100 Soldiers and Airmen attend college this year.

We see it in state matching dollars provided to the Guard to leverage federal military construction and maintenance funding to maintain and refurbish old armories and build future Readiness Centers in key demographic areas around the state.

We see it in legislation that indirectly helps our Soldiers and Airmen, like the recently enacted military leave bill and previous legislation to help returning veterans purchase a home or help family members care for a loved-one injured in battle.

Many of you continue to ask: "What more can we do for our Iowa National Guard Soldiers and Airmen?"

You have done and are doing all that we have asked of you. Our Soldiers and Airmen are overwhelmed by the tremendous outpouring of support they receive from elected leaders and ordinary Iowans throughout the state who continue to send care packages and contribute their time and talents to causes that support our deployed service members.

What our Soldiers and Airmen want more than anything else is your continued support. They will endure any hardship and sacrifice beyond comprehension if they

believe you still have faith in them. These men and women have devoted their lives to serving others.

I want to introduce you to some ordinary Iowans that serve their state and nation in extraordinary ways. These men and women live throughout our state; they represent more than 9,500 Soldiers and Airmen, their family members and employers. These individuals are making a difference in communities, across our great state, for the nation and indeed for people in dangerous spots around the world.

The Iowa National Guard is an organization of opportunity, giving young Iowans reason to stay in our great state to serve others, give back to their communities and enrich their lives.

Let me give you an example of one such man. His name is Capt. David Harper, a traditional Soldier assigned to the Iowa Army National Guard's 224th Engineer Battalion. When he's not serving in uniform, Capt. Harper is the Dean of Students at Pekin High School in Packwood, Iowa where he also coaches football, wrestling, basketball, track, and baseball.

Captain Harper selflessly gives of his time and talents to the community of Packwood, Iowa. He commits time to enhancing school facilities, performing maintenance for elderly and disadvantaged community members, delivering Thankgiving meals, and spending time with youngsters through participation in the Big Brothers program.

Captain Harper has served his Community, State, and Nation in a selfless manner throughout his life. He served more than 11 years as an Enlisted Soldier, including six months deployed in support of Operation Desert Storm in 1991, on State Active Duty in support of the 1993 Floods, and most recently on Active Duty in support of Operation Iraqi Freedom, from October 2004 –January 2006.

Captain Harper has chosen a career as an Educator, and a Soldier, in order to make a positive impact on the future of his community, state, and nation. He embodies the traits, characteristics, and values that we espouse in our members. He is a role model for all Iowans and a proud member of our Iowa National Guard officer corps.

Captain Harper, please stand and be recognized. Thank you, Captain Harper, you may be seated.

Captain Harper's contributions are significant. But he is one of many such men and women serving in the Iowa National Guard today.

These next two individuals I want to introduce are also making significant contributions to Iowa. Staff Sgt. Anthony R. Duong (dwong) was our top recruiter last year, bringing 31 new Soldiers into the Iowa Army National Guard. What is truly amazing about this is that he did it in the Sioux City market, an area of the state with smaller demographics and one that has never produced a top Army National Guard recruiter.

Also significant is the outstanding relationship that he has developed with the high schools in the area, particularly Sioux City North High School where he is an assistant wrestling coach and peer mentor. Staff Sgt. Duong (dwong) has established an exceptional reputation among athletes, and the general student population, because they know that he is there to do more than just recruit for the Iowa National Guard. He is there to invest in their school and to make a difference in the lives of young people in that community.

Sgt. 1st Class Steve Groon was selected as the national recipient of the In-Service Recruiter / Intra-State Transfer Coordinator award. His sole mission was to talk Soldiers leaving Active Duty into coming to Iowa, where they could attend an Iowa college and serve in the Iowa National Guard. And he did this better than anyone else in the nation. Many of us talk about ways to get people to come to Iowa. Sgt. 1st Class Groon did more than that – he turned talk into action by delivering 30 new Iowans to the state last year alone.

Staff Sgt. Duong (dwong) and Sgt. 1st Class Groon, please stand and be recognized for your outstanding accomplishments! Thank you, please be seated.

One of the unique things about Iowa is that it's still a place where a small employer can have a big impact. Augustine & Sons, a 2,000-acre grain and livestock operation near Rose Hill, Iowa with only two full-time employees, is a prime example of how size doesn't matter.

This family farm near Oskaloosa is the first Iowa recipient of the Secretary of Defense Employer Support Freedom award presented annually to employers for outstanding support to employees serving in the National Guard and Reserves.

Ladies and Gentlemen: this is a big deal! There are only 15 such awards given each year in a country with millions of employers, large and small. Augustine and Sons must have been one of the smallest. In September last year, they went to Washington to receive the award and met the president, the vice president and the secretary of defense. A scheduled six minute photo op turned into a nearly hour-long conversation with President Bush.

Augustine & Sons is making a big difference for the family of 1st Sgt. Matt Strasser currently serving overseas with an Afghanistan National Army Training team. But don't take my word for it; listen to how 1st Sgt. Strasser describes what his employer has done for his family:

"Thank you for letting me come and go during my last few weeks of work so I could spend as much time with my family as possible. Thank you for allowing my family to live on the farm during my first deployment, rent free (they are again providing this benefit).

"Thank you for taking my boys fishing, watching their sports games while I'm gone and fixing their dirt bikes. Thank you for watching them when they're sick so my wife, Jessica, can go to work, and for flowers on our kitchen table when she's had a rough day. Thank you for plowing winter's snow from the drive and for taking time away from your own families to help mine."

These are just a few of the things the Augustines have done for their employee. There are many others. One of our values is selfless service – Augustine & Sons has clearly demonstrated this enduring Iowa National Guard value.

Continued employer support for our deployed Soldiers and Airmen is crucial. 1st Sgt. Strasser said it best: this support "allows us to do what we do with total commitment and the confidence that our families and our jobs will be safe."

Dan, Mike and Keith Augustine please stand and be recognized for all you have done for this family. Joining the Augustines are 1st Sgt. Strasser's wife, Jessica and their two sons, Reese and Tyler. Thank you, please be seated.

One of the Iowa National Guard themes we wanted to emphasize this year is legacy of service. To do so we selected two families to represent the many families that have chosen to serve their state and nation in the Iowa National Guard over multiple generations.

But before I introduce them to you, there is another family I want you to meet that has earned an enduring place in our Iowa National Guard family. For them and nearly 20 other Iowa National Guard families over the last six years, this distinction came at a horrendous price – the loss of a loved-one.

A beloved husband and father, Master Sgt. Scott Carney died in a HUMVEE accident in Herat, Afghanistan on August 24th last year. Master Sgt. Carney left behind a beautiful wife, Jeni and two adoring sons, Jacob and Justin. Through the loss of their loved-one, they learned the true meaning of service and sacrifice. For them these are not mere words but consequential actions that have forever changed their family.

Jeni, Jacob and Justin, though your loss is great, I hope you find some small measure of comfort in knowing that Scott's legacy and dedication to serving others lives on in the men and women of the Iowa National Guard – a family to which you will always belong.

Jeni, you have been an inspiration to us during this most difficult time for your family.

Thank you...please be seated.

The Corell family has a long and proud military legacy. A great uncle served as a general officer during World War I. Grandfather Benjamin Preston fought in World War II as a Marine in the Pacific earning 3 Bronze Stars at Guadalcanal and two Corells, a father and uncle, served in the Marine Corps after the Korean War.

Col. Ben Corell began his career in the Iowa Army National Guard more than 22 years ago when he enlisted into Bravo Company, 1st Battalion, 133rd Infantry in Oelwein, Iowa. His three sons followed suit.

Staff Sgt. Wade Corell, a full-time Active Guard and Reserve Soldier, enlisted in the 1-133 in 2000. He is an Operation Enduring Freedom veteran.

Sgt. Travis Corell, an Active Guard and Reserve recruiter for the Iowa Army National Guard in the Waterloo area, also enlisted into the 1-133rd in 2000 and is also an Operation Enduring Freedom veteran.

Sgt. Tyler Corell enlisted into the 1-133 in 2002, where he currently serves as a Rifle Team Leader. He is both an Operation Enduring Freedom and Operation Iraqi Freedom veteran.

In 2005, when the 1-133 was alerted for active duty, Col. Corell was the battalion commander and all three of his sons served under him. His wife asked that he take only one son with him on the deployment. Tyler insisted he choose him.

In all, more than 50 family members deployed with the 1-133 to Iraq – an enduring example of our Iowa National Guard family legacy of service.

Family legacies are not unique to the Army National Guard. The Iowa Air National Guard has many as well.

The Kenagy family is a wonderful example of an Iowa Air National Guard family legacy. For three generations, the Kenagy's have served their state and nation in an exemplarily manner.

Sr. Master Sgt. Dwight Kenagy served in the Air Guard for more than 30 years including a deployment with the 185th Fighter Wing to Vietnam from 1968 to 1969.

Master Sgt. David Kenagy enlisted in the Air Guard in 1992 as a traditional Airman and in 1995 became a full time technician working in the area of Aircraft Flight equipment.

Senior Airman Keith Kenagy is currently serving on Operation Jump Start in the Arizona desert building roads.

Airmen First Class Brian Kenagy serves in the electric shop at the 185th Air Refueling Wing and will start college in the fall.

And last but certainly not least, Dannette Kenagy, has represented the 185th Family Readiness Group since 1994 and has served as a state council representative in our family readiness program for many years.

David and I have a unique history I'd like to take a few moments to share with you.

Twelve years ago I ejected from an F-16 on takeoff after a catastrophic engine failure. I experienced a successful ejection and thankfully everything worked as advertized.

The young man that packed my parachute that day was Dave Kenagy. Here is one General that is extremely happy he chose to work in the parachute shop and that he was and is a true professional in every sense of the word.

Thanks, Dave, for your dedicated service and a job well done!

At this time, I'd ask the Kenagy and Corell families to please stand and be recognized for the multiple generations of service these and many other Iowa National Guard families have given to their state and nation!

Thank you, please be seated.

Today, nearly 1,500 Iowa National Guard Soldiers and Airmen are serving or preparing to serve on active duty in support of the global war on terror.

In the past year, nearly 800 returned from deployments. I'd like to highlight a few of their accomplishments.

Soldiers and Airmen: Please stand as I recognize your units and remain standing until I complete my comments.

The 1st Battalion, 133rd Infantry, deployed more than 640 members in the spring of 2006 to the Iraqi province of al-Anbar, at that time one of the most dangerous parts of the country.

During their deployment, they:

- Completed more than 500 security convoy missions;
- Logged more 4.4 million mission miles delivering over one-third of the fuel needed to sustain coalition forces in Iraq;

- Captured and processed over 60 insurgents; and
- Discovered 10 weapons caches.

Originally scheduled to return home in April 2007, the 1-133rd's deployment was extended four months by the "Surge", making theirs the longest continuous deployment of any National Guard unit during Operation Iraqi Freedom, and earning them the distinction of being the longest serving Iowa military unit since World War II.

Two Soldiers from the unit were Killed-in-Action, Sgt. 1st Class Scott E. Nisely ("NYZ lee") and Sgt. Kampha ("kum paul") B. Sourivong, during combat operations near Al Asad, Iraq, on September 30, 2006.

The unit received 116 Improvised Explosive Device strikes and had 35 Soldiers awarded the Purple Heart for injuries received during enemy attacks.

Thirty Soldiers earned Bronze Stars, three with V device for Valor, 73 earned Combat Action Badges, 396 earned Combat Infantry Badges, 24 earned Combat Medic Badges, and 196 earned the Army Commendation Medals, 11 with V device.

277 Soldiers had previously deployed and more than 81 percent of eligible Soldiers reenlisted during the deployment.

This unit's incredible journey was captured by the CBS program "60 Minutes", which devoted an entire hour to telling the story of the Ironman Battalion. The program, titled "Fathers, Sons and Brothers," was a unique, one-of-a-kind project that showed the National Guard and the state of Iowa in a very favorable light.

The unit is represented here today by Col. Ben Corell, the Battalion Commander and his son, Sgt. Tyler Corell.

The 16 Soldier Afghan National Army-Combat Service Support Embedded Training Team (ANA-CSS ETT) provided advanced logistical and combat service support training to the Afghan National Army. The team was part of a multi-national effort to ensure the safety and prosperity of the country of Afghanistan and the Afghan people.

The ETT trained Afghan Army and local police, secured cities and towns, opened new schools, donated supplies, and aided the economic and industrial development of Gardez. They performed more than 120 Combat missions with the Afghan National Army while conducting resupply mission within their area of operations.

The ANA training team is represented here today by Capt. Steve Johnson and Command Sgt. Maj. John Brietsprecker.

The 1034th Combat Service Support Battalion deployed 76 Soldiers – 23 had previously deployed – to Iraq in early August 2006, where the unit conducted multi-functional logistics operations at Logistical Support Area (LSA) Anaconda near Balad, Iraq.

During the last 14-month deployment, the 1034th CSSB operated the largest logistics base in the Iraqi theater of operations, managed more than 1,800 assigned Soldiers, monitored the issuance of more than 32 short tons of ammunition, managed more than \$100 million dollars of equipment, and improved the overall operational readiness rate of equipment to 92%.

Twenty-one Soldiers earned Bronze Stars Medals.

The 1034th is represented here today by Lt. Col. Dave Verdi and Sgt. 1st Class Jeff Peterson.

Company C, 2nd Battalion, 147th Aviation Battalion (Air Assault) mobilized in support of Operation Iraqi Freedom on April 11, 2006 and deployed overseas in September 2006.

Based at Balad Air Base north of Baghdad, Company C conducted combat operations throughout Iraq, including battlefield circulation, VIP transport, and air assault missions. In June, the unit conducted several air assaults in support of the start of surge operations in Diyala province. Company C led its battalion in mission execution, conducting 740 missions and accumulating more 7850 flight hours.

Just to give you an idea of the operations tempo this unit experienced during their deployment, in an average year back in Iowa, the unit typically has about 1300 flight hours. This means they accumulated six years of flight time in one year – in a combat environment without a single aviation accident or injury. And thankfully, they completed the deployment without a single aircraft being shot down - only minor battle damage from small arms fire.

Soldiers in the unit earned 28 Combat Action Badges, 13 Bronze Stars, 60 Air Medals and 12 Army Commendation Medals.

Company C is represented here today by 1st Lt. Eric M. Nelson and Chief Warrant Officer Four Joedy VanVelzen.

These Iowa National Guard Citizen Soldiers have once again demonstrated that the Citizen-Soldiers of the Iowa Army National Guard can and will perform above and beyond the call to duty.

The Iowa Air National Guard has also deployed a number of its members in support of the Global War on Terror.

Its Medical Group team, represented here today by Lt. Col. Mark Davis, volunteered for deployment to Iraq where they believed their civilian expertise and experience could save lives and lessen the effects of personal injuries.

They left the confines and security of the base and instituted a one-of-a-kind critical care initiative, treating Iraqi civilians in their local communities, which provided much-needed hands-on care and life-saving treatment.

The team completed more than 20 air evacuations; provided sick call services for hundreds of Army and Air Force personnel; provided tactical Combat Care training; and compassionately counseled U.S. Army Mortuary staff struggling with their difficult duties.

Lt. Col. Davis has been named the Air National Guard Outstanding Biomedical Sciences Officer and Outstanding Physician Assistant of the Year.

Col. Jennifer Walters, Capt. Christopher Latcham, and Chief Master Sgt. Sean Larson from the 132nd Fighter Wing deployed to Bagram Air Base, Afghanistan, where they supported nearly 1,400 deployed Airmen in 35 austere locations throughout the country.

They conducted multiple command visits, assisted with the first Air Force Provincial Team rotations; resolved request for fillers and in-lieu-of conflicts; initiated retasking of Airmen; assisted with the reconstruction of roads, bridges, wells, schools,

and district and community centers; participated in humanitarian assistance missions; and conducted de-mining, unexploded ordinance and weapons caches missions.

As we all know, the National Guard is unique among our Nation's military services because of its role in coming to the aid of civilian authorities in times of natural disasters and emergencies.

Few missions are as satisfying for members of the National Guard than coming to the aid of a neighbor in need.

Over the July 4th holiday last summer, 26 members of the Iowa National Guard did just that when they deployed to Fredonia, Kansas to provide water purification services to the town's 2,600 residents. Fredonia's municipal water supply was contaminated by extensive flooding.

One day they were grilling hamburgers in Iowa celebrating the Fourth of July and the next they were purifying water in Kansas.

Before it was all said and done, these Iowa National Guard Soldiers provided more than 3.1 million gallons of potable water for their Kansas neighbors. Those of you who remember the floods of 1993 can really appreciate what this meant for the residents of Fredonia.

Representing the 1555th Quartermaster Company is Sgt. Lani Hefel and Sgt. Josh Michel.

Ladies and Gentlemen: These are your Soldiers and Airmen who have served their state and nation this past year!

Thank you, please be seated.

Few of us will forget the one – two punch of the ice storm/blizzard combination that nearly shut down the state last February. There's nothing like a good old-fashioned Iowa blizzard to remind us of the importance of our state mission.

And when that call came, the men and women of the Iowa Guard Team were ready. Nearly 600 Iowa National Guard Soldiers and Airmen responded with the skill and professionalism the citizens of this state have come to expect. We conducted generator missions, highway assistance team support, provided armories for shelters, and even transported an expectant mother stranded in Marshalltown to Des Moines for medical care.

Let me share with you a little story about the uniqueness of the Iowa National Guard that was brought home to the Governor and I during the Guard's response to this snow storm.

Governor Culver and I were traveling around the affected area when we stopped in Toledo for a briefing. We walked in and there stood two Iowa National Guard Soldiers, Maj. Todd Lucas and 1st Sgt. Willie Adams, running the Guard's storm response operations.

I said, "Governor you're not going to believe this but the last time I saw these two was in Sharan, Afghanistan – fifteen miles from the Pakistan border – where they were serving as part of a Provincial Reconstruction Team."

This story, more than any other, encapsulates the uniqueness of our mission – From Prairie Soldier to Global Minuteman; we are the Iowa National Guard!

Ladies and Gentlemen, thanks for listening to my comments, and thank you for your continued support of the men and women who proudly serve in the Iowa National Guard.

May God continue to bless you and your families, the great state of Iowa and the United States of America!

Thank you!

Major General Dardis was escorted from the House chamber by the committee previously appointed.

Governor Chester J. Culver was escorted from the House chamber by the committee previously appointed.

McCarthy of Polk moved that the joint convention be dissolved at 10:55 a.m.

On motion by McCarthy of Polk, the House was recessed at 10:57 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:02 p.m., Heddens of Story in the chair.

QUORUM CALL

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

INTRODUCTION OF BILLS

House File 2305, by Paulsen, Struyk, Kaufmann, Baudler, Deyoe, Rayhons, Soderberg, Upmeyer, Heaton, Tjepkes, Tymeson, Forristall, L. Miller, Greiner, Hoffman, Chambers, Alons, Worthan, May, De Boef, Sands, Watts, Lukan, Dolecheck, Rants, Roberts, D. Taylor, Jacobs, Van Fossen, Boal, Van Engelenhoven, Pettengill, Tomenga, Quirk, T. Taylor, Dandekar, Kelley, Shomshor, Bukta, Bailey, Zirkelbach, Jacoby, Gipp, Raecker, Drake, Foege, Huseman, R. Olson, Clute, Anderson, Wise, Grassley, Rasmussen, Huser, Schickel, Windschitl and Berry, a bill for an act revising the definition of alternative and renewable energy applicable to specified energy independence initiatives.

Read first time and referred to committee on **commerce**.

House File 2306, by Reichert, a bill for an act creating an Iowa housing council and making appropriations.

Read first time and referred to committee on **economic growth**.

House File 2307, by Kaufmann, Swaim, Forristall and Heddens, a bill for an act making an appropriation for a breast and cervical cancer early detection program.

Read first time and referred to committee on **appropriations**.

House File 2308, by Smith, a bill for an act relating to consumer rental purchase agreement definitions and references contained within the consumer credit code.

Read first time and referred to committee on **commerce**.

House File 2309, by committee on human resources, a bill for an act relating to child support recovery including assignment of support to the state relative to receipt of family investment program benefits, garnishment of money held by the state for a person who owes delinquent child support, the reporting of delinquent child support obligors to consumer reporting agencies, access to cellular telephone numbers for the purpose of the computer match program by the child support recovery unit, collection of support from certain obligors, the information included in a notice regarding the administrative levy of an account, and medical support of a child, and providing effective and retroactive applicability dates.

Read first time and placed on the **calendar**.

House File 2310, by committee on human resources, a bill for an act requiring the departments of public health and human services to collect data and develop a protocol to address the relationship between substance misuse, abuse, or dependency by a child's parent, guardian, custodian, or other person responsible for the child's care and child abuse.

Read first time and placed on the **calendar**.

House File 2311, by Boal, a bill for an act relating to a contribution to a local anticrime organization in connection with a criminal proceeding.

Read first time and referred to committee on **judiciary**.

House File 2312, by Raecker, a bill for an act relating to special permits for Canada goose hunting and providing a penalty.

Read first time and referred to committee on **natural resources**.

House File 2313, by Granzow, a bill for an act increasing the financial aid required of the state for county juvenile detention homes.

Read first time and referred to committee on **human resources**.

CONSIDERATION OF BILLS Regular Calendar

House File 2165, a bill for an act relating to business corporations, by providing for distributions and business opportunities, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2165)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy

Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Heddens, Presiding

The nays were, none.

Absent or not voting, none.

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

House File 2189, a bill for an act relating to the regulation and certification of shorthand reporters and the appropriation of fees to offset costs, was taken up for consideration.

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

On the question “Shall the bill pass?” (H.F. 2189)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen

Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Heddens, Presiding

The nays were, none.

Absent or not voting, none.

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

House File 2194, a bill for an act relating to exemptions to state minimum wage requirements, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2194)

The ayes were, 100:

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

Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Heddens, Presiding

The nays were, none.

Absent or not voting, none.

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

HOUSE FILE 2002 WITHDRAWN

Jochum of Dubuque asked and received unanimous consent to withdraw House File 2002 from further consideration by the House.

House File 2196, a bill for an act requiring the department of transportation to study the acceptance of electronic payments at its customer service sites, was taken up for consideration.

May of Dickinson offered the following amendment H-8034 filed by him and moved its adoption:

H-8034

- 1 Amend House File 2196 as follows;
- 2 1. Page 1, line 4, by inserting after the word
- 3 "revenues" the following: "at sites operated by
- 4 county treasurers under chapter 321M and".
- 5 2. Title page, line 3, by inserting after the
- 6 word "sites" the following: "and sites operated by
- 7 county treasurers".

Amendment H-8034 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2196)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

HOUSE FILE 2018 WITHDRAWN

May of Dickinson asked and received unanimous consent to withdraw House File 2018 from further consideration by the House.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2165, 2189, 2194 and 2196.**

House File 2212, a bill for an act creating a smokefree air Act and providing penalties, was taken up for consideration.

Speaker Murphy in the chair at 4:51 p.m.

Paulsen of Linn asked and received unanimous consent that amendment H-8025 be deferred.

Upmeyer of Hancock asked and received unanimous consent that amendment H-8033 be deferred.

Lukan of Dubuque asked and received unanimous consent that amendment H-8020 be deferred.

Boal of Polk offered amendment H-8026 filed by her and May of Dickinson as follows:

H-8026

- 1 Amend House File 2212 as follows:
- 2 1. Page 4, by inserting after line 27, the
- 3 following:
- 4 "____. Gaming facilities."
- 5 2. Page 8, by striking lines 5 and 6.
- 6 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 43, nays 51.

Amendment H-8026 lost.

Lukan of Dubuque asked and received unanimous consent to withdraw amendment H-8018 filed by him on February 13, 2008.

Jacobs of Polk asked and received unanimous consent that amendment H-8022 be deferred.

T. Olson of Linn offered the following amendment H-8027 filed by him and moved its adoption:

H-8027

- 1 Amend House File 2212 as follows:
- 2 1. Page 6, line 8, by striking the word "twenty"

- 3 and inserting the following: "ten".
 4 2. Page 6, line 10, by striking the word "twenty"
 5 and inserting the following: "ten".
 6 3. Page 6, line 11, by striking the word "fifty"
 7 and inserting the following: "ten".
 8 4. Page 6, line 21, by striking the word "fifty"
 9 and inserting the following: "ten".
 10 5. Page 8, by striking lines 9 and 10, and
 11 inserting the following: "congressional charter,
 12 except when the general public is invited. This
 13 exemption shall".
 14 6. Page 8, by inserting after line 12 the
 15 following:
 16 "___ The Iowa veterans home."
 17 7. By renumbering as necessary.

Amendment H-8027 was adopted, placing out of order the following amendments:

Amendment H-8022, previously deferred, filed by Jacobs of Polk and Clute of Polk on February 13, 2008.

Amendment H-8023 filed by Raecker of Polk on February 13, 2008.

Amendment H-8036 filed by Struyk of Pottawattamie on February 14, 2008.

Amendment H-8017 filed by Struyk of Pottawattamie et al., on February 12, 2008.

Horbach of Tama offered amendment H-8016 filed by Horbach et al., as follows:

H-8016

- 1 Amend House File 2212 as follows:
 2 1. Page 8, by inserting after line 12 the
 3 following:
 4 "___ Real property, including any structures
 5 located on the real property, and any equipment, which
 6 are owned or operated by a business association as
 7 defined in section 202B.102 that is engaged in
 8 agricultural production as defined in section 717A.1."
 9 2. By renumbering as necessary.

Horbach of Tama offered the following amendment H-8038, to amendment H-8016, filed by him from the floor and moved its adoption:

H-8038

1 Amend the amendment, H-8016, to House File 2212, as
2 follows:

3 1. Page 1, by striking lines 4 through 8 and
4 inserting the following:

5 "" ____. a. Agricultural property which is used by
6 a person when actively engaged in farming, if the
7 person is any of the following:

8 (1) A person who files schedule F as part of the
9 person's annual form 1040 or form 1041 filing with the
10 United States internal revenue service, or an employee
11 of such person while the employee is actively engaged
12 in farming.

13 (2) A person who holds an equity position in or
14 who is employed by a business association holding
15 agricultural land where the business association is
16 any of the following:

17 (a) A family farm corporation, authorized farm
18 corporation, family farm limited partnership, limited
19 partnership, family farm limited liability company,
20 authorized limited liability company, family trust, or
21 authorized trust, as provided in chapter 9H.

22 (b) A limited liability partnership as defined in
23 section 486A.101.

24 (3) A natural person related to the person
25 actively engaged in farming as provided in
26 subparagraph (1) or (2) when the person is actively
27 engaged in farming. The natural person must be
28 related as spouse, parent, grandparent, lineal
29 ascendant of a grandparent or a grandparent's spouse,
30 other lineal descendant of a grandparent or a
31 grandparent's spouse, or a person acting in a
32 fiduciary capacity for persons so related.

33 b. For purposes of this subsection:

34 (1) "Actively engaged in farming" means
35 participating in physical labor on a regular,
36 continuous, and substantial basis, or making
37 day-to-day management decisions, where such
38 participation or decision making is directly related to
39 raising and harvesting crops for feed, food, seed, or
40 fiber, or to the care and feeding of livestock.

41 (2) "Agricultural property" means land of more
42 than ten contiguous acres owned, leased, or held by a
43 person, any residence or other structure located on
44 that land, and any equipment used on that land.""

Amendment H-8038 was adopted.

Horbach of Tama moved the adoption of amendment H-8016, as amended.

Roll call was requested by Horbach of Tama and Paulsen of Linn.

On the question "Shall amendment H-8016, as amended, be adopted?" (H.F. 2212)

The ayes were, 50:

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

The nays were, 50:

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

Absent or not voting, none.

Amendment H-8016 lost.

Lukan of Dubuque asked and received unanimous consent that amendment H-8019 be deferred.

Struyk of Pottawattamie offered the following amendment H-8024 filed by Struyk et al., and moved its adoption:

H-8024

- 1 Amend House File 2212 as follows:
- 2 1. Page 8, by inserting after line 12 the
- 3 following:
- 4 "____. A restaurant or bar at a specified time
- 5 during which only individuals eighteen years of age or
- 6 older are invited or admitted, if the specified time
- 7 is a regular, single, consecutive period of time and
- 8 the specified time is conspicuously posted on all
- 9 major entrances of the restaurant or bar."
- 10 2. By renumbering as necessary.

Roll call was requested by Struyk of Pottawattamie and Rants of Woodbury.

On the question "Shall amendment H-8024 be adopted?" (H.F. 2212)

The ayes were, 49:

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

The nays were, 51:

Abdul-Samad	Baudler	Bell	Berry
Bukta	Clute	Cphoon	Dandekar
Davitt	Foege	Ford	Frevert
Gaskill	Gayman	Heddens	Hunter
Jacobs	Jacoby	Jochum	Kelley
Kressig	Kuhn	Lensing	Mascher
McCarthy	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Raecker	Reasoner	Reichert	Shomshor

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

Absent or not voting, none.

Amendment H-8024 lost.

Struyk of Pottawattamie offered the following amendment H-8035 filed by him and moved its adoption:

H-8035

1 Amend House File 2212 as follows:
 2 1. Page 12, by inserting after line 1 the
 3 following:
 4 "Sec. ___. NEW SECTION. 142D.10 NOT SEVERABLE.
 5 If any provision of this chapter or the application
 6 of this chapter to any person or circumstances is held
 7 invalid, the invalidity shall invalidate this chapter
 8 in its entirety and to this end, the provisions of
 9 this chapter are not severable."
 10 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 43, nays 53.

Amendment H-8035 lost.

Lukan of Dubuque asked and received unanimous consent to withdraw amendment H-8021 filed by him on February 13, 2008.

Paulsen of Linn offered the following amendment H-8025, previously deferred, filed by him and moved its adoption:

H-8025

1 Amend House File 2212 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 142B.1, subsection 3, Code
 5 2007, is amended to read as follows:
 6 3. "Public place" means any enclosed indoor area
 7 used by the general public or serving as a place of

8 work containing two hundred fifty or more square feet
 9 of floor space, including, but not limited to, all
 10 restaurants ~~with a seating capacity greater than~~
 11 ~~fifty~~, all retail stores, lobbies and malls, offices,
 12 including waiting rooms, and other commercial
 13 establishments; public conveyances with departures,
 14 travel, and destination entirely within this state;
 15 educational facilities; hospitals, clinics, nursing
 16 homes, and other health care and medical facilities;
 17 and auditoriums, elevators, theaters, libraries, art
 18 museums, concert halls, indoor arenas, and meeting
 19 rooms. "Public place" does not include a retail store
 20 at which fifty percent or more of the sales result
 21 from the sale of tobacco or tobacco products, the
 22 portion of a retail store where tobacco or tobacco
 23 products are sold, a private, enclosed office occupied
 24 exclusively by smokers even though the office may be
 25 visited by nonsmokers, a room used primarily as the
 26 residence of students or other persons at an
 27 educational facility, a sleeping room in a motel or
 28 hotel, or each resident's room in a health care
 29 facility. The person in custody or control of the
 30 facility shall provide a sufficient number of rooms in
 31 which smoking is not permitted to accommodate all
 32 persons who desire such rooms.

33 Sec. 2. Section 142B.2, Code 2007, is amended by
 34 adding the following new subsection:

35 NEW SUBSECTION. 5. Notwithstanding subsection 1,
 36 smoking is prohibited in all restaurants."

37 2. Title page, line 1, by striking the words "a
 38 smokefree air Act and providing penalties" and
 39 inserting the following: "smokefree restaurants, and
 40 making penalties applicable".

A non-record roll call was requested.

The ayes were 33, nays 56.

Amendment H-8025 lost.

Upmeyer of Hancock offered amendment H-8033, previously deferred, filed by her as follows:

H-8033

1 Amend House File 2212 as follows:

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

4 "Section 1. NEW SECTION. 135.27A SMOKE FREE

5 ESTABLISHMENT TAX CREDIT CERTIFICATION.

6 1. The department shall adopt rules for
7 establishments that are eligible for a tax credit
8 pursuant to section 422.11V and section 422.33,
9 subsection 25. The rules shall provide criteria and a
10 process for certification of an establishment as smoke
11 free, including all of the following:

12 a. An application process for establishments to
13 submit a declaration of the establishment as smoke
14 free for certification.

15 b. A review process used to verify that an
16 establishment is smoke free.

17 c. The certification document, verifying an
18 establishment as smoke free.

19 2. If the department verifies that an
20 establishment is smoke free, the department shall send
21 the certification document to the establishment as
22 verification.

23 Sec. 2. NEW SECTION. 422.11V SMOKE FREE
24 ESTABLISHMENT TAX CREDIT.

25 1. The taxes imposed under this division, less the
26 amounts of nonrefundable credits allowed under this
27 division, shall be reduced by a smoke free
28 establishment tax credit for an establishment that is
29 certified as smoke free pursuant to section 135.27A.
30 The amount of the tax credit for each establishment is
31 one thousand dollars per year.

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

40 3. To receive the smoke free establishment tax
41 credit, an establishment must submit an application to
42 the department accompanied by a certificate received
43 from the department of public health pursuant to
44 section 135.27A verifying the establishment as smoke
45 free. If the taxpayer meets the criteria for
46 eligibility, the department shall issue to the
47 taxpayer a certification of entitlement for the smoke
48 free establishment tax credit. The certification must
49 contain the taxpayer's name, address, tax
50 identification number, the amount of the credit, and

Page 2

1 tax year for which the certificate applies. The
2 taxpayer shall file the tax credit certificate with
3 the taxpayer's tax return in order to claim the tax

4 credit. The department, in cooperation with the
5 department of public health, shall adopt rules to
6 administer this section.

7 Sec. 3. Section 422.33, Code Supplement 2007, is
8 amended by adding the following new subsection:
9 NEW SUBSECTION. 25. The taxes imposed under this
10 division shall be reduced by a smoke free
11 establishment tax credit, provided for in section
12 422.11V. The tax credit shall be subject to the same
13 conditions, requirements, and dollar limitations as
14 provided for in section 422.11V.

15 Sec. 4. RETROACTIVE APPLICABILITY DATE. This Act
16 applies retroactively to January 1, 2008, for tax
17 years beginning on or after that date."

18 2. Title page, line 1, by striking the words
19 "smokefree air Act and providing penalties" and
20 inserting the following: "smoke free establishment
21 tax credit and including a retroactive applicability
22 provision".

T. Olson of Linn rose on a point of order that amendment H-8033 was not germane.

The Speaker ruled the point well taken and amendment H-8033 not germane.

Lukan of Dubuque offered the following amendment H-8020, previously deferred, filed by him and moved its adoption:

H-8020

1 Amend House File 2212 as follows:
2 1. Page 4, line 11, by striking the words "bingo
3 facilities";
4 2. Page 8, by inserting after line 12 the
5 following:
6 "___, Bingo facilities."
7 3. By renumbering as necessary.

Amendment H-8020 lost.

Lukan of Dubuque offered the following amendment H-8019, previously deferred, filed by him and moved its adoption:

H-8019

1 Amend House File 2212 as follows:
2 1. Page 8, by inserting after line 12 the

- 3 following:
 4 "____. The private office of the owner of a
 5 business."
 6 2. By renumbering as necessary.

Roll call was requested by Lukan of Dubuque and Paulsen of Linn.

On the question "Shall amendment H-8019 be adopted?" (H.F. 2212)

The ayes were, 47:

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

The nays were, 53:

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

Absent or not voting, none

Amendment H-8019 lost.

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

On the question "Shall the bill pass?" (H.F. 2212)

The ayes were, 56:

Abdul-Samad	Anderson	Bailey	Baudler
Bell	Berry	Bukta	Clute
Cohoon	Dandekar	Davitt	Ford
Frevert	Gaskill	Gayman	Gipp
Heddens	Hoffman	Hunter	Jacobs
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Mascher	May
McCarthy	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Rayhons	Reasoner	Reichert
Shomshor	Smith	Staed	Taylor, D.
Taylor, T.	Thomas	Tomenga	Van Fossen
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	Mr. Speaker Murphy

The nays were, 44:

Alons	Arnold	Boal	Chambers
De Boef	Deyoe	Dolecheck	Drake
Foege	Forristall	Granzow	Grassley
Greiner	Heaton	Horbach	Huseman
Huser	Kaufmann	Lukan	Lykam
Mertz	Olson, S.	Paulsen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Roberts	Sands	Schickel	Schueller
Soderberg	Struyk	Swaim	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Watts
Wenthe	Wienczek	Windschitl	Worthan

Absent or not voting, none.

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2212** be immediately messaged to the Senate.

SPONSOR ADDED
(House File 2055)

Murphy of Dubuque requested to be added as a sponsor of House File 2055.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|--|
| 2008\1296 | Emily Meyer, West Des Moines – For her tireless computer assistance and technical support services to the Iowa House of Representatives. |
| 2008\1297 | Orval “Mick” Sullivan, Elkader – For celebrating his 100 th birthday. |
| 2008\1298 | Wayne and Lois Tauke, Greeley – For celebrating their 50 th wedding anniversary. |
| 2008\1299 | Bill and Sharon Koehn, Elkader – For celebrating their 50 th wedding anniversary. |
| 2008\1300 | John and Dorothy O’Neill, Dubuque – For celebrating their 65 th wedding anniversary. |
| 2008\1301 | Donald and Estelle Schroeder, Dubuque – For celebrating their 50 th wedding anniversary. |
| 2008\1302 | Dr. Jill Hunt, Dubuque – For receiving a Heroes of the Tri-States award from The American Red Cross of the Tri-States, along with corporate sponsors Dupaco Community Credit Union and KWWL. |
| 2008\1303 | Jill Reimer, Dubuque – For receiving a Heroes of the Tri-States award from The American Red Cross of the Tri-States, along with corporate sponsors Dupaco Community Credit Union and KWWL. |
| 2008\1304 | David Olsen, Dubuque – For receiving a Heroes of the Tri-States award from The American Red Cross of the Tri-States, along with corporate sponsors Dupaco Community Credit Union and KWWL. |
| 2008\1305 | Leola Reinke, Ackley – For celebrating her 90 th birthday. |
| 2008\1306 | Mildred Hawkins, Melbourne – For celebrating her 95 th birthday. |
| 2008\1307 | Ralph Clason, Hubbard – For celebrating his 90 th birthday. |

- 2008\1308 Edward and Jeannette Koop, Ackley – For celebrating their 60th wedding anniversary.
- 2008\1309 Wendell and Rosie Harms, Ackley – For celebrating their 60th wedding anniversary.
- 2008\1310 Lorraine Hass, Cedar Rapids – For celebrating her 100th birthday.
- 2008\1311 Harold and Lois Garner, Russell – For celebrating their 50th wedding anniversary.
- 2008\1312 Eugene and Kathryn Hansen, Kimballton – For celebrating their 50th wedding anniversary.
- 2008\1313 Freida Burrell, Panora – For celebrating her 92nd birthday.
- 2008\1314 Mildred Ryan, Stuart – For celebrating her 100th birthday.
- 2008\1315 Gene and Shirley Ann Hosfelt, Massena – For celebrating their 50th wedding anniversary.
- 2008\1316 Carlotta Rodemeyer, Latimer – For celebrating her 90th birthday.
- 2008\1317 Hazel Dowden, Clear Lake – For celebrating her 98th birthday.
- 2008\1318 Art Brammer, Hampton – For celebrating his 85th birthday.
- 2008\1319 Harry and Jackie Birdsell, Hampton – For celebrating their 50th wedding anniversary.
- 2008\1320 Milo Viner, Columbus Junction – For celebrating his 95th birthday.
- 2008\1321 Kay Carpenter, Burlington – For celebrating her 90th birthday.
- 2008\1322 Goldie Kerschenske, Muscatine – For celebrating her 80th birthday.
- 2008\1323 Yvonne Hafner, Muscatine – For celebrating her 80th birthday.
- 2008\1324 Mr. and Mrs. Lee Miller, Muscatine – For celebrating their 50th wedding anniversary.
- 2008\1325 Mr. and Mrs. Ernest Albers, Grandview – For celebrating their 50th wedding anniversary.
- 2008\1326 Carol Hinkle, Wapello – For receiving the District Award of Merit from the Boy Scouts of America, Mississippi Valley Council.
- 2008\1327 Erica Solorio, Columbus Junction – For receiving an Advantage Iowa full tuition scholarship for her outstanding academic achievement.

- 2008\1328 Mary Louise Phillips, Wapello – For receiving a Volunteer of the Year award for her dedicated service to Habitat for Humanity.
- 2008\1329 Jeanne Carter, Morning Sun – For receiving a Volunteer of the Year award for her dedicated service to Habitat for Humanity.
- 2008\1330 Richard Billings, Davenport – For his 20 years of service and dedication to the United States Army.
- 2008\1331 Josh Ihnen, Sheldon – For winning the 189 lb. weight class in the Class 2-A Division of the 2008 State Wrestling Tournament and posting a perfect 47-0 record.
- 2008\1332 Raymond Frohwein, State Center – For receiving a Bronze Star for his service during World War II.
- 2008\1333 Dana Vietor, Independence – For qualifying for the Million Dollar Round Table's Top of the Table Award.

SUBBCOMMITTEE ASSIGNMENTS

House File 355 Reassigned

State Government: Quirk, Chair; Greiner and Jacoby.

House File 2208

Education: Cohoon, Chair; Foege and Wiencek.

House File 2225

Transportation: Swaim, Chair; Mertz and Worthan.

House File 2234

Labor: Hunter, Chair; Horbach and Palmer.

House File 2243

Human Resources: Smith, Chair; Ford and Heaton.

House File 2249

Public Safety: Swaim, Chair; Heddens and Lukan.

House File 2250

Human Resources: Heddens, Chair; L. Miller and Wessel-Kroeschell.

House File 2254

Human Resources: Smith, Chair; Ford and Grassley.

House File 2255

Transportation: Tjepkes, Chair; Huser and Lykam.

House File 2259

Human Resources: Ford, Chair; Forristall and Jacoby.

House File 2260

Human Resources: Heddens, Chair; Heaton and Wessel-Kroeschell.

House File 2272

Local Government: Huser, Chair; Clute and Thomas.

House File 2274

Human Resources: Foege, Chair; Ford and Heaton.

House File 2275

Public Safety: Whitaker, Chair; Baudler and Kressig.

House File 2279

Transportation: Roberts, Chair; Lykam and Reasoner.

House File 2280

Education: Staed, Chair; Dolecheck and Palmer.

House File 2281

Transportation: Cohoon, Chair; Arnold, Bukta, Huseman and Lykam.

House File 2302

Transportation: Swaim, Chair; D. Olson and Rasmussen.

Senate File 2111

Education: Gayman, Chair; Abdul-Samad and L. Miller.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 575

Veterans Affairs: Thomas, Chair; Staed and Watts.

House Study Bill 656

Government Oversight: Swaim, Chair; Baudler and Lensing.

House Study Bill 657

Labor: T. Taylor, Chair; Chambers and Staed.

House Study Bill 658

Labor: R. Olson, Chair; Abdul-Samad and Horbach.

House Study Bill 669

Government Oversight: Lensing, Chair; Berry and S. Olson.

House Study Bill 670

Transportation: Lykam, Chair; Reasoner and Worthan.

House Study Bill 672

Labor: R. Olson, Chair; Horbach and Hunter.

House Study Bill 673

Labor: Palmer, Chair; Abdul-Samad and Horbach.

House Study Bill 674

Transportation: Bell, Chair; Bukta, Gipp, Reasoner and Windschitl.

House Study Bill 675

Human Resources: Hunter, Chair; Ford and Roberts.

House Study Bill 676

Human Resources: T. Olson, Chair; Forristall and Hunter.

House Study Bill 677

Human Resources: T. Olson, Chair; Jacoby and Tomenga.

House Study Bill 678

Education: Palmer, Chair; Forristall and Kelley.

House Study Bill 679

Agriculture: Reichert, Chair; De Boef, Gayman, Wenthe and Worthan.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 680 Human Resources

Relating to the establishment or approval of discounted gas and electric utility rates applicable to low-income residents.

H.S.B. 681 Government Oversight

Relating to student loans, including the allocation for qualified student loan bonds under the private activity bond allocation Act, and the finance charges, terms, and conditions for consumer loans made for postsecondary education purposes, and providing penalties.

H.S.B. 682 Economic Growth

Establishing a lifelong learning accounts program within the educational savings plan trust and providing tax credits for contributions made by employers to lifelong learning accounts and including an applicability date provision.

H.S.B. 683 Judiciary

Relating to sentencing a person after a third or subsequent felony conviction, and providing a penalty.

H.S.B. 684 Judiciary

Relating to registration requirements for sex offenders.

H.S.B. 685 Judiciary

Assessing a mediation fee in small claims cases.

H.S.B. 686 Economic Growth

Relating to economic development by providing for the confidentiality of certain details contained in contracts and applications for grant funds.

H.S.B. 687 Judiciary

Relating to deferred judgment criminal records.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 751), relating to the collection and recycling of thermostats.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 18, 2008.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 638), relating to services associated with the family investment program by moving the family development and self-sufficiency council and grant program to the department of human rights and revising confidentiality provisions involving the programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 18, 2008.

COMMITTEE ON LABOR

Committee Bill (Formerly House Study Bill 597), relating to workers' compensation benefit payments for burial expenses.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2008.

Committee Bill (Formerly House Study Bill 599), relating to amusement ride safety inspections conducted by special inspectors authorized by the division of labor services in the department of workforce development.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2008.

Committee Bill (Formerly House Study Bill 602), relating to inclined or vertical wheelchair lifts regulated by the elevator safety board.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2008.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House File 2005), relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2008.

COMMITTEE ON STATE GOVERNMENT

Senate File 2122, a bill for an act making technical and corrective changes to the law relating to elections and voter registration and making a penalty applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2008.

Committee Bill (Formerly House File 2132), relating to the tally of absentee votes by precinct.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2008.

Committee Bill (Formerly House Study Bill 616), providing for the establishment of a commission on the status of Native Americans within the department of human rights.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2008.

COMMITTEE ON WAYS AND MEANS

Senate File 2123, a bill for an act updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability date provisions.

Fiscal Note is required.

Recommended **Do Pass** February 18, 2008.

RESOLUTION FILED

HR 108, by Reichert and Struyk, a resolution to recognize the Iowa Small Business Development Centers and honor 2007 award winners Anna Bradley and Marguerite White.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8037	H.F.	2239	Van Fossen of Scott
H—8039	S.F.	2123	Rants of Woodbury
H—8040	H.F.	2283	Bailey of Hamilton

On motion by McCarthy of Polk the House adjourned at 9:36 p.m., until 9:00 a.m., Wednesday, February 20, 2008.

JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day - Twenty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 20, 2008

The House met pursuant to adjournment at 9:14 a.m., Speaker pro tempore Bukta in the chair.

Prayer was offered by the honorable Elesha Gayman, state representative from Scott County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Chief Clerk's Page, Michael DuPré from Pella.

The Journal of Tuesday, February 19, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Petersen of Polk, until her arrival, on request of Reasoner of Union.

INTRODUCTION OF BILLS

House File 2314, by Pettengill, a bill for an act exempting certain sales by qualified organizations representing veterans from sales tax.

Read first time and referred to committee on **ways and means**.

House File 2315, by Smith, a bill for an act requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials, establishing a cancer clinical trial review board, and providing an applicability date.

Read first time and referred to committee on **commerce**.

House File 2316, by Whitead, a bill for an act appropriating funds for a proposed recreational trail along state highway 12 from the entrance to Stone state park.

Read first time and referred to committee on **appropriations**.

House File 2317, by Baudler, a bill for an act relating to sex offenders by modifying criminal penalties for certain offenses involving sexual abuse in the second degree, lascivious acts with a child, and sexual exploitation, establishing a duty to inform law enforcement about a registered sex offender, modifying residency restrictions, establishing safety zones, providing sex offender information to the public, and classifying criminal offenses that require sex offender registration.

Read first time and referred to committee on **public safety**.

House File 2318, by Schickel, a bill for an act establishing sex offender exclusion zones in lieu of sex offender residency restrictions and providing a penalty.

Read first time and referred to committee on **public safety**.

House File 2319, by Ford, a bill for an act requiring the facilities used for certain child care, early care, and preschool programs and services to be tested for lead-based paint hazards.

Read first time and referred to committee on **human resources**.

House File 2320, by Pettengill, a bill for an act relating to the providing of income tax, franchise tax, premium tax, and moneys and credits tax credits for employers paying part of their employees' student loans and including a retroactive applicability date provision.

Read first time and referred to committee on **education**.

House File 2321, by Raecker, a bill for an act relating to education, including for statewide core content and performance standards, graduation requirements, student assessments, education data, and teacher training and salaries.

Read first time and referred to committee on **education**.

House File 2322, by De Boef, Jacobs, May and Paulsen, a bill for an act concerning offenses against identity by providing a procedure to secure credit information and providing a penalty.

Read first time and referred to committee on **judiciary**.

House File 2323, by Watts, a bill for an act relating to the preservation of and access to historical court records.

Read first time and referred to committee on **judiciary**.

House File 2324, by Jochum, a bill for an act requiring the department of administrative services to procure information technology devices which are accessible to persons who are blind or visually impaired pursuant to specified equal access standards, and providing penalties.

Read first time and referred to committee on **state government**.

House File 2325, by D. Olson and Kuhn, a bill for an act authorizing counties to access the Iowa communications network as a public agency.

Read first time and referred to committee on **state government**.

ADOPTION OF HOUSE RESOLUTION 107

Rayhons of Hancock, Upmeyer of Hancock and Kuhn of Floyd, called up for consideration **House Resolution 107**, a resolution honoring Winnebago Industries on its 50th anniversary, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Rayhons of Hancock introduced to the House, Bruce Hertzke, Chairman and CEO of Winnebago Industries who thanked the House for the honor.

The House rose and expressed its welcome.

ADOPTION OF HOUSE RESOLUTION 108

Reichert of Muscatine and Struyk of Pottawattamie called up for consideration **House Resolution 108**, a resolution to recognize the Iowa Small Business Development Centers and honor 2007 award winners Anna Bradley and Marguerite White, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Regular Calendar

House File 2195, a bill for an act relating to certain county distress criteria under the enterprise zone program, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2195)

The ayes were, 97:

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

Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencsek	Winckler
Windschitl	Wise	Worthan	Zirkelbach
Bukta, Presiding			

The nays were, none.

Absent or not voting, 3:

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

House File 2213, a bill for an act relating to technical matters concerning the regulation of motor vehicles by the department of transportation and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2213)

The ayes were, 98:

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

Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wienczek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Bukta		
	Presiding		

The nays were, none.

Absent or not voting and 2:

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

HOUSE FILE 2035 WITHDRAWN

Anderson of Page asked and received unanimous consent to withdraw House File 2035 from further consideration by the House.

House File 2215, a bill for an act relating to private activity bond allocation procedures and single-project limitations, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2215)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Clute	Cphoon	Dandekar
Davitt	De Boef	Deyoe	Dolecheck
Drake	Foege	Ford	Forristall
Frevert	Gaskill	Gayman	Gipp
Granzow	Grassley	Greiner	Heaton
Heddens	Hoffman	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.

Palmer	Paulsen	Pettengill	Quirk
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Bukta, Presiding		

The nays were, none.

Absent or not voting and 2:

Chambers Petersen

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

HOUSE FILE 278 WITHDRAWN

Huser of Polk asked and received unanimous consent to withdraw House File 278 from further consideration by the House.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2195, 2213 and 2215.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 20, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2136, a bill for an act relating to real estate broker trust accounts and abolishing the local housing assistance program.

Also: That the Senate has on February 20, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2174, a bill for an act providing an Iowa individual income tax checkoff for the department of human services' child abuse prevention program, making an appropriation, and providing for the Act's implementation and including a retroactive applicability date provision.

Also: That the Senate has on February 20, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2233, a bill for an act relating to providing sales, use, and property tax exemptions for certain web search portal businesses.

MICHAEL E. MARSHALL, Secretary

On motion by McCarthy of Polk, the House was recessed at 10:09 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:21 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

House File 2326, by committee on labor, a bill for an act relating to amusement ride safety inspections conducted by special inspectors conducted by special inspectors authorized by the division of labor services in the department of workforce development.

Read first time and placed on **calendar**.

House File 2327, by committee on labor, a bill for an act relating to inclined or vertical wheelchair lifts regulated by the elevator safety board.

Read first time and placed on the **calendar**.

House File 2328, by committee on human resources, a bill for an act relating to services associated with the family investment program by moving the family development and self-sufficiency council and grant program to the department of human rights and revising confidentiality provisions involving the programs.

Read first time and placed on the **calendar**.

House File 2329, by committee on environmental protection, a bill for an act relating to the collection and recycling of mercury-added thermostats.

Read first time and placed on the **calendar**.

House File 2330, by Mascher, a bill for an act relating to at-risk students by establishing a school attendance task force pilot project program, requiring a report, and making an appropriation.

Read first time and referred to committee on **education**.

House File 2331, by Mascher, a bill for an act providing for the establishment of a mathematics and science education improvement grant pilot project and making an appropriation.

Read first time and referred to committee on **education**.

House File 2332, by committee on labor, a bill for an act relating to workers' compensation benefit payments for burial expenses.

Read first time and placed on the **calendar**.

House File 2333, by Mascher, Abdul-Samad, Palmer, Wendt, Kelley, Gayman, Cohoon, Staed, Bukta, Winckler, Foege and Heddens, a bill for an act relating to measurers for preparing a student for a career or postsecondary education, including a statewide core curriculum for school districts and accredited nonpublic schools and a state-designed career information and decision-making system.

Read first time and referred to committee on **education**.

House File 2334, by Mascher, a bill for an act relating to minimum nutrition standards for school district attendance centers and prohibiting the sale of foods with minimal nutritional value in vending machines located in school district attendance centers and providing an effective date.

Read first time and referred to committee on **education**.

House File 2335, by Baudler and Heddens, a bill for an act relating to service of a subpoena on a peace officer in a criminal case.

Read first time and referred to committee on **judiciary**.

House File 2336, by Kaufmann and Reichert, a bill for an act directing the office of energy independence to conduct a feasibility study regarding the establishment of low-head hydropower energy production facilities, and providing an effective date.

Read first time and referred to committee on **commerce**.

House File 2337, by Kaufmann, Baudler and Van Fossen, a bill for an act relating to restricted driver motor vehicle registration plates to identify persons driving under a temporary restricted driver's license following a second or subsequent revocation for operating while intoxicated, and providing penalties.

Read first time and referred to committee on **transportation**.

House File 2338, by committee on judiciary, a bill for an act relating to attendance at child in need of assistance proceedings.

Read first time and placed on the **calendar**.

House File 2339, by May, a bill for an act requiring a study by the department of education relating to the disproportionate number of male students in special education programs.

Read first time and referred to committee on **education**.

House File 2340, by Ford, a bill for an act relating to the procurement of information technology services by the department of administrative services.

Read first time and referred to committee on **state government**.

House File 2341, by May, a bill for an act relating to waivers for early school start dates and year around schools.

Read first time and referred to committee on **education**.

House File 2342, by Murphy, Abdul-Samad, Bailey, Bell, Berry, Bukta, Cohoon, Davitt, Dandekar, Foege, Frevert, Huser, Gaskill, Gayman, Heddens, H. Miller, Lensing, Jacoby, Jochum, McCarthy, Kressig, Lykam, Mascher, Ford, Kuhn, Mertz, Hunter, Oldson, D. Olson, R. Olson, T. Olson, Palmer, Quirk, Reasoner, Reichert, Schueller, Wise, Shomshor, Staed, Swaim, D. Taylor, T. Taylor, Wessel-Kroeschell, Smith, Wendt, Wenthe, Whitaker, Whitead, Thomas, Kelley, Winckler, Zirkelbach, Grassley, Windschitl, Struyk, Lukan, Forristall, Worthan, Clute, Greiner, Boal, May, Van Fossen, Pettengill, Tymeson, Sands, Watts, S. Olson, Drake, Roberts, Raecker, Van Engelenhoven, Baudler, Granzow, Soderberg, Rayhons, Paulsen, Kaufmann, Schickel, Upmeyer, Jacobs, Rasmussen, Anderson, Gipp, Deyoe, Wiencek, Dolecheck, Hoffman, Huseman, Rants, Alons, Chambers, Horbach, Tjepkes, L. Miller, De Boef, Heaton, Tomenga, Arnold and Petersen, a bill for an act exempting certain federal tax rebates under the state individual income tax and including a retroactive applicability date provision.

Read first time and referred to committee on **ways and means**.

SENATE MESSAGES CONSIDERED

Senate File 2136, by committee on economic growth, a bill for an act relating to real estate broker trust accounts and abolishing the local housing assistance program.

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

Senate File 2174, by committee on ways and means, a bill for an act providing an Iowa individual income tax checkoff for the department of human services' child abuse prevention program, making an appropriation, and providing for the Act's implementation and including a retroactive applicability date provision.

Read first time and referred to committee on **ways and means**.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 20, 2008, he approved and transmitted to the Secretary of State the following bill:

Senate File 572, an Act extending state tax benefits for use of soy-based transformer fluid by electric utilities and including effective and applicability date provisions.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\1334 Patricia Scroggins, Washburn – For celebrating her 80th birthday.
- 2008\1335 Amy Peyton, Sac City – For receiving the Prudential Spirit of Community Award, designed to emphasize the importance of community service by young people.
- 2008\1336 Ed Menke and Jeff Hoyer, Menke-Hoyer Auction and Realty Co., Inc, New London – For receiving the Iowa Auctioneers Association Advertising Award.
- 2008\1337 Albert and Viola Lampe, Mt. Pleasant – For celebrating their 70th wedding anniversary.
- 2008\1338 Jean Schutz, Mason City – For celebrating her 80th birthday.
- 2008\1339 Katie Anton, Cedar Rapids – For qualifying for the Olympic Trials in the 200-meter backstroke.
- 2008\1340 Lowell Wolf, Deep River – For celebrating his 80th birthday.
- 2008\1341 William Wells, Brooklyn – For celebrating his 80th birthday.
- 2008\1342 Josephine Arens, Brooklyn – For celebrating her 90th birthday.
- 2008\1343 Esther Wood, Sigourney – For celebrating her 90th birthday.
- 2008\1344 Gretchen White, North English – For celebrating her 90th birthday.
- 2008\1345 Charlotte Fagen, Sigourney – For celebrating her 90th birthday.
- 2008\1346 Margaret Hollingsworth, Sigourney – For celebrating her 80th birthday.
- 2008\1347 Helen Johnston, South English – For celebrating her 80th birthday.
- 2008\1348 Maxine Dugger, What Cheer – For celebrating her 80th birthday.
- 2008\1349 Norma Wolfe, Harper – For celebrating her 80th birthday.

- 2008\1350 Anne Leonhardt, Middle Amana – For celebrating her 80th birthday.
- 2008\1351 Bonnie McDonald, What Cheer – For celebrating her 80th birthday.
- 2008\1352 Mildred Plueger, Le Mars – For celebrating her 90th birthday.
- 2008\1353 Prof. G. Nelson Nieuwenhuis, Sheldon – For celebrating his 100th birthday.
- 2008\1354 Marvin and Nell Huenik, Hawarden – For celebrating their 60th wedding anniversary.
- 2008\1355 Bernard and Adelaine Wiksen, Hawarden – For celebrating their 60th wedding anniversary.
- 2008\1356 Donald and Marilyn Hoffman, Le Mars – For celebrating their 50th wedding anniversary.
- 2008\1357 Bob and Ruth Kenaley, Le Mars – For celebrating their 50th wedding anniversary.
- 2008\1358 Bill and Albertha Faulkner, Akron – For celebrating their 61st wedding anniversary.
- 2008\1359 Jim and Alma Knecht, Akron – For celebrating their 65th wedding anniversary.
- 2008\1360 Marguerite White, Bettendorf – For receiving the 2007 Neal Smith Entrepreneur of the Year Award from the Iowa Small Business Development Center.

SUBCOMMITTEE ASSIGNMENTS

House File 2257

Judiciary: Mertz, Chair; Palmer and Struyk.

House File 2261

Veterans Affairs: Bailey, Chair; Tymeson and Whitead.

House File 2276

Economic Growth: D. Olson, Chair; Staed and Wiencek.

House File 2282

Judiciary: R. Olson, Chair; Jacobs and Wessel-Kroeschell.

House File 2285

Human Resources: Foegen, Chair; L. Miller and Smith.

House File 2290

Human Resources: Abdul-Samad, Chair; Foegen and Granzow.

House File 2293

Human Resources: Foegen, Chair; Grassley and Jacoby.

House File 2294

Human Resources: Foegen, Chair; Tomenga and Wessel-Kroeschell.

House File 2296

Economic Growth: Ford, Chair; H. Miller and Van Fossen.

House File 2299

Local Government: D. Olson, Chair; Deyoe and Whitead.

House File 2301

Human Resources: T. Olson, Chair; Smith and Upmeyer.

House File 2303

Human Resources: Ford, Chair; Abdul-Samad and Roberts.

House File 2306

Economic Growth: Ford, Chair; Granzow and T. Olson.

House File 2313

Human Resources: Hunter, Chair; Ford and Granzow.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 663**

Commerce: Jacoby, Chair; Petersen and Pettengill.

House Study Bill 680

Human Resources: Palmer, Chair; Mascher and Soderberg.

House Study Bill 681

Government Oversight: Berry, Chair; Tymeson and Whitead.

House Study Bill 682

Economic Growth: Bailey, Chair; Ford and May.

House Study Bill 686

Economic Growth: Dandekar, Chair; Anderson and Wenthe.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 688 Education**

Providing that funding of teacher compensation, professional development, early intervention, and educational excellence phase II be implemented through the school aid formula on a per pupil basis.

H.S.B. 689 State Government

Relating to state agency reporting of the receipt of gifts, bequests, and grants.

H.S.B. 690 Environmental Protection

Relating to the compliance advisory panel, including the appointment of its members and its powers and duties.

H.S.B. 691 Environmental Protection

Relating to water use permit fees, creating a new water use permit fund, and making appropriations.

H.S.B. 692 Human Resources

Relating to child care by revising requirements for child care homes and child development homes, restricting the presence of certain registered sex offenders on the premises of child care providers, and providing penalties and an appropriation.

H.S.B. 693 Human Resources

Providing for establishment of a mental health services system for children and youth.

H.S.B. 694 Human Resources

Relating to recovery from third parties liable for health care coverage provided to recipients of medical assistance, and providing an effective date.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 581), relating to attendance at child in need of assistance proceedings.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2008.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House File 2133), relating to certain city utilities or city enterprises by making changes to procedures for notice and collection of delinquent charges and by making changes to billing notifications for water service provided to certain residential rental property.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2008.

Committee Bill (Formerly House Study Bill 587), designating peace officer communication equipment and other emergency services communication equipment as an essential county purpose and as an essential corporate purpose that authorizes the issuance of general obligation bonds and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2008.

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly House File 2158), concerning veterans, including expenditures from the veterans trust fund and authorization of lottery games for veterans.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2008.

RESOLUTION FILED

HR 109, by H. Miller, Ford, Berry and Abdul-Samad, a resolution designating February 2008 as Black History Month.

Laid over under **Rule 25**.

On motion by McCarthy of Polk the House adjourned at 4:36 p.m., until 9:00 a.m., Thursday, February 21, 2008.

JOURNAL OF THE HOUSE

Thirty-nine Calendar Day - Twenty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 21, 2008

The House met pursuant to adjournment at 9:09 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Tim Phillips, pastor of Gloria Dei Lutheran Church, Urbandale. He was the guest of Representative J. Scott Raecker of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jessica Rundlett, legislative secretary to the honorable Dawn Pettengill, state representative from Benton County.

The Journal of Wednesday, February 20, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

R. Olson of Polk, until his arrival, on request of Speaker Murphy.

INTRODUCTION OF BILLS

House File 2343, by May, a bill for an act relating to submission of a DNA sample of a person arrested for or convicted of a felony.

Read first time and referred to committee on **public safety**.

House File 2344, by Boal, a bill for an act providing for the regulation of pet cemeteries, including the notification of persons when a pet cemetery is closed, and providing penalties.

Read first time and referred to committee on **commerce**.

House File 2345, by Whitaker, a bill for an act relating to the review of subdivision plats and zoning changes by a local board of health or a county sanitarian.

Read first time and referred to committee on **local government**.

House File 2346, by Whitaker, a bill for an act creating a special Vietnam veteran motor vehicle registration plate, establishing fees, crediting fees to the veterans license fee fund, and providing an effective date.

Read first time and referred to committee on **transportation**.

House File 2347, by Gaskill, a bill for an act modifying certain filing, request, and notification deadline times for elections.

Read first time and referred to committee on **state government**.

House File 2348, by Hunter, a bill for an act to increase the state minimum hourly wage by the same percentage as the increase in federal social security benefits.

Read first time and referred to committee on **labor**.

House File 2349, by Abdul-Samad, a bill for an act relating to the use of certain wireless communication devices by motor vehicle operators and providing penalties.

Read first time and referred to committee on **transportation**.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 109.

ADOPTION OF HOUSE RESOLUTION 109

H. Miller of Webster, Ford of Polk, Berry of Black Hawk and Abdul-Samad of Polk called up for consideration **House Resolution 109**, a resolution designating February 2008 as Black History Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Regular Calendar

House File 2217, a bill for an act relating to the administration of the department of cultural affairs, was taken up for consideration.

SENATE FILE 2059 SUBSTITUTED FOR HOUSE FILE 2217

H. Miller of Webster asked and received unanimous consent to substitute Senate File 2059 for House File 2217.

Senate File 2059, a bill for an act relating to the administration of the department of cultural affairs, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2059)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Chambers

Greiner

Hoffman

Olson, R.

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

House File 2219, a bill for an act relating to campaign signs and contributions, was taken up for consideration.

Van Fossen of Scott asked unanimous consent to defer House File 2219.

Objection was raised.

Van Fossen of Scott withdrew the motion.

SPECIAL PRESENTATION

Bailey of Hamilton introduced to the House, dignitaries from Lithuania. Arvydas Daunoravicious, Consul General of the Republic of Lithuania, addressed the House briefly, grateful for the opportunity to be a guest of the Iowa House.

The House rose and expressed its welcome.

The House stood at ease at 9:48 a.m., until the fall of the gavel.

The House resumed session at 10:34 a.m., Speaker Murphy in the chair.

McCarthy of Polk asked and received unanimous consent that House File 2219 be deferred and that the bill retain its place on the calendar.

House File 2197, a bill for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2197)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Chambers	Greiner	Olson, R.	Raecker
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2197** and **Senate File 2059**.

On motion by McCarthy of Polk, the House was recessed at 10:49 a.m., until 5:00 p.m.

AFTERNOON SESSION

The House reconvened at 5:02 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

House File 2350, by May, a bill for an act exempting from the individual income tax federal retirement pay received for military service and including effective and applicability date provisions.

Read first time and referred to committee on **ways and means**.

House File 2351, by Wise, Petersen, and T. Olson, a bill for an act relating to certain economic development programs by providing tax credits for the redevelopment of underutilized properties and by clarifying the meaning of an eligible business, and including effective date and retroactive applicability date provisions.

Read first time and referred to committee on **ways and means**.

House File 2352, by Reichert, a bill for an act providing for a property tax credit for certain apartment buildings and rental units meeting certification requirements for designation as a green building, making an appropriation, and including an effective and applicability date provision.

Read first time and referred to committee on **ways and means**.

House File 2353, by Whitaker, a bill for an act relating to offenses against identity, by specifying a procedure to secure credit information, providing for the notification of a breach in the security of computerized data, and providing penalties.

Read first time and referred to committee on **judiciary**.

House File 2354, by Whitaker, a bill for an act relating to hours-of-service requirements for certain commercial motor vehicle operators hauling agricultural commodities or farm supplies.

Read first time and referred to committee on **transportation**.

House File 2355, by Whitaker, a bill for an act allowing a property owner to petition for the suspension or abatement of property taxes for damaged improvements to real property.

Read first time and referred to committee on **ways and means**.

House File 2356, by Petersen, a bill for an act relating to an adult boater safety education program and providing a penalty and an effective date.

Read first time and referred to committee on **natural resources**.

House File 2357, by De Boef, a bill for an act allowing native wineries to sell beer.

Read first time and referred to committee on **state government**.

House File 2358, by De Boef, a bill for an act relating to audit requirements for nonperpetual care cemeteries.

Read first time and referred to committee on **commerce**.

House File 2359, by committee on veterans affairs, a bill for an act concerning veterans, including expenditures from the veterans trust fund and authorization of lottery games for veterans.

Read first time and placed on the **calendar**.

House File 2360, by Reichert, Zirkelbach, Dandekar, Mertz, Heddens, Thomas, Frevert, S. Olson, Drake and Huseman, a bill for an act relating to the biodiesel blended fuel tax credit for retail dealers, and providing for retroactive applicability.

Read first time and referred to committee on **agriculture**.

House File 2361, by Lensing and Wessel-Kroeschell, a bill for an act requiring the development and inclusion of an energy audit program by specified gas and electric utilities within an energy efficiency plan filed with the Iowa utilities board.

Read first time and referred to committee on **environmental protection**.

House File 2362, by Kaufman and Schueller, a bill for an act relating to rules for discharging wastewater from water well drilling sites.

Read first time and referred to committee on **environmental protection**.

House File 2363, by Reichert and Mertz, a bill for an act providing for the stockpiling of dry manure from a confinement feeding operation and making penalties applicable.

Read first time and referred to committee on **agriculture**.

SPONSOR WITHDRAWN
(House File 2158)

Pettengill of Polk requested to be withdrawn as a sponsor of House File 2158.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday morning, February 21, 2008. Had I been present, I would have voted "aye" on Senate File 2059.

HOFFMAN of Crawford

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|--|
| 2008\1361 | Reynold Gehlsen, Denison – For celebrating his 80 th birthday. |
| 2008\1362 | Helen Wanberg, Galva – For celebrating her 80 th birthday. |
| 2008\1363 | Dale and Creta Prosch, Ida Grove – For celebrating their 60 th wedding anniversary. |

- 2008\1364 Herman and Louise Hogrefe, Holstein – For celebrating their 70th wedding anniversary.
- 2008\1365 Carmella Kline, Iowa Falls – For celebrating her 80th birthday.
- 2008\1366 Wendell Hoekstra, Owasa – For celebrating his 85th birthday.
- 2008\1367 Ruth Ryerson, Eldora – For celebrating her 80th birthday.
- 2008\1368 Anna Brown, Winterset – For celebrating her 95th birthday.
- 2008\1369 Henry (Hank) Bergman, Grundy Center – For celebrating his 95th birthday.
- 2008\1370 Clarence and Ruth Claassen, Grundy Center – For celebrating their 60th wedding anniversary.
- 2008\1371 Marlyn and Lourine Pruis, Holland – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 133 Reassigned

Veterans Affairs: Windschitl, Chair; Staed and D. Taylor.

House File 2037

Veterans Affairs: Zirkelbach, Chair; Tymeson and Whitead.

House File 2045

Veterans Affairs: Zirkelbach, Chair; Tymeson and Whitead.

House File 2066

Ways and Means: Reasoner, Chair; Struyk, Van Fossen, Wendt and Wise.

House File 2076

Veterans Affairs: Zirkelbach, Chair; Tymeson and Whitead.

House File 2085

Veterans Affairs: Zirkelbach, Chair; Tymeson and Whitead.

House File 2141

Veterans Affairs: Zirkelbach, Chair; Tymeson and Whitead.

House File 2156

Transportation: Roberts, Chair; Bell and Bukta.

House File 2161

Veterans Affairs: Zirkelbach, Chair; Tymeson and Whitead.

House File 2192

Environmental Protection: Kuhn, Chair; Drake, Frevert, Greiner, H. Miller, D. Olson and S. Olson.

House File 2230

Veterans Affairs: Zirkelbach, Chair; Tymeson and Whitead.

House File 2231

Commerce: T. Olson, Chair; Clute and Wise.

House File 2236

Commerce: Jacoby, Chair; Petersen and Struyk.

House File 2238

Commerce: Oldson, Chair; Berry and Jacobs.

House File 2240

Commerce: Reichert, Chair; Petersen, Soderberg, Van Fossen and Wise.

House File 2252

State Government: Gaskill, Chair; Jacobs and T. Taylor.

House File 2253

Environmental Protection: Wessel-Kroeschell, Chair; Alons, Deyoe, Lensing and R. Olson.

House File 2256

Commerce: Reichert, Chair; Berry, Kressig, Soderberg and Van Fossen.

House File 2258

Commerce: Kelley, Chair; Berry and Sands.

House File 2262

Ways and Means: Jochum, Chair; Schueller and Soderberg.

House File 2273

Environmental Protection: Anderson, Chair; Lensing and R. Olson.

House File 2277

Environmental Protection: Wessel-Kroeschell, Chair; Alons, Deyoe, Lensing and R. Olson.

House File 2289

Commerce: Reichert, Chair; Petersen, Soderberg, D. Taylor and Van Fossen.

House File 2291

Commerce: T. Olson, Chair; Clute and Wise.

House File 2295

Veterans Affairs: Zirkelbach, Chair; Tymeson and Whitead.

House File 2300

Judiciary: R. Olson, Chair; Horbach and Oldson.

House File 2305

Commerce: Wise, Chair; Reichert, Soderberg, D. Taylor and Van Fossen.

House File 2308

Commerce: Kressig, Chair; Berry and Jacobs.

House File 2312

Natural Resources: Wenthe, Chair; Rasmussen and Shomshor.

House File 2315

Commerce: T. Olson, Chair; Clute, Kressig, Petersen and Upmeyer.

House File 2318

Public Safety: Swaim, Chair; Baudler, Berry, Lukan and Lykam.

House File 2319

Human Resources: Ford, Chair; Granzow and Smith.

House File 2320

Education: Wendt, Chair; Forristall and Palmer.

House File 2321

Education: Mascher, Chair; Raecker and Staed.

House File 2324

State Government: Jochum, Chair; Roberts and Wessel-Kroeschell.

House File 2325

State Government: Lensing, Chair; Abdul-Samad and Jacobs.

House File 2336

Commerce: Reichert, Chair; Petersen, Soderberg, D. Taylor and Van Fossen.

House File 2337

Transportation: Tjepkes, Chair; Huser and Lykam.

House File 2344

Commerce: Bailey, Chair; Clute and Quirk.

House File 2346

Transportation: Huser, Chair; Lykam and Tjepkes.

House File 2349

Transportation: Dandekar, Chair; Huser and Worthan.

Senate File 2174

Ways and Means: Jochum, Chair; Frevert and Wiencek.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 648

Transportation: Huser, Chair; Arnold, Cohoon, Lykam and Tjepkes.

House Study Bill 663 Reassigned

Commerce: Jacoby, Chair; Petersen and Struyk.

House Study Bill 677 Reassigned

Human Resources: Hunter, Chair; Jacoby and Tomenga.

House Study Bill 683

Judiciary: R. Olson, Chair; Tomenga and Wendt.

House Study Bill 684

Judiciary: R. Olson, Chair; Jacobs and Wessel-Kroeschell.

House Study Bill 685

Judiciary: Winckler, Chair; Boal and Lensing.

House Study Bill 687

Judiciary: Palmer, Chair; Lensing and Struyk.

House Study Bill 688

Education: Gayman, Chair; Abdul-Samad and Tymeson.

House Study Bill 690

Environmental Protection: Kressig, Chair; S. Olson and Smith.

House Study Bill 691

Environmental Protection: Frevert, Chair; Drake, Greiner, Kuhn, H. Miller, D. Olson and S. Olson.

House Study Bill 692

Human Resources: Mascher, Chair; Jacoby and Roberts.

House Study Bill 693

Human Resources: Wessel-Kroeschell, Chair; Abdul-Samad and Granzow.

House Study Bill 694

Human Resources: Hunter, Chair; Ford and Grassley.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 695 Human Resources**

Relating to health care reform including health information technology, wellness initiatives including an income tax checkoff,

coverage for preexisting conditions, continuation of coverage for certain dependent children, and limitations on rate increases for long-term care insurance, providing an appropriation, and including an applicability provision.

H.S.B. 696 Local Government

Relating to the office of the county recorder by making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

H.S.B. 697 Environmental Protection

Requiring public notification of any emergency bypass by a public sewage or waste disposal facility.

H.S.B. 698 Environmental Protection

Providing for separation distance requirements between a confinement feeding operation structure and a designated wetland, and making penalties applicable.

H.S.B. 699 Agriculture

Relating to the regulation of transactions involving grain, by providing for the regulation of grain dealers and warehouse operators, and providing for the administration of the grain indemnity fund.

H.S.B. 700 Agriculture

Providing for the financing of projects relating to flood and erosion control by a county board of supervisors by authorizing the expansion of a property tax levy.

H.S.B. 701 Agriculture

Relating to equipment used in egg production operations by providing an exemption from sales tax.

H.S.B. 702 Agriculture

Providing requirements for a nonresident of this state engaged in the aerial application of pesticides, making penalties applicable, and providing an effective date.

H.S.B. 703 Agriculture

Concerning axle weight limitations for vehicles transporting crops during the annual harvest period.

H.S.B. 704 Agriculture

Providing for the incurrence of costs to establish soil and water conservation practices.

H.S.B. 705 Agriculture

Regulating persons who transport, handle, store, or apply manure.

H.S.B. 706 Veterans Affairs

Relating to the use of persons with disabilities parking spaces by certain seriously disabled veterans.

H.S.B. 707 Judiciary

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

H.S.B. 708 Judiciary

Relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON COMMERCE

Committee Bill (Formerly House File 354), relating to the deposit of public funds with corporate credit unions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2008.

Committee Bill (Formerly House Study Bill 595), making nonsubstantive corrections to certain provisions relating to insurance and making repeals.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2008.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House Study Bill 542), relating to allowable investments by the treasurer of state and other authorized state agencies.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2008.

Committee Bill (Formerly House Study Bill 569), relating to cultural affairs by providing for the preservation of electronic records, establishing regional cultural committees, and creating a civil war sesquicentennial advisory committee.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2008.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 2154), relating to monitoring the academic progress of high school students.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2008.

Committee Bill (Formerly House File 2183), authorizing utilization of physical plant and equipment levy revenue to guarantee school district energy savings contracts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2008.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 615), relating to water quality by establishing a water resources coordinating council, authorizing a marketing campaign, directing assistance to local communities for monitoring and measurement, and creating a regional assessment program, a community-based improvement program, and a wastewater and storm water infrastructure program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2008.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 589), requiring a minority impact statement as part of an application for a grant from the department of public health, human services, or human rights and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do pass** February 20, 2008.

Committee Bill (Formerly House Study Bill 676), for limiting the scope of the electronic benefits transfer program maintained by the department of human services.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2008.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House File 2173), relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2008.

Committee Bill (Formerly House Study Bill 635), relating to the mandatory reporting to law enforcement officials of medical treatment for certain injuries and making a penalty applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2008.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House File 2139), relating to the licensing and regulation of plumbers and mechanical professionals and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2008.

Committee Bill (Formerly House Study Bill 510), providing for changes in electrician licensure requirements for specified licensure classifications, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2008.

Committee Bill (Formerly House Study Bill 640), relating to alarm system installer or contractor certification and electrician licensure provisions, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2008.

Committee Bill (Formerly House Study Bill 642), relating to conflicts of interest, lobbying activities, and receipt of gifts by certain government officials and employees.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2008.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 2110), relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2008.

Committee Bill (Formerly House Study Bill 559), providing increased penalties for speeding violations committed by a motor vehicle operator in a road work zone.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2008.

Committee Bill (Formerly House Study Bill 560), relating to regulation of commercial motor vehicle operators by the state department of transportation and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2008.

COMMITTEE ON WAYS AND MEANS

Senate File 591, a bill for an act relating to regulation of the harvesting of commercial fish, turtles, and freshwater mussels and providing for fees and penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8041** February 20, 2008.

RESOLUTION FILED

HR 110, by Ford and Murphy, a resolution requesting the legislative council to authorize a 2008 interim study of methods and funding for mitigating the presence of lead-based paint and other lead hazards.

Laid over under **Rule 25**.

AMENDMENT FILED

H—8041 S.F. 591 Committee on Ways and Means

On motion by McCarthy of Polk the House adjourned at 5:10 p.m., until 9:00 a.m., Friday, February 22, 2008.

JOURNAL OF THE HOUSE

Fortieth Calendar Day - Twenty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 22, 2008

The House met pursuant to adjournment at 9:20 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Pat Murphy, Speaker of the House.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Murphy.

The Journal of Thursday, February 21, 2008 was approved.

INTRODUCTION OF BILLS

House File 2364, by committee on education, a bill for an act authorizing utilization of physical plant and equipment levy revenue to guarantee school district energy savings contracts.

Read first time and placed on the **calendar**.

House File 2365, by committee on education, a bill for an act relating to monitoring the academic progress of high school students.

Read first time and placed on the **calendar**.

House File 2366, by committee on local government, a bill for an act designating peace officer communication equipment and other emergency services communication equipment as an essential county purpose and as an essential corporate purpose that authorizes the issuance of general obligation bonds and providing an effective date.

Read first time and placed on the **calendar**.

House File 2367, by committee on state government, a bill for an act relating to the tally of absentee votes by precinct at certain elections.

Read first time and placed on the **calendar**.

House File 2368, by Van Fossen, a bill for an act relating to the uniform bond schedule used for the release of an arrested person when the court is not in session.

Read first time and referred to committee on **judiciary**.

House File 2369, by Soderberg, Paulsen, De Boef, S. Olson, Worthan, Upmeyer, Alons, Forristall, L. Miller, Drake, Huseman, Struyk, Heaton, Boal, Grassley, Tjepkes, Watts, Deyoe, Van Engelenhoven, Dolecheck, Granzow, Raecker, Rasmussen, Sands, Rants, Roberts, Baudler, Rayhons, Chambers, Anderson and Wiencek, a bill for an act pertaining to the delivery of explanations of health care benefits.

Read first time and referred to committee on **commerce**.

House File 2370, by Heaton, Windschitl, Horbach, Van Engelenhoven, Roberts, Mertz, Baudler, Swaim, Quirk, Pettengill, Rayhons, Alons, Boal, Soderberg and Lukan, a bill for an act relating to the establishment of a positive alternatives program and providing an appropriation.

Read first time and referred to committee on **human resources**.

House File 2371, by Heaton, Rasmussen, Huseman and Anderson, a bill for an act relating to providing psychiatric residency positions at the university of Iowa hospitals and clinics and providing an appropriation.

Read first time and referred to committee on **appropriations**.

House File 2372, by committee on human resources, a bill for an act limiting the scope of the electronic benefits transfer program maintained by the department of human services.

Read first time and placed on the **calendar**.

SUBCOMMITTEE ASSIGNMENTS

House File 2292

Labor: Abdul-Samad, Chair; Hunter and Watts.

House File 2298

Labor: Staed, Chair; Van Engelenhoven and Zirkelbach.

House File 2317

Public Safety: Swaim, Chair; Baudler, Berry, Lukan and Lykam.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 695

Human Resources: Heddens, Chair; Abdul-Samad, Roberts, Smith and Upmeyer.

House Study Bill 696

Local Government: Gaskill, Chair; Kaufmann and Kressig.

House Study Bill 698

Environmental Protection: Kuhn, Chair; Drake, Frevert, Greiner, H. Miller, D. Olson and S. Olson.

House Study Bill 699

Agriculture: Reasoner, Chair; Drake and Zirkelbach.

House Study Bill 700

Agriculture: Kuhn, Chair; Davitt and Huseman.

House Study Bill 701

Agriculture: Reichert, Chair; Davitt and S. Olson.

House Study Bill 702

Agriculture: Mertz, Chair; Rayhons and Wenthe.

House Study Bill 703

Agriculture: H. Miller, Chair; Dolecheck, Swaim, Wenthe and Worthan.

House Study Bill 704

Agriculture: Whitaker, Chair; Dolecheck and Frevert.

House Study Bill 707

Judiciary: Schueller, Chair; Boal and Mertz.

House Study Bill 708

Judiciary: Schueller, Chair; Mertz and Tomenga.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 546), relating to deferred judgment records in a criminal proceeding.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2008.

On motion by McCarthy of Polk the House adjourned at 9:24 a.m., until 1:00 p.m., Monday, February 25, 2008.

JOURNAL OF THE HOUSE

Forty-third Calendar Day - Thirtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 25, 2008

The House met pursuant to adjournment at 1:11 p.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Bob Kressig, state representative from Black Hawk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Gina Nichols, legislative secretary to Representative Bob Kressig of Black Hawk County.

The Journal of Friday, February 22, 2008 was approved.

INTRODUCTION OF BILLS

House File 2373, by Reichert, a bill for an act requiring a study concerning the water level of lake Odessa, making an appropriation to conduct the study, and providing an effective date.

Read first time and referred to committee on **natural resources**.

House File 2374, by Reichert, Kressig, Foege, Zirkelbach, Cohoon, Bell, D. Taylor, Frevert, Lykam, Whitead, Bukta, Whitaker, Mertz, Gaskill, Swaim, Reasoner, Davitt, Palmer, R. Olson, T. Taylor, Kuhn, Berry and H. Miller, a bill for an act making an appropriation to the office of drug control policy for drug enforcement programs and providing effective and retroactive applicability dates.

Read first time and referred to committee on **appropriations**.

House File 2375, by T. Taylor, a bill for an act relating to qualifications for and payment of unemployment compensation benefits, and including effective and applicability date provisions.

Read first time and referred to committee on **labor**.

House File 2376, by H. Miller, a bill for an act relating to the establishment of a private employment inmate work facility at the Fort Dodge correctional facility, and making an appropriation.

Read first time and referred to committee on **appropriations**.

House File 2377, by H. Miller, a bill for an act relating to employment support for persons with mental illness or mental retardation by requiring the department of human services to review such support.

Read first time and referred to committee on **human resources**.

House File 2378, by R. Olson, a bill for an act relating to residency restrictions for a sex offender.

Read first time and referred to committee on **public safety**.

House File 2379, by R. Olson, a bill for an act establishing a senior administrative law judge program.

Read first time and referred to committee on **state government**.

House File 2380, by Upmeyer, a bill for an act providing a tax credit for investment in qualified health information technology, and providing a retroactive applicability date.

Read first time and referred to committee on **human resources**.

House File 2381, by committee on public safety, a bill for an act relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators.

Read first time and placed on the **calendar**.

House File 2382, by Frevert, a bill for an act providing for an agricultural hauling assessment imposed on the owners of motor trucks making deliveries to the first purchasers.

Read first time and referred to committee on **transportation**.

House File 2383, by committee on commerce, a bill for an act making nonsubstantive corrections to certain provisions relating to insurance and making repeals.

Read first time and placed on the **calendar**.

House File 2384, by committee on commerce, a bill for an act relating to the deposit of public funds with corporate credit unions.

Read first time and placed on the **calendar**.

House File 2385, by committee on economic growth, a bill for an act relating to allowable investments by the treasurer of state and other authorized state agencies.

Read first time and placed on the **calendar**.

On motion by McCarthy of Polk, the House was recessed at 1:21 p.m., until 4:30 p.m.

AFTERNOON SESSION

The House reconvened at 4:50 p.m., Speaker Murphy in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 25, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2137, a bill for an act relating to the membership requirements and oversight responsibilities of the board of educational examiners.

Also: that the Senate has on February 25, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2151, a bill for an act relating to the advanced practice registered nurse licensure compact and providing an effective date.

Also: that the Senate has on February 25, 2008 passed the following bill in which the concurrence of the Senate was asked:

House File 2167, a bill for an act relating to controlled substance schedules and the reporting requirements to the board of pharmacy and making penalties applicable.

Also: that the Senate has on February 25, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 261, a bill for an act requiring certain private sewage disposal system-related inspections to be conducted when certain property is sold or transferred and including an effective date provision.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2386, by Tymeson and Heaton, a bill for an act requiring a national criminal history record check for certain child care providers.

Read first time and referred to committee on **human resources**.

House File 2387, by Mertz, a bill for an act relating to the use of automated traffic enforcement systems by cities, authorizing civil penalties, and providing an effective date.

Read first time and referred to committee on **local government**.

House File 2388, by Tymeson, a bill for an act relating to certain open meeting requirements.

Read first time and referred to committee on **state government**.

House File 2389, by Petersen, a bill for an act relating to the creation of a postnatal tissue and fluid banking network, and including the creation of an oversight commission.

Read first time and referred to committee on **human resources**.

House File 2390, by committee on state government, a bill for an act relating to the licensing and regulation of plumbers and mechanical professionals and providing effective date.

Read first time and placed on the **calendar**.

House File 2391, by committee on state government, a bill for an act providing for the establishment of a commission on Native American affairs within the department of human rights.

Read first time and placed on the **calendar**.

House File 2392, by committee on local government, a bill for an act relating to certain city utilities or city enterprises by making changes to procedures for notice and collection of delinquent charges and by making changes to billing notifications for water service provided to certain residential rental property.

Read first time and placed on the **calendar**.

House File 2393, by committee on human resources, a bill for an act requiring a minority impact statement as part of an application for a grant from the department of public health, human services, or human rights and providing effective and applicability dates.

Read first time and placed on the **calendar**.

House File 2394, by Jacoby, a bill for an act establishing a biennial appropriations process and providing effective and applicability dates.

Read first time and referred to committee on **appropriations**.

House File 2395, by committee on public safety, a bill for an act relating to the mandatory reporting to law enforcement officials of medical treatment for certain injuries and making a penalty applicable.

Read first time and placed on the **calendar**.

House File 2396, by committee on economic growth, a bill for an act relating to cultural affairs by providing for the preservation of electronic records, establishing local cultural committee, and creating a civil war sesquicentennial advisory committee.

Read first time and placed on the **calendar**.

House File 2397, by committee on public safety, a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicle by reserve peace officers.

Read first time and placed on the **calendar**.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\1372 Mrs. Mabel Guilford, Dubuque – For celebrating her 100th birthday.
- 2008\1373 George Miller, Lowden – For celebrating his 80th birthday.
- 2008\1374 Ray Dunston, Stanwood – For celebrating his 80th birthday.
- 2008\1375 Lois Schermerhorn, West Liberty – For celebrating her 80th birthday.
- 2008\1376 Don Walter, Bennett – For celebrating his 80th birthday.
- 2008\1377 Vera Pewe, Durant – For celebrating her 80th birthday.
- 2008\1378 Helen Sauer, Bennett – For celebrating her 80th birthday.
- 2008\1379 Shirley Maurer, Tipton – For celebrating her 80th birthday.
- 2008\1380 William Klatt, Moscow – For celebrating his 80th birthday.
- 2008\1381 Neva Collins, Clarence – For celebrating her 80th birthday.
- 2008\1382 Max and Judy Keller, Tipton – For celebrating their 50th wedding anniversary.
- 2008\1383 Bill Cline, West Liberty – For 50 years of service to the West Liberty Fire Department.
- 2008\1384 Mildred Geurink, Davenport – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2330

Education: Mascher, Chair; L. Miller and Palmer.

House File 2331

Education: Abdul-Samad, Chair; Chambers and Palmer.

House File 2333

Education: Winckler, Chair; Kaufmann and Mascher.

House File 2334

Education: Bukta, Chair; Foege and L. Miller.

House File 2339

Education: Bukta, Chair; Foege and May.

House File 2360

Agriculture: Reichert, Chair; Drake and Frevert.

House File 2363

Agriculture: Reichert, Chair; Greiner and Wenthe.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 699 Reassigned

Agriculture: Zirkelbach, Chair; Drake and Reasoner.

House Study Bill 705

Agriculture: Greiner, Chair; De Boef, Frevert, Mertz and Reasoner.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 709 State Government

Concerning department of administrative services operations.

H.S.B. 710 Transportation

Relating to reimbursement of costs incurred by a private entity hired by a police authority to dispose of an abandoned vehicle.

H.S.B. 711 Human Resources

Relating to the public release of information relating to elder group homes, assisted living facilities, and adult day services programs.

H.S.B. 712 Human Resources

Relating to Alzheimer's disease and similar forms of irreversible dementia.

H.S.B. 713 State Government

Concerning bingo conducted during county fairs and community festivals.

H.S.B. 714 Transportation

Relating to the crediting of fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, and establishing a fee for new registration of vehicles, making penalties applicable, and providing an effective date.

H.S.B. 716 Agriculture

Relating to per diem compensation for directors of the Iowa soybean association board.

H.S.B. 717 Labor

Relating to the employer-employee relationship by preventing identity theft in the procurement of employment, providing for the employment classification of individuals, and providing penalties and an effective date.

H.S.B. 718 Labor

Concerning public employee collective bargaining.

H.S.B. 719 State Government

Concerning the duties and responsibilities of the auditor of state.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON LABOR

Committee Bill (Formerly House File 675), relating to the establishment of a study of the economic, fiscal, and social impact of the living wage in Iowa.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2008.

Committee Bill (Formerly House Study Bill 600), relating to employers' participation in unemployment insurance adjudications.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2008.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2342), exempting certain federal tax rebates under the state individual income tax and including a retroactive applicability date provision.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2008.

RESOLUTION FILED

HR 111, by Smith and Upmeyer, a resolution recognizing the Month of March 2008 as Deep Vein Thrombosis Awareness Month.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8042	H.F.	2219	Paulsen of Linn
H—8043	S.F.	2123	Rants of Woodbury

On motion by McCarthy of Polk the House adjourned at 4:56 p.m., until 9:00 a.m., Tuesday, February 26, 2008.

JOURNAL OF THE HOUSE

Forty-fourth Calendar Day - Thirty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 26, 2008

The House met pursuant to adjournment at 9:17 a.m., Speaker Murphy in the chair.

The Lord's Prayer was sung by Stacie Ruth Stoelting of Cherokee. She was guest of Representative Dan Huseman from Cherokee County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Madison DeWitt, granddaughter of the honorable Mike May, state representative from Dickinson County.

The Journal of Monday, February 25, 2008 was approved.

INTRODUCTION OF BILLS

House File 2398, by Lensing, a bill for an act relating to the preneed sale of cemetery and funeral merchandise and funeral services.

Read first time and referred to committee on **commerce**.

House File 2399, by Winckler, a bill for an act establishing committees to formulate plans for a state research and development prekindergarten through grade twelve school and providing an effective date.

Read first time and referred to committee on **education**.

House File 2400, by committee on environmental protection, a bill for an act relating to water quality by establishing a water resources coordinating council, authorizing a marketing campaign, directing assistance to local communities for monitoring and measurement, providing for a wastewater and storm water

infrastructure assessment, and creating a regional assessment program and a community-based improvement program.

Read first time and placed on the **calendar**.

House File 2401, by Grassley, Kaufmann, Tymeson and Mertz, a bill for an act establishing a property owner defense fund and including effective date and applicability date provisions.

Read first time and referred to committee on **state government**.

House File 2402, by committee on labor, a bill for an act relating to employers' participation in unemployment insurance adjudications.

Read first time and placed on the **calendar**.

House File 2403, by committee on labor, a bill for an act relating to the establishment of a study of the economic, fiscal, and social impact of the living wage in Iowa.

Read first time and placed on the **calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 25, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2195, a bill for an act relating to certain county distress criteria under the enterprise zone program.

Also: that the Senate has on February 25, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2089, a bill for an act relating to applications for absentee ballots.

Also: that the Senate has on February 25, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2108, a bill for an act relating to the designation of a Gift to Iowa's Future Recognition Day.

Also: that the Senate has on February 25, 2008, passed the following bill in which the concurrence of the House is asked:

Senate file 2177, a bill for an act relating to health-related activities and regulation by the department of public health.

Also: that the Senate has on February 25, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2203, a bill for an act relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators.

MICHAEL E. MARSHALL, Secretary

HOUSE FILE 2015 WITHDRAWN

Kelley of Black Hawk asked and received unanimous consent to withdraw House File 2015 from further consideration by the House.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 112.

ADOPTION OF HOUSE RESOLUTION 112

Lukan of Dubuque and Wise of Lee called up for consideration **House Resolution 112**, a resolution to support the Strong American Schools Campaign, a nonpartisan project of Rockefeller Philanthropy Advisors, and moved its adoption.

The motion prevailed and the resolution was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huser of Polk on request of Dandekar of Linn.

CONSIDERATION OF BILLS Regular Calendar

House File 2310, a bill for an act requiring the departments of public health and human services to collect data and develop a protocol to address the relationship between substance misuse, abuse, or dependency by a child's parent, guardian, custodian, or other

person responsible for the child's care and child abuse, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2310)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Huser

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

House File 2214, a bill for an act transferring administration of the entrepreneurs with disabilities program to the department of education, was taken up for consideration.

SENATE FILE 2101 SUBSTITUTED FOR HOUSE FILE 2214

Staed of Linn asked and received unanimous consent to substitute Senate File 2101 for House File 2214.

Senate File 2101, a bill for an act transferring administration of the entrepreneurs with disabilities program to the department of education, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2101)

The ayes were, 97:

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

The nays were, 1:

Swaim

Absent or not voting, 2:

Dolecheck

Huser

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2310** and **Senate File 2101**.

HOUSE FILE 2214 WITHDRAWN

Staed of Linn asked and received unanimous consent to withdraw House File 2214 from further consideration by the House.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 26th day of February, 2008: House File 2233.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\1385 Marie Putzier, Guttenberg – For celebrating her 95th birthday.
- 2008\1386 Donald and Shirley Wagner, Farmersburg – For celebrating their 50th wedding anniversary.
- 2008\1387 Bob and Betty Anderberg, Hawarden – For celebrating their 60th wedding anniversary.
- 2008\1388 Henry and Marietta Mulder, Orange City – For celebrating their 60th wedding anniversary.
- 2008\1389 Henry and Henrietta De Jong, Orange City – For celebrating their 60th wedding anniversary.
- 2008\1390 Richard Weyen, Hawarden – For celebrating his 75th birthday.
- 2008\1391 Colleen Barwick, Akron – For celebrating her 80th birthday.
- 2008\1392 Nathaniel Tonner, Le Mars – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\1393 Brittany Bloomendahl-Westhoff, Strubble – For earning her Ranger Award from Venture Crew.
- 2008\1394 Joshua De Larm, Le Mars – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\1395 Dale and Reva McConeghey, Monroe – For celebrating their 60th wedding anniversary.
- 2008\1396 Darell and Hazel Muller, Harlan – For celebrating their 60th wedding anniversary.
- 2008\1397 Corey Daniel Towne, Atlantic – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\1398 Mary O'Banion, Mason City – For celebrating her 80th birthday.
- 2008\1399 Beulah Fairbanks, Mason City – For celebrating her 85th birthday.
- 2008\1400 Merritt and Irene Bower, Bridewater – For celebrating their 60th wedding anniversary.
- 2008\1401 Evelyn Queck, Fontanelle – For celebrating her 90th birthday.
- 2008\1402 Grace Nielsen Lowe, Greenfield – For celebrating her 92nd birthday.
- 2008\1403 Laura Garrett, Stuart – For celebrating her 95th birthday.
- 2008\1404 Maude Morrison, Panora – For celebrating her 99th birthday.
- 2008\1405 Ilene Phillips, Guthrie Center – For celebrating her 90th birthday.

- 2008\1406 Jerry and Arleen Hindman, Hubbard – For celebrating their 60th wedding anniversary.
- 2008\1407 Adabelle Foglesong, Guthrie Center – For celebrating her 85th birthday.
- 2008\1408 Paul and Grace Knapp, Shell Rock – For celebrating their 65th wedding anniversary.
- 2008\1409 Stan Dreier, Eldora – For celebrating his 90th birthday.
- 2008\1410 Jack Bartlett, Cedar Rapids – For celebrating his 91st birthday.
- 2008\1411 Burdette Jensen, Waterloo – For celebrating his 85th birthday.
- 2008\1412 William Blount, Independence – For celebrating his 90th birthday.
- 2008\1413 Cheryl Christiansen, Waterloo – For her 21 years of dedicated service with the Black Hawk Country Attorney’s Office.
- 2008\1414 William Carpenter, Sr., Washburn – For his 42 years of dedicated service with John Deere Waterloo Works.
- 2008\1415 Mary Jean and Jerry Bloes, Jesup – For receiving the 2008 St. Athanasius Catholic School Hall of Fame Award.
- 2008\1416 Marlys and Russ Fischels, Independence – For receiving the 2008 St. Athanasius Catholic School Hall of Fame Award.
- 2008\1417 Winegarden Hardware, Deep River – For celebrating 70 years in the hardware business, all of those years in Deep River.
- 2008\1418 Cleo Oxenreider, Lacona – For celebrating his 100th birthday.
- 2008\1419 Chuck and Joyce Swift, Clear Lake – For celebrating their 60th wedding anniversary.
- 2008\1420 Dale Rowe, Rockwell – For celebrating his 80th birthday.
- 2008\1421 Ruth Trampel, Klemme – For celebrating her 85th birthday.
- 2008\1422 Ralph Kramer, Sheffield – For celebrating his 92nd birthday.
- 2008\1423 Kenneth Harper, Dumont – For celebrating his 90th birthday.
- 2008\1424 Patricia “Pat” Hasel, Ventura – For celebrating her 80th birthday.
- 2008\1425 Dave Moyle, Ryan – For being the Top Craftsman in the 2008 Spec Mix Bricklayer 500 World’s Best Bricklaying Championship.
- 2008\1426 Kenneth and Lois Duncan, Manchester – For celebrating their 60th wedding anniversary.

- 2008\1427 Wayne and Louise Tauke, Greeley – For celebrating their 50th wedding anniversary.
- 2008\1428 Ben and Fern Heeren, Little Rock – For celebrating their 58th wedding anniversary.
- 2008\1429 Peter and Frances Boekhout, Little Rock – For celebrating their 65th wedding anniversary.
- 2008\1430 Bernie and Evelyn Bakker, Sioux Center – For celebrating their 60th wedding anniversary.
- 2008\1431 Druecilla Slager, Springville – For celebrating her 85th birthday.
- 2008\1432 Roland Henik, Mount Vernon – For celebrating his 75th birthday.
- 2008\1433 Shirley Elliff, Solon – For celebrating her 75th birthday.
- 2008\1434 Russell Hansen, Cedar Rapids – For celebrating his 75th birthday.
- 2008\1435 Marguerite Eckrich, Oxford – For celebrating her 90th birthday.
- 2008\1436 Elizabeth Vanderschaaf, Cedar Rapids – For celebrating her 85th birthday.
- 2008\1437 Dale Slager, Springville – For celebrating his 85th birthday.
- 2008\1438 Raymond Grabin, Oxford – For celebrating his 80th birthday.
- 2008\1439 Bernice Leidich, Solon – For celebrating her 80th birthday.
- 2008\1440 Harry Cole, Mount Vernon – For celebrating his 75th birthday.
- 2008\1441 Margaret Reilly, Mount Vernon – For celebrating her 80th birthday.
- 2008\1442 Noreen Cameron, Cedar Rapids – For celebrating her 90th birthday.
- 2008\1443 Patricia Rohret, Oxford – For celebrating her 75th birthday.
- 2008\1444 Kenneth Stock, Solon – For celebrating his 75th birthday.
- 2008\1445 John Wall, Iowa City – For celebrating his 75th birthday.
- 2008\1446 Patricia Kasper, Oxford – For celebrating her 75th birthday.
- 2008\1447 Judith Diers, Mount Vernon – For celebrating her 75th birthday.
- 2008\1448 Ann Royer, Cedar Rapids – For celebrating her 75th birthday.
- 2008\1449 Roy Olinger, Springville – For celebrating his 85th birthday.
- 2008\1450 Marvin Knapp, Central City – For celebrating his 85th birthday.

- 2008\1451 Ilene Ries, Iowa City – For celebrating her 85th birthday.
- 2008\1452 Lavonne Bova, Lisbon – For celebrating her 80th birthday.
- 2008\1453 Erma Lam, Springville – For celebrating her 80th birthday.
- 2008\1454 Thomas Leitch, Swisher – For celebrating his 80th birthday.
- 2008\1455 Mr. and Mrs. Max Norton, Mt. Union – For celebrating their 60th wedding anniversary.
- 2008\1456 Vera Huedepohl, Williamsburg – For celebrating her 90th birthday.
- 2008\1457 Phil and Sandy Schatzle, Coggon – For celebrating their 50th wedding anniversary.
- 2008\1458 Carolyn Jeffries, Russell – For celebrating her 80th birthday.
- 2008\1459 Jessie and Verland Larrington, Chariton – For celebrating their 65th wedding anniversary.
- 2008\1460 Avery Fuhs, Chariton – For winning the 275 lb. weight class in the Class 2-A Division of the 2008 State Wrestling Tournament.
- 2008\1461 Jake Demmon, Eddyville-Blakesburg High School – For winning the 119 lb. weight class in the Class 1-A Division of the 2008 State Wrestling Tournament.
- 2008\1462 Clara Bell “Sue” Hutchinson, Burlington – For celebrating her 90th birthday.
- 2008\1463 Rosemary Scarff, Burlington – For celebrating her 80th birthday.
- 2008\1464 Jake Lerdal, New London – For winning the 189 lb. weight class in the Class 1-A Division of the 2008 State Wrestling Tournament, and receiving 2nd place in the Class 1-A Team Division of the 2008 State Wrestling Tournament.
- 2008\1465 Jeret Chiri, New London – For winning the 152 lb weight class in the Class 1-A Division of the 2008 State Wrestling Tournament, and receiving 2nd place in the Class 1-A Team Division of the 2008 State Wrestling Tournament.
- 2008\1466 Seth Noble, Mt. Union – For winning the 135 lb weight class in the Class 2-A Division of the 2008 State Wrestling Tournament.
- 2008\1467 Mamie Haase, Burlington – For celebrating her 100th birthday.
- 2008\1468 Delma Hingst, West Burlington – For celebrating her 95th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2211

Local Government: Hoffman, Chair; Bukta, Clute, Gaskill and D. Taylor.

House File 2246

State Government: Lensing, Chair; Roberts and Whitead.

House File 2248

State Government: Wessel-Kroeschell, Chair; Kaufmann and Lensing.

House File 2271

Appropriations: Oldson, Chair; Hunter and Watts.

House File 2278

Appropriations: Foegen, Chair; Gayman and Heaton.

House File 2288

State Government: Lensing, Chair; Abdul-Samad and Roberts.

House File 2297

State Government: Lensing, Chair; Abdul-Samad and Greiner.

House File 2307

Appropriations: Oldson, Chair; Jacoby and Watts.

House File 2316

Appropriations: Cohoon, Chair; Huseman and Reichert.

House File 2343

Public Safety: Whitaker, Chair; Bell and Sands.

House File 2356

Natural Resources: T. Taylor, Chair; Davitt and Upmeyer.

House File 2358

Commerce: Bailey, Chair; Clute and Quirk.

House File 2369

Commerce: T. Olson, Chair; Oldson and Pettengill.

House File 2370

Human Resources: Hunter, Chair; Heaton and Mascher.

House File 2371

Appropriations: Winckler, Chair; Foege and Heaton.

House File 2373

Natural Resources: D. Taylor, Chair; Lykam and Rasmussen.

House File 2376

Appropriations: T. Taylor, Chair; Cohoon and Lukan.

House File 2377

Human Resources: Hunter, Chair; Forristall and Mascher.

House File 2378

Public Safety: Swaim, Chair; Baudler, Berry, Lukan and Lykam.

House File 2380

Human Resources: Smith, Chair; Ford and Upmeyer.

House File 2394

Appropriations: Oldson, Chair; Cohoon and Watts.

House File 2398

Commerce: Bailey, Chair; Clute and Quirk.

Senate File 487

State Government: Abdul-Samad, Chair; Lensing and Roberts.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 655**

State Government: Lensing, Chair; Jacobs and Mascher.

House Study Bill 689

State Government: Lensing, Chair; L. Miller and Whitead.

House Study Bill 709

State Government: Lensing, Chair; Abdul-Samad and Greiner.

House Study Bill 710

Transportation: D, Olson, Chair; Bukta and May.

House Study Bill 711

Human Resources: Hunter, Chair; Smith and Upmeyer.

House Study Bill 712

Human Resources: Smith, Chair; Hunter and L. Miller.

House Study Bill 713

State Government: Whitead, Chair; Jacoby and Raecker.

House Study Bill 714

Transportation: Tjepkes, Chair; Huser, Lykam and Roberts.

House Study Bill 716

Agriculture: Drake, Chair; Swaim and Zirkelbach.

House Study Bill 717

Labor: R. Olson, Chair; Horbach and Winckler.

House Study Bill 718

Labor: T. Taylor, Chair; Chambers and Jochum.

House Study Bill 719

State Government: Gaskill, Chair; Roberts and T. Taylor.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 715 Ways and Means

Requiring combined corporate tax returns for unitary businesses and including a retroactive applicability date provision.

H.S.B. 720 Commerce

Requiring certain health insurance contracts, policies, or plans to provide coverage for audiological services and hearing aids for children.

H.S.B. 721 Commerce

Relating to identity theft, including providing for the notification of a breach in the security of computerized data that includes personal information, establishing a business duty to safeguard personal information against a breach of security, and providing penalties.

H.S.B. 722 Commerce

Relating to the licensure of real estate brokers and salespersons.

H.S.B. 723 Commerce

Relating to required disclosures in real estate transactions.

H.S.B. 724 Agriculture

Providing monetary thresholds for actions by governing boards of drainage districts.

H.S.B. 725 Agriculture

Relating to the management of cooperative associations.

H.S.B. 726 Natural Resources

Relating to natural resources, by providing for the powers and duties of the natural resource commission, and the regulation of public lands and outdoor recreation, providing for penalties, and providing for fees.

H.S.B. 727 Human Resources

Requesting the legislative council to authorize a study committee for the 2008 interim to review Iowa's system of mental health patient advocates appointed by the courts.

H.S.B. 728 Human Resources

Relating to disease prevention and wellness including the Iowa healthy communities initiative and the governor's council on physical fitness and nutrition.

H.S.B. 729 Human Resources

Relating to dependent adult abuse in certain facilities and providing penalties.

H.S.B. 730 Human Resources

Relating to limitations of action in civil cases for sexual abuse or sexual exploitation by a counselor, therapist, or school employee, prohibiting sexually suggestive behavior directed at a child, and providing a penalty.

H.S.B. 731 Human Resources

Relating to reimbursement of providers of child welfare services.

H.S.B. 732 Human Resources

Relating to limitations of actions in civil cases for sex abuse.

H.S.B. 733 Economic Growth

Relating to economic development by creating a sustainable community development initiative.

H.S.B. 734 Environmental Protection

Relating to the control of beverage containers by expanding the types of beverage containers covered and increasing the reimbursement amount paid to dealers.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House Study Bill 557), relating to certain department of economic development programs including vision Iowa board membership, renewable fuels marketing, film project tax credits, the promotion of Iowa tourism experiences, the consolidation of reporting requirements, and the administration of targeted industries development.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 2008.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 2260), relating to the risk pool for county mental health, mental retardation, and developmental disabilities services by revising procedural and qualifying requirements.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2008.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 2093), providing an exemption for certain military personnel and veterans from a requirement to complete a hunter safety and ethics education course before obtaining a hunting license.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2008.

AMENDMENTS FILED

H—8044	H.F.	2359	Tymeson of Madison
H—8045	H.F.	2359	Alons of Sioux
H—8046	H.F.	2359	Raecker of Polk
H—8047	H.F.	2359	Tymeson of Madison

On motion by McCarthy of Polk the House adjourned at 9:42 a.m., until 9:00 a.m., Wednesday, February 27, 2008.

JOURNAL OF THE HOUSE

Forty-fifth Calendar Day - Thirty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 27, 2008

The House met pursuant to adjournment at 9:15 a.m., Speaker Murphy in the chair.

Prayer was offered by Floyd Harthun, former Mayor of Marshalltown. He was the guest of Representative Mark Smith of Marshall County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nick Braye an eighth grade student from Miller School in Marshalltown. He was the guest of Representative Mark Smith of Marshall County.

The Journal of Tuesday, February 26, 2008 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 26, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2002, a bill for an act waiving employer charges for unemployment claims stemming from temporary workers who have replaced active duty military employees.

Also: That the Senate has on February 27, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2125, a bill for an act concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service and including an effective date and retroactive applicability provision.

Also: That the Senate has on February 27, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2137, a bill for an act relating to the regulation of motor fuel, by providing standards for gasoline and for the advertisement of renewable fuel

Also: That the Senate has on February 26, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2154, a bill for an act relating to inclined or vertical wheelchair lifts regulated by the elevator safety board.

Also: That the Senate has on February 26, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2214, a bill for an act relating to modification of a child custody order during the time a parent is serving active duty.

Also: That the Senate has on February 26, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2216, a bill for an act concerning state and local measures for preparing a student for a career or for postsecondary education, including a statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2404, by Rasmussen, S. Olson, Heaton, Forristall, Huseman, Upmeyer, Struyk, Tjepkes, L. Miller, Worthan, Drake, Soderberg, Boal, Paulsen, Grassley, Deyoe, Schickel, Alons, Watts, Arnold, Dolecheck, Van Engelenhoven, Tymeson, Granzow, Raecker, Sands, Rants, Baudler, Roberts, Rayhons, Chambers, Anderson and Wiencek, a bill for an act relating to certain policies of accident and sickness insurance and providing an applicability date.

Read first time and referred to committee on **commerce**.

House File 2405, by Wiencek, Paulsen, Worthan, De Boef, Forristall, L. Miller, S. Olson, Huseman, Upmeyer, Struyk, Heaton, Tjepkes, Drake, Soderberg, Alons, Tymeson, Boal, Dolecheck, Granzow, Arnold, Grassley, Schickel, Watts, Rasmussen, Raecker, Baudler, Sands, Deyoe, Rants, Roberts, Rayhons, Chambers and Anderson, a bill for an act requiring health insurance coverage to be offered to certain bona fide associations.

Read first time and referred to committee on **commerce**.

House File 2406, by committee on transportation, a bill for an act relating to regulation of commercial motor vehicle operators by the state department of transportation and providing penalties.

Read first time and placed on the **calendar**.

House File 2407, by committee on transportation, a bill for an act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs.

Read first time and placed on the **calendar**.

House File 2408, by Whitaker, a bill for an act providing for the regulation of food derived from cloned agricultural animals and providing penalties.

Read first time and referred to committee on **agriculture**.

House File 2409, by Kuhn, Granzow, Boal and D. Olson, a bill for an act relating to the practice of healing arts by unlicensed persons and providing remedies.

Read first time and referred to committee on **human resources**.

House File 2410, by committee on state government, a bill for an act relating to alarm system installer or contractor certification and electrician licensure provisions, and providing an effective date.

Read first time and placed on the **calendar**.

House File 2411, by committee on state government, a bill for an act providing for changes in electrician licensure requirements for specified licensure classifications, and providing an effective date.

Read first time and placed on the **calendar**.

House File 2412, by committee on state government, a bill for an act relating to conflicts of interest, lobbying activities, and receipt of gifts by certain government officials and employees.

Read first time and placed on the **calendar**.

House File 2413, by committee on transportation, a bill for an act providing increased penalties for speeding violations committed by a motor vehicle operator in a road work zone.

Read first time and placed on the **calendar**.

House File 2414, by Grassley, Kaufmann, Tymeson and Mertz, a bill for an act relating to certain eminent domain authority exercised by the state and providing an effective date.

Read first time and referred to committee on **state government**.

House File 2415, by Tymeson, Kaufmann and Grassley, a bill for an act relating to eminent domain authority exercised for certain lake projects and including effective date and applicability date provisions.

Read first time and referred to committee on **state government**.

House File 2416, by Tymeson, Kaufmann and Grassley, a bill for an act relating to public use, public purpose, or public improvement for purposes of eminent domain and providing an effective date.

Read first time and referred to committee on **state government**.

House File 2417, by committee on ways and means, a bill for an act exempting certain federal tax rebates under the state individual income tax and including a retroactive applicability date provision.

Read first time and placed on the **ways and means calendar**.

House File 2418, by Swaim, a bill for an act relating to the use of restraints by the department of corrections on a pregnant inmate.

Read first time and referred to committee on **public safety**.

House File 2419, by Watts, Windschitl, D. Taylor, Heaton, Baudler, Tjepkes, Deyoe, Alons, Chambers, Drake, L. Miller, Boal, De Boef, Kaufmann, Soderberg and Worthan, a bill for an act requiring an arrested person to submit a DNA sample if the arrest is for a felony, and providing a contingent effective date.

Read first time and referred to committee on **public safety**.

House File 2420, by Hunter, a bill for an act providing for a worker shortage loan forgiveness program.

Read first time and referred to committee on **education**.

House File 2421, by L. Miller, Bailey, Winckler, Wessel-Kroeschell, Wenthe and May, a bill for an act providing for microenterprise business development by creating a statewide microenterprise financial intermediary, a microenterprise partnership program, and a grant program and making appropriations.

Read first time and referred to committee on **economic growth**.

House File 2422, by Paulsen, Struyk, Kaufmann, Baudler, Deyoe, Rayhons, Soderberg, Upmeyer, Tjepkes, Tymeson, Forristall, Watts, L. Miller, Greiner, Hoffman, Worthan, De Boef, Dolecheck, Sands, S. Olson, Roberts, Granzow, Jacobs, Windschitl, Grassley, Lukan, Rants, Alons, Boal, D. Taylor, Van Fossen, Pettengill, Van Engelenhoven, Tomenga, Quirk, T. Taylor, Dandekar, Kelley, Shomshor, Bukta, Bailey, Murphy, Gipp, Raecker, Drake, Foege, Huseman, R. Olson, Anderson, Chambers, Clute, Wise, Rasmussen, Schickel, Huser and Berry, a bill for an act revising the definition of alternative and renewable energy applicable to specified energy independence initiatives.

Read first time and referred to committee on **commerce**.

House File 2423, by committee on human resources, a bill for an act relating to the risk pool for county mental health, mental retardation, and developmental disabilities services by revising procedural and qualifying requirements.

Read first time and placed on the **calendar**.

SENATE MESSAGES CONSIDERED

Senate File 2089, by committee on local government, a bill for an act relating to applications for absentee ballots.

Read first time and referred to committee on **state government**.

Senate File 2108, by Black, a bill for an act relating to the designation of a Gift to Iowa's Future Recognition Day.

Read first time and referred to committee on **natural resources**.

Senate File 2177, by committee on human resources, a bill for an act relating to health-related activities and regulation by the department of public health.

Read first time and referred to committee on **human resources**.

Senate File 2203, by committee on agriculture, a bill for an act relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators.

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

CONSIDERATION OF BILLS Regular Calendar

Senate File 249, a bill for an act relating to the conference of eligibility on and condition of eligibility for individuals for certain programs under the purview of the department of human services, with report of committee recommending amendment and passage, was taken up for consideration.

Heddens of Story offered the following amendment H-8002 filed by the committee on human resources and moved its adoption:

H-8002

1 Amend Senate File 249, as passed by the Senate, as
2 follows:

3 1. Page 1, line 1, by inserting after the word
4 "Code" the following: "Supplement".

5 2. Page 2, by inserting after line 22, the
6 following:

7 "c. An assignment under this subsection is in
8 addition to an assignment of medical support payments
9 under any other law, including section 252E.11."

10 3. By striking page 5, line 3, through page 6,
11 line 14, and inserting the following:

12 "Sec.____. Section 249J.8, subsection 1, Code
13 Supplement 2007, is amended to read as follows:

14 1. Each expansion population member whose family

15 income exceeds one hundred percent of the federal
16 poverty level as defined by the most recently revised
17 poverty income guidelines published by the United
18 States department of health and human services shall
19 pay a monthly premium not to exceed one-twelfth of
20 five percent of the member's annual family income.
21 Each expansion population member whose family income
22 is equal to or less than one hundred percent of the
23 federal poverty level as defined by the most recently
24 revised poverty income guidelines published by the
25 United States department of health and human services
26 shall not be subject to payment of a monthly premium.
27 All premiums shall be paid on the last day of the
28 month of coverage. The department shall deduct the
29 amount of any monthly premiums paid by an expansion
30 population member for benefits under the healthy and
31 well kids in Iowa program when computing the amount of
32 monthly premiums owed under this subsection. An
33 expansion population member shall pay the monthly
34 premium during the entire period of the member's
35 enrollment. Regardless of the length of enrollment,
36 the member is subject to payment of the premium for a
37 minimum of four consecutive months. However, an
38 expansion population member who complies with the
39 requirement of payment of the premium for a minimum of
40 four consecutive months during a consecutive
41 twelve-month period of enrollment shall be deemed to
42 have complied with this requirement for the subsequent
43 consecutive twelve-month period of enrollment and
44 shall only be subject to payment of the monthly
45 premium on a month-by-month basis. Timely payment of
46 premiums, including any arrearages accrued from prior
47 enrollment, is a condition of receiving any expansion
48 population services. The payment to and acceptance by
49 an automated case management system or the department
50 of the premium required under this subsection shall

Page 2

1 not automatically confer initial or continuing program
2 eligibility on an individual. A premium paid to and
3 accepted by the department's premium payment process
4 that is subsequently determined to be untimely or to
5 have been paid on behalf of an individual ineligible
6 for the program shall be refunded to the remitter in
7 accordance with rules adopted by the department.
8 Premiums collected under this subsection shall be
9 deposited in the premiums subaccount of the account
10 for health care transformation created pursuant to
11 section 249J.23. An expansion population member shall
12 also pay the same copayments required of other adult

13 recipients of medical assistance."

14 4. By renumbering as necessary.

The committee amendment H-8002 was adopted.

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

On the question "Shall the bill pass?" (S.F. 249)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Olson, R.

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

House File 2309, a bill for an act relating to child support recovery including assignment of support to the state relative to receipt of family investment program benefits, garnishment of money held by the state for a person who owes delinquent child support, the reporting of delinquent child support obligors to consumer reporting agencies, access to cellular telephone numbers for the purpose of the computer match program by the child support recovery unit, collection of support from certain obligors, the information included in a notice regarding the administrative levy of an account, and medical support of a child, and providing effective and retroactive applicability dates, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2309)

The ayes were, 97:

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

The nays were, 3:

Huser Mertz Struyk

Absent or not voting, none.

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2309** and **Senate File 249**.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\1469 Roscoe Pettengill, Rock Rapids – For celebrating his 90th birthday.
- 2008\1470 Bill Corry, Birmingham – For celebrating 50 years as a fireman with the Birmingham Fire Department.
- 2008\1471 Mark Robertson, Bloomfield – For receiving the Good Neighbor Award from Southern Iowa Electric Cooperative.
- 2008\1472 Ralph and Evelyn Rubey, Stockport – For celebrating their 50th wedding anniversary.
- 2008\1473 Colton Wagner, Belle Plaine – For receiving 2nd place in the 103 lb. weight class in the Class 2-A Division of the 2008 State Wrestling Tournament.
- 2008\1474 Christopher Halblom, Center Point – For receiving 2nd place in the 103 lb. weight class in the Class 2-A Division of the 2008 State Wrestling Tournament.
- 2008\1475 Edward Kaczinski, Clinton – For celebrating his 100th birthday.
- 2008\1476 Benjamin Dayman, Pleasant Valley – For being named a National Merit Scholarship Semifinalist.

- 2008\1477 Jeffrey Ryder, LeClaire – For being named a National Merit Scholarship Semifinalist.
- 2008\1478 Kaitlin White, Bettendorf – For being named a National Merit Scholarship Semifinalist.
- 2008\1479 Elizabeth Flesch, Bettendorf – For being named a National Merit Scholarship Semifinalist.
- 2008\1480 Bernice Herrick, Stuart – For celebrating her 80th birthday.
- 2008\1481 Mary Williams, Burlington – For celebrating her 90th birthday.
- 2008\1482 Cody Manley, Oakville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\1483 Ruth Hingst, Burlington – For celebrating her 95th birthday.
- 2008\1484 Grace Ennenga, Grundy Center – For celebrating her 80th birthday.
- 2008\1485 Bill Hein, Dysart – For celebrating his 98th birthday.
- 2008\1486 Lawrence Bartels, Schleswig – For celebrating his 90th birthday.
- 2008\1487 John Poggensee, Denison – For celebrating his 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2300 Reassigned (Committee of the Whole)

Judiciary: R. Olson, Chair; Anderson, Baudler, Boal, Heaton, Horbach, Huser, Jacobs, Lensing, Mertz, Oldson, Palmer, Paulson, Schueller, Smith, Struyk, Swaim, Tomenga, Wendt, Wessel-Kroeschell and Winckler.

House File 2311

Judiciary: R. Olson, Chair; Struyk and Winckler.

House File 2322

Judiciary: Huser, Chair; Tomenga and Winckler.

House File 2323

Judiciary: Schueller, Chair; Boal and Wendt.

House File 2333 Reassigned

Education: Winckler, Chair; Chambers and Mascher.

House File 2335

Judiciary: R. Olson, Chair; Baudler and Palmer.

House File 2341

Education: Cohoon, Chair; Foege and May.

House File 2345

Local Government: Kressig, Chair; Deyoe and Schueller.

House File 2353

Judiciary: Winckler, Chair; Lensing and Tomenga.

House File 2361

Environmental Protection: Jochum, Chair; De Boef and Lensing.

House File 2362

Environmental Protection: Frevert, Chair; Drake, Greiner, Kuhn, H. Miller, D. Olson and S. Olson.

House File 2368

Judiciary: Palmer, Chair; Heaton and Schueller.

House File 2386

Human Resources: Petersen, Chair; Mascher and Roberts.

House File 2387

Local Government: Huser, Chair; Deyoe and Lykam.

House File 2389

Human Resources: Petersen, Chair; Mascher and Roberts.

House File 2399

Education: Winckler, Chair; Kelley and Wiencek.

House File 2418

Public Safety: Gayman, Chair; Alons and Swaim.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 697

Environmental Protection: Jochum, Chair; H. Miller and Sands.

House Study Bill 720

Commerce: T. Olson, Chair; Clute, Kressig, Petersen and Upmeyer.

House Study Bill 721

Commerce: Kelley, Chair; Jacobs and Jacoby.

House Study Bill 722

Commerce: Kressig, Chair; Lukan and D. Taylor.

House Study Bill 723

Commerce: Kressig, Chair; Lukan and D. Taylor.

House Study Bill 724

Agriculture: Mertz, Chair; Kuhn and Rayhons.

House Study Bill 725

Agriculture: Drake, Chair; Frevert, Mertz, Wenthe and Worthan.

House Study Bill 727

Human Resources: Smith, Chair; Foegen and Granzow.

House Study Bill 728

Human Resources: Wessel-Kroeschell, Chair; Ford and Forristall.

House Study Bill 729

Human Resources: Hunter, Chair; Mascher and Upmeyer.

House Study Bill 730

Human Resources: Smith, Chair; Roberts and Wessel-Kroeschell.

House Study Bill 731

Human Resources: Petersen, Chair; Grassley and Mascher.

House Study Bill 732

Human Resources: Smith, Chair; Roberts and Wessel-Kroeschell.

House Study Bill 733

Economic Growth: Wenthe, Chair; Bailey and May.

House Study Bill 734

Environmental Protection: Wessel-Kroeschell, Chair; Alons, Deyoe, Lensing and R. Olson.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 735 Judiciary**

Relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions.

COMMITTEE RECOMMENDATIONS

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

Committee Bill (Formerly LSB 6425YC), relating to an annual budget for the daily operations of the House of Representatives.

Fiscal Note not required.

Recommended **Do Pass** February 27, 2008.

COMMITTEE ON COMMERCE

Committee Bill (Formerly House File 2121), authorizing appeal of denials of dental insurance coverage based on medical necessity.

Fiscal Note not required.

Recommended **Do Pass** February 26, 2008.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 651), relating to the disposal of solid waste by changing permitting requirements and updating and clarifying existing provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 2008.

Committee Bill (Formerly House Study Bill 690), relating to the compliance advisory panel, including the appointment of its members and its powers and duties.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2008.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 538), relating to case permanency plans, consent decrees, and attendance at proceedings in juvenile court.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2008.

Committee Bill (Formerly House Study Bill 629), relating to health-related activities and regulation by the department of public health.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 2008.

Committee Bill (Formerly House Study Bill 630), providing for implementation of an emergency mental health crisis services system.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 2008.

Committee Bill (Formerly House Study Bill 639), relating to child care and family support subsidy services regulated or administered by the department of human services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 2008.

COMMITTEE ON JUDICIARY

Senate File 445, a bill for an act increasing punitive damages that may be awarded for wrongful retention of certain rental deposits.

Fiscal Note not required.

Recommended **Amend and Do Pass with Amendment H-8050** February 26, 2008.

Committee Bill (Formerly House File 2227), relating to the preparation of a correctional impact statement and the impact of certain legislation on racial and ethnic minorities.

Fiscal Note not required.

Recommended **Amend and Do Pass** February 26, 2008.

COMMITTEE ON LABOR

Committee Bill (Formerly House File 861), concerning disclosures of information by health care workers and providing penalties.

Fiscal Note not required.

Recommended **Amend and Do Pass** February 26, 2008.

Committee Bill (Formerly House Study Bill 598), relating to the boiler and pressure vessel safety and elevator safety revolving funds under the control of the labor commissioner.

Fiscal Note not required.

Recommended **Do Pass** February 26, 2008.

Committee Bill (Formerly House Study Bill 603), relating to circumstances for employees' right of recourse when an employer is late paying wages.

Fiscal Note not required.

Recommended **Amend and Do Pass** February 26, 2008.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 647), relating to rules for the discharge of wastewater from water well drilling sites.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 2008.

COMMITTEE ON PUBLIC SAFETY

Senate File 2036, a bill for an act relating to the division of criminal and juvenile justice planning of the department of human rights by making changes to the membership of the council, permitting access to the records of the department of workforce development, and modifying the sex offender treatment and supervision task force.

Fiscal Note not required.

Recommended **Do Pass** February 26, 2008.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House File 757), relating to the publication of certain false statements of fact concerning candidates and providing remedies.

Fiscal Note not required.

Recommended **Amend and Do Pass** February 26, 2008.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 2078), relating to vehicle titles and registration plates for specialty vehicles, and providing a penalty.

Fiscal Note not required.

Recommended **Amend and Do Pass** February 26, 2008.

AMENDMENTS FILED

H—8048	S.F.	2123	Shomshor of Pottawattamie
H—8049	H.F.	2417	Smith of Marshall
H—8050	S.F.	445	Committee on Judiciary
H—8051	H.F.	2417	Rants of Woodbury
H—8052	H.F.	2417	Van Fossen of Scott
H—8053	H.F.	2359	Tymeson of Madison

On motion by McCarthy of Polk the House adjourned at 9:50 a.m., until 9:00 a.m., Thursday, February 28, 2008.

JOURNAL OF THE HOUSE

Forty-sixth Calendar Day - Thirty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 28, 2008

The House met pursuant to adjournment at 9:04 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Lori Wunder, pastor of the First Presbyterian Church, Cedar Rapids. She was the guest of Representative Tyler Olson of Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Pierre Turner, legislative secretary for Representative Wayne Ford of Polk County.

The Journal of Wednesday, February 27, 2008 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 27, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2212, a bill for an act creating a smokefree air Act and providing penalties.

Also: That the Senate has on February 27, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2156, a bill for an act relating to regulation of commercial motor vehicle operators by the state department of transportation and providing penalties.

Also: That the Senate has on February 27, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2217, a bill for an act relating to providing legal representation to an eligible indigent person and the appointment of a guardian ad litem.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2424, by Kressig, a bill for an act providing for county grants from the revitalize Iowa's sound economy (RISE) fund for secondary road repair projects prior to statewide touring events.

Read first time and referred to committee on **transportation**.

House File 2425, by Chambers, a bill for an act relating to postsecondary scholarship and tuition grant assistance.

Read first time and referred to committee on **education**.

House File 2426, by H. Miller, Berry, Gaskill, Bukta and Mascher, a bill for an act providing for the detection and prevention of certain hospital-associated bloodstream infections.

Read first time and referred to committee on **human resources**.

House File 2427, by Lukan, a bill for an act prohibiting the sale of oocytes for pecuniary gain to be used for the purposes of research or human reproductive cloning and making a penalty applicable.

Read first time and referred to committee on **human resources**.

House File 2428, by Lensing and Wessel-Kroeschell, a bill for an act specifying green building construction standards applicable to public and school building construction.

Read first time and referred to committee on **environmental protection**.

House File 2429, by Windschitl, a bill for an act relating to the issuance of weapons permits by a county sheriff or the commissioner of public safety.

Read first time and referred to committee on **public safety**.

House File 2430, by Kressig, a bill for an act relating to the authority of a public agency to spend property tax revenues under a contract or agreement with another public or private agency.

Read first time and referred to committee on **state government**.

House File 2431, by Struyk and Kaufmann, a bill for an act providing appropriations to support the farm-to-school program.

Read first time and referred to committee on **appropriations**.

House File 2432, by Struyk, a bill for an act establishing a rural community dentist loan repayment program and fund.

Read first time and referred to committee on **education**.

House File 2433, by D. Olson, a bill for an act providing for the biennial election of directors of school districts, merged areas, and area education agencies, and including effective date and transition provisions.

Read first time and referred to committee on **education**.

House File 2434, by Kressig, a bill for an act to allow a real property owner to petition for severance from a city if the owner's real property has not received municipal services for a period of at least ten years.

Read first time and referred to committee on **local government**.

House File 2435, by committee on judiciary, a bill for an act relating to deferred judgment records in a criminal proceeding.

Read first time and placed on the **calendar**.

House File 2436, by committee on judiciary, a bill for an act relating to the preparation of a correctional impact statement and the impact of certain legislation on minorities.

Read first time and placed on the **calendar**.

House File 2437, by committee on labor, a bill for an act relating to the boiler and pressure vessel safety and elevator safety revolving funds under the control of the labor commissioner.

Read first time and placed on the **calendar**.

House File 2438, by Kuhn, a bill for an act relating to agricultural seeds that have been genetically modified, by providing for costs associated with making the genetic modifications and making a penalty applicable.

Read first time and referred to committee on **agriculture**.

House File 2439, by Van Fossen, a bill for an act relating to the establishment of a searchable budget database web site for the public to access the details of the expenditure of state tax revenues.

Read first time and referred to committee on **state government**.

House File 2440, by committee on natural resources, a bill for an act providing an exemption for certain military personnel and veterans from a requirement to complete a hunter safety and ethics education course before obtaining a hunting license.

Read first time and placed on the **calendar**.

House File 2441, by D. Olson, a bill for an act providing for the development of a plan for utilization of unused Iowa communications network fiber by businesses establishing satellite offices.

Read first time and referred to committee on **state government**.

House File 2442, by Petersen, a bill for an act relating to early childhood programs by creating an early childhood Iowa advisory council.

Read first time and referred to committee on **human resources**.

House File 2443, by Hoffman, May, Van Engelenhoven, Rasmussen, L. Miller, Worthan, Watts, Granzow, Tymeson, Arnold, Forristall, Heaton, Tjepkes, Struyk, Upmeyer, Pettengill, Wienczek, Soderberg, Rayhons, Drake, Jacobs, Schickel, Clute, Lukan and Raecker, a bill for an act prohibiting state agencies from engaging in political advertising.

Read first time and referred to committee on **state government**.

House File 2444, by Whitead, Wendt, Thomas and Hoffman, a bill for an act relating to targeted jobs withholding credit agreements for certain pilot project cities located in border counties.

Read first time and referred to committee on **ways and means**.

SENATE MESSAGES CONSIDERED

Senate File 2002, by Beall, a bill for an act waiving employer charges for unemployment claims stemming from temporary workers who have replaced active duty military employees.

Read first time and referred to committee on **labor**.

Senate File 2125, by committee on veterans affairs, a bill for an act concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service and including an effective date and retroactive applicability provision.

Read first time and referred to committee on **veterans affairs**.

Senate File 2137, by committee on agriculture, a bill for an act relating to the regulation of motor fuel, by providing standards for gasoline and for the advertisement of renewable fuel.

Read first time and referred to committee on **agriculture**.

Senate File 2154, by committee on labor and business relations, a bill for an act relating to inclined or vertical wheelchair lifts regulated by the elevator safety board.

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

Senate File 2216, by committee on education, a bill for an act concerning state and local measures for preparing a student for a career or for postsecondary education, including a statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system.

Read first time and referred to committee on **education**.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Murphy invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Eighty-second General Assembly were presented to the following Pages by Speaker Murphy, Majority Leader McCarthy of Polk and Minority Leader Rants of Woodbury:

Jennifer Fisher

Nicole Lenius

The House stood at ease at 9:16 a.m., until the fall of the gavel.

The House resumed session at 9:46 a.m., Speaker Murphy in the chair.

RULES SUSPENDED

McCarthy of Polk asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2417.

CONSIDERATION OF BILLS Ways and Means Calendar

House File 2417, a bill for an act exempting certain federal tax rebates under the state individual income tax and including a retroactive applicability date provision, was taken up for consideration.

Rants of Woodbury asked and received unanimous consent to withdraw amendment H-8051 filed by him on February 27, 2008.

Van Fossen of Scott offered amendment H-8052 filed by him as follows:

H-8052

- 1 Amend House File 2417 as follows:
- 2 1. Page 1, by inserting before line 1 the

3 following:

4 "Section 1. Section 422.7, subsection 31, Code
5 Supplement 2007, is amended to read as follows:
6 31. a. For a person who is disabled, or is
7 fifty-five years of age or older, or is the surviving
8 spouse of an individual or a survivor having an
9 insurable interest in an individual who would have
10 qualified for the exemption under this subsection for
11 the tax year, subtract, to the extent included, the
12 total amount of a governmental or other pension or
13 retirement pay, including, but not limited to, defined
14 benefit or defined contribution plans, annuities,
15 individual retirement accounts, plans maintained or
16 contributed to by an employer, or maintained or
17 contributed to by a self-employed person as an
18 employer, and deferred compensation plans or any
19 earnings attributable to the deferred compensation
20 plans, up to a maximum of six thousand dollars for a
21 person, other than a husband or wife, who files a
22 separate state income tax return and up to a maximum
23 of twelve thousand dollars for a husband and wife who
24 file a joint state income tax return. However, a
25 surviving spouse who is not disabled or fifty-five
26 years of age or older can only exclude the amount of
27 pension or retirement pay received as a result of the
28 death of the other spouse. A husband and wife filing
29 separate state income tax returns or separately on a
30 combined state return are allowed a combined maximum
31 exclusion under this subsection of up to twelve
32 thousand dollars. The twelve thousand dollar
33 exclusion shall be allocated to the husband or wife in
34 the proportion that each spouse's respective pension
35 and retirement pay received bears to total combined
36 pension and retirement pay received.

37 b. (1) For tax years beginning in the 2009
38 calendar year, subtract, to the extent included,
39 twenty percent of taxable pension benefits remaining
40 after the subtraction in paragraph "a".

41 (2) For tax years beginning in the 2010 calendar
42 year, subtract, to the extent included, forty percent
43 of taxable pension benefits remaining after the
44 subtraction in paragraph "a".

45 (3) For tax years beginning in the 2011 calendar
46 year, subtract, to the extent included, sixty percent
47 of taxable pension benefits remaining after the
48 subtraction in paragraph "a".

49 (4) For tax years beginning in the 2012 calendar
50 year, subtract, to the extent included, eighty percent

Page 2

1 of taxable pension benefits remaining after the

- 2 subtraction in paragraph "a".
 3 (5) For tax years beginning on or after January 1,
 4 2013, subtract, to the extent included, all taxable
 5 pension benefits remaining after the subtraction in
 6 paragraph "a".
 7 2. Title page, line 1, by inserting after the
 8 word "certain" the following: "pension benefits and".

Shomshor of Pottawattamie rose on a point of order that amendment H-8052 was not germane.

The Speaker ruled the point well taken and amendment H-8052 not germane.

Van Fossen of Scott asked for unanimous consent to suspend the rules to consider amendment H-8052.

Objection was raised.

Van Fossen of Scott moved to suspend the rules to consider amendment H-8052.

Roll call was requested by Van Fossen of Scott and Paulsen of Linn.

On the question "Shall the rules be suspended to consider amendment H-8052?" (H.F. 2417)

The ayes were, 46:

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

The nays were, 54:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt

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

Absent or not voting, none.

The motion to suspend the rules lost.

Smith of Marshall offered the following amendment H-8049 filed by him and moved its adoption:

H-8049

1 Amend House File 2417 as follows:
 2 1. Page 1, by inserting before line 12 the
 3 following:
 4 "Sec. _____. VETERAN'S ELIGIBILITY. Notwithstanding
 5 any provision of or administrative rule adopted
 6 pursuant to chapter 35D, income tax rebates provided
 7 pursuant to the federal Recovery Rebates and Economic
 8 Stimulus for the American People Act of 2008, Pub. L.
 9 No. 110-185, shall not be considered for purposes of
 10 determining eligibility for admission to the Iowa
 11 veterans home and shall not be considered for
 12 determining whether a resident of the Iowa veterans
 13 home should contribute to the resident's own support."
 14 2. By renumbering as necessary.

Amendment H-8049 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2417)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

Senate File 2123, a bill for an act updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Rants of Woodbury offered the following amendment H-8039 filed by him and moved its adoption:

H-8039

- 1 Amend Senate File 2123, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 5, by striking the word and

4 figures "January 1, 2007" and inserting the following:
 5 "~~January 1, 2007~~ February 14".
 6 2. Page 1, line 10, by striking the word and
 7 figures "January 1, 2007" and inserting the following:
 8 "~~January 1, 2007~~ February 14".
 9 3. Page 1, line 18, by striking the word and
 10 figures "January 1, 2007" and inserting the following:
 11 "~~January 1, 2007~~ February 14".
 12 4. Page 1, line 22, by striking the word and
 13 figures "January 1, 2007" and inserting the following:
 14 "~~January 1, 2007~~ February 14".
 15 5. Page 1, line 29, by striking the word and
 16 figures "January 1, 2007" and inserting the following:
 17 "~~January 1, 2007~~ February 14".
 18 6. Page 1, line 34, by striking the word and
 19 figures "January 1, 2007" and inserting the following:
 20 "~~January 1, 2007~~ February 14".

Roll call was requested by Rants of Woodbury and Van Fossen of Scott.

On the question "Shall amendment H-8039 be adopted?" (S.F. 2123)

The ayes were, 47:

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

The nays were, 53:

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

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

Absent or not voting, none.

Amendment H-8039 lost.

Shomshor of Pottawattamie asked and received unanimous consent that amendment H-8048 be deferred.

Rants of Woodbury offered amendment H-8043 filed by him as follows:

H-8043

1 Amend Senate File 2123, as passed by the Senate, as
2 follows:

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

5 "Sec.____. Section 423.3, section 93, if enacted
6 by 2008 Iowa Acts, House File 2233, subsection 1, is
7 amended to read as follows:

8 93. a. (1) The sales price from the sale or
9 rental of computers and equipment that are necessary
10 for the maintenance and operation of a web search
11 portal business or data center and property whether
12 directly or indirectly connected to the computers,
13 including but not limited to cooling systems, cooling
14 towers, and other temperature control infrastructure;
15 power infrastructure for transformation, distribution,
16 or management of electricity used for the maintenance
17 and operation of the web search portal business or
18 data center, including but not limited to exterior
19 dedicated business-owned substations, back-up power
20 generation systems, battery systems, and related
21 infrastructure; and racking systems, cabling, and
22 trays, which are necessary for the maintenance and
23 operation of the web search portal business or data
24 center.

25 (2) The sales price of back-up power generation
26 fuel, that is purchased by a web search portal
27 business or data center for use in the items listed in
28 subparagraph (1).

29 (3) The sales price of electricity purchased for
30 use by a web search portal business or data center.
31 b. For the purpose of claiming this exemption, all

32 of the following requirements shall be met:

33 (1) The purchaser or renter shall be a web search
34 portal business or data center.

35 (2) The web search portal business or data center
36 shall have a physical location in the state that is
37 used for the operations and maintenance of the web
38 search portal business or data center.

39 (3) (a) The web search portal business shall make
40 a minimum investment in an Iowa physical location of
41 two hundred million dollars within the first six years
42 of operation in Iowa beginning with the date the web
43 search portal business initiates site preparation
44 activities. The minimum investment includes the
45 initial investment, including land and subsequent
46 acquisition of additional adjacent land and subsequent
47 investment at the Iowa location.

48 (b) The data center shall make a minimum
49 investment in an Iowa physical location of one million
50 dollars within the first six years of operation in

Page 2

1 Iowa beginning with the date the data center initiates
2 site preparation activities. The minimum investment
3 includes the initial investment, including land and
4 subsequent acquisition of additional adjacent land and
5 subsequent investment at the Iowa location.

6 (4) The web search portal business or data center
7 shall purchase, option, or lease Iowa land not later
8 than December 31, 2008, for any initial investment.
9 However, the December 31, 2008, date shall not affect
10 the future purchases of adjacent land and additional
11 investment in the initial or adjacent land to qualify
12 as part of the minimum investment for purposes of this
13 exemption.

14 c. This exemption applies from the date of the
15 initial investment in or the initiation of site
16 preparation activities for the web search portal
17 facility or data center as described in paragraph "b".
18 For purposes of claiming this exemption, the
19 requirements may be met by aggregating the various
20 Iowa investments and other requirements of the web
21 search portal business's affiliates or data center's
22 affiliates. This exemption applies to affiliates of
23 the web search portal business or data center.

24 d. Failure to meet eighty percent of the minimum
25 investment amount requirement specified in paragraph
26 "b" within the first six years of operation from the
27 date the web search portal business or data center
28 initiates site preparation activities will result in
29 the web search portal business or data center losing
30 the right to claim this ~~web search portal business~~

31 exemption and the web search portal business or data
 32 center shall pay all sales or use tax that would have
 33 been due on the purchase or rental or use of the items
 34 listed in this exemption, plus any applicable penalty
 35 and interest imposed by statute.

36 e. For purposes of this subsection:

37 (1) "Affiliate" means an entity that directly or
 38 indirectly controls, is controlled with or by, or is
 39 under common control with another entity.

40 (2) "Control" means any of the following:

41 (a) In the case of a United States corporation,
 42 the ownership, directly or indirectly, of fifty
 43 percent or more of the voting power to elect
 44 directors.

45 (b) In the case of a foreign corporation, if the
 46 voting power to elect the directors is less than fifty
 47 percent, the maximum amount allowed by applicable law.

48 (c) In the case of an entity other than a
 49 corporation, fifty percent or more ownership interest
 50 in the entity, or the power to direct the management

Page 3

1 of the entity.

2 (3) "Data center" means a facility, or portion of
 3 a facility, that is predominately used for the housing
 4 and operation of computer data processing hardware and
 5 associated equipment directly in support thereof.

6 ~~(4)~~ (4) "Web search portal business" means an
 7 entity whose business among other businesses is to
 8 provide a search portal to organize information; to
 9 access, search, and navigate the internet, including
 10 research and development to support capabilities to
 11 organize information; or to provide internet access,
 12 navigation, or search functionalities.

13 Sec.____. Section 427.1, subsection 36, if enacted
 14 by 2008 Iowa Acts, House File 2233, section 2, is
 15 amended to read as follows:

16 36. WEB SEARCH AND DATA CENTER PROPERTY.

17 a. Property, other than land and buildings and
 18 other improvements, that is utilized by a web search
 19 portal business or data center as defined in and
 20 meeting the requirements of section 423.3, subsection
 21 93, including computers and equipment that are
 22 necessary for the maintenance and operation of a web
 23 search portal business or data center and other
 24 property whether directly or indirectly connected to
 25 the computers, including but not limited to cooling
 26 systems, cooling towers, and other temperature control
 27 infrastructure; power infrastructure for
 28 transformation, distribution, or management of
 29 electricity, including but not limited to exterior

30 dedicated business-owned substations, and power
 31 distribution systems which are not subject to
 32 assessment under chapter 437A; racking systems,
 33 cabling, and trays; and back-up power generation
 34 systems, battery systems, and related infrastructure
 35 all of which are necessary for the maintenance and
 36 operation of the web search portal business or data
 37 center.

38 b. This ~~web search portal business~~ exemption
 39 applies beginning with the assessment year the
 40 investment in or construction of the facility
 41 utilizing the materials, equipment, and systems set
 42 forth in paragraph "a" are first assessed. For
 43 purposes of claiming this ~~web search portal business~~
 44 exemption, the requirements may be met by aggregating
 45 the various Iowa investments and other requirements of
 46 the web search portal business's affiliates or data
 47 center's affiliates as allowed under section 423.3,
 48 subsection 93. This exemption applies to affiliates
 49 of the web search portal business or data center."
 50 2. Page 2, line 2, by striking the word "This"

Page 4

1 and inserting the following: "Except for the sections
 2 amending sections 423.3 and 427.1, this".
 3 3. Title page, line 1, by inserting after the
 4 words "Revenue Code" the following: "and providing
 5 sales, use, and property tax exemptions for certain
 6 data centers,".
 7 4. By renumbering as necessary.

Shomshor of Pottawattamie rose on a point of order that amendment H-8043 was not germane.

The Speaker ruled the point well taken and amendment H-8043 not germane.

Rants of Woodbury moved to suspend the rules to consider amendment H-8043.

Roll call was requested by Rants of Woodbury and Roberts of Carroll.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-8043?" (S.F. 2123)

The ayes were, 48:

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

The nays were, 52:

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

Absent or not voting, none.

The motion to suspend the rules lost.

Shomshor of Pottawattamie offered the following amendment H-8048, previously deferred, filed by him and moved its adoption:

H-8048

1 Amend Senate File 2123, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 18 the
 4 following:
 5 "Sec. _____. Section 422.7, Code Supplement 2007, is
 6 amended by adding the following new subsection:
 7 NEW SUBSECTION. 53. A taxpayer is allowed to take
 8 the increased expensing allowance under section 179 of
 9 the Internal Revenue Code, as amended by Pub. L. No.
 10 110-185, in computing state tax purposes."

11 2. Page 1, by inserting after line 35 the
 12 following:
 13 "Sec. _____. Section 422.35, Code Supplement 2007,
 14 is amended by adding the following new subsection:
 15 NEW SUBSECTION. 24. A taxpayer is allowed to take
 16 the increased expensing allowance under section 179 of
 17 the Internal Revenue Code, as amended by Pub. L. No.
 18 110-185, in computing state tax purposes."
 19 3. Page 2, line 2, by striking the word "This"
 20 and inserting the following:
 21 "1. Except as provided in subsection 2, this".
 22 4. Page 2, by inserting after line 4 the
 23 following:
 24 "2. The sections of this Act amending sections
 25 422.7 and 422.35, being deemed of immediate
 26 importance, take effect upon enactment and apply
 27 retroactively to January 1, 2008, for tax years
 28 beginning on or after that date."

Amendment H-8048 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2123)

The ayes were, 100:

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

Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, none.

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2417** and **Senate File 2123**.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

2008\1488 Carl Duff, Ottumwa – For celebrating his 75th birthday.

2008\1489 Bobbie Simmons, Ottumwa – For celebrating his 75th birthday.

2008\1490 Clara Ancell, Ottumwa – For celebrating her 80th birthday.

2008\1491 Doris White, Ottumwa – For celebrating her 75th birthday.

2008\1492 Curtis Sines, Ottumwa – For celebrating his 75th birthday.

2008\1493 Joan Jones, Ottumwa – For celebrating her 80th birthday.

2008\1494 Goldie Applegate, Ottumwa – For celebrating her 80th birthday.

2008\1495 Clova Traxler, Ottumwa – For celebrating his 85th birthday.

2008\1496 Maryellen Lunkley, Agency – For celebrating her 80th birthday.

2008\1497 Kenneth Hamm, Ottumwa – For celebrating his 80th birthday.

2008\1498 Barbara McElroy, Ottumwa – For celebrating her 75th birthday.

- 2008\1499 Betty Gilbert, Ottumwa – For celebrating her 80th birthday.
- 2008\1500 James Emry, Ottumwa – For celebrating his 80th birthday.
- 2008\1501 Millard Brown, Ottumwa – For celebrating his 85th birthday.
- 2008\1502 Edna Thompson, Ottumwa – For celebrating her 95th birthday.
- 2008\1503 Mary Donnelly, Ottumwa – For celebrating her 80th birthday.
- 2008\1504 Lawrence Bates, Ottumwa – For celebrating his 85th birthday.
- 2008\1505 Lillian Fisher, Eldon – For celebrating her 85th birthday.
- 2008\1506 William Mosher, Ottumwa – For celebrating his 75th birthday.
- 2008\1507 Lydia McDaniel, Ottumwa – For celebrating her 85th birthday.
- 2008\1508 Mary Ketcham, Ottumwa – For celebrating her 90th birthday.
- 2008\1509 Margaret Hunt, Ottumwa – For celebrating her 80th birthday.
- 2008\1510 Dorothy McDermott, Ottumwa – For celebrating her 85th birthday.
- 2008\1511 Edith Gray, Ottumwa – For celebrating her 90th birthday.
- 2008\1512 Beverly Hoffman, Ottumwa – For celebrating her 75th birthday.
- 2008\1513 Louise Bates, Ottumwa – For celebrating her 85th birthday.
- 2008\1514 Ardythe Wehr, Ottumwa – For celebrating her 85th birthday.
- 2008\1515 Lavetta Buchholz, Ottumwa – For celebrating her 80th birthday.
- 2008\1516 Lila Hutton, Ottumwa – For celebrating her 85th birthday.
- 2008\1517 Marilyn Shipley, Ottumwa – For celebrating her 75th birthday.
- 2008\1518 Betty McElroy, Ottumwa – For celebrating her 102nd birthday.
- 2008\1519 Bonnie Huddleston, Ottumwa – For celebrating her 75th birthday.
- 2008\1520 Eugene Shewry, Ottumwa – For celebrating his 80th birthday.
- 2008\1521 Minnie McKinsey, Ottumwa – For celebrating her 90th birthday.
- 2008\1522 Susie Weir, Ottumwa – For celebrating her 101st birthday.
- 2008\1523 Deloris Dougherty, Ottumwa – For celebrating her 85th birthday.
- 2008\1524 Ilene Coulter, Ottumwa – For celebrating her 80th birthday.

- 2008\1525 Vilene Given, Ottumwa – For celebrating her 80th birthday.
- 2008\1526 Helen Glasson, Ottumwa – For celebrating her 80th birthday.
- 2008\1527 Irene Fidler, Ottumwa – For celebrating her 101st birthday.
- 2008\1528 Jack Ashmore, Ottumwa – For celebrating his 75th birthday.
- 2008\1529 Loredana Coker, Ottumwa – For celebrating her 75th birthday.
- 2008\1530 Ruth Swanstrom, Ottumwa – For celebrating her 75th birthday.
- 2008\1531 Darlene Luke, Ottumwa – For celebrating her 80th birthday.
- 2008\1532 Mary Decker, Ottumwa – For celebrating her 75th birthday.
- 2008\1533 Evelyn Small, Blakesburg – For celebrating her 80th birthday.
- 2008\1534 Dorothy Wallace, Ottumwa – For celebrating her 85th birthday.
- 2008\1535 Kathleen Brown, Ottumwa – For celebrating her 75th birthday.
- 2008\1536 Mildred Brandt – For celebrating her 75th birthday.
- 2008\1537 James Elliott, Ottumwa – For celebrating his 80th birthday.
- 2008\1538 James Farnsworth, Ottumwa – For celebrating his 75th birthday.
- 2008\1539 Willa Tarr, Ottumwa – For celebrating her 75th birthday.
- 2008\1540 Fred Nydle, Ottumwa – For celebrating his 80th birthday.
- 2008\1541 Betty Leahy, Ottumwa – For celebrating her 85th birthday.
- 2008\1542 Frieda Ansley, Ottumwa – For celebrating her 90th birthday.
- 2008\1543 John Reeves, Ottumwa – For celebrating his 80th birthday.
- 2008\1544 James Sheets, Ottumwa – For celebrating his 85th birthday.
- 2008\1545 Earl Blanchard, Ottumwa – For celebrating his 90th birthday.
- 2008\1546 Hildegarde Dirks, Grundy Center – For celebrating her 85th birthday.
- 2008\1547 John Cleasby, Ames – For celebrating his 80th birthday.
- 2008\1548 Lillian Chelsvig, Ames – For celebrating her 80th birthday.
- 2008\1549 Daisy De Kalb, Ames – For celebrating her 85th birthday.
- 2008\1550 Delores Oliver – For celebrating her 80th birthday.

- 2008\1551 Patricia Girton, Ames – For celebrating her 80th birthday.
- 2008\1552 Rosemary Taylor, Ames – For celebrating her 80th birthday.
- 2008\1553 Margie Roberston, Ames – For celebrating her 85th birthday.
- 2008\1554 Pauline Soderholm, Ames – For celebrating her 80th birthday.
- 2008\1555 Donald Anderson, Ames – For celebrating his 75th birthday.
- 2008\1556 Marilyn Joensen, Ames – For celebrating her 75th birthday.
- 2008\1557 Velma Sargent, Ames – For celebrating her 90th birthday.
- 2008\1558 Maria Kemeny, Ames – For celebrating her 90th birthday.
- 2008\1559 Edwin Fitz, Ames – For celebrating his 80th birthday.
- 2008\1560 Betty Pies, Madrid – For celebrating her 80th birthday.
- 2008\1561 Margaret Litchfield, Ames – For celebrating her 80th birthday.
- 2008\1562 Robert Nowlin, Ames – For celebrating his 80th birthday.
- 2008\1563 Joyce Thies, Ames – For celebrating her 75th birthday.
- 2008\1564 Laverne Henriksen, Madrid – For celebrating her 85th birthday.
- 2008\1565 Faye Arends, Gilbert – For celebrating her 75th birthday.
- 2008\1566 Marjorie Bowen, Ames – For celebrating her 80th birthday.
- 2008\1567 F. Elaine Dunn, Ames – For celebrating her 75th birthday.
- 2008\1568 Frank Carlsen, Ames – For celebrating his 75th birthday.
- 2008\1569 Georgia Bozich, Madrid – For celebrating her 80th birthday.
- 2008\1570 Clarence Ball, Boone – For celebrating his 80th birthday.
- 2008\1571 Dennis Klute, Ames – For celebrating his 75th birthday.
- 2008\1572 Anna Geiger, Ames – For celebrating her 90th birthday.
- 2008\1573 Marilyn Ause, Ames – For celebrating her 75th birthday.
- 2008\1574 Janet Riley, Boone – For celebrating her 75th birthday.
- 2008\1575 Marian Cooper, Ames – For celebrating her 85th birthday.
- 2008\1576 Eric Thompson, Shell Rock – For winning the 285 lb. weight class in the Class 3-A Division of the 2008 State Wrestling Tournament.

- 2008\1577 Keith and Marlene Leinenweaver, South English –For celebrating their 50th wedding anniversary.
- 2008\1578 Adolph and Regina Wichmann, Homestead – For celebrating their 50th wedding anniversary.
- 2008\1579 Bertha Kroll, Bettendorf – For celebrating her 90th birthday.
- 2008\1580 Margaret Keenan, Bettendorf – For celebrating her 85th birthday.
- 2008\1581 Lester Littrel, Bettendorf – For celebrating his 85th birthday.
- 2008\1582 Dorothy Picha, Bettendorf – For celebrating her 85th birthday.
- 2008\1583 Betty Wulf, Bettendorf – For celebrating her 85th birthday.
- 2008\1584 Raymond Mardis, Bettendorf – For celebrating his 90th birthday.
- 2008\1585 Ella Gotheridge, Bettendorf – For celebrating her 85th birthday.
- 2008\1586 Ruth Schaffer, Bettendorf – For celebrating her 90th birthday.
- 2008\1587 Ruth Beach, Bettendorf – For celebrating her 80th birthday.
- 2008\1588 Rebekah Riggs, Bettendorf – For celebrating her 90th birthday.
- 2008\1589 Frances Bullington, Bettendorf – For celebrating her 85th birthday.
- 2008\1590 James Lischer, Bettendorf – For celebrating his 85th birthday.
- 2008\1591 Robert Perkins, Bettendorf – For celebrating his 85th birthday.
- 2008\1592 Betty Anderson, Bettendorf – For celebrating her 85th birthday.
- 2008\1593 Rachel Henning, DeWitt – For winning 1st place in the Best Essay on Women in Science and Engineering for 8-9 Grades category.
- 2008\1594 Corwin and Carol Fee, Knoxville – For celebrating their 60th wedding anniversary.
- 2008\1595 Abe and Sally Synhorst, Knoxville – For celebrating their 60th wedding anniversary.
- 2008\1596 Bob and Pauline Roelf, Allison – For celebrating their 60th wedding anniversary.
- 2008\1597 Rolland “Duke” and Pat Zylstra, Sully – For celebrating their 50th wedding anniversary.
- 2008\1598 Raymond Fistler, Ackley – For celebrating his 85th birthday.
- 2008\1599 Valerian Hanzelka, Le Grand – For celebrating her 80th birthday.

- 2008\1600 Elizabeth Welsh, Marshalltown – For celebrating her 80th birthday.
- 2008\1601 Albert Wall, Marshalltown – For celebrating his 80th birthday.
- 2008\1602 Jack Hayes, Marshalltown – For celebrating his 80th birthday.
- 2008\1603 Sue Chapman, State Center – For celebrating her 85th birthday.
- 2008\1604 Juchem Juchems, Steamboat Rock – For celebrating his 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2211 Reassigned

Local Government: Hoffman, Chair; Bukta, Gaskill, Kaufmann and D. Taylor.

House File 2340

State Government: Abdul-Samad, Chair; Jacobs and Whitead.

House File 2347

State Government: Gaskill, Chair; Abdul-Samad and Jacobs.

House File 2354

Transportation: Lykam, Chair; Huser and Tjepkes.

House File 2357

State Government: Lensing, Chair; Roberts and Whitead.

House File 2374

Appropriations: Oldson, Chair; Hunter and Lukan.

House File 2379

State Government: Roberts, Chair; Abdul-Samad and Mascher.

House File 2382

Transportation: Tjepkes, Chair; Huser and Lykam.

House File 2388

State Government: Lensing, Chair; Abdul-Samad and Boal.

House File 2401

State Government: Jacoby, Chair; Kaufmann and Whitead.

House File 2404

Commerce: T. Olson, Chair; Oldson and Pettengill.

House File 2405

Commerce: T. Olson, Chair; Oldson and Pettengill.

House File 2409

Human Resources: Hunter, Chair; Granzow and Mascher.

House File 2414

State Government: Mascher, Chair; Jacoby and Kaufmann.

House File 2415

State Government: Mascher, Chair; Jacoby and Kaufmann.

House File 2416

State Government: Mascher, Chair; Jacoby and Kaufmann.

House File 2419

Public Safety: Whitaker, Chair; Bell and Sands.

House File 2420

Education: Cohoon, Chair; Foege and May.

House File 2422

Commerce: Petersen, Chair; Jacoby and Van Fossen.

House File 2424

Transportation: Bukta, Chair; Gaskill and Worthan.

House File 2426

Human Resources: Smith, Chair; Jacoby and L. Miller.

House File 2427

Human Resources: Hunter, Chair; Mascher and Upmeyer.

House File 2431

Appropriations: Kuhn, Chair; De Boef and Oldson.

House File 2442

Human Resources: Petersen, Chair; Mascher and Roberts.

Senate File 2089

State Government: Gaskill, Chair; Abdul-Samad and Jacobs.

Senate File 2177

Human Resources: Abdul-Samad, Chair; Roberts and Smith.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 94**

Judiciary: Huser, Chair; R. Olson and Tomenga.

House Study Bill 735

Judiciary: Huser, Chair; Anderson and Swaim.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 736 Commerce**

To regulate viatical settlements, and providing for fees and penalties.

H.S.B. 737 Commerce

Relating to various matters under the purview of the insurance division of the department of commerce including uniform securities; duties of the insurance division including a consumer advocate and rate reviews; confidential information; examinations; insurance trade practices; insurance fraud; the Iowa life and health insurance guaranty association; viatical settlement contracts; general agents and third-party administrators; life insurance companies; health maintenance organizations; utilization and cost control; external review of health care coverage decisions; insurance other than life; workers' compensation liability insurance; consolidation, merger, and reinsurance; cemetery and funeral merchandise and funeral services; and cemeteries, making appropriations, and providing an effective date.

H.S.B. 738 Natural Resources

Providing for a sustainable natural resource funding advisory committee.

H.S.B. 739 Labor

Requiring employers to provide notice of plant closings and layoffs, and providing remedies and penalties.

H.S.B. 740 Local Government

Relating to county compensation boards by modifying the composition of the boards, requiring certain information to be considered by a board, and providing a procedure for preparation and adoption of a compensation schedule in certain years.

H.S.B. 741 Natural Resources

Relating to the donation of food to the department of natural resources.

H.S.B. 742 Environmental Protection

Relating to energy efficiency by establishing specified standards and goals relating to energy production and utilization, and establishing a commission on energy efficiency standards and practices.

H.S.B. 743 Environmental Protection

Relating to renewable energy production by establishing a county biomass project siting program and an electricity renewable energy standard, and making specified tax credits applicable.

H.S.B. 744 Environmental Protection

Relating to achieving specified greenhouse gas reduction levels.

H.S.B. 745 Human Resources

Relating to recovery from third parties liable for health care coverage provided to recipients of medical assistance, and providing an effective date.

H.S.B. 746 Agriculture

Relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, modifying tax credits, providing for retroactive applicability, and providing an effective date.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House File 2363), providing for the stockpiling of dry manure from a confinement feeding operation and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2008.

Committee Bill (Formerly House Study Bill 704), providing for the incurrence of costs to establish soil and water conservation practices.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2008.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 529), relating to student achievement and teacher quality program definitions and requirements and extending or changing program allocations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 2008.

COMMITTEE ON NATURAL RESOURCES

Senate File 308, a bill for an act authorizing the governor to designate April of each year as Aldo Leopold month.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2008.

COMMITTEE ON STATE GOVERNMENT

Senate File 348, a bill for an act relating to conducting county gambling elections and including an effective date and applicability provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8055** February 26, 2008.

RESOLUTION FILED

HCR 105, by Huser, Struyk, Tjepkes, Cohoon, Dandekar, Quirk, Paulsen, Bell, Windschitl, Mertz, Lykam, Gaskill, Reasoner, Bukta, Swaim, Whitaker, May, Roberts, Huseman, Worthan, Rasmussen, Arnold and D. Olson, a concurrent resolution designating May 2008 as Motorcycle Safety Month.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8054	H.F.	2212	Senate Amendment
H—8055	S.F.	348	Committee on State Government
H—8056	H.F.	2212	Bailey of Hamilton Dolecheck of Ringgold

On motion by McCarthy of Polk the House adjourned at 11:06 a.m., until 9:00 a.m., Friday, February 29, 2008.

JOURNAL OF THE HOUSE

Forty-seventh Calendar Day - Thirty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 29, 2008

The House met pursuant to adjournment at 9:03 a.m., Speaker pro tempore Bukta in the chair.

Prayer was offered by Gayle Goble, House Journal Editor.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mark W. Brandsgard, Chief Clerk of the House.

The Journal of Thursday, February 28, 2008 was approved.

INTRODUCTION OF BILLS

House File 2445, by May, a bill for an act providing that a local government entity may adopt legislation regulating the use of phosphorus in proximity to a recreational lake.

Read first time and referred to committee on **agriculture**.

House File 2446, by Bell, a bill for an act relating to landlord and tenant law by modifying requirements related to rental deposits, providing for the establishment of a landlord-tenant relations review board, and requiring certain premises to have an on-site manager.

Read first time and referred to committee on **judiciary**.

House File 2447, by Struyk, a bill for an act providing for the financing of projects associated with the marketing of fresh fruits and vegetables.

Read first time and referred to committee on **economic growth**.

House File 2448, by D. Olson, Petersen, Ford and Smith, a bill for an act requiring consumer notification of product manufacture

information relating to the sale or distribution of child-oriented products and providing civil penalties.

Read first time and referred to committee on **commerce**.

House File 2449, by Ford, a bill for an act relating to consumer mortgage protection, conferring a mortgage broker duty of agency, specifying prohibited actions by lenders, mortgage bankers, and mortgage brokers, and providing penalties.

Read first time and referred to committee on **commerce**.

House File 2450, by committee on economic growth, a bill for an act relating to certain department of economic development programs including vision Iowa board membership, renewable fuels marketing, film project tax credits, the promotion of Iowa tourism experiences, the consolidation of reporting requirements, the administration of targeted industries development, and providing an effective date.

Read first time and placed on the **calendar**.

House File 2451, by D. Olson and Tjepkes, a bill for an act relating to the operation of county hospitals and the duties and powers of county hospital trustees.

Read first time and referred to committee on **local government**.

House File 2452, by committee on transportation, a bill for an act relating to vehicle titles and registration plates for specialty vehicles, and providing a penalty and an effective date.

Read first time and placed on the **calendar**.

House File 2453, by Ford, a bill for an act directing certain state agencies to increase efforts to publicize their programs.

Read first time and referred to committee on **state government**.

House File 2454, by Kaufmann, Tymeson and Grassley, a bill for an act relating to eminent domain authority and condemnation

procedures and including effective date and applicability date provisions.

Read first time and referred to committee on **state government**.

House File 2455, by Kaufmann, Wise and Upmeyer, a bill for an act relating to articulation agreements between public postsecondary institutions.

Read first time and referred to committee on **education**.

House File 2456, by Huser, a bill for an act relating to the payment of costs for the alteration, movement, or relocation of utility facilities necessitated by a highway construction project.

Read first time and referred to committee on **transportation**.

House File 2457, by Huser, a bill for an act relating to weight limitations for certain commercial vehicles hauling grain, livestock vehicles, and construction vehicles, requiring a permit, establishing a fee, and allocating revenues to the TIME-21 fund.

Read first time and referred to committee on **transportation**.

House File 2458, by De Boef, a bill for an act relating to the disposition of property seized during an investigation.

Read first time and referred to committee on **public safety**.

House File 2459, by Mascher, a bill for an act providing for an annual report regarding the purchase of locally and regionally produced or processed food by schools under the farm-to-school program.

Read first time and referred to committee on **agriculture**.

House File 2460, by Whitaker, a bill for an act allocating moneys in the groundwater protection fund for landfill waste, composting, and recycling by providing for competitive pilot projects in three communities.

Read first time and referred to committee on **environmental protection**.

House File 2461, by Kaufmann, Tymeson, Grassley and Mertz, a bill for an act placing restrictions and requirements relating to eminent domain and condemnation procedures and including effective date and applicability date provisions.

Read first time and referred to committee on **state government**.

House File 2462, by Ford, a bill for an act relating to urban renewal plans and areas, by placing a durational limitation on the use of tax increment financing in certain urban renewal areas, relating to amendments to urban renewal plans, requiring voter approval of certain urban renewal projects, and including effective, retroactive, and other applicability date provisions.

Read first time and referred to committee on **local government**.

House File 2463, by committee on labor, a bill for an act relating to the payment of wages.

Read first time and placed on the **calendar**.

House File 2464, by Kaufmann, Tymeson and Grassley, a bill for an act relating to the deliberations of a compensation commission during condemnation proceedings and including an effective date provision.

Read first time and referred to committee on **state government**.

House File 2465, by Alons, a bill for an act relating to the registration of motor vehicles that transport loads in excess of one hundred thirty thousand pounds and providing fees.

Read first time and referred to committee on **transportation**.

House File 2466, by May, a bill for an act relating to intentional acts exclusions in insurance policies.

Read first time and referred to committee on **commerce**.

House File 2467, by Kaufmann and Schueller, a bill for an act relating to the holding of a parent in contempt regarding the denial of child visitation and making a penalty applicable.

Read first time and referred to committee on **judiciary**.

House File 2468, by Kaufmann and Schueller, a bill for an act relating to modification of an order of child custody based upon the relocation of a parent awarded physical custody.

Read first time and referred to committee on **judiciary**.

SENATE MESSAGES CONSIDERED

Senate File 2156, by committee on transportation, a bill for an act relating to regulation of commercial motor vehicle operators by the state department of transportation and providing penalties.

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

Senate File 2214, by committee on judiciary, a bill for an act relating to modification of a child custody order during the time a parent is serving active duty.

Read first time and referred to committee on **judiciary**.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 28, 2008, he approved and transmitted to the Secretary of State the following bills:

House File 2233, an Act relating to providing sales, use, and property tax exemptions for certain web search portal businesses.

Senate File 2059, an Act relating to the administration of the department of cultural affairs.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|---|
| 2008\1605 | Ernie and Marcella Moeller, West Point – For celebrating their 65 th wedding anniversary. |
| 2008\1606 | Emily Stover, Spirit Lake – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting. |
| 2008\1607 | Brittany Sorenson, Spirit Lake – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting. |
| 2008\1608 | Megan Moore, Spirit Lake – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting. |
| 2008\1609 | Jessica Moffitt, Spirit Lake – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting. |
| 2008\1610 | Shelbie Hurdle, Spirit Lake – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting. |
| 2008\1611 | Anna Coffin, Spirit Lake – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting. |
| 2008\1612 | Anna Hamilton, Columbus Junction – For celebrating her 98 th birthday. |
| 2008\1613 | Ryan Borcharding, Latimer – For receiving the American Degree, the highest degree awarded by the National FFA Organization. |
| 2008\1614 | Kitty Snakenberg, Ollie – For being named the Best Barber in Iowa. |

SUBCOMMITTEE ASSIGNMENTS

House File 2232

State Government: Mascher, Chair; Lensing and Roberts.

House File 2429

Public Safety: Whitaker, Chair; Baudler and Bell.

House File 2434

Local Government: Kressig, Chair; Deyoe and Whitead.

Senate File 2002

Labor: Zirkelbach, Chair; Staed and Tymeson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 736

Commerce: Kressig, Chair; Berry and Struyk.

House Study Bill 737

Commerce: Hoffman, Chair; Bailey and Oldson.

House Study Bill 738

Natural Resources: Bell, Chair; Bailey and Rayhons.

House Study Bill 739

Labor: Hunter, Chair; Abdul-Samad and Watts.

House Study Bill 740

Local Government: Hoffman, Chair; Bukta, Gaskill, Kaufmann and D. Taylor.

House Study Bill 741

Natural Resources: Bailey, Chair; Baudler and Whitaker.

House Study Bill 742

Environmental Protection: Jochum, Chair; Lensing and Watts.

House Study Bill 743

Environmental Protection: Jochum, Chair; Lensing and Watts.

House Study Bill 744

Environmental Protection: D. Olson, Chair; H. Miller and Watts.

House Study Bill 746

Agriculture: Reasoner, Chair; Drake, Mertz, S. Olson and Reichert.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House Study Bill 536), providing for the establishment of a council on homelessness.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 2008.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 2300), relating to mandatory retirement for senior judges.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 2008.

Committee Bill (Formerly House Study Bill 62), creating the criminal offense of interference with judicial acts, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 2008.

Committee Bill (Formerly House Study Bill 608), relating to the disposal of dead animal carcasses in a water of this state, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 2008.

Committee Bill (Formerly House Study Bill 707), relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 2008.

Committee Bill (Formerly House Study Bill 708), relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 2008.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House File 762), relating to criminal offenses against minors including sexual abuse, enticing a minor away, and indecent exposure through a webcam, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 2008.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 612), relating to campaign finance procedures and requirements and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 2008.

Committee Bill (Formerly House Study Bill 644), concerning the Iowa public employees' retirement system and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 2008.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 513), relating to requirements for operation of a motor vehicle in merging traffic and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 2008.

On motion by Speaker Murphy, the House adjourned at 9:11 a.m., until 1:00 p.m., Monday, March 3, 2008.

JOURNAL OF THE HOUSE

Fiftieth Calendar Day - Thirty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 3, 2008

The House met pursuant to adjournment at 1:08 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Leila Blackburn of the Griswold United Methodist Church, Griswold. She was the guest of Representative Jack Drake of Pottawattamie County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Erin Kreiman, legislative secretary to Representative Paul Shomshor of Pottawattamie County and daughter of Senator Keith Kreiman of Davis County.

The Journal of Friday, February 29, 2008 was approved.

INTRODUCTION OF BILLS

House File 2469, by Abdul-Samad, Ford and Smith, a bill for an act relating to youth employment programs administered by the commission on volunteer service by establishing the Iowa summer youth corps and green corps programs, creating the Iowa summer youth corps account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing a retroactive applicability provision.

Read first time and referred to committee on **human resources**.

House File 2470, by Jacoby, a bill for an act relating to county medical examiner fees for an inmate death and investigations of deaths that affect the public interest.

Read first time and referred to committee on **local government**.

House File 2471, by Ford, a bill for an act providing for a research initiative to address certain medical errors.

Read first time and referred to committee on **human resources**.

House File 2472, by Upmeyer, a bill for an act providing for and making an appropriation to the department of elder affairs for statewide expansion of the elder abuse initiative program.

Read first time and referred to committee on **appropriations**.

House File 2473, by Upmeyer, a bill for an act establishing standardized requirements for long-term care insurance policies advertised, marketed, offered, delivered, or issued for delivery in the state, and providing an applicability date.

Read first time and referred to committee on **commerce**.

House File 2474, by Upmeyer, a bill for an act relating to chronic care management.

Read first time and referred to committee on **human resources**.

House File 2475, by Heaton, a bill for an act authorizing a psychiatric advanced registered nurse practitioner to file certain periodic court reports on persons with mental illness who do not require full-time placement in a treatment facility.

Read first time and referred to committee on **human resources**.

House File 2476, by Struyk, Boal, Forristall, Watts, Worthan, Baudler, Greiner, Rayhons, De Boef, Van Fossen, Grassley, Alons, Schickel, Deyoe, Soderberg and Upmeyer, a bill for an act prohibiting local legislation that prevents local government officials or employees from cooperating with federal officials with regard to the immigration status of persons within the state.

Read first time and referred to committee on **local government**.

House File 2477, by Struyk, Windschitl, Boal, Pettengill, L. Miller, Watts, Alons and Soderberg, a bill for an act requiring

students at state postsecondary institutions to provide proof of legal status, reducing funding for state postsecondary institutions that enroll students without such proof, and providing an applicability date.

Read first time and referred to committee on **education**.

House File 2478, by Alons, Windschitl, Baudler, De Boef, Chambers, Mertz, Anderson, Heaton, Quirk, Pettengill and Horbach, a bill for an act relating to the definition and regulation of outpatient surgical facilities or ambulatory surgical centers and providing for fees.

Read first time and referred to committee on **human resources**.

House File 2479, by Alons, De Boef, Rayhons, Chambers, Windschitl, Worthan, Soderberg, Forristall, L. Miller, Horbach, S. Olson, Sands, Mertz, Van Engelenhoven, Pettengill and Heaton, a bill for an act relating to requirements for marriage and providing a penalty.

Read first time and referred to committee on **judiciary**.

House File 2480, by Tymeson, a bill for an act relating to the expiration of certain permits issued by the department of natural resources.

Read first time and referred to committee on **environmental protection**.

House File 2481, by Deyoe, a bill for an act relating to the authority of a county treasurer to refuse renewal of a vehicle registration and collect taxes when the vehicle owner owes delinquent taxes on certain property.

Read first time and referred to committee on **local government**.

House File 2482, by Struyk, Windschitl, Boal, Pettengill, Forristall, L. Miller, Granzow, Watts, Worthan and Deyoe, a bill for an act providing for the enforcement of immigration laws in the state, including the detention and deportation of illegal aliens.

Read first time and referred to committee on **judiciary**.

House File 2483, by Struyk, Windschitl, Watts and Forristall, a bill for an act relating to a limitation on certain property taxes in certain fiscal years and providing for the Act's applicability.

Read first time and referred to committee on **ways and means**.

House File 2484, by Thomas, a bill for an act relating to capital investment in businesses by providing tax credits and creating a revolving fund.

Read first time and referred to committee on **ways and means**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 3rd day of March, 2008: House Files 2137, 2151 and 2167.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\1622 Dean Stump, Altoona – For celebrating his 80th birthday.
- 2008\1623 Wilma Pettey, Altoona – For celebrating her 80th birthday.
- 2008\1624 Leona Wing, Prairie City – For celebrating her 85th birthday.
- 2008\1625 Sara Livingston, Altoona – For celebrating her 90th birthday.
- 2008\1626 Dean Smith, Altoona – For celebrating his 75th birthday.
- 2008\1627 Geraldine Monk, Altoona – For celebrating her 75th birthday.
- 2008\1628 Pauline Freund, Altoona – For celebrating her 75th birthday.

- 2008\1629 Virginia Salazar, Des Moines – For celebrating her 75th birthday.
- 2008\1630 Earl Reese, Runnells – For celebrating his 90th birthday.
- 2008\1631 Robert Speed, Altoona – For celebrating his 80th birthday.
- 2008\1632 Donald Larsen, Altoona – For celebrating his 75th birthday.
- 2008\1633 Elma Wilson, Altoona – For celebrating her 80th birthday.
- 2008\1634 Reuben Steenhoek, Prairie City – For celebrating his 85th birthday.
- 2008\1635 Pauline Miller, Altoona – For celebrating her 90th birthday.
- 2008\1636 Doris Gaulke, Bondurant – For celebrating her 75th birthday.
- 2008\1637 Ray Earhart, Altoona – For celebrating his 80th birthday.
- 2008\1638 Lois Vignovich, Des Moines – For celebrating her 90th birthday.
- 2008\1639 Raymond Runyan, Bondurant – For celebrating his 100th birthday.
- 2008\1640 Viola Silver, Altoona – For celebrating her 90th birthday.
- 2008\1641 Daniel Ellis, Pleasant Hill – For celebrating his 80th birthday.
- 2008\1642 Donald Davis, Altoona – For celebrating his 80th birthday.
- 2008\1643 Myron Pickering, Des Moines – For celebrating his 75th birthday.
- 2008\1644 Coleen Sandquist, Altoona – For celebrating her 75th birthday.
- 2008\1645 Mildred Capps, Mitchellville – For celebrating her 85th birthday.
- 2008\1646 Donald Warren, Altoona – For celebrating his 85th birthday.
- 2008\1647 Bernice Valley, Altoona – For celebrating her 80th birthday.
- 2008\1648 Dorothy Irons, Pleasant Hill – For celebrating her 75th birthday.
- 2008\1649 Jack Newell, Bondurant, – For celebrating his 80th birthday.
- 2008\1650 Helen Brady, Coralville – For celebrating her 80th birthday.
- 2008\1651 Ilene Greenwood, Coralville – For celebrating her 75th birthday.
- 2008\1652 Wilma Hudson, Coralville – For celebrating her 80th birthday.
- 2008\1653 Laura Wittrig, North Liberty – For celebrating her 75th birthday.
- 2008\1654 Janet McCabe, Coralville – For celebrating her 75th birthday.

- 2008\1655 Bennie Willie, Iowa City – For celebrating his 85th birthday.
- 2008\1656 Marie Swenka, North Liberty – For celebrating her 90th birthday.
- 2008\1657 Cleo Lynch, Coralville – For celebrating his 80th birthday.
- 2008\1658 Donald Calkins, Coralville – For celebrating his 80th birthday.
- 2008\1659 Barbara Strang, Iowa City – For celebrating her 75th birthday.
- 2008\1660 Mary Cutforth, Coralville – For celebrating her 90th birthday.
- 2008\1661 Wilson Putman, Iowa City – For celebrating his 95th birthday.
- 2008\1662 Ronald Harding, Coralville – For celebrating his 85th birthday.
- 2008\1663 Ann Erickson, Coralville – For celebrating her 80th birthday.
- 2008\1664 Gwen Casady, Iowa City – For celebrating her 80th birthday.
- 2008\1665 Dolores Vorel, Tiffin – For celebrating her 75th birthday.
- 2008\1666 Howard Bieri, Coralville – For celebrating his 85th birthday.
- 2008\1667 Leota Rice, Iowa City – For celebrating her 90th birthday.
- 2008\1668 Jane Christenson, Coralville – For celebrating her 95th birthday.
- 2008\1669 Darrel Cary, Coralville – For celebrating his 90th birthday.
- 2008\1670 Virginia Hirst, Iowa City – For celebrating her 75th birthday.
- 2008\1671 Le Roy Rummelhart, Coralville – For celebrating his 75th birthday.
- 2008\1672 Lorraine Dunlap, North Liberty – For celebrating her 75th birthday.
- 2008\1673 Charles Tucker, Iowa City – For celebrating his 80th birthday.
- 2008\1674 Marie Colony, Coralville – For celebrating her 90th birthday.
- 2008\1675 Nellie Rains, Tiffin – For celebrating her 75th birthday.
- 2008\1676 Stanley Johnson, Coralville – For celebrating his 80th birthday.
- 2008\1677 Lallubhai Bhakta, Marshalltown – For celebrating his 75th birthday.
- 2008\1678 Mary Christensen, Marshalltown – For celebrating her 75th birthday.
- 2008\1679 Janice Plahn, Marshalltown – For celebrating her 75th birthday.

- 2008\1680 Richard Ferneau, Marshalltown – For celebrating his 75th birthday.
- 2008\1681 Gerald Klaas, Marshalltown – For celebrating his 75th birthday.
- 2008\1682 Melvin Pitzen, Marshalltown – For celebrating his 75th birthday.
- 2008\1683 Marla Cluts, Marshalltown – For celebrating her 75th birthday.
- 2008\1684 Marvin Danner, Marshalltown – For celebrating his 75th birthday.
- 2008\1685 Delores Swanson, Marshalltown – For celebrating her 75th birthday.
- 2008\1686 Delores Plunkett, Marshalltown – For celebrating her 75th birthday.
- 2008\1687 Georgia Smith, Marshalltown – For celebrating her 75th birthday.
- 2008\1688 Paul Maytag, Marshalltown – For celebrating his 75th birthday.
- 2008\1689 Charlot Scott, Marshalltown – For celebrating her 75th birthday.
- 2008\1690 Donald Smith, Marshalltown – For celebrating his 75th birthday.
- 2008\1691 Rosalie Dostal, Marshalltown – For celebrating her 75th birthday.
- 2008\1692 Raymond Hodges, Marshalltown – For celebrating his 75th birthday.
- 2008\1693 Lillian Michaelson, Marshalltown – For celebrating her 75th birthday.
- 2008\1694 Melvin Dostal, Marshalltown, – For celebrating his 75th birthday.
- 2008\1695 Paul Henstein, Marshalltown, – For celebrating his 75th birthday.
- 2008\1696 Alice, McIntire, Marshalltown – For celebrating her 75th birthday.
- 2008\1697 Evelyn Hennis, Marshalltown – For celebrating her 75th birthday.
- 2008\1698 Herschel Edwards, Marshalltown – For celebrating his 75th birthday.
- 2008\1699 Max Stevenson, Marshalltown – For celebrating his 75th birthday.
- 2008\1700 Charles Schutterle, Cedar Rapids – For celebrating his 75th birthday.
- 2008\1701 Darlene Eckert, Cedar Rapids – For celebrating her 75th birthday.
- 2008\1702 Joe Richardson, Cedar Rapids – For celebrating his 75th birthday.
- 2008\1703 Katherine Wimer, Cedar Rapids – For celebrating her 75th birthday.

- 2008\1704 Merle Opperman, Cedar Rapids – For celebrating his 85th birthday.
- 2008\1705 Rollis Deetz, Cedar Rapids – For celebrating his 85th birthday.
- 2008\1706 Charles Moyer, Cedar Rapids – For celebrating his 85th birthday.
- 2008\1707 Donald Stuefen, Cedar Rapids – For celebrating his 75th birthday.
- 2008\1708 Violwa Moravek, Cedar Rapids – For celebrating her 85th birthday.
- 2008\1709 Martha Krumrei, Cedar Rapids – For celebrating her 75th birthday.
- 2008\1710 Barbara Ashby, Cedar Rapids – For celebrating her 80th birthday.
- 2008\1711 Laverne McMurray, Cedar Rapids – For celebrating his 95th birthday.
- 2008\1712 Donna Schirm, Cedar Rapids – For celebrating her 75th birthday.
- 2008\1713 Floyd Totten, Cedar Rapids – For celebrating his 80th birthday.
- 2008\1714 Thelma Dorsey, Cedar Rapids – For celebrating her 80th birthday.
- 2008\1715 Walter Homsey, Cedar Rapids – For celebrating his 75th birthday.
- 2008\1716 William Musker, Cedar Rapids – For celebrating his 75th birthday.
- 2008\1717 Raymond Tigges, Cedar Rapids – For celebrating his 80th birthday.
- 2008\1718 George Matias, Cedar Rapids – For celebrating his 85th birthday.
- 2008\1719 Henry Frevert, Cedar Rapids – For celebrating his 90th birthday.
- 2008\1720 Patricia Kudart, Cedar Rapids – For celebrating her 75th birthday.
- 2008\1721 Norma Meewes, Cedar Rapids – For celebrating her 75th birthday.
- 2008\1722 Shirley Donaldson, Cedar Rapids – For celebrating her 75th birthday.
- 2008\1723 Mary Hamilton, Cedar Rapids – For celebrating her 75th birthday.
- 2008\1724 Jeanne Wagner, Cedar Rapids – For celebrating her 85th birthday.
- 2008\1725 Eugene Pugh, Cedar Rapids – For celebrating his 85th birthday.
- 2008\1726 Marjorie Jordan, Cedar Rapids – For celebrating her 75th birthday.
- 2008\1727 Verna Hawker, Cedar Rapids – For celebrating her 80th birthday.
- 2008\1728 Howard Langton, Cedar Rapids – For celebrating his 85th birthday.

- 2008\1729 Lauren Wolcott, Cedar Rapids – For celebrating his 75th birthday.
- 2008\1730 Florence Glass, Cedar Rapids – For celebrating her 90th birthday.
- 2008\1731 Clara Bunker, Cedar Rapids – For celebrating her 90th birthday.
- 2008\1732 Joe Hernandez, Cedar Rapids – For celebrating his 75th birthday.
- 2008\1733 Max Todd, Cedar Rapids – For celebrating his 80th birthday.
- 2008\1734 Jean Halsor, Cedar Rapids – For celebrating her 80th birthday.
- 2008\1735 Connie Salyer, Cedar Rapids – For celebrating her 75th birthday.
- 2008\1736 Wanda Anderson, Cedar Rapids – For celebrating her 80th birthday.
- 2008\1737 Norman Stepleton, Cedar Rapids – For celebrating his 75th birthday.
- 2008\1738 Eugene Larson, Cedar Rapids – For celebrating his 75th birthday.
- 2008\1739 Sheila Billington, Cedar Rapids – For celebrating her 75th birthday.
- 2008\1740 Wayne Ruhl, Cedar Rapids – For celebrating his 80th birthday.
- 2008\1741 Violet Johnson, Cedar Rapids – For celebrating her 80th birthday.
- 2008\1742 E. Goldena Estes, Cedar Rapids – For celebrating her 90th birthday.
- 2008\1743 Gareth Davis, Cedar Rapids – For celebrating his 75th birthday.
- 2008\1744 Gene Schmidt, Cedar Rapids – For celebrating his 75th birthday.
- 2008\1745 Dona Brownell, Cedar Rapids – For celebrating her 80th birthday.
- 2008\1746 Lester Haerther, Cedar Rapids – For celebrating his 85th birthday.
- 2008\1747 James Meier, Cedar Rapids – For celebrating his 80th birthday.
- 2008\1748 Eleanor McGrath, Cedar Rapids – For celebrating her 75th birthday.
- 2008\1749 Eleanor Green, Cedar Rapids – For celebrating her 80th birthday.
- 2008\1750 Gareth Clift, Cedar Rapids – For celebrating his 85th birthday.
- 2008\1751 Ruth Buttery, Cedar Rapids – For celebrating her 95th birthday.
- 2008\1752 Gene Seehusen, Cedar Rapids – For celebrating his 75th birthday.
- 2008\1753 David Courcelle, Cedar Rapids – For celebrating his 85th birthday.
- 2008\1754 Doris Baird, Cedar Rapids – For celebrating her 75th birthday.

- 2008\1755 Bernadine Mulholland, Cedar Rapids – For celebrating her 90th birthday.
- 2008\1756 Alice Healey, Cedar Rapids – For celebrating her 75th birthday.
- 2008\1757 Ivadell Peterson, Cedar Rapids – For celebrating her 85th birthday.
- 2008\1758 Claudine Hixson, Cedar Rapids – For celebrating her 80th birthday.
- 2008\1759 George Elliot, Cedar Rapids – For celebrating his 95th birthday.
- 2008\1760 Gerald Cave, Cedar Rapids – For celebrating his 80th birthday.
- 2008\1761 Mary Erger, Cedar Rapids – For celebrating her 80th birthday.
- 2008\1762 Victor Link, Cedar Rapids – For celebrating his 85th birthday.
- 2008\1763 Joseph Konecny, Cedar Rapids – For celebrating his 75th birthday.
- 2008\1764 Lois Lovelett, Cedar Rapids – For celebrating her 75th birthday.
- 2008\1765 Evelyn Barta, Cedar Rapids – For celebrating her 90th birthday.
- 2008\1766 Irene Hutton, Cedar Rapids – For celebrating her 75th birthday.
- 2008\1767 Dorothea Huebner, Cedar Rapids – For celebrating her 85th birthday.
- 2008\1768 Walter Stewart, Cedar Rapids – For celebrating his 80th birthday.
- 2008\1769 Eldred Gerhold, Cedar Rapids – For celebrating his 90th birthday.
- 2008\1770 James Ryan, Cedar Rapids – For celebrating his 80th birthday.
- 2008\1771 S. Jean Ficken, Cedar Rapids – For celebrating her 75th birthday.
- 2008\1772 Joseph Benzer, Cedar Rapids – For celebrating his 80th birthday.
- 2008\1773 Marshall Matejcek, Cedar Rapids – For celebrating his 80th birthday.
- 2008\1774 Dorothy Erbe, Cedar Rapids – For celebrating her 80th birthday.
- 2008\1775 Lucille Rank, Cedar Rapids – For celebrating her 80th birthday.
- 2008\1776 Louelma Ferguson, Cedar Rapids – For celebrating her 85th birthday.
- 2008\1777 Margaret Freeman, Cedar Rapids – For celebrating her 75th birthday.
- 2008\1778 Edward Gillick, Cedar Rapids – For celebrating his 75th birthday.

- 2008\1779 James Jacobs, Cedar Rapids – For celebrating his 75th birthday.
- 2008\1780 Patricia Nagel, Cedar Rapids – For celebrating her 85th birthday.
- 2008\1781 Lois Feickert, Cedar Rapids – For celebrating her 75th birthday.
- 2008\1782 Lois Hill, Cedar Rapids – For celebrating her 85th birthday.
- 2008\1783 Betty Briggs, Cedar Rapids – For celebrating her 80th birthday.
- 2008\1784 John Tellier, Cedar Rapids – For celebrating his 90th birthday.
- 2008\1785 Viola Riley, Cedar Rapids – For celebrating her 80th birthday.
- 2008\1786 Roger Karrick, Cedar Rapids – For celebrating his 80th birthday.
- 2008\1787 Melvin Schulte, Cedar Rapids – For celebrating his 85th birthday.
- 2008\1788 Beverly Swenson, Cedar Rapids – For celebrating her 80th birthday.
- 2008\1789 Lila Rhymer, Sioux City – For celebrating her 85th birthday.
- 2008\1790 Patricia Mitchell, Sioux City – For celebrating her 75th birthday.
- 2008\1791 William Lyle, Sioux City – For celebrating his 80th birthday.
- 2008\1792 Guy Oregon, Sioux City – For celebrating his 80th birthday.
- 2008\1793 Patricia Alberts, Sioux City – For celebrating her 75th birthday.
- 2008\1794 Mary Steffe, Sioux City – For celebrating her 80th birthday.
- 2008\1795 Clarence Persinger, Sioux City – For celebrating his 85th birthday.
- 2008\1796 Joanne Denney, Sioux City – For celebrating her 75th birthday.
- 2008\1797 Lorraine Kneifl, Sioux City – For celebrating her 90th birthday.
- 2008\1798 Dorine Keleher, Sioux City – For celebrating her 75th birthday.
- 2008\1799 Glenn Gaffey, Sioux City – For celebrating his 85th birthday.
- 2008\1800 Charles Kirby, Sioux City – For celebrating his 80th birthday.
- 2008\1801 Donna Fruechtenicht, Sioux City – For celebrating her 80th birthday.
- 2008\1802 Kenneth Browne, Sioux City – For celebrating his 85th birthday.
- 2008\1803 Beulah Brown, Sioux City – For celebrating her 85th birthday.
- 2008\1804 Edythe Frerichs, Sioux City – For celebrating her 75th birthday.

- 2008\1805 Dorothy Ring, Sioux City – For celebrating her 85th birthday.
- 2008\1806 George Madsen, Sioux City – For celebrating his 75th birthday.
- 2008\1807 Lois Redshaw, Sioux City – For celebrating her 80th birthday.
- 2008\1808 Dean Meine, Sioux City – For celebrating his 80th birthday.
- 2008\1809 Darrell Peck, Sioux City – For celebrating his 80th birthday.
- 2008\1810 Robert Widner, Sioux City – For celebrating his 80th birthday.
- 2008\1811 Fred Davis, Sioux City – For celebrating his 90th birthday.
- 2008\1812 Rueben Erdmann, Sioux City – For celebrating his 75th birthday.
- 2008\1813 Ward Linscott, Sioux City – For celebrating his 75th birthday.
- 2008\1814 Arlene Carlson, Sioux City – For celebrating her 85th birthday.
- 2008\1815 Jane Nordstrom, Sioux City – For celebrating her 85th birthday.
- 2008\1816 Grace Delaney, Dubuque – For celebrating her 80th birthday.
- 2008\1817 Francis Schumacher, Dubuque – For celebrating his 80th birthday.
- 2008\1818 Mary Koster, Dubuque – For celebrating her 80th birthday.
- 2008\1819 Donald Westerfield, Dubuque – For celebrating his 75th birthday.
- 2008\1820 Norma Roloff, Dubuque – For celebrating her 75th birthday.
- 2008\1821 Jean Hinds, Dubuque – For celebrating her 75th birthday.
- 2008\1822 Donna Mc Knight, Dubuque – For celebrating her 75th birthday.
- 2008\1823 Elizabeth Gronau, Dubuque – For celebrating her 80th birthday.
- 2008\1824 Anna Lewis, Dubuque – For celebrating her 80th birthday.
- 2008\1825 Clarence Kruser, Dubuque – For celebrating his 85th birthday.
- 2008\1826 James Baker, Dubuque – For celebrating his 80th birthday.
- 2008\1827 Alice Candler, Dubuque – For celebrating her 90th birthday.
- 2008\1828 Margaret Meicher, Dubuque – For celebrating her 75th birthday.
- 2008\1829 Elizabeth Leach, Dubuque – For celebrating her 85th birthday.
- 2008\1830 Marie Naeger, Dubuque – For celebrating her 90th birthday.

- 2008\1831 Ilene Flynn, Dubuque – For celebrating her 80th birthday.
- 2008\1832 Dorothy Love, Dubuque – For celebrating her 85th birthday.
- 2008\1833 Robert Wisco, Dubuque – For celebrating his 75th birthday.
- 2008\1834 John Rettenmaier, Dubuque – For celebrating his 75th birthday.
- 2008\1835 Sylvester Welty, Dubuque – For celebrating his 80th birthday.
- 2008\1836 George Arvanitis, Dubuque – For celebrating his 85th birthday.
- 2008\1837 Genevieve Herber, Dubuque – For celebrating her 90th birthday.
- 2008\1838 Emmabelle Cullen, Dubuque – For celebrating her 85th birthday.
- 2008\1839 Christine Kemp, Dubuque – For celebrating her 95th birthday.
- 2008\1840 Isabel Hutter, Dubuque – For celebrating her 75th birthday.
- 2008\1841 Marlene Baumgartner, Dubuque – For celebrating her 75th birthday.
- 2008\1842 Elizabeth Lynch, Dubuque – For celebrating her 100th birthday.
- 2008\1843 Janet Koch, Dubuque – For celebrating her 75th birthday.
- 2008\1844 Richard Lang, Dubuque – For celebrating his 75th birthday.
- 2008\1845 Luella Pickel, Dubuque – For celebrating her 75th birthday.
- 2008\1846 Bernadette Hilby, Dubuque – For celebrating her 75th birthday.
- 2008\1847 Robert Meyer, Dubuque – For celebrating his 90th birthday.
- 2008\1848 Arlene Kintzle, Dubuque – For celebrating her 85th birthday.
- 2008\1849 Arlene Streauslin, Dubuque – For celebrating her 75th birthday.
- 2008\1850 Dolores Metz, Dubuque – For celebrating her 80th birthday.
- 2008\1851 Emma Grass, Dubuque – For celebrating her 85th birthday.
- 2008\1852 Isabelle Knapp, Dubuque – For celebrating her 95th birthday.
- 2008\1853 Gloria Klaas, Dubuque – For celebrating her 75th birthday.
- 2008\1854 Duane Bradfield, Dubuque – For celebrating his 75th birthday.
- 2008\1855 Luella Powers, Dubuque – For celebrating her 90th birthday.
- 2008\1856 Margaret Willging, Dubuque – For celebrating her 90th birthday.

- 2008\1857 Carmen Marino, Dubuque – For celebrating his 75th birthday.
- 2008\1858 Jack Parker, Dubuque – For celebrating his 75th birthday.
- 2008\1859 Dorothy Hennessey, Dubuque – For celebrating her 95th birthday.
- 2008\1860 Helen Gansemer, Dubuque – For celebrating her 80th birthday.
- 2008\1861 Beverly Kluesner, Dubuque – For celebrating her 80th birthday.
- 2008\1862 Robert Frohs, Dubuque – For celebrating his 90th birthday.
- 2008\1863 Dorothy Wagner, Dubuque – For celebrating her 95th birthday.
- 2008\1864 Eugene Schmidt, Dubuque – For celebrating his 80th birthday.
- 2008\1865 Esther Stierman, Dubuque – For celebrating her 85th birthday.
- 2008\1866 Robert Krayner, Dubuque – For celebrating his 80th birthday.
- 2008\1867 Raymond Hall, Dubuque – For celebrating his 90th birthday.
- 2008\1868 Frank Schneider, Dubuque – For celebrating his 75th birthday.
- 2008\1869 Helen Juergens, Dubuque – For celebrating her 90th birthday.
- 2008\1870 Janet Marshall, Dubuque – For celebrating her 85th birthday.
- 2008\1871 Bernita Behrens, Dubuque – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2425

Education: Wendt, Chair; Chambers and Palmer.

House File 2432

Education: Cohoon, Chair; Foege and L. Miller.

House File 2433

Education: Cohoon, Chair; Boal and Staed.

Senate File 2216

Education: Winckler, Chair; Chambers, Raecker, Staed and Wendt.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 747 Commerce

Relating to foreclosure consultants and foreclosure reconveyances, providing for criminal and civil penalties, and providing an effective date.

H.S.B. 748 Judiciary

Relating to business associations, by providing for limited liability companies and conversion involving corporations, and providing an effective date.

H.S.B. 749 Public Safety

Relating to carrying a portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person and making penalties applicable.

H.S.B. 750 Judiciary

Requesting the legislative council to authorize a 2008 interim study of clerk of court duties and procedures relating to applications filed for the involuntary commitment and treatment of persons who suffer from serious mental impairment.

H.S.B. 751 Judiciary

Creating the Iowa uniform prudent management of institutional funds Act and including an applicability provision.

H.S.B. 752 Judiciary

Establishing second deputy sheriff positions in certain counties.

H.S.B. 753 Transportation

Relating to the issuance of driver's licenses and nonoperator's identification cards in compliance with the federal REAL ID Act of 2005.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

Committee Bill (Formerly LSB 6425YC), relating to an annual budget for the daily operations of the House of Representatives.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2008.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 2052), relating to issuance of additional free deer hunting licenses to owners and tenants of farm units.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2008.

Committee Bill (Formerly House Study Bill 738), providing for a sustainable natural resource funding advisory committee.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2008.

Committee Bill (Formerly House Study Bill 741), relating to the donation of food to the department of natural resources.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2008.

RESOLUTIONS FILED

HR 113, By Smith, Granzow and Horbach, a resolution honoring the men's soccer team from Marshalltown Community College for their

third-place finish in the National Junior College Athletic Association National Soccer Tournament.

Laid over under **Rule 25**.

HR 114, by committee on administration and rules, a resolution relating to an annual budget for the daily operations of the House of Representatives.

Placed on the **calendar**.

AMENDMENTS FILED

H—8057	H.F.	2212	Bailey of Hamilton D. Taylor of Linn Wenthe of Fayette Smith of Marshall Windschitl of Harrison
H—8058	H.F.	2219	Wessel-Kroeschell of Story
H—8059	H.F.	2390	Quirk of Chickasaw

On motion by McCarthy of Polk the House adjourned at 1:22 p.m., until 9:00 a.m., Tuesday, March 4, 2008.

JOURNAL OF THE HOUSE

Fifty-first Calendar Day - Thirty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 4, 2008

The House met pursuant to adjournment at 9:15 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Vince Homan, pastor of the Delta and What Cheer United Methodist Church. He was the guest of Representative Betty De Boef of Keokuk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nathan Arentsen, legislative clerk to Representative Mike Reasoner of Union County.

The Journal of Monday, March 3, 2008 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 3, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2035, a bill for an act relating to campaign signs and contributions.

Also: That the Senate has on March 3, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2157, a bill for an act relating to amusement ride safety inspections conducted by special inspectors authorized by the division of labor services in the department of workforce development.

Also: That the Senate has on March 3, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2173, a bill for an act relating to case permanency plans, consent decrees, and attendance at proceedings in juvenile court.

Also: That the Senate has on March 3, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2211, a bill for an act relating to the residency of a district judge nominee.

Also: That the Senate has on March 3, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2221, a bill for an act relating to workers' compensation benefit payments for burial expenses.

Also: That the Senate has on March 3, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2222, a bill for an act relating to payment of wages.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2485, by committee on labor, a bill for an act concerning disclosures of information regarding patient safety by health care workers and providing penalties.

Read first time and placed on the **calendar**.

House File 2486, by committee on human resources, a bill for an act relating to health-related activities and regulation by the department of public health.

Read first time and placed on the **calendar**.

House File 2487, by committee on education, a bill for an act relating to student achievement and teacher quality program definitions and requirements and extending or changing program allocations.

Read first time and referred to committee on **appropriations**.

House File 2488, by Pettengill, Lukan, Soderberg, Windschitl, Alons, L. Miller, Forristall, Arnold, Rasmussen, Heaton, Van Engelenhoven, Deyoe, S. Olson, Granzow, Drake and Upmeyer, a bill for an act relating to the destruction of public records containing personal information and providing a penalty.

Read first time and referred to committee on **state government**.

House File 2489, by Van Fossen, a bill for an act to allow disabled persons to park in metered parking spaces free of charge.

Read first time and referred to committee on **transportation**.

House File 2490, by Ford, a bill for an act relating to requirements for service contracts with state agencies.

Read first time and referred to committee on **state government**.

House File 2491, by Paulsen, a bill for an act relating to funding for special education services for children living in foster care or shelter care facilities or a juvenile detention home.

Read first time and referred to committee on **education**.

House File 2492, by Paulsen, a bill for an act related to tax credits for community-based seed capital investments by increasing the aggregate amount of tax credits available and making the credits transferable.

Read first time and referred to committee on **economic growth**.

House File 2493, by committee on human resources, a bill for an act relating to mental health and disability services provisions involving the membership of the mental health, mental retardation, developmental disabilities, and brain injury commission and providing for implementation of an emergency mental health crisis services system.

Read first time and placed on the **calendar**.

House File 2494, by Sands, Lukan, Soderberg, Windschitl, Alons, L. Miller, Forristall, Arnold, Rasmussen, Heaton, Van Engelenhoven, Deyoe, S. Olson, Granzow, Hoffman, Chambers, Drake and Upmeyer, a bill for an act requiring the department of revenue to provide notice of suspected misuse of personal information.

Read first time and referred to committee on **ways and means**.

ADOPTION OF HOUSE RESOLUTION 104

L. Miller of Scott and Winckler of Scott called up for consideration **House Resolution 104**, a resolution designating March 2008 as Iowa Women's History Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

In celebration of "March Women's History Month", the Iowa Commission on the Status of Women, the Iowa Department of Education and the State Historical Society of Iowa sponsored a "Write Women Back Into History" essay contest. L. Miller of Scott and Winkler of Scott presented the following winners of the contest:

Sixth and Seventh Grade Category

First Place — Tyler Hupp, Prairie Middle School, Cedar Rapids.

Second Place — Meghan Buschwitz, College Community Schools/Prairie Middle Schools, Cedar Rapids.

Third Place — Connor Drahos, Prairie Middle School, Cedar Rapids.

Eighth and Ninth Grade Category

First Place — Ryan Watters, Vernon Middle School, Marion.

Second Place — Jordan Schill, Urbandale Middle School.

Third Place — Katilin Moews, Indianola Middle School, Indianola.

Best Essays on Women in Science and Engineering
Six and Seventh Grade Category

First Place — Madison Noble, Park View Middle School, Ankeny.

Second Place — Lauren M. Cepplecha, Parkview Middle School, Ankeny.

Eighth and Ninth Grade Category

First Place — Rachel Henning, Central-Clinton Community High School, DeWitt.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Frevert of Palo Alto; Petersen of Polk; and Reichert of Muscatine on request of Speaker Murphy; Watts of Dallas on request of Kaufmann of Cedar.

The House stood at ease at 9:30 a.m., until the fall of the gavel.

The House resumed session at 9:36 a.m., Speaker Murphy in the chair.

RULE 60 LOST

Rants of Woodbury invoked Rule 60 and moved that **House Joint Resolution 8** be removed from the committee on judiciary and moved to the floor for debate.

Roll call was requested by Rants of Woodbury and Upmeyer of Hancock.

Rule 75 was invoked.

On the question "Shall House Rule 60 be invoked?"

The ayes were, 46:

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

The nays were, 50:

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

Olson, R.	Olson, T.	Palmer	Quirk
Reasoner	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach	Mr. Speaker Murphy		

Absent or not voting, 4:

Frevert	Petersen	Reichert	Watts
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The motion to invoke Rule 60 lost.

On motion by McCarthy of Polk, the House was recessed at 9:39 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:14 p.m., Speaker Murphy in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 4, 2008, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2309, a bill for an act relating to child support recovery including assignment of support to the state relative to receipt of family investment program benefits, garnishment of money held by the state for a person who owes delinquent child support, the reporting of delinquent child support obligors to consumer reporting agencies, access to cellular telephone numbers for the purpose of the computer match program by the child support recovery unit, collection of support from certain obligors, the information included in a notice regarding the administrative levy of an account, and medical support of a child, and providing effective and retroactive applicability dates.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2495, by Ford, Zirkelbach and Bailey, a bill for an act relating to the small business linked investments program by changing the allocation of available moneys from program investments and raising the limit on qualifying net worth.

Read first time and referred to committee on **economic growth**.

House File 2496, by committee on agriculture, a bill for an act providing for the stockpiling of dry manure from a confinement feeding operation and making penalties applicable.

Read first time and placed on the **calendar**.

House File 2497, by committee on economic growth, a bill for an act providing for the establishment of a council on homelessness.

Read first time and placed on the **calendar**.

House File 2498, by committee on environmental protection, a bill for an act relating to the disposal of solid waste by changing permitting requirements and updating and clarifying existing provisions.

Read first time and placed on the **calendar**.

House File 2499, by committee on human resources, a bill for an act relating to case permanency plans, consent decrees, and attendance at proceedings in juvenile court.

Read first time and placed on the **calendar**.

House File 2500, by committee on judiciary, a bill for an act creating the criminal offense of interference with judicial acts, and providing a penalty.

Read first time and placed on the **calendar**.

House File 2501, by committee on judiciary, a bill for an act relating to mandatory retirement for senior judges.

Read first time and placed on the **calendar**.

House File 2502, by Jacoby, a bill for an act providing for a residual biomass tax credit, and including effective and applicability dates.

Read first time and referred to committee on **ways and means**.

House File 2503, by Pettengill, a bill for an act requiring that a person entering into a repurchase contract for the growing of corn seed stock post a special bond.

Read first time and referred to committee on **agriculture**.

SENATE MESSAGES CONSIDERED

Senate File 2157, by committee on labor and business relations, a bill for an act relating to amusement ride safety inspections conducted by special inspectors authorized by the division of labor services in the department of workforce development.

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

Senate File 2211, by committee on judiciary, a bill for an act relating to the residency of a district judge nominee.

Read first time and referred to committee on **judiciary**.

Senate File 2221, by committee on labor and business relations, a bill for an act relating to workers' compensation benefit payments for burial expenses.

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

Senate File 2222, by committee on labor and business relations, a bill for an act relating to payment of wages.

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

2008 HOUSE COMMITTEE REVISIONS

The Speaker announced the following appointments to the committee on commerce due to the temporary absence of Representative Petersen of Polk:

Lisa Heddens

Commerce

Bob Kressig, Vice Chair of Commerce

Chair of Commerce

HOUSE FILE 2495 REREFERRED

The Speaker announced that House File 2495, previously referred to committee on **economic growth** was rereferred to committee on **veterans affairs**.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|--|
| 2008\1872 | Clarence and Norma Ball, Milo – For celebrating their 50 th wedding anniversary. |
| 2008\1873 | George and Dee Wassenaar, Pella – For celebrating their 55 th wedding anniversary. |
| 2008\1874 | Les Graversen, Plymouth – For celebrating his 80 th birthday. |
| 2008\1875 | Edna Sherer, Rockwell – For celebrating her 80 th birthday. |
| 2008\1876 | Ralph Kramer, Sheffield – For celebrating his 92 nd birthday. |
| 2008\1877 | Connor Drahos, Prairie Middle School, Cedar Rapids – For receiving 3 rd place in the 6-7 Grade category in the Write Women Back Into History Essay Contest. |

SUBCOMMITTEE ASSIGNMENTS

House File 2421

Economic Growth: Thomas, Chair; Bailey and May.

House File 2430

State Government: Jacoby, Chair; Kaufmann and Lensing.

House File 2439

State Government: Abdul-Samad, Chair; Roberts and Whitead.

House File 2441

State Government: Lensing, Chair; Jacoby and Roberts.

House File 2443

State Government: Wessel-Kroeschell, Chair; Lensing and Roberts.

House File 2447

Economic Growth: D. Olson, Chair; Granzow and Schueller.

House File 2448

Commerce: Berry, Chair; Pettengill and D. Taylor.

House File 2449

Commerce: Kelley, Chair; Quirk and Sands.

House File 2451

Local Government: Gaskill, Chair; Deyoe and D. Olson.

House File 2453

State Government: Abdul-Samad, Chair; Jacobs and Wessel-Kroeschell.

House File 2454

State Government: Mascher, Chair; Jacoby and Kaufmann.

House File 2456

Transportation: Huser, Chair; Bell and May.

House File 2458

Public Safety: Hunter, Chair; Sands and Whitaker.

House File 2461

State Government: Mascher, Chair; Jacoby and Kaufmann.

House File 2462

Local Government: D. Olson, Chair; Deyoe and Whitead.

House File 2464

State Government: Mascher, Chair; Jacoby and Kaufmann.

House File 2465

Transportation: Bukta, Chair; D. Olson and Worthan.

House File 2466

Commerce: T. Olson, Chair; Pettengill and Quirk.

House File 2470

Local Government: Schueller, Chair; Arnold and Lykam.

House File 2473

Commerce: Jacoby, Chair; Petersen and Struyk.

House File 2476

Local Government: D. Olson, Chair; Gaskill and Van Fossen.

House File 2481

Local Government: Gaskill, Chair; Bukta and Rasmussen.

House File 2489

Transportation: Windschitl, Chair; Rasmussen and Whitaker.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 745

Human Resources: Abdul-Samad, Chair; Grassley and Palmer.

House Study Bill 747

Commerce: Berry, Chair; Kelley and Sands.

House Study Bill 748

Judiciary: Swaim, Chair; Anderson and Palmer.

House Study Bill 749

Public Safety: Tjepkes, Chair; Bell and Lykam.

House Study Bill 750

Judiciary: Lensing, Chair; Heaton and Winckler.

House Study Bill 751

Judiciary: Anderson, Chair; Huser and Swaim.

House Study Bill 752

Judiciary: Winckler, Chair; Baudler and Lensing.

House Study Bill 753

Transportation: Dandekar, Chair; May, D. Olson and Windschitl.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 754 Economic Growth**

Establishing measures to increase Iowa's skilled workforce and providing appropriations and an applicability date.

H.S.B. 755 Judiciary

Establishing the office of consumer advocate on insurance.

H.S.B. 756 Commerce

Providing for restrictions relating to cancellation provisions applicable to cellular telephone service contracts.

H.S.B. 757 Human Resources

Relating to health care reform including health care coverage intended for children, health information technology, end-of-life care promotion, preexisting conditions and dependent children coverage, and medical homes, providing an appropriation, and including an applicability provision.

H.S.B. 758 Agriculture

Providing for the state interagency Missouri river authority.

H.S.B. 759 Veterans Affairs

Relating to the Iowa civil rights Act and discrimination based upon a person's military status.

H.S.B. 760 Judiciary

Concerning patient access to the patient's health care records relating to appeals regarding eligibility for certain public benefits programs and providing a civil penalty.

H.S.B. 761 Local Government

Relating to city finance committee duties and the city budgeting process.

H.S.B. 762 Economic Growth

Providing for a residual biomass tax credit, and including effective and applicability dates.

H.S.B. 763 Economic Growth

Relating to economic growth by creating a workforce innovation for regional economic development task force and making an appropriation.

H.S.B. 764 Natural Resources

Relating to natural resources, including by providing for the powers and duties of the department's director and natural resources commission, and the regulation of public lands and outdoor recreation, providing for penalties and making penalties applicable, and providing for fees.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House File 2360), relating to the biodiesel blended fuel tax credit for retail dealers, and providing for retroactive applicability.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2008.

Committee Bill (Formerly House Study Bill 702), providing requirements for a nonresident of this state engaged in the aerial application of pesticides, making penalties applicable, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2008.

Committee Bill (Formerly House Study Bill 716), relating to per diem compensation for directors of the Iowa soybean association board.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2008.

Committee Bill (Formerly House Study Bill 724), providing monetary thresholds for actions by governing boards of drainage districts.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2008.

Committee Bill (Formerly House Study Bill 725), relating to the management of cooperative associations.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2008.

COMMITTEE ON EDUCATION

Senate File 2111, a bill for an act relating to requirements for blood lead testing and dental screening of children.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8063** March 3, 2008.

Committee Bill (Formerly House File 2083), relating to the disposition of school property.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2008.

Committee Bill (Formerly House File 2399), establishing committees to formulate plans for a state research and development prekindergarten through grade twelve school and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2008.

Committee Bill (Formerly House Study Bill 577), relating to the statewide preschool program for four-year-old children and funding associated with the program and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2008.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 2273), relating to the disposal and recycling of waste oil filters and establishing a fee.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2008.

Committee Bill (Formerly House Study Bill 652), relating to solid waste disposal and environmental management by providing for the designation of environmental management systems, providing incentives, and creating an environmental management systems board.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2008.

Committee Bill (Formerly House Study Bill 734), relating to the control of beverage containers by expanding the types of beverage containers covered and increasing the reimbursement amount paid to dealers.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2008.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 696), relating to the office of the county recorder by making changes to fees charged by the county recorder, information

required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2008.

AMENDMENTS FILED

H—8060	H.F.	2436	Baudler of Adair Boal of Polk
H—8061	H.F.	2338	Horbach of Tama
H—8062	H.F.	2309	Senate Amendment
H—8063	S.F.	2111	Committee on Education

On motion by McCarthy of Polk the House adjourned at 1:27 p.m., until 9:00 a.m., Wednesday, March 5, 2008.

JOURNAL OF THE HOUSE

Fifty-second Calendar Day - Thirty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 5, 2008

The House met pursuant to adjournment at 9:00 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Tim Leathers, pastor of Heartland Fellowship Church and the Chief of Police of Wilton. He was the guest of Representative Jeff Kaufmann of Cedar County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Curtis Bigsby, legislative secretary for Representative Art Staed of Linn County.

The Journal of Tuesday, March 4, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Forristall of Pottawattamie on request of Rants of Woodbury; Petersen of Polk on request of Speaker Murphy.

PETITION FILED

The following petition was received and placed on file:

By Greiner of Washington, from two hundred sixty-two members of the general public opposing the smoking ban, and forty-eight signatures from business owners on a letter opposing the smoking ban.

INTRODUCTION OF BILLS

House File 2504, by Van Fossen, Lukan, Soderberg, Windschitl, Alons, L. Miller, Forristall, Arnold, Rasmussen, Heaton, Van Engelenhoven, Deyoe, Hoffman, Granzow, S. Olson, Chambers, Drake and Upmeyer, a bill for an act relating to social security numbers in

public records, establishing a procedure for redaction, and providing a penalty.

Read first time and referred to committee on **state government**.

House File 2505, by committee on environmental protection, a bill for an act relating to the compliance advisory panel, including the appointment of its members and its powers and duties.

Read first time and placed on the **calendar**.

House File 2506, by committee on human resources, a bill for an act relating to child care and family support subsidy services regulated or administered by the department of human services.

Read first time and placed on the **calendar**.

House File 2507, by committee on state government, a bill for an act concerning the Iowa public employees' retirement system and including effective date and retroactive applicability provisions.

Read first time and placed on the **calendar**.

House File 2508, by committee on commerce, a bill for an act authorizing appeal of denials of dental insurance coverage based on medical necessity.

Read first time and placed on the **calendar**.

House File 2509, by committee on state government, a bill for an act relating to the publication of certain false statements of fact concerning candidates and providing remedies and an effective date.

Read first time and placed on the **calendar**.

House File 2510, by May, a bill for an act relating to a property tax limitation for certain elderly persons, providing a penalty, and including an applicability provision.

Read first time and referred to committee on **ways and means**.

House File 2511, by Deyoe, a bill for an act to repeal the excise tax on the handling of grain.

Read first time and referred to committee on **ways and means**.

House File 2512, by Boal, a bill for an act relating to a searchable data base web site accessible to the public to provide data on state expenditures.

Read first time and referred to committee on **state government**.

House File 2513, by committee on transportation, a bill for an act relating to requirements for operation of a motor vehicle in merging traffic and providing a penalty.

Read first time and placed on the **calendar**.

House File 2514, by committee on agriculture, a bill for an act providing for the incurrence of costs to establish soil and water conservation practices.

Read first time and placed on the **calendar**.

SENATE MESSAGES CONSIDERED

Senate File 2035, by committee on state government, a bill for an act relating to campaign signs and contributions.

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

Senate File 2173, by committee on human resources, a bill for an act relating to case permanency plans, consent decrees, and attendance at proceedings in juvenile court.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 2359, a bill for an act concerning veterans, including expenditures from the veterans trust fund and authorization of lottery games for veterans, was taken up for consideration.

Alons of Sioux offered the following amendment H-8045 filed by him and moved its adoption:

H-8045

1 Amend House File 2359 as follows:

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

4 "Section 1. VETERANS TRUST FUND. There is
5 appropriated from the general fund of the state to the
6 commission of veterans affairs for the fiscal year
7 beginning July 1, 2008, and ending June 30, 2009, the
8 following amount, or so much thereof as is necessary,
9 to be used for the purpose designated:

10 For deposit in the veterans trust fund created in
11 section 35A.13:

12 \$ 5,000,000"

13 2. Title page, by striking lines 1 through 3 and
14 inserting the following: "An Act making an
15 appropriation to the veterans trust fund."

16 3. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and De Boef of Keokuk.

Rule 75 was invoked.

On the question "Shall amendment H-8045 be adopted?" (H.F. 2359)

The ayes were, 45:

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

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt

Foege	Ford	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 4:

Forristall	Frevert	Hoffman	Petersen
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Amendment H-8045 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Frevert of Palo Alto on request of Bukta of Clinton; Hoffmann of Crawford on request of Struyk of Pottawattamie.

Tymeson of Madison offered the following amendment H-8044 filed by her and moved its adoption:

H-8044

1 Amend House File 2359 as follows:
 2 1. Page 1, line 12, by inserting after the word
 3 "section." the following: "It is the intent of the
 4 general assembly that the balance in the trust fund
 5 reach fifty million dollars."

Amendment H-8044 was adopted.

Raecker of Polk offered amendment H-8046 filed by him as follows:

H-8046

1 Amend House File 2359 as follows:
 2 1. Page 1, line 14, by striking the words
 3 "PROVIDING AID FOR VETERANS".
 4 2. Page 1, line 19, by inserting after the word

5 "dependents" the following: ", two additional instant
 6 scratch and two additional pull tab lottery games
 7 annually to provide moneys for the benefit of breast
 8 cancer research, two additional instant scratch and
 9 two additional pull tab lottery games annually to
 10 provide moneys for domestic abuse prevention, and two
 11 additional instant scratch and two additional pull tab
 12 lottery games annually to provide moneys for the
 13 senior living trust fund".

14 3. Page 1, line 22, by inserting after the word
 15 "moneys" the following: "from the games for
 16 veterans".

17 4. Page 1, line 24, by inserting after the figure
 18 "35A.13" the following: ", the remaining moneys from
 19 the games for breast cancer research shall be
 20 transferred to the department of public health for
 21 deposit in a fund created by the department for breast
 22 cancer research, the remaining moneys from the games
 23 for domestic abuse prevention shall be transferred to
 24 the department of public health for deposit in a fund
 25 created by the department for domestic abuse
 26 prevention, and the remaining moneys from the games
 27 for the senior living trust fund shall be deposited in
 28 the senior living trust fund".

29 5. Page 1, line 25, by inserting after the word
 30 "moneys" the following: "from the games for
 31 veterans".

32 6. Title page, line 1, by inserting after the
 33 words "An Act" the following: "authorizing additional
 34 lottery games and".

Bailey of Hamilton rose on a point of order that amendment H-8046 was not germane.

The Speaker ruled the point well taken and amendment H-8046 not germane.

Raecker of Polk asked for unanimous consent to suspend the rules to consider amendment H-8046.

Objection was raised.

Raecker of Polk moved to suspend the rules to consider amendment H-8046.

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

On the question "Shall the rules be suspended to consider amendment H-8046?" (H.F. 2359)

The ayes were, 42:

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

The nays were, 50:

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

Absent or not voting, 8:

Anderson	Forristall	Frevert	Hoffman
Horbach	Hunter	Olson, R.	Petersen

The motion to suspend the rules lost.

Tymeson of Madison offered amendment H-8047 filed by her as follows:

H-8047

- 1 Amend House File 2359 as follows:
- 2 1. Page 1, by striking lines 26 and 27 and
- 3 inserting the following: "shall be appropriated to
- 4 the department of revenue for distribution to county

5 directors of veteran affairs, with fifty percent of
 6 the money to be distributed equally to each county and
 7 fifty percent of the money to be distributed to each
 8 county based upon the population of veterans in the
 9 county."

Tymeson of Madison offered the following amendment H-8053, to amendment H-8047, filed by her and moved its adoption:

H-8053

1 Amend the amendment, H-8047, to House File 2359 as
 2 follows:
 3 1. Page 1, line 9, by inserting after the word
 4 "county" the following: ", so long as the money
 5 distributed to a county does not supplant money
 6 appropriated by that county for the county director of
 7 veteran affairs".

Amendment H-8053 was adopted.

On motion by Tymeson of Madison, amendment H-8047, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2359)

The ayes were, 75:

Abdul-Samad	Arnold	Bailey	Baudler
Bell	Berry	Boal	Bukta
Cohoon	Dandekar	Davitt	Deyoe
Foege	Ford	Gaskill	Gayman
Gipp	Grassley	Greiner	Heaton
Heddens	Horbach	Hunter	Huser
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Quirk
Rasmussen	Rayhons	Reasoner	Reichert
Schickel	Schueller	Shomshor	Smith
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Van Fossen	Watts	Wendt

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

The nays were, 21:

Alons	Anderson	Chambers	Clute
De Boef	Dolecheck	Drake	Granzow
Huseman	Jacobs	May	Miller, L.
Paulsen	Pettengill	Raecker	Rants
Roberts	Sands	Soderberg	Upmeyer
Van Engelenhoven			

Absent or not voting, 4:

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

On motion by McCarthy of Polk, the House was recessed at 10:08 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:32 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

House File 2515, by Tymeson, a bill for an act relating to the repeal of and use of revenues of a local option sales and use tax.

Read first time and referred to committee on **ways and means**.

House File 2516, by Rants, a bill for an act relating to property taxation by making the assessment limitations of certain classes of property mutually dependent, limiting certain county and city property taxes in certain fiscal years, and requiring the state to pay any related property tax increases due to the state percent of growth for purposes of the state school foundation program, and including retroactive and other applicability date provisions.

Read first time and referred to committee on **ways and means**.

House File 2517, by Deyoe, Lukan, Soderberg, Windschitl, Alons, L. Miller, Forristall, Arnold, Rasmussen, Heaton, Van Engelenhoven, Granzow, S. Olson, Hoffman, Chambers, Drake and Upmeyer, a bill for an act relating to the protection of personal information, specifying notice procedures following a breach of security, and providing a penalty.

Read first time and referred to committee on **state government**.

House File 2518, by committee on local government, a bill for an act relating to rules for the discharge of wastewater from water well drilling sites.

Read first time and referred to committee on **ways and means**.

House File 2519, by Davitt, a bill for an act providing for a committee to study an open eligibility policy for certain students in grades seven through twelve relating to competitive high school activities, and providing an effective date.

Read first time and referred to committee on **education**.

House File 2520, by Roberts, a bill for an act relating to the inheritance tax on any interest in the Iowa educational savings plan trust.

Read first time and referred to committee on **ways and means**.

House File 2521, by committee on judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

Read first time and placed on the **calendar**.

SENATE MESSAGE CONSIDERED

Senate File 2217, by committee on judiciary, a bill for an act relating to providing legal representation to an eligible indigent

person and the appointment of a guardian ad litem

Read first time and referred to committee on **judiciary**.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2359** be immediately messaged to the Senate.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|---|
| 2008\1878 | Les and Pat Portwood, Harlan – For celebrating their 65 th wedding anniversary. |
| 2008\1879 | Reva Dostal, Toledo – For celebrating her 84 th birthday. |
| 2008\1880 | Elaine Marken, Grundy Center – For celebrating her 80 th birthday. |
| 2008\1881 | Bert Pruin, Holland – For celebrating his 80 th birthday. |
| 2008\1882 | Eleanor Zhorne, Tama – For celebrating her 90 th birthday. |
| 2008\1883 | Cliff and Mary Lee Bradley, Corning – For celebrating their 65 th wedding anniversary. |
| 2008\1884 | Florence Spangler, Adair County – For celebrating her 91 st birthday. |
| 2008\1885 | Elwyn Lemke, Guthrie Center – For over 38 years of service with Guthrie County REC. |
| 2008\1886 | Doris Marleta Bloom, Greenfield – For celebrating her 75 th birthday. |
| 2008\1887 | Blanche Tracy, Greenfield – For celebrating her 90 th birthday. |
| 2008\1888 | Marie Pool, Orient – For celebrating her 93 rd birthday. |
| 2008\1889 | Lee Hazen, Greenfield – For celebrating his 85 th birthday. |
| 2008\1890 | Louise Molgaard, Audubon – For celebrating her 96 th birthday. |

- 2008\1891 Dorothy Kerkhoff, Audubon – For celebrating her 80th birthday.
- 2008\1892 Duane Johson, Gilman – For celebrating his 80th birthday.
- 2008\1893 Neil Rowley, Iowa Falls – For celebrating his 80th birthday.
- 2008\1894 Byrd Robbins, Iowa Falls – For celebrating her 80th birthday.
- 2008\1895 Avenell Decamp, Eldora – For celebrating her 85th birthday.
- 2008\1896 Jeanette White, Iowa Falls – For celebrating her 85th birthday.
- 2008\1897 Ethelyn Clay, Gilman – For celebrating her 80th birthday.
- 2008\1898 Betty Bottema, Eldora – For celebrating her 80th birthday.
- 2008\1899 Viola Lura, Hubbard – For celebrating her 85th birthday.
- 2008\1900 Ruth Hart, Eldora – For celebrating her 85th birthday.
- 2008\1901 Rodger Christensen, Union – For celebrating his 80th birthday.
- 2008\1902 Winifred Thompson, State Center – For celebrating her 90th birthday.
- 2008\1903 Bill and Shila Stowe, New Providence – For celebrating their 50th wedding anniversary.
- 2008\1904 Kenneth and Donna Mae Bernard, New Providence – For celebrating their 60th wedding anniversary.
- 2008\1905 Joseph Longobardi, Iowa Falls – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\1906 Jerry and Arleen Hindman, Hubbard – For celebrating their 60th wedding anniversary.
- 2008\1907 Eloise Metcalf, Bettendorf – For celebrating her 90th birthday.
- 2008\1908 Grayce Thompson, Iowa Falls – For celebrating her 95th birthday.
- 2008\1909 William and Doris Kearney, Iowa Falls – For celebrating their 65th wedding anniversary.
- 2008\1910 Myron Richart, Vinton – For celebrating his 80th birthday.
- 2008\1911 Otto Bush, Vinton – For receiving a life membership in the Order of the VFW Nation Home for Children, and for his election to the Post of Junior Vice Commander.
- 2008\1912 Doris Burns, Winthrop – For celebrating her 80th birthday.

- 2008\1913 Dennis Roach, Sigourney – For his 37 years of dedicated service with Farm Services Agency.
- 2008\1914 Andrew Shipper, Ireton – For his 62 years of dedicated service with the Ireton Post Office.
- 2008\1915 Springville Girls Basketball Team, Coach Brian O'Donnell, Springville – For winning 1st place in the Class 1-A division of the 2008 Girls State Basketball Tournament.
- 2008\1916 Brance Rivera, Muscatine – For being name to the 2008 Louisville Slugger Pre-Season High School All-American Baseball Team.
- 2008\1917 Hazel Francik, Burlington – For celebrating her 95th birthday.
- 2008\1918 Tyler Hupp, Prairie Middle School, Cedar Rapids – For winning 1st place in the 6-7 Grade category in the Write Women Back Into History Essay Contest.
- 2008\1919 Raymond and Rhea Klaus, Colesburg – For celebrating their 71st wedding anniversary.
- 2008\1920 Mary Rowson, Clinton – For celebrating her 90th birthday.
- 2008\1921 Lucille Soenksen, De Witt – For celebrating her 100th birthday.
- 2008\1922 Maxine Nordling, Hawarden – For celebrating her 85th birthday.
- 2008\1923 Arnold Kreber, Alton – For celebrating his 90th birthday.
- 2008\1924 Lorraine Kilker, Le Mars – For celebrating her 80th birthday.
- 2008\1925 Bob and Mary Ann Hodoway, Hawarden – For celebrating their 65th wedding anniversary.
- 2008\1926 Henry and Evelyn Huenick, Hawarden – For celebrating their 60th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 930

Administration and Rules: Reasoner, Chair; Quirk and Roberts.

House File 2066 Reassigned

Ways and Means: Reasoner, Chair; Davitt, Forristall, Struyk, Van Fossen, Wendt and Wise.

House File 2304

Agriculture: Drake, Chair; Reichert, Struyk, Wenthe and Zirkelbach.

House File 2314

Ways and Means: Quirk, Chair; T. Olson and Pettengill.

House File 2350

Ways and Means: Reasoner, Chair; Sands and Shomshor.

House File 2408

Agriculture: Reasoner, Chair; S. Olson and Whitaker.

House File 2438

Agriculture: Reasoner, Chair; Greiner and Reichert.

House File 2444

Ways and Means: Thomas, Chair; Soderberg and Wendt.

House File 2445

Agriculture: Reasoner, Chair; Gayman and Huseman.

House File 2446

Judiciary: Schueller, Chair; Jacobs and Palmer.

House File 2455

Education: Wendt, Chair; Cohoon and Kaufmann.

House File 2459

Agriculture: Huseman, Chair; Reasoner and Wenthe.

House File 2467

Judiciary: Wendt, Chair; Heaton and Schueller.

House File 2468

Judiciary: Smith, Chair; Struyk and Wessel-Kroeschell.

House File 2469

Human Resources: Smith, Chair; Abdul-Samad and Grassley.

House File 2471

Human Resources: Ford, Chair; Mascher and Soderberg.

House File 2474

Human Resources: Upmeyer, Chair; T. Olson and Smith.

House File 2475

Human Resources: Heaton, Chair; Ford and Smith.

House File 2477

Education: Cohoon, Chair; Foege and L. Miller.

House File 2478

Human Resources: Mascher, Chair; Grassley and Smith.

House File 2479

Judiciary: Winckler, Chair; Boal and Wessel-Kroeschell.

House File 2482

Judiciary: Lensing, Chair; Baudler and Winckler.

House File 2484

Ways and Means: Thomas, Chair; Frevert and Soderberg.

House File 2488

State Government: Jochum, Chair; Gaskill and Pettengill.

House File 2490

State Government: Jochum, Chair; Roberts and Wendt.

House File 2491

Education: Wendt, Chair; Cohoon and Dolecheck.

House File 2492

Economic Growth: Thomas, Chair; Schickel and Wenthe.

House File 2494

Ways and Means: Sands, Chair; Davitt and Palmer.

House File 2502

Ways and Means: Thomas, Chair; Frevert and Soderberg.

House File 2511

Ways and Means: Reasoner, Chair; Deyoe and Shomshor.

Senate File 2214

Judiciary: Smith, Chair; Palmer and Tomenga.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 715

Ways and Means: Shomshor, Chair; Reasoner and Sands.

House Study Bill 754

Economic Growth: Thomas, Chair; Hoffman and D. Olson.

House Study Bill 755

Judiciary: Lensing, Chair; Horbach and Winckler.

House Study Bill 756

Commerce: Jacoby, Chair; Lukan and Petersen.

House Study Bill 757

Human Resources: Heddens, Chair; Abdul-Samad, Heaton, Smith and Upmeyer.

House Study Bill 758

Agriculture: Wenthe, Chair; Worthan and Zirkelbach.

House Study Bill 759

Veterans Affairs: Zirkelbach, Chair; D. Taylor and Tymeson.

House Study Bill 760

Judiciary: Smith, Chair; Jacobs and Lensing.

House Study Bill 761

Local Government: Kelley, Chair; Deyoe and D. Taylor.

House Study Bill 762

Economic Growth: Thomas, Chair; Granzow and T. Olson.

House Study Bill 763

Economic Growth: Thomas, Chair; H. Miller and Wiencek.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON COMMERCE

Committee Bill (Formerly House Study Bill 634), relating to the regulatory duties of the banking division of the department of commerce regarding banking, debt management, delayed deposit services, mortgage banking, and industrial loan companies, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 737), relating to various matters under the purview of the insurance division of the department of commerce including uniform securities; duties of the insurance division including a consumer advocate and rate reviews; confidential information; examinations; insurance trade practices; insurance fraud; the Iowa life and health insurance guaranty association; viatical settlement contracts; general agents and third-party administrators; life insurance companies; health maintenance organizations; utilization and cost control; external review of health care coverage decisions; insurance other than life; workers' compensation liability insurance; consolidation, merger, and reinsurance; cemetery and funeral merchandise and funeral services; and cemeteries, making appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 747), relating to foreclosure consultants and foreclosure reconveyances, providing for criminal and civil penalties, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House File 871), relating to funding to market projects receiving moneys from the community attraction and tourism fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House File 2038), creating a baby boom generation commission.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House File 2296), relating to the recruitment of minorities in certain businesses receiving incentives under the high quality job creation Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 535), relating to the annual aggregate amount of tax credits available under the endow Iowa program and to the amount of credits a taxpayer may receive.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 586), increasing the amount of investment tax credit for which an eligible housing business may qualify if specified energy efficiency standards are met, and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 622), relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the Iowa summer youth corps account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing a retroactive applicability provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 686), relating to economic development by providing for the confidentiality of certain details contained in contracts and applications for grant funds.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 2055), requiring certification of the performance of an eye examination, and submission of the results of such examination, when a child is enrolled in kindergarten.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2008.

Committee Bill (Formerly House File 2303), relating to the development and implementation of a certificate of employability program by the board of parole.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2008.

Committee Bill (Formerly House Study Bill 692), relating to child care by revising requirements for child care homes and child development homes, restricting the presence of certain registered sex offenders on the premises of child care providers, and providing penalties and an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2008.

Committee Bill (Formerly House Study Bill 712), relating to Alzheimer's disease and similar forms of irreversible dementia.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2008.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 2142), providing for a private cause of action for certain consumer fraud violations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 668), relating to certain liability insurance policy information required to be given to claimants.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 735), relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 748), relating to business associations, by providing for limited liability companies and conversion involving corporations, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 751), creating the Iowa uniform prudent management of institutional funds Act and including an applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2008.

COMMITTEE ON LABOR

Committee Bill (Formerly House File 743), requiring additional workers' compensation payments for scheduled injuries that result in a reduction in the injured employee's earning capacity.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 604), relating to unemployment insurance tax penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 653), concerning work-related injuries suffered and claims made outside of this state and workers' compensation proceedings to reopen awards for payments or agreements for settlement of contested cases.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 658), relating to the payment of certain medically related workers' compensation expenses and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 672), requiring certain weekly workers' compensation benefits to be calculated by including an employee's overtime, shift differential, and premium pay.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 717), relating to the employer-employee relationship by preventing identity theft in the procurement of employment, providing for the employment classification of individuals, and providing penalties and an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House File 2092), relating to the issuance of permits to carry weapons.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 525), establishing a central warehouse fund under the control of the department of corrections.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 659), concerning the disaster aid individual assistance grant program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 749), relating to carrying a portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 593), modifying provisions relating to statewide licensure and certification of electricians and alarm system contractors and installers, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 610), relating to the regulation of the practice of certified public accounting.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 627), relating to the conduct of elections and voter registration and including effective date, applicability date, and transition provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 709), concerning department of administrative services operations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 719), concerning the duties and responsibilities of the auditor of state.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2008.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 648), relating to policies for the administration of highways and the regulation of motor vehicles by the department of transportation, including matters concerning the bid threshold for emergency highway repairs, the fee for replacement of special dealer registration plates, disqualification from operating a commercial motor vehicle, an exemption from the civil penalty imposed for certain driver's license sanctions, and permits and fees for the movement of

certain overweight vehicles used for alternative energy purposes, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House Study Bill 674), authorizing counties to charge an administrative fee for issuance or renewal of a driver's license or nonoperator's identification card.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

COMMITTEE ON VETERANS AFFAIRS

Senate File 2124, a bill for an act relating to authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8064** March 4, 2008.

Committee Bill (Formerly House File 133), exempting from the individual income tax federal retirement pay received for military service and including a retroactive applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House File 2033), requiring insurance coverage benefits for veterans for treatment of mental illness and substance abuse.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2008.

Committee Bill (Formerly House File 2191), prohibiting the sale at retail of designated flags manufactured outside of the United States and establishing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

Committee Bill (Formerly House File 2261), relating to veterans affairs by modifying training requirements, requiring minimum hours of operation from local veteran affairs offices in each county, creating a county commission of veteran affairs

training program, creating a county commissions of veteran affairs fund, providing an appropriation, and providing an effective date

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2008.

AMENDMENT FILED

H—8064 S.F. 2124 Committee on Veterans Affairs

On motion by McCarthy of Polk the House adjourned at 1:35 p.m., until 9:00 a.m., Thursday, March 6, 2008.

JOURNAL OF THE HOUSE

Fifty-third Calendar Day - Thirty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 6, 2008

The House met pursuant to adjournment at 9:11 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Dave Loy, pastor of the Community of Christ Church, Cedar Rapids. He was the guest of Representative Todd Taylor of Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Kathy Ellett, legislative secretary to Representative Jim Lykam of Scott County.

The Journal of Wednesday, March 5, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hoffman of Crawford on request of Struyk of Pottawattamie; May of Dickinson on request of Roberts of Carroll; Sands of Louisa on request of Roberts of Carroll.

INTRODUCTION OF BILL

House File 2522, by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

Read first time and placed on the **calendar**.

SENATE AMENDMENT CONSIDERED

Hunter of Polk called up for consideration **House File 2309**, a bill for an act relating to child support recovery including assignment of support to the state relative to receipt of family investment program benefits, garnishment of money held by the state for a person who owes delinquent child support, the reporting of

delinquent child support obligors to consumer reporting agencies, access to cellular telephone numbers for the purpose of the computer match program by the child support recovery unit, collection of support from certain obligors, the information included in a notice regarding the administrative levy of an account, and medical support of a child, and providing effective and retroactive applicability dates, amended by the Senate, and moved that the House concur in the following Senate amendment H-8062:

H-8062

- 1 Amend House File 2309, as passed by the House, as
- 2 follows:
- 3 1. Page 6, by striking lines 5 through 16.
- 4 2. By striking page 7, line 19, through page 9,
- 5 line 11.
- 6 3. Title page, by striking lines 3 and 4 and
- 7 inserting the following: "program benefits, the
- 8 reporting of".
- 9 4. Title page, by striking line 8 and inserting
- 10 the following: "unit, the".
- 11 5. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8062.

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

On the question "Shall the bill pass?" (H.F. 2309)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Frevert	Gaskill	Gayman	Gipp
Granzow	Grassley	Greiner	Heaton
Heddens	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.

Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencsek	Winckler
Windschitl	Wise	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 7:

Cohoon	Forristall	Hoffman	Horbach
May	Rants	Sands	

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2309** be immediately messaged to the Senate.

HOUSE FILE 2158 WITHDRAWN

Bailey of Hamilton asked and received unanimous consent to withdraw House File 2158 from further consideration by the House.

SENATE FILES PLACED ON THE UNFINISHED BUSINESS CALENDAR

McCarthy of Polk asked and received unanimous consent to place Senate Files 348 and 2111 on the Unfinished Business Calendar.

On motion by McCarthy of Polk, the House was recessed at 9:30 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:25 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

House File 2523, by committee on natural resources, a bill for an act relating to deer depredation management, providing for a deer study advisory committee, and providing an effective date.

Read first time and placed on the **calendar**.

House File 2524, by committee on veterans affairs, a bill for an act relating to veterans affairs by modifying training requirements, requiring executive directors and administrators to provide minimum hours of service in each county, specifying executive director, administrator, and employee duties, creating a county commission of veteran affairs training program, creating a county commissions of veteran affairs fund, providing an appropriation, and providing an effective date.

Read first time and referred to committee on **appropriations**.

House File 2525, by committee on environmental protection, a bill for an act relating to the disposal and recycling of waste oil filters.

Read first time and placed on the **calendar**.

House File 2526, by committee on education, a bill for an act relating to the disposition of school property.

Read first time and placed on the **calendar**.

House File 2527, by committee on public safety, a bill for an act relating to criminal offenses against minors including sexual abuse and indecent exposure by electronic transmission of an image, and providing penalties.

Read first time and placed on the **calendar**.

House File 2528, by committee on state government, a bill for an act relating to campaign finance procedures and requirements and providing an effective date.

Read first time and placed on the **calendar**.

House File 2529, by committee on veterans affairs, a bill for an act exempting from the individual income tax federal retirement pay received for military service and including a retroactive applicability date provision.

Read first time and referred to committee on **ways and means**.

House File 2530, by committee on education, a bill for an act establishing committees to formulate plans for a state research and development prekindergarten through grade twelve school and providing an effective date.

Read first time and placed on the **calendar**.

House File 2531, by committee on economic growth, a bill for an act relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the Iowa summer youth corps account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing a retroactive applicability provision.

Read first time and referred to committee on **ways and means**.

House File 2532, by committee on state government, a bill for an act concerning the duties and responsibilities of the auditor of state.

Read first time and placed on the **calendar**.

House File 2533, by committee on education, a bill for an act relating to the statewide preschool program for four-year-old children and funding associated with the program and including effective and applicability date provisions.

Read first time and placed on the **calendar**.

House File 2534, by committee on economic growth, a bill for an act relating to the recruitment of minorities in certain businesses receiving incentives under the high quality job creation Act.

Read first time and placed on the **calendar**.

House File 2535, by committee on human resources, a bill for an act relating to child care by revising requirements for child care homes and child development homes, restricting the presence of certain registered sex offenders on the premises of child care providers, and providing penalties, an appropriation, and an effective date.

Read first time and referred to committee on **appropriations**.

House File 2536, by Paulsen, Kaufmann and Staed, a bill for an act relating to an adjustment in state foundation aid for certain school districts required to repay property taxes and providing an effective date.

Read first time and referred to committee on **ways and means**.

House File 2537, by committee on environmental protection, a bill for an act relating to the control of beverage containers by expanding the types of beverage containers covered and increasing the reimbursement amount paid to dealers.

Read first time and placed on the **calendar**.

House File 2538, by committee on economic growth, a bill for an act increasing the amount of investment tax credit for which an eligible housing business may qualify if specified energy efficiency standards are met, and including effective and retroactive applicability date provision.

Read first time and referred to committee on **commerce**.

House File 2539, by committee on human resources, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, and including an applicability provision.

Read first time and placed on the **calendar**.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 5, 2008, he approved and transmitted to the Secretary of State the following bills:

House File 2137, an Act relating to the membership requirements and oversight responsibilities of the board of educational examiners.

House File 2151, an Act relating to the advanced practice registered nurse licensure compact and providing an effective date.

House File 2167, an Act relating to controlled substance schedules and the reporting requirements to the board of pharmacy and making penalties applicable.

Senate File 2101, an Act transferring administration of the entrepreneurs with disabilities program to the department of education.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\1927 Rita Copeland, Bettendorf – For celebrating her 90th birthday.
- 2008\1928 Gladys Goetsch, Bettendorf – For celebrating her 85th birthday.
- 2008\1929 Evelyn Dorn, Bettendorf – For celebrating her 90th birthday.
- 2008\1930 Sylvia Freeman, Bettendorf – For celebrating her 90th birthday.
- 2008\1931 Mary Frields, Bettendorf – For celebrating her 90th birthday.
- 2008\1932 Gerald Turner, Bettendorf – For celebrating his 80th birthday.
- 2008\1933 Margaret Deshon, Bettendorf – For celebrating her 95th birthday.
- 2008\1934 Wayne Gordon, Bettendorf – For celebrating his 80th birthday.
- 2008\1935 Beverly King, Bettendorf – For celebrating her 80th birthday.
- 2008\1936 Margaret Picket, Bettendorf – For celebrating her 80th birthday.

2008\1937 Marge and John Hosier, Dubuque – For celebrating their 60th wedding anniversary.

2008\1938 Jerome Gerard, Mason City – For celebrating his 95th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2428

Environmental Protection: D. Olson, Chair; Frevert and S. Olson.

House File 2460

Environmental Protection: D. Olson, Chair; Frevert and S. Olson.

House File 2480

Environmental Protection: D. Olson, Chair; Frevert and S. Olson.

House File 2484 Reassigned

Ways and Means: Thomas, Chair; Quirk and Soderberg.

House File 2502 Reassigned

Ways and Means: Thomas, Chair; Quirk and Soderberg.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 765 State Government

Relating to the reporting of certain compensation information regarding the chief executive officer, the chief financial officer, and other executive-level administrators of a nonprofit corporation.

H.S.B. 766 State Government

Creating a family friendly business initiative.

H.S.B. 767 Judiciary

Relating to mortgage foreclosures.

H.S.B. 768 Judiciary

Relating to issuance of a treasurer's deed after expiration of the period of redemption and providing an effective date.

H.S.B. 769 Agriculture

Providing for a living snow fence program.

H.S.B. 770 Agriculture

Urging the United States Environmental Protection Agency to take all actions necessary to provide American consumers with the opportunity to use higher ethanol blended gasoline for general use in conventional engines.

H.S.B. 771 Labor

Relating to the choice of doctor to treat an injured employee under workers' compensation law and providing an applicability date.

H.S.B. 772 Appropriations

Relating to and making appropriations to the judicial branch.

H.S.B. 773 Appropriations

Relating to and making appropriations to the justice system.

H.S.B. 774 Appropriations

Relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and including an effective date.

H.S.B. 775 Appropriations

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective date.

H.S.B. 776 Judiciary

Relating to the appointment or election of state judicial nominating commission members.

H.S.B. 777 Public Safety

Relating to eluding or attempting to elude a pursuing law enforcement vehicle operated by a special security officer employed by a board of regents institution.

H.S.B. 778 Public Safety

Concerning penalties for sale of alcohol to minors by alcohol beverage licensees and permittees and providing for an alcohol compliance employee training program.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 757), relating to health care reform including health care coverage intended for children, health information technology, end-of-life care promotion, preexisting conditions and dependent children coverage, and medical homes, providing an appropriation, and including an applicability provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

RESOLUTIONS FILED

HR 115, by McCarthy, a resolution to congratulate J. Barry Griswell

and the Principal Financial Group for being named one of the “Top 25 Best Places To Work” by Fortune Magazine.

Laid over under **Rule 25**.

HR 116, by Palmer, a resolution urging the United States Postal Service to issue commemorative postage stamps honoring four great Iowa conservationists: J. N. “Ding” Darling, Aldo Leopold, John F. Lacey, and William Temple Hornaday.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8065	S.F.	348	Raecker of Polk
H—8066	H.F.	2500	Baudler of Adair
H—8067	H.F.	2400	Kaufmann of Cedar
H—8068	H.F.	2400	Tymeson of Madison
H—8069	H.F.	2522	Committee on Judiciary
H—8070	H.F.	2521	Committee on Judiciary

On motion by McCarthy of Polk the House adjourned at 4:29 p.m., until 9:00 a.m., Friday, March 7, 2008.

JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day - Thirty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 7, 2008

The House met pursuant to adjournment at 9:24 a.m., Hunter of Polk in the chair.

Prayer was offered by the honorable Bruce Hunter, state representative from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Bruce Hunter.

The Journal of Thursday, March 6, 2008 was approved.

INTRODUCTION OF BILL

House File 2540, by committee on judiciary, a bill for an act relating to the disposal of dead animal carcasses in a water of this state, and providing penalties.

Read first time and placed on **calendar**.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 765

State Government: Mascher, Chair; Lensing and Roberts.

House Study Bill 766

State Government: Mascher, Chair; L. Miller and Wessel-Kroeschell.

House Study Bill 767

Judiciary: Swaim, Chair; Anderson and Palmer.

House Study Bill 768

Judiciary: Swaim, Chair; Anderson and R. Olson.

House Study Bill 769

Agriculture: Gayman, Chair; Dolecheck and Frevert.

House Study Bill 770

Agriculture: Mertz, Chair; Drake and Whitaker.

House Study Bill 771

Labor: R. Olson, Chair; Horbach and Hunter.

House Study Bill 776

Judiciary: Palmer, Chair; Horbach and R. Olson.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House File 2503), requiring that a person entering into a repurchase contract for the growing of corn seed stock post a special bond.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 679), providing for a research effort to mitigate odor emitted from livestock operations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 699), relating to the regulation of transactions involving grain, by providing for the regulation of grain dealers and warehouse operators, and providing for the administration of the grain indemnity fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 701), relating to equipment used in egg production operations by providing an exemption from sales tax.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 746), relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, modifying tax credits, providing for retroactive applicability, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 758), providing for the state interagency Missouri river authority.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 770), urging the United States Environmental Protection Agency to take all actions necessary to provide American consumers with the opportunity to use higher ethanol blended gasoline for general use in conventional engines.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2008.

COMMITTEE ON COMMERCE

Committee Bill (Formerly House File 2128), establishing a state health insurance mandate commission.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2008.

Committee Bill (Formerly House File 2238), allowing the continuation of group health insurance for spouses of certain retired public employees and providing for retroactive applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2008.

Committee Bill (Formerly House File 2240), relating to the Iowa power fund, specifying procedures applicable to Iowa power fund applications, authorizing allocations from the fund, and providing an effective date and applicability provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2008.

Committee Bill (Formerly House File 2336), directing the office of energy independence to conduct a feasibility study regarding the establishment of low-head hydropower energy production facilities, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2008.

Committee Bill (Formerly House File 2448), requiring consumer notification of product manufacture information relating to the sale or distribution of child-oriented products and providing civil penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2008.

Committee Bill (Formerly House Study Bill 722), relating to the licensure of real estate brokers and salespersons.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2008.

Committee Bill (Formerly House Study Bill 723), relating to required disclosures in real estate transactions.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2008.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 2131), relating to participation in varsity interscholastic athletic contests and athletic competitions by students participating in open enrollment.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House File 2144), relating to the compulsory school attendance age and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 534), relating to the elimination of reporting or data collection requirements related to the department of education.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 649), establishing the senior year plus program, providing for related matters, and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 678), relating to the funding of school district programs for returning dropouts and dropout prevention.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2008.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House Study Bill 762), providing for a residual biomass tax credit, and including effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2008.

Committee Bill (Formerly House Study Bill 763), relating to economic growth by creating a workforce innovation for regional economic development task force and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2008.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 691), relating to water use permit fees, creating a new water use permit fund, and making appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 698), providing for separation distance requirements between a confinement feeding operation structure and a designated wetland, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 742), relating to energy efficiency by establishing specified standards and goals relating to energy production and utilization, and establishing a commission on energy efficiency standards and practices.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 744), relating to achieving specified greenhouse gas reduction levels.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 2061), relating to a temporary permit to practice dentistry or dental hygiene.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House File 2136), relating to public access to certain vital statistics records.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House File 2181), requiring the department of corrections to test inmates for certain staph infections.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House File 2294), relating to individual development accounts authorized for certain individuals with low income, providing an appropriation, and providing effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 588), authorizing a chief primary health clinician to file certain periodic court reports on chronic substance abusers and persons with mental illness who do not require full-time placement in a treatment facility.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 619), requiring a preliminary investigation to be conducted by the county medical examiner in the event of the death of a resident of certain state facilities administered by the department of human services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 637), relating to criminal and abuse records of prospective and current employees of licensed hospitals and health care facilities and certain health-related programs and services and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 675), relating to sexual misconduct with a juvenile, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 677), relating to the regulation of health-related professions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 693), providing for establishment of a mental health services system for children and youth.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 711), relating to the public release of information relating to elder group homes, assisted living facilities, and adult day services programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 727), requesting the legislative council to authorize a study committee for the 2008 interim to review Iowa's system of mental health patient advocates appointed by the courts.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 729), relating to dependent adult abuse in certain facilities and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 745), relating to recovery from third parties liable for health care coverage provided to recipients of medical assistance, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2008.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 2235), relating to expunging the record of certain simple misdemeanor violations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2008.

Committee Bill (Formerly House Study Bill 94), relating to communications made in professional confidence concerning health care and health care records and providing for fees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2008.

Committee Bill (Formerly House Study Bill 508), relating to filing and docketing fees collected by the clerk of the district court for parking violations and tribal judgments, fees for examination and admission to practice law, appropriations from the jury and witness fee revolving fund, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2008.

Committee Bill (Formerly House Study Bill 545), relating to the confidentiality of court records and information.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2008.

Committee Bill (Formerly House Study Bill 687), relating to deferred judgment criminal records.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2008.

Committee Bill (Formerly House Study Bill 767), relating to mortgage foreclosures.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2008.

Committee Bill (Formerly House Study Bill 768), relating to issuance of a treasurer's deed after expiration of the period of redemption and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2008.

Committee Bill (Formerly House Study Bill 776), relating to the appointment or election of state judicial nominating commission members.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2008.

COMMITTEE ON LABOR

Committee Bill (Formerly House File 2375), relating to qualifications for the payment of unemployment compensation benefits, and including effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2008.

Committee Bill (Formerly House Study Bill 657), concerning civil service commissions, appointment and promotion procedures, disciplinary procedures, providing a civil penalty, and making a penalty applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2008.

Committee Bill (Formerly House Study Bill 673), requiring an annual cost-of-living adjustment for certain weekly workers' compensation benefits.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2008.

Committee Bill (Formerly House Study Bill 718), concerning public employee collective bargaining.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2008.

Committee Bill (Formerly House Study Bill 771), relating to the choice of doctor to treat an injured employee under worker's compensation laws and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2008.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House File 2211), relating to compensation paid to county supervisors.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2008.

Committee Bill (Formerly House File 2272), relating to the exceptions to the conflict of interest restrictions for city officials, city employees, and civil service commissioners.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2008.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 423), allowing nonresidents under sixteen years of age to purchase a preserve hunting license and providing a fee.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2008.

Committee Bill (Formerly House File 2111), relating to mowing within the right-of-way of a primary highway.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 764), relating to natural resources, including by providing for the powers and duties of the department's director and natural resources commission, and the regulation of public lands and outdoor recreation, providing for penalties and making penalties applicable, and providing for fees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House Study Bill 777), relating to eluding or attempting to elude a pursuing law enforcement vehicle operated by a special security officer employed by a board of regents institution.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2008.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House File 2347), modifying certain filing, request, and notification deadline times for elections.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House File 2379), establishing a senior administrative law judge program.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2008.

Committee Bill (Formerly House File 2430), relating to the authority of a public agency to spend property tax revenues under a contract or agreement with another public or private agency.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 613), providing for the licensure of persons installing fire protection systems, providing for the establishment of fees, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 655), relating to the provision of services over certain Iowa communications network connection facilities under specified circumstances.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 713), concerning bingo conducted during county fairs and community festivals.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 765), relating to the reporting of certain compensation information regarding the chief executive officer, the chief financial officer, and other executive-level administrators of a nonprofit corporation.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2008.

Committee Bill (Formerly House Study Bill 766), creating a family friendly business initiative.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2008.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 628), relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2008.

Committee Bill (Formerly House Study Bill 753), relating to the issuance of driver's licenses and nonoperator's identification cards in compliance with the federal REAL ID Act of 2005.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2008.

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly House File 2495), relating to the small business linked investments program by changing the allocation of available moneys from program investments and raising the limit on qualifying net worth.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2008.

On motion by McCarthy of Polk the House adjourned at 9:25 a.m., until 1:00 p.m., Monday, March 10, 2008.

JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day - Fortieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 10, 2008

The House met pursuant to adjournment at 1:24 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Tim Peters, pastor of the Church of the Brethren, Prairie City. He was the guest of Representative Geri Huser of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Sarah Cutshall, legislative secretary to Representative Polly Granzow of Hardin County.

The Journal of Friday, March 7, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Soderberg of Plymouth on request of Roberts of Carroll; Greiner of Washington on request of Upmeyer of Hancock.

INTRODUCTION OF BILLS

House File 2541, by H. Miller, a bill for an act providing certain counties with a workforce zone pilot program, providing certain employees in pilot program counties with state individual income tax credits, providing the option of a workforce recruitment local sales and services tax, and authorizing a county to provide residential property tax relief to certain employees, and providing an effective date.

Read first time and referred to committee on **ways and means**.

House File 2542, by committee on labor, a bill for an act concerning work-related injuries suffered and claims made outside of

this state and workers' compensation proceedings to reopen awards for payments or agreements for settlement of contested cases.

Read first time and placed on the **calendar**.

Speaker pro tempore Bukta in the chair at 1:30 p.m.

CONSIDERATION OF BILLS Regular Calendar

House File 2119, a bill for an act relating to taking the fingerprints of a child by a governmental unit, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2119)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

Greiner Soderberg Taylor, T.

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

House File 2265, a bill for an act relating to the sale of a pseudoephedrine product by a pharmacy or retailer, and providing penalties and contingent applicability, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2265)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

Greiner Soderberg Taylor, T.

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

HOUSE FILE 852 WITHDRAWN

Baudler of Adair asked and received unanimous consent to withdraw House File 852 from further consideration by the House.

House File 2268, a bill for an act making specified revisions to the consumer credit code to conform to federal statutory updates and prohibit the transfer of ownership of a motor vehicle pursuant to a consumer rental purchase agreement, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2268)

The ayes were, 98:

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

Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wienczek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Bukta, Presiding		

The nays were, none.

Absent or not voting, 2:

Greiner Soderberg

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

HOUSE FILE 663 WITHDRAWN

Whitaker of Van Buren asked and received unanimous consent to withdraw House File 663 from further consideration by the House.

House File 2283, a bill for an act concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service, providing a penalty, and including an effective date, was taken up for consideration.

Bailey of Hamilton offered the following amendment H-8040 filed by him and moved its adoption:

H-8040

- 1 Amend House File 2283 as follows:
- 2 1. Page 3, by inserting after line 17 the
- 3 following:
- 4 "Sec. ____ Section 422.7, subsection 51, Code
- 5 Supplement 2007, is amended to read as follows:
- 6 51. Subtract, to the extent included, the amount
- 7 of any Vietnam Conflict veterans bonus provided
- 8 pursuant to section 35A.8, subsection 5_and section
- 9 35A.8A."
- 10 2. Page 3, by inserting after line 19 the
- 11 following:
- 12 "Sec. ____ *RETROACTIVE APPLICABILITY*. The section
- 13 of this Act amending section 422.7, is retroactively
- 14 applicable to January 1, 2008, and is applicable for
- 15 tax years beginning on and after that date."
- 16 3. Title page, line 3, by inserting after the
- 17 word "date" the following: "and retroactive

18 applicability provision".

19 4. By renumbering as necessary.

Amendment H-8040 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2283)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Greiner Soderberg

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

HOUSE FILE 2125 WITHDRAWN

Bailey of Hamilton asked and received unanimous consent to withdraw House File 2125 from further consideration by the House.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2119, 2265, 2268 and 2283.**

House File 2287, a bill for an act increasing the penalties that may be imposed by courts-martial under the Iowa code of military justice, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2287)

The ayes were, 97:

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

Windschitl Bukta, Presiding	Wise	Worthan	Zirkelbach
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The nays were, none.

Absent or not voting, 3:

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

House File 2338, a bill for an act relating to attendance at child in need of assistance proceedings, was taken up for consideration.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-8061 filed by him on March 4, 2008.

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

On the question "Shall the bill pass?" (H.F. 2338)

The ayes were, 98:

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

Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wienczek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Bukta, Presiding		

The nays were, none.

Absent or not voting, 2:

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

House File 2366, a bill for an act designating peace officer communication equipment and other emergency services communication equipment as an essential county purpose and as an essential corporate purpose that authorizes the issuance of general obligation bonds and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2366)

The ayes were, 98:

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

Smith	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Bukta, Presiding		

The nays were, none.

Absent or not voting, 2:

Greiner Soderberg

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2287, 2338 and 2366.**

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 20, 2008. Had I been present, I would have voted "aye" on House Files 2195, 2213 and 2215.

PETERSEN of Polk

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF ELDER AFFAIRS

Final report on the Alzheimer's Disease Task Force, pursuant to Chapter 231, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Report on Iowa's group care usage and wait list, pursuant to Chapter 217, Code of Iowa.

Report on Iowa's Highly Structured Juvenile Program, pursuant to Chapter 217, Code of Iowa.

Report relating to Iowa's Mental Health Systems Improvement, pursuant to Chapter 249A, Code of Iowa.

DEPARTMENT OF REVENUE

Annual report of the Iowa Streamlined Sales Tax Advisory Council, pursuant to Chapter 421, Code of Iowa.

IOWA UTILITIES BOARD

Report on the Status of Energy Efficiency Programs in Iowa, pursuant to Chapter 476.52, Code of Iowa.

LEGISLATIVE SERVICES AGENCY

Annual report of the Livestock Odor Study Committee, pursuant to Chapter 455B.201, Code of Iowa.

SECRETARY OF STATE

Principles and Practices for Charitable Nonprofit Excellence Report, pursuant to Chapter 9, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|---|
| 2008\1939 | Janette Twait, Siouxland Community Blood Bank – For being honored with the President's Award for her extraordinary contribution to the blood centers community. |
| 2008\1940 | Norma and Earl Kimbell, Sioux City – For celebrating their 65 th wedding anniversary. |
| 2008\1941 | Gene Rodberg, Sioux City – For celebrating his 81st birthday. |
| 2008\1942 | William and LaVerna Koch, Mechanicsville – For celebrating their 60 th wedding anniversary. |
| 2008\1943 | Agnes Twedt, Inwood – For celebrating her 90 th birthday. |

SUBCOMMITTEE ASSIGNMENT

House File 2472

Appropriations: Foege, Chair; Gayman and Heaton.

AMENDMENTS FILED

H—8071	H.F.	2212	Bailey of Hamilton Windschitl of Harrison
H—8072	H.F.	2509	Raecker of Polk
H—8073	H.F.	2493	Wessel-Kroeschell of Story
H—8074	S.F.	2122	Jacobs of Polk
H—8075	H.F.	2539	Heaton of Henry Horbach of Tama Schueller of Jackson

On motion by McCarthy of Polk the House adjourned at 2:37 p.m., until 9:00 a.m., Tuesday, March 11, 2008.

JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day - Forty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 11, 2008

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

Prayer was offered by Reverend Clem Currans, pastor of the Holy Family Catholic Church, Emmetsburg. He was the guest of Representative Marcella Frevert of Palo Alto County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Amanda Glaser from New Hampton. She is the legislative secretary to Representative Brian Quirk of Chickasaw County.

The Journal of Monday, March 10, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Van Engelenhoven of Marion on request of Rants of Woodbury; Soderberg of Plymouth on request of Roberts of Carroll.

INTRODUCTION OF BILLS

House File 2543, by committee on human resources, a bill for an act relating to Alzheimer's disease and similar forms of irreversible dementia.

Read first time and placed on the **calendar**.

House File 2544, by committee on human resources, a bill for an act relating to student eye care and providing an applicability date.

Read first time and placed on the **calendar**.

House File 2545, by committee on public safety, a bill for an act establishing a central warehouse fund under the control of the department of corrections.

Read first time and placed on the **calendar**.

House File 2546, by committee on state government, a bill for an act concerning department of administrative services operations.

Read first time and placed on the **calendar**.

House File 2547, by committee on state government, a bill for an act modifying provisions relating to statewide licensure and certification of electricians and alarm system contractors and installers, and providing an effective date.

Read first time and placed on the **calendar**.

House File 2548, by committee on human resources, a bill for an act relating to public access to certain vital statistics records.

Read first time and placed on the **calendar**.

House File 2549, by committee on local government, a bill for an act relating to compensation paid to county supervisors.

Read first time and placed on the **calendar**.

House File 2550, by committee on human resources, a bill for an act relating to the development and implementation of a certificate of employability program by the board of parole.

Read first time and placed on the **calendar**.

House File 2551, by committee on agriculture, a bill for an act providing requirements for a nonresident of this state engaged in the aerial application of pesticides, making penalties applicable, and providing an effective date.

Read first time and placed on the **calendar**.

House File 2552, by committee on agriculture, a bill for an act relating to the management of cooperative associations.

Read first time and placed on the **calendar**.

House File 2553, by committee on agriculture, a bill for an act relating to per diem compensation for directors of the Iowa soybean association board.

Read first time and placed on the **calendar**.

House File 2554, by committee on agriculture, a bill for an act providing monetary thresholds for actions by governing boards of drainage districts.

Read first time and placed on the **calendar**.

House File 2555, by committee on commerce, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including uniform securities; duties of the insurance division including a consumer advocate and rate reviews; confidential information; examinations; insurance trade practices; insurance fraud; the Iowa life and health insurance guaranty association; viatical settlement contracts; general agents and third-party administrators; life insurance companies; health maintenance organizations; utilization and cost control; external review of health care coverage decisions; the Iowa comprehensive health insurance association; workers' compensation liability insurance; consolidation, merger, and reinsurance; licensing of insurance producers; cemetery and funeral merchandise and funeral services; and cemeteries, making appropriations, and providing an effective date.

Read first time and placed on the **calendar**.

House File 2556, by committee on commerce, a bill for an act relating to the regulatory duties of the banking division of the department of commerce regarding banking, debt management, delayed deposit services, mortgage banking, and industrial loan companies, and providing penalties.

Read first time and placed on the **calendar**.

House File 2557, by committee on education, a bill for an act relating to the elimination of reporting or data collection requirements related to the department of education.

Read first time and placed on the **calendar**.

House File 2558, by committee on economic growth, a bill for an act relating to economic development by providing for the confidentiality of certain details contained in contracts and applications for financial assistance.

Read first time and placed on the **calendar**.

House File 2559, by committee on veterans affairs, a bill for an act prohibiting the sale at retail of designated flags manufactured outside of the United States and establishing a penalty.

Read first time and placed on the **calendar**.

House File 2560, by committee on local government, a bill for an act relating to the office of the county recorder by making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

Read first time and placed on the **calendar**.

House File 2561, by committee on local government, a bill for an act relating to the exceptions to the conflict of interest restrictions for city officials, city employees, and civil service commissioners.

Read first time and placed on the **calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

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

House File 2165, a bill for an act relating to business corporations, by providing for distributions and business opportunities.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2166, a bill for an act relating to the practice of pharmacy, including provisions governing tech-check-tech programs and specifying applicable penalty provisions.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2194, a bill for an act relating to exemptions to state minimum wage requirements.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2213, a bill for an act relating to technical matters concerning the regulation of motor vehicles by the department of transportation and providing an effective date.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2359, a bill for an act concerning veterans, including expenditures from the veterans trust fund and authorization of lottery games for veterans.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2417, a bill for an act exempting certain federal tax rebates under the state individual income tax and including a retroactive applicability date provision.

Also: That the Senate has on March 10, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate file 249, a bill for an act relating to the conference of eligibility on the conditions of eligibility for individuals for certain programs under the purview of the department of human services.

Also: That the Senate has on March 10, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2123, a bill for an act updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability date provisions.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2198, a bill for an act relating to the appointment of the membership of the Brushy creek recreation area trails advisory board.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2230, a bill for an act authorizing the issuance of special nonresident turkey and deer hunting licenses to certain persons who have severe physical disabilities or a terminal illness.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2248, a bill for an act modifying provisions relating to the application for a certificate of franchise authority applicable to the provision of cable or video services by an existing provider.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2249, a bill for an act relating to certain local hotel and motel tax elections.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2261, a bill for an act relating to requirements for operation of a motor vehicle in merging traffic and providing a penalty.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2262, a bill for an act relating to child care and family support subsidy services regulated or administered by the department of human services.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2263, a bill for an act providing increased penalties for speeding violations committed by a motor vehicle operator in a road work zone.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2266, a bill for an act requiring a preliminary investigation to be conducted by the county medical examiner in the event of the death of a resident of certain state facilities administered by the department of human services.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2269, a bill for an act revising family investment program requirements for limited benefit plans.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2276, a bill for an act relating to the disposal of solid waste by changing permitting requirements and updating and clarifying existing provisions.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2281, a bill for an act prohibiting employment discrimination against an employee witness in certain civil proceedings.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2282, a bill for an act relating to the elimination of reporting or data collection requirements related to the department of education.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2286, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2292, a bill for an act expanding the time period during which a complaint may be filed with the Iowa civil rights commission.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2301, a bill for an act making revisions and modifications to uniform finance procedures for bonds issued by the state.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2304, a bill for an act relating to the boiler and pressure vessel safety and elevator safety revolving funds under the control of the labor commissioner.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2305, a bill for an act relating to county officers by authorizing reimbursement of certain expenses, making changes to fees charged by the county

recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2316, a bill for an act creating the Iowa uniform prudent management of institutional funds Act and including an applicability provision.

Also: That the Senate has on March 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2337, a bill for an act relating to the purchase of liability insurance by the association of Iowa fairs.

Also: That the Senate has on March 10, 2008, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 102, a concurrent resolution urging the United States Environmental Protection Agency to take all actions necessary to provide American consumers with the opportunity to use higher ethanol blended gasoline for general use in conventional engines

MICHAEL E. MARSHALL, Secretary

PRESENTATION OF IRISH DIGNITARY

Bailey of Hamilton presented to the House, David Stanton, T.D., a Fine Gael member of the Irish Parliament representing County Cork East. He was escorted by his wife, Mary and addressed the House briefly telling of his work in Ireland and thanking the House for the honor.

Frevert of Palo Alto introduced The Little Irish Dancers and Miss Shamrock, April Gunderson, from Ringsted.

The House rose and expressed its welcome.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 117.

ADOPTION OF HOUSE RESOLUTION 117

Palmer of Mahaska, Staed of Linn, Kressig of Black Hawk, Gayman of Scott, Tomenga of Polk and Schickel of Cerro Gordo called up for consideration **House Resolution 117**, a resolution honoring AARP on its 50th Anniversary, and moved its adoption.

The motion prevailed and the resolution was adopted.

Granzow of Hardin in the chair at 9:33 a.m.

CONSIDERATION OF BILLS
Regular Calendar

House File 2539, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, and including an applicability provision, was taken up for consideration.

RULE 31.8 SUSPENDED

Heddens of Story asked and received unanimous consent to suspend Rule 31.8, related to the timely filing of amendments, for the immediate consideration of amendments H-8076, H-8077 and H-8078.

Upmeyer of Hancock offered the following amendment H-8076 filed by her and Foege of Linn from the floor and moved its adoption:

H-8076

- 1 Amend House File 2539 as follows:
- 2 1. Page 1, line 27, by inserting after the figure
- 3 "2010" the following: ", and submitted to the general
- 4 assembly for review".
- 5 2. Page 1, line 32, by inserting after the figure
- 6 "2013" the following: ", and submitted to the general
- 7 assembly for review".

Amendment H-8076 was adopted.

Smith of Marshall offered the following amendment H-8078 filed by Smith, Upmeyer of Hancock and Ford of Polk from the floor and moved its adoption:

H-8078

- 1 Amend House File 2539 as follows:
- 2 1. Page 8, by inserting after line 19 the

3 following:

4 "Sec.____. Section 8D.13, Code 2007, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 20. Access shall be offered to
7 the Iowa hospital association for the collection,
8 maintenance, and dissemination of health and financial
9 data for hospitals and for hospital educational
10 services. The Iowa hospital association shall be
11 responsible for all costs associated with becoming
12 part of the network, as determined by the commission."

13 2. Page 33, by inserting after line 4 the
14 following:

15 "DIVISION _____
16 HEALTH CARE TRANSPARENCY
17 DIVISION V

18 HEALTH CARE TRANSPARENCY

19 Sec.____. NEW SECTION. 135.45 HEALTH CARE
20 TRANSPARENCY – REPORTING REQUIREMENTS.

21 1. A hospital licensed pursuant to chapter 135B
22 and a physician licensed pursuant to chapter 148, 150,
23 or 150A shall report quality indicators, annually, to
24 the Iowa healthcare collaborative as defined in
25 section 135.40. The indicators shall be developed by
26 the Iowa healthcare collaborative in accordance with
27 evidence-based practice parameters and appropriate
28 sample size for statistical validation.

29 2. A manufacturer or supplier of durable medical
30 equipment or medical supplies doing business in the
31 state shall submit a price list to the department of
32 human services, annually, for use in comparing prices
33 for such equipment and supplies with rates paid under
34 the medical assistance program. The price lists
35 submitted shall be made available to the public."

36 3. Title page, line 7, by inserting after the
37 word "initiatives," the following: "health care
38 transparency,".

39 4. By renumbering as necessary.

Amendment H–8078 was adopted.

Heaton of Henry offered the following amendment H–8075 filed by
him and moved its adoption:

H–8075

1 Amend House File 2539 as follows:

2 1. Page 9, by inserting after line 6 the
3 following:

4 "Sec.____. NEW SECTION. 505.31 REIMBURSEMENT
5 ACCOUNTS.

6 The commissioner of insurance shall assist
7 employers with twenty-five or fewer employees with
8 implementing and administering plans under section 125
9 of the Internal Revenue Code, including medical
10 expense reimbursement accounts and dependent care
11 accounts. The commissioner shall provide information
12 about the assistance available to small employers on
13 the insurance division's internet site."
14 2. By renumbering as necessary.

Amendment H-8075 was adopted.

Upmeyer of Hancock offered the following amendment H-8077
filed by her and Smith of Marshall from the floor and moved its
adoption:

H-8077

1 Amend House File 2539 as follows:
2 1. Page 30, by striking lines 27 and 28 and
3 inserting the following: "PREVENTION AND WELLNESS
4 INITIATIVES".
5 2. Page 33, by inserting after line 4 the
6 following:
7 "Sec. ____. SMALL BUSINESS QUALIFIED WELLNESS
8 PROGRAM TAX CREDIT – PLAN. The department of public
9 health, in consultation with the division of insurance
10 of the department of commerce and the department of
11 revenue, shall develop a plan to provide a tax credit
12 to small businesses that provide qualified wellness
13 programs to improve the health of their employees.
14 The plan shall include specification of what
15 constitutes a small business for the purposes of the
16 qualified wellness program, the minimum standards for
17 use by a small business in establishing a qualified
18 wellness program, the criteria and a process for
19 certification of a small business qualified wellness
20 program, and the process for claiming a small business
21 qualified wellness program tax credit. The department
22 of public health shall submit the plan including any
23 recommendations for changes in law to implement a
24 small business qualified wellness program tax credit
25 to the governor and the general assembly by December
26 15, 2008."
27 3. By renumbering as necessary.

Amendment H-8077 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2539)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

De Boef Soderberg Van Engelenhoven

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2539** be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 10:08 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:11 p.m., Speaker pro tempore Bukta in the chair.

QUORUM CALL

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

Speaker Murphy in the chair at 1:31 p.m.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 11, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2289, a bill for an act concerning state educational assistance to children of deceased veterans and the war orphans educational assistance fund, and including an effective date and retroactive applicability provision.

Also: That the Senate has on March 11, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2317, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

Also: That the Senate has on March 11, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2320, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2562, by committee on transportation, a bill for an act relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, increasing the motorcycle operator's license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, making penalties applicable, and providing effective dates.

Read first time and referred to committee on **ways and means**.

House File 2563, by committee on state government, a bill for an act establishing a senior administrative law judge program.

Read first time and referred to committee on **judiciary**.

House File 2564, by committee on public safety, a bill for an act concerning the disaster aid individual assistance grant program.

Read first time and placed on the **calendar**.

House File 2565, by committee on agriculture, a bill for an act relating to the biodiesel blended fuel tax credit for retail dealers, and providing for retroactive applicability.

Read first time and referred to committee on **ways and means**.

SENATE MESSAGES CONSIDERED

Senate File 2262, by committee on human resources, a bill for an act relating to child care and family support subsidy services regulated or administered by the department of human services.

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

Senate File 2263, by committee on transportation, a bill for an act providing increased penalties for speeding violations committed by a motor vehicle operator in a road work zone.

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

Senate File 2266, by committee on human resources, a bill for an act requiring a preliminary investigation to be conducted by the county medical examiner in the event of the death of a resident of certain state facilities administered by the department of human services.

Read first time and referred to committee on **human resources**.

Senate File 2269, by committee on human resources, a bill for an act revising family investment program requirements for limited benefit plans.

Read first time and referred to committee on **human resources**.

Senate File 2276, by committee on natural resources and environment, a bill for an act relating to the disposal of solid waste by changing permitting requirements and updating and clarifying existing provisions.

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

Senate File 2292, by committee on state government, a bill for an act expanding the time period during which a complaint may be filed with the Iowa civil rights commission.

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

Senate File 2304, by committee on labor and business relations, a bill for an act relating to the boiler and pressure vessel safety and elevator safety revolving funds under the control of the labor commissioner.

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

CONSIDERATION OF BILLS Regular Calendar

House File 2400, a bill for an act relating to water quality by establishing a water resources coordinating council, authorizing a marketing campaign, directing assistance to local communities for monitoring and measurement, providing for a wastewater and storm

water infrastructure assessment, and creating a regional assessment program and a community-based improvement program, was taken up for consideration.

Kaufmann of Cedar offered amendment H-8067 filed by him as follows:

H-8067

1 Amend House File 2400 as follows:

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

4 "DIVISION I
5 SURFACE WATER PROTECTION".

6 2. Page 8, by inserting before line 22 the
7 following:

8 "DIVISION II
9 EMINENT DOMAIN AND CONDEMNATION

10 Sec. __. Section 6A.22, subsection 2, paragraph
11 c, subparagraph (1), Code 2007, is amended to read as
12 follows:

13 (1) If private property is to be condemned for
14 development or creation of a lake, only that number of
15 acres justified as reasonable and necessary for a
16 surface drinking water source, and not otherwise
17 acquired, may be condemned. ~~In addition~~ Prior to
18 making a determination that such lake development or
19 creation is reasonable and necessary, the acquiring
20 agency shall ~~conduct a review of~~ demonstrate by clear
21 and convincing evidence that no other prudent and
22 feasible ~~alternatives to~~ alternative for provision of
23 a drinking water source ~~prior to making a~~
24 ~~determination that such lake development or creation~~
25 ~~is reasonable and necessary~~ exists. Development or
26 creation of a lake as a surface drinking water source
27 includes all of the following:

28 (a) Construction of the dam, including sites for
29 suitable borrow material and the auxiliary spillway.

30 (b) The water supply pool.

31 (c) The sediment pool.

32 (d) The flood control pool.

33 (e) The floodwater retarding pool.

34 (f) The surrounding area upstream of the dam no
35 higher in elevation than the top of the dam's
36 elevation.

37 (g) The appropriate setback distance required by
38 state or federal laws and regulations to protect
39 drinking water supply.

40 For purposes of this subparagraph (1), "number of
41 acres justified as reasonable and necessary for a

42 surface drinking water source" means according to
43 guidelines of the United States natural resource
44 conservation service and according to analyses of
45 surface drinking water capacity needs conducted by one
46 or more registered professional engineers. However,
47 any guidelines or analyses related to future water
48 capacity needs or water capacity needs in time of
49 drought shall be based on the current rate of drinking
50 water usage in the area to be served by the surface

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1 drinking water source.
2 In making determinations required under this
3 subparagraph (1), any reviews or analyses conducted by
4 an engineer shall be conducted by a registered
5 professional engineer selected by a committee of
6 private landowners affected by the proposed
7 condemnation action. The acquiring agency shall be
8 responsible for paying the fees and expenses of an
9 engineer whose services are retained pursuant to this
10 subparagraph (1).

11 Sec.____. Section 6A.24, subsection 3, Code 2007,
12 is amended to read as follows:

13 3. For any action brought under this section, the
14 burden of proof shall be on the acquiring agency to
15 prove by a ~~preponderance of the~~ clear and convincing
16 evidence that the finding of public use, public
17 purpose, or public improvement meets the definition of
18 those terms. If a property owner or a contract
19 purchaser of record or a tenant occupying the property
20 under a recorded lease prevails in an action brought
21 under this section, the acquiring agency shall be
22 required to pay the costs, including reasonable
23 attorney fees, of the adverse party.

24 Sec.____. Section 6B.54, subsection 10, Code 2007,
25 is amended by adding the following new paragraph:
26 NEW PARAGRAPH. c. Reasonable attorney fees and
27 reasonable costs, including expert witness fees and
28 fees relating to appraisal of the property, not to
29 exceed one hundred thousand dollars.

30 Sec.____. Section 316.4, subsection 1, Code 2007,
31 is amended to read as follows:

32 1. If a program or project undertaken by a
33 displacing agency will result in the displacement of a
34 person, the displacing agency shall make a payment to
35 the displaced person, upon proper application as
36 approved by the displacing agency, for actual
37 reasonable and necessary expenses incurred in moving
38 the person, the person's family, business, farm
39 operation, or other personal property subject to rules
40 and limits established by the department. The payment

41 may also provide for actual direct losses of tangible
 42 personal property, purchase of substitute personal
 43 property, business reestablishment expenses, storage
 44 expenses, and expenses incurred in searching for a
 45 replacement business or farm. If relocation of a
 46 business or farm operation is not economically
 47 feasible, the displaced person may also apply for
 48 payment of the loss of existing business relationships
 49 because of the inability to relocate the business or
 50 farm operation to a location similar in economic

Page 3

1 advantage to the location from which the business or
 2 farm operation was moved.

3 Sec.____. Section 364.4, subsection 1, paragraph
 4 a, unnumbered paragraph 1, Code 2007, is amended to
 5 read as follows:

6 Acquire, hold, and dispose of property outside the
 7 city in the same manner as within. However, the power
 8 of a city to acquire property outside the city does
 9 not include the power to acquire property outside the
 10 city by eminent domain, except if viable alternatives
 11 do not exist within the city and the acquisition of
 12 the property is necessary for the following, subject
 13 to the provisions of chapters 6A and 6B:

14 Sec.____. Section 403.7, subsection 1, unnumbered
 15 paragraph 1, Code 2007, is amended to read as follows:

16 A municipality shall have the right to acquire by
 17 condemnation any interest in real property, including
 18 a fee simple title thereto, which it may deem
 19 necessary for or in connection with an urban renewal
 20 project under this chapter, subject to the limitations
 21 on eminent domain authority in ~~chapter~~ chapters 6A and
 22 6B. However, a municipality shall not condemn
 23 agricultural land included within an economic
 24 development area for any use unless the owner of the
 25 agricultural land consents to condemnation or unless
 26 the municipality determines that the land is necessary
 27 or useful viable alternatives to the condemnation of
 28 agricultural land do not exist and the acquisition of
 29 the property is necessary for any of the following:

30 Sec.____. EFFECTIVE DATE. This division of this
 31 Act, being deemed of immediate importance, takes
 32 effect upon enactment and applies to projects or
 33 condemnation proceedings pending or commenced on or
 34 after that date."

35 3. Title page, line 1, by inserting after the
 36 word "quality" the following: "and lake development".

37 4. Title page, line 6, by inserting after the
 38 word "program" the following: "and making changes
 39 related to eminent domain authority and condemnation

40 procedures and providing an effective date".

41 5. By renumbering as necessary.

D. Olson of Boone rose on a point of order that amendment H-8067 was not germane.

The Speaker ruled the point well taken and amendment H-8067 not germane.

Kaufmann of Cedar asked for unanimous consent to suspend the rules to consider amendment H-8067.

Objection was raised.

Kaufmann of Cedar moved to suspend the rules to consider amendment H-8067.

Roll call was requested by Kaufmann of Cedar and Paulsen of Linn.

On the question "Shall the rules be suspended to consider amendment H-8067?" (H.F. 2400)

The ayes were, 44:

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

The nays were, 52:

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

Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Tomenga	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 4:

Anderson	Soderberg	Staed	Van Engelenhoven
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The motion to suspend the rules lost.

Tymeson of Madison offered amendment H-8068 filed by her as follows:

H-8068

1 Amend House File 2400 as follows:

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

4 "DIVISION I
5 SURFACE WATER PROTECTION"

6 2. Page 8, by inserting before line 22, the
7 following:

8 "DIVISION II
9 EMINENT DOMAIN AND CONDEMNATION

10 Sec. ____ Section 6A.22, subsection 2, paragraph
11 c, subparagraph (1), Code 2007, is amended to read as
12 follows:

13 (1) If private property is to be condemned for
14 development or creation of a lake, only that number of
15 acres justified as reasonable and necessary for a
16 surface drinking water source, and not otherwise
17 acquired, may be condemned. ~~In addition~~ Prior to
18 making a determination that such lake development or
19 creation is reasonable and necessary, the acquiring
20 agency shall ~~conduct a review of~~ demonstrate by clear
21 and convincing evidence that no other prudent and
22 feasible ~~alternatives to~~ alternative for provision of
23 a drinking water source ~~prior to making a~~
24 ~~determination that such lake development or creation~~
25 ~~is reasonable and necessary exists~~. Development or
26 creation of a lake as a surface drinking water source
27 includes all of the following:

- 28 (a) Construction of the dam, including sites for
29 suitable borrow material and the auxiliary spillway.
30 (b) The water supply pool.
31 (c) The sediment pool.
32 (d) The flood control pool.
33 (e) The floodwater retarding pool.

34 (f) The surrounding area upstream of the dam no
35 higher in elevation than the top of the dam's
36 elevation.

37 (g) The appropriate setback distance required by
38 state or federal laws and regulations to protect
39 drinking water supply.

40 For purposes of this subparagraph (1), "number of
41 acres justified as reasonable and necessary for a
42 surface drinking water source" means according to
43 guidelines of the United States natural resource
44 conservation service and according to analyses of
45 ~~surface~~ drinking water capacity needs conducted by one
46 or more registered professional engineers using
47 standards alternative to the federal guidelines. Any
48 guidelines or analyses related to future drinking
49 water capacity needs shall be based on the current
50 rate of drinking water usage in the area to be served

Page 2

1 by the surface drinking water source.

2 Guidelines relating to drinking water capacity
3 needs in time of drought shall not be used in any
4 analysis performed pursuant to this subparagraph (1).
5 An analysis performed pursuant to this subparagraph
6 (1) shall include information on groundwater resources
7 in the area and the potential for the use of such
8 resources to meet drinking water capacity needs.

9 A second review or analysis may be requested by any
10 landowner affected by the proposed condemnation
11 action, and the engineer shall be selected by a
12 committee of private landowners affected by the
13 proposed condemnation action. The acquiring agency
14 shall be responsible for paying the fees and expenses
15 of such an engineer.

16 A landowner affected by the proposed condemnation
17 action may request a public hearing regarding the
18 influence of a federal agency on the lake creation or
19 development project, on the proposed condemnation
20 actions related to the project, and on the use of
21 federal guidelines in analyzing drinking water
22 capacity needs. The hearing shall be conducted by a
23 person who is not involved with the lake creation or
24 development and the services of such person in
25 conducting the hearing shall be paid by the acquiring
26 agency.

27 Sec.____. EFFECTIVE DATE. This division of this
28 Act, being deemed of immediate importance, takes
29 effect upon enactment and applies to projects or
30 condemnation proceedings pending or commenced on or
31 after that date."

32 3. Title page, line 1, by inserting after the

- 33 word "quality" the following: "and lake development".
 34 4. Title page, line 6, by inserting after the
 35 word "program" the following: "and making changes
 36 related to eminent domain authority and condemnation
 37 procedures and providing an effective date".
 38 5. By renumbering as necessary.

D. Olson of Boone rose on a point of order that amendment H-8068 was not germane.

The Speaker ruled the point well taken and amendment H-8068 not germane.

Tymeson of Madison asked for unanimous consent to suspend the rules to consider amendment H-8068.

Objection was raised.

Tymeson of Madison moved to suspend the rules to consider amendment H-8068.

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

On the question "Shall the rules be suspended to consider amendment H-8068?" (H.F. 2400)

The ayes were, 46:

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

The nays were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill

Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Tomenga	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 2:

Soderberg Van Engelenhoven

The motion to suspend the rules lost.

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

On the question "Shall the bill pass?" (H.F. 2400)

The ayes were, 98:

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

Winckler	Windschitl	Wise	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 2:

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

House File 2164, a bill for an act relating to voluntary diversity or court-ordered school desegregation plans under the state's open enrollment law, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2164)

The ayes were, 97:

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

Windschitl Wise Worthan Zirkelbach
Mr. Speaker
Murphy

The nays were, none.

Absent or not voting, 3:

Greiner Soderberg Van Engelenhoven

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

Senate File 2111, a bill for an act relating to requirements for blood lead testing and dental screening of children, with report of committee recommending passage, was taken up for consideration.

Gayman of Scott offered the following amendment H-8063 filed by the committee on education and moved its adoption:

H-8063

1 Amend Senate File 2111 as follows:
2 1. Page 1, by striking lines 2 through 9 and
3 inserting the following: "2007 Iowa Acts, chapter
4 146, section 1, is amended by striking the subsection
5 and inserting in lieu thereof the following:
6 2. Each public and nonpublic school shall, in
7 collaboration with the department, do the following:
8 a. Assure that the parent or guardian of a student
9 enrolled in the school has complied with the
10 requirements of subsection 1.
11 b. Provide, if a student has not had a dental
12 screening performed in accordance with subsection 1,
13 the parent or guardian of the student with community
14 dental screening referral resources, including contact
15 information for the i-smile coordinator, department,
16 or dental society."
17 2. By striking page 1, line 22, through page 2,
18 line 2, and inserting the following:
19 "Sec.____. Section 135.105D, subsection 2,
20 paragraph b, Code Supplement 2007, is amended by
21 striking the paragraph and inserting the following:
22 b. The board of directors of each school district
23 and the authorities in charge of each nonpublic school
24 shall, in collaboration with the department, do the
25 following:
26 (1) Assure that the parent or guardian of a
27 student enrolled in the school has complied with the

28 requirements of paragraph "a".
 29 (2) Provide, if the parent or guardian cannot
 30 provide evidence that the child received a blood lead
 31 test in accordance with paragraph "a", the parent or
 32 guardian with community blood lead testing program
 33 information, including contact information for the
 34 department.
 35 Sec.____. Section 135.105D, subsection 2,
 36 paragraph c, Code Supplement 2007, is amended by
 37 striking the paragraph."
 38 3. By renumbering as necessary.

The committee amendment H-8063 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2111)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

Greiner Soderberg Van Engelenhoven

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2164, 2400** and **Senate File 2111**.

House File 2440, a bill for an act providing an exemption for certain military personnel and veterans from a requirement to complete a hunter safety and ethics education course before obtaining a hunting license, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2440)

The ayes were, 97:

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

Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wienczek	Winckler
Windschitl	Wise	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

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

House File 2372, a bill for an act limiting the scope of the electronic benefits transfer program maintained by the department of human services, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2372)

The ayes were, 97:

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

Tomenga	Tymeson	Upmeyer	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencsek	Winckler
Windschitl	Wise	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

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

House File 2385, a bill for an act relating to allowable investments by the treasurer of state and other authorized state agencies, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2385)

The ayes were, 98:

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

Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Mr. Speaker Murphy		

The nays were, none.

Absent or not voting, 2:

Greiner Van Engelenhoven

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

House File 2392, a bill for an act relating to certain city utilities or city enterprises by making changes to procedures for notice and collection of delinquent charges and by making changes to billing notifications for water service provided to certain residential rental property, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2392)

The ayes were, 98:

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

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

The nays were, none.

Absent or not voting, 2:

Greiner Van Engelenhoven

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2372, 2385, 2392 and 2440.**

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 11th day of March, 2008: House File 2359.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Students from Rivermont Collegiate School, Bettendorf, Iowa, accompanied by their teacher. By L. Miller of Scott.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|---|
| 2008\1944 | Claire and Margaret Rose Kirtley, Yale – For celebrating their 60 th wedding anniversary. |
| 2008\1945 | Harold and Sis Adamson, Greenfield – For celebrating their 75 th wedding anniversary. |
| 2008\1946 | Elvie Scott, Gray – For celebrating her 80 th birthday. |
| 2008\1947 | Dorothy Kerkhoff, Audubon – For celebrating her 80 th birthday. |
| 2008\1948 | Jennie Miller, Stuart – For celebrating her 90 th birthday. |
| 2008\1949 | Marie Pool, Orient – For celebrating her 93 rd birthday. |
| 2008\1950 | Vern Richards, Bridgewater – For celebrating his 90 th birthday. |
| 2008\1951 | Collin Nyal Deardorff, Yale – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2008\1952 | Francis Oppold, Iowa Falls – For celebrating her 90 th birthday. |
| 2008\1953 | Mildred Santee, Iowa Falls – For celebrating her 99 th birthday. |
| 2008\1954 | Ida Meyer, Iowa Falls – For celebrating her 80 th birthday. |
| 2008\1955 | Madelyn McGreevey, Ackley – For celebrating her 80 th birthday. |
| 2008\1956 | Ruth Ingraham, Laurel – For celebrating her 80 th birthday. |
| 2008\1957 | Laverne and Annabell Brown, Bedford – For celebrating their 60 th wedding anniversary. |
| 2008\1958 | Frances Freerks, George – For celebrating her 90 th birthday. |
| 2008\1959 | Helen Moore, Mason City – For celebrating her 80 th birthday. |
| 2008\1960 | D. Wesley Dahl, Mason City – For celebrating his 80 th birthday. |

SUBCOMMITTEE ASSIGNMENTS

House File 2487

Appropriations: Winckler, Chair; Chambers and Wenthe.

House File 2515

Ways and Means: Shomshor, Chair; Reasoner and Sands.

House File 2518

Ways and Means: Thomas, Chair; Deyoe and Kelley.

House File 2519

Education: Wendt, Chair; Cohoon and May.

House File 2520

Ways and Means: Frevert, Chair; Palmer and Windschitl.

House File 2524

Appropriations: Jacoby, Chair; Chambers and Foege.

House File 2529

Ways and Means: Windschitl, Chair; Quirk and Thomas.

House File 2531

Ways and Means: T. Olson, Chair; Schueller and Wiencek.

House File 2535

Appropriations: Foege, Chair; Gayman and Heaton.

House File 2536

Ways and Means: Wendt, Chair; Kaufmann and T. Olson.

House File 2541

Ways and Means: Thomas, Chair; Pettengill and Schueller.

Senate File 2211

Judiciary: Swaim, Chair; Boal and Wessel-Kroeschell.

Senate File 2217

Judiciary: R. Olson, Chair; Heaton and Wessel-Kroeschell.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 779 Appropriations**

Relating to the use of optical scan voting systems in every county, making an appropriation for the cost of purchasing and distributing optical scan voting systems, reducing certain appropriations, and providing an effective date.

H.S.B. 780 Ways and Means

Providing a renewable fuel promotion tax credit for consumers and providing an applicability date.

H.S.B. 781 Ways and Means

Relating to the meetings of and appeals from the property assessment appeal board and including effective and applicability date provisions.

H.S.B. 782 Ways and Means

Relating to renewable energy, providing for state bank acquisition of equity interests in wind energy production facilities, and providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, and providing effective and applicability dates.

H.S.B. 783 Ways and Means

Relating to administration of the tax and related laws by the department of revenue, including administration of income, sales and use, property, motor fuel, and tobacco taxes.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 772), relating to and making appropriations to the judicial branch.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2008.

Committee Bill (Formerly House Study Bill 779), relating to the use of optical scan voting systems in every county, making an appropriation for the cost of purchasing and distributing optical scan voting systems, reducing certain appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2008.

COMMITTEE ON STATE GOVERNMENT

Senate File 482, a bill for an act relating to the regulation of contributions for a gubernatorial inauguration and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8083** March 5, 2008.

AMENDMENTS FILED

H—8079	H.F.	2212	Smith of Marshall Bailey of Hamilton
H—8080	H.F.	2367	Jacobs of Polk Mascher of Johnson
H—8081	H.F.	2450	Thomas of Clayton
H—8082	H.F.	2364	Heddens of Story
H—8083	S.F.	482	Committee on State Government
H—8084	H.F.	2212	Bailey of Hamilton Wendt of Woodbury
			Schueller of Jackson

Ford of Polk			Zirkelbach of Jones
Thomas of Clayton			Mertz of Kossuth
Quirk of Chickasaw			Frevert of Palo Alto
R. Olson of Polk			Huser of Polk
Berry of Black Hawk			
H—8085	H.F.	2540	Paulsen of Linn
H—8086	H.F.	2450	Tymeson of Madison

On motion by McCarthy of Polk the House adjourned at 3:13 p.m., until 9:00 a.m., Wednesday, March 12, 2008.

JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day - Forty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 12, 2008

The House met pursuant to adjournment at 9:06 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Ken Gehling, Chaplain at North Iowa Mercy Medical Center, Mason City. He was the guest of Representative Bill Schickel of Cerro Gordo County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Amy Hein, from Monticello and legislative secretary to Representative Ray Zirkelbach of Jones County.

The Journal of Tuesday, March 11, 2008 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 11, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2325, a bill for an act relating to the grow Iowa values fund by allocating moneys for the physical infrastructure assistance program and changing certain job and wage requirements, and providing an effective date.

Also: That the Senate has on March 11, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2347, a bill for an act relating to the use of optical scan voting systems in every county, making an appropriation for the cost of purchasing and distributing optical scan voting systems, reducing certain appropriations, and providing an effective date.

Also: That the Senate has on March 11, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2366, a bill for an act designating peace officer communication equipment and other emergency services communication equipment as an essential county purpose and as an essential corporate purpose that authorizes the issuance of general obligation bonds and providing an effective date.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2566, by committee on education, a bill for an act relating to the funding of school district programs for returning dropouts and dropout prevention.

Read first time and placed on the **calendar**.

House File 2567, by committee on labor, a bill for an act requiring additional workers' compensation payments for scheduled injuries that result in a reduction in the injured employee's earning capacity.

Read first time and placed on the **calendar**.

House File 2568, by committee on labor, a bill for an act relating to the calculation of certain weekly workers' compensation benefits by requiring certain weekly workers' compensation benefits to be calculated by including an employee's shift differential pay and by changing the basis for calculating the weekly rate for certain injured inmates.

Read first time and placed on the **calendar**.

House File 2569, by committee on labor, a bill for an act relating to the payment of certain medically related workers' compensation expenses and providing a penalty.

Read first time and placed on the **calendar**.

House File 2570, by committee on environmental protection, a bill for an act relating to solid waste disposal and environmental management by providing for the designation of environmental management systems, providing incentives, and creating a solid waste alternatives program advisory council, and modifying fees and allocations of funds.

Read first time and placed on the **calendar**.

House File 2571, by committee on environmental protection, a bill for an act relating to achieving specified greenhouse gas reduction levels.

Read first time and placed on the **calendar**.

House File 2572, by committee on state government, a bill for an act relating to the authority of a public agency to spend property tax revenues under a contract or agreement with another public agency.

Read first time and placed on the **calendar**.

House File 2573, by committee on state government, a bill for an act concerning bingo conducted during county fairs and community festivals and providing an effective date.

Read first time and placed on the **calendar**.

House File 2574, by committee on human resources, a bill for an act requiring a preliminary investigation to be conducted by the county medical examiner in the event of the death of a resident of certain state facilities administered by the department of human services.

Read first time and placed on the **calendar**.

House File 2575, by committee on state government, a bill for an act creating a family friendly business initiative.

Read first time and placed on the **calendar**.

House File 2576, by committee on judiciary, a bill for an act creating the Iowa uniform prudent management of institutional funds Act and including an applicability provision.

Read first time and placed on the **calendar**.

House File 2577, by committee on human resources, a bill for an act relating to sexual misconduct with a juvenile, and providing penalties.

Read first time and placed on the **calendar**.

House File 2578, by committee on human resources, a bill for an act relating to a temporary permit to practice dentistry or dental hygiene.

Read first time and placed on the **calendar**.

House File 2579, by committee on human resources, a bill for an act relating to individual development accounts authorized for certain individuals with low income and providing effective and applicability date provisions.

Read first time and placed on the **calendar**.

House File 2580, by committee on natural resources, a bill for an act providing for a sustainable natural resource funding advisory committee.

Read first time and placed on the **calendar**.

House File 2581, by committee on natural resources, a bill for an act relating to the donation of food to the department of natural resources or county conservation boards.

Read first time and placed on the **calendar**.

House File 2582, by committee on judiciary, a bill for an act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions.

Read first time and placed on the **calendar**.

House File 2583, by committee on judiciary, a bill for an act relating to certain liability insurance policy information required to be given to claimants.

Read first time and placed on the **calendar**.

House File 2584, by committee on judiciary, a bill for an act relating to the confidentiality of court records and information.

Read first time and placed on the **calendar**.

House File 2585, by committee on economic growth, a bill for an act relating to the annual aggregate amount of tax credits available under the endow Iowa program and to the amount of credits a taxpayer may receive.

Read first time and referred to committee on **ways and means**.

House File 2586, by committee on transportation, a bill for an act authorizing counties to charge an administrative fee for issuance or renewal of a driver's license or nonoperator's identification card.

Read first time and referred to committee on **ways and means**.

House File 2587, by committee on human resources, a bill for an act providing for establishment of a mental health services system for children and youth.

Read first time and referred to committee on **appropriations**.

House File 2588, by committee on natural resources, a bill for an act allowing nonresidents under sixteen years of age to purchase a preserve hunting license and providing a fee.

Read first time and placed on the **calendar**.

House File 2589, by committee on labor, a bill for an act relating to unemployment insurance tax penalties, and providing an effective date.

Read first time and placed on the **calendar**.

House File 2590, by committee on judiciary, a bill for an act stating the general assembly's intent regarding a private cause of action for consumer fraud violations.

Read first time and placed on the **calendar**.

House File 2591, by committee on human resources, a bill for an act stating the general assembly's intent regarding dependent adult abuse and the reporting and collection of dependent adult abuse information in certain facilities.

Read first time and placed on the **calendar**.

House File 2592, by committee on veterans affairs, a bill for an act requiring insurance coverage benefits for veterans for treatment of mental illness and substance abuse.

Read first time and referred to committee on **commerce**.

SENATE MESSAGES CONSIDERED

Senate File 2198, by committee on natural resources and environment, a bill for an act relating to the appointment of the membership of the Brushy creek recreation area trails advisory board.

Read first time and referred to committee on **natural resources**.

Senate File 2230, by committee on natural resources and environment, a bill for an act authorizing the issuance of special nonresident turkey and deer hunting licenses to certain persons who have severe physical disabilities or a terminal illness.

Read first time and referred to committee on **natural resources**.

Senate File 2248, by committee on commerce, a bill for an act modifying provisions relating to the application for a certificate of franchise authority applicable to the provision of cable or video services by an existing provider.

Read first time and referred to committee on **commerce**.

Senate File 2249, by committee on local government, a bill for an act relating to certain local hotel and motel tax elections.

Read first time and referred to committee on **local government**.

Senate File 2261, by committee on transportation, a bill for an act relating to requirements for operation of a motor vehicle in merging traffic and providing a penalty.

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

Senate File 2281, by committee on judiciary, a bill for an act prohibiting employment discrimination against an employee witness in certain civil proceedings.

Read first time and referred to committee on **judiciary**.

Senate File 2282, by committee on education, a bill for an act relating to the elimination of reporting or data collection requirements related to the department of education.

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

Senate File 2286, by committee on appropriations, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Read first time and referred to committee on **appropriations**.

Senate File 2289, by committee on veterans affairs, a bill for an act concerning state educational assistance to children of deceased veterans and the war orphans educational assistance fund, and including an effective date and retroactive applicability provision.

Read first time and referred to committee on **veterans affairs**.

Senate File 2301, by committee on state government, a bill for an act making revisions and modifications to uniform finance procedures for bonds issued by the state.

Read first time and referred to committee on **state government**.

Senate File 2305, by committee on local government, a bill for an act relating to county officers by authorizing reimbursement of certain expenses, making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

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

Senate File 2316, by committee on judiciary, a bill for an act creating the Iowa uniform prudent management of institutional funds Act and including an applicability provision.

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

Senate File 2317, by committee on judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

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

Senate File 2320, by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

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

Senate File 2337, by committee on commerce, a bill for an act relating to the purchase of liability insurance by the association of Iowa fairs.

Read first time and referred to committee on **agriculture**.

SPECIAL PRESENTATION

Bailey of Hamilton introduced to the House several foreign exchange students from Afghanistan, Serbia, Montenegro, Russia,

Kazakhstan, Armenia Ukraine and Uzbekistan. They are guests of the State Department participating in the World Link program.

The House rose and expressed its welcome.

The House stood at ease at 9:26 a.m., until the fall of the gavel.

The House resumed session at 9:51 a.m., Speaker Murphy in the chair.

SENATE AMENDMENT CONSIDERED

T. Olson of Linn called up for consideration **House File 2212**, a bill for an act creating a smokefree air Act and providing penalties, amended by the Senate amendment H-8054:

H-8054

1 Amend House File 2212, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. NEW SECTION. 142D.1 TITLE –
6 FINDINGS – PURPOSE.
7 1. This chapter shall be known and may be cited as
8 the "Smokefree Air Act".
9 2. The general assembly finds that environmental
10 tobacco smoke causes and exacerbates disease in
11 nonsmoking adults and children. These findings are
12 sufficient to warrant measures that regulate smoking
13 in public places and places of employment in order to
14 protect the public health and the health of employees.
15 3. The purpose of this chapter is to reduce the
16 level of exposure by the general public and employees
17 to environmental tobacco smoke in order to improve the
18 public health of Iowans.
19 Sec. 2. NEW SECTION. 142D.2 DEFINITIONS.
20 As used in this chapter, unless the context
21 otherwise requires:
22 1. "Bar" means an establishment where one may
23 purchase alcoholic beverages as defined in section
24 123.3, for consumption on the premises and in which
25 the serving of food is only incidental to the
26 consumption of those beverages.
27 2. "Business" means a sole proprietorship,
28 partnership, joint venture, corporation, association,
29 or other business entity, either for-profit or
30 not-for-profit, including retail establishments where
31 goods or services are sold; professional corporations

32 and other entities where legal, medical, dental,
33 engineering, architectural, or other professional
34 services are delivered; and private clubs.
35 3. "Common area" means a reception area, lobby,
36 hallway, restroom, elevator, stairwell, the common use
37 area of a multiunit residential property, or other
38 area to which the public is invited or in which the
39 public is permitted.
40 4. "Employee" means a person who is employed by an
41 employer in consideration for direct or indirect
42 monetary wages or profit, or a person who provides
43 services to an employer on a voluntary basis.
44 5. "Employer" means a person including a sole
45 proprietorship, partnership, joint venture,
46 corporation, association, or other business entity
47 whether for-profit or not-for-profit, including state
48 government and its political subdivisions, that
49 employs the services of one or more individuals as
50 employees.

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1 6. "Enclosed area" means all space between a floor
2 and ceiling that is contained on all sides by solid
3 walls or windows, exclusive of doorways, which extend
4 from the floor to the ceiling.
5 7. "Farm tractor" means farm tractor as defined in
6 section 321.1.
7 8. "Farm truck" means a single-unit truck,
8 truck-tractor, tractor, semitrailer, or trailer used
9 by a farmer to transport agricultural, horticultural,
10 dairy, or other farm products, including livestock,
11 produced or finished by the farmer, or to transport
12 any other personal property owned by the farmer, from
13 the farm to market, and to transport property and
14 supplies to the farm of the farmer.
15 9. "Farmer" means any of the following:
16 a. A person who files schedule F as part of the
17 person's annual form 1040 or form 1041 filing with the
18 United States internal revenue service, or an employee
19 of such person while the employee is actively engaged
20 in farming.
21 b. A person who holds an equity position in or who
22 is employed by a business association holding
23 agricultural land where the business association is
24 any of the following:
25 (1) A family farm corporation, authorized farm
26 corporation, family farm limited partnership, limited
27 partnership, family farm limited liability company,
28 authorized limited liability company, family trust, or
29 authorized trust, as provided in chapter 9H.
30 (2) A limited liability partnership as defined in

31 section 486A.101.

32 c. A natural person related to the person actively
33 engaged in farming as provided in paragraph "a" or "b"
34 when the person is actively engaged in farming. The
35 natural person must be related as spouse, parent,
36 grandparent, lineal ascendant of a grandparent or a
37 grandparent's spouse, other lineal descendant of a
38 grandparent or a grandparent's spouse, or a person
39 acting in a fiduciary capacity for persons so related.

40 For purposes of this subsection: "actively engaged
41 in farming" means participating in physical labor on a
42 regular, continuous, and substantial basis, or making
43 day-to-day management decisions, where such
44 participation or decision making is directly related
45 to raising and harvesting crops for feed, food, seed,
46 or fiber, or to the care and feeding of livestock.

47 10. "Health care provider location" means an
48 office or institution providing care or treatment of
49 disease, whether physical, mental, or emotional, or
50 other medical, physiological, or psychological

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1 conditions, including but not limited to a hospital as
2 defined in section 135B.1, a health care facility as
3 defined in section 135C.1, an elder group home as
4 defined in section 231B.1, an assisted living program
5 as defined in section 231C.2, an adult day services
6 program as defined in section 231D.1, clinics,
7 laboratories, and the locations of professionals
8 regulated pursuant to Title IV, subtitle III, and
9 includes all enclosed areas of the location including
10 waiting rooms, hallways, other common areas, private
11 rooms, semiprivate rooms, and wards within the
12 location.

13 11. "Implement of husbandry" means implement of
14 husbandry as defined in section 321.1.

15 12. "Long-term care facility" means a health care
16 facility as defined in section 135C.1, an elder group
17 home as defined in section 231B.1, or an assisted
18 living program as defined in section 231C.2.

19 13. "Place of employment" means an area under the
20 control of an employer and includes all areas that an
21 employee frequents during the course of employment or
22 volunteering, including but not limited to work areas,
23 private offices, conference and meeting rooms,
24 classrooms, auditoriums, employee lounges and
25 cafeterias, hallways, restrooms, elevators, stairways,
26 and vehicles owned, leased, or provided by the
27 employer unless otherwise provided under this chapter.
28 "Place of employment" does not include a private
29 residence, unless the private residence is used as a

30 child care facility, a child care home, or as a health
31 care provider location.

32 14. "Political subdivision" means a city, county,
33 township, or school district.

34 15. "Private club" means an organization, whether
35 or not incorporated, that is the owner, lessee, or
36 occupant of a location used exclusively for club
37 purposes at all times and that meets all of the
38 following criteria:

39 a. Is operated solely for a recreational,

40 fraternal, social, patriotic, political, benevolent,
41 or athletic purpose, but not for pecuniary gain.

42 b. Sells alcoholic beverages only as incidental to
43 its operation.

44 c. Is managed by a board of directors, executive
45 committee, or similar body chosen by the members.

46 d. Has established bylaws or another document to
47 govern its activities.

48 e. Has been granted an exemption from the payment
49 of federal income tax as a club pursuant to 26 U.S.C.
50 § 501.

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1 16. "Public place" means an enclosed area to which
2 the public is invited or in which the public is
3 permitted, including common areas, and including but
4 not limited to all of the following:

5 a. Financial institutions.

6 b. Restaurants.

7 c. Bars.

8 d. Public and private educational facilities.

9 e. Health care provider locations.

10 f. Hotels and motels.

11 g. Laundromats.

12 h. Public transportation facilities and
13 conveyances under the authority of the state or its
14 political subdivisions, including buses and taxicabs,
15 and including the ticketing, boarding, and waiting
16 areas of these facilities.

17 i. Reception areas.

18 j. Aquariums, galleries, libraries, and museums.

19 k. Retail food production and marketing
20 establishments.

21 l. Retail service establishments.

22 m. Retail stores.

23 n. Shopping malls.

24 o. Entertainment venues including but not limited
25 to theaters; concert halls; auditoriums and other
26 facilities primarily used for exhibiting motion
27 pictures, stage performances, lectures, musical
28 recitals, and other similar performances; bingo

29 facilities; and indoor arenas including sports arenas.
30 p. Polling places.
31 q. Convention facilities and meeting rooms.
32 r. Waiting rooms.
33 s. Public buildings and vehicles owned, leased, or
34 operated by or under the control of the state
35 government or its political subdivisions and including
36 the entirety of the private residence of any state
37 employee any portion of which is open to the public.
38 t. Service lines.
39 u. Common areas.
40 v. Private clubs only when being used for a
41 function to which the general public is invited.
42 w. Private residences only when used as a child
43 care facility, a child care home, or health care
44 provider location.
45 x. Child care facilities and child care homes.
46 y. Gambling structures, excursion gambling boats,
47 and racetrack enclosures.
48 17. "Restaurant" means eating establishments,
49 including private and public school cafeterias, which
50 offer food to the public, guests, or employees,

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1 including the kitchen and catering facilities in which
2 food is prepared on the premises for serving
3 elsewhere, and including a bar area within a
4 restaurant.
5 18. "Retail tobacco store" means a retail store
6 utilized primarily for the sale of tobacco products
7 and accessories and in which the sale of other
8 products is incidental to the sale of tobacco
9 products.
10 19. "Service line" means an indoor line in which
11 one or more individuals are waiting for or receiving
12 service of any kind, whether or not the service
13 involves the exchange of money.
14 20. "Shopping mall" means an enclosed public
15 walkway or hall area that serves to connect retail or
16 professional establishments.
17 21. "Smoking" means inhaling, exhaling, burning,
18 or carrying any lighted cigar, cigarette, pipe, or
19 other tobacco product in any manner or in any form.
20 "Smoking" does not include smoking that is associated
21 with a recognized religious ceremony, ritual, or
22 activity, including but not limited to burning of
23 incense.
24 22. "Sports arena" means a sports pavilion,
25 stadium, gymnasium, health spa, boxing arena, swimming
26 pool, roller or ice rink, bowling alley, or other
27 similar place where members of the general public

28 assemble to engage in physical exercise, participate
29 in athletic competition, or witness sports or other
30 events.

31 Sec. 3. NEW SECTION. 142D.3 PROHIBITION OF
32 SMOKING – PUBLIC PLACES, PLACES OF EMPLOYMENT, AND
33 OUTDOOR ARENAS AND THEATERS – SURROUNDING AREA.

34 1. Smoking is prohibited and a person shall not
35 smoke in any of the following:

36 a. Public places.

37 b. All enclosed areas within places of employment
38 including but not limited to common work areas;
39 private offices; auditoriums; classrooms; conference
40 and meeting rooms; elevators; hallways; medical
41 facilities; cafeterias; employee lounges; stairways
42 and stairwells; restrooms; vehicles owned, leased, or
43 provided by an employer unless otherwise provided
44 under this chapter; and all other enclosed areas
45 within places of employment.

46 2. In addition to the prohibitions specified in
47 subsection 1, smoking is prohibited and a person shall
48 not smoke in any of the following outdoor areas:

49 a. The seating areas of outdoor sports arenas,
50 stadiums, amphitheaters and other entertainment venues

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1 where members of the general public assemble to
2 witness entertainment events.

3 b. In outdoor seating or serving areas of
4 restaurants.

5 c. Public transit stations, platforms, and
6 shelters under the authority of the state or its
7 political subdivisions.

8 d. On school grounds, including parking lots,
9 athletic fields, playgrounds, tennis courts, and any
10 other outdoor area under the control of a public or
11 private educational facility, including inside any
12 vehicle located on such school grounds.

13 e. The grounds of any public buildings owned,
14 leased, or operated by or under the control of the
15 state government or its political subdivisions,
16 including the grounds of a private residence of any
17 state employee any portion of which is open to the
18 public with the following exceptions:

19 (1) This paragraph shall not apply to the Iowa
20 state fairgrounds, or fairgrounds as defined in
21 section 174.1.

22 (2) This paragraph shall not apply to institutions
23 administered by the department of corrections, except
24 that smoking on the grounds shall be limited to
25 designated smoking areas.

26 (3) This paragraph shall not apply to facilities

27 of the Iowa national guard as defined in section
28 29A.1, except that smoking on the grounds shall be
29 limited to designated smoking areas.
30 Sec. 4. NEW SECTION. 142D.4 AREAS WHERE SMOKING
31 NOT REGULATED.
32 Notwithstanding any provision of this chapter to
33 the contrary, the following areas are exempt from the
34 prohibitions of section 142D.3:
35 1. Private residences, unless used as a child care
36 facility, child care home, or a health care provider
37 location.
38 2. Hotel and motel rooms that are rented to guests
39 and are designated as smoking rooms; provided that not
40 more than twenty percent of the rooms of a hotel or
41 motel rented to guests are designated as smoking
42 rooms, all smoking rooms on the same floor are
43 contiguous, and smoke from smoking rooms does not
44 infiltrate into areas in which smoking is otherwise
45 prohibited under this chapter. The status of smoking
46 and nonsmoking rooms shall not be changed, except to
47 provide additional nonsmoking rooms.
48 3. Retail tobacco stores, provided that smoke from
49 these locations does not infiltrate into areas in
50 which smoking is otherwise prohibited under this

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1 chapter.
2 4. Private and semiprivate rooms in long-term care
3 facilities, occupied by one or more individuals, all
4 of whom are smokers and have requested in writing to
5 be placed in a room where smoking is permitted,
6 provided that smoke from these locations does not
7 infiltrate into areas in which smoking is otherwise
8 prohibited under this chapter.
9 5. Private clubs that have no employees, except
10 when being used for a function to which the general
11 public is invited, provided that smoke from these
12 locations does not infiltrate into areas in which
13 smoking is otherwise prohibited under this chapter.
14 This exemption shall not apply to any entity that is
15 established for the purpose of avoiding compliance
16 with this chapter.
17 6. Outdoor areas that are places of employment
18 except those areas where smoking is prohibited
19 pursuant to section 142D.3, subsection 2.
20 7. Limousines under private hire; vehicles owned,
21 leased, or provided by a private employer that are for
22 the sole use of the driver and are not used by more
23 than one person in the course of employment either as
24 a driver or passenger; privately owned vehicles not
25 otherwise defined as a place of employment or public

26 place; and cabs of motor trucks or truck tractors if
 27 no nonsmoking employees are present.
 28 8. An enclosed area within a place of employment
 29 or public place that provides a smoking cessation
 30 program or a medical or scientific research or therapy
 31 program, if smoking is an integral part of the
 32 program.

33 9. Farm tractors, farm trucks, and implements of
 34 husbandry when being used for their intended purposes.

35 Sec. 5. NEW SECTION. 142D.5 DECLARATION OF
 36 ESTABLISHMENT AS NONSMOKING.

37 1. Notwithstanding any provision of this chapter
 38 to the contrary, an owner, operator, manager, or other
 39 person having custody or control of an area otherwise
 40 exempt from the prohibitions of section 142D.3 may
 41 declare the entire area as a nonsmoking place.

42 2. Smoking shall be prohibited in any location of
 43 an area declared a nonsmoking place under this section
 44 if a sign is posted conforming to the provisions of
 45 section 142D.6.

46 Sec. 6. NEW SECTION. 142D.6 NOTICE OF NONSMOKING
 47 REQUIREMENTS – POSTING OF SIGNS.

48 1. Notice of the provisions of this chapter shall
 49 be provided to all applicants for a business license
 50 in this state, to all law enforcement agencies, and to

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1 any business required to be registered with the office
 2 of the secretary of state.

3 2. All employers subject to the prohibitions of
 4 this chapter shall communicate to all existing
 5 employees and to all prospective employees upon
 6 application for employment the smoking prohibitions
 7 prescribed in this chapter.

8 3. The owner, operator, manager, or other person
 9 having custody or control of a public place or place
 10 of employment where smoking is prohibited under this
 11 chapter shall clearly and conspicuously post in and at
 12 every entrance to the public place or place of
 13 employment "no smoking" signs or the international "no
 14 smoking" symbol. Additionally, a "no smoking" sign or
 15 the international "no smoking" symbol shall be placed
 16 in every vehicle that constitutes a public place or
 17 place of employment under this chapter, visible from
 18 the exterior of the vehicle. All signs shall contain
 19 the telephone number for reporting complaints and the
 20 internet site of the department of public health. The
 21 owner, operator, manager, or other person having
 22 custody or control of the public place, place of
 23 employment, or outdoor area may use the sample signs
 24 provided on the department of public health's internet

25 site, or may use another sign if the contents of the
26 sign comply with the requirements of this subsection.

27 4. The owner, operator, manager, or other person
28 having custody or control of a public place, place of
29 employment, or outdoor area where smoking is
30 prohibited under this chapter shall remove all
31 ashtrays from these locations.

32 Sec. 7. NEW SECTION. 142D.7 NONRETALIATION –
33 NONWAIVER OF RIGHTS.

34 1. A person or employer shall not discharge,
35 refuse to employ, or in any manner retaliate against
36 an employee, applicant for employment, or customer
37 because that employee, applicant, or customer
38 exercises any rights afforded under this chapter,
39 registers a complaint, or attempts to prosecute a
40 violation of this chapter.

41 2. An employee who works in a location where an
42 employer allows smoking does not waive or surrender
43 any legal rights the employee may have against the
44 employer or any other person.

45 Sec. 8. NEW SECTION. 142D.8 ENFORCEMENT.

46 1. This chapter shall be enforced by the
47 department of public health or the department's
48 designee. The department of public health shall adopt
49 rules to administer this chapter, including rules
50 regarding enforcement. The department of public

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1 health shall provide information regarding the
2 provisions of this chapter and related compliance
3 issues to employers, owners, operators, managers, and
4 other persons having custody or control of a public
5 place, place of employment, or outdoor area where
6 smoking is prohibited, and the general public via the
7 department's internet site. The internet site shall
8 include sample signage and the telephone number for
9 reporting complaints. Judicial magistrates shall hear
10 and determine violations of this chapter.

11 2. If a public place is subject to any state or
12 political subdivision inspection process or is under
13 contract with the state or a political subdivision,
14 the person performing the inspection shall assess
15 compliance with the requirements of this chapter and
16 shall report any violations to the department of
17 public health or the department's designee.

18 3. An owner, operator, manager, or other person
19 having custody or control of a public place, place of
20 employment, or outdoor area regulated under this
21 chapter shall inform persons violating this chapter of
22 the provisions of this chapter.

23 4. An employee or private citizen may bring a

24 legal action to enforce this chapter. Any person may
 25 register a complaint under this chapter by filing a
 26 complaint with the department of public health or the
 27 department's designee.

28 5. In addition to the remedies provided in this
 29 section, the department of public health or the
 30 department's designee or any other person aggrieved by
 31 the failure of the owner, operator, manager, or other
 32 person having custody or control of a public place,
 33 place of employment, or outdoor area regulated by this
 34 chapter to comply with this chapter may seek
 35 injunctive relief to enforce this chapter.

36 Sec. 9. NEW SECTION. 142D.9 CIVIL PENALTIES.

37 1. A person who smokes in an area where smoking is
 38 prohibited pursuant to this chapter shall pay a civil
 39 penalty pursuant to section 805.8C, subsection 3,
 40 paragraph "a", for each violation.

41 2. A person who owns, manages, operates, or
 42 otherwise has custody or control of a public place,
 43 place of employment, or outdoor area regulated under
 44 this chapter and who fails to comply with this chapter
 45 shall pay a civil penalty as follows:

46 a. For a first violation, a monetary penalty not
 47 to exceed one hundred dollars.

48 b. For a second violation within one year, a
 49 monetary penalty not to exceed two hundred dollars.

50 c. For each violation in excess of a second

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1 violation within one year, a monetary penalty not to
 2 exceed five hundred dollars for each additional
 3 violation.

4 3. An employer who discharges or in any manner
 5 discriminates against an employee because the employee
 6 has made a complaint or has provided information or
 7 instituted a legal action under this chapter shall pay
 8 a civil penalty of not less than two thousand dollars
 9 and not more than ten thousand dollars for each
 10 violation.

11 4. In addition to the penalties established in
 12 this section, violation of this chapter by a person
 13 who owns, manages, operates, or who otherwise has
 14 custody or control of a public place, place of
 15 employment, or outdoor area regulated under this
 16 chapter may result in the suspension or revocation of
 17 any permit or license issued to the person for the
 18 premises on which the violation occurred.

19 5. Violation of this chapter constitutes a public
 20 nuisance which may be abated by the department of
 21 public health or the department's designee by
 22 restraining order, preliminary or permanent

23 injunction, or other means provided by law, and the
24 entity abating the public nuisance may take action to
25 recover the costs of such abatement.

26 6. Each day on which a violation of this chapter
27 occurs is considered a separate and distinct
28 violation.

29 7. Civil penalties paid pursuant to this chapter
30 shall be deposited in the general fund of the state,
31 unless a local authority as designated by the
32 department in administrative rules is involved in the
33 enforcement, in which case the civil penalties paid
34 shall be deposited in the general fund of the city or
35 county.

36 Sec. 10. Section 135.1, unnumbered paragraph 1,
37 Code 2007, is amended to read as follows:

38 For the purposes of chapter 155 and Title IV,
39 subtitle 2, excluding chapters ~~142B~~, 145B, and 146,
40 unless otherwise defined:

41 Sec. 11. Section 135.11, subsection 14, Code
42 Supplement 2007, is amended to read as follows:

43 14. Establish, publish, and enforce rules not
44 inconsistent with law for the enforcement of the
45 provisions of chapters 125 and 155, and Title IV,
46 subtitle 2, excluding chapters ~~142B~~, 142D, 145B, and
47 146 and for the enforcement of the various laws, the
48 administration and supervision of which are imposed
49 upon the department.

50 Sec. 12. Section 237A.3A, subsection 5, Code 2007,

Page 11

1 is amended by striking the subsection.

2 Sec. 13. NEW SECTION. 237A.3B SMOKING
3 PROHIBITED.

4 Smoking, as defined in section 142D.2, shall not be
5 permitted in a child care facility or child care home.

6 Sec. 14. Section 331.427, subsection 1, unnumbered
7 paragraph 1, Code Supplement 2007, is amended to read
8 as follows:

9 Except as otherwise provided by state law, county
10 revenues from taxes and other sources for general
11 county services shall be credited to the general fund
12 of the county, including revenues received under
13 sections 91.11, 101A.3, 101A.7, 123.36, 123.143,
14 ~~142B.6~~, 142D.9, 176A.8, 321.105, 321.152, 321G.7,
15 321I.8, section 331.554, subsection 6, sections
16 341A.20, 364.3, 368.21, 423A.7, 428A.8, 433.15,
17 434.19, 445.57, 453A.35, 458A.21, 483A.12, 533.329,
18 556B.1, 583.6, 602.8108, 904.908, and 906.17, and the
19 following:

20 Sec. 15. Section 805.8C, subsection 3, paragraph
21 a, Code Supplement 2007, is amended to read as

22 follows:

23 a. For violations of ~~section 142B.6~~ described in
 24 section 142D.9, subsection 1, the scheduled fine is
 25 ~~twenty five~~ fifty dollars, and is a civil penalty, and
 26 the criminal penalty surcharge under section 911.1
 27 shall not be added to the penalty, and the court costs
 28 pursuant to section 805.9, subsection 6, shall not be
 29 imposed. If the civil penalty assessed for a
 30 violation of ~~described in section 142B.6~~ 142D.9,
 31 subsection 1, is not paid in a timely manner, a
 32 citation shall be issued for the violation in the
 33 manner provided in section 804.1. However, a person
 34 under age eighteen shall not be detained in a secure
 35 facility for failure to pay the civil penalty. The
 36 complainant shall not be charged a filing fee.
 37 Sec. 16. Chapter 142B, Code 2007, is repealed."

Bailey of Hamilton asked and received unanimous consent to withdraw amendment H-8056 to the Senate amendment H-8054 filed by him and Dolecheck of Ringgold on February 28, 2008.

Smith of Marshall asked and received unanimous consent to withdraw amendment H-8057 to the Senate amendment H-8054 filed by Bailey et al., on March 3, 2008.

Smith of Marshall offered amendment H-8079, to the Senate amendment H-8054, filed by him and Bailey of Hamilton as follows:

H-8079

1 Amend the Senate amendment, H-8054, to House File
 2 2212, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 7, by inserting after line 34 the
 5 following:
 6 "____. The Iowa veterans home."
 7 2. Page 11, by inserting after line 37 the
 8 following:
 9 ""Sec.____. EFFECTIVE DATE. This Act takes effect
 10 January 1, 2009."
 11 _____. Title page, line 1, by inserting after the
 12 word "penalties" the following: "and an effective
 13 date".
 14 _____. By renumbering as necessary."

Peterson of Polk requested division as follows:

Lines 4 through 6, division A.
 Lines 7 through 14, division B.

Smith of Marshall moved the adoption of amendment H-8079A.

A non-record roll call was requested.

The ayes were 51, nays 30.

Amendment H-8079A was adopted.

Smith of Marshall moved the adoption of amendment H-8079B.

Amendment H-8079B lost.

Bailey of Hamilton offered amendment H-8084, to the Senate amendment H-8054, filed by Bailey et al., as follows:

H-8084

1 Amend the Senate amendment, H-8054, to House File
2 2212, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 7, by inserting after line 34 the
5 following:

6 "___". A restaurant, bar, hotel or motel, club as
7 defined in section 123.3, or a licensee pursuant to
8 chapter 99D or 99F, subject to the following:

9 a. The restaurant, bar, hotel or motel, club, or
10 licensee pursuant to chapter 99D or 99F is the holder
11 of a class "A", class "B", or class "C" liquor control
12 license for on-premises consumption pursuant to
13 chapter 123, as applicable.

14 b. The exemption from the prohibitions of section
15 142D.3 applies only to the licensed premises as
16 defined in section 123.3 of the entity specified under
17 this subsection, subject to the following limitations:

18 (1) If the holder of the liquor control license is
19 a licensee pursuant to chapter 99D or 99F, in addition
20 to any restaurants or bars located within the licensed
21 premises, only the portion of the licensed premises
22 which is the wagering area of a licensee pursuant to
23 chapter 99D, or the gaming floor of a licensee
24 pursuant to chapter 99F.

25 (2) If the holder of the liquor control license is
26 a hotel or motel, only the portion of the licensed
27 premises which is a bar or restaurant.

28 c. The restaurant, bar, hotel or motel, club, or
29 licensee pursuant to chapter 99D or 99F allows smoking
30 only at a specified time during which only individuals
31 twenty-one years of age or older are invited or

32 admitted; the specified time is a regular, single,
33 consecutive period of time; and the specified time is
34 conspicuously posted on all major entrances of the
35 licensed premises or the portion of the licensed
36 premises as specified in paragraph "b", as
37 applicable."
38 2. By renumbering as necessary.

Wise of Lee offered the following amendment H-8088, to amendment H-8084 to the Senate amendment H-8054 filed by him from the floor and moved its adoption:

H-8088

1 Amend the amendment, H-8084, to the Senate
2 amendment, H-8054, to House File 2212, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 1, by striking lines 28 through 37 and
5 inserting the following:
6 "____. The restaurant, bar, hotel or motel, club,
7 or licensee pursuant to chapter 99D or 99F, invites or
8 admits at any time only individuals twenty-one years
9 of age or older into the licensed premises or the
10 portion of the licensed premises as specified in
11 paragraph "b", as applicable, and conspicuously posts
12 the age-restriction information on all major entrances
13 to the licensed premises or the portion of the
14 licensed premises as specified in paragraph "b", as
15 applicable."
16 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 32, nays 59.

Amendment H-8088 lost.

Bailey of Hamilton moved the adoption of amendment H-8084 to the Senate amendment H- 8054.

A non-record roll call was requested.

The ayes were 51, nays 44.

Amendment H-8084 was adopted.

Bailey of Hamilton asked and received unanimous consent to

withdraw amendment H-8071 to the Senate amendment H-8054 filed by him and Windschitl of Harrison on March 10, 2008.

On motion by T. Olson of Linn, the House concurred in the Senate amendment H-8054, as amended.

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

On the question "Shall the bill pass?" (H.F. 2212)

The ayes were, 59:

Abdul-Samad	Anderson	Bailey	Baudler
Bell	Berry	Bukta	Clute
Cohoon	Dandekar	Davitt	Dolecheck
Ford	Frevert	Gaskill	Gayman
Gipp	Heddens	Jacobs	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schickel	Schueller	Shomshor	Smith
Staed	Taylor, D.	Taylor, T.	Thomas
Tomenga	Van Fossen	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wiencsek	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 40:

Alons	Arnold	Boal	Chambers
De Boef	Deyoe	Drake	Foege
Forristall	Granzow	Grassley	Heaton
Hoffman	Horbach	Hunter	Huseman
Huser	Kaufmann	Lukan	Olson, R.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rasmussen	Rayhons	Roberts
Sands	Soderberg	Struyk	Swaim
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Watts	Wenthe	Windschitl	Worthan

Absent or not voting, 1:

Greiner

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

Pursuant to House Rule 31.8, related to the timely filing of amendments, amendment H-8090 filed by Bailey of Hamilton from the floor was placed out of order.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2212** be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 11:04 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:14 p.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Worthan of Buena Vista on request of Kaufmann of Cedar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2333, a bill for an act relating to the regulation of veterans commemorative property.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2335, a bill for an act relating to the rights of a victim of an alleged sexual assault and notification of these rights by a peace officer.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2341, a bill for an act relating to Alzheimer's disease and similar forms of irreversible dementia.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2348, a bill for an act relating to the management of cooperative associations.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2354, a bill for an act concerning the home ownership assistance program for members of the military.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2361, a bill for an act providing for the procurement of designated biobased products by state government.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2380, a bill for an act establishing a low head dam public hazard program.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2382, a bill for an act relating to deferred judgment criminal records.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2593, by committee on transportation, a bill for an act requesting the legislative council to establish an interim study committee to consider the state's compliance with the federal REAL ID Act of 2005.

Read first time and placed on the **calendar**.

House File 2594, by committee on commerce, a bill for an act relating to required disclosures in real estate transactions.

Read first time and placed on the **calendar**.

House File 2595, by committee on state government, a bill for an act relating to the provision of services over certain Iowa communications network connection facilities under specified circumstances.

Read first time and placed on the **calendar**.

House File 2596, by committee on labor, a bill for an act concerning civil service commissions, disciplinary procedures, leaves of absence, providing a civil penalty, and making a penalty applicable.

Read first time and placed on the **calendar**.

House File 2597, by committee on education, a bill for an act relating to participation in varsity interscholastic athletic contests and athletic competitions by students participating in open enrollment.

Read first time and placed on the **calendar**.

House File 2598, by committee on economic growth, a bill for an act relating to economic growth by creating a workforce innovation for a regional economic development task force and making an appropriation.

Read first time and referred to committee on **appropriations**.

House File 2599, by committee on economic growth, a bill for an act relating to a baby boom generation workforce study.

Read first time and placed on the **calendar**.

House File 2600, by committee on public safety, a bill for an act relating to eluding or attempting to elude a pursuing law enforcement vehicle operated by a special security officer employed by a board of regents institution.

Read first time and placed on the **calendar**.

House File 2601, by committee on agriculture, a bill for an act providing for the state interagency Missouri river authority.

Read first time and placed on the **calendar**.

House File 2602, by committee on commerce, a bill for an act relating to the licensure of real estate brokers and salespersons.

Read first time and placed on the **calendar**.

House File 2603, by committee on human resources, a bill for an act authorizing certain advanced registered nurse practitioners to file certain periodic court reports on chronic substance abusers and persons with mental illness who do not require full-time placement in a treatment facility.

Read first time and placed on the **calendar**.

House File 2604, by committee on human resources, a bill for an act relating to recovery from third parties liable for health care coverage provided to recipients of medical assistance, and providing an effective date.

Read first time and placed on the **calendar**.

House File 2605, by committee on human resources, a bill for an act relating to the regulation of health-related professions.

Read first time and placed on the **calendar**.

CONSIDERATION OF BILLS Regular Calendar

House File 2384, a bill for an act relating to the deposit of public funds with corporate credit unions, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2384)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

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

HOUSE FILE 354 WITHDRAWN

Kressig of Black Hawk asked and received unanimous consent to withdraw House File 354 from further consideration by the House.

House File 2423, a bill for an act relating to the risk pool for county mental health, mental retardation, and developmental disabilities services by revising procedural and qualifying requirements, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2423)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

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

HOUSE FILE 2260 WITHDRAWN

Heddens of Story asked and received unanimous consent to withdraw House File 2260 from further consideration by the House.

House File 2450, a bill for an act relating to certain department of economic development programs including vision Iowa board membership, renewable fuels marketing, film project tax credits, the promotion of Iowa tourism experiences, the consolidation of reporting requirements, the administration of targeted industries development, and providing an effective date, was taken up for consideration.

Thomas of Clayton offered the following amendment H-8081 filed by him and moved its adoption:

H-8081

1 Amend House File 2450 as follows:

2 1. Page 6, by inserting before line 18 the
3 following:

4 "1. TARGETED INDUSTRIES DEVELOPMENT – FINANCIAL
5 ASSISTANCE. A report of the expenditures of moneys
6 appropriated and allocated to the department for
7 certain programs authorized pursuant to section 15.411
8 relating to the development and commercialization of
9 businesses in the targeted industry areas of advanced
10 manufacturing, bioscience, and information technology.

11 m. TARGETED SMALL BUSINESS ACTIVITIES. A section
12 that is a compilation of the following reports
13 required pursuant to section 15.108, subsection 7,
14 paragraph "c":

15 (1) A summary of the report filed by December 1 of
16 each year by the department of administrative services
17 with the department of economic development regarding
18 targeted small business procurement activities
19 conducted during the previous fiscal year.

20 (2) A summary of the report filed by December 1 of
21 each year by the department of inspections and appeals
22 with the department of economic development regarding
23 certifications of targeted small businesses. At a
24 minimum, the summary shall include the number of
25 certified targeted small businesses for the previous
26 year, the increase or decrease in that number during
27 the previous fiscal year compared to the prior fiscal
28 year, and the number of targeted small businesses that
29 have been decertified in the previous fiscal year.

30 (3) A summary of the internal report compiled by
31 December 1 of each year by the department of economic
32 development regarding the targeted small business
33 financial assistance program. At a minimum, the
34 summary shall contain the number of loans, loan
35 guarantees, and grants distributed during the previous
36 fiscal year, the individual amounts provided to
37 targeted small businesses during the previous fiscal

38 year, and how many financial assistance awards to
 39 targeted small businesses were the subject of
 40 repayment or collection activity during the previous
 41 fiscal year.

42 (4) A list of the procurement goals established
 43 pursuant to section 73.16, subsection 2, and compiled
 44 by the department of economic development's targeted
 45 small business marketing and compliance manager and
 46 the performance of each agency in meeting the goals.
 47 The performance of each agency shall be based upon the
 48 reports required pursuant to section 73.16, subsection
 49 2."

Amendment H-8081 was adopted.

Tymeson of Madison offered amendment H-8086 filed by her as follows:

H-8086

1 Amend House File 2450 as follows:

2 1. Page 9, by inserting after line 34 the
 3 following:

4 "DIVISION VII
 5 ECONOMIC DEVELOPMENT PROGRAMS –
 6 EMINENT DOMAIN
 7 Sec.____. Section 6A.22, subsection 2, Code 2007,
 8 is amended by adding the following new paragraph:
 9 NEW PARAGRAPH. d. Notwithstanding paragraphs "a",
 10 "b", and "c", "public use", "public purpose", or
 11 "public improvement" does not include any project that
 12 receives a state appropriation or that receives or is
 13 awarded state funds or other funding by means of
 14 incentives, as authorized pursuant to chapter 12, 15,
 15 15A, 15E, 15F, 15G, or 16.

16 Sec.____. EFFECTIVE DATE. This division of this
 17 Act, being deemed of immediate importance, takes
 18 effect upon enactment."

19 2. By renumbering as necessary.

Thomas of Clayton rose on a point of order that amendment H-8086 was not germane.

The Speaker ruled the point well taken and amendment H-8086 not germane.

Tymeson of Madison asked for unanimous consent to suspend the rules to consider amendment H-8086.

Objection was raised.

Tymeson of Madison moved to suspend the rules to consider amendment H-8086.

Roll call was requested by Rants of Woodbury and Roberts of Carroll.

On the question "Shall the rules be suspended to consider amendment H-8086?" (H.F. 2450)

The ayes were, 44:

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

The nays were, 50:

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

Absent or not voting, 6:

Anderson	Greiner	Hoffman	Shomshor
Van Engelenhoven	Worthan		

The motion to suspend the rules lost.

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

On the question "Shall the bill pass?" (H.F. 2450)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2384, 2423 and 2450.**

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 11, 2008. Had I been present, I would have voted "aye" on House Files 2164, 2372, 2385, 2392, 2400, 2440, 2539 and Senate File 2111.

VAN ENGELENHOVEN of Marion

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 12th day of March, 2008: House File 2366.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 11, 2008 he approved and transmitted to the Secretary of State the following bills:

House File 2359, an Act concerning veterans, including expenditures from the veterans trust fund and authorization of lottery games for veterans.

Senate File 2123, an Act updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability date provisions.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|---|
| 2008\1961 | Mr. and Mrs. Frank Whan, Davenport – For celebrating their 50 th wedding anniversary. |
| 2008\1962 | Maxine Wagner, Clinton – For celebrating her 88 th birthday. |
| 2008\1963 | Jon Lyn and Lois Jean Arp, Williamsburg – For celebrating their 50 th wedding anniversary. |

- 2008\1964 Dean Brain, Hedrick – For celebrating his 80th birthday.
- 2008\1965 Charles Coleman, Williamsburg – For celebrating his 80th birthday.
- 2008\1966 Dean Woodrum, Victor – For celebrating his 80th birthday.
- 2008\1967 Patricia Montgomery, Malcom – For celebrating her 80th birthday.
- 2008\1968 Glen Krier, Sigourney – For celebrating his 80th birthday.
- 2008\1969 Mary Wolf, Deep River – For celebrating her 80th birthday.
- 2008\1970 Marilyn Van Fleet, North English – For celebrating her 80th birthday.
- 2008\1971 Dorothy Singleton, Keota – For celebrating her 80th birthday.
- 2008\1972 Pat and Evelyn Derifield, Waterloo – For celebrating their 50th wedding anniversary.
- 2008\1973 Ken and Dorothy Huffman, Waterloo – For celebrating their 65th wedding anniversary.
- 2008\1974 Gertrude Larsen, Clear Lake – For celebrating her 90th birthday.
- 2008\1975 Leone Deam, Hampton – For celebrating her 100th birthday.
- 2008\1976 Fern Carlson, Clear Lake – For celebrating her 100th birthday.
- 2008\1977 James Krabbe, Latimer – For celebrating his 99th birthday.
- 2008\1978 Wayne and Mary Howard, Clear Lake – For celebrating their 50th wedding anniversary.
- 2008\1979 Larry and Judie Lightbody, Thornton – For celebrating their 50th wedding anniversary.
- 2008\1980 Patrick Kolker, Clear Lake – For winning 2nd place in the 215 lb. weight class at the State Wrestling Tournament.
- 2008\1981 Emilie Jacobson, High Amana – For winning the Old Capitol Sertoma Club of Iowa City Essay Contest.
- 2008\1982 Berniece Breitbarth, Le Mars – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2351

Ways and Means: Wise, Chair; Deyoe, T. Olson, Reasoner and Van Fossen.

House File 2538

Commerce: Reichert, Chair; Petersen, Soderberg, Van Fossen and Wise.

Senate File 2108

Natural Resources: Wenthe, Chair; Rayhons and Reichert.

Senate File 2137

Agriculture: Reasoner, Chair; S. Olson and Wenthe.

Senate File 2198

Natural Resources: Bailey, Chair; Mertz and Rasmussen.

Senate File 2230

Natural Resources: Davitt, Chair; Baudler and Mertz.

Senate File 2266

Human Resources: Hunter, Chair; Forristall and Jacoby.

Senate File 2269

Human Resources: Mascher, Chair; L. Miller and Smith.

RESOLUTIONS FILED

HCR 106, by committee on agriculture, a concurrent resolution urging the United States Environmental Protection Agency to take all actions necessary to provide American consumers with the opportunity to use higher ethanol blended gasoline for general use in conventional engines.

Placed on **calendar**.

HR 118, by committee on human resources, a resolution requesting the legislative council to authorize a study committee for the 2008 interim to review Iowa's system of mental health patient advocates appointed by the courts.

Placed on **calendar**.

SCR 102, by committee on agriculture, a concurrent resolution urging the United States Environmental Protection Agency to take all actions necessary to provide American consumers with the opportunity to use higher ethanol blended gasoline for general use in conventional engines.

Passed on file.

AMENDMENTS FILED

H—8087	S.F.	2154	T. Taylor of Linn
H—8089	H.F.	2390	Quirk of Chickasaw
H—8091	H.F.	2537	R. Olson of Polk
H—8092	H.F.	2560	Gaskill of Wapello
H—8093	H.F.	2560	Gaskill of Wapello
H—8094	H.F.	2560	Gaskill of Wapello
H—8095	H.F.	2540	Struyk of Pottawattamie
H—8096	H.F.	2393	Smith of Marshall
H—8097	H.F.	2540	Paulsen of Linn Thomas of Clayton
H—8098	S.F.	2122	Tymeson of Madison
H—8099	S.F.	2122	Baudler of Adair Jacobs of Polk

On motion by McCarthy of Polk the House adjourned at 3:53 p.m., until 9:00 a.m., Thursday, March 13, 2008.

JOURNAL OF THE HOUSE

Sixtieth Calendar Day - Forty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 13, 2008

The House met pursuant to adjournment at 9:04 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Richard Pokora, pastor of Redeemer Lutheran Church, Bettendorf. He was the guest of Representative Linda Miller of Scott County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mickey Belding, House Page from Story City.

The Journal of Wednesday, March 12, 2008 was approved.

PETITION FILED

The following petition was received and placed on file:

By Frevert of Palo Alto, from forty-three constituents of House District seven favoring the statewide smoke free air act.

INTRODUCTION OF BILLS

House File 2606, by committee on agriculture, a bill for an act relating to the regulation of transactions involving grain, by providing for the regulation of grain dealers and warehouse operators, and providing for the administration of the grain indemnity fund.

Read first time and placed on the **calendar**.

House File 2607, by committee on judiciary, a bill for an act relating to mortgage foreclosures.

Read first time and placed on the **calendar**.

House File 2608, by committee on labor, a bill for an act relating to the choice of doctor to treat an injured employee under workers' compensation laws and providing an applicability date.

Read first time and placed on the **calendar**.

House File 2609, by committee on human resources, a bill for an act relating to the public release of information relating to elder group homes, assisted living facilities, and adult day services programs and providing for an effective date.

Read first time and placed on the **calendar**.

House File 2610, by committee on labor, a bill for an act relating to the employer-employee relationship by preventing identity theft in the procurement of employment, providing for the employment classification of individuals, and providing penalties and an effective date.

Read first time and placed on the **calendar**.

House File 2611, by committee on commerce, a bill for an act allowing the continuation of group health insurance for spouses of certain retired public employees.

Read first time and placed on the **calendar**.

House File 2612, by committee on natural resources , a bill for an act relating to natural resources, including by providing for the powers and duties of the department's director and natural resource commission, and the regulation of public lands and outdoor recreation, providing for penalties and making penalties applicable.

Read first time and placed on the **calendar**.

House File 2613, by committee on public safety, a bill for an act relating to the issuance of permits to carry weapons and providing an effective date.

Read first time and placed on the **calendar**.

House File 2614, by committee on commerce, a bill for an act requiring consumer notification of product manufacture information relating to the sale or distribution of child-oriented products and providing civil penalties.

Read first time and placed on the **calendar**.

House File 2615, by committee on human resources, a bill for an act providing for the development of educational programs relating to infection control in correctional facilities.

Read first time and placed on the **calendar**.

House File 2616, by committee on state government, a bill for an act modifying certain filing, request, and notification deadline times for elections.

Read first time and placed on the **calendar**.

House File 2617, by committee on state government, a bill for an act relating to the reporting of certain compensation information regarding the chief executive officer, the chief financial officer, and other executive-level administrators of a nonprofit corporation.

Read first time and placed on the **calendar**.

House File 2618, by committee on agriculture, a bill for an act relating to equipment used in egg production operations by providing an exemption from sales tax.

Read first time and referred to committee on **ways and means**.

House File 2619, by committee on judiciary, a bill for an act relating to deferred judgment criminal records.

Read first time and placed on the **calendar**.

House File 2620, by committee on state government, a bill for an act relating to the conduct of elections and voter registration, making penalties applicable, and including effective date, applicability date, and transition provisions.

Read first time and placed on the **calendar**.

SENATE MESSAGES CONSIDERED

Senate File 2325, by committee on economic growth, a bill for an act relating to the grow Iowa values fund by allocating moneys for the physical infrastructure assistance program and changing certain job and wage requirements, and providing an effective date.

Read first time and referred to committee on **economic growth**.

Senate File 2333, by committee on veterans affairs, a bill for an act relating to the regulation of veterans commemorative property.

Read first time and referred to committee on **veterans affairs**.

Senate File 2335, by committee on judiciary, a bill for an act relating to the rights of a victim of an alleged sexual assault and notification of these rights by a peace officer.

Read first time and referred to committee on **public safety**.

Senate File 2341, by committee on human resources, a bill for an act relating to Alzheimer's disease and similar forms of irreversible dementia.

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

Senate File 2348, by committee on agriculture, a bill for an act relating to the management of cooperative associations.

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

Senate File 2354, by committee on veterans affairs, a bill for an act concerning the home ownership assistance program for members of the military.

Read first time and referred to committee on **veterans affairs**.

Senate File 2361, by committee on state government, a bill for an act providing for the procurement of designated biobased products by state government.

Read first time and referred to committee on **state government**.

Senate File 2382, by committee on judiciary, a bill for an act relating to deferred judgment criminal records.

Read first time and referred to committee on **judiciary**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2129, a bill for an act relating to the duties of the commission on the status of Iowans of Asian and Pacific Islander heritage regarding interpreter qualifications.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2133, a bill for an act relating to the Iowa crop improvement association.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2176, a bill for an act relating to cultural affairs by providing for the preservation of electronic records, establishing local cultural committees, and creating a civil war sesquicentennial advisory committee.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2179, a bill for an act making specified changes relating to professional licensing and regulation under the purview of the banking division of the department of commerce.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2212, a bill for an act relating to determinations in child in need of assistance proceedings, and modifying circumstances for termination of parental rights.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2250, a bill for an act relating to the licensure of real estate brokers and salespersons.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2303, a bill for an act relating to workers' compensation provisions for continued medically related benefits in certain settlements of workers' compensation claims and to funding of the second injury fund and providing an effective date.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2321, a bill for an act relating to the recycling of mercury-containing lamps by providing for a study.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate file 2329, a bill for an act providing that funding of teacher compensation, professional development, early intervention, and educational excellence phase II be implemented through the school aid formula on a per pupil basis.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2338, a bill for an act relating to the regulation of health-related professions.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate file 2355, a bill for an act providing time off from work to attend presidential precinct caucuses and making penalties applicable.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2367, a bill for an act relating to the compliance advisory panel, including the appointment of its members and its powers and duties.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 9:16 a.m., until the fall of the gavel.

The House resumed session at 11:20 a.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hoffman of Crawford, until his arrival, on request of Upmeyer of Hancock; Raecker of Polk on request of Rants of Woodbury; Shomshor of Pottawattamie on request of Speaker Murphy; Worthan of Buena Vista on request of Kaufmann of Cedar; Winckler of Scott on request of Reasoner of Union.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 13, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2193, a bill for an act relating to conflicts of interest, lobbying activities, and receipt of gifts by certain government officials and employees.

Also: That the Senate has on March 13, 2008, passed the following bill in which the concurrence of the House is asked:

Senate file 2363, a bill for an act regulating some livestock markets as animal feeding operations.

Also: That the Senate has on March 13, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2381, a bill for an act relating to animal feeding operations, by providing for open feedlot operations.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS Regular Calendar

House File 2327, a bill for an act relating to inclined or vertical wheelchair lifts regulated by the elevator safety board, was taken up for consideration.

SENATE FILE 2154 SUBSTITUTED FOR HOUSE FILE 2327

T. Taylor of Linn asked and received unanimous consent to substitute Senate File 2154 for House File 2327.

Senate File 2154, a bill for an act relating to inclined or vertical wheelchair lifts regulated by the elevator safety board, was taken up for consideration.

T. Taylor of Linn offered the following amendment H-8087 filed by him and moved its adoption:

H-8087

1 Amend Senate File 2154, as passed by the Senate as
2 follows:

3 1. Page 1, by inserting after line 8 the
4 following:

5 "Sec. ____ Section 89A.2, Code Supplement 2007, is
6 amended to read as follows:

7 89A.2 SCOPE OF CHAPTER.

8 1. The provisions of this chapter shall not apply
9 to any of the following:

10 a. Any conveyance installed in any single private
11 dwelling residence, ~~to conveyances.~~

12 b. Material hoists subject to regulation under 875
13 IAC 26.1 and 29 C.F.R. } 1926.552, ~~to lifts.~~

14 c. Lifts subject to regulation under chapter 88,
15 ~~to material.~~

16 d. Material lift elevators existing in the same
17 location since prior to January 1, 1975, ~~or to~~
18 ~~conveyances.~~

19 e. Conveyances over which an agency of the federal
20 government is asserting similar enforcement
21 jurisdiction.

22 2. Provisions of this chapter supersede
23 conflicting provisions contained in building codes of
24 this state or any subdivision thereof."

25 2. By renumbering as necessary.

Amendment H-8087 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2154)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Heaton	Heddens	Horbach	Hunter

Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Windschitl	Wise
Zirkelbach	Mr. Speaker Murphy		

The nays were, none.

Absent or not voting, 6:

Greiner	Hoffman	Raecker	Shomshor
Winckler	Worthan		

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

House File 2332, a bill for an act relating to workers' compensation benefit payments for burial expenses, was taken up for consideration.

SENATE FILE 2221 SUBSTITUTED FOR HOUSE FILE 2332

T. Taylor of Linn asked and received unanimous consent to substitute Senate File 2221 for House File 2332.

Senate File 2221, a bill for an act relating to workers' compensation benefit payments for burial expenses, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2221)

The ayes were, 94:

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

The nays were, none.

Absent or not voting, 6:

Greiner	Hoffman	Raecker	Shomshor
Winckler	Worthan		

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

House File 2437, a bill for an act relating to the boiler and pressure vessel safety and elevator safety revolving funds under the control of the labor commissioner, was taken up for consideration.

SENATE FILE 2304 SUBSTITUTED FOR HOUSE FILE 2437

T. Taylor of Linn asked and received unanimous consent to substitute Senate File 2304 for House File 2437.

Senate File 2304, a bill for an act relating to the boiler and pressure vessel safety and elevator safety revolving funds under the control of the labor commissioner, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2304)

The ayes were, 94:

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

The nays were, none.

Absent or not voting, 6:

Greiner	Hoffman	Raecker	Shomshor
Winckler	Worthan		

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

HOUSE FILE 2437 WITHDRAWN

T. Taylor of Linn asked and received unanimous consent to withdraw House File 2437 from further consideration by the House.

HOUSE FILE 2327 WITHDRAWN

T. Taylor of Linn asked and received unanimous consent to withdraw House File 2327 from further consideration by the House.

HOUSE FILE 2332 WITHDRAWN

T. Taylor of Linn asked and received unanimous consent to withdraw House File 2332 from further consideration by the House.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2154, 2221 and 2304.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clute of Polk on request of Rants of Woodbury.

House File 2406, a bill for an act relating to regulation of commercial motor vehicle operators by the state department of transportation and providing penalties, was taken up for consideration.

SENATE FILE 2156 SUBSTITUTED FOR HOUSE FILE 2406

Gipp of Winneshiek asked and received unanimous consent to substitute Senate File 2156 for House File 2406.

Senate File 2156, a bill for an act relating to regulation of commercial motor vehicle operators by the state department of transportation and providing penalties, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2156)

The ayes were, 92:

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

The nays were, 1:

Zirkelbach

Absent or not voting, 7:

Clute	Greiner	Hoffman	Raecker
Shomshor	Winckler	Worthan	

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

HOUSE FILE 2406 WITHDRAWN

Gipp of Winneshiek asked and received unanimous consent to withdraw House File 2406 from further consideration by the House.

House File 2266, a bill for an act relating to the regulation of explosives, and the possession of an incendiary or explosive device or material, and providing penalties, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2266)

The ayes were, 93:

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

The nays were, none.

Absent or not voting, 7:

Clute	Greiner	Hoffman	Raecker
Shomshor	Winckler	Worthan	

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

SPECIAL PRESENTATION

L. Miller of Scott introduced to the House, the honorable Dave Millage, former state representative from Scott County.

The House rose and expressed its welcome.

House File 2521, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions, was taken up for consideration.

Schueller of Jackson offered the following amendment H-8070 filed by the committee on judiciary and moved its adoption:

H-8070

- 1 Amend House File 2521 as follows:
- 2 1. By striking page 28, line 32, through page 29,
- 3 line 5.
- 4 2. Page 30, line 21, by striking the words
- 5 "paragraphs "a" through "e"" and inserting the
- 6 following: "paragraph "a", subparagraphs (1) through
- 7 (5)".
- 8 3. Page 95, line 33, by striking the figure "3"
- 9 and inserting the following: "4".

The committee amendment H-8070 was adopted.

SENATE FILE 2317 SUBSTITUTED FOR HOUSE FILE 2521

Schueller of Jackson asked and received unanimous consent to substitute Senate File 2317 for House File 2521.

Senate File 2317, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2317)

The ayes were, 93:

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

The nays were, none.

Absent or not voting, 7:

Clute	Greiner	Hoffman	Raecker
Shomshor	Winckler	Worthan	

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

HOUSE FILE 2521 WITHDRAWN

Schueller of Jackson asked and received unanimous consent to withdraw House File 2521 from further consideration by the House.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2266** and **Senate Files 2156** and **2317**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 13, 2008, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2212, a bill for an act creating a smokefree air Act and providing penalties.

Also: That the Senate has on March 13, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2369, a bill for an act regulating persons who transport, handle, store, or apply manure.

MICHAEL E. MARSHALL, Secretary

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|--|
| 2008\1983 | Ronald Cross, Wapello – For celebrating his 93 rd birthday. |
| 2008\1984 | Trevor Wolterstorff, Sioux Center – For being named to the 2008 Class 2-A All State boys basketball team. |
| 2008\1985 | Jordan Dykstra, Rock Valley – For being named to the 2008 Class 1-A All State first team in boys basketball. |
| 2008\1986 | Western Christian Wolfpack Boys Basketball Team Coach Jim Eekhoff, Hull – For winning 1 st place in the class 2-A division of the 2008 Boys State Basketball Tournament for the second straight year. |

- 2008\1987 Boyden-Hull Comets Boys Basketball Team Coach Bill Francis, Hull – For a successful 2008 season culminating in placing fourth in the Class 1-A division at the Boys State Basketball Tournament.
- 2008\1988 George-Little Rock Mustangs Boys Basketball Team Coach Ben Gerleman, George – For a successful 2008 season culminating in placing second in the Class 1-A division at the Boys State Basketball Tournament.
- 2008\1989 Dick Stone, Chariton – For celebrating his 80th birthday.
- 2008\1990 Dorothy House, Hopkinton – For celebrating her 96th birthday.
- 2008\1991 Mary Nading, Manchester – For her 32 years of working for the Iowa Department of Human Services.
- 2008\1992 Maxine Lauritzen, Spirit Lake – For celebrating her 90th birthday.
- 2008\1993 Martha Hanson, Britt – For celebrating her 100th birthday.
- 2008\1994 Richard Pelzer, Tipton – For celebrating his 80th birthday.
- 2008\1995 Arthur Walker, Wilton – For celebrating his 80th birthday.
- 2008\1996 Rhoda Grunder, Wilton – For celebrating her 80th birthday.
- 2008\1997 Dolores Kunde, Tipton – For celebrating her 80th birthday.
- 2008\1998 Betty Thumma, Tipton – For celebrating her 80th birthday.
- 2008\1999 Walter Farwell, Tipton – For celebrating his 80th birthday.
- 2008\2000 William Strimmel, Moscow – For celebrating his 80th birthday.
- 2008\2001 Betty Tompkins, Durant – For celebrating her 80th birthday.
- 2008\2002 Marjorie Pelzer, Durant – For celebrating her 80th birthday.
- 2008\2003 Grace Burnett, West Branch – For celebrating her 80th birthday.
- 2008\2004 Melvin Hansen, Durant – For celebrating his 80th birthday.
- 2008\2005 Ida Cocklin, West Liberty – For celebrating her 80th birthday.
- 2008\2006 Robert Wacker, Wilton – For celebrating his 80th birthday.
- 2008\2007 Kalli Martin, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for Large Group Event in the Readers Theater “Written by the Cast”, for receiving the Critic’s Choice Banner, and for Ensemble Acting, “Why Can’t Women Be Funny”.

- 2008\2008 Ashlee Tiernan, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for Large Group Event in the Readers Theater “Written by the Cast”, and for receiving the Critic’s Choice Banner.
- 2008\2009 Ben Goldberg, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for Large Group Event in the Readers Theater “Written by the Cast”, for receiving the Critic’s Choice Banner, and for Ensemble Acting, “Why Can’t Women Be Funny”.
- 2008\2010 Nate Konrardy, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for Large Group Event in the Readers Theater “Written by the Cast”, and for receiving the Critic’s Choice Banner.
- 2008\2011 Ian Matthews, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for Large Group Event in the Readers Theater “Written by the Cast”, and for receiving the Critic’s Choice Banner.
- 2008\2012 Joy Mathews, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for Large Group Event in the Readers Theater “Written by the Cast”, and for receiving the Critic’s Choice Banner.
- 2008\2013 Danielle Nicks, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for Large Group Event in the Readers Theater “Written by the Cast”, and for receiving the Critic’s Choice Banner.
- 2008\2014 Audrey Smith, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for Large Group Event in the Readers Theater “Written by the Cast”, and for receiving the Critic’s Choice Banner.
- 2008\2015 Kim Stocks, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for Large Group Event in the Readers Theater “Written by the Cast”, and for receiving the Critic’s Choice Banner.
- 2008\2016 Anne Daly, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for Large Group Event in the Readers Theater “Written by the Cast”, and for receiving the Critic’s Choice Banner.
- 2008/2017 Clair Funke, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for Large Group Event in the Readers Theater “Written by the Cast”, for receiving the Critic’s Choice Banner, and for Ensemble Acting, “Why Can’t Women Be Funny”.

- 2008\2018 Luke Mitchell, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for Large Group Event in the Readers Theater “Written by the Cast”, for receiving the Critic’s Choice Banner, and for Ensemble Acting, complete works of Shakespeare abridged.
- 2008\2019 Erin Martin, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for Large Group Event in the Readers Theater “Written by the Cast”, for receiving the Critic’s Choice Banner, and for Ensemble Acting, complete works of Shakespeare abridged.
- 2008\2020 Andrew Gonzalez, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for Large Group Event in the Readers Theater “Written by the Cast”, for Group Improv, and for receiving the Critic’s Choice Banner.
- 2008\2021 Keith Westphal, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for Group Improv, and for receiving the Critic’s Choice Banner.
- 2008\2022 Paige Tesdall, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for Ensemble Acting, “Why Can’t Women Be Funny”
- 2008\2023 Sarah Duster, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for One Act Play, “Harvey”.
- 2008\2024 Ethan Frome, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for One Act Play, “Harvey”.
- 2008\2025 Jake Koch, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for One Act Play, “Harvey”.
- 2008\2026 Hayden Kraus, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for One Act Play “Harvey”.
- 2008\2027 Jesse Larson, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for One Act Play “Harvey”.
- 2008\2028 Zoie Larson, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for One Act Play “Harvey”.
- 2008\2029 Megan Oltmanns, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for One Act Play, “Harvey”.

- 2008\2030 Allison Wentworth, Dubuque Hempstead High School – For winning the Iowa High School All-State Speech Festival for One Act Play “Harvey”.
- 2008\2031 Daisy McKinlay, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for Ensemble Acting, “Taming of the Shrew” and for receiving the Critic’s Choice Banner.
- 2008\2032 Anna Baur Schoer, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for Ensemble Acting, “The Battle of Bull Run”.
- 2008\2033 Laura Dohner, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for Ensemble Acting, “The Battle of Bull Run”.
- 2008\2034 Carson Kreiss, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for Ensemble Acting, “The Battle of Bull Run”.
- 2008\2035 Mary Zanger, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for Ensemble Acting, “The Battle of Bull Run”.
- 2008\2036 Gwen Beatty, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for Ensemble Acting, “Present Tense”.
- 2008\2037 Ryan Decker, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for Ensemble Acting, “Present Tense”.
- 2008\2038 Melissa Krepfle, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for Ensemble Acting, “Present Tense”.
- 2008\2039 Tye Stierman, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for Ensemble Acting, “Present Tense”.
- 2008\2040 Sarah Szeibel, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for Ensemble Acting, “Present Tense”.
- 2008\2041 Emily Anderson, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for One Act Play, “Pyramus and Thisbe”.
- 2008\2042 John Anderson, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for One Act Play, “Pyramus and Thisbe”.

- 2008\2043 Sam Balk, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for One Act Play, “Pyramus and Thisbe”.
- 2008\2044 Emily Barz, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for One Act Play, “Pyramus and Thisbe”.
- 2008\2045 Nyssa Duchow, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for One Act Play, “Pyramus and Thisbe”.
- 2008\2046 Aaron Matthews, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for One Act Play, “Pyramus and Thisbe”.
- 2008\2047 Emily McDermott, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for One Act Play, “Pyramus and Thisbe”.
- 2008\2048 Claire Spyrison, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for One Act Play “Pyramus and Thisbe”.
- 2008\2049 Paige Triervieler, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for One Act Play “Pyramus and Thisbe”.
- 2008\2050 Anna Troy, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for One Act Play “Pyramus and Thisbe”.
- 2008\2051 Louis Waldmeir, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for One Act Play “Pyramus and Thisbe”.
- 2008\2052 Jasmine Werner, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for One Act Play “Pyramus and Thisbe”.
- 2008\2053 Sam Baur Schoer, Dubuque Senior High School – For winning the Iowa High School All-State Speech Festival for Ensemble Acting, “Taming of the Shrew”, for receiving the Critic’s Choice Banner, and for One Act Play, “Pyramus and Thisbe”.
- 2008\2054 Alexis Furlong, Eisenhower Elementary School – For being named one of the Top 25 inventors at the Keystone Area Education Agency Invention Convention.
- 2008\2055 Jennifer Dix, Table Mound Elementary School – For being named one of the Top 25 inventors at the Keystone Area Education Agency Invention Convention.

- 2008\2056 Allison Schollmeyer, Table Mound Elementary School – For being named one of the Top 25 inventors at the Keystone Area Education Agency Invention Convention.
- 2008\2057 Ben Zillig, Table Mound Elementary School – For being named one of the Top 25 inventors at the Keystone Area Education Agency Invention Convention.
- 2008\2058 Nicole Blum, Table Mound Elementary School – For being named one of the Top 25 inventors at the Keystone Area Education Agency Invention Convention.
- 2008\2059 Rachel Miller, Mazzuchelli Middle School – For being named one of the Top 25 inventors at the Keystone Area Education Agency Invention Convention.
- 2008\2060 Tim Miller, Mazzuchelli Middle School – For being named one of the Top 25 inventors at the Keystone Area Education Agency Invention Convention.
- 2008\2061 Lydia Hastings, Waterloo – For celebrating her 96th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2504

State Government: Lensing, Chair; Gaskill and Roberts.

House File 2512

State Government: Lensing, Chair; Boal and Gaskill.

House File 2517

State Government: T. Taylor, Chair; Jacoby and Roberts.

House File 2563

Judiciary: R. Olson, Chair; Horbach and Wendt.

House File 2592

Commerce: Petersen, Chair; Berry and Pettengill.

Senate File 2248

Commerce: Wise, Chair; Lukan and Petersen.

Senate File 2249

Local Government: Gaskill, Chair; Bukta and Van Fossen.

Senate File 2281

Judiciary: Winckler, Chair; Jacobs and Lensing.

Senate File 2289

Veterans Affairs: Staed, Chair; Granzow and D. Taylor.

Senate File 2301

State Government: Jacoby, Chair; Jacobs and Lensing.

Senate File 2333

Veterans Affairs: Chambers, Chair; Bailey and Whitead.

Senate File 2335

Public Safety: Heddens, Chair; Kuhn and S. Olson.

Senate File 2354

Veterans Affairs: Windschitl, Chair; D. Taylor and Thomas.

Senate File 2361

State Government: T. Taylor, Chair; Roberts and Wessel-Kroeschell.

Senate File 2382

Judiciary: Palmer, Chair; R. Olson and Tomenga.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Senate File 473, a bill for an act allowing a competent adult to execute a written instrument directing the final disposition of that person's remains, including coordinating provisions, and providing applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8100** March 12, 2008.

AMENDMENTS FILED

H—8100	S.F.	473	Committee on Human Resources
H—8101	H.F.	2537	Wessel-Kroeschell of Story
H—8102	H.F.	2605	Hunter of Polk
H—8103	H.F.	2588	Alons of Sioux D. Taylor of Linn
H—8104	H.F.	2620	Tymeson of Madison
H—8105	H.F.	2381	R. Olson of Polk Tomenga of Polk
H—8106	S.F.	2203	R. Olson of Polk Tomenga of Polk
H—8107	H.F.	2612	Baudler of Adair
H—8108	H.F.	2613	R. Olson of Polk
H—8109	H.F.	2540	Paulsen of Linn

On motion by McCarthy of Polk the House adjourned at 12:09 p.m., until 9:00 a.m., Friday, March 14, 2008.

JOURNAL OF THE HOUSE

Sixty-first Calendar Day - Forty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 14, 2008

The House met pursuant to adjournment at 9:28 a.m., Petersen of Polk in the chair.

Prayer was offered by the honorable Janet Petersen, state representative from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Charlie Pattinson, son of Representative Janet Petersen and Halle Van Roekel, Ali Safris and Luke Safris.

The Journal of Thursday, March 13, 2008 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 13, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2322, a bill for an act establishing second deputy sheriff positions in certain counties.

Also: That the Senate has on March 13, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2340, a bill for an act requiring certain identity documents to be provided to children subject to a court order for out-of-home placement.

Also: That the Senate has on March 13, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2349, a bill for an act relating to the preneed sale of cemetery and funeral merchandise and funeral services.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2368, a bill for an act concerning persons voluntarily excluded from gambling facilities.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2621, by committee on economic growth, a bill for an act relating to funding to market projects receiving moneys from the community attraction and tourism fund.

Read first time and placed on the **calendar**.

House File 2622, by committee on natural resources, a bill for an act relating to mowing within the right-of-way of primary and interstate highways.

Read first time and placed on the **calendar**.

House File 2623, by committee on education, a bill for an act relating to the compulsory school attendance age and providing effective dates.

Read first time and placed on the **calendar**.

House File 2624, by committee on judiciary, a bill for an act relating to expunging the record of certain simple misdemeanor under legal age violations.

Read first time and placed on the **calendar**.

House File 2625, by committee on judiciary, a bill for an act relating to filing and docketing fees collected by the clerk of the district court for parking violations and tribal judgments, fees for examination and admission to practice law, appropriations from the jury and witness free revolving fund, and providing an effective date.

Read first time and referred to committee on **appropriations**.

House File 2626, by committee on judiciary, a bill for an act relating to the appointment or election of state judicial nominating commission members.

Read first time and placed on the **calendar**.

House File 2627, by committee on commerce, a bill for an act relating to energy independence initiatives, specifying procedures applicable to Iowa power fund applications, authorizing allocations from the fund, including certain alternative or renewable energies applicable to specified energy independence initiatives, and providing an effective date and applicability provision.

Read first time and referred to committee on **appropriations**.

House File 2628, by committee on public safety, a bill for an act including a portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the definition of a dangerous weapon and making penalties applicable.

Read first time and placed on the **calendar**.

House File 2629, by May, a bill for an act relating to an exclusion of governmental pension or retirement pay under the individual income tax and including effective and applicability date provisions.

Read first time and referred to committee on **ways and means**.

House File 2630, by committee on appropriations, a bill for an act relating to the use of optical scan voting systems in every county, making an appropriation for the cost of purchasing and distributing optical scan voting systems, reducing certain appropriations, providing for continuing education for certain election personnel, and providing an effective date.

Read first time and referred to committee on **appropriations calendar**.

House File 2631, by committee on agriculture, a bill for an act requiring that a person entering into a repurchase contract for the growing of corn seed stock post a special bond.

Read first time and placed on the **calendar**.

House File 2632, by committee on agriculture, a bill for an act relating to renewable fuel, including by providing for infrastructure

associated with storing, blending, and dispensing renewable fuel, modifying tax credits, providing for the purchase of renewable fuels by governmental entities, providing for renewable fuel marketing efforts, providing for retroactive applicability, and providing an effective date.

Read first time and referred to committee on **ways and means**.

House File 2633, by committee on judiciary, a bill for an act relating to business associations, by providing for limited liability companies and conversion involving corporations, providing fees and penalties, and providing an effective date.

Read first time and placed on the **calendar**.

House File 2634, by Lukan, a bill for an act relating to the granting of property tax credits to businesses that voluntarily prohibit smoking in the workplace.

Read first time and referred to committee on **ways and means**.

House File 2635, by Lukan, a bill for an act providing a sesquicentennial farm property tax credit, providing a penalty, and including an appropriation.

Read first time and referred to committee on **ways and means**.

House File 2636, by committee on state government, a bill for an act relating to the regulation of the practice of certified public accounting and providing an effective date.

Read first time and placed on the **calendar**.

House File 2637, by committee on judiciary, a bill for an act relating to communications made in professional confidence concerning health care and health care records and providing for fees.

Read first time and placed on the **calendar**.

House File 2638, by committee on environmental protection, a bill for an act providing for separation distance requirements between

a confinement feeding operation structure and a designated wetland, and making penalties applicable.

Read first time and referred to committee on **agriculture**.

House File 2639, by committee on economic growth, a bill for an act providing for a residual biomass tax credit, and including effective and applicability dates.

Read first time and referred to committee on **ways and means**.

House File 2640, by committee on labor, a bill for an act requiring an annual cost-of-living adjustment for certain weekly workers' compensation benefits.

Read first time and placed on the **calendar**.

House File 2641, by committee on labor, a bill for an act relating to qualifications for and payment of unemployment compensation benefits, and including effective and applicability date provisions.

Read first time and placed on the **calendar**.

House File 2642, by committee on judiciary, a bill for an act relating to issuance of a treasurer's deed after expiration of the period of redemption and including an effective and applicability date provision.

Read first time and placed on the **calendar**.

House File 2643, by committee on veterans affairs, a bill for an act relating to the small business linked investments program by changing the allocation of available moneys from program investments and raising the limit on qualifying net worth.

Read first time and placed on the **calendar**.

House File 2644, by committee on commerce, a bill for an act directing the office of energy independence, in conjunction with the Iowa energy center, to conduct a feasibility study regarding the

establishment of low-head hydropower energy production facilities, and providing an effective date.

Read first time and placed on the **calendar**.

House File 2645, by committee on labor, a bill for an act concerning public employee collective bargaining.

Read first time and placed on the **calendar**.

House File 2646, by committee on state government, a bill for an act providing for the licensure of persons installing fire protection systems, providing for the establishment of fees, and providing penalties and an effective date.

Read first time and placed on the **calendar**.

House File 2647, by committee on appropriations, a bill for an act relating to and making appropriations to the judicial branch.

Read first time and referred to committee on **appropriations calendar**.

House File 2648, by committee on human resources, a bill for an act relating to criminal and abuse records of prospective and current employees of licensed hospitals and health care facilities and certain health-related programs and services and providing penalties.

Read first time and placed on the **calendar**.

House File 2649, by committee on education, a bill for an act establishing the senior year plus program, providing for related matters, and making an appropriation.

Read first time and referred to committee on **appropriations**.

House File 2650, by committee on commerce, a bill for an act establishing a state health insurance mandate commission, and providing for a repeal and an effective date.

Read first time and placed on the **calendar**.

House File 2651, by committee on transportation, a bill for an act relating to policies for the administration of highways and the regulation of motor vehicles by the department of transportation and to deposits made by a county to the secondary road fund, physical ability tests required for fire fighter applicants, and certain obligations guaranteed by highway funds including matters concerning the bid threshold for emergency highway repairs, the fee for replacement of special dealer registration plates, antique motor vehicle registration fees, used motor vehicle dealer education requirements, disqualification from operating a commercial motor vehicle, an exemption from the civil penalty imposed for certain driver's license sanctions, access to persons with disabilities parking spaces for certain disabled veterans, and permits and fees for the movement of certain oversize or overweight vehicles, drinking driver courses offered at state correctional facilities, and the defeasance of petroleum underground storage tank fund bonds, and providing an effective date.

Read first time and placed on the **calendar**.

House File 2652, by committee on agriculture, a bill for an act providing for efforts to mitigate odor emitted from a livestock operation including by providing for basic and applied research and evaluations, and including applicability and effective date provisions.

Read first time and placed on the **calendar**.

House File 2653, by committee on commerce, a bill for an act relating to foreclosure consultants and foreclosure reconveyances, providing for criminal and civil penalties, and providing an effective date.

Read first time and placed on the **calendar**.

SENATE MESSAGES CONSIDERED

Senate File 2129, by committee on state government, a bill for an act relating to the duties of the commission on the status of Iowans of Asian and Pacific Islander heritage regarding interpreter qualifications.

Read first time and referred to committee on **state government**.

Senate File 2133, by committee on agriculture, a bill for an act relating to the Iowa crop improvement association.

Read first time and referred to committee on **agriculture**.

Senate File 2176, by committee on state government, a bill for an act relating to cultural affairs by providing for the preservation of electronic records, establishing local cultural committees, and creating a civil war sesquicentennial advisory committee.

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

Senate File 2179, by committee on commerce, a bill for an act making specified changes relating to professional licensing and regulation under the purview of the banking division of the department of commerce.

Read first time and referred to committee on **commerce**.

Senate File 2193, by committee on state government, a bill for an act relating to conflicts of interest, lobbying activities, and receipt of gifts by certain government officials and employees.

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

Senate File 2212, by committee on judiciary, a bill for an act relating to determinations in child in need of assistance proceedings, and modifying circumstances for termination of parental rights.

Read first time and referred to committee on **judiciary**.

Senate File 2250, by committee on commerce, a bill for an act relating to the licensure of real estate brokers and salespersons.

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

Senate File 2303, by committee on labor and business relations, a bill for an act relating to workers' compensation provisions for continued medically related benefits in certain settlements of

workers' compensation claims and to funding of the second injury fund and providing an effective date.

Read first time and referred to committee on **labor**.

Senate File 2321, by committee on natural resources and environment, a bill for an act relating to the recycling of mercury-containing lamps by providing for a study.

Read first time and referred to committee on **environmental protection**.

Senate File 2329, by committee on education, a bill for an act providing that funding of teacher compensation, professional development, early intervention, and educational excellence phase II be implemented through the school aid formula on a per pupil basis.

Read first time and referred to committee on **education**.

Senate File 2338, by committee on human resources, a bill for an act relating to the regulation of health-related professions.

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

Senate File 2355, by committee on state government, a bill for an act providing time off from work to attend presidential precinct caucuses and making penalties applicable.

Read first time and referred to committee on **state government**.

Senate File 2363, by committee on agriculture, a bill for an act regulating some livestock markets as animal feeding operations.

Read first time and referred to committee on **agriculture**.

Senate File 2367, by committee on natural resources and environment, a bill for an act relating to the compliance advisory panel, including the appointment of its members and its powers and duties.

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

Senate File 2380, by committee on natural resources and environment, a bill for an act establishing a low head dam public hazard program.

Read first time and referred to committee on **natural resources**.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 13, 2008, he approved and transmitted to the Secretary of State the following bill:

House File 2366, an Act designating peace officer communication equipment and other emergency services communication equipment as an essential county purpose and as an essential corporate purpose that authorizes the issuance of general obligation bonds and providing an effective date.

SUBCOMMITTEE ASSIGNMENT

Senate File 2217 Reassigned

Judiciary: Winckler, Chair; Horbach and R. Olson.

On motion by McCarthy of Polk the House adjourned at 9:41 a.m., until 1:00 p.m., Monday, March 17, 2008.

JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day - Forty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 17, 2008

The House met pursuant to adjournment at 1:03 p.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Dolores Mertz, state representative from Kossuth County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ellie and Anna Jacoby. They are the daughters of the honorable Dave Jacoby, state representative from Johnson County and his wife.

Matthew Hrdlicka, 4th grade student at Western Hills Elementary, West Des Moines, sang the National Anthem. He was the guest of Representative Libby Jacobs of Polk County.

The Journal of Friday, March 14, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Shomshor of Pottawattamie, until Wednesday, March 19, 2008, on request of Speaker Murphy.

INTRODUCTION OF BILLS

House File 2654, by committee on environmental protection, a bill for an act relating to water use permit fees, creating a new water use permit fund, and making appropriations.

Read first time and referred to committee on **appropriations**.

House File 2655, by Granzow, May, Heaton, Greiner, L. Miller, Van Engelenhoven, Arnold, Huseman, Rasmussen, Worthan, Rayhons, Horbach, Drake, Soderberg, Pettengill, Roberts, Dolecheck, Lukan, De Boef, Hoffman, Van Fossen, Swaim, Grassley and Bailey, a bill for an act relating to state funding for the costs of juvenile detention homes by providing a supplemental appropriation and including an effective date.

Read first time and referred to committee on **appropriations**.

SENATE MESSAGES CONSIDERED

Senate File 2322, by committee on judiciary, a bill for an act establishing second deputy sheriff positions in certain counties.

Read first time and referred to committee on **judiciary**.

Senate File 2340, by committee on judiciary, a bill for an act requiring certain identity documents to be provided to children subject to a court order for out-of-home placement.

Read first time and referred to committee on **human resources**.

Senate File 2347, by committee on appropriations, a bill for an act relating to the use of optical scan voting systems in every county, making an appropriation for the cost of purchasing and distributing optical scan voting systems, reducing certain appropriations, providing for continuing education for certain election personnel, and providing an effective date.

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

Senate File 2368, by committee on state government, a bill for an act concerning persons voluntarily excluded from gambling facilities.

Read first time and referred to committee on **state government**.

Senate File 2369, by committee on agriculture, a bill for an act regulating persons who transport, handle, store, or apply manure.

Read first time and referred to committee on **agriculture**.

Senate File 2381, by committee on agriculture, a bill for an act relating to animal feeding operations, by providing for open feedlot operations.

Read first time and referred to committee on **agriculture**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 13, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2356, a bill for an act relating to the judicial branch including contested and uncontested parking violations, filing civil citations of municipal infractions with the clerk, and records kept by the clerk.

MICHAEL E. MARSHALL, Secretary

SPECIAL PRESENTATION

Bailey of Hamilton, Mertz of Kossuth, Bukta of Clinton and Quirk of Chickasaw celebrated St. Patrick's Day with the presentation of the Irish flag and Representative Mertz danced the traditional Irish jig.

The House stood at ease at 1:20 p.m., until the fall of the gavel.

The House resumed session at 1:35 p.m., Speaker Murphy in the chair.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 121.

ADOPTION OF HOUSE RESOLUTION 121

Kaufmann of Cedar and Jacoby of Johnson called up for consideration **House Resolution 121**, a resolution recognizing the Uncommon Public Service Award, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Jacoby of Johnson introduced to the House the honorable Robert Ray, former Governor of Iowa who presented the Uncommon Public Service Award. The award winners were the honorable Dave Johnson, state senator from Osceola County and the honorable Mark Smith, state representative from Marshall County.

The House rose and expressed its appreciation.

On motion by McCarthy of Polk, the House was recessed at 1:59 p.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:22 p.m., Speaker Murphy in the chair.

SENATE MESSAGES CONSIDERED

Senate File 2349, by committee on commerce, a bill for an act relating to the preneed sale of cemetery and funeral merchandise and funeral services.

Read first time and referred to committee on **commerce**.

Senate File 2356, by committee on judiciary, a bill for an act relating to the judicial branch including contested and uncontested parking violations, assessment of city and county fines, filing civil citations of municipal infractions with the clerk, and records kept by the clerk.

Read first time and referred to committee on **judiciary**.

CONSIDERATION OF BILLS

Regular Calendar

House File 2547, a bill for an act modifying provisions relating to statewide licensure and certification of electricians and alarm system contractors and installers, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2547)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley

Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Mr. Speaker Murphy		

The nays were, none.

Absent or not voting, 2:

Huser Shomshor

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

House File 2390, a bill for an act relating to the licensing and regulation of plumbers and mechanical professionals and providing an effective date, was taken up for consideration.

Quirk of Chickasaw asked and received unanimous consent to withdraw amendment H-8059 filed by him on March 3, 2008.

Quirk of Chickasaw offered amendment H-8089 filed by him as follows:

H-8089

- 1 Amend House File 2390 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. 2007 Iowa Acts, chapter 198, section
- 5 6, subsection 2, is amended by striking the subsection
- 6 and inserting in lieu thereof the following:
- 7 2. Examinations for the licenses which may be
- 8 issued pursuant to this chapter shall be conducted at

9 least two times per year at such times and locations
 10 as the department may fix in consultation with the
 11 board. Applicants who fail to pass an examination
 12 shall be allowed to retake the examination at a future
 13 scheduled time. Any subsequent opportunities to take
 14 the examination are available only at the discretion
 15 of the board.

16 Sec _____. 2007 Iowa Acts, chapter 198, section 6,
 17 is amended by adding the following new subsection:
 18 NEW SUBSECTION. 6. The board shall adopt by rule
 19 a specific plumbing examination and a specific
 20 mechanical examination for each license type to be
 21 used for all plumbing and mechanical license
 22 examinations throughout the state.

23 Sec.____. 2007 Iowa Acts, chapter 198, section 7,
 24 is amended by adding the following new subsection:
 25 NEW SUBSECTION. 7. Allowing an applicant who has
 26 failed an examination to request information about the
 27 subject areas which the applicant failed to answer
 28 correctly. An applicant shall not have access to
 29 actual test questions and answers.

30 Sec.____. 2007 Iowa Acts, chapter 198, section 11,
 31 subsections 1 and 2, are amended to read as follows:

32 1. Apply to a person licensed as an engineer
 33 pursuant to chapter 542B, licensed as a manufactured
 34 home retailer or certified as a manufactured home
 35 installer pursuant to chapter 103A, registered as an
 36 architect pursuant to chapter 544A, or licensed as a
 37 landscape architect pursuant to chapter 544B who
 38 provides consultations or develops plans or other work
 39 concerning plumbing, HVAC, refrigeration, or hydronic
 40 work who is exclusively engaged in the practice of the
 41 person's profession.

42 2. Require employees of municipal corporations,
 43 electric membership or cooperative associations,
 44 public utility corporations, rural water associations
 45 or districts, railroads, or commercial retail or
 46 industrial companies performing manufacturing,
 47 installation, service, or repair work for such
 48 employer to hold licenses while acting within the
 49 scope of their employment. This licensing exemption
 50 does not apply to employees of a rate-regulated gas or

Page 2

1 electric public utility which provides plumbing or
 2 mechanical services as part of a systematic marketing
 3 effort, as defined pursuant to section 476.80.

4 Sec.____. 2007 Iowa Acts, chapter 198, section 11,
 5 is amended by adding the following new subsections:

6 NEW SUBSECTION. 9. Apply to a state employee
 7 performing routine maintenance, as defined by rule, on

8 a mechanical system or plumbing system, which serves a
 9 state-owned facility while acting within the scope of
 10 the state employee's employment.

11 NEW SUBSECTION. 10. Apply to the employees of
 12 manufacturers, manufacturer representatives, or
 13 wholesale suppliers who provide consultation or
 14 develop plans concerning plumbing, HVAC,
 15 refrigeration, or hydronic work, or who assist a
 16 person licensed under this chapter in the installation
 17 of mechanical or plumbing systems.

18 Sec.____. 2007 Iowa Acts, chapter 198, section 12,
 19 is amended by adding the following new unnumbered
 20 paragraph:

21 NEW UNNUMBERED PARAGRAPH. In addition to the
 22 certificate, the department shall provide each
 23 licensee with a wallet-sized licensing identification
 24 card.

25 Sec.____. 2007 Iowa Acts, chapter 198, section 17,
 26 subsection 1, is amended to read as follows:

27 1. The provisions of this chapter regarding the
 28 licensing of plumbing, HVAC, refrigeration, and
 29 hydronic professionals and contractors shall supersede
 30 and preempt all plumbing, HVAC, refrigeration, or
 31 hydronic licensing provisions of all governmental
 32 subdivisions. ~~On and after the effective date of this~~
 33 ~~Act~~

34 a. A governmental subdivision that issues licenses
 35 on July 1, 2008, shall continue to issue licenses
 36 until June 30, 2009. On July 1, 2009, all plumbing
 37 and mechanical licensing provisions promulgated by any
 38 governmental subdivision shall be null and void,
 39 except reciprocal licenses as provided in section
 40 104C.21, and of no further force and effect, and.

41 b. On and after July 1, 2008, a governmental
 42 subdivision may shall not prohibit a plumbing, HVAC,
 43 refrigeration, or hydronic professional licensed
 44 pursuant to this chapter from performing services for
 45 which that person is licensed pursuant to this chapter
 46 or enforce any plumbing and mechanical licensing
 47 provisions promulgated by the governmental subdivision
 48 against a person licensed pursuant to this chapter."

49 2. Page 1, by inserting after line 10 the
 50 following:

Page 3

1 "Sec.____. 2007 Iowa Acts, chapter 198, section
 2 20, subsection 7, is amended by striking the
 3 subsection and inserting in lieu thereof the
 4 following:

5 7. The board shall, by rule, establish a
 6 reinstatement process for a licensee who allows a

7 license to lapse for a period greater than one month,
8 including reasonable penalties."
9 3. Page 1, by striking lines 16 and 17 and
10 inserting the following:
11 "Sec. ____ EFFECTIVE DATE. 2007 Iowa Acts,
12 chapter 198, sections 5 through 27 and sections 30
13 through 34, take effect July 1, 2008.
14 Sec. ____ EFFECTIVE DATE. 2007 Iowa Acts,
15 chapter 198, sections 28 and 29, take effect January
16 1, 2009."
17 4. By renumbering as necessary.

Quirk of Chickasaw offered the following amendment H-8111, to amendment H-8089, filed by him from the floor and moved its adoption:

H-8111

1 Amend the amendment, H-8089, to House File 2390 as
2 follows:
3 1. Page 1, line 42, by striking the word
4 "corporations" and inserting the following:
5 "utilities".

Amendment H-8111 was adopted.

Quirk of Chickasaw offered the following amendment H-8116, to amendment H-8089, filed by him from the floor and moved its adoption:

H-8116

1 Amend the amendment, H-8089, to House File 2390, as
2 follows:
3 1. Page 2, line 6, by striking the words "a state
4 employee" and inserting the following: "an employee
5 of any unit of state or local government, including
6 but not limited to cities, counties, or school
7 corporations,".

Amendment H-8116 was adopted.

On motion by Quirk of Chickasaw amendment H-8089, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2390)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

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

House File 2410, a bill for an act relating to alarm system installer or contractor certification and electrician licensure provisions, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2410)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Huser Shomshor

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

House File 2411, a bill for an act providing for changes in electrician licensure requirements for specified licensure classifications, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2411)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Huser Shomshor

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2390, 2410, 2411 and 2547.**

House File 2452, a bill for an act relating to vehicle titles and registration plates for specialty vehicles, and providing a penalty and an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2452)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Huser Shomshor

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

House File 2522, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions, was taken up for consideration.

Schueller of Jackson offered the following amendment H-8069 filed by the committee on judiciary and moved its adoption:

H-8069

- 1 Amend House File 2522 as follows:
- 2 1. By striking page 11, line 34, through page 12,
- 3 line 15.
- 4 2. Page 20, line 30, by striking the word
- 5 "subsection" and inserting the following:
- 6 "subsections".
- 7 3. Page 49, line 10, by inserting before the word
- 8 "inserting" the following: "and".
- 9 4. Page 54, line 23, by striking the word "(c)"
- 10 and inserting the following: "(b)".
- 11 5. Page 100, line 23, by striking the word "to"
- 12 and inserting the following: "through".
- 13 6. By renumbering as necessary.

The committee amendment H-8069 was adopted.

SENATE FILE 2320 SUBSTITUTED FOR HOUSE FILE 2522

Schueller of Jackson asked and received unanimous consent to substitute Senate File 2320 for House File 2522.

Senate File 2320, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2320)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef

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

The nays were, none.

Absent or not voting and 2:

Huser Shomshor

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

HOUSE FILE 2522 WITHDRAWN

Schueller of Jackson asked and received unanimous consent to withdraw House File 2522 from further consideration by the House.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2452** and **Senate File 2320**.

The House stood at ease at 4:08 p.m., until the fall of the gavel.

The House resumed session at 5:50 p.m., Speaker Murphy in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 17, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2308, a bill for an act relating to identity theft by providing for the notification of a breach in the security of computerized data that includes personal information, and providing penalties.

Also: That the Senate has on March 17, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2344, a bill for an act relating to the imposition of penalty benefits in workers' compensation cases.

Also: That the Senate has on March 17, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2357, a bill for an act requiring disclosure of employer group health benefit claims and premium information to certain employers.

Also: That the Senate has on March 17, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2379, a bill for an act relating to the regulation of the practice of certified public accounting and providing an effective date.

MICHAEL E. MARSHALL, Secretary

House File 2157, a bill for an act expanding the time period during which a complaint may be filed with the Iowa civil rights commission, was taken up for consideration.

SENATE FILE 2292 SUBSTITUTED FOR HOUSE FILE 2157

Smith of Marshall asked and received unanimous consent to substitute Senate File 2292 for House File 2157.

Senate File 2292, a bill for an act expanding the time period during which a complaint may be filed with the Iowa civil rights commission, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2292)

The ayes were, 75:

Abdul-Samad	Anderson	Arnold	Bailey
Bell	Berry	Bukta	Clute
Cohoon	Dandekar	Davitt	Deyoe
Foege	Ford	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Heaton	Heddens	Hunter	Huseman
Huser	Jacobs	Jacoby	Jochum
Kaufmann	Kelley	Kressig	Kuhn
Lensing	Lukan	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Pettengill	Quirk
Raecker	Rants	Rasmussen	Reasoner
Reichert	Schueller	Smith	Staed
Struyk	Swaim	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Van Engelenhoven
Van Fossen	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencek	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 23:

Alons	Baudler	Boal	Chambers
De Boef	Dolecheck	Drake	Forristall
Greiner	Hoffman	Horbach	May
Olson, S.	Paulsen	Rayhons	Roberts
Sands	Schickel	Soderberg	Upmeyer
Watts	Windschitl	Worthan	

Absent or not voting, 2:

Shomshor Taylor, D.

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

HOUSE FILE 2139 WITHDRAWN

Quirk of Chickasaw asked and received unanimous consent to withdraw House File 2139 from further consideration by the House.

HOUSE FILE 2157 WITHDRAWN

Smith of Marshall asked and received unanimous consent to withdraw House File 2157 from further consideration by the House.

HOUSE FILE 2078 WITHDRAWN

Lykam of Scott asked and received unanimous consent to withdraw House File 2078 from further consideration by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2292** be immediately messaged to the Senate.

HOUSE FILE 2391 REREFERRED

The Speaker announced that House File 2391, previously referred to the **calendar** was rereferred to committee on **appropriations**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 17, 2008. Had I been present, I would have voted "aye" on House Files 2390, 2410, 2411, 2452 and 2547 and Senate File 2320.

HUSER of Polk

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\2062 Vernon Zach, Swisher – For celebrating his 85th birthday.
- 2008\2063 Robert Bible, Springville – For celebrating his 80th birthday.
- 2008\2064 Leo Beuter, Solon – For celebrating his 75th birthday.
- 2008\2065 Gloria Kimble, North Liberty – For celebrating her 85th birthday.

- 2008\2066 Joyce Mailey, Springville – For celebrating her 85th birthday.
- 2008\2067 Mary Stahle, Solon – For celebrating her 80th birthday.
- 2008\2068 Rosemary Lamb, Ely – For celebrating her 75th birthday.
- 2008\2069 Charlene Sojka, Swisher – For celebrating her 80th birthday.
- 2008\2070 James Speers, Oxford – For celebrating his 75th birthday.
- 2008\2071 Gladys Teague, Mount Vernon – For celebrating her 90th birthday.
- 2008\2072 Glen Zimmerman, Cedar Rapids – For celebrating his 80th birthday.
- 2008\2073 Mary Wehrheim, Solon – For celebrating her 85th birthday.
- 2008\2074 Grace Scheetz, Oxford – For celebrating her 90th birthday.
- 2008\2075 Stella Easker, Mount Vernon – For celebrating her 80th birthday.
- 2008\2076 Winifred Bulicek, Swisher – For celebrating her 95th birthday.
- 2008\2077 George Chaloupka, Solon – For celebrating his 80th birthday.
- 2008\2078 Margaret Brown, Mount Vernon – For celebrating her 90th birthday.
- 2008\2079 Leonard Milligan, Ottumwa – For celebrating his 80th birthday.
- 2008\2080 Jack McClure, Blakesburg – For celebrating his 85th birthday.
- 2008\2081 Blanche Galey, Ottumwa – For celebrating her 90th birthday.
- 2008\2082 Faye Sporer, Ottumwa – For celebrating her 75th birthday.
- 2008\2083 Ida Fye, Ottumwa – For celebrating her 80th birthday.
- 2008\2084 Catherine Clark, Ottumwa – For celebrating her 90th birthday.
- 2008\2085 Donald Stookesberry, Ottumwa – For celebrating his 80th birthday.
- 2008\2086 Lillian Johnson, Ottumwa – For celebrating her 80th birthday.
- 2008\2087 Ruby McCoy, Ottumwa – For celebrating her 75th birthday.
- 2008\2088 Shirley Rhynas, Ottumwa – For celebrating her 80th birthday.
- 2008\2089 Billy Christensen, Ottumwa – For celebrating his 80th birthday.
- 2008\2090 Veronica Babb, Ottumwa – For celebrating her 80th birthday.
- 2008\2091 Mary Hagglund, Ottumwa – For celebrating her 75th birthday.

- 2008\2092 Virgil Henry, Ottumwa – For celebrating his 75th birthday.
- 2008\2093 Willadene Thompson, Ottumwa – For celebrating her 75th birthday.
- 2008\2094 Mary Brown, Ottumwa – For celebrating her 80th birthday.
- 2008\2095 Marjorie Cowles, Ottumwa – For celebrating her 85th birthday.
- 2008\2096 Elizabeth Forgy, Ottumwa – For celebrating her 80th birthday.
- 2008\2097 Esther Nichols, Ottumwa – For celebrating her 80th birthday.
- 2008\2098 Reta Rowland, Ottumwa – For celebrating her 90th birthday.
- 2008\2099 Thomas Williams, Ottumwa – For celebrating his 80th birthday.
- 2008\2100 Oran Derby, Ottumwa – For celebrating his 80th birthday.
- 2008\2101 Helen Stewart, Ottumwa – For celebrating her 85th birthday.
- 2008\2102 Doris Jones, Ottumwa – For celebrating her 85th birthday.
- 2008\2103 Shirley Sigman, Ottumwa – For celebrating her 80th birthday.
- 2008\2104 Bettie Cowger, Ottumwa – For celebrating her 75th birthday.
- 2008\2105 John Hopkins, Ottumwa – For celebrating his 75th birthday.
- 2008\2106 Fred Sandeen, Blakesburg – For celebrating his 75th birthday.
- 2008\2107 Lois McCune, Ottumwa – For celebrating her 85th birthday.
- 2008\2108 Marietta Goins, Ottumwa – For celebrating her 85th birthday.
- 2008\2109 Albert Saffell, Ottumwa – For celebrating his 85th birthday.
- 2008\2110 Gilbert Harding, Ottumwa – For celebrating his 85th birthday.
- 2008\2111 Betty Lentner, Ottumwa – For celebrating her 85th birthday.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2325

Economic Growth: Thomas, Chair; Staed and Wiencek.

Senate File 2329

Education: Wendt, Chair; Gayman and Tymeson.

Senate File 2337

Agriculture: Reichert, Chair; Dolecheck and Wenthe.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 784 Appropriations**

Relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON JUDICIARY

Senate File 199, a bill for an act granting the civil rights commission additional subpoena power to investigate unfair or discriminatory practices and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 2008.

Senate File 505, a bill for an act relating to civil liability for damages relating to the use of an automated external defibrillator in sudden cardiac arrest emergencies.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8121** March 13, 2008.

RESOLUTIONS FILED

HR 119, by Wise, Petersen and Oldson, a resolution expressing opposition to federal legislation that would threaten the power of the

states to oversee, regulate, and investigate the business of insurance and to protect consumers.

Laid over under **Rule 25**.

HR 120, by Watts and Lykam, a resolution honoring Sam Wagner and Talia Leman, the Iowa Prudential Spirit of Community Award Winners.

Laid over under **Rule 25**.

HR 122, by Palmer and Upmeyer, a resolution honoring the work of the department of elder affairs and Iowa's area agencies on aging home-delivered nutrition programs and March for Meals campaign.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8110	H.F.	2557	Wendt of Woodbury
H—8112	H.F.	2544	Mascher of Johnson
H—8113	H.F.	2364	Heddens of Story
H—8114	H.F.	2623	Heddens of Story
H—8115	H.F.	2646	Quirk of Chickasaw
H—8117	H.F.	2610	Horbach of Tama
H—8118	H.F.	2612	Bell of Jasper
H—8119	H.F.	2623	Horbach of Tama
H—8120	H.F.	2606	Whitaker of Van Buren
H—8121	S.F.	505	Committee on Judiciary
H—8122	H.F.	2364	Gipp of Winneshiek
H—8123	H.F.	2610	Struyk of Pottawattamie
H—8124	H.F.	2610	Struyk of Pottawattamie
H—8125	H.F.	2610	Struyk of Pottawattamie
H—8126	H.F.	2555	Ford of Polk
H—8127	H.F.	2628	R. Olson of Polk
H—8128	H.F.	2619	R. Olson of Polk
H—8129	H.F.	2620	Jacobs of Polk
H—8130	S.F.	2124	Wiencek of Black Hawk
			Rasmussen of Buchanan
H—8131	H.F.	2603	Upmeyer of Hancock
			Smith of Marshall

H—8132	H.F.	2610	Baudler of Adair
H—8133	H.F.	2610	Van Fossen of Scott
H—8134	H.F.	2610	Deyoe of Story
H—8135	H.F.	2537	D. Olson of Boone
H—8136	H.F.	2570	D. Olson of Boone
H—8137	H.F.	2570	D. Olson of Boone
H—8138	H.F.	2383	Oldson of Polk
H—8139	H.F.	2542	McCarthy of Polk

On motion by McCarthy of Polk the House adjourned at 6:00 p.m., until 9:00 a.m., Tuesday, March 18, 2008.

JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day - Forty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 18, 2008

The House met pursuant to adjournment at 9:06 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Bill Thalacker, pastor of the Bennington Lutheran Church, Waterloo. He was the guest of Representative Andrew Wenthe of Fayette County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Genevieve Craggs, the legislative secretary to Representative Andrew Wenthe.

The Journal of Monday, March 17, 2008 was approved.

INTRODUCTION OF BILLS

House File 2656, by committee on environmental protection, a bill for an act relating to energy efficiency by establishing specified standards and goals relating to energy production and utilization, and establishing a commission on energy efficiency standards and practices.

Read first time and referred to committee on **commerce**.

House File 2657, by Horbach, a bill for an act relating to the exemption of medical devices from the sales and use taxes.

Read first time and referred to committee on **ways and means**.

SENATE MESSAGES CONSIDERED

Senate File 2308, by committee on commerce, a bill for an act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties.

Read first time and referred to committee on **judiciary**.

Senate File 2344, by committee on labor and business relations, a bill for an act relating to the imposition of penalty benefits in workers' compensation cases.

Read first time and referred to committee on **labor**.

Senate File 2357, by committee on commerce, a bill for an act requiring disclosure of employer group health benefit claims and premium information to certain employers.

Read first time and referred to committee on **commerce**.

Senate File 2379, by committee on state government, a bill for an act relating to the regulation of the practice of certified public accounting and providing an effective date.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 17, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2215, a bill for an act relating to private activity bond allocation procedures and single-project limitations.

Also: That the Senate has on March 17, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2268, a bill for an act making specified revisions to the consumer credit code to conform to federal statutory updates and prohibit the transfer of ownership of a motor vehicle pursuant to a consumer rental purchase agreement.

Also: That the Senate has on March 17, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2287, a bill for an act increasing the penalties that may be imposed by courts-martial under the Iowa code of military justice.

Also: That the Senate has on March 17, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2400, a bill for an act relating to water quality by establishing a water resources coordinating council, authorizing a marketing campaign, directing assistance to local communities for monitoring and measurement, providing for a wastewater and storm water infrastructure assessment, and creating a regional assessment program and a community-based improvement program.

Also: That the Senate has on March 17, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2111, a bill for an act relating to requirements for blood lead testing and dental screening of children.

Also: That the Senate has on March 17, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2132, a bill for an act relating to notices regarding the disposition of seized property and providing an effective date.

Also: That the Senate has on March 17, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2159, a bill for an act relating to the statewide preschool program for four-year-old children and funding associated with the program and providing an effective date.

Also: That the Senate has on March 17, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2160, a bill for an act relating to employers' participation in unemployment insurance adjudications.

Also: That the Senate has on March 17, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2172, a bill for an act relating to dental homes for children.

Also: That the Senate has on March 17, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2246, a bill for an act relating to required disclosures in real estate transactions.

Also: That the Senate has on March 17, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2251, a bill for an act requiring certification of the performance of an eye examination, when a child is enrolled in kindergarten.

Also: That the Senate has on March 17, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2252, a bill for an act relating to the inclusion of licensed marital and family therapists as behavioral health participating providers under the medical assistance program.

Also: That the Senate has on March 17, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2267, a bill for an act relating to rules for discharging wastewater from water well drilling sites.

Also: That the Senate has on March 17, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2277, a bill for an act relating to offenses against identity by establishing a procedure to secure credit information and providing a penalty.

Also: That the Senate has on March 17, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2278, a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards.

Also: That the Senate Has on March 17, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2280, a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horbach of Tama and Worthan of Buena Vista on request of Kaufmann of Cedar.

CONSIDERATION OF BILLS

Regular Calendar

House File 2589, a bill for an act relating to unemployment insurance tax penalties, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2589)

The ayes were, 94:

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

The nays were, 3:

Forristall	Greiner	Van Fossen
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Absent or not voting, 3:

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

House File 2542, a bill for an act concerning work-related injuries suffered and claims made outside of this state and workers' compensation proceedings to reopen awards for payments or agreements for settlement of contested cases, was taken up for consideration.

T. Taylor of Linn offered the following amendment H-8139 filed by McCarthy of Polk and moved its adoption:

H-8139

- 1 Amend House File 2542 as follows:
- 2 1. Page 3, by striking lines 2 through 20.
- 3 2. Title page, by striking lines 2 through 4 and
- 4 inserting the following: "outside of this state."

Amendment H-8139 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2542)

The ayes were, 54:

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

The nays were, 43:

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

Absent or not voting, 3:

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2542 and 2589.**

House File 2364, a bill for an act authorizing utilization of physical plant and equipment levy revenue to guarantee school district energy savings contracts, was taken up for consideration.

Heddens of Story asked and received unanimous consent to withdraw amendment H-8082 filed by her on March 11, 2008.

Heddens of Story offered the following amendment H-8113 filed by her and moved its adoption:

H-8113

- 1 Amend House File 2364 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. NEW SECTION. 279.67 LOAN PROCEEDS.
- 5 The proceeds of loans issued to school districts
- 6 pursuant to section 279.48, 279.52, or 473.20 shall be
- 7 deposited into either the general fund of a school
- 8 district or the physical plant and equipment levy
- 9 fund. The board of directors shall expend the amount
- 10 of the principal and interest due each year to
- 11 maturity from the same fund into which the loan
- 12 proceeds were deposited."
- 13 2. Title page, line 1, by inserting after the
- 14 word "Act" the following: "relating to school
- 15 district financing arrangements, specifying funds into
- 16 which loan proceeds shall be deposited and from which
- 17 principal and interest payments shall be expended,
- 18 and".

Amendment H-8113 was adopted.

Gipp of Winneshiek asked and received unanimous consent to withdraw amendment H-8122 filed by him on March 17, 2008.

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

On the question "Shall the bill pass?" (H.F. 2364)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

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

HOUSE FILE 2183 WITHDRAWN

Heddens of Story asked and received unanimous consent to withdraw House File 2183 from further consideration by the House.

House File 2568, a bill for an act relating to the calculation of certain weekly workers' compensation benefits by requiring certain weekly workers' compensation benefits to be calculated by including an employee's shift differential pay and by changing the basis for calculating the weekly rate for certain injured inmates, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2568)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Shomshor

Worthan

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2364** and **2568**.

On motion by McCarthy of Polk, the House was recessed at 10:12 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:00 p.m., Speaker Murphy in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2199, a bill for an act allowing to appeals of denials of insurance coverage based on medical necessity.

Also: That the Senate has on March 18, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2275, a bill for an act relating to domestic abuse protective orders and animals owned or held by a petitioner, respondent, or minor child of the petitioner or respondent in domestic abuse cases.

Also: That the Senate has on March 18, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2319, a bill for an act relating to disease prevention and wellness including the Iowa healthy communities initiative and the governor's council on physical fitness and nutrition.

Also: That the Senate has on March 18, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2323, a bill for an act concerning the transportation of railroad workers by companies organized for that purpose and providing penalties.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2132, by committee on judiciary, a bill for an act relating to notices regarding the disposition of seized property and providing an effective date.

Read first time and referred to committee on **public safety**.

Senate File 2159, by committee on education, a bill for an act relating to the statewide preschool program for four-year-old children and funding associated with the program and providing an effective date.

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

Senate File 2160, by committee on labor and business relations, a bill for an act relating to employers' participation in unemployment insurance adjudications.

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

Senate File 2172, by committee on human resources , a bill for an act relating to dental homes for children.

Read first time and referred to committee on **human resources**.

Senate File 2199, by committee on human resources, a bill for an act relating to appeals of denials of insurance coverage based on medical necessity.

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

Senate File 2246, by committee on commerce, a bill for an act relating to required disclosures in real estate transactions.

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

Senate File 2252, by committee on human resources, a bill for an act relating to the inclusion of licensed marital and family therapists

and licensed master social workers as behavioral health participating providers under the medical assistance program.

Read first time and referred to committee on **human resources**.

Senate File 2267, by committee on natural resources and environment, a bill for an act relating to rules for discharging wastewater from water well drilling sites.

Read first time and referred to committee on **ways and means**.

Senate File 2275, by committee on judiciary, a bill for an act relating to domestic abuse protective orders and animals owned or held by a petitioner, respondent, or minor child of the petitioner or respondent in domestic abuse cases.

Read first time and referred to committee on **judiciary**.

Senate File 2277, by committee on judiciary, a bill for an act relating to offenses against identity by establishing a procedure to secure credit information and providing a penalty.

Read first time and referred to committee on **commerce**.

Senate File 2278, by committee on education, a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards.

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

Senate File 2280, by committee on judiciary, a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

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

Senate File 2319, by committee on human resources, a bill for an act relating to disease prevention and wellness including the Iowa healthy communities initiative and the governor's council on physical fitness and nutrition.

Read first time and referred to committee on **human resources**.

Senate File 2323, by committee on transportation, a bill for an act concerning the regulation of operators of certain vehicles for hire used to transport persons.

Read first time and referred to committee on **transportation**.

SENATE FILE 2308 REREFERRED

The Speaker announced that Senate File 2308, previously referred to committee on **judiciary** was rereferred to committee on **commerce**.

SENATE FILE 2382 REREFERRED

The Speaker announced that Senate File 2382, previously referred to committee on **judiciary** was **passed on file**.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\2112 Opal Arnold, Ottumwa – For celebrating her 100th birthday.
- 2008\2113 Shirley Harrington, Ottumwa – For celebrating her 75th birthday.
- 2008\2114 Vesta Steele, Ottumwa – For celebrating her 105th birthday.
- 2008\2115 Billy Williams, Ottumwa – For celebrating his 75th birthday.
- 2008\2116 Lois Derby, Ottumwa – For celebrating her 85th birthday.
- 2008\2117 Charles McClure, Ames – For celebrating his 75th birthday.
- 2008\2118 William Mengeling, Ames – For celebrating his 75th birthday.
- 2008\2119 James Iversen, Ames – For celebrating his 75th birthday.
- 2008\2120 Helen Brown, Ames – For celebrating her 85th birthday.
- 2008\2121 Clement Marsden, Ames – For celebrating his 90th birthday.
- 2008\2122 Ruth Jarvis, Ames – For celebrating her 90th birthday.

- 2008\2123 Marilyn Swenson, Ames – For celebrating her 75th birthday.
- 2008\2124 Marguerite McNabb, Ames – For celebrating her 80th birthday.
- 2008\2125 Paul Brown, Gilbert – For celebrating his 85th birthday.
- 2008\2126 Delano Doolittle, Gilbert – For celebrating his 75th birthday.
- 2008\2127 Dwight McVicker, Ames – For celebrating his 85th birthday.
- 2008\2128 Helen Uthe, Ames – For celebrating her 90th birthday.
- 2008\2129 Yu Gee, Ames – For celebrating his 85th birthday.
- 2008\2130 Stephanie Walsh, Ames – For celebrating her 75th birthday.
- 2008\2131 Pauline Martin, Ames – For celebrating her 75th birthday.
- 2008\2132 James Shaw, Ames – For celebrating his 80th birthday.
- 2008\2133 Dorinne De Krey, Ames – For celebrating her 75th birthday.
- 2008\2134 Earl Boss, Ames – For celebrating his 85th birthday.
- 2008\2135 Laura Cook, Ames – For celebrating her 75th birthday.
- 2008\2136 Kathleen Naughton, Ames – For celebrating her 80th birthday.
- 2008\2137 Theodore Andrini, Madrid – For celebrating his 85th birthday.
- 2008\2138 Ramona Crabtree, Madrid – For celebrating her 75th birthday.
- 2008\2139 Chauncey Alcott, Madrid – For celebrating his 85th birthday.
- 2008\2140 Elizabeth Hiserote, Ames – For celebrating her 90th birthday.
- 2008\2141 Wyman Stanley, Madrid – For celebrating his 75th birthday.
- 2008\2142 Bonnie Pepper, Ames – For celebrating her 80th birthday.
- 2008\2143 Patricia Thompson, Ames – For celebrating her 75th birthday.
- 2008\2144 Donald Robertson, Ames – For celebrating his 75th birthday.
- 2008\2145 Janice Samuelson, Ames – For celebrating her 75th birthday.
- 2008\2146 Marilyn Burkheimer, Ames – For celebrating her 80th birthday.
- 2008\2147 Richard De Moss, Ames – For celebrating his 75th birthday.
- 2008\2148 Glenn Hillesland, Ames – For celebrating his 85th birthday.

- 2008\2149 Avis Arnold, Ames – For celebrating her 90th birthday.
- 2008\2150 Barbara McFarland, Ames – For celebrating her 80th birthday.
- 2008\2151 Lois Upchurch, Ames – For celebrating her 85th birthday.
- 2008\2152 Don Charles, Ames – For celebrating his 90th birthday.
- 2008\2153 Lester Shickell, Ames – For celebrating his 90th birthday.
- 2008\2154 Arley Tschetter, Ames – For celebrating her 75th birthday.
- 2008\2155 Sondra Briley, Ames – For celebrating her 75th birthday.
- 2008\2156 Agnes Archuleta, Ames – For celebrating her 75th birthday.
- 2008\2157 Donald Young, Ames – For celebrating his 80th birthday.
- 2008\2158 Hazel Vickroy, Prairie City – For celebrating her 90th birthday.
- 2008\2159 Helen Seals, Des Moines – For celebrating her 100th birthday.
- 2008\2160 Phyllis Hopkins, Colfax – For celebrating her 80th birthday.
- 2008\2161 Janice Hanson, Altoona – For celebrating her 75th birthday.
- 2008\2162 Audrey Cox, Colfax – For celebrating her 80th birthday.
- 2008\2163 Mary Roberts, Prairie City – For celebrating her 80th birthday.
- 2008\2164 Clifford Curry, Prairie City – For celebrating his 75th birthday.
- 2008\2165 Charlie Pinegar, Des Moines – For celebrating his 80th birthday.
- 2008\2166 Freda Vanderhart, Prairie City – For celebrating her 85th birthday.
- 2008\2167 Frank Teske, Pleasant Hill – For celebrating his 75th birthday.
- 2008\2168 Robert Dewit, Prairie City – For celebrating his 85th birthday.
- 2008\2169 Mary Stotts, Altoona – For celebrating her 80th birthday.
- 2008\2170 Dorothy Deitch, Altoona – For celebrating her 75th birthday.
- 2008\2171 David Davidson, Colfax – For celebrating his 80th birthday.
- 2008\2172 Helen Tibboel, Prairie City – For celebrating her 75th birthday.
- 2008\2173 Norma Sheets, Altoona – For celebrating her 80th birthday.
- 2008\2174 Leslie Hill, Altoona – For celebrating his 85th birthday.

2008\2175 Carol Hawkins, Altoona – For celebrating her 80th birthday.

2008\2176 Judith Barrer, Mitchellville – For celebrating her 75th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2587

Appropriations: Foege, Chair; Gayman and Heaton.

House File 2598

Appropriations: Jacoby, Chair; Schickel and Wenthe.

Senate File 2129

State Government: Abdul-Samad, Chair; L. Miller and Whitead.

Senate File 2179

Commerce: Kelley, Chair; Jacobs, Kressig, Quirk and Sands.

Senate File 2212

Judiciary: Smith, Chair; Heaton and Wessel-Kroeschell.

Senate File 2286

Appropriations: Gayman, Chair; Foege and Heaton.

Senate File 2322

Judiciary: R. Olson, Chair; Baudler and Winckler.

Senate File 2349

Commerce: Quirk, Chair; Bailey and Lukan.

Senate File 2355

State Government: Jochum, Chair; Jacobs and Lensing.

Senate File 2356

Judiciary: Palmer, Chair; Heaton and Schueller.

Senate File 2368

State Government: Quirk, Chair; Jacoby and Roberts.

Senate File 2380

Natural Resources: Reichert, Chair; Rasmussen and Whitead.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 773), relating to and making appropriations to the justice system.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 18, 2008.

COMMITTEE ON HUMAN RESOURCES

Senate File 2269, a bill for an act revising family investment program requirements for limited benefit plans.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 2008.

RESOLUTIONS FILED

HR 123, by Zirkelbach and Foege, a resolution recognizing the Grant Wood Art Festival.

Laid over under **Rule 25**.

HR 124, by Kelley, a resolution honoring and commemorating the University of Northern Iowa Institute for Decision Making for 20 years of economic development service in Iowa.

Laid over under **Rule 25**.

HR 125, by Ford, a resolution requesting the legislative council to authorize a study committee for the 2008 interim to review the use of psychostimulant medication for treating attention-deficit hyperactivity disorder (ADHD) in children.

Laid over under **Rule 25**.

HR 126, by Lensing, Mascher and Jacoby, a resolution honoring Iowa City High School's boys' and girls' high school basketball teams as the 2008 Class 4A state basketball champions.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8140	H.F.	2633	Swaim of Davis
H—8141	H.F.	2645	Watts of Dallas
H—8142	H.F.	2645	Watts of Dallas
H—8143	H.F.	2551	Wenthe of Fayette
H—8144	H.F.	2508	T. Olson of Linn
H—8145	H.F.	2570	Tymeson of Madison
H—8146	H.F.	2636	Quirk of Chickasaw
H—8147	H.F.	2646	Quirk of Chickasaw
H—8148	H.F.	2570	D. Olson of Boone
H—8149	H.F.	2620	Jacobs of Polk
H—8150	H.F.	2651	Huser of Polk
H—8151	H.F.	2645	May of Dickinson
H—8152	H.F.	2645	Watts of Dallas
H—8153	H.F.	2645	Watts of Dallas
H—8154	H.F.	2645	Watts of Dallas
H—8155	H.F.	2645	Lukan of Dubuque
H—8156	H.F.	2645	Horbach of Tama
H—8157	H.F.	2645	Gipp of Winneshiek
H—8158	H.F.	2645	Tymeson of Madison
H—8159	H.F.	2645	Paulsen of Linn
H—8160	H.F.	2645	May of Dickinson
H—8161	H.F.	2645	May of Dickinson
H—8162	H.F.	2645	May of Dickinson
H—8163	H.F.	2645	Upmeyer of Hancock

H—8164	H.F.	2645	R. Olson of Polk
H—8165	H.F.	2645	Soderberg of Plymouth
H—8166	S.F.	348	Jochum of Dubuque

On motion by McCarthy of Polk the House adjourned at 4:05 p.m., until 9:00 a.m., Wednesday, March 19, 2008.

JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day - Forty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 19, 2008

The House met pursuant to adjournment at 9:21 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Marcella Frevert, state representative from Palo Alto County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by students from the Iowa Department for the Blind. They were the guest of Representative Mark Smith of Marshall County.

The Journal of Tuesday, March 18, 2008 was approved.

INTRODUCTION OF BILL

House File 2658, by Kuhn, a bill for an act making an appropriation for purposes of administering the alternate energy revolving loan program.

Read first time and referred to committee on **appropriations**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2279, a bill for an act establishing health, nutrition, and cardiopulmonary resuscitation certification requirements for students, school districts, and accredited nonpublic schools.

Also: That the Senate has on March 18, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2312, a bill for an act relating to the conduct of elections and voter registration, making penalties applicable, and including effective date, applicability date, and transition provisions.

Also: That the Senate has on March 18, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2387, a bill for an act relating to permissible prizes for use of an electrical and mechanical amusement device and the penalties for awarding an improper cash prize.

MICHAEL E. MARSHALL, Secretary

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 127.

ADOPTION OF HOUSE RESOLUTION 127

Jacobs of Polk called up for the consideration **House Resolution 127**, a resolution honoring the remarkable achievements of Iowa's own Shawn Johnson, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Jacobs of Polk introduced to the House, Shawn Johnson, world gymnastics champion.

The House rose and expressed its welcome.

The House stood at ease at 9:32 a.m., until the fall of the gavel.

The House resumed session at 2:17 p.m., Speaker Murphy in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 19, 2008, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2002, a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources.

Also: That the Senate has on March 19, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2364, a bill for an act relating to the emancipation of a minor.

MICHAEL E. MARSHALL, Secretary

HOUSE INSISTS

T. Olson of Linn called up for consideration **House File 2212**, a bill for an act creating a smokefree air Act and providing penalties and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED (House File 2212)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2212: T. Olson of Linn, Chair; Petersen of Polk, Reasoner of Union, Dolecheck of Ringgold and Soderberg of Plymouth.

CONSIDERATION OF BILLS Regular Calendar

House File 2645, a bill for an act concerning public employee collective bargaining, was taken up for consideration.

R. Olson of Polk offered amendment H-8164 filed by him as follows:

H-8164

- 1 Amend House File 2645 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "DIVISION I
- 5 PUBLIC EMPLOYEE COLLECTIVE BARGAINING"
- 6 2. Page 1, by inserting after line 32 the

7 following:

8 "Sec. ____ Section 20.9, Code 2007, is amended to
9 read as follows:

10 20.9 SCOPE OF NEGOTIATIONS.

11 1. The public employer and the employee
12 organization shall meet at reasonable times, including
13 meetings reasonably in advance of the public
14 employer's budget-making process, to negotiate in good
15 faith with respect to but not limited to the
16 following:

17 a. ~~wages,~~ Wages.

18 b. ~~hours,~~ Hours, including the establishment of
19 work shifts and schedules and procedures and criteria
20 for assigning work shifts and schedules.

21 c. ~~vacations,~~ Vacations.

22 d. ~~insurance,~~ Insurance, including the
23 determination of the health insurance carrier.

24 e. ~~holidays,~~ Holidays.

25 f. ~~leaves~~ Leaves of absence, including cash
26 payments for accumulated leave.

27 g. ~~shift~~ Shift differentials.

28 h. ~~overtime~~ Overtime compensation.

29 i. ~~supplemental~~ Supplemental pay, including
30 payments and benefits which are other than wages and
31 are not paid as compensation for or conditioned upon
32 the employees' performance of services in addition to
33 their regular services to the public employer.

34 j. ~~seniority,~~ Seniority.

35 k. ~~transfer~~ Transfer procedures.

36 l. ~~job~~ Job classifications.

37 m. ~~health~~ Health and safety matters.

38 n. ~~evaluation~~ Evaluation procedures, including the
39 frequency of evaluations, the method of evaluation,
40 evaluation forms and other evaluation instruments,
41 evaluation criteria, the purposes for and use of
42 evaluations, and remedial and employee performances
43 improvement plans and procedures.

44 o. ~~procedures~~ Procedures for staff reduction.

45 p. ~~in-service~~ In-service training and other
46 matters mutually agreed upon.

47 q. Preparation time.

48 r. Class size.

49 s. Discipline and discharge, including grounds for
50 discharge and imposition of other discipline, levels

Page 2

1 and types of disciplinary measures, and procedures for
2 resolving disputes.

3 t. Work uniforms and equipment and other required
4 work clothing and equipment, including allowances for
5 uniforms and equipment and other required work

6 clothing and equipment.
 7 u. Staffing levels.
 8 v. Retirement systems not excluded from
 9 negotiations pursuant to subsection 4.
 10 w. Other terms and conditions of employment except
 11 as provided in subsection 4.
 12 2. Negotiations shall also include terms
 13 authorizing dues checkoff for members of the employee
 14 organization and grievance procedures for resolving
 15 any questions arising under the agreement, which shall
 16 be embodied in a written agreement and signed by the
 17 parties. If an agreement provides for dues checkoff,
 18 a member's dues may be checked off only upon the
 19 member's written request and the member may terminate
 20 the dues checkoff at any time by giving thirty days'
 21 written notice. Such obligation to negotiate in good
 22 faith does not compel either party to agree to a
 23 proposal or make a concession.
 24 3. Nothing in this section shall diminish the
 25 authority and power of the department of
 26 administrative services, board of regents' merit
 27 system, Iowa public broadcasting board's merit system,
 28 or any civil service commission established by
 29 constitutional provision, statute, charter or special
 30 act to recruit employees, prepare, conduct and grade
 31 examinations, rate candidates in order of their
 32 relative scores for certification for appointment or
 33 promotion or for other matters of classification,
 34 reclassification or appeal rights in the classified
 35 service of the public employer served.
 36 4. All retirement systems The following shall be
 37 excluded from the scope of negotiations:
 38 a. All retirement systems established by statute
 39 except for pension and annuity retirement systems
 40 established under chapter 412 and except for
 41 supplemental and additional retirement benefits
 42 including severance payments, cash payments based on
 43 accumulated or unused leave time, and insurance for
 44 retired employees.
 45 b. Discharge for teachers who are employed
 46 pursuant to chapter 279. For purposes of this
 47 paragraph, discharge does not include procedures and
 48 criteria for staff reduction."
 49 3. Page 9, by striking lines 23 through 30 and
 50 inserting the following:

Page 3

1 "Sec. ____ Section 20.19, Code 2007, is amended to
 2 read as follows:
 3 20.19 IMPASSE PROCEDURES – AGREEMENT OF PARTIES.
 4 1. As the first step in the performance of their

5 duty to bargain, the public employer and the employee
6 organization shall endeavor to agree upon impasse
7 procedures. Such agreement shall provide for
8 implementation of these impasse procedures not later
9 than one hundred twenty days prior to the certified
10 budget submission date of the public employer.
11 However, if public employees represented by the
12 employee organization are teachers licensed under
13 chapter 272, and the public employer is a school
14 district or area education agency, the agreement shall
15 provide for implementation of impasse procedures not
16 later than one hundred twenty days prior to May 31 of
17 the year when the collective bargaining agreement is
18 to become effective. If the public employer is a
19 community college, the agreement shall provide for
20 implementation of impasse procedures not later than
21 one hundred twenty days prior to May 31 of the year
22 when the collective bargaining agreement is to become
23 effective. If the public employer is not subject to
24 the budget certification requirements of section 24.17
25 and other applicable sections of the Code, the
26 agreement shall provide for implementation of impasse
27 procedures not later than one hundred twenty days
28 prior to a date agreed upon by the public employer and
29 the employee organization or, if no date is agreed
30 upon, May 31 of the year when the collective
31 bargaining agreement is to be effective. If the
32 parties fail to agree upon impasse procedures under
33 the provisions of this section, the impasse procedures
34 provided in sections 20.20 to 20.22 shall apply.

35 2. Parties who by agreement are utilizing a
36 cooperative alternative bargaining process shall, at
37 the outset of such process, agree upon a method and
38 schedule for the completion of impasse procedures
39 should they fail to reach a collective bargaining
40 agreement through the use of such alternative
41 bargaining process.

42 Sec. ____ Section 20.20, Code 2007, is amended to
43 read as follows:

44 20.20 MEDIATION.

45 In the absence of an impasse agreement negotiated
46 pursuant to section 20.19 or the failure of either
47 party to utilize its procedures, one hundred twenty
48 days prior to the certified budget submission date, or
49 one hundred twenty days prior to May 31 of the year
50 when the collective bargaining agreement is to become

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1 effective if public employees represented by the
2 employee organization are teachers licensed under
3 chapter 272 and the public employer is a school

4 district or area education agency, the board shall,
 5 upon the request of either party, appoint an impartial
 6 and disinterested person to act as mediator. If the
 7 public employer is a community college or is not
 8 subject to the budget certification requirements of
 9 section 24.17 and other applicable sections of the
 10 Code, and in the absence of an impasse agreement
 11 negotiated pursuant to section 20.19 or the failure of
 12 either party to utilize its procedures, one hundred
 13 twenty days prior to May 31 of the year when the
 14 collective bargaining agreement is to become
 15 effective, the board, upon the request of either
 16 party, shall appoint an impartial and disinterested
 17 person to act as mediator. It shall be the function
 18 of the mediator to bring the parties together to
 19 effectuate a settlement of the dispute, but the
 20 mediator may not compel the parties to agree."

21 4. Page 13, by inserting after line 33 the
 22 following:

23 "Sec. ____ Section 412.1, Code 2007, is amended to
 24 read as follows:

25 412.1 AUTHORITY TO ESTABLISH SYSTEM.
 26 The council, board of waterworks trustees, or other
 27 board or commission, whichever is authorized by law to
 28 manage and operate any municipally owned waterworks
 29 system, or other municipally owned and operated public
 30 utility, may establish a pension and annuity
 31 retirement system for the employees of any such
 32 waterworks system, or other municipally owned and
 33 operated public utility. A pension and annuity
 34 retirement system established pursuant to this chapter
 35 shall not be considered a retirement system
 36 established by statute for purposes of section 20.9
 37 and shall not be excluded from the scope of
 38 negotiations under section 20.9."

39 5. Page 13, by inserting after line 34 the
 40 following:

41 "DIVISION II
 42 TEACHER CONTRACTS AND DISCIPLINE
 43 Sec. ____ Section 260C.39, unnumbered paragraph 3,
 44 Code 2007, is amended to read as follows:

45 The terms of employment of personnel, for the
 46 academic year following the effective date of the
 47 agreement to combine the merged areas shall not be
 48 affected by the combination of the merged areas,
 49 except in accordance with the procedures under
 50 sections 279.15 ~~to 279.18~~ through 279.16 and section

Page 5

1 279.24, to the extent those procedures are applicable,
 2 or under the terms of the base bargaining agreement.

3 The authority and responsibility to offer new
4 contracts or to continue, modify, or terminate
5 existing contracts pursuant to any applicable
6 procedures under chapter 279, shall be transferred to
7 the acting, and then to the new, board of the combined
8 merged area upon certification of a favorable vote to
9 each of the merged areas affected by the agreement.
10 The collective bargaining agreement of the merged area
11 receiving the greatest amount of general state aid
12 shall serve as the base agreement for the combined
13 merged area and the employees of the merged areas
14 which combined to form the new combined merged area
15 shall automatically be accreted to the bargaining unit
16 from that former merged area for purposes of
17 negotiating the contracts for the following years
18 without further action by the public employment
19 relations board. If only one collective bargaining
20 agreement is in effect among the merged areas which
21 are combining under this section, then that agreement
22 shall serve as the base agreement, and the employees
23 of the merged areas which are combining to form the
24 new combined merged area shall automatically be
25 accreted to the bargaining unit of that former merged
26 area for purposes of negotiating the contracts for the
27 following years without further action by the public
28 employment relations board. The board of the combined
29 merged area, using the base agreement as its existing
30 contract, shall bargain with the combined employees of
31 the merged areas that have agreed to combine for the
32 academic year beginning with the effective date of the
33 agreement to combine merged areas. The bargaining
34 shall be completed by March 15 prior to the academic
35 year in which the agreement to combine merged areas
36 becomes effective or within one hundred eighty days
37 after the organization of the acting board of the new
38 combined merged area, whichever is later. If a
39 bargaining agreement was already concluded in the
40 former merged area which has the collective bargaining
41 agreement that is serving as the base agreement for
42 the new combined merged area, between the former
43 merged area board and the employees of the former
44 merged area, that agreement is void, unless the
45 agreement contained multiyear provisions affecting
46 academic years subsequent to the effective date of the
47 agreement to form a combined merged area. If the base
48 collective bargaining agreement contains multiyear
49 provisions, the duration and effect of the agreement
50 shall be controlled by the terms of the agreement.

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1 The provisions of the base agreement shall apply to

2 the offering of new contracts, or the continuation,
3 modification, or termination of existing contracts
4 between the acting or new board of the combined merged
5 area and the combined employees of the new combined
6 merged area.

7 Sec.____. Section 273.22, subsection 1, Code 2007,
8 is amended to read as follows:

9 1. The terms of employment of the administrator
10 and staff of affected area education agencies for the
11 school year beginning with the effective date of the
12 formation of the new area education agency shall not
13 be affected by the formation of the new area education
14 agency, except in accordance with the provisions of
15 sections 279.15 through ~~279.18~~ 279.16, and 279.24, and
16 the authority and responsibility to offer new
17 contracts or to continue, modify, or terminate
18 existing contracts pursuant to sections 279.12,
19 279.13, 279.15 through 279.21, 279.23, and 279.24 for
20 the school year beginning with the effective date of
21 the reorganization shall be transferred from the
22 boards of the existing area education agencies to the
23 board of the new area education agency following
24 approval of the reorganization plan by the state board
25 as provided in section 273.21, subsection 4.

26 Sec.____. Section 275.33, subsection 1, Code 2007,
27 is amended to read as follows:

28 1. The terms of employment of superintendents,
29 principals, and teachers, for the school year
30 following the effective date of the formation of the
31 new district shall not be affected by the formation of
32 the new district, except in accordance with the
33 provisions of sections 279.15 ~~to 279.18~~ through 279.16
34 and 279.24 and the authority and responsibility to
35 offer new contracts or to continue, modify, or
36 terminate existing contracts pursuant to sections
37 279.12, 279.13, 279.15 to 279.21, 279.23, and 279.24
38 for the school year beginning with the effective date
39 of the reorganization shall be transferred from the
40 boards of the existing districts to the board of the
41 new district on the third Tuesday of January prior to
42 the school year the reorganization is effective.

43 Sec.____. Section 279.13, subsection 3, Code
44 Supplement 2007, is amended to read as follows:

45 3. If the provisions of a contract executed or
46 automatically renewed under this section conflict with
47 a collective bargaining agreement negotiated under
48 chapter 20 ~~and effective when the contract is executed~~
49 ~~or renewed~~, the provisions of the collective
50 bargaining agreement shall prevail.

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1 Sec. ____ Section 279.13, subsection 4, unnumbered
2 paragraph 1, Code Supplement 2007, is amended to read
3 as follows:

4 For purposes of this section, sections 279.14,
5 279.15 ~~through 279.17~~, 279.15A, 279.16, 279.19, and
6 279.27, unless the context otherwise requires,
7 "teacher" includes the following individuals employed
8 by a community college:

9 Sec. ____ Section 279.14, subsection 2, Code 2007,
10 is amended by striking the subsection.

11 Sec. ____ Section 279.15, subsection 1, Code 2007,
12 is amended to read as follows:

13 ~~4~~ The superintendent or the superintendent's
14 designee shall notify the teacher and the board of
15 directors not later than April 30 that the
16 superintendent will recommend in writing to the board
17 at a regular or special meeting of the board, held not
18 later than May 15, that the teacher's continuing
19 contract be terminated effective at the end of the
20 current school year. However, if the district is
21 subject to reorganization under chapter 275, the
22 notification shall not occur until after the first
23 organizational meeting of the board of the newly
24 formed district. The procedure for termination shall
25 be as provided in sections 279.15A and 279.16.

26 Sec. ____ Section 279.15, subsection 2, Code 2007,
27 is amended by striking the subsection.

28 Sec. ____ **NEW SECTION. 279.15A TERMINATION**
29 **PROCEDURES – SCHOOL BOARD MEETING – REQUEST FOR**
30 **PRIVATE HEARING.**

31 1. Notification of recommendation of termination
32 of a teacher's contract shall be in writing and shall
33 be personally delivered to the teacher, or sent by
34 certified mail. The notification shall be complete
35 when personally received by the teacher. The
36 notification and the recommendation to terminate shall
37 contain a short and plain statement of the reasons,
38 which shall be for just cause, why the recommendation
39 is being made. The notification shall also indicate
40 that the teacher may, within five days of receipt of
41 the notice, request in writing to the secretary of the
42 board, a private meeting with the board, or a private
43 hearing pursuant to section 279.16. If a hearing is
44 requested, the board and teacher shall proceed
45 according to the provisions of section 279.16.

46 2. If the teacher requests a private meeting, the
47 board shall, within five days of the receipt of the
48 request, deliver to the teacher, in writing, notice of
49 declination to meet with the teacher, or notice of a
50 time and place for the meeting with the board which

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1 meeting shall be exempt from the requirements of
2 chapter 21. If the board declines to meet with
3 teacher, the parties shall immediately proceed under
4 section 279.16. The private meeting, if agreed to by
5 the board, shall be held no later than fifteen days
6 from receipt of the request for the private meeting.
7 At the meeting, the superintendent shall have the
8 opportunity to discuss with the board the reasons for
9 the issuance of the notice. The teacher, or the
10 teacher's representative, shall be given an
11 opportunity to respond. At the conclusion of the
12 meeting, the board of directors and the teacher may
13 enter into a mutually agreeable resolution to the
14 recommendation of termination. If no resolution is
15 reached by the parties, the board shall immediately
16 meet in open session, and, by majority roll call vote,
17 either reject or support the superintendent's
18 recommendation. If the recommendation is rejected,
19 the teacher's continuing contract shall remain in
20 force and effect. If the recommendation is supported,
21 the parties shall immediately proceed under section
22 279.16.

23 3. If the teacher does not request a private
24 meeting or private hearing pursuant to this section,
25 the board may determine the continuance,
26 discontinuance, or termination of the contract and, if
27 the board determines to continue the teacher's
28 contract, whether to suspend the teacher with or
29 without pay for a period specified by the board.
30 Board action shall be by majority roll call vote
31 entered on the minutes of the meeting. The board
32 shall make a determination as expeditiously as
33 possible, or, for a termination of contract pursuant
34 to section 279.15, not later than May 31. Notice of
35 board action shall be personally delivered or mailed
36 to the teacher.

37 4. As a part of the termination proceedings, the
38 teacher's complete personnel file of employment by
39 that board shall be available to the teacher, which
40 file shall contain a record of all periodic
41 evaluations between the teacher and appropriate
42 supervisors.

43 Sec. ____ Section 279.16, Code 2007, is amended to
44 read as follows:

45 279.16 PRIVATE HEARING – DECISION – RECORD.

46 1. If a private hearing is requested pursuant to
47 section 279.15A, or if the board declines to meet with
48 the teacher after a teacher's request for a meeting
49 under section 279.15A, the secretary of the board
50 shall immediately forward to the public employment

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1 relations board a request that the public employment
2 relations board submit a list of five qualified
3 adjudicators to the parties for purposes of conducting
4 a private hearing. Within three days from receipt of
5 the list the parties shall select an adjudicator by
6 alternately removing a name from the list until only
7 one name remains. The person whose name remains shall
8 be the adjudicator. The parties shall determine by
9 lot which party shall remove the first name from the
10 list. The hearing shall be held no sooner than ten
11 days and not later than thirty days following the
12 selection of the adjudicator in order to allow the
13 teacher reasonable discovery, unless the parties
14 otherwise agree.

15 2. The adjudicator selected shall notify the
16 secretary of the board and the teacher in writing
17 concerning the date, time, and location of the
18 hearing. The board may be represented by a legal
19 representative, and the teacher shall appear and may
20 be represented by counsel or by a representative.

21 3. The participants at the private hearing
22 requested pursuant to section 279.15A shall be at
23 least a majority of the members of the board, their
24 legal representatives, if any, include the
25 superintendent, the superintendent's designated
26 representatives, if any, the teacher's immediate
27 supervisor, the teacher, the teacher's
28 representatives, if any, and the witnesses for the
29 parties. The evidence at the private hearing shall be
30 limited to the specific reasons stated in the
31 superintendent's notice of recommendation of
32 termination. ~~No~~ Hearsay evidence shall not form a
33 sufficient basis for termination. A participant in
34 the hearing shall not be liable for any damages to any
35 person if any statement at the hearing is determined
36 to be erroneous as long as the statement was made in
37 good faith. The superintendent shall present evidence
38 and argument on all issues involved and the teacher
39 may cross-examine, respond, and present evidence and
40 argument in the teacher's behalf relevant to all
41 issues involved. Evidence may be by stipulation of
42 the parties and informal settlement may be made by
43 stipulation, consent, or default or by any other
44 method agreed upon by the parties in writing. The
45 board shall employ a certified shorthand reporter to
46 keep a record of the private hearing. The proceedings
47 or any part thereof shall be transcribed at the
48 request of either party with the expense of
49 transcription charged to the requesting party.

50 2. 4. The presiding officer of the board

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1 adjudicator may administer oaths in the same manner
 2 and with like effect and under the same penalties as
 3 in the case of magistrates exercising criminal or
 4 civil jurisdiction. The ~~board~~ adjudicator shall caus
 5 subpoenas to be issued for such witnesses and the
 6 production of such books and papers as either the
 7 ~~board~~ adjudicator or the teacher may designate. The
 8 subpoenas shall be signed by the ~~presiding officer of~~
 9 ~~the board~~ adjudicator.

10 ~~§. 5.~~ In case a witness is duly subpoenaed and
 11 refuses to attend, or in case a witness appears and
 12 refuses to testify or to produce required books or
 13 papers, the ~~board~~ adjudicator shall, in writing,
 14 report such refusal to the district court of the
 15 county in which the administrative office of the
 16 school district is located, and the court shall
 17 proceed with the person or witness as though the
 18 refusal had occurred in a proceeding legally pending
 19 before the court.

20 ~~4. 6.~~ The ~~board~~ adjudicator shall not be bound by
 21 common law or statutory rules of evidence or by
 22 technical or formal rules of procedure, but ~~it~~ shall
 23 hold the hearing in such manner as is best suited to
 24 ascertain and conserve the substantial rights of the
 25 parties. ~~Process and procedure under sections 270.13~~
 26 ~~to 270.19 shall be as summary as reasonably may be.~~

27 ~~5. 7.~~ At the conclusion of the private hearing,
 28 the ~~superintendent board~~ and the teacher may file
 29 written briefs and arguments with the ~~board~~
 30 adjudicator within three days or such other time as
 31 may be agreed upon.

32 ~~6. If the teacher fails to timely request a~~
 33 ~~private hearing or does not appear at the private~~
 34 ~~hearing, the board may proceed and make a~~
 35 ~~determination upon the superintendent's~~
 36 ~~recommendation. If the teacher fails to timely file a~~
 37 ~~request for a private hearing, the determination shall~~
 38 ~~be not later than May 31. If the teacher fails to~~
 39 ~~appear at the private hearing, the determination shall~~
 40 ~~be not later than five days after the scheduled date~~
 41 ~~for the private hearing. The board shall convene in~~
 42 ~~open session and by roll call vote determine the~~
 43 ~~termination or continuance of the teacher's contract~~
 44 ~~and, if the board votes to continue the teacher's~~
 45 ~~contract, whether to suspend the teacher with or~~
 46 ~~without pay for a period specified by the board.~~

47 ~~7. Within five days after the private hearing, the~~
 48 ~~board shall, in executive session, meet to make a~~
 49 ~~final decision upon the recommendation and the~~
 50 ~~evidence as herein provided. The board shall also~~

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1 ~~consider any written brief and arguments submitted by~~
2 ~~the superintendent and the teacher.~~

3 8. ~~The record for a private hearing shall include:~~

4 a. ~~All pleadings, motions and intermediate~~
5 ~~rulings.~~

6 b. ~~All evidence received or considered and all~~
7 ~~other submissions.~~

8 e. ~~A statement of all matters officially noticed.~~

9 d. ~~All questions and offers of proof, objections~~
10 ~~and rulings thereon.~~

11 e. ~~All findings and exceptions.~~

12 f. ~~Any decision, opinion, or conclusion by the~~
13 ~~board.~~

14 g. ~~Findings of fact shall be based solely on the~~
15 ~~evidence in the record and on matters officially~~
16 ~~noticed in the record.~~

17 9. 8. The decision of the board adjudicator shall
18 be in writing and shall include findings of fact and
19 conclusions of law, separately stated contain a
20 determination of whether a preponderance of evidence
21 supports a finding that just cause exists for the
22 termination of the teacher's continuing contract.
23 Findings of fact, if set forth in statutory language,
24 shall be accompanied by a concise and explicit
25 statement of the underlying facts and supporting the
26 findings. Each conclusion of law shall be supported
27 by cited authority or by reasoned opinion. The
28 adjudicator shall issue a decision within a reasonable
29 time following the hearing. The adjudicator shall
30 make a specific determination of whether the teacher's

31 continuing contract should be terminated for just
32 cause, or whether a sanction less severe than
33 termination of the teacher's contract is appropriate.
34 The adjudicator shall immediately mail a copy of the
35 decision to the board, the superintendent, and the
36 teacher. The decision of the adjudicator is final.

37 10. ~~When the board has reached a decision,~~
38 ~~opinion, or conclusion, it shall convene in open~~
39 ~~meeting and by roll call vote determine the~~
40 ~~continuance or discontinuance of the teacher's~~
41 ~~contract and, if the board votes to continue the~~
42 ~~teacher's contract, whether to suspend the teacher~~
43 ~~with or without pay for a period specified by the~~
44 ~~board. The record of the private conference and~~
45 ~~findings of fact and exceptions shall be exempt from~~
46 ~~the provisions of chapter 22. The secretary of the~~
47 ~~board shall immediately mail notice of the board's~~
48 ~~action to the teacher.~~

49 Sec. ____ Section 279.19, Code 2007, is amended by
50 striking the section and inserting in lieu thereof the

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1 following:

2 279.19. BEGINNING TEACHERS.

3 If a teacher receiving a notice under section
4 279.15 is a beginning teacher, as defined in section
5 284.2, the provisions of sections 279.15, 279.15A, and
6 279.16 shall apply. In addition to the powers and
7 duties of the adjudicator as provided in section
8 279.16, the adjudicator shall also determine, if the
9 teacher is a beginning teacher, whether the teacher
10 has sufficiently demonstrated competency under the
11 standards listed in section 284.3, subsection 1. If
12 the determination of the adjudicator is that such
13 competency has been established, the determination
14 shall be communicated to the board of educational
15 examiners created in section 272.2, which shall then
16 issue a standard license to the teacher,
17 notwithstanding any provision in section 284.5,
18 subsection 6, to the contrary.

19 Sec.____. Section 279.27, Code 2007, is amended to
20 read as follows:

21 279.27 DISCHARGE OF TEACHER.

22 A teacher may be discharged at any time during the
23 contract year for just cause. The superintendent or
24 the superintendent's designee, shall notify the
25 teacher immediately that the superintendent will
26 recommend in writing to the board at a regular or
27 special meeting of the board held not more than
28 fifteen days after notification has been given to the
29 teacher that the teacher's continuing contract be
30 terminated effective immediately following a decision
31 of the board. The procedure for ~~dismissal termination~~
32 shall be as provided in ~~section 279.15, subsection 2,~~
33 ~~and sections 279.15A and 279.16 to 279.19.~~ The
34 superintendent may suspend a teacher under this
35 section pending ~~hearing and~~ determination by the board
36 under section 279.15A or by the adjudicator under
37 section 279.16, whichever is applicable.

38 Sec.____. Section 279.40, unnumbered paragraph 5,
39 Code 2007, is amended by striking the unnumbered
40 paragraph.

41 Sec.____. Section 279.46, Code 2007, is amended to
42 read as follows:

43 279.46 RETIREMENT INCENTIVES – TAX.

44 ~~The~~ If a school district and an employee
45 organization representing employees of the school
46 district have not negotiated an early retirement
47 incentive plan pursuant to chapter 20, the board of
48 directors of a school district may adopt a program for
49 payment of a monetary bonus, continuation of health or
50 medical insurance coverage, or other incentives for

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1 encouraging its employees to retire before the normal
2 retirement date as defined in chapter 97B. The
3 program is available only to employees who notify the
4 board of directors prior to April 1 of the fiscal year
5 that they intend to retire not later than the start of
6 the next following school calendar. The age at which
7 employees shall be designated eligible for the program
8 shall be at the discretion of the board. An employee
9 retiring under this section may apply for a retirement
10 allowance under chapter 97B or chapter 294. The board
11 may include in the district management levy an amount
12 to pay the total estimated accumulated cost to the
13 school district of the health or medical insurance
14 coverage, bonus, or other incentives for employees
15 within the age range of fifty-five to sixty-five years
16 of age who retire under this section.

17 Sec. ____ Section 284.3, subsection 2, paragraph
18 a, Code Supplement 2007, is amended to read as
19 follows:

20 a. (1) For purposes of comprehensive evaluations
21 for beginning teachers required to allow beginning
22 teachers to progress to career teachers, standards and
23 criteria that are the Iowa teaching standards
24 specified in subsection 1 and the criteria for the
25 Iowa teaching standards developed by the department in
26 accordance with section 256.9, subsection 50. These
27 standards and criteria shall be set forth in an
28 instrument provided by the department. ~~The~~
29 ~~comprehensive evaluation and instrument are not~~
30 ~~subject to negotiations or grievance procedures~~
31 ~~pursuant to chapter 20 or determinations made by the~~
32 ~~board of directors under section 279.14.~~ A local
33 school board and its certified bargaining
34 representative may negotiate, pursuant to chapter 20,
35 evaluation and grievance procedures for beginning
36 teachers that are not in conflict with this chapter.

37 (2) If a school board determines that a beginning
38 teacher fails to demonstrate competence in the Iowa
39 teaching standards, the beginning teacher may appeal
40 the decision to an adjudicator under the process
41 established under section 279.16. ~~If, in accordance~~
42 ~~with section 279.19,~~ a beginning teacher appeals the
43 determination of a school board to an adjudicator
44 ~~under section 279.17,~~ the adjudicator selected shall
45 have successfully completed training related to the
46 Iowa teacher standards, the criteria adopted by the
47 state board of education in accordance with subsection
48 3, and any additional training required under rules
49 adopted by the public employment relations board in
50 cooperation with the state board of education.

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- 1 Sec.____. Section 284.8, subsection 3, Code
 2 Supplement 2007, is amended to read as follows:
 3 3. If a teacher is denied advancement to the
 4 career II or advanced teacher level based upon a
 5 performance review, the teacher may appeal the
 6 decision to an adjudicator under the process
 7 established under section ~~279.17~~ 279.16. However, the
 8 decision of the adjudicator is final.
 9 Sec.____. Section 279.17, Code Supplement 2007, is
 10 repealed.
 11 Sec.____. Section 279.18, Code 2007, is repealed."
 12 6. Title page, line 1, by inserting after the
 13 word "bargaining" the following: "and teacher
 14 discipline".
 15 7. By renumbering as necessary.

Tymeson of Madison offered the following amendment H-8201, to amendment H-8164, filed by her from the floor and moved its adoption:

H-8201

- 1 Amend the amendment, H-8164, to House File 2645, as
 2 follows:
 3 1. Page 1, by striking lines 2 through 5.
 4 2. By striking page 4, line 39, through page 14,
 5 line 14.
 6 3. By renumbering as necessary.

Roll call was requested by Tymeson of Madison and Rants of Woodbury.

Rule 75 was invoked.

On the question "Shall amendment H-8201 to amendment H-8164 be adopted?" (H.F. 2645)

The ayes were, 49:

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

Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wienczek	Windschitl
Worthan			

The nays were, 51:

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

Absent or not voting, none.

Amendment H-8201 lost.

Horbach of Tama offered the following amendment H-8207, to amendment H-8164, filed by him from the floor and moved its adoption:

H-8207

1 Amend the amendment, H-8164, to House File 2645 as
 2 follows:
 3 1. Page 1, by inserting after line 5 the
 4 following:
 5 "____. Page 1, by inserting after line 6 the
 6 following:
 7 "Sec.____. Section 20.3, Code 2007, is amended by
 8 adding the following new subsection:
 9 NEW SUBSECTION. 1A. "Bargaining unit" means only
 10 those employees in a particular class of employees who
 11 voluntarily agree to be represented by an employee
 12 organization."
 13 ____ Page 1, line 10, by inserting after the word
 14 "employees" the following: "voluntarily."
 15 2. By renumbering as necessary.

Wise of Lee in the chair at 4:02 p.m.

Roll call was requested by Horbach of Tama and Rants of Woodbury.

On the question "Shall amendment H-8207 to amendment 8164, be adopted?" (H.F. 2645)

The ayes were, 47:

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

The nays were, 53:

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

Absent or not voting, none.

Amendment H-8207 lost.

McCarthy of Polk offered the following amendment H-8198, to amendment H-8164, filed by him from the floor and moved its adoption:

H-8198

- 1 Amend the amendment, H-8164, to House File 2645, as
 2 follows:
 3 1. Page 1, by inserting after line 7 the
 4 following:
 5 "Sec. ____ Section 20.8, Code 2007, is amended by
 6 adding the following new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. Section 20.9 shall not
 8 be construed to abrogate the rights of public
 9 employees as provided in this section and
 10 notwithstanding any other provision of law to the
 11 contrary, nothing shall be construed to alter this
 12 section which shall remain in full force and effect."
 13 2. By renumbering as necessary.

The House stood at ease at 4:35 p.m., until the fall of the gavel.

The House resumed session at 5:50 p.m., Wise of Lee in the chair.

QUORUM CALL

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

The House resumed consideration of amendment H-8198 to amendment H-8164.

McCarthy of Polk moved the adoption of amendment H-8198 to amendment H-8164.

Roll call was requested by McCarthy of Polk and Dandekar of Linn.

On the question "Shall amendment H-8198 to amendment H-8164 be adopted?" (H.F. 2645)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill

Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencck	Winckler
Windschitl	Worthan	Zirkelbach	Wise, Presiding

The nays were, none.

Absent or not voting, none.

Amendment H-8198 was adopted, placing out of order amendment H-8215 filed by Anderson of Page from the floor.

Rants of Woodbury offered the following amendment H-8168, to amendment H-8164, filed by him from the floor and moved its adoption:

H-8168

- 1 Amend the amendment, H-8164, to House File 2645 as
- 2 follows:
- 3 1. Page 1, line 15, by striking the words "but
- 4 not limited to".
- 5 2. Page 2, by striking lines 10 and 11 and
- 6 inserting the following:
- 7 "w. Other matters mutually agreed upon."

Roll call was requested by Rants of Woodbury and Van Engelenhoven of Marion.

On the question "Shall amendment H-8168 to amendment H-8164 be adopted?" (H.F. 2645)

The ayes were, 47:

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

The nays were, 52:

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

Absent or not voting, 1:

Mertz

Amendment H-8168 lost.

May of Dickinson offered the following amendment H-8172, to amendment H-8164, filed by Rants of Woodbury from the floor and moved its adoption:

H-8172

- 1 Amend the amendment, H-8164, to House File 2645 as
- 2 follows:
- 3 1. Page 1, line 15, by striking the words "but
- 4 not limited to".
- 5 2. Page 1, by striking lines 18 through 20 and
- 6 inserting the following:

- 7 "b. ~~hours~~, Hours."
 8 3. Page 2, by striking lines 10 through 11 and
 9 inserting the following:
 10 "w. Other matters mutually agreed upon."

Roll call was requested by May of Dickinson and L. Miller of Scott.

On the question "Shall amendment H-8172 to amendment H-8164 be adopted?" (H.F. 2645)

The ayes were, 47:

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

The nays were, 53:

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

Absent or not voting, none.

Amendment H-8172 lost.

The House stood at ease at 8:42 p.m., until the fall of the gavel.

The House resumed session at 9:26 p.m., Wise of Lee in the chair.

Rants of Woodbury offered amendment H-8177, to amendment H-8164, filed by him from the floor as follows:

H-8177

- 1 Amend the amendment, H-8164, to House File 2645 as
- 2 follows:
- 3 1. Page 1, line 15, by striking the words "but
- 4 not limited to".
- 5 2. Page 1, by striking line 48.
- 6 3. Page 2, by striking lines 10 through 11 and
- 7 inserting the following:
- 8 "w. Other matters mutually agreed upon."
- 9 4. By renumbering as necessary.

Division was requested as follows:

Lines 3 through 4, and lines 6 through 8, division A.
Lines 5 and 9, division B.

Amendment H-8177A was placed out of order.

Rants of Woodbury moved the adoption of amendment H-8177B.

Roll call was requested by Rants of Woodbury and Upmeyer of Hancock.

Rule 75 was invoked.

On the question "Shall amendment H-8177B to amendment H-8164 be adopted?" (H.F. 2645)

The ayes were, 47:

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

Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 52:

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

Absent or not voting, 1:

Olson, T.

Amendment H-8177B lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

T. Olson of Linn on request of Speaker Murphy.

Rants of Woodbury offered amendment H-8179, to amendment H-8164, filed by him from the floor as follows:

H-8179

- 1 Amend the amendment, H-8164, to House File 2645 as
- 2 follows:
- 3 1. Page 1, line 15, by striking the words "but
- 4 not limited to".
- 5 2. Page 2, by striking line 7.
- 6 3. Page 2, by striking lines 10 through 11 and
- 7 inserting the following:
- 8 "w. Other matters mutually agreed upon."
- 9 4. By renumbering as necessary.

Division was requested as follows:

Lines 3 through 4 and lines 6 through 8, division A.
 Lines 5 and line 9, division B.

Amendment H-8179A was placed out of order.

Rants of Woodbury moved the adoption of amendment H-8179B.

Roll call was requested by Rants of Woodbury and Struyk of Pottawattamie.

On the question "Shall amendment H-8179B to amendment H-8164 be adopted?" (H.F. 2645)

The ayes were, 47:

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

The nays were, 51:

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

Absent or not voting, 2:

Olson, T.	Shomshor
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Amendment H-8179B lost.

Rants of Woodbury offered amendment H-8180, to amendment H-8164, filed by him from the floor as follows:

H-8180

- 1 Amend the amendment, H-8164, to House File 2645 as
- 2 follows:
- 3 1. Page 1, line 15, by striking the words "but
- 4 not limited to".
- 5 2. Page 1, by striking lines 22 through 23 and
- 6 inserting the following:
- 7 "d. insurance; Insurance."
- 8 3. Page 2, by striking lines 10 through 11 and
- 9 inserting the following:
- 10 "w. Other matters mutually agreed upon."

Rants of Woodbury moved to defer House File 2645.

Roll call was requested by Rants of Woodbury and Struyk of Pottawattamie.

Rule 75 was invoked.

On the question "Shall the House defer on House File 2645?"

The ayes were, 47:

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

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser

Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Zirkelbach	Wise, Presiding	

Absent or not voting, 2:

Mertz Olson, T.

The motion to defer House File 2645 lost.

McCarthy of Polk moved that the debate be closed and the question be put on House File 2645 and all amendments, amendments to amendments, and motions thereto at 4:00 a.m. on March 20, 2008.

Raecker of Polk moved to amend the motion to 7:00 p.m.

Roll call was requested by Rants of Woodbury and Kaufmann of Cedar.

On the question "Shall House File 2645 be debated at the time certain of 7:00 p.m., March 21, 2008?" (H.F. 2645)

The ayes were, 46:

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

The nays were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig

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

Absent or not voting, 1:

Olson, T.

The motion lost.

Rants of Woodbury moved to amend the McCarthy motion that debate be closed and the question be put to House File 2645 to set a time certain of 4:00 p.m. on March 21, 2008.

On the question "Shall House File 2645 be debated at the time certain of 4:00 p.m., March 21, 2008?" (H.F. 2645)

The ayes were, 47:

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

The nays were, 52:

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

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

Absent or not voting, 1:

Olson, T.

The motion lost.

Kaufman of Cedar moved that debate be closed and the question be put to House File 2645 to a time certain of 6:00 p.m. on March 21, 2008.

Roll call was requested by Rants of Woodbury and Greiner of Washington.

On the question "Shall House File 2645 be debated at the time certain of 6:00 p.m., March 21, 2008?"

The ayes were, 46:

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

The nays were, 52:

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

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

Absent or not voting, 2:

Gaskill	Olson, T.
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The motion lost.

Hunter of Polk moved to amend the McCarthy motion to set a time certain of 4:05 a.m., on March 20, 2008.

Raecker of Polk moved to amend the Hunter of Polk motion to set a time certain of 12:00 p.m., March 20, 2008.

Roll call was requested by Rants of Woodbury and Upmeyer of Hancock.

On the question "Shall House File 2645 be debated at the time certain of 12:00 p.m., March 20, 2008?"

The ayes were, 46:

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

The nays were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig

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

Absent or not voting, 1:

Olson, T.

The motion lost.

The House stood at ease at 1:50 a.m., until the fall of the gavel.

The House resumed session at 2:28 a.m., Wise of Lee in the chair.

McCarthy of Polk moved to amend the Hunter of Polk motion to set a time certain of 11:30 a.m., on March 20, 2008.

The motion prevailed.

McCarthy of Polk asked and received unanimous consent that House File 2645 be deferred and that the bill retain its place on the calendar. (Amendment H–8164 and amendment H–8180 pending)

INTRODUCTION OF BILL

House File 2659, by Jacoby, a bill for an act relating to taxation by making changes to assessment of property for purposes of property taxation, county and city budgets funded primarily by property taxes and service charges, school district budgets funded primarily by state and local taxes, state mandates funding, local assessors, and property tax exemptions and credits, creating an implementation committee, and including effective and applicability date provisions.

Read first time and referred to committee on **ways and means**.

SENATE MESSAGES CONSIDERED

Senate File 2251, by committee on human resources, a bill for an act relating to student eye care and including an applicability date provision.

Read first time and referred to committee on **education**.

Senate File 2279, by committee on education, a bill for an act establishing health, nutrition, and cardiopulmonary resuscitation certification requirements for students, school districts, and accredited nonpublic schools, and providing an effective date.

Read first time and referred to committee on **education**.

Senate File 2312, by committee on state government, a bill for an act relating to the conduct of elections and voter registration, making penalties applicable, and including effective date, applicability date, and transition provisions.

Read first time and referred to committee on **state government**.

Senate File 2387, by committee on state government, a bill for an act relating to permissible prizes for use of an electrical and mechanical amusement device and the penalties for awarding an improper cash prize.

Read first time and referred to committee on **state government**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 19, 2008, appointed the conference committee to House File 2212, a bill for an act creating a smokefree air Act and providing penalties. (Formerly HSB 537), and the members of the Conference Committee on the part of the Senate are: The Senator from Warren, Senator Appel, Chair; the Senator from Johnson, Senator Bolkcom; the Senator from Black Hawk, Senator Dotzler; the Senator from Woodbury, Senator Wieck; the Senator from Allamakee, Senator Ziemann.

Also: That the senate has on March 19, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2189, a bill for an act concerning bingo conducted during county fairs.

Also: That the Senate has on March 19, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2394, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and including an effective date

MICHAEL E. MARSHALL, Secretary

On motion by McCarthy of Polk, the House was recessed at 2:32 a.m., until 9:00 a.m., Thursday, March 20, 2008.

MORNING SESSION

The House reconvened at 9:17 a.m., Speaker pro tempore Bukta in the chair.

QUORUM CALL

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

PRAYER

The prayer was offered by Reverend Chad Entinger with the Deaf Missions in Council Bluffs. He was the guest of Representatives Rod Roberts of Carroll County and Greg Forristall of Pottawattamie County.

THE PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Madelyn and Johnnie Hartlip of Hudson. They are the children of Matt and Sarah Hartlip. They were the guests of Representative Doris Kelley of Black Hawk County.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

T. Olson of Linn on request of Speaker Murphy.

The House resumed consideration of House File 2645, previously deferred. (Amendment H-8164 and amendment H-8180 to amendment H-8164 pending.)

Wise of Lee in the chair at 9:35 a.m.

Rants of Woodbury asked and received unanimous consent to withdraw the following amendments to amendment H-8164, filed by him from the floor:

Amendment H-8180
 Amendment H-8181
 Amendment H-8185
 Amendment H-8186
 Amendment H-8187
 Amendment H-8194
 Amendment H-8195

Abdul-Samad of Polk asked and received unanimous consent to withdraw amendments H-8197 and H-8212, to amendment H-8164, filed by him from the floor.

Chambers of O'Brien offered the following amendment H-8208, to amendment H-8164, filed by him from the floor and moved its adoption:

H-8208

- 1 Amend the amendment, H-8164, to House File 2645 as
- 2 follows:
- 3 1. Page 2, by striking lines 8 through 9.
- 4 2. Page 2, by striking lines 38 through 44 and
- 5 inserting the following:
- 6 "a. All retirement systems."
- 7 3. Page 4, by striking lines 21 through 38.
- 8 4. By striking page 12, line 41 through page 13,
- 9 line 16.
- 10 5. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Chambers of O'Brien.

On the question "Shall amendment H-8208 to amendment H-8164 be adopted?" (H.F. 2645)

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall

Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 51:

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

Absent or not voting, 2:

Ford Olson, T.

Amendment H-8208 lost.

Rants of Woodbury asked and received unanimous consent to withdraw amendment H-8193, to amendment H-8164, filed by him from the floor.

Rants of Woodbury offered amendment H-8184, to amendment H-8164, filed by him from the floor as follows:

H-8184

- 1 Amend the amendment, H-8164, to House File 2645 as
- 2 follows:
- 3 1. Page 2, by inserting after line 37 the
- 4 following:
- 5 "aa. Whether a fair share fee, fee for service, or
- 6 any involuntary withholding of dues shall be charged
- 7 to nonmembers of the employee organization."
- 8 2. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Tymeson of Madison.

Rule 75 was invoked.

On the question "Shall amendment H-8184 to amendment H-8164 be adopted?" (H.F. 2645)

The ayes were, 47:

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

The nays were, 50:

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

Absent or not voting, 3:

Ford	Olson, T.	Quirk
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Amendment H-8184 lost.

CONFERENCE COMMITTEE APPOINTMENT
Temporary Change
(House File 2212)

The Speaker announced a temporary change to the conference committee on **House File 2212**, a bill for an act creating a smokefree air Act and providing penalties. Wise of Lee will temporarily substitute for T. Olson of Linn as chair of the conference committee.

Rants of Woodbury offered amendment H-8211, to amendment H-8164, filed by him from the floor as follows:

H-8211

- 1 Amend the amendment, H-8164, to House File 2645 as
2 follows:
3 1. Page 2, by inserting after line 48 the
4 following:
5 "5. Notwithstanding any provision of this chapter
6 to the contrary, an arbitrator shall not make an award
7 in favor of the final offer of an employee
8 organization as to any of the items described in
9 subsection 1, paragraph "i", "n", "q", "r", "s", "t",
10 "u", "v", or "w", if the granting of an award as to
11 that item would require the public employer to raise
12 its levy rate or increase its bonded indebtedness."
13 2. By renumbering as necessary.

Speaker Murphy in the chair at 10:04 a.m.

Wise of Lee in the chair at 10:28 a.m.

POINT OF ORDER

Mascher of Johnson rose on a point of order that a guest was on the floor without a name badge.

The Speaker ruled the point well taken and requested that the guest leave the House chamber until he has a name badge.

Roll call was requested by Rants of Woodbury and Upmeyer of Hancock.

Rule 75 was invoked.

On the question "Shall amendment H-8211 to amendment H-8164 be adopted?" (H.F. 2645)

The ayes were, 49:

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

The nays were, 50:

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

Absent or not voting, 1:

Olson, T.

Amendment H-8211 lost.

Rants of Woodbury asked and received unanimous consent to withdraw the following amendments to amendment H-8164 filed by him from the floor:

Amendments H-8167, H-8169, H-8170, H-8171, H-8173 and H-8182.

Tymeson of Madison offered the following amendment H-8209, to amendment H-8164, filed by her from the floor and moved its adoption:

H-8209

- 1 Amend the amendment, H-8164, to House File 2645 as
- 2 follows:
- 3 1. By striking page 11, line 49, through page 12,
- 4 line 18.
- 5 2. Page 12, by striking lines 38 through 40.
- 6 3. By renumbering as necessary.

Amendment H-8209 lost.

Rants of Woodbury offered the following amendment H-8183, to amendment H-8164, filed by him from the floor and moved its adoption:

H-8183

- 1 Amend the amendment, H-8164, to House File 2645 as
- 2 follows:
- 3 1. By striking page 1, line 2, through page 14,
- 4 line 15, and inserting the following:
- 5 "____. Page 1, by inserting after line 32 the
- 6 following:
- 7 "Sec. ____. NEW SECTION. 20.9A EMPLOYEE
- 8 ORGANIZATION MEMBERSHIP – PENALTY.
- 9 1. It is declared to be the policy of the state of
- 10 Iowa that no person within its boundaries shall be
- 11 deprived of the right to work at the person's chosen
- 12 occupation for any public employer because of
- 13 membership in, affiliation with, withdrawal or
- 14 expulsion from, or refusal to join, any employee
- 15 organization, and any collective bargaining agreement
- 16 which contravenes this policy is illegal and void.
- 17 2. It shall be unlawful for any public employer to
- 18 refuse or deny employment to any person because of
- 19 membership in, or affiliation with, or resignation or
- 20 withdrawal from, an employee organization, or because
- 21 of refusal to join or affiliate with an employee
- 22 organization.
- 23 3. It shall be unlawful for any public employer or
- 24 employee organization to enter into any understanding,
- 25 contract, or agreement, whether written or oral, to
- 26 exclude from employment members of an employee
- 27 organization, or persons who do not belong to, or who
- 28 refuse to join, an employee organization, or because

29 of resignation or withdrawal therefrom.

30 4. It shall be unlawful for any public employer or
31 employee organization, either directly or indirectly,
32 or in any manner or by any means as a prerequisite to
33 or a condition of employment to require any person to
34 pay dues, charges, fees, contributions, fines or
35 assessments to any employee organization.

36 5. Notwithstanding any provision of this chapter
37 to the contrary, it shall be unlawful for any public
38 employer or employee organization to deduct employee
39 organization dues, charges, fees, contributions, fines
40 or assessments from a public employee's earnings,
41 wages or compensation, unless the public employer has
42 first been presented with an individual written order
43 therefore signed by the public employee, which written
44 order shall be terminable at any time by the public
45 employee giving at least thirty days' written notice
46 of such termination to the public employer.

47 6. Any public employer or employee organization,
48 or any director, officer, representative, agent, or
49 member thereof, who shall violate any of the
50 provisions of this section or who shall aid and abet

Page 2

1 in such violation shall be guilty of a serious
2 misdemeanor.

3 7. Additional to the penal provisions of this
4 section, any public employer or employee organization,
5 or any officer, representative, agent, or member
6 thereof, may be restrained by injunction from doing or
7 continuing to do any of the matters and things
8 prohibited by this section, and all of the provisions
9 of the law relating to the granting of restraining
10 orders and injunctions, either temporary or permanent,
11 shall be applicable.""

12 2. By renumbering as necessary.

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

Rule 75 was invoked.

On the question "Shall amendment H-8183 to amendment H-8164 be adopted?" (H.F. 2645)

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall

Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 52:

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

Absent or not voting, 1:

Olson, T.

Amendment H-8183 lost.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment H-8216 to amendment H-8164 filed by him from the floor.

McCarthy of Polk asked and received unanimous consent that House File 2645 be deferred and that the bill retain its place on the calendar.

TIME CERTAIN RECONSIDERED

McCarthy of Polk moved to reconsider his previous motion that debate be closed and the question be put to House File 2645.

The motion prevailed.

McCarthy of Polk moved to amend his motion to 11:45 a.m., March 19, 2008.

The motion prevailed.

The House resumed consideration of House File 2645 and amendment H-8164, as amended.

Division was requested as follows:

Page 1 lines 2 through page 4 line 38, division A.

Page 4 lines 38 through page 13 line 14, division B.

The Speaker announced that the time certain having come to pass and all amendments be put to the question.

R. Olson of Polk moved the adoption of amendment H-8164A.

Roll call was requested by Rants of Woodbury and Greiner of Washington.

Rule 75 was invoked.

On the question "Shall amendment H-8164A be adopted?" (H.F. 2645)

The ayes were, 52:

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

The nays were, 47:

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

Absent or not voting, 1:

Olson, T.

Amendment H-8164A, as amended, was adopted.

Rants of Woodbury rose on a point of order that amendment H-8164B was not germane.

The Speaker ruled the point well taken and amendment H-8164B not germane.

McCarthy of Polk asked for unanimous consent to suspend the rules to consider amendment H-8164B.

Objection was raised.

McCarthy of Polk moved to suspend the rules to consider amendment H-8164B.

Roll call was requested by Rants of Woodbury and T. Taylor of Linn.

On the question "Shall the rules be suspended to consider amendment H-8164B?" (H.F. 2645)

The ayes were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt

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

The nays were, 47:

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

Absent or not voting, 1:

Olson, T.

The motion prevailed.

R. Olson of Polk moved the adoption of amendment H-8164B.

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

Rule 75 was invoked.

On the question "Shall amendment H-8164B be adopted?" (H.F. 2645)

The ayes were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser

Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Zirkelbach	Wise, Presiding

The nays were, 47:

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

Absent or not voting, 1:

Olson, T.

Amendment H-8164B was adopted.

Rants of Woodbury asked and received unanimous consent to withdraw the following amendments:

Amendment H-8156 filed by Horbach of Tama on March 18, 2008.

Amendment H-8157 filed by Gipp of Winneshiek on March 18, 2008.

Amendment H-8163 filed by Upmeyer of Hancock on March 18, 2008.

May of Dickinson offered the following amendment H-8151 filed by him and moved its adoption:

H-8151

- 1 Amend House File 2645 as follows:
- 2 1. Page 1, by inserting after line 6 the
- 3 following:

4 "Sec.____. Section 20.3, Code 2007, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 1A. "Bargaining unit" means only
 7 those employees in a particular class of employees who
 8 voluntarily agree to be represented by an employee
 9 organization."

10 2. Page 4, by inserting after line 22 the
 11 following:

12 "Sec.____. Section 20.14, subsection 1, Code 2007,
 13 is amended to read as follows:

14 1. Board certification of an employee organization
 15 as ~~the exclusive a~~ bargaining representative of a
 16 bargaining unit shall be upon a petition filed with
 17 the board by a public employer, public employee, or an
 18 employee organization and an election conducted
 19 pursuant to section 20.15. However, notwithstanding
 20 any provision of this chapter to the contrary,
 21 multiple employee organizations may represent teachers
 22 who are licensed under chapter 272 and who are
 23 employed by a public employer which is a school
 24 district or area education agency."

25 3. Page 5, line 14, by striking the words "an
 26 exclusive" and inserting the following: "~~an exclusive~~
 27 a".

28 4. Page 5, lines 18 and 19, by striking the words
 29 "employee organization as an exclusive" and inserting
 30 the following: "~~exclusive employee organization as~~
 31 a".

32 5. Page 5, line 20, by striking the words "an
 33 exclusive" and inserting the following: "a".

34 6. Page 5, line 22, by striking the words "an
 35 exclusive" and inserting the following: "a".

36 7. Page 5, line 35, by striking the words "an
 37 exclusive" and inserting the following: "~~an exclusive~~
 38 a".

39 8. Page 6, by inserting after line 17 the
 40 following:

41 "Sec.____. Section 20.16, Code 2007, is amended to
 42 read as follows:

43 20.16 DUTY TO BARGAIN.

44 Upon the receipt by a public employer of a request
 45 from an employee organization to bargain on behalf of
 46 public employees, the duty to engage in collective
 47 bargaining shall arise if the employee organization
 48 has been certified by the board as ~~the exclusive a~~
 49 bargaining representative for the public employees in
 50 that bargaining unit.

Page 2

1 Sec.____. Section 20.17, subsection 1, Code 2007,
 2 is amended to read as follows:

3 1. The employee organization certified as ~~the a~~
4 bargaining representative shall be ~~the exclusive a~~
5 representative of ~~all~~ public employees in the
6 bargaining unit and shall represent ~~all~~ public
7 employees fairly. However, any public employee may
8 meet and adjust individual complaints with a public
9 employer. To sustain a claim that a certified
10 employee organization has committed a prohibited
11 practice by breaching its duty of fair representation,
12 a public employee must establish by a preponderance of
13 the evidence action or inaction by the organization
14 which was arbitrary, discriminatory, or in bad faith."
15 9. Page 9, line 8, by striking the word
16 "exclusive" and inserting the following: "~~exclusive~~".
17 10. By renumbering as necessary.

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

On the question "Shall amendment H-8151 be adopted?" (H.F. 2645)

The ayes were, 47:

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

The nays were, 52:

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

Wendt
Whitead

Wenthe
Winckler

Wessel-Kroeschell
Zirkelbach

Whitaker
Wise,
Presiding

Absent or not voting, 1:

Olson, T.

Amendment H-8151 lost.

Watts of Dallas offered the following amendment H-8152 filed by him and moved its adoption:

H-8152

- 1 Amend House File 2645 as follows:
- 2 1. Page 1, by inserting after line 6 the
- 3 following:
- 4 "Sec.____. Section 20.3, subsection 1, Code 2007,
- 5 is amended to read as follows:
- 6 1. "Arbitration" means the procedure whereby the
- 7 parties involved in an impasse submit their
- 8 differences to a third party for a ~~final and binding~~
- 9 decision or as provided in this chapter."
- 10 2. Page 7, line 22, by striking the word
- 11 "binding" and inserting the following: "~~binding~~".
- 12 3. Page 7, line 27, by striking the word
- 13 "binding" and inserting the following: "~~binding~~".
- 14 4. Page 10, lines 33 and 34, by striking the
- 15 words ", which shall be binding" and inserting the
- 16 following: "~~, which shall be binding~~".
- 17 5. Page 13, line 13, by inserting after the word
- 18 "parties" the following: "subject to the provisions
- 19 of section 20.22A".
- 20 6. Page 13, line 16, by inserting after the word
- 21 and figure "subsection 6" the following: ", and
- 22 section 20.22A".
- 23 7. Page 13, by inserting after line 19 the
- 24 following:
- 25 "Sec.____. NEW SECTION. 20.22A STATE EMPLOYEE
- 26 NEGOTIATIONS.
- 27 1. The items of a collective bargaining agreement
- 28 reached pursuant to this chapter between a public
- 29 employer and an employee organization representing
- 30 state employees which require economic adjustments
- 31 shall not take effect and the agreement is not final
- 32 and binding until moneys have been appropriated to
- 33 fund the economic adjustments by the general assembly,
- 34 specifically to fund the economic adjustments of the
- 35 collective bargaining agreement at issue. Items of a
- 36 collective bargaining agreement concerning an employee

37 organization representing state employees that are not
 38 economic adjustments are not subject to approval by
 39 the general assembly and are final and binding upon
 40 their determination subject to the provisions of
 41 section 20.17, subsection 6.

42 2. Within ten days following the determination of
 43 a collective bargaining agreement on all negotiated
 44 items by agreement of the parties or by an arbitration
 45 decision, the governor, or the governor's designee,
 46 shall inform the general assembly the amount of the
 47 appropriation necessary to fund the economic
 48 adjustments requires to fund the collective bargaining
 49 agreement.

50 3. The general assembly shall appropriate funds in

Page 2

1 any amount up to and including the amount indicated by
 2 the governor, or the governor's designee, under
 3 subsection 2. If less than the entire amount
 4 indicated by the governor, or the governor's designee,
 5 is appropriated by the general assembly, the
 6 collective bargaining agreement shall be administered
 7 on the basis of the amounts appropriated by and any
 8 directions of the general assembly.

9 4. The general assembly shall make an
 10 appropriation as provided by this section prior to the
 11 date the collective bargaining agreement is to become
 12 effective.

13 5. The items of a collective bargaining agreement
 14 that require economic adjustments subject to the
 15 provisions of this section shall become final and
 16 binding upon an appropriation of funds by the general
 17 assembly, subject to the provisions of section 20.17,
 18 subsection 6."

19 8. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Upmeyer of
 Hancock.

On the question "Shall amendment H-8152 be adopted?" (H.F.
 2645)

The ayes were, 47:

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

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

The nays were, 52:

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

Absent or not voting, 1:

Olson, T.

Amendment H-8152 lost.

Watts of Dallas offered the following amendment H-8153 filed by him and moved its adoption:

H-8153

1 Amend House File 2645 as follows:
 2 1. Page 1, by inserting after line 6 the
 3 following:
 4 "Sec. _____. Section 20.3, Code 2007, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 1A. "Bargaining unit" means only
 7 those employees in a particular class of employees who
 8 have not opted out of representation by an employee
 9 organization."
 10 2. Page 1, by inserting after line 32 the
 11 following:
 12 "Sec. _____. Section 20.8, Code 2007, is amended by
 13 adding the following new subsection:
 14 NEW SUBSECTION. 5. Opt out of representation by
 15 an employee organization by written notice to the

16 employee organization and the public employer."

17 3. By renumbering as necessary.

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

On the question "Shall amendment H-8153 be adopted?" (H.F. 2645)

The ayes were, 46:

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

The nays were, 51:

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

Absent or not voting, 3:

Jacoby	Olson, T.	Tomenga
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Amendment H-8153 lost.

Watts of Dallas offered the following amendment H-8154 filed by him and moved its adoption:

H-8154

- 1 Amend House File 2645 as follows:
- 2 1. Page 1, by inserting after line 6 the
- 3 following:

4 "Sec.____. Section 20.3, Code 2007, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 1A. "Bargaining unit" means only
 7 those employees in a particular class of employees who
 8 have not declared themselves a free agent employee."
 9 2. Page 1, by inserting after line 12 the
 10 following:
 11 "Sec.____. Section 20.3, Code 2007, is amended by
 12 adding the following new subsection:
 13 NEW SUBSECTION. 5A. "Free agent employee" means a
 14 public employee who has signed a release declaring
 15 that the employee will not be represented by an
 16 employee organization and that the employee
 17 understands that signing the release waives any claim
 18 or right to representation by that employee
 19 organization."
 20 3. Page 1, by inserting after line 32 the
 21 following:
 22 "Sec.____. Section 20.8, Code 2007, is amended by
 23 adding the following new subsection:
 24 NEW SUBSECTION. 5. Declare themselves a free
 25 agent employee."
 26 4. By renumbering as necessary.

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

On the question "Shall amendment H-8154 be adopted?" (H.F. 2645)

The ayes were, 47:

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

The nays were, 51:

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

Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Zirkelbach	Wise, Presiding	

Absent or not voting, 2:

Mertz Olson, T.

Amendment H-8154 lost.

May of Dickinson offered the following amendment H-8162 filed by him and moved its adoption:

H-8162

1 Amend House File 2645 as follows:
 2 1. Page 1, by inserting after line 12 the
 3 following:
 4 "Sec. ____ Section 20.5, subsection 1, unnumbered
 5 paragraph 1, Code Supplement 2007, is amended to read
 6 as follows:
 7 There is established a board to be known as the
 8 "Public Employment Relations Board". The board shall
 9 consist of three members appointed by the governor,
 10 subject to confirmation by the senate. No more than
 11 ~~two members~~ one member shall be of the same political
 12 affiliation, no more than one member shall be
 13 registered as a no party voter, no member shall engage
 14 in any political activity while holding office, and
 15 the members shall devote full time to their duties."
 16 2. By renumbering as necessary.

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

On the question "Shall amendment H-8162 be adopted?" (H.F. 2645)

The ayes were, 47:

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

The nays were, 50:

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

Absent or not voting, 3:

Abdul-Samad	Mertz	Olson, T.
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Amendment H-8162 lost.

Watts of Dallas offered the following amendment H-8142 filed by him as follows:

H-8142

1 Amend House File 2645 as follows:
 2 1. Page 1, by inserting after line 24 the
 3 following:
 4 "Sec.____. Section 20.6, subsection 2, Code 2007,
 5 is amended to read as follows:
 6 2. Collect, for public employers other than the
 7 state and its boards, commissions, departments, and
 8 agencies, data and conduct studies relating to wages,
 9 hours, benefits and other terms and conditions of
 10 public employment, including such information filed
 11 with the board pursuant to section 20.29, and make the
 12 same available to any interested person or
 13 organization."
 14 2. Page 13, by inserting after line 33 the
 15 following:
 16 "Sec.____. Section 20.29, Code 2007, is amended by
 17 adding the following new unnumbered paragraph:
 18 NEW UNNUMBERED PARAGRAPH. Within ninety days of
 19 the completion of a collective bargaining agreement
 20 entered into pursuant to this chapter, the public
 21 employer shall file two copies of the agreement with
 22 the board. In addition, within the same time period,
 23 the public employer and the applicable certified
 24 employee organization shall file with the board,
 25 either jointly or separately, a report on a form
 26 prescribed by the board which shall include the number

27 of employees covered by the agreement, the estimated
 28 cost of implementing each wage, benefit, and other
 29 provision of the agreement having an economic impact
 30 and the estimated percentage increase in cost for each
 31 item compared to the prior agreement, the estimated
 32 total cost of implementing the agreement for the
 33 entire term of the agreement, and any other
 34 information relating to the agreement as requested by
 35 the board."
 36 3. By renumbering as necessary.

Watts of Dallas offered the following amendment H-8196, to amendment H-8142, filed by him from the floor and moved its adoption:

H-8196

1 Amend the amendment, H-8142, to House File 2645 as
 2 follows:
 3 1. Page 1, line 35, by inserting after the word
 4 "board." the following: "The board shall ensure that
 5 the report is submitted in an electronic format and is
 6 made available to the public on the board's internet
 7 site."

Amendment H-8196 was adopted.

Watts of Dallas moved the adoption of amendment H-8142, as amended.

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

On the question "Shall amendment H-8142, as amended, be adopted?" (H.F. 2654)

The ayes were, 46:

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

The nays were, 50:

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

Absent or not voting, 4:

Huser	Mertz	Olson, T.	Van Engelenhoven
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Amendment H-8142, as amended, lost.

Lukan of Dubuque offered the following amendment H-8155 filed by him and moved its adoption:

H-8155

- 1 Amend House File 2645 as follows:
- 2 1. Page 1, by inserting after line 32 the
- 3 following:
- 4 "Sec.____. Section 20.6, Code 2007, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 6. By January 1, 2009, and each
- 7 two years thereafter, submit a report to the general
- 8 assembly providing a comparison of public sector and
- 9 private sector salaries and benefits."
- 10 2. By renumbering as necessary.

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

On the question "Shall amendment H-8155 be adopted?" (H.F. 2645)

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May

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

The nays were, 51:

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

Absent or not voting, 2:

Mertz Olson, T.

Amendment H-8155 lost.

Paulsen of Linn offered the following amendment H-8159 filed by him and moved its adoption:

H-8159

- 1 Amend House File 2645 as follows:
- 2 1. Page 4, line 33, by inserting after the word
- 3 "organization" the following: "and each two years
- 4 thereafter".

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

On the question "Shall amendment H-8159 be adopted?" (H.F. 2645)

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner

Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 51:

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

Absent or not voting, 2:

Mertz Olson, T.

Amendment H-8159 lost.

May of Dickinson offered the following amendment H-8160 filed by him and moved its adoption:

H-8160

- 1 Amend House File 2645 as follows:
- 2 1. Page 11, line 31, by inserting after the word
- 3 "board." the following: "The list of five arbitrators
- 4 shall include at least one person who is a private
- 5 sector businessperson registered as a no party voter."

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

On the question "Shall amendment H-8160 be adopted?" (H.F. 2645)

The ayes were, 47:

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

The nays were, 51:

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

Absent or not voting, 2:

Mertz Olson, T.

Amendment H-8160 lost.

May of Dickinson offered the following amendment H-8161 filed by him and moved its adoption:

H-8161

- 1 Amend House File 2645 as follows:
- 2 1. Page 12, by inserting after line 25 the
- 3 following:
- 4 "Sec. ____ Section 20.22, subsection 9, Code 2007,
- 5 is amended by adding the following new paragraph:
- 6 NEW PARAGRAPH. e. Comparison of wages of the

- 7 involved public employees with those of similar
 8 private sector employees doing comparable work, giving
 9 consideration to factors peculiar to the area and the
 10 classifications involved, and providing that the
 11 maximum wages awarded public sector employees shall be
 12 no more than five percent greater than comparable
 13 private sector employees unless the public employees
 14 are in a merit pay program."
 15 2. By renumbering as necessary.

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

On the question "Shall amendment H-8161 be adopted?" (H.F. 2645)

The ayes were, 47:

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

The nays were, 51:

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

Absent or not voting, 2:

Mertz	Olson, T.
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Amendment H-8161 lost.

Soderberg of Plymouth offered the following amendment H-8165 filed by him and moved its adoption:

H-8165

- 1 Amend House File 2645 as follows:
- 2 1. Page 12, by inserting after line 25 the
- 3 following:
- 4 "Sec. ____ Section 20.22, subsection 9, paragraph
- 5 d, Code 2007, is amended by striking the paragraph and
- 6 inserting in lieu thereof the following:
- 7 d. Whether any proposed increase in wages to
- 8 public employees is justified based upon an increase
- 9 in productivity and performance of the employees and
- 10 based upon the ability of the public employer to pay
- 11 the award using existing resources without any
- 12 increase in taxes."
- 13 2. By renumbering as necessary.

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

On the question "Shall amendment H-8165 be adopted?" (H.F. 2645)

The ayes were, 47:

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

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher

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

Absent or not voting, 2:

Mertz Olson, T.

Amendment H-8165 lost.

Watts of Dallas offered the following amendment H-8141 filed by him and moved its adoption:

H-8141

1 Amend House File 2645 as follows:
 2 1. Page 13, by inserting after line 33 the
 3 following:
 4 "Sec. ____ NEW SECTION. 20.32 PUBLIC-PRIVATE
 5 SECTOR SALARY STUDY.
 6 1. The legislative council shall commission a
 7 study by a competent, independent, public accounting
 8 service to conduct a comprehensive comparison of the
 9 wages and benefits of selected public sector employee
 10 positions with equivalent private sector employee
 11 positions. The study shall be completed by January 1,
 12 2009, and the copies of the report shall be submitted
 13 to the board and the general public by January 1,
 14 2009.
 15 2. During calendar year 2009, and every two years
 16 thereafter, the legislative council shall commission a
 17 follow-up study to the study described in subsection 1
 18 with a report to be submitted to the board and the
 19 general public by January 1 of the following year."
 20 2. By renumbering as necessary.

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

On the question "Shall amendment H-8141 be adopted?" (H.F. 2645)

The ayes were, 47:

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

The nays were, 51:

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

Absent or not voting, 2:

Mertz Olson, T.

Amendment H-8141 lost.

Tymeson of Madison offered the following amendment H-8158 filed by her and moved its adoption:

H-8158

1 Amend House File 2645 as follows:
 2 1. Page 13, by inserting after line 33 the
 3 following:
 4 "Sec. _____. Section 279.59, Code 2007, is amended
 5 to read as follows:
 6 279.59 ~~ACCESS BY~~ PROFESSIONAL EDUCATION
 7 ASSOCIATIONS.
 8 1. The board of directors of a school district
 9 shall provide not-for-profit, professional education
 10 associations that offer membership to teachers or

11 administrators equal access to teacher or
 12 administrator mailboxes for distribution of
 13 professional literature.
 14 2. Notwithstanding section 20.9, a school district
 15 may, upon a teacher's or administrator's written
 16 request, deduct from the salary or wages of the
 17 teacher or administrator an amount specified by the
 18 teacher or administrator for payment of dues or
 19 membership fees for the teacher's or administrator's
 20 membership in a not-for-profit, professional education
 21 association. If a written request is granted, all
 22 other written requests for salary or wage deductions
 23 for payment of dues or membership fees for membership
 24 in the same not-for-profit, professional education
 25 association shall also be granted. The teacher or
 26 administrator may withdraw the request for the
 27 deduction at any time by giving the school district
 28 thirty days' written notice.
 29 3. For purposes of this section, unless the
 30 context otherwise requires, "professional education
 31 association" means an association in which the
 32 majority of members are practitioners licensed in
 33 accordance with chapter 272."
 34 2. Title page, line 1, by inserting after the
 35 word "bargaining" the following: "and payment of
 36 professional dues".
 37 3. By renumbering as necessary.

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

On the question "Shall amendment H-8158 be adopted?" (H.F. 2645)

The ayes were, 47:

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

The nays were, 51:

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

Absent or not voting, 2:

Mertz Olson, T.

Amendment H-8158 lost.

RULE 32 LOST

Rants of Woodbury rose on a point of order and invoked Rule 32, requesting that House File 2645, as amended, be referred to the committee on ways and means.

The point was not well taken.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 2645)

The ayes were, 52:

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

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

The nays were, 47:

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

Absent or not voting, 1:

Olson, T.

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

Pursuant to Rule 31.8, relating to the timely filing of amendments, amendment H-8178 filed by Rants of Woodbury was placed out of order.

The House stood at ease at 12:30 p.m., until the fall of the gavel.

The House resumed session at 2:12 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILL

House File 2660, by committee on appropriations, a bill for relating to and making appropriations to the justice system.

Read first time and placed on the **appropriations calendar**.

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 2002, by committee on natural resources and environment, a joint resolution proposing an

amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources.

Read first time and referred to committee on **natural resources**.

Senate file 2189, by committee on state government, a bill for an act concerning bingo conducted during county fairs and community festivals, the purchasing of raffle tickets, and providing an effective date.

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

Senate File 2364, by committee on judiciary, a bill for an act relating to the emancipation of a minor.

Read first time and referred to committee on **judiciary**.

Senate File 2394, by committee on appropriations, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and including an effective date.

Read first time and referred to committee on **appropriations**.

HOUSE FILE 2329 REFERRED

The Speaker announced that House File 2329, previously placed on the **calendar** was referred to committee on **ways and means**.

HOUSE FILE 2525 REFERRED

The Speaker announced that House File 2525, previously placed on the **calendar** was referred to committee on **ways and means**.

MOTION TO RECONSIDER (House File 2645)

I move to reconsider the vote by which House File 2645 passed the House on March 19, 2008.

MCCARTHY of Polk

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\2177 Joann Debruin-Farrell, Prairie City – For celebrating her 75th birthday.
- 2008\2178 Dorothy Runyan, Bondurant – For celebrating her 101st birthday.
- 2008\2179 Lucille Cox, Pleasant Hill – For celebrating her 75th birthday.
- 2008\2180 Shirley Renfro, Colfax – For celebrating her 90th birthday.
- 2008\2181 Dorothy Rose, Altoona – For celebrating her 75th birthday.
- 2008\2182 Ronald Eberle, Altoona – For celebrating his 75th birthday.
- 2008\2183 Jay Stovall, Altoona – For celebrating his 75th birthday.
- 2008\2184 Betty Anderson, Runnells – For celebrating her 75th birthday.
- 2008\2185 Ruth Rosburg, Altoona – For celebrating her 80th birthday.
- 2008\2186 Jessie Farmer, Altoona – For celebrating her 85th birthday.
- 2008\2187 Joe Sprouse, Colfax – For celebrating his 75th birthday.
- 2008\2188 Joyce Krause, Iowa City – For celebrating her 80th birthday.
- 2008\2189 Joyce Phelps, Iowa City – For celebrating her 75th birthday.
- 2008\2190 Willa Serbousek, North Liberty – For celebrating her 75th birthday.
- 2008\2191 Edward Gruwell, North Liberty – For celebrating his 75th birthday.
- 2008\2192 James Reynolds, Coralville – For celebrating his 80th birthday.
- 2008\2193 Betty Grow, Iowa City – For celebrating her 80th birthday.
- 2008\2194 Frank Colony, North Liberty – For celebrating his 80th birthday.
- 2008\2195 Emma Speaker, Iowa City – For celebrating her 85th birthday.
- 2008\2196 Norma Burke, Coralville – For celebrating her 75th birthday.
- 2008\2197 Helen Osmundson, Iowa City – For celebrating her 90th birthday.

- 2008\2198 Phyllis Alter, North Liberty – For celebrating her 85th birthday.
- 2008\2199 Donald Pumphrey, Coralville – For celebrating his 80th birthday.
- 2008\2200 Jean Bieri, Coralville – For celebrating her 85th birthday.
- 2008\2201 Jean Kratz, Coralville – For celebrating her 80th birthday.
- 2008\2202 Petronilla McDermott, Coralville – For celebrating her 90th birthday.
- 2008\2203 Edward Peeters, Davenport – For celebrating his 75th birthday.
- 2008\2204 Richard Hradek, Davenport – For celebrating his 75th birthday.
- 2008\2205 Mary Mowat, Davenport – For celebrating her 80th birthday.
- 2008\2206 Richard Thompson, Davenport – For celebrating his 75th birthday.
- 2008\2207 Ralph Veenker, Davenport – For celebrating his 75th birthday.
- 2008\2208 Alta Erickson, Davenport – For celebrating her 90th birthday.
- 2008\2209 Bernice Koberg, Davenport – For celebrating her 85th birthday.
- 2008\2210 Daniel Hayes, Davenport – For celebrating his 75th birthday.
- 2008\2211 Carroll Hultgren, Davenport – For celebrating his 80th birthday.
- 2008\2212 Erma Petersen, Davenport – For celebrating her 85th birthday.
- 2008\2213 Frances Kruse, Davenport – For celebrating her 85th birthday.
- 2008\2214 Stanley Mularz, Davenport – For celebrating his 85th birthday.
- 2008\2215 Edith Burroughs, Davenport – For celebrating her 102nd birthday.
- 2008\2216 Vera Fitzgerald, Davenport – For celebrating her 80th birthday.
- 2008\2217 Richard Edens, Davenport – For celebrating his 75th birthday.
- 2008\2218 David Behrensmeyer, Davenport – For celebrating his 75th birthday.
- 2008\2219 Ben Peterson, Davenport – For celebrating his 75th birthday.
- 2008\2220 Charles Rubley, Davenport – For celebrating his 75th birthday.
- 2008\2221 Barbara Walter, Davenport – For celebrating her 75th birthday.
- 2008\2222 Richard Gillespie, Davenport – For celebrating his 80th birthday.

- 2008\2223 Loren Stouffer, Davenport – For celebrating his 75th birthday.
- 2008\2224 Neoma Stamm, Davenport – For celebrating her 85th birthday.
- 2008\2225 Raymond Jones, Davenport – For celebrating his 85th birthday.
- 2008\2226 Dorothy Turner, Davenport – For celebrating her 85th birthday.
- 2008\2227 Eloise Boley, Davenport – For celebrating her 75th birthday.
- 2008\2228 Laura Ray, Davenport – For celebrating her 75th birthday.
- 2008\2229 Doris Sullivan, Davenport – For celebrating her 75th birthday.
- 2008\2230 Paul Herrig, Davenport – For celebrating his 75th birthday.
- 2008\2231 Oscar Scott, Davenport – For celebrating his 80th birthday.
- 2008\2232 Emily Nickles, Davenport – For celebrating her 75th birthday.
- 2008\2233 Glennys Baker, Davenport – For celebrating her 85th birthday.
- 2008\2234 John Coffman, Davenport – For celebrating his 80th birthday.
- 2008\2235 Imelda Stanger, Davenport – For celebrating her 85th birthday.
- 2008\2236 Lois Ferguson, Davenport – For celebrating her 85th birthday.
- 2008\2237 Alice Matson, Davenport – For celebrating her 75th birthday.
- 2008\2238 Estella Ewing, Davenport – For celebrating her 80th birthday.
- 2008\2239 Glen Hurt, Cedar Rapids – For celebrating his 75th birthday.
- 2008\2240 John Sackett, Cedar Rapids – For celebrating his 80th birthday.
- 2008\2241 Evelyn Cropp, Cedar Rapids – For celebrating her 85th birthday.
- 2008\2242 Helen Tomlinson, Cedar Rapids – For celebrating her 90th birthday.
- 2008\2243 Kenneth Petrick, Cedar Rapids – For celebrating his 75th birthday.
- 2008\2244 Carolyn Dewald, Cedar Rapids – For celebrating her 80th birthday.
- 2008\2245 John Hobel, Cedar Rapids – For celebrating his 90th birthday.
- 2008\2246 Margaret Colvin, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2247 Elizabeth Norman, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2248 Joyce Goldsberry, Cedar Rapids – For celebrating her 75th birthday.

- 2008\2249 Michael Bisek, Cedar Rapids – For celebrating his 85th birthday.
- 2008\2250 Veronica McGee, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2251 Betty Harshman, Cedar Rapids – For celebrating her 85th birthday.
- 2008\2252 James Mitchell, Cedar Rapids – For celebrating his 80th birthday.
- 2008\2253 William Charters, Cedar Rapids – For celebrating his 75th birthday.
- 2008\2254 Lester Young, Cedar Rapids – For celebrating his 75th birthday.
- 2008\2255 Faustine Weepie, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2256 Dove Tanner, Cedar Rapids – For celebrating his 75th birthday.
- 2008\2257 Joe Stephenson, Cedar Rapids – For celebrating his 80th birthday.
- 2008\2258 Mary Visek, Cedar Rapids – For celebrating her 90th birthday.
- 2008\2259 James McCoy, Cedar Rapids – For celebrating his 75th birthday.
- 2008\2260 C. David Ross, Cedar Rapids – For celebrating his 90th birthday.
- 2008\2261 Arlene Moss, Cedar Rapids – For celebrating her 80th birthday.
- 2008\2262 May Gardner, Cedar Rapids – For celebrating her 80th birthday.
- 2008\2263 Judith Schmitz, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2264 Geraldine Holladay, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2265 Harlan Severson, Cedar Rapids – For celebrating his 75th birthday.
- 2008\2266 Paul Knudtson, Cedar Rapids – For celebrating his 80th birthday.
- 2008\2267 Donald Phillips, Cedar Rapids – For celebrating his 85th birthday.
- 2008\2268 Dorothy Nelson, Cedar Rapids – For celebrating her 85th birthday.
- 2008\2269 Wilma Delancey, Cedar Rapids – For celebrating her 80th birthday.
- 2008\2270 Marlys Jaspersen, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2271 Veryl Hansen, Cedar Rapids – For celebrating her 80th birthday.
- 2008\2272 Rose Merritt, Cedar Rapids – For celebrating her 85th birthday.
- 2008\2273 Clifford Jansen, Cedar Rapids – For celebrating his 80th birthday.

- 2008\2274 Gloria Kaltenbach, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2275 Annis Light, Cedar Rapids – For celebrating her 85th birthday.
- 2008\2276 Gladyce Miller, Rock Valley – For celebrating her 90th birthday.
- 2008\2277 Cynthia Feekes, Rock Valley – For celebrating her 90th birthday.
- 2008\2278 Don Van Voorst, Sioux Center – For his 35 years of volunteer service to the Sioux Center community as an EMT.

SUBCOMMITTEE ASSIGNMENTS

House File 2656

Commerce: Reichert, Chair; Petersen, Soderberg, D. Taylor and Van Fossen.

Senate File 2308

Commerce: Kelley, Chair; Jacobs, Jacoby, Kressig and Sands.

Senate File 2340

Human Resources: T. Olson, Chair; Forristall and Heddens.

Senate File 2357

Commerce: Berry, Chair; Kressig and Pettengill.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 785 Ways and Means

Providing for a sales tax exemption for school supplies purchased by a nonprofit organization that are to be donated to students at certain educational institutions.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Senate File 487, a bill for an act requiring the state fire marshal to assess the practice and impact of selling novelty lighters.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8190** March 18, 2008.

COMMITTEE ON VETERANS AFFAIRS

Senate File 2289, a bill for an act concerning state educational assistance to children of deceased veterans and the war orphans educational assistance fund, and including an effective date and retroactive applicability provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8191** March 18, 2008.

AMENDMENTS FILED

H—8174	H.F.	2603	Smith of Marshall
H—8175	H.F.	2620	Wendt of Woodbury
			Roberts of Carroll
			Zirkelbach of Jones
			Thomas of Clayton
H—8176	H.F.	2383	Oldson of Polk
H—8188	H.F.	2610	Sands of Louisa
H—8189	H.F.	2610	Granzow of Hardin
H—8190	S.F.	487	Committee on State Government
H—8191	S.F.	2289	Committee on Veterans Affairs
H—8192	H.F.	2610	R. Olson of Polk
H—8199	H.F.	2537	Lukan of Dubuque
H—8200	H.F.	2630	Jacobs of Polk
			Raecker of Polk
H—8202	H.F.	2570	D. Olson of Boone
H—8203	H.F.	2612	Grassley of Butler
H—8204	H.F.	2610	Tjepkes of Webster
H—8205	H.F.	2537	Lukan of Dubuque
H—8206	H.F.	2583	Wessel-Kroeschell of Story
H—8210	S.F.	348	Raecker of Polk
H—8213	H.F.	2612	Baudler of Adair
H—8214	H.F.	2646	Quirk of Chickasaw
H—8217	H.F.	2610	De Boef of Keokuk
			Chambers of O'Brien
			Huseman of Cherokee

	Sands of Louisa		Lukan of Dubuque
	Roberts of Carroll		Struyk of Pottawattamie
	Schickel of Cerro Gordo		Upmeyer of Hancock
H—8218	H.F.	2610	De Boef of Keokuk
H—8219	H.F.	2610	Alons of Sioux
	Pettengill of Benton		Greiner of Washington
	L. Miller of Scott		Boal of Polk
	Horbach of Tama		Huseman of Cherokee
	Chambers of O'Brien		Tymeson of Madison
	Drake of Pottawattamie		Sands of Louisa
	May of Dickinson		Lukan of Dubuque
	Forristall of Pottawattamie		Roberts of Carroll
	Raecker of Polk		Struyk of Pottawattamie
	Grassley of Butler		
H—8220	H.F.	2610	Greiner of Washington
			Alons of Sioux
			Boal of Polk
			Lukan of Dubuque
			Windschitl of Harrison
H—8221	H.F.	2610	Paulsen of Linn
	Upmeyer of Hancock		Pettengill of Benton
	S. Olson of Clinton		Alons of Sioux
	Baudler of Adair		Greiner of Washington
	L. Miller of Scott		Jacobs of Polk
	Dolecheck of Ringgold		Boal of Polk
	Tymeson of Madison		Horbach of Tama
	Huseman of Cherokee		Chambers of O'Brien
	Drake of Pottawattamie		Sands of Louisa
	May of Dickinson		Lukan of Dubuque
	Heaton of Henry		Forristall of Pottawattamie
	Roberts of Carroll		Windschitl of Harrison
	Raecker of Polk		Struyk of Pottawattamie
	Grassley of Butler		Schickel of Cerro Gordo
H—8222	S.F.	2312	Wendt of Woodbury
H—8223	H.F.	2610	S. Olson of Clinton
	Alons of Sioux		Greiner of Washington
	Jacobs of Polk		L. Miller of Scott
	Dolecheck of Ringgold		Boal of Polk
	Tymeson of Madison		Horbach of Tama
	Roberts of Carroll		Grassley of Butler
	De Boef of Keokuk		Huseman of Cherokee

Chambers of O'Brien			Drake of Pottawattamie
Sands of Louisa			May of Dickinson
Windschitl of Harrison			Lukan of Dubuque
Raecker of Polk			Heaton of Henry
Forristall of Pottawattamie			
H—8224	H.F.	2610	De Boef of Keokuk
Schickel of Cerro Gordo			Upmeyer of Hancock
Pettengill of Benton			Alons of Sioux
Greiner of Washington			Boal of Polk
Tymeson of Madison			Huseman of Cherokee
Chambers of O'Brien			Drake of Pottawattamie
Sands of Louisa			May of Dickinson
Lukan of Dubuque			Forristall of Pottawattamie
Roberts of Carroll			Windschitl of Harrison
Raecker of Polk			Struyk of Pottawattamie
Grassley of Butler			
H—8225	H.F.	2610	Greiner of Washington
Boal of Polk			Dolecheck of Ringgold
Tymeson of Madison			Huseman of Cherokee
Sands of Louisa			May of Dickinson
Lukan of Dubuque			Windschitl of Harrison
Struyk of Pottawattamie			
H—8226	H.F.	2610	Baudler of Adair
Alons of Sioux			L. Miller of Scott
Greiner of Washington			Dolecheck of Ringgold
Huseman of Cherokee			Lukan of Dubuque
Forristall of Pottawattamie			Windschitl of Harrison
Raecker of Polk			Struyk of Pottawattamie
H—8227	H.F.	2610	S. Olson of Clinton
Baudler of Adair			Alons of Sioux
Greiner of Washington			Boal of Polk
De Boef of Keokuk			Huseman of Cherokee
Chambers of O'Brien			Sands of Louisa
May of Dickinson			Lukan of Dubuque
Windschitl of Harrison			Raecker of Polk
Struyk of Pottawattamie			Van Engelenhoven of Marion
Arnold of Lucas			Rasmussen of Buchanan
H—8228	H.F.	2610	Alons of Sioux
Paulsen of Linn			Upmeyer of Hancock
S. Olson of Clinton			Baudler of Adair
L. Miller of Scott			Jacobs of Polk

Greiner of Washington			Boal of Polk
Dolecheck of Ringgold			De Boef of Keokuk
Huseman of Cherokee			Chambers of O'Brien
Tymeson of Madison			Drake of Pottawattamie
May of Dickinson			Sands of Louisa
Lukan of Dubuque			Heaton of Henry
Forristall of Pottawattamie			Windschitl of Harrison
Roberts of Carroll			Raecker of Polk
Struyk of Pottawattamie			Grassley of Butler
Schickel of Cerro Gordo			Van Engelenhoven of Marion
Arnold of Lucas			Rasmussen of Buchanan
H—8229	H.F.	2610	Paulsen of Linn
Upmeyer of Hancock			Pettengill of Benton
Baudler of Adair			Alons of Sioux
Jacobs of Polk			Boal of Polk
Dolecheck of Ringgold			Chambers of O'Brien
Huseman of Cherokee			Drake of Pottawattamie
May of Dickinson			Sands of Louisa
Lukan of Dubuque			Heaton of Henry
Forristall of Pottawattamie			Windschitl of Harrison
Roberts of Carroll			Raecker of Polk
Struyk of Pottawattamie			Grassley of Butler
Schickel of Cerro Gordo			Van Engelenhoven of Marion
Arnold of Lucas			Rasmussen of Buchanan
H—8230	H.F.	2610	Alons of Sioux
Upmeyer of Hancock			L. Miller of Scott
Greiner of Washington			Huseman of Cherokee
Chambers of O'Brien			Drake of Pottawattamie
Sands of Louisa			Heaton of Henry
Windschitl of Harrison			Grassley of Butler
Schickel of Cerro Gordo			
H—8231	H.F.	2610	Paulsen of Linn
Upmeyer of Hancock			Pettengill of Benton
Baudler of Adair			Alons of Sioux
Jacobs of Polk			Greiner of Washington
Boal of Polk			Dolecheck of Ringgold
Horbach of Tama			Tymeson of Madison
Drake of Pottawattamie			Heaton of Henry
Forristall of Pottawattamie			Windschitl of Harrison
Raecker of Polk			Struyk of Pottawattamie
Grassley of Butler			Schickel of Cerro Gordo

Van Engelenhoven of Marion			Arnold of Lucas
Rasmussen of Buchanan			
H—8232	H.F.	2610	Greiner of Washington
Alons of Sioux			L. Miller of Scott
Boal of Polk			Huseman of Cherokee
Drake of Pottawattamie			Sands of Louisa
May of Dickinson			Lukan of Dubuque
Forristall of Pottawattamie			Roberts of Carroll
Raecker of Polk			
H—8233	H.F.	2610	Baudler of Adair
Alons of Sioux			Boal of Polk
Jacobs of Polk			L. Miller of Scott
Greiner of Washington			Dolecheck of Ringgold
Huseman of Cherokee			De Boef of Keokuk
Chambers of O'Brien			Horbach of Tama
Van Engelenhoven of Marion			Grassley of Butler
Tymeson of Madison			May of Dickinson
Drake of Pottawattamie			Sands of Louisa
Lukan of Dubuque			Heaton of Henry
Forristall of Pottawattamie			Windschitl of Harrison
Raecker of Polk			Struyk of Pottawattamie
Arnold of Lucas			Rasmussen of Buchanan
H—8234	S.F.	2312	Wendt of Woodbury
H—8235	S.F.	2246	Ford of Polk
H—8236	H.F.	2651	Kaufmann of Cedar
H—8237	S.F.	2312	Jacobs of Polk
H—8238	S.F.	2312	Tymeson of Madison
H—8239	H.F.	2610	Pettengill of Benton
H—8240	H.F.	2610	Pettengill of Benton

On motion by McCarthy of Polk the House adjourned at 2:12 p.m., until 2:12 p.m., Thursday, March 20, 2008.

JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day - Forty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 20, 2008

The House met pursuant to adjournment at 2:12 p.m., Speaker Murphy in the chair.

On motion by McCarthy of Polk, the House was recessed at 2:14 p.m., until 5:00 p.m.

EVENING SESSION

The House reconvened at 5:15 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILL

House File 2661, by May, a bill for an act providing for the issuance of tax credits to improve infrastructure.

Read first time and referred to committee on **ways and means**.

MOTION TO RECONSIDER WITHDRAWN (House File 2645)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider **House File 2645**, a bill for an act concerning public employee collective bargaining, filed by him on March 19, 2008.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2645** be immediately messaged to the Senate.

The House stood at ease at 5:15 p.m., until the fall of the gavel.

The House resumed session at 5:32 p.m., Speaker Murphy in the chair.

CONSIDERATION OF BILLS
Regular Calendar

House File 2551, a bill for an act providing requirements for a nonresident of this state engaged in the aerial application of pesticides, making penalties applicable, and providing an effective date, was taken up for consideration.

Wenthe of Fayette offered the following amendment H-8143 filed by him and moved its adoption:

H-8143

- 1 Amend House File 2551 as follows:
- 2 1. Page 1, by striking lines 30 and 31 and
- 3 inserting the following: "the commercial application
- 4 of pesticides."

Amendment H-8143 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2551)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Palmer	Paulsen	Petersen	Pettengill

Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Zirkelbach	Mr. Speaker Murphy		

The nays were, none.

Absent or not voting, 2:

Olson, T. Worthan

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Worthan of Buena Vista on request of Kaufmann of Cedar.

House File 2554, a bill for an act providing monetary thresholds for actions by governing boards of drainage districts, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2554)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman

Horbach	Hunter	Huseman	Huser
Jacobs	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Mr. Speaker Murphy

The nays were, 2:

Jacoby Zirkelbach

Absent or not voting, 2:

Olson, T. Worthan

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

House File 2328, a bill for an act relating to services associated with the family investment program by moving the family development and self-sufficiency council and grant program to the department of human rights and revising confidentiality provisions involving the programs, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2328)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege

Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wienczek
Winckler	Windschitl	Wise	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 1:

Jacoby

Absent or not voting, 2:

Olson, T.

Worthan

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2328, 2551 and 2554.**

House File 2367, a bill for an act relating to the tally of absentee votes by precinct at certain elections, was taken up for consideration.

Jacobs of Polk offered the following amendment H-8080 filed by her and Mascher of Johnson and moved its adoption:

H-8080

1 Amend House File 2367 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 53.20, Code 2007, is amended
5 to read as follows:
6 53.20 SPECIAL PRECINCT ESTABLISHED.
7 1. There is established in each county a special
8 precinct to be known as the absentee ballot and
9 special voters precinct. Its jurisdiction shall be
10 conterminous with the borders of the county, for the
11 purposes specified by sections 53.22 and 53.23, and
12 the requirement that precincts not cross the
13 boundaries of legislative districts shall not be
14 applicable to it. The commissioner shall draw up an
15 election board panel for the special precinct in the
16 manner prescribed by section 49.15, having due regard
17 for the nature and extent of the duties required of
18 members of the election board and the election
19 officers to be appointed from the panel.
20 2. Results from the special precinct shall be
21 reported separately from the results of the ballots
22 cast at the polls on election day. The commissioner
23 shall for general elections also report the results of
24 the special precinct by the resident precincts of the
25 voters who cast absentee and provisional ballots. For
26 all other elections, the commissioner may report the
27 results of the special precinct by the resident
28 precincts of the voters who cast absentee and
29 provisional ballots, or may report the absentee
30 results as a single precinct. The separate residence
31 precinct reports shall be provided in one of the
32 following ways:
33 a. The commissioner may manually sort the absentee
34 ballots by precinct upon receipt of completed ballots.
35 Each group of ballots from an individual precinct
36 shall be tallied together.
37 b. The commissioner may prepare a separate
38 absentee ballot style for each precinct in the county
39 and shall program the voting system to produce reports
40 by the resident precincts of the voters."

Amendment H-8080 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2367)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Olson, T. Worthan

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

HOUSE FILE 2132 WITHDRAWN

Mascher of Johnson asked and received unanimous consent to withdraw House File 2132 from further consideration by the House.

House File 2383, a bill for an act making nonsubstantive corrections to certain provisions relating to insurance and making repeals, was taken up for consideration.

Oldson of Polk offered amendment H-8138 filed by her as follows:

H-8138

1 Amend House File 2383 as follows:
 2 1. Page 2, line 9, by inserting after the word
 3 "individuals," the following: "except those
 4 associations governed by the provisions of chapter 518
 5 or 518A."

Oldson of Polk offered the following amendment H-8176, to amendment H-8138, filed by her and moved its adoption:

H-8176

1 Amend the amendment, H-8138, to House File 2383, as
 2 follows:
 3 1. Page 1, line 5, by inserting after the figure
 4 "518A," the following: "companies governed by the
 5 provisions of chapter 508 or 514, societies governed
 6 by the provisions of chapter 512B, and organizations
 7 governed by the provisions of chapter 514B."

Amendment H-8176 was adopted.

On motion by Oldson of Polk, amendment H-8138, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2383)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.

Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 2:

Olson, T. Worthan

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

House File 2646, a bill for an act providing for the licensure of persons installing fire protection systems, providing for the establishment of fees, and providing penalties and an effective date, was taken up for consideration.

Quirk of Chickasaw asked and received unanimous consent to withdraw amendment H-8115 filed by him on March 17, 2008.

Quirk of Chickasaw asked and received unanimous consent to withdraw amendment H-8147 filed by him on March 18, 2008.

Quirk of Chickasaw offered the following amendment H-8214 filed by him and moved its adoption:

H-8214

- 1 Amend House File 2646 as follows:
- 2 1. Page 1, line 25, by striking the words
- 3 "subsection 6,".
- 4 2. Page 3, line 34, by striking the word "five"
- 5 and inserting the following: "a minimum of four".
- 6 3. Page 6, line 24, by striking the word "five"
- 7 and inserting the following: "a minimum of four".
- 8 4. Page 7, by striking lines 16 through 21 and
- 9 inserting the following: "one of the following:
- 10 1. Presentation of a certificate of completion of

- 11 a United States department of labor, office of
 12 apprenticeship, four-year or five-year apprenticeship
 13 program.
 14 2. A passing score on the national inspection,
 15 testing and certification star fire sprinkler mastery
 16 exam or an equivalent exam from a nationally
 17 recognized third-party testing agency.
 18 3. A passing score on the NICET level I
 19 examination."
 20 5. Page 8, line 2, by inserting before the word
 21 "The" the following: "1."
 22 6. Page 8, by inserting after line 6 the
 23 following:
 24 "2. The provisions of this chapter shall not be
 25 construed to apply to a person employed full time as a
 26 custodian for a school corporation, hospital, or
 27 public facility, who performs fire sprinkler
 28 maintenance work involving no more than one sprinkler
 29 head or nozzle."
 30 7. Page 8, line 17, by striking the words "state
 31 fire marshal" and inserting the following:
 32 "department of public safety".
 33 8. Page 9, line 15, by striking the words "shall
 34 take effect" and inserting the following: "takes
 35 effect".
 36 9. By renumbering as necessary.

Amendment H-8214 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2646)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.

Oldson	Olson, D.	Olson, R.	Olson, S.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 2:

Olson, T. Worthan

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2367, 2383 and 2646.**

House File 2526, a bill for an act relating to the disposition of school property, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2526)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill

Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Zirkelbach	Mr. Speaker Murphy		

The nays were, none.

Absent or not voting, 2:

Olson, T. Worthan

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

HOUSE FILE 2083 WITHDRAWN

Gayman of Scott asked and received unanimous consent to withdraw House File 2083 from further consideration by the House.

House File 2556, a bill for an act relating to the regulatory duties of the banking division of the department of commerce regarding banking, debt management, delayed deposit services, mortgage banking, and industrial loan companies, and providing penalties, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2556)

The ayes were 98:

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

The nays were, none.

Absent or not voting, 2:

Olson, T. Worthan

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

McCarthy of Polk asked and received unanimous consent to suspend the rules for the immediate consideration of House Resolution 119.

ADOPTION OF HOUSE RESOLUTION 119

Wise of Lee, Petersen of Polk, Oldson of Polk and Hoffman of Crawford called up for consideration **House Resolution 119**, a resolution expressing opposition to federal legislation that would threaten the power of the states to oversee, regulate, and investigate

the business of insurance and to protect consumers, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2526** and **2556**.

House File 2555, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including uniform securities; duties of the insurance division including a consumer advocate and rate reviews; confidential information; examinations; insurance trade practices; insurance fraud; the Iowa life and health insurance guaranty association; viatical settlement contracts; general agents and third-party administrators; life insurance companies; health maintenance organizations; utilization and cost control; external review of health care coverage decisions; the Iowa comprehensive health insurance association; workers' compensation liability insurance; consolidation, merger, and reinsurance; licensing of insurance producers; cemetery and funeral merchandise and funeral services; and cemeteries, making appropriations, and providing an effective date, was taken up for consideration.

Ford of Polk offered the following amendment H-8126 filed by him and moved its adoption:

H-8126

- 1 Amend House File 2555 as follows:
- 2 1. By striking page 3, line 31, through page 4,
- 3 line 26.
- 4 2. Page 9, by inserting after line 4 the
- 5 following:
- 6 "Sec. . **NEW SECTION.** 507F.1 CONSUMER ADVOCATE
- 7 ON INSURANCE – APPOINTMENT – POLITICAL ACTIVITY –
- 8 REMOVAL.
- 9 1. The attorney general shall appoint a competent
- 10 attorney to the office of consumer advocate on
- 11 insurance. The appointment is subject to senate
- 12 confirmation in accordance with section 2.32. The

13 advocate's term of office is for four years. The term
14 begins and ends as set forth in section 69.19.

15 2. If a vacancy occurs in the office of consumer
16 advocate on insurance, the vacancy shall be filled for
17 the unexpired term in the same manner as an original
18 appointment.

19 3. The consumer advocate on insurance shall devote
20 the advocate's entire time to the duties of the
21 office. During the advocate's term of office the
22 advocate shall not be a member of a political
23 committee, shall not contribute to a political
24 campaign fund other than through the income tax
25 checkoff for contributions to the Iowa election
26 campaign fund and the presidential election campaign
27 fund, and shall not take part in political campaigns
28 or be a candidate for a political office.

29 4. The attorney general may remove the consumer
30 advocate on insurance for malfeasance or nonfeasance
31 in office, or for any cause which renders the advocate
32 ineligible for appointment, or incapable or unfit to
33 discharge the duties of the advocate's office. The
34 advocate's removal, when so made, is final.

35 Sec. ____ NEW SECTION. 507F.2 DUTIES.

36 The office of the consumer advocate on insurance
37 shall:

38 1. Adopt rules pursuant to chapter 17A and perform
39 other duties necessary to the administration of this
40 chapter.

41 2. Investigate the legality of all rates, charges,
42 rules, regulations, and practices of all persons under
43 the jurisdiction of the insurance division including
44 investigation of complaints from policyholders, and
45 institute civil proceedings before the insurance
46 division or any court to correct any illegality or
47 violations of the terms of any insurance contract or
48 policy on the part of any person. In any
49 investigation, the person acting for the office of the
50 consumer advocate on insurance shall have the power to

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1 request the commissioner of insurance to issue
2 subpoenas, compel the attendance and testimony of
3 witnesses, and the production of papers, books, and
4 documents.

5 3. Make recommendations to the general assembly
6 regarding insurance regulation.

7 4. Make recommendations to the insurance division
8 or any other governmental agency which has an impact
9 on insurance regulation in the state through
10 rulemaking and review and, if the advocate deems it to
11 be in the public interest, appeal the rulemaking or

12 contested case decisions of the insurance division or
13 any other governmental agency which has an impact on
14 insurance regulation in the state.

15 5. Represent the interests of the public relating
16 to insurance reform, coverage, and rates where action
17 is necessary for the protection of public rights.

18 6. Institute judicial review of final or
19 interlocutory actions of the insurance division if the
20 review is deemed to be in the public interest.

21 7. Act as attorney for and represent all consumers
22 generally and the public generally in all proceedings
23 before the insurance division, federal and state
24 agencies, and related judicial review proceedings and
25 appeals.

26 8. Appear for all consumers generally and the
27 public generally in all actions instituted in any
28 state or federal court which involve the validity of a
29 rule, regulation, or order of the insurance division.

30 9. Appear and participate as a party in the name
31 of the office of consumer advocate on insurance in the
32 performance of the duties of the office.

33 Sec.____. NEW SECTION. 507F.3 OFFICE –
34 EMPLOYEES – EXPENSES.

35 1. The office of the consumer advocate on
36 insurance shall be located within the office of the
37 attorney general. Administrative support services
38 shall be provided to the consumer advocate by the
39 office of the attorney general.

40 2. The consumer advocate on insurance may employ
41 attorneys, legal assistants, secretaries, clerks, and
42 other employees the consumer advocate on insurance
43 finds necessary for the full and efficient discharge
44 of the duties and responsibilities of the office. The
45 consumer advocate on insurance may employ consultants
46 as expert witnesses or technical advisors pursuant to
47 contract as the advocate finds necessary for the full
48 and efficient discharge of the duties of the office.
49 Employees of the consumer advocate on insurance, other
50 than the advocate, are subject to merit employment,

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1 except as provided in section 8A.412.

2 3. The salary of the consumer advocate on
3 insurance shall be fixed by the attorney general
4 within the salary range set by the general assembly.
5 The appropriation for the office of consumer advocate
6 on insurance shall be a separate line item contained
7 in the appropriation from the general fund of the
8 state to the department of justice.

9 Sec.____. NEW SECTION. 507F.4 INSURANCE DIVISION
10 RECORDS.

11 The consumer advocate on insurance has free access
 12 to all the files, records, and documents in the office
 13 of the insurance division except:

14 1. Personal information in confidential personnel
 15 records of the insurance division.

16 2. Records which represent and constitute the work
 17 product of the general counsel of the insurance
 18 division where the records relate to a proceeding
 19 before the division in which the consumer advocate on
 20 insurance is a party or a proceeding in any state or
 21 federal court in which both the division and the
 22 consumer advocate on insurance are parties.

23 3. Insurer information of a confidential nature
 24 which could jeopardize an insurer's competitive status
 25 and is provided by an insurer to the division.
 26 However, such information shall be provided to the
 27 consumer advocate on insurance by the insurance
 28 division, if the division determines it to be in the
 29 public interest.

30 Sec. . NEW SECTION. 507F.5 SERVICE.

31 The consumer advocate on insurance is entitled to
 32 receive service of all documents required by statute
 33 or rule to be served on parties in proceedings before
 34 the insurance division and all notices, petitions,
 35 applications, complaints, answers, motions, and other
 36 pleadings filed pursuant to statute or rule with the
 37 division.

38 Sec. . NEW SECTION. 507F.6 CONSUMER ADVOCATE
 39 ON INSURANCE ADVISORY COMMITTEE.

40 The attorney general shall appoint seven members to
 41 a consumer advocate on insurance advisory committee to
 42 meet at the request of the consumer advocate on
 43 insurance for consultation regarding the protection of
 44 public rights in insurance regulation. A member shall
 45 be appointed from each congressional district with the
 46 appointee residing within the district at the time of
 47 the appointment. The remaining appointees shall be
 48 members at large. Members who represent various
 49 sectors of the general public shall be appointed and
 50 appointments shall be made in compliance with sections

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1 69.16 and 69.16A. The members shall serve four-year
 2 terms and their appointments are not subject to
 3 confirmation by the senate. A vacancy shall be filled
 4 in the same manner as the original appointment for the
 5 unexpired portion of the member's term. Members of
 6 the committee shall serve without compensation, but
 7 shall be reimbursed for actual expenses from funds
 8 appropriated to the office of the consumer advocate on
 9 insurance.

10 Sec. ____ NEW SECTION. 507F.7 CERTIFICATION OF
11 EXPENSES TO INSURANCE DIVISION.

12 1. The consumer advocate on insurance shall
13 determine the expenses of the office of consumer
14 advocate on insurance, including a reasonable
15 allocation of general office expenses, directly
16 attributable to the performance of the advocate's
17 duties involving specific persons subject to direct
18 assessment under section 505.7, and shall certify such
19 expenses to the insurance division not less than
20 quarterly. The expenses certified shall be included
21 in the expenses of the division funded by assessment
22 under section 505.7.

23 2. The consumer advocate on insurance shall,
24 within ninety days after the close of each fiscal
25 year, determine the advocate's expenses, including a
26 reasonable allocation of general office expenses
27 attributable to the performance of the advocate's
28 duties generally, and shall certify the expenses to
29 the insurance division. The expenses certified shall
30 be included in the expenses of the division funded by
31 assessment under section 505.7.

32 3. The consumer advocate on insurance is entitled
33 to notice and the opportunity to be heard in any
34 insurance division proceeding on any objection to an
35 assessment for expenses certified by the consumer
36 advocate.

37 4. Expenses certified under this section shall not
38 exceed the amount appropriated to the office of the
39 consumer advocate on insurance. However, the office
40 of consumer advocate on insurance may expend
41 additional funds which exceed the funds budgeted,
42 including funds to retain outside consultants, which
43 are actual expenses of the office necessary for the
44 performance of the consumer advocate's duties.

45 a. Before the office of consumer advocate on
46 insurance encumbers an amount in excess of the funds
47 budgeted, the director of the department of management
48 shall approve the expenditure or encumbrance. Before
49 approval is given, the director of the department of
50 management shall determine that the expenses exceed

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1 the funds budgeted by the general assembly to the
2 office of consumer advocate on insurance and that the
3 office does not have any other funds from which such
4 expenses can be paid.

5 b. Upon approval of the director of the department
6 of management, the office of consumer advocate on
7 insurance may expend and encumber funds for payment of
8 such excess expenses.

- 9 c. The amounts necessary to fund payment of such
 10 excess expenses shall be collected from those insurers
 11 or persons who cause the excess expenses to be
 12 incurred, and collections of such amounts shall be
 13 treated as repayment receipts as defined in section
 14 8.2, subsection 8."
 15 2. Title page, line 4, by striking the words "a
 16 consumer advocate and".
 17 3. Title page, line 10, by inserting after the
 18 word "decisions;" the following: "creating an office
 19 of consumer advocate on insurance;".
 20 4. By renumbering as necessary.

Amendment H-8126 lost.

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

On the question "Shall the bill pass?" (H.F. 2555)

The ayes were, 97:

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

The nays were, 1:

Horbach

Absent or not voting, 2:

Olson, T.

Worthan

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2555** be immediately messaged to the Senate.

House File 2630, a bill for an act relating to the use of optical scan voting systems in every county, making an appropriation for the cost of purchasing and distributing optical scan voting systems, reducing certain appropriations, providing for continuing education for certain election personnel, and providing an effective date, was taken up for consideration.

Jacobs of Polk offered the following amendment H-8200 filed by her and Raecker of Polk and moved its adoption:

H-8200

- 1 Amend House File 2630 as follows:
- 2 1. Page 2, lines 12 and 13, by striking the words
- 3 "rebuild Iowa infrastructure fund" and inserting the
- 4 following: "general fund of the state".
- 5 2. Page 2, by striking lines 18 and 19 and
- 6 inserting the following: "established in section
- 7 47.10:"
- 8 3. Page 2, line 26, by striking the words
- 9 "rebuild Iowa infrastructure fund" and inserting the
- 10 following: "general fund of the state".
- 11 4. By striking page 3, line 7, through page 4,
- 12 line 9.
- 13 5. Title page, line 4, by striking the words
- 14 "reducing certain appropriations,".
- 15 6. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 44, nays 51.

Amendment H-8200 lost.

SENATE FILE 2347 SUBSTITUTED FOR HOUSE FILE 2630

Cohoon of Des Moines asked and received unanimous consent to substitute Senate File 2347 for House File 2630, placing out of order amendment H-8244 filed by Jacobs of Polk and Raecker of Polk from the floor.

Senate File 2347, a bill for an act relating to the use of optical scan voting systems in every county, making an appropriation for the cost of purchasing and distributing optical scan voting systems, reducing certain appropriations, providing for continuing education for certain election personnel, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2347)

The ayes were, 92:

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

Whitaker	Whitead	Wienczek	Winckler
Windschitl	Wise	Zirkelbach	Mr. Speaker
			Murphy

The nays were, 6:

Alons	Paulsen	Pettengill	Raecker
Rants	Struyk		

Absent or not voting, 2:

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

HOUSE FILE 2630 WITHDRAWN

Cohoon of Des Moines asked and received unanimous consent to withdraw House File 2630 from further consideration by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2347** be immediately messaged to the Senate.

House File 2145, a bill for an act to require insurers offering certain individual or group health insurance contracts, policies, or plans to provide coverage for vaccinations for human papilloma virus, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2145)

The ayes were, 81:

Abdul-Samad	Arnold	Bailey	Bell
Berry	Bukta	Clute	Cohoon
Dandekar	Davitt	Deyoe	Dolecheck
Drake	Foege	Ford	Frevert
Gaskill	Gayman	Gipp	Grassley
Heaton	Heddens	Hoffman	Hunter
Huseman	Huser	Jacobs	Jacoby

Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Palmer	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Van Engelenhoven	Van Fossen	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Wise	Zirkelbach
Mr. Speaker Murphy			

The nays were, 16:

Alons	Baudler	Boal	Chambers
De Boef	Forristall	Granzow	Greiner
Horbach	Paulsen	Sands	Schickel
Tymeson	Upmeyer	Watts	Windschitl

Absent or not voting, 3:

Anderson	Olson, T.	Worthan
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2145** be immediately messaged to the Senate.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\2279 Nora Palmer, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2280 Vivian Ward, Cedar Rapids – For celebrating her 85th birthday.
- 2008\2281 Dorothy Young Cedar Rapids – For celebrating her 75th birthday.

- 2008\2282 Marian Minninger, Cedar Rapids – For celebrating her 85th birthday.
- 2008\2283 Joyce Ferguson, Cedar Rapids – For celebrating her 85th birthday.
- 2008\2284 Dorothy Chester, Cedar Rapids – For celebrating her 80th birthday.
- 2008\2285 David Kralik, Cedar Rapids – For celebrating his 75th birthday.
- 2008\2286 Virginia Lodge, Cedar Rapids – For celebrating her 85th birthday.
- 2008\2287 Mary Allemang, Cedar Rapids – For celebrating her 85th birthday.
- 2008\2288 Peter Kapfer, Cedar Rapids – For celebrating his 75th birthday.
- 2008\2289 Janis Schmitz, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2290 Dona Heidt, Cedar Rapids – For celebrating her 80th birthday.
- 2008\2291 Mardella Hoopman, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2292 William Robinson, Cedar Rapids – For celebrating his 85th birthday.
- 2008\2293 Francis Houser, Cedar Rapids – For celebrating his 90th birthday.
- 2008\2294 Elizabeth Kehl, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2295 Elisabeth Valentine, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2296 Lois Crumbaugh, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2297 James Lehmkuhl, Cedar Rapids – For celebrating his 80th birthday.
- 2008\2298 Lorraine Brown, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2299 Mildred Mitchell, Cedar Rapids – For celebrating her 85th birthday.
- 2008\2300 Clara Dohnlek, Cedar Rapids – For celebrating her 95th birthday.
- 2008\2301 Patricia Lauer, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2302 Leatte Allen, Cedar Rapids – For celebrating her 85th birthday.
- 2008\2303 James Clifton, Cedar Rapids – For celebrating his 80th birthday.
- 2008\2304 Edward Sturgeon, Cedar Rapids – For celebrating his 80th birthday.
- 2008\2305 John Holmes, Cedar Rapids – For celebrating his 75th birthday.

- 2008\2306 Arlene Duggan, Cedar Rapids – For celebrating her 80th birthday.
- 2008\2307 Harlan Ketelsen, Cedar Rapids – For celebrating his 85th birthday.
- 2008\2308 Gloria Lewis, Cedar Rapids – For celebrating her 80th birthday.
- 2008\2309 Alberta Reid, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2310 Catherine Soberg, Cedar Rapids – For celebrating her 80th birthday.
- 2008\2311 Eleanor Wayson, Cedar Rapids – For celebrating her 95th birthday.
- 2008\2312 Mary Lovell, Cedar Rapids – For celebrating her 80th birthday.
- 2008\2313 Martha Pearson, Cedar Rapids – For celebrating her 80th birthday.
- 2008\2314 Edna Fitzsimmons, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2315 Joyce Nelson, Sioux City – For celebrating her 75th birthday.
- 2008\2316 Marie Deck, Sioux City – For celebrating her 90th birthday.
- 2008\2317 Joyce Beardshear, Sioux City – For celebrating her 75th birthday.
- 2008\2318 Maida Johnson, Sioux City – For celebrating her 75th birthday.
- 2008\2319 Verna Aspleaf, Sioux City – For celebrating her 85th birthday.
- 2008\2320 Caroline Watts, Sioux City – For celebrating her 80th birthday.
- 2008\2321 Esther Trobaugh, Sioux City – For celebrating her 75th birthday.
- 2008\2322 Harold Pulscher, Sioux City – For celebrating his 80th birthday.
- 2008\2323 Lawrence Staley, Sioux City – For celebrating his 85th birthday.
- 2008\2324 Samuel Darrough, Sioux City – For celebrating his 90th birthday.
- 2008\2325 Helen Calhoun, Sioux City – For celebrating her 95th birthday.
- 2008\2326 Cleo Begnoche, Sioux City – For celebrating his 80th birthday.
- 2008\2327 Myrtle Daniels, Sioux City – For celebrating her 75th birthday.
- 2008\2328 Mina Shulenberg, Sioux City – For celebrating her 90th birthday.
- 2008\2329 Hong Nguyen, Sioux City – For celebrating her 75th birthday.
- 2008\2330 Richard Sudtelgte, Sioux City – For celebrating his 75th birthday.
- 2008\2331 Dale Schiltz, Sioux City – For celebrating his 75th birthday.

- 2008\2332 Dorothy Edwards, Sioux City – For celebrating her 90th birthday.
- 2008\2333 Wanda Nelson, Sioux City – For celebrating her 80th birthday.
- 2008\2334 Robert Anthony, Sioux City – For celebrating his 80th birthday.
- 2008\2335 Darlene Grove, Sioux City – For celebrating her 80th birthday.
- 2008\2336 Mary Jorgensen, Sioux City – For celebrating her 85th birthday.
- 2008\2337 Darlene Carlson, Sioux City – For celebrating her 80th birthday.
- 2008\2338 Donald Gilbert, Sioux City – For celebrating his 80th birthday.
- 2008\2339 Shirley Warren, Sioux City – For celebrating her 75th birthday.
- 2008\2340 Robert Johnson, Sioux City – For celebrating his 85th birthday.
- 2008\2341 Patricia Hostad, Sioux City – For celebrating her 80th birthday.
- 2008\2342 Geneva King, Sioux City – For celebrating her 85th birthday.
- 2008\2343 Jeanne Dowd, Sioux City – For celebrating her 90th birthday.
- 2008\2344 Orville De Jong, Sioux City – For celebrating his 75th birthday.
- 2008\2345 Bill and Dorothy Lane, Robins – For celebrating their 60th wedding anniversary.
- 2008\2346 Margery Dornsbach, Eldora – For celebrating her 95th birthday.
- 2008\2347 Martha Kruetzmann, Hubbard – For celebrating her 100th birthday.
- 2008\2348 Ernest Barz, Eldora – For celebrating his 85th birthday.
- 2008\2349 Marjorie Stewart, Gilman – For celebrating her 80th birthday.
- 2008\2350 Lowell Kasischke, Hubbard – For celebrating his 80th birthday.
- 2008\2351 Mary Gunn, Mount Vernon – For celebrating her 80th birthday.
- 2008\2352 Ben Greenwood, Dubuque – For celebrating his 75th birthday.
- 2008\2353 Lucille Portzen, Dubuque – For celebrating her 80th birthday.
- 2008\2354 Margaret Ries, Dubuque – For celebrating her 85th birthday.
- 2008\2355 Josephine Heiderscheit, Dubuque – For celebrating her 90th birthday.
- 2008\2356 Jeanette Koehn, Dubuque – For celebrating her 80th birthday.

- 2008\2357 Joseph Hageman, Dubuque – For celebrating his 90th birthday.
- 2008\2358 Mildred Eichman, Dubuque – For celebrating her 101st birthday.
- 2008\2359 Jean Beste, Dubuque – For celebrating her 75th birthday.
- 2008\2360 Leona Vande Voorde, Dubuque – For celebrating her 85th birthday.
- 2008\2361 Elizabeth Ryan, Dubuque – For celebrating her 90th birthday.
- 2008\2362 Jeanne Studelska, Dubuque – For celebrating her 75th birthday.
- 2008\2363 Vernon Auderer, Dubuque – For celebrating his 75th birthday.
- 2008\2364 Irene Beauchamp, Dubuque – For celebrating her 80th birthday.
- 2008\2365 Mary Noesen, Dubuque – For celebrating her 80th birthday.
- 2008\2366 Irene Schueller, Dubuque – For celebrating her 75th birthday.
- 2008\2367 Joseph Gansemer, Dubuque – For celebrating his 75th birthday.
- 2008\2368 Joyce Smith, Dubuque – For celebrating her 75th birthday.
- 2008\2369 Robert Pitz, Dubuque – For celebrating his 85th birthday.
- 2008\2370 Ruth Walsh, Dubuque – For celebrating her 85th birthday.
- 2008\2371 Burnette Kipp, Dubuque – For celebrating her 90th birthday.
- 2008\2372 Herman Kloser, Dubuque – For celebrating his 75th birthday.
- 2008\2373 Raymond Steichen, Dubuque – For celebrating his 75th birthday.
- 2008\2374 Eileen Aigler, Dubuque – For celebrating her 90th birthday.
- 2008\2375 Mabel Hartmann, Dubuque – For celebrating her 80th birthday.
- 2008\2376 Joan Dyer, Dubuque – For celebrating her 85th birthday.
- 2008\2377 Marcelline Arndorfer, Dubuque – For celebrating her 90th birthday.
- 2008\2378 Robert Cussen, Dubuque – For celebrating his 75th birthday.
- 2008\2379 Rita Corbett, Dubuque – For celebrating her 80th birthday.
- 2008\2380 Mary Kirkwood, Dubuque – For celebrating her 90th birthday.
- 2008\2381 William Sutter, Dubuque – For celebrating his 80th birthday.
- 2008\2382 Frank Culpepper, Dubuque – For celebrating his 75th birthday.

- 2008\2383 Helen Bergmann, Mason City – For celebrating her 90th birthday.
- 2008\2384 Robert McCune, Dubuque – For celebrating his 80th birthday.
- 2008\2385 Glenann Slade, Dubuque – For celebrating her 75th birthday.
- 2008\2386 Valeria Carew, Dubuque – For celebrating her 90th birthday.
- 2008\2387 Betty Beecher, Dubuque – For celebrating her 75th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2391

Appropriations: Hunter, Chair; Heaton and Oldson.

House File 2562

Ways and Means: Huser, Chair; Reasoner and Shomshor.

House File 2565

Ways and Means: Reasoner, Chair; Davitt and Grassley.

House File 2585

Ways and Means: Thomas, Chair; Schueller and Wiencsek.

House File 2586

Ways and Means: Huser, Chair; Reasoner and Windschitl.

House File 2618

Ways and Means: Quirk, Chair; Davitt and Grassley.

House File 2625

Appropriations: Jacoby, Chair; Lukan and Oldson.

House File 2627

Appropriations: Jacoby, Chair; Oldson and Schickel.

House File 2629

Ways and Means: Shomshor, Chair; Reasoner and Sands.

House File 2632

Ways and Means: Reasoner, Chair; Davitt and Deyoe.

House File 2634

Ways and Means: Wise, Chair; T. Olson, Reasoner, Struyk and Van Fossen.

House File 2635

Ways and Means: Wise, Chair; T. Olson, Reasoner, Struyk and Van Fossen.

House File 2638

Agriculture: Reichert, Chair; Greiner and H. Miller.

House File 2639

Ways and Means: Thomas, Chair; Schueller and Soderberg.

House File 2649

Appropriations: Winckler, Chair; Chambers and Wenthe.

House File 2654

Appropriations: Kuhn, Chair; De Boef and T. Taylor.

House File 2655

Appropriations: Foege, Chair; Gayman and Heaton.

House File 2657

Ways and Means: Shomshor, Chair; Reasoner and Sands.

House File 2658

Appropriations: Jacoby, Chair; Oldson and Schickel.

Senate File 2132

Public Safety: Hunter, Chair; Gayman and Tjepkes.

Senate File 2133

Agriculture: Frevert, Chair; Huseman and Swaim.

Senate File 2251

Education: Staed, Chair; May and Wendt.

Senate File 2267

Ways and Means: Thomas, Chair; Deyoe and Kelley.

Senate File 2275

Judiciary: Smith, Chair; Lensing and Struyk.

Senate File 2277

Commerce: Kelley, Chair; Jacobs, Jacoby, Kressig and Sands.

Senate File 2323

Transportation: Bell, Chair; Bukta and Windschitl.

Senate File 2363

Agriculture: S. Olson, Chair; Mertz and Reasoner.

Senate File 2381

Agriculture: S. Olson, Chair; Mertz and Reasoner.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 780

Ways and Means: Thomas, Chair; Frevert and Soderberg.

House Study Bill 781

Ways and Means: Davitt, Chair; Palmer and Van Fossen.

House Study Bill 782

Ways and Means: Thomas, Chair; Reasoner and Soderberg.

House Study Bill 783

Ways and Means: Schueller, Chair; Deyoe and Thomas.

House Study Bill 785

Ways and Means: Schueller, Chair; Jochum and Wienczek.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON ECONOMIC GROWTH

Senate File 2325, a bill for an act relating to the grow Iowa values fund by allocating moneys for the physical infrastructure assistance program and changing certain job and wage requirements, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 2008.

COMMITTEE ON PUBLIC SAFETY

Senate File 2335, a bill for an act relating to the rights of a victim of an alleged sexual assault and notification of these rights by a peace officer.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 2008.

COMMITTEE ON STATE GOVERNMENT

Senate File 2089, a bill for an act relating to applications for absentee ballots.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8245** March 20, 2008.

Senate File 2361, a bill for an act providing for the procurement of designated biobased products by state government.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 2008.

RESOLUTIONS FILED

HCR 107, by Mascher, a concurrent resolution recognizing the rights of workers in Iowa's meatpacking industry.

Laid over under **Rule 25**.

HCR 108, by Smith and Foege, a concurrent resolution urging the United States Congress to adopt a budget that meets the needs of Iowa's children and families, restores funding for human needs, and avoids shifting the responsibility for funding of necessary human needs from the federal to state government.

Laid over under **Rule 25**.

HR 128, by Tymeson, Dandekar, Alons, Heaton, Schickel, Arnold, Windschitl, T. Olson, Horbach, Watts, Staed, Roberts, May, Chambers, Forristall, Soderberg, L. Miller, Deyoe, Granzow, De Boef, Upmeyer, Rayhons, Gayman, Paulsen, Boal, Kaufmann and Mertz, a resolution designating the second week in June as Home Education Week in Iowa.

Laid over under **Rule 25**.

HR 129, by Heddens, Wessel-Kroeschell, Deyoe and D. Olson, a resolution congratulating Iowa State University of Science and Technology for 150 years of leadership and service to the nation and the world as Iowa's land-grant university.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8241	H.F.	2651	Huser of Polk
H—8242	H.F.	2591	Hunter of Polk
H—8243	H.F.	2393	Smith of Marshall
			Ford of Polk
			Abdul-Samad of Polk
			Heaton of Henry
H—8245	S.F.	2089	Committee on State Government
H—8246	H.F.	2624	Struyk of Pottawattamie
H—8247	H.F.	2617	Mascher of Johnson
H—8248	H.F.	2527	Berry of Black Hawk
H—8249	H.F.	2326	Huser of Polk

On motion by McCarthy of Polk the House adjourned at 7:35 p.m., until 1:00 p.m., Monday, March 24, 2008.

JOURNAL OF THE HOUSE

Seventy-first Calendar Day - Forty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 24, 2008

The House met pursuant to adjournment at 1:16 p.m., Speaker Murphy in the chair.

Prayer was offered by Northwestern College President Greg Christy. He was the guest of Representative Dwayne Alons of Sioux County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Adrienne Branstad, legislative secretary to Representative Steve Lukan of Dubuque County.

The Journal of Wednesday, March 19, and Thursday, March 20, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jacoby of Johnson on request of Speaker Murphy.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 21, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2392, a bill for an act relating to certain city utilities or city enterprises by making changes to procedures for notice and collection of delinquent charges and by making changes to billing notifications for water service provided to certain residential rental property.

Also: That the Senate has on March 21, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2161, a bill for an act providing for the establishment of a council on homelessness.

Also: That the Senate has on March 21, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2218, a bill for an act allowing the director of the department of education to inform the regulatory boards of school districts, area education agencies, and community colleges when required report submissions are late and providing suspension of professional licenses in certain circumstances.

Also: That the Senate has on March 21, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2299, a bill for an act creating an international trade and globalization advisory council.

Also: That the Senate has on March 21, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2306, a bill for an act relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation and providing an effective date.

Also: That the Senate has on March 21, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2328, a bill for an act relating to the deer depredation management program, establishing a deer study advisory committee, and providing an effective date.

Also: That the Senate has on March 21, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2334, a bill for an act relating to recovery from third parties liable for health care coverage provided to recipients of medical assistance, and providing an effective date.

Also: That the Senate has on March 21, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2339, a bill for an act relating to abandoned vehicles found near bodies of water by providing for civil penalties.

Also: That the Senate has on March 21, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2343, a bill for an act relating to civil liability and other penalties for social hosts providing alcoholic beverages to persons under legal age.

Also: That the Senate has on March 21, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2352, a bill for an act concerning the definition of veteran.

Also: That the Senate has on March 21, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2353, a bill for an act relating to the appointment of certain judicial officers, the retirement of senior judges, and the entry of temporary custody and visitation orders.

Also: That the Senate has on March 21, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2386, a bill for an act relating to the achievement of improved energy efficiency through the establishment of a commission on energy efficiency standards and practices, and providing for the periodic reporting of energy efficiency results and savings by gas and electric public utilities.

Also: That the Senate has on March 21, 2008, passed the following bill in which the concurrence of the House is asked:

Senate file 2392, a bill for an act to regulate viatical settlements, and providing for fees and penalties.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2218, by committee on education, a bill for an act allowing the director of the department of education to inform the regulatory boards of school districts, area education agencies, and community colleges when required report submissions are late and providing suspension of professional licenses in certain circumstances.

Read first time and referred to committee on **education**.

Senate File 2299, by committee on state government, a bill for an act creating an international trade and globalization advisory council.

Read first time and referred to committee on **state government**.

Senate File 2328, by committee on natural resources and environment, a bill for an act relating to the deer depredation management program, establishing a deer study advisory committee, and providing an effective date.

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

Senate File 2343, by committee on judiciary, a bill for an act relating to civil liability and other penalties for social hosts providing alcoholic beverages to persons under legal age.

Read first time and referred to committee on **judiciary**.

Senate File 2352, by committee on veterans affairs, a bill for an act concerning the definition of veteran.

Read first time and referred to committee on **veterans affairs**.

Senate File 2353, by committee on judiciary, a bill for an act relating to the appointment of certain judicial officers, the retirement of senior judges, and the entry of temporary custody and visitation orders.

Read first time and referred to committee on **judiciary**.

Senate File 2386, by committee on natural resources and environment, a bill for an act relating to the achievement of improved energy efficiency through the establishment of a commission on energy efficiency standards and practices, and providing for the periodic reporting of energy efficiency results and savings by gas and electric public utilities.

Read first time and referred to committee on **environmental protection**.

SPECIAL PRESENTATIONS

Soderberg of Plymouth introduced to the House the President of Northwestern College, Greg Christy and presented him with a certificate honoring his 9th year as president and the school for 125 years of educational excellence.

The House rose and expressed it welcome.

Alons of Sioux presented President Christy with a certificate of excellence for the women's basketball team from Northwestern.

The House rose and expressed its welcome.

Berry of Black Hawk introduced to the House several women from Nigeria, South Africa, here to study our government.

The House rose and expressed its welcome.

On motion by McCarthy of Polk, the House was recessed at 1:34 p.m., until 4:30 p.m.

AFTERNOON SESSION

The House reconvened at 4:34 p.m., Speaker Murphy in the chair.

SENATE MESSAGES CONSIDERED

Senate File 2161, by committee on human resources, a bill for an act providing for the establishment of a council on homelessness.

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

Senate File 2306, by committee on commerce, a bill for an act relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation and providing an effective date.

Read first time and referred to committee on **commerce**.

Senate File 2334, by committee on human resources, a bill for an act relating to recovery from third parties liable for health care coverage provided to recipients of medical assistance, and providing an effective date.

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

Senate File 2339, by committee on local government, a bill for an act relating to abandoned vehicles found near bodies of water by providing for civil penalties.

Read first time and referred to committee on **local government**.

Senate File 2392, by committee on commerce, a bill for an act to regulate viatical settlements, and providing for fees and penalties.

Read first time and referred to committee on **commerce**.

The House stood at ease at 4:36 p.m., until the fall of the gavel.

The House resumed session at 7:01 p.m., Speaker Murphy in the chair.

QUORUM CALL

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

CONSIDERATION OF BILLS Regular Calendar

House File 2564, a bill for an act concerning the disaster aid individual assistance grant program, was taken up for consideration.

Schickel of Cerro Gordo in the chair at 7:14 p.m.

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

On the question "Shall the bill pass?" (H.F. 2564)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker

Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Schickel, Presiding

The nays were, none.

Absent or not voting, none.

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

House File 2407, a bill for an act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2407)

The ayes were, 100:

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

Reichert	Roberts	Sands	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Schickel, Presiding

The nays were, none.

Absent or not voting, none.

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

HOUSE FILE 2110 WITHDRAWN

Dandekar of Linn asked and received unanimous consent to withdraw House File 2110 from further consideration by the House.

House File 2653, a bill for an act relating to foreclosure consultants and foreclosure reconveyances, providing for criminal and civil penalties, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2653)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevort	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.

Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Schickel, Presiding

The nays were, none.

Absent or not voting, none.

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2407, 2564 and 2653.**

House File 2628, a bill for an act including a portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the definition of a dangerous weapon and making penalties applicable, was taken up for consideration.

R. Olson of Polk offered the following amendment H-8127 filed by him and moved its adoption:

H-8127

- 1 Amend House File 2628 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "person." the following: "A dangerous weapon does not
- 4 include a bow and arrow."

Amendment H-8127 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2628)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

House File 2626, a bill for an act relating to the appointment or election of state judicial nominating commission members, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2626)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

House File 2606, a bill for an act relating to the regulation of transactions involving grain, by providing for the regulation of grain dealers and warehouse operators, and providing for the administration of the grain indemnity fund, was taken up for consideration.

Whitaker of Van Buren offered the following amendment H-8120 filed by him and moved its adoption:

H-8120

1 Amend House File 2606 as follows:

2 1. Page 7, by striking lines 23 through 25 and
3 inserting the following: ""seller" does not include a
4 any of the following:

5 a. A person licensed as a grain dealer in any
6 jurisdiction who sells grain to a licensed grain
7 dealer.

8 b. A person who sells grain that is not produced
9 in this state unless such grain is delivered to a
10 licensed grain dealer at a location in this state as
11 the first point of sale."

12 2. Page 7, line 27, by striking the word
13 "subsection:" and inserting the following:
14 "subsections:"

15 3. Page 7, by inserting after line 27, the
16 following:
17 "NEW SUBSECTION. 3A. "First point of sale" means
18 the initial transfer of title to grain from a person
19 who has produced or caused to be produced the grain to
20 the first purchaser of the grain for consideration,
21 conditional or otherwise, in any manner or by any
22 means."

23 4. By renumbering as necessary.

Amendment H-8120 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2606)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann

Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Schickel, Presiding

The nays were, none.

Absent or not voting, none.

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

HOUSE FILE 2284 WITHDRAWN

Zirkelbach of Jones asked and received unanimous consent to withdraw House File 2284 from further consideration by the House.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2606, 2626 and 2628.**

House File 2642, a bill for an act relating to issuance of a treasurer's deed after expiration of the period of redemption and including an effective and applicability date provision, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2642)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

House File 2633, a bill for an act relating to business associations, by providing for limited liability companies and conversion involving corporations, providing fees and penalties, and providing an effective date, was taken up for consideration.

Swaim of Davis asked and received unanimous consent to withdraw amendment H-8140 filed by him on March 18, 2008.

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

On the question "Shall the bill pass?" (H.F. 2633)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

House File 2326, a bill for an act relating to amusement ride safety inspections conducted by special inspectors authorized by the division of labor services in the department of workforce development, was taken up for consideration.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8249 filed by her on March 20, 2008.

SENATE FILE 2157 SUBSTITUTED FOR HOUSE FILE 2326

Hunter of Polk asked and received unanimous consent to substitute Senate File 2157 for House File 2326.

Senate File 2157, a bill for an act relating to amusement ride safety inspections conducted by special inspectors authorized by the division of labor services in the department of workforce development, was taken up for consideration.

RULE 31.8 SUSPENDED

Huser of Polk asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the immediate consideration of amendment H-8267.

Huser of Polk offered the following amendment H-8267 filed by her from the floor and moved its adoption:

H-8267

1 Amend Senate File 2157, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 1 and 2 and
4 inserting the following:
5 "Section 1. Section 88A.3, Code 2007, is amended
6 to read as follows:
7 88A.3 RULES.
8 The commissioner shall adopt ~~and issue~~ rules for
9 the safe installation, repair, maintenance, use,
10 operation, and inspection of amusement devices,
11 amusement rides, concession booths, and related
12 electrical equipment at carnivals and fairs to the
13 extent necessary for the protection of the public.
14 The rules shall be based ~~upon~~ on generally accepted
15 engineering standards and shall be concerned with, but
16 not necessarily limited to, engineering force
17 stresses, safety devices, and preventive maintenance.
18 ~~Whenever such~~ If standards are available in suitable
19 form ~~they, the~~ standards may be incorporated by
20 reference. The rules shall provide for the reporting
21 of accidents and injuries incurred from the operation
22 of amusement devices or rides, concession booths, or
23 related electrical equipment.
24 The commissioner may modify or repeal any rule
25 adopted under the provisions of this chapter.
26 Sec. 2. Section 88A.4, Code 2007, is amended to

27 read as follows:

28 88A.4 PERMIT AND INSPECTION FEES — ~~NONLIABILITY~~
 29 AND SPECIAL INSPECTORS.

30 Annual inspection fees under this chapter shall be
 31 as follows:

32 1. Permit fees.

33 a. One through ten rides, or devices or
 34 concessions, ~~twenty thirty~~ dollars.

35 b. Eleven or more rides, or devices or
 36 concessions, ~~thirty forty~~ dollars.

37 2. Mechanical and electrical inspection fees for
 38 amusement rides and devices.

39 a. For rides which are designed for seventy-five
 40 pounds or less per passenger unit, ~~sixty seventy-five~~
 41 dollars for each inspection.

42 b. For rides which are designed for seventy-five
 43 pounds or more and for which the manufacturer's
 44 recommended assembly time is less than forty work
 45 hours, ~~ninety one hundred ten~~ dollars for each
 46 inspection.

47 c. For rides for which the manufacturer's
 48 recommended assembly time is forty work hours or more,
 49 ~~one hundred twenty two hundred fifty~~ dollars for each
 50 inspection.

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1 3. Electrical inspection of concession booths, and
 2 amusement devices fees, ~~thirty five forty~~ dollars
 3 each.

4 ~~4. Special inspectors authorization fee,~~
 5 ~~twenty five dollars each. The special inspectors~~
 6 ~~authorization shall allow a person to perform~~
 7 ~~inspections only on rides, devices, and concession~~
 8 ~~booths of an operator who makes the request for the~~
 9 ~~special inspectors authorization. The failure of a~~
 10 ~~special inspector to inform the commissioner of~~
 11 ~~violations shall not subject the commissioner to~~
 12 ~~liability for any damages incurred.~~

13 Sec. 3. EFFECTIVE DATE. The portion of the
 14 section of this Act amending section 88A.4,
 15 subsections 1 through 3, takes effect January 1,
 16 2009."

17 2. Title page, line 1, by striking the words
 18 "inspections conducted by" and inserting the
 19 following: "inspection fees and".

20 3. Title page, line 3, by inserting after the
 21 word "development" the following: "and providing an
 22 effective date".

Amendment H-8267 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2157)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2633, 2642** and **Senate File 2157**.

House File 2609, a bill for an act relating to the public release of information relating to elder group homes, assisted living facilities, and adult day services programs and providing for an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2609)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

House File 2648, a bill for an act relating to criminal and abuse records of prospective and current employees of licensed hospitals and health care facilities and certain health-related programs and services and providing penalties, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2648)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

House File 2591, a bill for an act stating the general assembly's intent regarding dependent adult abuse and the reporting and collection of dependent adult abuse information in certain facilities, was taken up for consideration.

Hunter of Polk offered the following amendment H-8242 filed by him and moved its adoption:

H-8242

1 Amend House File 2591 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 235B.1, subsection 4,
5 paragraph a, subparagraph (3), Code 2007, is amended
6 to read as follows:

7 (3) Receive and review recommendations and
8 complaints from the public, health care facilities,
9 and health care programs concerning the dependent
10 adult abuse services program.

11 Sec. 2. Section 235B.1, subsection 4, paragraph b,
12 subparagraph (1), Code 2007, is amended to read as
13 follows:

14 (1) The advisory council shall consist of ~~ten~~
15 twelve members. Six members shall be appointed by and
16 serve at the pleasure of the governor. Four of the
17 members appointed shall be appointed on the basis of
18 knowledge and skill related to expertise in the area
19 of dependent adult abuse including professionals
20 practicing in the disciplines of medicine, public
21 health, mental health, long-term care, social work,
22 law, and law enforcement. Two of the members
23 appointed shall be members of the general public with
24 an interest in the area of dependent adult abuse and
25 two of the members appointed shall be members of the
26 Iowa caregivers association. In addition, the
27 membership of the council shall include the director
28 or the director's designee of the department of human
29 services, the department of elder affairs, the Iowa
30 department of public health, and the department of
31 inspections and appeals.

32 Sec. 3. Section 235B.2, subsection 5, paragraph a,
33 subparagraph (3), unnumbered paragraph 1, Code 2007,
34 is amended to read as follows:

35 Sexual exploitation of a dependent adult ~~who is a~~
36 ~~resident of a health care facility, as defined in~~
37 ~~section 135C.1, by a caretaker providing services to~~
38 ~~or employed by the health care facility, whether~~
39 ~~within the health care facility or at a location~~
40 ~~outside of the health care facility by a caretaker.~~

41 Sec. 4. Section 235B.3, subsection 1, paragraph a,
42 Code Supplement 2007, is amended to read as follows:
43 a. The department shall receive dependent adult
44 abuse reports and shall collect, maintain, and
45 disseminate the reports by establishing a central
46 registry for dependent adult abuse information. The
47 department shall evaluate the reports expeditiously.
48 However, the department of inspections and appeals is
49 solely responsible for the evaluation and disposition
50 of dependent adult abuse cases within ~~health care~~

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1 ~~facilities and programs pursuant to chapter 235E and~~
2 ~~shall inform the department of human services of such~~
3 ~~evaluations and dispositions pursuant to section~~
4 ~~235E.2.~~

5 Sec. 5. Section 235B.3, subsection 2, paragraph a,
6 Code Supplement 2007, is amended to read as follows:
7 a. A member of the staff of a community mental
8 health center, ~~a member of the staff of a hospital, a~~
9 ~~member of the staff or employee of a public or private~~
10 ~~health care facility as defined in section 135C.1, a~~
11 ~~member of the staff or employee of an elder group home~~
12 ~~as defined in section 231B.1, a member of the staff or~~
13 ~~employee of an assisted living program certified under~~
14 ~~section 231C.3, and a member of the staff or employee~~
15 ~~of an adult day services program as defined in section~~
16 ~~231D.1.~~

17 Sec. 6. Section 235B.3, subsection 13, Code
18 Supplement 2007, is amended to read as follows:

19 13. The department of inspections and appeals
20 shall adopt rules which require ~~licensed health care~~
21 ~~facilities or programs~~ to separate an alleged
22 dependent adult abuser from a victim following an
23 allegation of perpetration of abuse and prior to the
24 completion of an investigation of the allegation.

25 Sec. 7. Section 235B.5, subsection 5, Code 2007,
26 is amended to read as follows:

27 5. An oral report of suspected dependent adult
28 abuse initially made to the central registry regarding
29 a ~~health care facility or program as defined in~~
30 ~~section 235E.1~~ shall be transmitted by the department
31 to the department of inspections and appeals on the
32 first working day following the submitting of the
33 report.

34 Sec. 8. Section 235B.6, subsection 2, paragraph c,
35 subparagraphs (1) and (4), Code Supplement 2007, are
36 amended to read as follows:

37 (1) A licensing authority for a facility,
38 ~~including a facility or program defined in section~~
39 ~~235E.1~~, providing care to an adult named in a report.

40 (4) The legally authorized protection and advocacy
41 agency recognized pursuant to section 135C.2 if a
42 person identified in the information as a victim or a
43 perpetrator of abuse resided in or receives services
44 from a facility, including a facility or program
45 defined in section 235E.1, or agency because the
46 person is diagnosed as having a developmental
47 disability or a mental illness.
48 Sec. 9. Section 235B.6, subsection 2, paragraph d,
49 subparagraph (3), Code Supplement 2007, is amended to
50 read as follows:

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1 (3) An expert witness or a witness who testifies
2 at any stage of an appeal necessary for correction of
3 dependent adult abuse information as provided in
4 section 235B.10.
5 Sec. 10. Section 235B.16, subsection 5, paragraphs
6 b, f, g, and i, Code Supplement 2007, are amended to
7 read as follows:
8 b. A person required to report cases of dependent
9 adult abuse pursuant to ~~section~~ sections 235B.3 and
10 235E.2, other than a physician whose professional
11 practice does not regularly involve providing primary
12 health care to adults, shall complete two hours of
13 training relating to the identification and reporting
14 of dependent adult abuse within six months of initial
15 employment or self-employment which involves the
16 examination, attending, counseling, or treatment of
17 adults on a regular basis. Within one month of
18 initial employment or self-employment, the person
19 shall obtain a statement of the abuse reporting
20 requirements from the person's employer or, if
21 self-employed, from the department. The person shall
22 complete at least two hours of additional dependent
23 adult abuse identification and reporting training
24 every five years.
25 f. A licensing board with authority over the
26 license of a person required to report cases of
27 dependent adult abuse pursuant to ~~section~~ sections
28 235B.3 and 235E.2 shall require as a condition of
29 licensure that the person is in compliance with the
30 requirements for abuse training under this subsection.
31 The licensing board shall require the person upon
32 licensure renewal to accurately document for the
33 licensing board the person's completion of the
34 training requirements. However, the licensing board
35 may adopt rules providing for waiver or suspension of
36 the compliance requirements, if the waiver or
37 suspension is in the public interest, applicable to a
38 person who is engaged in active duty in the military

39 service of this state or of the United States, to a
40 person for whom compliance with the training
41 requirements would impose a significant hardship, or
42 to a person who is practicing a licensed profession
43 outside this state or is otherwise subject to
44 circumstances that would preclude the person from
45 encountering dependent adult abuse in this state.
46 g. For persons required to report cases of
47 dependent adult abuse pursuant to ~~section~~ sections
48 235B.3 and 235E.2, who are not engaged in a licensed
49 profession that is subject to the authority of a
50 licensing board but are employed by a facility or

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1 program subject to licensure, registration, or
2 approval by a state agency, the agency shall require
3 as a condition of the renewal of the facility's or
4 program's licensure, registration, or approval, that
5 such persons employed by the facility or program are
6 in compliance with the training requirements of this
7 subsection.

8 i. For persons required to report cases of
9 dependent adult abuse pursuant to ~~section~~ sections
10 235B.3 and 235E.2 who are employees of state
11 departments and political subdivisions of the state,
12 the department director or the chief administrator of
13 the political subdivision shall ensure the persons'
14 compliance with the training requirements of this
15 subsection.

16 Sec. 11. NEW SECTION. 235E.1 DEFINITIONS.

17 As used in this chapter, unless the context
18 otherwise requires:

19 1. "Caretaker" means a person who is a staff
20 member of a facility or program who provides care,
21 protection, or services to a dependent adult
22 voluntarily, by contract, through employment, or by
23 order of the court.

24 2. "Court" means the district court.

25 3. "Department" means the department of
26 inspections and appeals.

27 4. "Dependent adult" means a person eighteen years
28 of age or older whose ability to perform the normal
29 activities of daily living or to provide for the
30 person's own care or protection is impaired, either
31 temporarily or permanently.

32 5. a. "Dependent adult abuse" means:

33 (1) Any of the following as a result of the
34 willful misconduct or gross negligence or reckless
35 acts or omissions of a caretaker, taking into account
36 the totality of the circumstances:

37 (a) A physical injury to, or injury which is at a

38 variance with the history given of the injury, or
39 unreasonable confinement, unreasonable punishment, or
40 assault of a dependent adult which involves a breach
41 of skill, care, and learning ordinarily exercised by a
42 caretaker in similar circumstances. "Assault of a
43 dependent adult" means the commission of any act which
44 is generally intended to cause pain or injury to a
45 dependent adult, or which is generally intended to
46 result in physical contact which would be considered
47 by a reasonable person to be insulting or offensive or
48 any act which is intended to place another in fear of
49 immediate physical contact which will be painful,
50 injurious, insulting, or offensive, coupled with the

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1 apparent ability to execute the act.

2 (b) The commission of a sexual offense under
3 chapter 709 or section 726.2 with or against a
4 dependent adult.

5 (c) Exploitation of a dependent adult.

6 "Exploitation" means a caretaker who knowingly
7 obtains, uses, endeavors to obtain to use, or who
8 misappropriates, a dependent adult's funds, assets,
9 medications, or property with the intent to
10 temporarily or permanently deprive a dependent adult
11 of the use, benefit, or possession of the funds,
12 assets, medication, or property for the benefit of
13 someone other than the dependent adult.

14 (d) Neglect of a dependent adult. "Neglect of a
15 dependent adult" means the deprivation of the minimum
16 food, shelter, clothing, supervision, physical or
17 mental health care, or other care necessary to
18 maintain a dependent adult's life or physical or
19 mental health.

20 (2) Sexual exploitation of a dependent adult by a
21 caretaker whether within a facility or program or at a
22 location outside of a facility or program. "Sexual
23 exploitation" means any consensual or nonconsensual
24 sexual conduct with a dependent adult which includes
25 but is not limited to kissing; touching of the clothed
26 or unclothed breast, groin, buttock, anus, pubes, or
27 genitals; or a sex act, as defined in section 702.17.
28 "Sexual exploitation" includes the transmission,
29 display, taking of electronic images of the unclothed
30 breast, groin, buttock, anus, pubes, or genitals of a
31 dependent adult by a caretaker for a purpose not
32 related to treatment or diagnosis or as part of an
33 ongoing investigation. Sexual exploitation does not
34 include touching which is part of a necessary
35 examination, treatment, or care by a caretaker acting
36 within the scope of the practice or employment of the

37 caretaker; the exchange of a brief touch or hug
38 between the dependent adult and a caretaker for the
39 purpose of reassurance, comfort, or casual friendship;
40 or touching between spouses or domestic partners in a
41 an intimate relationship.
42 b. "Dependent adult abuse" does not include any of
43 the following:
44 (1) Circumstances in which the dependent adult
45 declines medical treatment if the dependent adult
46 holds a belief or is an adherent of a religion whose
47 tenets and practices call for reliance on spiritual
48 means in place of reliance on medical treatment.
49 (2) Circumstances in which the dependent adult's
50 caretaker, acting in accordance with the dependent

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1 adult's stated or implied consent, declines medical
2 treatment or care.
3 (3) The withholding or withdrawing of health care
4 from a dependent adult who is terminally ill in the
5 opinion of a licensed physician, when the withholding
6 or withdrawing of health care is done at the request
7 of the dependent adult or at the request of the
8 dependent adult's next of kin, attorney in fact, or
9 guardian pursuant to the applicable procedures under
10 chapter 125, 144A, 144B, 222, 229, or 633.
11 6. "Facility" means a health care facility as
12 defined in section 135C.1 or a hospital as defined in
13 section 135B.1.
14 7. "Intimate relationship" means a significant
15 romantic involvement between two persons that need not
16 include sexual involvement, but does not include a
17 casual social relationship or association in a
18 business or professional capacity. In determining
19 whether persons are in an intimate relationship, the
20 court may consider the following nonexclusive list of
21 factors:
22 a. The duration of the relationship.
23 b. The frequency of interaction.
24 c. Whether the relationship has been terminated.
25 d. The nature of the relationship, characterized
26 by either person's expectation of sexual or romantic
27 involvement.
28 8. "Person" means person as defined in section
29 4.1.
30 9. "Program" means an elder group home as defined
31 in section 231B.1, an assisted living program
32 certified under section 231C.3, or an adult day
33 services program as defined in section 231D.1.
34 10. "Recklessly" means that a person acts or fails
35 to act with respect to a material element of a public

36 offense, when the person is aware of and consciously
 37 disregards a substantial and unjustifiable risk that
 38 the material element exists or will result from the
 39 act or omission. The risk must be of such a nature
 40 and degree that disregard of the risk constitutes a
 41 gross deviation from the standard conduct that a
 42 reasonable person would observe in the situation.

43 11. "Support services" includes but is not limited
 44 to community-based services including area agency on
 45 aging assistance, mental health services, fiscal
 46 management, home health services, housing-related
 47 services, counseling services, transportation
 48 services, adult day services, respite services, legal
 49 services, and advocacy services.

50 Sec. 12. NEW SECTION. 235E.2 DEPENDENT ADULT

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1 ABUSE REPORTS IN FACILITIES AND PROGRAMS.

2 1. a. The department shall receive and evaluate
 3 reports of dependent adult abuse in facilities and
 4 programs. The department shall inform the department
 5 of human services of such evaluations and dispositions
 6 for inclusion in the central registry for dependent
 7 adult abuse information pursuant to section 235B.5.

8 b. Reports of dependent adult abuse which is the
 9 result of the acts or omissions of the dependent adult
 10 shall be collected and maintained in the files of the
 11 dependent adult as assessments only and shall not be
 12 included in the central registry.

13 c. A report of dependent adult abuse that meets
 14 the definition of dependent adult abuse under section
 15 235E.1, subsection 5, paragraph "a", subparagraph (1),
 16 subparagraph subdivision (a) or (d), which the
 17 department determines is minor, isolated, and unlikely
 18 to reoccur shall be collected and maintained by the
 19 department of human services as an assessment only for
 20 a five-year period and shall not be included in the
 21 central registry and shall not be considered to be
 22 founded dependent adult abuse. A subsequent report of
 23 dependent adult abuse that meets the definition of
 24 dependent adult abuse under section 235E.1, subsection
 25 5, paragraph "a", subparagraph (1), subparagraph
 26 subdivision (a) or (d), that occurs within the
 27 five-year period, and that is committed by the
 28 caretaker responsible for the act or omission which
 29 was the subject of the previous report of dependent
 30 adult abuse which the department determined was minor,
 31 isolated, and unlikely to reoccur, may be considered
 32 minor, isolated, and unlikely to reoccur depending on
 33 the circumstances of the report.

34 2. A staff member or employee of a facility or

35 program who, in the course of employment, examines,
36 attends, counsels, or treats a dependent adult in a
37 facility or program and reasonably believes the
38 dependent adult has suffered dependent adult abuse,
39 shall report the suspected dependent adult abuse to
40 the department.

41 3. a. If a staff member or employee is required
42 to make a report pursuant to this section, the staff
43 member or employee shall immediately notify the person
44 in charge or the person's designated agent who shall
45 then notify the department within twenty-four hours of
46 such notification. If the person in charge is the
47 alleged dependent adult abuser, the staff member shall
48 directly report the abuse to the department within
49 twenty-four hours.

50 b. The employer or supervisor of a person who is

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1 required to or may make a report pursuant to this
2 section shall not apply a policy, work rule, or other
3 requirement that interferes with the person making a
4 report of dependent adult abuse or that results in the
5 failure of another person to make the report.

6 4. An employee of a financial institution may
7 report suspected financial exploitation of a dependent
8 adult to the department.

9 5. Any other person who believes that a dependent
10 adult has suffered dependent adult abuse may report
11 the suspected dependent adult abuse to the department
12 of inspections and appeals. The department of
13 inspections and appeals shall transfer any reports
14 received of dependent adult abuse in the community to
15 the department of human services. The department of
16 human services shall transfer any reports received of
17 dependent adult abuse in facilities or programs to the
18 department of inspections and appeals.

19 6. The department shall inform the appropriate
20 county attorneys of any reports of dependent adult
21 abuse. The department may request information from
22 any person believed to have knowledge of a case of
23 dependent adult abuse. The person, including but not
24 limited to a county attorney, a law enforcement
25 agency, a multidisciplinary team, a social services
26 agency in the state, or any person who is required
27 pursuant to subsection 2 to report dependent adult
28 abuse, whether or not the person made the specific
29 dependent adult abuse report, shall cooperate and
30 assist in the evaluation upon the request of the
31 department. If the department's assessment reveals
32 that dependent adult abuse exists which might
33 constitute a criminal offense, a report shall be made

34 to the appropriate law enforcement agency. County
35 attorneys and appropriate law enforcement agencies
36 shall also take any other lawful action necessary or
37 advisable for the protection of the dependent adult.
38 a. If, upon completion of an investigation, the
39 department determines that the best interests of the
40 dependent adult require court action, the department
41 shall notify the department of human services of the
42 potential need for a guardian or conservator or for
43 admission or commitment to an appropriate institution
44 or facility pursuant to the applicable procedures
45 under chapter 125, 222, 229, or 633, or shall pursue
46 other remedies provided by law. The appropriate
47 county attorney shall assist the department of human
48 services in the preparation of the necessary papers to
49 initiate the action and shall appear and represent the
50 department of human services at all district court

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1 proceedings.

2 b. Investigators within the department shall be
3 specially trained to investigate cases of dependent
4 adult abuse including but not limited to cases
5 involving gerontological, dementia, and wound care
6 issues.

7 c. The department shall assist the court during
8 all stages of court proceedings involving a suspected
9 case of dependent adult abuse.

10 d. In every case involving dependent adult abuse
11 which is substantiated by the department and which
12 results in a judicial proceeding on behalf of the
13 dependent adult, legal counsel shall be appointed by
14 the court to represent the dependent adult in the
15 proceedings. The court may also appoint a guardian ad
16 litem to represent the dependent adult if necessary to
17 protect the dependent adult's best interests. The
18 same attorney may be appointed to serve both as legal
19 counsel and as guardian ad litem. Before legal
20 counsel or a guardian ad litem is appointed pursuant
21 to this paragraph, the court shall require the
22 dependent adult and any person legally responsible for
23 the support of the dependent adult to complete under
24 oath a detailed financial statement. If, on the basis
25 of that financial statement, the court deems that the
26 dependent adult or the legally responsible person is
27 able to bear all or a portion of the cost of the legal
28 counsel or guardian ad litem, the court shall so
29 order. In cases where the dependent adult or the
30 legally responsible person is unable to bear the cost
31 of the legal counsel or guardian ad litem, the expense
32 shall be paid by the county.

33 7. A person participating in good faith in
34 reporting or cooperating with or assisting the
35 department in evaluating a case of dependent adult
36 abuse has immunity from liability, civil or criminal,
37 which might otherwise be incurred or imposed based
38 upon the act of making the report or giving the
39 assistance. The person has the same immunity with
40 respect to participating in good faith in a judicial
41 proceeding resulting from the report, cooperation, or
42 assistance or relating to the subject matter of the
43 report, cooperation, or assistance.

44 8. It shall be unlawful for any person or employer
45 to discharge, suspend, or otherwise discipline a
46 person required to report or voluntarily reporting an
47 instance of suspected dependent adult abuse pursuant
48 to subsection 2 or 5, or cooperating with, or
49 assisting the department in evaluating a case of
50 dependent adult abuse, or participating in judicial

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1 proceedings relating to the reporting or cooperation
2 or assistance based solely upon the person's reporting
3 or assistance relative to the instance of dependent
4 adult abuse. A person or employer found in violation
5 of this subsection is guilty of a simple misdemeanor.

6 9. A person required by this section to report a
7 suspected case of dependent adult abuse pursuant to
8 subsection 2 who knowingly and willfully fails to do
9 so within twenty-four hours commits a simple
10 misdemeanor. A person required by subsection 2 to
11 report a suspected case of dependent adult abuse who
12 knowingly fails to do so or who knowingly interferes
13 with the making of such a report or applies a
14 requirement that results in such a failure is civilly
15 liable for the damages proximately caused by the
16 failure.

17 10. The department shall adopt rules which require
18 facilities and programs to separate an alleged
19 dependent adult abuser from a victim following an
20 allegation of perpetration of dependent adult abuse
21 and prior to the completion of an investigation of the
22 allegation.

23 11. Upon receiving notice from a credible source,
24 the department shall notify a facility or program that
25 subsequently employs a dependent adult abuser when the
26 notice of investigative findings has been issued.
27 Such notification shall occur prior to the completion
28 of an investigation that is founded for dependent
29 adult abuse.

30 12. An inspector of the department may enter any
31 facility or program without a warrant and may examine

32 all records pertaining to residents, employees, former
 33 employees, and the alleged dependent adult abuser. An
 34 inspector of the department may contact or interview
 35 any resident, employee, former employee, or any other
 36 person who might have knowledge about the alleged
 37 dependent adult abuse. An inspector may take or cause
 38 to be taken photographs of the dependent adult abuse
 39 victim and the vicinity involved. The department
 40 shall obtain consent from the dependent adult abuse
 41 victim or guardian or other person with a power of
 42 attorney over the dependent adult abuse victim prior
 43 to taking photographs of the dependent adult abuse
 44 victim.

45 13. a. Notwithstanding section 235B.6 and chapter
 46 22, an employee organization or union representative
 47 may observe an investigative interview conducted by
 48 the department of an alleged dependent adult abuser if
 49 all of the following conditions are met:

50 (1) The alleged dependent adult abuser is part of

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1 a bargaining unit that is party to a collective
 2 bargaining agreement under chapter 20 or any other
 3 applicable state or federal law.

4 (2) The alleged dependent adult abuser requests
 5 the presence of a union representative.

6 (3) The union representative maintains the
 7 confidentiality of all information from the interview
 8 subject to the penalties provided in section 235B.12
 9 if such confidentiality is breached.

10 b. This subsection shall only apply to interviews
 11 conducted pursuant to this chapter. This subsection
 12 does not apply to interviews conducted pursuant to the
 13 regulatory activities of chapter 135B, 135C, 231B,
 14 231C, or 231D, or any other state or federal law.

15 Sec. 13. NEW SECTION. 235E.3 PREVENTION OF
 16 ADDITIONAL DEPENDENT ADULT ABUSE -- NOTIFICATION OF
 17 RIGHTS.

18 If a peace officer has reason to believe that
 19 dependent adult abuse, which is criminal in nature,
 20 has occurred in a facility or program, the officer
 21 shall use all reasonable means to prevent further
 22 dependent adult abuse, including but not limited to
 23 any of the following:

24 1. If requested, remaining on the scene as long as
 25 there is a danger to the dependent adult's physical
 26 safety without the presence of a peace officer,
 27 including but not limited to staying in the facility
 28 or program, or if unable to remain at the scene,
 29 assisting the dependent adult in leaving the facility
 30 or program and securing support services or emergency

31 shelter services.

32 2. Assisting the dependent adult in obtaining
33 medical treatment necessitated by the dependent adult
34 abuse, including providing assistance to the dependent
35 adult in obtaining transportation to the emergency
36 room of the nearest hospital.

37 3. Providing a dependent adult with immediate and
38 adequate notice of the dependent adult's rights. The
39 notice shall consist of handing the dependent adult a
40 copy of the following written statement, requesting
41 the dependent adult to read the card and asking the
42 dependent adult whether the dependent adult
43 understands the rights:

44 "a. You have the right to ask the court for the following
45 help on a temporary basis:

46 (1) Keeping the alleged perpetrator away from you, your
47 home, your facility, and your place of work.

48 (2) The right to stay at your home or facility without
49 interference from the alleged perpetrator.

50 (3) Professional counseling for you, your family, or

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1 household members, and the alleged perpetrator of the
2 dependent adult abuse.

3 b. If you are in need of medical treatment, you have
4 the right to request that the peace officer present assist
5 you in obtaining transportation to the nearest hospital
6 or otherwise assist you.

7 c. If you believe that police protection is needed
8 for your physical safety, you have the right to request
9 that the peace officer present remain at the scene until
10 you and other affected parties can leave or safety is
11 otherwise ensured."

12 The notice shall also contain the telephone number
13 of the local emergency shelter services, support
14 services, or crisis lines operating in the area.

15 Sec. 14. NEW SECTION. 235E.4 CHAPTER 235B
16 APPLICATION.

17 Sections 235B.4 through 235B.20, not inconsistent
18 with this chapter, shall apply to this chapter.

19 Sec. 15. NEW SECTION. 235E.5 RULEMAKING
20 AUTHORITY.

21 The department, in cooperation and consultation
22 with the dependent adult protective advisory council
23 established in section 235B.1, affected industry
24 representatives, and professional and consumer groups,
25 may adopt rules pursuant to chapter 17A to administer
26 this chapter."

27 2. Title page, by striking lines 1 through 3 and
28 inserting the following: "An Act relating to

29 dependent adult abuse in certain facilities and
30 programs and providing penalties."

Amendment H-8242 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2591)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

Speaker Murphy in the chair at 8:52 p.m.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2591, 2609 and 2648.**

House File 2612, a bill for an act relating to natural resources, including by providing for the powers and duties of the department's director and natural resource commission, and the regulation of public lands and outdoor recreation, providing for penalties and making penalties applicable, was taken up for consideration.

Baudler of Adair asked and received unanimous consent to withdraw amendment H-8107 filed by him on March 13, 2008.

Bell of Jasper offered the following amendment H-8118 filed by him and moved its adoption:

H-8118

1 Amend House File 2612 as follows:

2 1. By striking page 1, line 19, through page 3,
3 line 31.

4 2. Page 11, line 31, by inserting after the word
5 "~~an~~" the following: "a".

6 3. Page 12, by inserting after line 34 the
7 following:

8 "DIVISION _____
9 HUNTING PRESERVE LICENSES FOR YOUTH

10 Sec. ____ Section 484B.10, Code Supplement 2007,
11 is amended by adding the following new subsection:

12 NEW SUBSECTION. 3. A nonresident youth under
13 sixteen years of age may hunt game on a hunting
14 preserve if the youth purchases a hunting preserve
15 license restricted to hunting preserves only and pays
16 a license fee of five dollars and the wildlife habitat
17 fee. A nonresident youth with such a license is not
18 required to complete the hunter safety and ethics
19 education course if the youth is accompanied by a
20 person who is at least eighteen years of age. The
21 accompanying person must be qualified to hunt and have
22 a hunting license. During the hunt, the accompanying
23 person must be within arm's reach of the youth."

24 4. Title page, line 4, by inserting after the
25 word "recreation," the following: "providing for
26 fees,".

27 5. By renumbering as necessary.

Amendment H-8118 was adopted, placing out of order amendment H-8213 filed by Baudler of Adair on March 19, 2008.

Grassley of Butler offered amendment H-8203 filed by him as follows:

H-8203

1 Amend House File 2612 as follows:

2 1. Page 13, by inserting before line 19 the
3 following:

4 "DIVISION _____
5 ACQUISITION OF PROPERTY

6 Sec.____. Section 6A.1, Code 2007, is amended to
7 read as follows:

8 6A.1 EXERCISE OF POWER BY STATE.

9 1. Proceedings may be instituted and maintained by
10 the state of Iowa, or for the use and benefit thereof,
11 for the condemnation of such private property as may
12 be necessary for any public improvement which the
13 general assembly has authorized to be undertaken by
14 the state, and for which an available appropriation
15 has been made. The executive council shall institute
16 and maintain such proceedings in case authority to so
17 do be not otherwise delegated.

18 2. The authority granted in this section shall not
19 extend to the department of natural resources if the
20 department is seeking to acquire real property for
21 purposes of carrying out a duty related to development
22 and maintenance of the recreation resources of the
23 state, including planning, acquisition, and
24 development of recreational projects, and areas and
25 facilities related to such projects, notwithstanding
26 any provisions to the contrary.

27 Sec.____. Section 455A.5, Code 2007, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 7. The authority granted the
30 commission to acquire real property for purposes of
31 carrying out a duty related to development and
32 maintenance of the recreation resources of the state,
33 including planning, acquisition, and development of
34 recreational projects, and areas and facilities
35 related to such projects, shall not extend to the
36 authority to acquire land by eminent domain.

37 Sec.____. Section 456A.24, subsection 2,
38 unnumbered paragraph 1, Code 2007, is amended to read
39 as follows:

40 Acquire by purchase, ~~condemnation~~, lease,
41 agreement, gift, and devise lands or waters suitable
42 for the purposes hereinafter enumerated, and rights of

43 way thereto, and to maintain the same for the
 44 following purposes, to wit:
 45 Sec.____. Section 456A.24, Code 2007, is amended
 46 by adding the following new subsection:
 47 NEW SUBSECTION. 15. The power granted the
 48 department to acquire real property for any statutory
 49 purpose relating to development and maintenance of the
 50 recreation resources of the state, including planning,

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1 acquisition, and development of recreational projects,
 2 and areas and facilities related to such projects,
 3 shall not extend to the authority to acquire land by
 4 eminent domain.

5 Sec.____. Section 461A.7, Code 2007, is amended to
 6 read as follows:

7 461A.7 ~~EMINENT DOMAIN~~ PURCHASE OF LANDS – PUBLIC
 8 PARKS.

9 The commission may purchase ~~or condemn~~ lands from
 10 willing sellers for public parks. ~~No~~ A contract for
 11 the purchase of such public parks shall not be made to
 12 an amount in excess of funds appropriated therefor by
 13 the general assembly.

14 Sec.____. Section 461A.10, Code 2007, is amended
 15 to read as follows:

16 461A.10 TITLE TO LANDS.

17 The title to all lands purchased, ~~condemned,~~ or
 18 donated; hereunder, for park ~~or highway~~ purposes and
 19 the title to all lands purchased, condemned, or
 20 donated hereunder for highway purposes, shall be taken
 21 in the name of the state and if thereafter it shall be
 22 deemed advisable to sell any portion of the land so
 23 purchased or condemned, the proceeds of such sale
 24 shall be placed to the credit of the said public state
 25 parks fund to be used for such park purposes.

26 Sec.____. Section 463C.8, subsection 1, paragraph
 27 k, Code 2007, is amended to read as follows:

28 k. The power to acquire, own, hold, administer,
 29 and dispose of property, ~~except that such power is not~~
 30 a grant of authority to acquire property by eminent
 31 domain.

32 Sec.____. Sections 461A.9 and 461A.75, Code 2007,
 33 are repealed.

34 Sec.____. EFFECTIVE DATE. This division of this
 35 Act, being deemed of immediate importance, takes
 36 effect upon enactment."

37 2. By renumbering as necessary.

Bell of Jasper rose on a point of order that amendment H-8203
 was not germane.

The Speaker ruled the point well taken and amendment H-8203 not germane.

Grassley of Butler asked for unanimous consent to suspend the rules to consider amendment H-8203.

Objection was raised.

Grassley of Butler moved to suspend the rules to consider amendment H-8203.

Roll call was requested by Paulsen of Linn and Van Fossen of Scott.

On the question "Shall the rules be suspended to consider amendment H-8203?" (H.F. 2612)

The ayes were, 45:

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

The nays were, 54:

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

Absent or not voting, 1:

Van Engelenhoven

The motion to suspend the rules lost.

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

On the question "Shall the bill pass?" (H.F. 2612)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2612** be immediately messaged to the Senate.

House File 2620, a bill for an act relating to the conduct of elections and voter registration, making penalties applicable, and including effective date, applicability date, and transition provisions, was taken up for consideration.

Wendt of Woodbury offered the following amendment H-8175 filed by him and moved its adoption:

H-8175

- 1 Amend House File 2620 as follows:
- 2 1. By striking page 1, line 1, through page 12,
- 3 line 26.
- 4 2. By striking page 13, line 32, through page 14,
- 5 line 16, and inserting the following:
- 6 "NEW SUBSECTION. 4. Unless otherwise provided by
- 7 law, for a county, special elections on public
- 8 measures are limited to the day of the general
- 9 election, the day of the regular city election, the
- 10 date of a special election held to fill a vacancy in
- 11 the same county, or the first Tuesday in March, the
- 12 first Tuesday in May, or the first Tuesday in August
- 13 of each year."
- 14 3. Page 14, line 30, by striking the words "city
- 15 council or a".
- 16 4. Page 16, by striking lines 13 through 15 and
- 17 inserting the following: "regular or special election
- 18 and, for a county, may only be submitted on a date
- 19 specified in section 39.2, subsection 4."
- 20 5. Page 16, line 29, by striking the words ",
- 21 paragraph "a"".
- 22 6. Page 17, line 14, by striking the words ",
- 23 paragraph "a"".
- 24 7. Page 17, by striking lines 26 through 28 and
- 25 inserting the following: "setting out the proposed
- 26 merger plan. If the political subdivision is a
- 27 county, the election shall be held on a date specified
- 28 in section 39.2, subsection 4. The vote will be
- 29 taken".
- 30 8. By striking page 17, line 35, through page 30,
- 31 line 5.
- 32 9. Page 30, by striking lines 12 through 17 and
- 33 inserting the following: "331.306 shall, ~~at a regular~~
- 34 ~~city election or a general election if one is to be~~

35 ~~held within seventy four days from the filing of the~~
 36 ~~petition, or otherwise at a special election called~~
 37 ~~for that purpose,~~ submit to the voters the question as
 38 to whether".

39 10. Page 30, line 19, by inserting after the word
 40 "commission." the following: "If the election is
 41 called by a city, the election shall be held at a
 42 regular city election or a general election if one is
 43 to be held within seventy-four days from the filing of
 44 the petition, or otherwise at a special election
 45 called for that purpose. If the election is called by
 46 a county, the election shall be held on a date
 47 specified in section 39.2, subsection 4."

48 11. Page 31, by striking lines 4 and 5 and
 49 inserting the following: "held on a date specified in
 50 section 39.2, subsection 4. An affirmative vote of

Page 2

1 a".

2 12. By striking page 33, line 18, through page
 3 36, line 12.

4 13. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 40, nays 52.

Amendment H-8175 lost.

Jacobs of Polk offered amendment H-8129 filed by her as follows:

H-8129

1 Amend House File 2620 as follows:

2 1. Page 40, by inserting after line 18 the
 3 following:

4 "Sec.____. Section 48A.5, subsection 2, paragraph
 5 b, Code Supplement 2007, is amended to read as
 6 follows:

7 b. Be an Iowa resident for eleven days prior to
 8 the day of registration. A person's residence, for
 9 voting purposes only, is the place which the person
 10 declares is the person's home with the intent to
 11 remain there permanently or for a definite, or
 12 indefinite or indeterminable length of time. A person
 13 who is homeless or has no established residence may
 14 declare residence in a precinct by describing on the
 15 voter registration form a place to which the person
 16 often returns.

17 Sec. ____ Section 48A.7A, subsection 1, paragraph
18 b, subparagraph (1), unnumbered paragraph 1, Code
19 Supplement 2007, is amended to read as follows:

20 For purposes of this section, a person may
21 establish identity and residence by presenting to the
22 appropriate precinct election official a current and
23 valid Iowa driver's license or Iowa nonoperator's
24 identification card or by presenting any of the
25 following current and valid forms of identification if
26 such identification contains the person's photograph,
27 and a validity expiration date, and proof that the
28 person has resided in Iowa for at least the previous
29 eleven days:"

30 2. Page 40, line 25, by inserting after the word
31 "precinct" the following: "and proof that the person
32 has resided in Iowa for at least the previous eleven
33 days".

34 3. By renumbering as necessary.

Jacobs of Polk offered the following amendment H-8149, to amendment H-8129, filed by her and moved its adoption:

H-8149

1 Amend the amendment, H-8129, to House File 2620 as
2 follows:
3 1. Page 1, by striking lines 4 through 16.

Amendment H-8149 was adopted.

Jacobs of Polk moved the adoption of amendment H-8129, as amended.

A non-record roll call was requested.

The ayes were 45, nays 50.

Amendment H-8129, as amended, lost.

Tymeson of Madison offered the following amendment H-8104 filed by her and moved its adoption:

H-8104

1 Amend House File 2620 as follows:
2 1. Page 41, by inserting after line 9 the
3 following:

4 "Sec.____. Section 48A.7A, Code Supplement 2007,
 5 is amended by adding the following new subsection:
 6 NEW SUBSECTION. 3A. A person registering to vote
 7 under this section shall cast a provisional ballot in
 8 the manner prescribed by section 49.81."
 9 2. Page 44, by inserting after line 27 the
 10 following:
 11 "Sec.____. Section 49.77, subsection 4, paragraph
 12 b, Code Supplement 2007, is amended to read as
 13 follows:
 14 b. If the voter informs the precinct election
 15 official that the voter resides in the precinct and is
 16 not registered to vote, the voter may register to vote
 17 pursuant to section 48A.7A and cast a ballot. ~~If in~~
 18 the manner prescribed by section 49.81, including when
 19 such a voter is unable to establish identity and
 20 residency in the manner provided in section 48A.7A,
 21 subsection 1, paragraph "b" or "c", ~~the voter shall be~~
 22 ~~allowed to cast a ballot in the manner prescribed by~~
 23 ~~section 49.81."~~
 24 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 45, nays 50.

Amendment H-8104 lost.

Pursuant to Rule 31.8, relating to the timely filing of amendments, amendment H-8264 filed by Wendt of Woodbury from the floor, was placed out of order.

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

On the question "Shall the bill pass?" (H.F. 2620)

The ayes were, 79:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Berry	Boal	Bukta
Chambers	Clute	Cohoon	De Boef
Deyoe	Drake	Foege	Ford
Forristall	Frevrt	Gaskill	Gayman
Granzow	Grassley	Greiner	Heaton
Heddens	Hoffman	Horbach	Hunter
Huseman	Jacobs	Jochum	Kaufmann

Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Paulsen	Petersen	Pettengill	Quirk
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Shomshor	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wessel-Kroeschell	Whitaker	Winckler
Windschitl	Wise	Mr. Speaker	
		Murphy	

The nays were, 21:

Baudler	Bell	Dandekar	Davitt
Dolecheck	Gipp	Huser	Jacoby
Kelley	Palmer	Raecker	Roberts
Smith	Staed	Thomas	Wendt
Wenthe	Whitead	Wienczek	Worthan
Zirkelbach			

Absent or not voting, none.

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2620** be immediately messaged to the Senate.

HOUSE FILE 2579 REFERRED

The Speaker announced that House File 2579, previously placed on **calendar** was referred to committee on **appropriations**.

SENATE FILE 2312 REREFERRED

The Speaker announced that Senate File 2312, previously referred to committee on **state government** was **passed on file**.

SENATE FILE 2386 REREFERRED

The Speaker announced that Senate File 2386, previously referred to committee on **environmental protection** was rereferred to committee on **commerce**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 24th day of March, 2008: House Files 2165, 2166, 2194, 2213, 2309 and 2417.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT FOR THE BLIND

Report concerning the plastic and recycled content products and the soy-based inks regularly purchased, pursuant to Chapter 216B.3(12d), Code of Iowa.

DEPARTMENT OF EDUCATION

Report on programming provided under the Child Development Coordinating Council, including Shared Visions preschool and family support programs, pursuant to Chapter 256A.3(8), Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

Annual Viral Hepatitis Study, pursuant to Chapter 135.19, Code of Iowa.

DEPARTMENT OF REVENUE

Annual report of the Iowa Capital Investment Board, along with several attachments to the reports, pursuant to Chapter 15E.46, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\2388 Altha Raisbeck, Dubuque – For celebrating her 85th birthday.
- 2008\2389 Yvonne Leirmoe, Dubuque – For celebrating her 80th birthday.
- 2008\2390 Rita Green, Dubuque – For celebrating her 75th birthday.
- 2008\2391 James La Bee, Dubuque – For celebrating his 75th birthday.
- 2008\2392 Paul Gisch, Dubuque – For celebrating his 80th birthday.
- 2008\2393 Barbara Kruse, Dubuque – For celebrating her 80th birthday.
- 2008\2394 Margaret Meyers, Dubuque – For celebrating her 85th birthday.
- 2008\2395 Arthur Nagel, Dubuque – For celebrating his 85th birthday.
- 2008\2396 Shirley Regan, Dubuque – For celebrating her 75th birthday.
- 2008\2397 Robert Mc Clain, Dubuque – For celebrating his 75th birthday.
- 2008\2398 Alma Noel, Dubuque – For celebrating her 75th birthday.
- 2008\2399 Sydney Miller, Dubuque – For celebrating his 80th birthday.
- 2008\2400 Mary Dempsey, Dubuque – For celebrating her 90th birthday.
- 2008\2401 Dale and Shirley Holstad, Clear Lake – For celebrating their 60th wedding anniversary.
- 2008\2402 Clifford and Judith Schuler, Hampton – For celebrating their 50th wedding anniversary.
- 2008\2403 Arlene Seeger, Dumont – For celebrating her 80th birthday.
- 2008\2404 Terry Richey, Clear Lake – For receiving Opportunity Village's Golden Heart Award.
- 2008\2405 Mataya Huling, Garner – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2008\2406 Donna Trappe, Monona – For celebrating her 80th birthday.

- 2008\2407 Marie Anderson, Elgin – For celebrating her 90th birthday.
- 2008\2408 Norman and Dee Boss, Manchester – For celebrating their 50th wedding anniversary.
- 2008\2409 MFL MarMac Girls Basketball Team, MFL MarMac Community School District – For receiving 2nd place in the 2008 Class 2A Division of the Girls State Basketball Tournament.
- 2008\2410 Quinn Meyer, Mazzuchelli Middle School – For winning 1st place in the Telegraph Herald Spelling Bee.
- 2008\2411 Alex Boll, Wahlert Catholic High School, Dubuque – For receiving 2nd place in the Math Sweepstake Competition Division of the 2008 University of Iowa Math Contest.
- 2008\2412 Rob Howe, Wahlert Catholic High School, Dubuque – For receiving 2nd place in the Math Sweepstake Competition Division of the 2008 University Iowa Math Contest.
- 2008\2413 Ha Young Kim, Wahlert Catholic High School, Dubuque – For receiving 2nd place in the Math Sweepstake Competition Division of the 2008 University of Iowa Math Contest.
- 2008\2414 Tony Callahan, Wahlert Catholic High School, Dubuque – For receiving 2nd place in the Math Sweepstake Competition Division of the 2008 University of Iowa Math Contest.
- 2008\2415 Tyler Decker, Wahlert Catholic High School, Dubuque – For receiving 2nd place in the math Sweepstakes Competition Division of the 2008 University of Iowa Math Contest.
- 2008\2416 Nick Hannan, Wahlert Catholic High School, Dubuque – For receiving 2nd place in the math Sweepstakes Competition Division of the 2008 University of Iowa Math Contest.
- 2008\2417 Blake Neebel, Wahlert Catholic High School, Dubuque – For receiving 2nd place in the Math Sweepstake Competition Division of the 2008 University of Iowa Math Contest.
- 2008\2418 Steve Stierman, Wahlert Catholic High School, Dubuque – For receiving 2nd place in the Math Sweepstake Competition Division of the 2008 University of Iowa Math Contest.
- 2008\2419 Kun-Hee Jeong, Wahlert Catholic High School, Dubuque – For winning 1st place in the Math Sweepstake Competition Division of the 2008 University of Iowa Math Contest.
- 2008\2420 Justin Decker, Wahlert Catholic High School, Dubuque – For winning 1st place in the Math Sweepstake Competition Division of the 2008 University of Iowa Math Contest.

- 2008\2421 Nick Gonner, Wahlert Catholic High School, Dubuque – For winning 1st place in the Math Sweepstake Competition Division of the 2008 University of Iowa Math Contest.
- 2008\2422 Mike Kemp, Wahlert Catholic High School, Dubuque – For winning 1st place in the Math Sweepstake Competition Division of the 2008 University of Iowa Math Contest.
- 2008\2423 Paige Neebel, Wahlert Catholic High School, Dubuque – For winning 1st place in the Math Sweepstake Competition Division of the 2008 University of Iowa Math Contest.
- 2008\2424 Eric Varley, Wahlert Catholic High School, Dubuque – For winning 1st place in the Math Sweepstake Competition Division of the 2008 University of Iowa Math Contest.
- 2008\2425 Ryan Helgerson, Elkader – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2426 Jacob Loose, Elkader – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2427 Louisa-Muscatine High School Girls Bowling Team, Letts – For winning the Class 1A Division of the 2008 Iowa Girls High School Athletic Union State Bowling Championship.
- 2008\2428 Bill and Shirley Shaw, Audubon – For celebrating their 50th wedding anniversary.
- 2008\2429 Marvin and JoAnn Fett, Adair – For celebrating their 50th wedding anniversary.
- 2008\2430 Dorothy Hesley Kollman, Mason City – For celebrating her 80th birthday.
- 2008\2431 Thomas V. Caberea, Mason City – For celebrating his 80th birthday.
- 2008\2432 Curries Assa Abloy, Mason City – For celebrating 50 years of business in Iowa.
- 2008\2433 Chuck White, Mason City – For celebrating his 80th birthday.
- 2008\2434 Mildred Thompson, Story City – For celebrating her 90th birthday.
- 2008\2435 Allen and Marikay Gerig, Winfield – For celebrating their 60th wedding anniversary.
- 2008\2436 Harold and Lois Vande Berg, Sibley – For celebrating their 60th wedding anniversary.
- 2008\2437 Evan Aldinger, Iowa Falls – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 2008\2438 Norbert Goedken, Masonville – For celebrating his 80th birthday.
- 2008\2439 Clair Reiling, Independence – For celebrating his 95th birthday.
- 2008\2440 Darlene Lorenz, Independence – For celebrating her 80th birthday.
- 2008\2441 Robert and Judy Speer, Dunkerton – For celebrating their 50th wedding anniversary.
- 2008\2442 Jack and Marj Wildrick, Urbandale – For celebrating their 60th wedding anniversary.
- 2008\2443 Pauline Dreckmeier, Burlington – For celebrating her 85th birthday.
- 2008\2444 Vernie Dvorak, Lone Tree – For celebrating her 80th birthday.
- 2008\2445 Larry and Nancy Lazenby, Burlington – For celebrating their 50th wedding anniversary.
- 2008\2446 Brett Putz, Forest City – For being named to the 2008 Class 3S All-Tournament Team.
- 2008\2447 William and Nancy Couser, Nevada – For receiving the Good Neighbor Award from the Iowa Department of Agriculture and Land Stewardship.
- 2008\2448 Clarence and Harriet Murra, Wellsburg – For celebrating their 50th wedding anniversary.
- 2008\2449 Dorothy Miller, Dysart – For celebrating her 103rd birthday.
- 2008\2450 Yvette Berner, Traer – For celebrating her 80th birthday.
- 2008\2451 William and Donna Settle, Cedar Rapids – For celebrating their 55th wedding anniversary.
- 2008\2452 Lora Hermley, Muscatine – For celebrating her 106th birthday.
- 2008\2453 Larry and Joann Hesson, Baxter – For celebrating their 50th wedding anniversary.
- 2008\2454 Virgil and Marie Redding, Kellogg – For celebrating their 70th wedding anniversary.
- 2008\2455 Cody Kadolph, Ventura – For being named to the Cornbelt First Team All-Conference.
- 2008\2456 Tyler Betz, Ventura – For being named to the Cornbelt First Team All-Conference.
- 2008\2457 Josh Henely, Ventura – For being named to the Cornbelt Second Team All-Conference.

- 2008\2458 Tyler Peterson, Ventura – For being named to the Cornbelt Second Team All-Conference.
- 2008\2459 Don Gourley, Webster City – For celebrating his 80th birthday.
- 2008\2460 Robert and LaVonne Wolf, Dubuque – For celebrating their 50th wedding anniversary.
- 2008\2461 John and Dorothy O’Neill, Dubuque – For celebrating their 65th wedding anniversary.
- 2008\2462 John and Barbara Hacke, Dubuque – For celebrating their 50th wedding anniversary.
- 2008\2463 Larry and Bonnie Van Halen, Pella – For celebrating their 50th wedding anniversary.
- 2008\2464 David Fulcher, Fairfield – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2465 Joe Morgan, Malvern – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2466 Kenneth and Virginia Freitag, Donnellson – For celebrating their 50th wedding anniversary.
- 2008\2467 Beth Brosnahan, Ankeny – For receiving the Iowa Employer Support of the Guard and Reserve’s Patriot Award for supporting employee participation in America’s Nation Guard and Reserves.
- 2008\2468 Herman Besch, Sioux City – For celebrating his 90th birthday.
- 2008\2469 John and Sharon Vreugdenhil, Sioux Center – For celebrating their 50th wedding anniversary.
- 2008\2470 Esther Bauder, Rock Valley – For celebrating her 90th birthday.
- 2008\2471 Cecilia De Stigter, Sioux Center – For celebrating her 90th birthday.
- 2008\2472 Margaret Van Otterloo, Rock Valley – For celebrating her 90th birthday.
- 2008\2473 Winnie Van Roekel, Hull – For celebrating her 90th birthday.
- 2008\2474 Helen Westenberg, Sioux Center – For celebrating her 90th birthday.
- 2008\2475 Jeanette Vander Zwaag, Hull – For celebrating her 90th birthday.

2008\2476 Mr. and Mrs. Donald Nissen, Davenport – For celebrating their 50th wedding anniversary.

2008\2477 Mr. and Mrs. Ken Garrison, Davenport – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 2329

Ways and Means: Frevert, Chair; Deyoe and Jochum.

House File 2525

Ways and Means: Frevert, Chair; Deyoe and Jochum.

House File 2659

Ways and Means: Wise, Chair; T. Olson, Reasoner, Struyk and Van Fossen.

Senate File 2172

Human Resources: Mascher, Chair; Granzow and Jacoby.

Senate File 2252

Human Resources: Wessel-Kroeschell, Chair; Roberts and Smith.

Senate File 2279

Education: Staed, Chair; May and Wendt.

Senate File 2299

State Government: Lensing, Chair; Abdul-Samad and Roberts.

Senate File 2312

State Government: Gaskill, Chair; Abdul-Samad and Jacobs.

Senate File 2319

Human Resources: Palmer, Chair; Foegen and Upmeyer.

Senate File 2340 Reassigned

Human Resources: Hunter, Chair; Forristall and Heddens.

Senate File 2364

Judiciary: Lensing, Chair; Boal and Winckler.

Senate File 2369

Agriculture: Greiner, Chair; Mertz and Reichert.

Senate File 2386

Commerce: Reichert, Chair; Petersen, Soderberg, D. Taylor and Van Fossen.

Senate File 2387

State Government: Quirk, Chair; Jacoby and Raecker.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 784), relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 20, 2008.

COMMITTEE ON JUDICIARY

Senate File 2211, a bill for an act relating to the residency of a district judge nominee.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 2008.

Senate File 2217, a bill for an act relating to providing legal representation to an eligible indigent person and the appointment of a guardian ad litem.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 2008.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 2249, a bill for an act relating to certain local hotel and motel tax elections.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2008.

COMMITTEE ON NATURAL RESOURCES

Senate File 203, a bill for an act requiring certain children to wear personal flotation devices while on board certain vessels operated on state waters and providing for a penalty and an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2008.

Senate File 2108, a bill for an act relating to the designation of a Gift to Iowa's Future Recognition Day.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8268** March 24, 2008.

Senate File 2198, a bill for an act relating to the appointment of the membership of the Brushy creek recreation area trails advisory board.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2008.

Senate File 2230, a bill for an act authorizing the issuance of special nonresident turkey and deer hunting licenses to certain persons who have severe physical disabilities or a terminal illness.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2008.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2066), relating to the repeal of the local option sales and services tax for school infrastructure purposes by using the revenues from the increase in the state sales and use taxes for replacing lost school district revenues resulting from the repeal and for road construction, providing property tax relief, providing a penalty, and including an effective date provision.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 20, 2008.

RESOLUTION FILED

HR 130, by Berry, a resolution recognizing the visit of five distinguished women leaders from Nigeria.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8250	H.F.	2392	Senate Amendment
H—8251	H.F.	2651	Huser of Polk
H—8252	H.F.	2621	Kaufmann of Cedar Tymeson of Madison
H—8253	H.F.	2523	Whitaker of Van Buren
H—8254	H.F.	2651	Alons of Sioux
H—8255	H.F.	2651	Alons of Sioux
H—8256	H.F.	2583	Horbach of Tama
H—8257	H.F.	2583	Horbach of Tama
H—8258	H.F.	2570	D. Olson of Boone
H—8259	H.F.	2567	R. Olson of Polk
H—8260	H.F.	2393	Ford of Polk
H—8261	H.F.	2651	Van Fossen of Scott
H—8262	H.F.	2660	Horbach of Tama
H—8263	S.F.	2312	Wendt of Woodbury
H—8265	S.F.	2348	Drake of Pottawattamie Mertz of Kossuth
H—8266	H.F.	2660	Horbach of Tama
H—8268	S.F.	2108	Committee on Natural Resources
H—8269	H.F.	2651	Huser of Polk
H—8270	H.F.	2651	Huser of Polk Raecker of Polk
H—8271	S.F.	348	Rants of Woodbury
H—8272	H.F.	2660	Alons of Sioux Baudler of Adair
H—8273	H.F.	2610	Horbach of Tama
H—8274	H.F.	2650	Van Fossen of Scott
H—8275	H.F.	2583	Hoffman of Crawford
H—8276	H.F.	2549	Kaufmann of Cedar D. Taylor of Linn
H—8277	H.F.	2652	May of Dickinson Kuhn of Floyd
H—8278	H.F.	2583	Paulsen of Linn

H—8279	H.F.	2523	Baudler of Adair
H—8280	H.F.	2393	Ford of Polk
			Smith of Marshal
			Abdul-Samad of Polk
			Heaton of Henry
H—8281	H.F.	2652	Kuhn of Floyd
			Whitead of Woodbury
H—8282	H.F.	2652	Kuhn of Floyd
			Smith of Marshall
			May of Dickinson
H—8283	H.F.	2652	Kuhn of Floyd
			Frevert of Palo Alto
			Jochum of Dubuque
			Smith of Marshall
H—8284	H.F.	2652	Whitaker of Van Buren
			Whitead of Woodbury
			Gaskill of Wapello
H—8285	H.F.	2652	Whitaker of Van Buren
			Jochum of Dubuque
			D. Olson of Boone
			Wessel-Kroeschell of Story
H—8286	H.F.	2652	Kuhn of Floyd
			Lensing of Johnson
			Foege of Linn
			Frevert of Palo Alto
			Hunter of Polk
			Jochum of Dubuque
			R. Olson of Polk
			D. Olson of Boone
			Bukta of Clinton

On motion by McCarthy of Polk the House adjourned at 10:00 p.m., until 9:00 a.m., Tuesday, March 25, 2008.

JOURNAL OF THE HOUSE

Seventy-second Calendar Day - Fiftieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 25, 2008

The House met pursuant to adjournment at 9:06 a.m., Speaker Murphy in the chair.

Prayer was offered by Dr. Wesley Daniels, Superintendent for the United Methodist Conference. He was the guest of Representative Mark Davitt of Warren County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bonnie Brown, House Page for Majority Leader McCarthy of Polk.

The Journal of Monday, March 24, 2008 was approved.

INTRODUCTION OF BILLS

House File 2662, by committee on appropriations, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

Read first time and placed on the **appropriations calendar**.

House File 2663, by committee on ways and means, a bill for an act relating to the repeal of the local option sales and services tax for school infrastructure purposes by using the revenues from the increase in the state sales and use taxes for replacing lost school district revenues resulting from the repeal, providing property tax relief, providing for the reduction in the state sales and use tax, providing a penalty, and including an effective date provision.

Read first time and placed on the **ways and means calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 24, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2134, a bill for an act relating to requirements and duties of members, directors, and employees of county commissions of veteran affairs.

Also: That the Senate has on March 24, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2350, a bill for an act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions.

Also: That the Senate has on March 24, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2400, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective date.

MICHAEL E. MARSHALL, Secretary

Whitaker of Van Buren asked and received unanimous consent for the immediate consideration of House Resolution 130.

ADOPTION OF HOUSE RESOLUTION 130

H. Miller of Webster, Abdul-Samad of Polk and Berry of Black Hawk called up for consideration **House Resolution 130**, a resolution recognizing the visit of five distinguished women leaders from Nigeria, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Whitaker of Van Buren, the House was recessed at 9:20 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:10 p.m., Speaker Murphy in the chair.

SENATE MESSAGES CONSIDERED

Senate File 2134, by committee on veterans affairs, a bill for an act relating to requirements and duties of members, executive directors, and employees of county commissions of veteran affairs.

Read first time and referred to committee on **veterans affairs**.

Senate File 2350, by committee on judiciary, a bill for an act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions.

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

Senate File 2400, by committee on appropriations, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective date.

Read first time and referred to committee on **appropriations**.

SPECIAL PRESENTATION

Roberts of Carroll and Jacoby of Johnson introduced to the House, students from Iowa State University whom are participating in government policy research. They were accompanied by Professor Tom Rice whom addressed the House briefly regarding the program.

The House rose and expressed its welcome.

On motion by McCarthy of Polk, the House was recessed at 1:14 p.m., until 5:30 p.m.

EVENING SESSION

The House reconvened at 5:58 p.m., Dandekar of Linn in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 25, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2154, a bill for an act relating to inclined or vertical wheelchair lifts regulated by the elevator safety board.

MICHAEL E. MARSHALL, Secretary

QUORUM CALL

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kaufmann of Cedar on request of Paulsen of Linn.

CONSIDERATION OF BILLS Regular Calendar

House File 2553, a bill for an act relating to per diem compensation for directors of the Iowa soybean association board, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2553)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Gaskill	Gayman	Gipp
Granzow	Grassley	Greiner	Heaton
Heddens	Hoffman	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kelley	Kressig	Kuhn

Lensing	Lukan	Lykam	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Dandekar, Presiding		

The nays were, 1:

Frevert

Absent or not voting, 1:

Kaufmann

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

House File 2601, a bill for an act providing for the state interagency Missouri river authority, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2601)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kelley	Kressig

Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Dandekar, Presiding	

The nays were, none.

Absent or not voting, 1:

Kaufmann

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

SPECIAL PRESENTATION

Roberts of Carroll introduced to the House the honorable Gene Manternach, former state representative from Jones County.

The House rose and expressed its welcome.

House File 2651, a bill for an act relating to policies for the administration of highways and the regulation of motor vehicles by the department of transportation and to deposits made by a county to the secondary road fund, physical ability tests required for fire fighter applicants, and certain obligations guaranteed by highway funds including matters concerning the bid threshold for emergency highway repairs, the fee for replacement of special dealer registration plates, antique motor vehicle registration fees, used motor vehicle dealer education requirements, disqualification from operating a commercial motor vehicle, an exemption from the civil penalty imposed for certain driver's license sanctions, access to persons with disabilities parking spaces for certain disabled veterans, and permits and fees for the movement of certain oversize or overweight vehicles,

drinking driver courses offered at state correctional facilities, and the defeasance of petroleum underground storage tank fund bonds, and providing an effective date, was taken up for consideration.

Paulsen of Linn asked and received unanimous consent to withdraw amendment H-8236 filed by Kaufmann of Cedar on March 19, 2008.

Huser of Polk offered amendment H-8270 filed by her and Raecker of Polk as follows:

H-8270

1 Amend House File 2651 as follows:

2 1. Page 1, by inserting after line 4 the
3 following:

4 "Sec.____. Section 321.34, Code Supplement 2007,
5 is amended by adding the following new subsection:
6 **NEW SUBSECTION. 7A. COLLEGIATE PLATES – PRIVATE**
7 **FOUR-YEAR COLLEGES AND UNIVERSITIES.**

8 a. Upon application by a private four-year college
9 or university located in this state and payment of the
10 initial set-up costs for establishing the collegiate
11 plate, the department, in consultation with the
12 college or university, may design a special collegiate
13 registration plate displaying the colors associated
14 with the college or university.

15 b. Upon application and payment of the proper
16 fees, the director may issue to the owner of a motor
17 vehicle, trailer, or travel trailer registered in this
18 state, collegiate registration plates created pursuant
19 to this subsection. The fee for the issuance of
20 collegiate registration plates is twenty-five dollars,
21 which fee is in addition to the regular annual
22 registration fee for the vehicle. An applicant may
23 obtain a personalized collegiate registration plate
24 upon payment of the additional fee for a personalized
25 plate as provided in subsection 5 in addition to the
26 collegiate plate fee and the regular registration fee.
27 The county treasurer shall validate collegiate
28 registration plates issued under this subsection in
29 the same manner as regular registration plates, upon
30 payment of five dollars in addition to the regular
31 annual registration fee. Upon receipt of the
32 collegiate registration plates, the applicant shall
33 surrender the regular registration plates to the
34 county treasurer.

35 c. A personalized collegiate registration plate
36 shall not be issued if its combination of alphanumeric

37 characters are identical to those contained on a
38 current personalized registration plate issued under
39 subsection 5. However, the owner of a motor vehicle
40 who has a personalized registration plate issued for
41 the motor vehicle may, after proper application and
42 payment of fees, be issued a collegiate registration
43 plate containing the same alphanumeric characters as
44 those on the personalized plate. Upon receipt of the
45 collegiate registration plates, the owner shall
46 surrender the personalized registration plates to the
47 county treasurer."

48 2. Page 1, by inserting after line 19 the
49 following:

50 "Sec.____. Section 321.166, subsection 5, Code

Page 2

1 2007, is amended to read as follows:

2 5. There shall be a marked contrast between the
3 color of the registration plates and the data which is
4 required to be displayed on the registration plates.

5 When a new series of registration plates is issued to
6 replace a current series, the new registration plates
7 shall be of a distinctively different color from the
8 series which is replaced, except for collegiate
9 registration plates issued under section 321.34,
10 subsection 7 or 7A."

11 3. Title page, line 7, by inserting after the
12 word "repairs," the following: "providing for new
13 collegiate motor vehicle registration plates and
14 providing fees,".

15 4. By renumbering as necessary.

Raecker of Polk offered the following amendment H-8292, to amendment H-8270, filed by him from the floor and moved its adoption:

H-8292

1 Amend the amendment, H-8270, to House File 2651 as
2 follows:

3 1. By striking page 1, line 1, through page 2,
4 line 15, and inserting the following:

5 "Amend House File 2651 as follows:

6 _____. Page 1, by inserting after line 4 the
7 following:

8 "Sec.____. Section 321.34, subsection 7, paragraph

9 a, Code Supplement 2007, is amended to read as
10 follows:

11 a. Upon application and payment of the proper
12 fees, the director may issue to the owner of a motor

13 vehicle subject to registration under section 321.109,
14 subsection 1, motor truck, motor home, multipurpose
15 vehicle, trailer over two thousand pounds, or travel
16 trailer registered in this state, collegiate
17 registration plates created pursuant to this
18 subsection. Upon receipt of the collegiate
19 registration plates, the applicant shall surrender the
20 regular registration plates to the county treasurer.
21 Sec. ____ Section 321.34, Code Supplement 2007, is
22 amended by adding the following new subsection:
23 NEW SUBSECTION. 7A. COLLEGIATE PLATES – PRIVATE
24 FOUR-YEAR COLLEGES AND UNIVERSITIES.
25 a. Upon application by a private four-year college
26 or university located in this state and payment of the
27 initial set-up costs for establishing the collegiate
28 plate, the department, in consultation with the
29 college or university, may design a special collegiate
30 registration plate displaying the colors associated
31 with the college or university.
32 b. Upon application and payment of the proper
33 fees, the director may issue to the owner of a motor
34 vehicle subject to registration under section 321.109,
35 subsection 1, motor truck, motor home, multipurpose
36 vehicle, trailer over two thousand pounds, or travel
37 trailer registered in this state, collegiate
38 registration plates created pursuant to this
39 subsection. The fee for the issuance of collegiate
40 registration plates is twenty-five dollars, which fee
41 is in addition to the regular annual registration fee
42 for the vehicle. An applicant may obtain a
43 personalized collegiate registration plate upon
44 payment of the additional fee for a personalized plate
45 as provided in subsection 5 in addition to the
46 collegiate plate fee and the regular registration fee.
47 The county treasurer shall validate collegiate
48 registration plates issued under this subsection in
49 the same manner as regular registration plates, upon
50 payment of five dollars in addition to the regular

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1 annual registration fee. Upon receipt of the
2 collegiate registration plates, the applicant shall
3 surrender the regular registration plates to the
4 county treasurer.
5 c. A personalized collegiate registration plate
6 shall not be issued if its combination of alphanumeric
7 characters are identical to those contained on a
8 current personalized registration plate issued under
9 subsection 5. However, the owner of a motor vehicle
10 who has a personalized registration plate issued for
11 the motor vehicle may, after proper application and

12 payment of fees, be issued a collegiate registration
13 plate containing the same alphanumeric characters as
14 those on the personalized plate. Upon receipt of the
15 collegiate registration plates, the owner shall
16 surrender the personalized registration plates to the
17 county treasurer."

18 _____. Page 1, by inserting after line 19 the
19 following:

20 "Sec.____. Section 321.166, subsection 5, Code
21 2007, is amended to read as follows:

22 5. There shall be a marked contrast between the
23 color of the registration plates and the data which is
24 required to be displayed on the registration plates.
25 When a new series of registration plates is issued to
26 replace a current series, the new registration plates
27 shall be of a distinctively different color from the
28 series which is replaced, except for collegiate
29 registration plates issued under section 321.34,
30 subsection 7 or 7A."

31 _____. Title page, line 7, by inserting after the
32 word "repairs," the following: "providing for new
33 collegiate motor vehicle registration plates and
34 providing fees,".

35 _____. By renumbering as necessary."

Amendment H-8292 was adopted.

On motion by Huser of Polk, amendment H-8270, as amended,
was adopted.

Van Fossen of Scott offered the following amendment H-8261 filed
by him and moved its adoption:

H-8261

1 Amend House File 2651 as follows:

2 1. Page 2, by inserting after line 10 the
3 following:

4 "Sec.____. Section 321.236, subsection 1,
5 unnumbered paragraph 1, Code Supplement 2007, is
6 amended to read as follows:

7 Regulating the standing or parking of vehicles,
8 except as provided in section 321L.4, subsection 2A."

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

11 "Sec.____. Section 321L.4, subsection 1, Code
12 2007, is amended to read as follows:

13 1. A persons with disabilities parking permit
14 shall be displayed in a motor vehicle as a removable
15 windshield placard or on a vehicle as a plate or

16 sticker as provided in section 321L.2 when being used
 17 by a person with a disability, either as an operator
 18 or passenger. Each removable windshield placard shall
 19 be of uniform design and fabricated of durable
 20 material, suitable for display from within the
 21 passenger compartment of a motor vehicle, and readily
 22 transferable from one vehicle to another. The placard
 23 shall only be displayed when the motor vehicle is
 24 parked in a persons with disabilities parking space or
 25 a parking space controlled by a parking meter, except
 26 as provided in section 321L.2A.

27 Sec.____. Section 321L.4, Code 2007, is amended by
 28 adding the following new subsection:

29 NEW SUBSECTION. 2A. A person properly displaying
 30 a persons with disabilities parking permit may park in
 31 a metered parking space controlled by a local
 32 authority free of charge."

33 3. Title page, line 13, by inserting after the
 34 word "spaces" the following: "and metered parking
 35 spaces".

36 4. Title page, line 13, by striking the word
 37 "veterans," and inserting the following: "persons,".

38 5. By renumbering as necessary.

Amendment H-8261 lost.

Jochum of Dubuque in the chair at 6:34 p.m.

Huser of Polk asked and received unanimous consent that
 amendment H-8150 be deferred.

Huser of Polk offered amendment H-8241 filed by her as follows:

H-8241

1 Amend House File 2651 as follows:

2 1. Page 8, by inserting after line 19 the
 3 following:

4 "Sec.____. Section 331.382, subsection 8,
 5 unnumbered paragraph 2, Code 2007, is amended to read
 6 as follows:

7 However, the board may assume and exercise the
 8 powers and duties of a governing body under chapter
 9 357, 357A, 357B, 358 or chapter 468, subchapter III,
 10 if a governing body established under one of those
 11 chapters has insufficient membership to perform its
 12 powers and duties, and the board, upon petition of the
 13 number of property owners within a proposed district
 14 and filing of a bond as provided in section 357A.2,

15 may establish a service district within the
16 unincorporated area of the county and exercise within
17 the district the powers and duties granted in chapter
18 357, 357A, 357B, 357C, 357I, 358, 359, 384, division
19 IV, or chapter 468, subchapter III."

20 2. Page 9, by inserting after line 19 the
21 following:

22 "Sec. ____ NEW SECTION. 357I.1 DEFINITIONS.

23 As used in this chapter, unless the context
24 otherwise requires:

25 1. "Board" means the board of supervisors of a
26 county.

27 2. "Book", "list", "record", or "schedule" kept by
28 a county auditor, assessor, treasurer, recorder,
29 sheriff, or other county officer means the county
30 system as defined in section 445.1.

31 3. "District" means a benefited secondary road
32 services district.

33 4. "Trustee" means a trustee of a district.

34 Sec. ____ NEW SECTION. 357I.2 PETITION FOR
35 PUBLIC HEARING.

36 1. The board shall, on the petition of twenty-five
37 percent of the resident property owners in a proposed
38 district if the assessed valuation of the property
39 owned by the petitioners represents at least
40 twenty-five percent of the total assessed value of the
41 proposed district, hold a public hearing concerning
42 the establishment of a proposed district. The
43 petition shall include a statement containing the
44 following information:

45 a. The need for secondary road services.

46 b. The district to be served.

47 c. The approximate number of families in the
48 district.

49 d. A general description of the secondary road
50 services to be provided in the district.

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1 2. The board may require a bond of the petitioners
2 conditioned for the payment of all costs and expenses
3 incurred in the proceedings in case the district is
4 not established.

5 Sec. ____ NEW SECTION. 357I.3 LIMITATION ON
6 AREA.

7 A district may include all or parts of the
8 unincorporated areas of one township and any
9 unincorporated areas of adjoining townships or parts
10 of adjoining townships.

11 Sec. ____ NEW SECTION. 357I.4 TIME OF HEARING.

12 The public hearing required in section 357I.2 shall
13 be held within thirty days of the presentation of the

14 petition. Notice of hearing shall be given by
 15 publication in two successive issues of any newspaper
 16 of general circulation within the district. The last
 17 publication shall be not less than one week before the
 18 proposed hearing.

19 Sec.____. NEW SECTION. 3571.5 ACTION BY BOARD.

20 After, and within ten days of, the hearing, the
 21 board shall either establish the district by
 22 resolution or disallow the petition.

23 Sec.____. NEW SECTION. 3571.6 ENGINEER.

24 1. When the board establishes a district, the
 25 board shall appoint a competent disinterested civil
 26 engineer, who shall prepare a preliminary plat
 27 showing:

28 a. The proper design in general outline of the
 29 district.

30 b. The lots and parcels of land within the
 31 proposed district as they appear on the county
 32 auditor's plat books with the names of the owners.

33 c. The assessed valuation of the lots and parcels.

34 2. The compensation of the engineer on the
 35 preliminary investigation shall be determined by the
 36 board. The engineer shall file a report with the
 37 county auditor within thirty days of appointment. The
 38 board may extend the time upon good cause shown.

39 Sec.____. NEW SECTION. 3571.7 HEARING ON
 40 ENGINEER'S REPORT.

41 After the engineer's report is filed, the board
 42 shall give notice, as provided in section 3571.4, of a
 43 public hearing to be held concerning the engineer's
 44 preliminary plat.

45 Sec.____. NEW SECTION. 3571.8 ELECTION ON
 46 PROPOSED LEVY AND CANDIDATES FOR TRUSTEES.

47 When a preliminary plat has been approved by the
 48 board, an election shall be held within the district
 49 within sixty days to approve or disapprove the levy of
 50 a tax not to exceed in any fiscal year one dollar per

Page 3

1 thousand dollars of assessed value on all the taxable
 2 property within the district and to choose candidates
 3 for the offices of trustees of the district. Notice
 4 of the election, including the time and place of
 5 holding the election, shall be given as provided in
 6 section 3571.4. The vote shall be by ballot which
 7 shall state clearly the proposition to be voted upon
 8 and any registered voter residing within the district
 9 at the time of the election may vote. It is not
 10 mandatory for the county commissioner of elections to
 11 conduct elections held pursuant to this chapter, but
 12 the elections shall be conducted in accordance with

13 chapter 49 where not in conflict with this chapter.
 14 Judges shall be appointed to serve without pay by the
 15 board from among the registered voters of the district
 16 to be in charge of the election. The proposition is
 17 approved if sixty percent of those voting on the
 18 proposition vote in favor of it.
 19 Sec.____. NEW SECTION. 357I.9 TRUSTEES – TERM
 20 AND QUALIFICATION.
 21 At the election, the names of up to three
 22 candidates for trustee shall be written in by the
 23 voters on blank ballots without formal nomination and
 24 the board shall appoint three from among the five
 25 receiving the highest number of votes as trustees for
 26 the district. One trustee shall be appointed to serve
 27 for one year, one for two years, and one for three
 28 years. The trustees and their successors must be
 29 residents of the district and shall give bond in the
 30 amount required by the board, the premium of which
 31 shall be paid by the district. Vacancies shall be
 32 filled by election, but if there are no candidates for
 33 a trustee office, the vacancy may be filled by
 34 appointment by the board. The term of succeeding
 35 trustees shall be three years.
 36 Sec.____. NEW SECTION. 357I.10 TRUSTEES' POWERS.
 37 The trustees may contract with the county for road
 38 paving, reconstruction, or maintenance services not
 39 otherwise provided by the county on roads within the
 40 district and may certify for levy an annual tax as
 41 provided in section 357I.8. The trustees may purchase
 42 material and perform all other acts necessary to
 43 properly maintain and operate the district. The
 44 trustees are allowed necessary expenses in the
 45 discharge of their duties, but they shall not receive
 46 a salary.
 47 Sec.____. NEW SECTION. 357I.11 BONDS IN
 48 ANTICIPATION OF REVENUE.
 49 A district may anticipate the collection of taxes
 50 by the levy authorized in this chapter, and to carry

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1 out the purposes of this chapter may issue bonds
 2 payable in not more than ten equal installments with
 3 the rate of interest not exceeding that permitted by
 4 chapter 74A. An indebtedness shall not be incurred
 5 under this chapter until authorized by an election.
 6 The election shall be held and notice given in the
 7 same manner as provided in section 357I.8, and the
 8 same sixty percent vote shall be necessary to
 9 authorize indebtedness. Both propositions may be
 10 submitted to the voters at the same election.
 11 Sec.____. NEW SECTION. 357I.12 DISSOLUTION OF

12 DISTRICT.

13 Upon petition of thirty-five percent of the
14 resident eligible electors, the board may dissolve a
15 district and dispose of any remaining property, the
16 proceeds of which shall first be applied against
17 outstanding obligations and any balance shall be
18 applied to tax credit of property owners of the
19 district. However, if the district is annexed, the
20 board of supervisors may transfer the remaining
21 property and balance to the city which annexed the
22 territory. The board shall continue to levy a tax
23 after dissolution of a district, of not to exceed
24 twenty-seven cents per thousand dollars of assessed
25 value on all the taxable property of the district,
26 until all outstanding obligations of the district are
27 paid.

28 Sec.____. NEW SECTION. 357I.13 INCORPORATION OF
29 DISTRICT LAND.

30 If part of a district is incorporated by a city and
31 there are outstanding indebtedness obligations against
32 the district, the city shall pay the outstanding
33 obligations against the part of the district which is
34 incorporated by the city.

35 Sec.____. NEW SECTION. 357I.14 ADDING PROPERTY
36 TO DISTRICT.

37 The owner of any property in an unincorporated area
38 contiguous to the boundaries of an established
39 district may petition the board to be included in the
40 district. Upon receipt of the petition, the board
41 shall submit the request to a competent disinterested
42 civil engineer to investigate the feasibility of
43 adding the additional territory and to make a report
44 to the board. If the board agrees that the property
45 should be added to the district, the tax levy for the
46 next year shall be applied to the property and on the
47 first day of the next fiscal year the property shall
48 become a part of the district. If the district lies
49 in more than one county the joint action of the boards
50 involved is required to add additional territory.

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1 Sec.____. NEW SECTION. 357I.15 DETERMINATION OF
2 FEE.

- 3 1. The owner of any property joining an
4 established district shall pay to the trustees of the
5 district an initial fee to be computed as follows:
6 a. The trustees shall first determine fair market
7 value of all property and improvements owned by the
8 district, less the amount of debt incurred by the
9 district, if any.
10 b. The board shall then determine the assessed

- 11 value of all property in the district. This shall be
12 divided into the value determined in paragraph "a".
13 c. The board shall determine the assessed value of
14 the property of each landowner joining the established
15 district.
16 d. The result obtained in paragraph "b" shall be
17 multiplied by the result obtained in paragraph "c".
18 The result shall be the initial fee to be charged each
19 landowner.
20 2. The initial fees paid to the trustees shall be
21 used to help defray the cost of the district's
22 secondary road services."
23 3. Title page, lines 2 and 3, by striking the
24 words "by the department of transportation".
25 4. Title page, line 16, by inserting after the
26 word "facilities," the following: "establishment of
27 benefited secondary road services districts,".
28 5. By renumbering as necessary.

Huser of Polk offered the following amendment H-8306, to amendment H-8241, filed by her from the floor and moved its adoption:

H-8306

- 1 Amend the amendment, H-8241, to House File 2651, as
2 follows:
3 1. Page 1, line 50, by inserting after the word
4 "district" the following: "by the county".
5 2. Page 3, by striking lines 37 through 39 and
6 inserting the following:
7 "The trustees may contract only with the county to
8 provide road services including road paving,
9 reconstruction, or maintenance, according to the
10 county's standards for such services, on roads within
11 the".
12 3. Page 3, line 42, by striking the word
13 "material" and inserting the following: "materials
14 incidental to the administrative functions of the
15 trustees".
16 4. Page 3, by inserting after line 46 the
17 following:
18 "Sec. . NEW SECTION. 357I.10A REVENUES
19 EXCLUDED FROM COUNTY GENERAL FUND TRANSFERS.
20 The amount of revenue collected from the tax levied
21 pursuant to section 357I.8 shall not be included in
22 the calculation of property tax revenues transferred
23 to the secondary road fund annually under section
24 331.429."
25 5. By renumbering as necessary.

Amendment H-8306 was adopted.

Huser of Polk offered the following amendment H-8269, to amendment H-8241, filed by her and moved its adoption:

H-8269

1 Amend the amendment, H-8241, to House File 2651, as
2 follows:

3 1. Page 2, by striking lines 5 through 10 and
4 inserting the following:

5 "3. If part or all of the proposed district lies
6 within two miles of the boundaries of a city, the
7 board shall send a copy of the petition to each such
8 city before scheduling the public hearing on the
9 petition. A city that receives a copy of the petition
10 may require that any road or street improvements and
11 associated drainage improvements constructed within
12 the district after establishment of the district be
13 constructed in compliance with requirements for such
14 improvements then in effect within the city. The city
15 shall notify the board of the city's response to the
16 petition within thirty days of receiving the petition.
17 If the city wants requirements for road or street
18 improvements and associated drainage improvements then
19 in effect within the city to apply within the
20 district, the requirements shall be included in the
21 resolution of the board establishing the district and
22 shall be incorporated into the plans and
23 specifications for the improvements prepared by the
24 district engineer or county engineer. The plans and
25 specifications shall be subject to approval by the
26 board and by the city council of each affected city,
27 which approval must occur before commencement of
28 construction.

29 Sec. . NEW SECTION. 3571.3 LIMITATION ON AREA
30 AND PROPERTY COMPRISING DISTRICT.

31 1. A district is limited to property within a
32 residential subdivision that was in existence prior to
33 January 1, 2007, and that has received county road
34 services pursuant to an agreement between the county
35 and residents of the subdivision prior to July 1,
36 2008.

37 2. Subject to the limitations in subsection 1, a
38 district may include all or parts of the
39 unincorporated areas of one township and any
40 unincorporated areas of adjoining townships or parts
41 of adjoining townships."

42 2. Page 3, line 40, by inserting after the word
43 "district" the following: ", and on any road outside
44 the district that provides a direct route between the

45 subdivision comprising the district and the nearest
46 paved street or highway."
47 3. By striking page 4, line 34, through page 5,
48 line 22, and inserting the following: "incorporated
49 by the city."
50 4. By renumbering as necessary.

Amendment H-8269 was adopted.

On motion by Huser of Polk, amendment H-8241, as amended,
was adopted.

Alons of Sioux offered the following amendment H-8255 filed by
him and moved its adoption:

H-8255

1 Amend House File 2651 as follows:
2 1. Page 10, by inserting after line 31 the
3 following:
4 "Sec. ____ HEAVY HAULER FEE STUDY. The department
5 of transportation, in consultation with
6 representatives of the trucking industry in Iowa and
7 other interested parties, shall conduct a study of the
8 registration and permit fees imposed on owners of
9 commercial vehicles used for hauling loads in excess
10 of two hundred fifty thousand pounds. In conducting
11 the study, the department shall compare Iowa's fees
12 with fees imposed on similar vehicles registered in
13 states bordering Iowa and identify any areas in which
14 the difference in fees creates a competitive
15 disadvantage for the owner of a commercial vehicle in
16 Iowa who competes for business with owners of
17 commercial vehicles registered in a neighboring state.
18 The department, in consultation with participants in
19 the study, shall consider a waiver process or other
20 methods by which Iowa's registration and permit fees
21 could be modified as necessary to minimize or
22 eliminate any competitive disadvantage identified in
23 the study while minimizing the impact on overall
24 revenue accruing to the road use tax fund. The
25 department shall report its findings and
26 recommendations, including a legislative proposal, to
27 the general assembly on or before January 1, 2009."
28 2. By renumbering as necessary.

Amendment H-8255 lost, placing out of order amendment H-8254
filed by Alons of Sioux on March 24, 2008.

Huser of Polk offered amendment H-8150, previously deferred, filed by her as follows:

H-8150

1 Amend House File 2651 as follows:

2 1. Page 2, by striking lines 11 through 33.

3 2. Page 4, by inserting after line 9 the

4 following:

5 "Sec.____. Section 321E.7, subsection 4, Code
6 Supplement 2007, is amended to read as follows:

7 4. Notwithstanding subsections 1 and 2, a
8 self-propelled implement of husbandry traveling under
9 a permit issued pursuant to section 321E.8A may exceed
10 the maximum axle loads prescribed under section
11 321.463 only when operated on a noninterstate highway
12 in a county covered under the permit, provided the
13 weight on any one axle does not exceed twenty-five
14 thousand pounds, and provided the current and valid
15 permit is carried in the vehicle. ~~For purposes of~~
16 ~~this subsection, "noninterstate highway" does not~~
17 ~~include a bridge. However, a vehicle traveling under~~
18 ~~a permit issued pursuant to section 321E.8A is not~~
19 ~~exempt from posted weight limitations on bridges."~~

20 3. Page 4, by inserting after line 16 the

21 following:

22 "Sec.____. Section 321E.8A, subsection 1, Code
23 Supplement 2007, is amended to read as follows:

24 1. A self-propelled implement of husbandry
25 equipped with flotation tires that is designed to be
26 loaded and operated in the field and used exclusively
27 for the application of organic or inorganic plant food
28 materials, agricultural limestone, or agricultural
29 chemicals, and that, as newly manufactured, exceeds
30 the axle weight limits under section 321.463 when
31 unloaded, may be operated on noninterstate highways,
32 ~~excluding bridges~~, in a county pursuant to a permit
33 issued by the department for travel within the county,
34 provided the vehicle does not violate posted weight
35 limitations on bridges. Prior to issuing a permit,
36 the department shall collect a fee of six hundred
37 dollars for each county in which the vehicle will be
38 operated during the period of the permit beginning
39 July 1 and ending June 30, provided that a permit
40 shall not be issued for a vehicle for operation in
41 more than ten counties and the total amount of fees
42 collected for a vehicle for the period of the permit
43 shall not exceed three thousand five hundred dollars.
44 Moneys collected by the department on behalf of the
45 counties in which the vehicle will be operated shall
46 be allotted equally to those counties and deposited in

47 the secondary road funds of those counties. A vehicle
48 for which a permit is issued under this section shall
49 be assigned a permit number that shall be displayed on
50 the door of the vehicle in numbers that contrast

Page 2

1 sharply in color with the background on which the
2 number is placed, be readily legible during daylight
3 hours from a distance of fifty feet when the vehicle
4 is stationary, and be maintained in a manner that
5 retains the legibility. Only vehicles originally
6 purchased or ordered prior to February 1, 2007, are
7 eligible for a permit. New permits shall not be
8 issued on or after July 1, 2007; however, a permit
9 issued for a vehicle under this section prior to July
10 1, 2007, may be renewed for that vehicle annually upon
11 payment of the appropriate county fees."

12 4. Page 10, line 33, by striking the figure
13 "321A.32A,".

14 5. Page 10, line 34, by striking the word "and".

15 6. Page 10, line 34, by inserting after the
16 figure "321E.9B," the following: "and".

17 7. By striking page 10, line 35, through page 11,
18 line 3, and inserting the following: "repealing 2007
19 Iowa Acts, chapter 167, being deemed of immediate
20 importance, take effect upon enactment.

21 Sec.____. CONTINGENT EFFECTIVENESS. The section
22 of this Act relating to the defeasance of petroleum
23 underground storage tank fund bonds takes effect only
24 upon enactment of legislation striking section 423.43,
25 subsection 1, paragraph "a", Code Supplement 2007, by
26 the Eighty-second General Assembly."

27 8. Title page, by striking lines 11 and 12 and
28 inserting the following: "motor vehicle, access to
29 persons with".

30 9. By renumbering as necessary.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-8291, to amendment H-8150, filed by him from the floor.

Huser of Polk offered the following amendment H-8305, to amendment H-8150, filed by her from the floor and Reasoner of Union and moved its adoption:

H-8305

1 Amend the amendment, H-8150, to House File 2651 as
2 follows:

- 3 1. Page 1, by inserting after line 1 the
4 following:
5 "____. Page 2, by inserting after line 10 the
6 following:
7 "Sec.____. Section 321.253, Code 2007, is amended
8 to read as follows:
9 321.253 DEPARTMENT TO ERECT SIGNS.
10 1. The department shall place and maintain such
11 traffic-control devices, conforming to its manual and
12 specifications, upon all primary highways as it ~~shall~~
13 ~~deem~~ ~~deems~~ necessary to indicate and to carry out the
14 provisions of this chapter or to regulate, warn, or
15 guide traffic. Whenever practical, ~~said the~~ devices
16 or signs shall be purchased from the director of the
17 Iowa department of corrections.
18 2. The department shall post signs informing
19 motorists of the penalties for speeding in a road work
20 zone and that the scheduled fine for committing a ~~an~~ any
21 other moving traffic violation in a road work zone is
22 doubled."
23 2. Page 2, by inserting after line 11 the
24 following:
25 "____. Page 10, by inserting after line 18 the
26 following:
27 "Sec.____. Section 805.8A, subsection 14,
28 paragraph i, Code 2007, is amended to read as follows:
29 i. ROAD WORK ZONE VIOLATIONS. The scheduled fine
30 for any moving traffic violation under chapter 321, as
31 provided in this section, shall be doubled if the
32 violation occurs within any road work zone, as defined
33 in section 321.1. However, notwithstanding subsection
34 5, the scheduled fine for violating the speed limit in
35 a road work zone is as follows:
36 (1) One hundred fifty dollars for speed not more
37 than ten miles per hour over the posted speed limit.
38 (2) Three hundred dollars for speed greater than
39 ten but not more than twenty miles per hour over the
40 posted speed limit.
41 (3) Five hundred dollars for speed greater than
42 twenty but not more than twenty-five miles per hour
43 over the posted speed limit.
44 (4) One thousand dollars for speed greater than
45 twenty-five miles per hour over the posted speed
46 limit."
47 3. Page 2, line 28, by inserting after the word
48 "vehicle," the following: "penalties for speeding
49 violations committed in road work zones,".
50 4. By renumbering as necessary.

Amendment H-8305 was adopted.

Davitt of Warren asked and received unanimous consent to withdraw amendment H-8307, to amendment H-8150, filed by him from the floor.

Huser of Polk offered the following amendment H-8251, to amendment H-8150, filed by her and moved its adoption:

H-8251

- 1 Amend the amendment, H-8150, to House File 2651 as
- 2 follows:
- 3 1. Page 2, by inserting after line 11 the
- 4 following:
- 5 "____. Page 9, lines 24 and 25, by striking the
- 6 words "vehicle upon payment of the fee provided for"
- 7 and inserting the following: "vehicle ~~upon payment~~
- 8 ~~of. The annual registration fee is the fee provided~~
- 9 ~~for".~~
- 10 _____. By striking page 9, line 32, through page
- 11 10, line 1, and inserting the following: "use"
- 12 vehicle in accordance with sections 321.58 through
- 13 321.62. The "limited use" registration"."
- 14 2. By renumbering as necessary.

Amendment H-8251 was adopted.

Windschitl of Harrison offered the following amendment H-8296, to amendment H-8150, filed by him from the floor and moved its adoption:

H-8296

- 1 Amend the amendment, H-8150, to House File 2651 as
- 2 follows:
- 3 1. Page 2, by inserting after line 11 the
- 4 following:
- 5 "____. Page 10, by inserting after line 31 the
- 6 following:
- 7 "Sec. _____. TEMPORARY HIGHWAY CLOSURES. Upon
- 8 application by a city located along state highway 175
- 9 for a temporary closure of a portion of the highway to
- 10 accommodate a scheduled community event, the
- 11 department of transportation shall approve the closure
- 12 for the amount of time needed for the community event,
- 13 not to exceed a single period of no more than
- 14 twenty-four hours.""

Amendment H-8296 was adopted.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8309, to amendment H-8150, filed by her from the floor.

On motion by Huser of Polk, amendment H-8150, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2651)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Kaufmann

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2553, 2601 and 2651.**

House File 2393, a bill for an act requiring a minority impact statement as part of an application for a grant from the department of public health, human services, or human rights and providing effective and applicability dates, was taken up for consideration.

Smith of Marshall asked and received unanimous consent to withdraw amendment H-8096 filed by him on March 12, 2008, placing out of order amendment H-8260 filed by Ford of Polk on March 24, 2008.

Smith of Marshall asked and received unanimous consent to withdraw amendment H-8243 filed by Smith of Marshall et al., on March 19, 2008.

Ford of Polk offered the following amendment H-8280 filed by Ford et al., and moved its adoption:

H-8280

1 Amend House File 2393 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 2.56, subsection 1, Code 2007,
5 is amended to read as follows:
6 1. Prior to debate on the floor of a chamber of
7 the general assembly, a correctional impact statement
8 shall be attached to any bill, joint resolution, or
9 amendment which proposes a change in the law which
10 creates a public offense, significantly changes an
11 existing public offense or the penalty for an existing
12 offense, or changes existing sentencing, parole, or
13 probation procedures. The statement shall include
14 information concerning the estimated number of
15 criminal cases per year that the legislation will
16 impact, the fiscal impact of confining persons
17 pursuant to the legislation, the impact of the

18 legislation on minorities, the impact of the
19 legislation upon existing correctional institutions,
20 community-based correctional facilities and services,
21 and jails, the likelihood that the legislation may
22 create a need for additional prison capacity, and
23 other relevant matters. The statement shall be
24 factual and shall, if possible, provide a reasonable
25 estimate of both the immediate effect and the
26 long-range impact upon prison capacity.

27 Sec. 2. Section 2.56, Code 2007, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 4A. The legislative services
30 agency in cooperation with the division of criminal
31 and juvenile justice planning of the department of
32 human rights shall develop a protocol for analyzing
33 the impact of the legislation on minorities.

34 Sec. 3. NEW SECTION. 8.11 GRANT APPLICATIONS –
35 MINORITY IMPACT STATEMENTS.

36 1. Each application for a grant from a state
37 agency shall include a minority impact statement that
38 contains the following information:

39 a. Any disproportionate or unique impact of
40 proposed policies or programs on minority persons in
41 this state.

42 b. A rationale for the existence of programs or
43 policies having an impact on minority persons in this
44 state.

45 c. Evidence of consultation of representatives of
46 minority persons in cases where a policy or program
47 has an identifiable impact on minority persons in this
48 state.

49 2. For the purposes of this section, the following
50 definitions shall apply:

Page 2

1 a. "Disability" means the same as provided in
2 section 15.102, subsection 5, paragraph "b",
3 subparagraph (1).

4 b. "Minority persons" includes individuals who are
5 women, persons with a disability, Blacks, Latinos,
6 Asians or Pacific Islanders, American Indians, and
7 Alaskan Native Americans.

8 c. "State agency" means a department, board,
9 bureau, commission, or other agency or authority of
10 the state of Iowa.

11 3. The office of grants enterprise management
12 shall create and distribute a minority impact
13 statement form for state agencies and ensure its
14 inclusion with applications for grants.

15 4. The directives of this section shall be carried
16 out to the extent consistent with federal law.

- 17 5. The minority impact statement shall be used for
 18 informational purposes.
 19 Sec. 4. EFFECTIVE AND APPLICABILITY DATES. This
 20 Act takes effect July 1, 2008, and shall apply to
 21 grants for which applications are due beginning
 22 January 1, 2009."
 23 2. Title page, by striking lines 1 through 4 and
 24 inserting the following: "An Act providing
 25 requirements for minority impact statements in
 26 relation to state grant applications and correctional
 27 impact statements for legislation, and providing
 28 effective and applicability dates."
 29 3. By renumbering as necessary.

Amendment H-8280 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2393)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Kaufmann

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

HOUSE FILE 2288 WITHDRAWN

Smith of Marshall asked and received unanimous consent to withdraw House File 2288 from further consideration by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2393** be immediately messaged to the Senate.

House File 2508, a bill for an act authorizing appeal of denials of dental insurance coverage based on medical necessity, was taken up for consideration.

T. Olson of Linn offered amendment H-8144 filed by him as follows:

H-8144

- 1 Amend House File 2508 as follows:
- 2 1. Page 1, line 8, by striking the word "or" and
- 3 inserting the following: "~~or~~".
- 4 2. Page 1, line 8, by inserting after the words
- 5 "payment insurance" the following: ", or denials of
- 6 coverage not based on medical necessity".
- 7 3. Title page, line 1, by striking the words
- 8 "authorizing appeal of denials of dental" and
- 9 inserting the following: "relating to appeals of
- 10 denials of".

Hoffman of Crawford asked and received unanimous consent to withdraw amendment H-8300, to amendment H-8144, filed by him from the floor.

On motion by T. Olson of Linn, amendment H-8144 was adopted.

SENATE FILE 2199 SUBSTITUTED FOR HOUSE FILE 2508

T. Olson of Linn asked and received unanimous consent to substitute Senate File 2199 for House File 2508.

Senate File 2199, a bill for an act relating to appeals of denials of insurance coverage based on medical necessity, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2199)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Granzow

Kaufmann

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

HOUSE FILES 54, 2121, 2231 and 2291 WITHDRAWN

T. Olson of Linn asked and received unanimous consent to withdraw House Files 54, 2121, 2231 and 2291 from further consideration by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2199** be immediately messaged to the Senate.

House File 2650, a bill for an act establishing a state health insurance mandate commission, and providing for a repeal and an effective date, was taken up for consideration.

Van Fossen of Scott offered amendment H-8274 filed by him as follows:

H-8274

- 1 Amend House File 2650 as follows:
- 2 1. Page 7, by striking line 18 and inserting the
- 3 following:
- 4 "7. FUTURE REPEAL. This section is repealed".
- 5 2. Page 7, by inserting after line 19 the
- 6 following:
- 7 "Sec. . NEW SECTION. 514C.24 COVERAGE FOR
- 8 PROSTHETIC DEVICES.
- 9 1. Notwithstanding the uniformity of treatment
- 10 requirements of section 514C.6, a policy or contract
- 11 providing for third-party payment or prepayment of
- 12 health or medical expenses shall provide coverage
- 13 benefits for prosthetic devices when prescribed by a
- 14 physician licensed under chapter 148, 150, or 150A.
- 15 Such coverage benefits for prosthetic devices shall
- 16 provide coverage for prosthetic devices that, at a
- 17 minimum, equals the coverage and payment for
- 18 prosthetic devices provided under federal laws for
- 19 health insurance for the aged and disabled pursuant to
- 20 42 U.S.C. } 1395k, 1395l, and 1395m, and 42 C.F.R. §
- 21 414.202, 414.210, 414.228, and 410.100, as applicable.
- 22 2. a. This section applies to the following
- 23 classes of third-party payment provider contracts or
- 24 policies delivered, issued for delivery, continued, or

25 renewed in this state on or after July 1, 2008:
26 (1) Individual or group accident and sickness
27 insurance providing coverage on an expense-incurred
28 basis.
29 (2) An individual or group hospital or medical
30 service contract issued pursuant to chapter 509, 514,
31 or 514A.
32 (3) An individual or group health maintenance
33 organization contract regulated under chapter 514B.
34 (4) A plan established pursuant to chapter 509A
35 for public employees.
36 (5) An organized delivery system licensed by the
37 director of public health.
38 b. This section shall not apply to accident only,
39 specified disease, short-term hospital or medical,
40 hospital confinement indemnity, credit, dental,
41 vision, Medicare supplement, long-term care, basic
42 hospital and medical-surgical expense coverage as
43 defined by the commissioner, disability income
44 insurance coverage, coverage issued as a supplement to
45 liability insurance, workers' compensation or similar
46 insurance, or automobile medical payment insurance."
47 3. Title page, line 1, by inserting after the
48 word "Act" the following: "relating to health
49 insurance mandates by".
50 4. Title page, by striking line 2 and inserting

Page 2

1 the following: ", requiring health insurance coverage
2 for certain prosthetic devices, and providing an
3 effective date."
4 5. By renumbering as necessary.

T. Olson of Linn rose on a point of order that amendment H-8274 was not germane.

The Speaker ruled the point well taken and amendment H-8274 not germane.

Van Fossen of Scott asked for unanimous consent to suspend the rules to consider amendment H-8274.

Objection was raised.

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

On the question "Shall the bill pass?" (H.F. 2650)

The ayes were, 60:

Abdul-Samad	Anderson	Bailey	Bell
Berry	Bukta	Clute	Cohoon
Dandekar	Davitt	Foege	Ford
Frevert	Gaskill	Gayman	Gipp
Heddens	Hoffman	Hunter	Jacobs
Jacoby	Kelley	Kressig	Kuhn
Lensing	Lukan	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Rants
Reasoner	Reichert	Roberts	Schueller
Shomshor	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Tomenga	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wienczek	Winckler	Wise	Jochum, Presiding

The nays were, 39:

Alons	Arnold	Baudler	Boal
Chambers	De Boef	Deyoe	Dolecheck
Drake	Forristall	Granzow	Grassley
Greiner	Heaton	Horbach	Huseman
Huser	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rasmussen
Rayhons	Sands	Schickel	Smith
Soderberg	Struyk	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Windschitl	Worthan	Zirkelbach	

Absent or not voting, 1:

Kaufmann

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

The House stood at ease at 9:28 p.m., until the fall of the gavel.

The House resumed session at 9:48 p.m., Speaker Murphy in the chair.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2650** be immediately messaged to the Senate.

HOUSE FILE 2613 REFERRED

The Speaker announced that House File 2613, previously placed on **calendar** was referred to committee on **ways and means**.

HOUSE FILE 2652 REFERRED

The Speaker announced that House File 2652, previously placed on **calendar** was referred to committee on **appropriations**.

SENATE FILE 2177 REREFERRED

The Speaker announced that Senate File 2177, previously referred to committee on **human resources** was **passed on file**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 25th day of March, 2008: House Files 2215, 2268 and 2287.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 25, 2008, he approved and transmitted to the Secretary of State the following bills:

House File 2165, an Act relating to business corporations, by providing for distributions and business opportunities.

House File 2166, an Act relating to the practice of pharmacy, including provisions governing tech-check-tech programs and specifying applicable penalty provisions.

House File 2194, an Act relating to exemptions to state minimum wage requirements.

House File 2213, an Act relating to technical matters concerning the regulation of motor vehicles by the department of transportation and providing an effective date.

House File 2309, an Act relating to child support recovery including assignment of support to the state relative to receipt of family investment program benefits, the reporting of delinquent child support obligors to consumer reporting agencies, access to cellular telephone numbers for the purpose of the computer match program by the child support recovery unit, the information included in a notice regarding the administrative levy of an account, and medical support of a child, and providing effective and retroactive applicability dates.

Senate File 249, an Act relating to the conference of eligibility on and conditions of eligibility for individuals for certain programs under the purview of the department of human services.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF ADMINISTRATIVE SERVICES

Annual report, pursuant to Chapter 7A.3(9), Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Report of the Microenterprise Study, pursuant to Chapter 3(2)g, Code of Iowa.

DEPARTMENT OF EDUCATION

Report of the school districts Sharing and Efficiencies Study, pursuant to Chapter 256, Code of Iowa.

Annual report, pursuant to Chapter 256, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Annual report options and placements at the Iowa Juvenile Home in Toledo, pursuant to Chapter 232, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

Annual report of the status of Iowa's drinking water program, pursuant to Chapter 466, Code of Iowa.

Annual report of “Oil Overcharge Restitution Programs”, pursuant to Chapter 473.11, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\2478 Eunice DeSotel, Guttenberg – For celebrating her 90th birthday.
- 2008\2479 Robert H. Dietz, Wadena – For celebrating his 95th birthday.
- 2008\2480 Helen Oldfather, Fayette – For celebrating her 100th birthday.
- 2008\2481 Wilbur (Bud) and Gerry Pletsch, Alexander – For celebrating their 60th wedding anniversary.
- 2008\2482 Reeve L. and Maxine Eldridge, Clear Lake – For celebrating their 65th wedding anniversary.
- 2008\2483 Floyd Bochmann, Aredale – For celebrating his 95th birthday.
- 2008\2484 Florence Russell, Clear Lake – For celebrating her 85th birthday.
- 2008\2485 Robert and Berthie Begelow, Fontanelle – For celebrating their 60th wedding anniversary.
- 2008\2486 Charlie McNeill, Bagley – For celebrating his 80th birthday.
- 2008\2487 Agnes Rater, Fontanelle – For celebrating her 90th birthday.
- 2008\2488 Sylvia Plowman, Adair – For her 28years of service to the Adair Meal Site.
- 2008\2489 Robert and Virginia Bonar, Denmark – For celebrating their 60th wedding anniversary.
- 2008\2490 Forrest and Wilma Schau, Donnellson – For celebrating their 60th wedding anniversary.
- 2008\2491 Bob and Pauline Ness, Story City – For celebrating their 60th wedding anniversary.
- 2008\2492 Charles and Doris Meyer, Waterloo – For celebrating their 50th wedding anniversary.

- 2008\2493 Emily Mortvedt, Story City – For winning the state 2008 Poetry Out Loud contest.
- 2008\2494 Tyler Olson, Story City – For being given the 2008 DEKALB Agricultural Accomplishment Award.
- 2008\2495 Mary Grosland, Mason City – For celebrating her 90th birthday.
- 2008\2496 Ann Marie Peterson, Mason City – For celebrating her 80th birthday.
- 2008\2497 Harlan Stille, Mason City – For celebrating his 80th birthday.

SUBCOMMITTEE ASSIGNMENT

Senate File 2218

Education: Cohoon, Chair; Foege and May.

Senate File 2343

Judiciary: Swaim, Chair; Jacobs and Lensing.

Senate File 2353

Judiciary: Palmer, Chair; R. Olson and Struyk.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON EDUCATION

Senate File 2216, a bill for an act concerning state and local measures for preparing a student for a career or for postsecondary education, including a statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H—8289** March 24, 2008.

Senate File 2251, a bill for an act relating to student eye care and including an applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8288** March 24, 2008.

Senate File 2329, a bill for an act providing that funding of teacher compensation, professional development, early intervention, and educational excellence phase II be implemented through the school aid formula on a per pupil basis.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8290** March 24, 2008.

COMMITTEE ON HUMAN RESOURCES

Senate File 2266, a bill for an act requiring a preliminary investigation to be conducted by the county medical examiner in the event of the death of a resident of certain state facilities administered by the department of human services.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2008.

COMMITTEE ON JUDICIARY

Senate File 2212, a bill for an act relating to determinations in child in need of assistance proceedings, and modifying circumstances for termination of parental rights.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8297** March 25, 2008.

Senate File 2214, a bill for an act relating to modification of a child custody order during the time a parent is serving active duty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8298** March 25, 2008.

Senate File 2281, a bill for an act prohibiting employment discrimination against an employee witness in certain civil proceedings.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2008.

COMMITTEE ON NATURAL RESOURCES

Senate Joint Resolution 2, a joint resolution designating the channel catfish as the official state fish for the State of Iowa.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2008.

Senate File 2380, a bill for an act establishing a low head dam public hazard program.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2008.

COMMITTEE ON STATE GOVERNMENT

Senate File 2129, a bill for an act relating to the duties of the commission on the status of Iowans of Asian and Pacific Islander heritage regarding interpreter qualifications.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2008.

Senate File 2301, a bill for an act making revisions and modifications to uniform finance procedures for bonds issued by the state.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2008.

COMMITTEE ON VETERANS AFFAIRS

Senate File 2333, a bill for an act relating to the regulation of veterans commemorative property.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2008.

Senate File 2354, a bill for an act concerning the home ownership assistance program for members of the military.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2008.

RESOLUTIONS FILED

HR 131, by Schickel, Windschitl, Sands, Berry, T. Olson, D. Olson, Watts, Kressig, Staed, Heddens, Roberts, Bailey, Soderberg, Deyoe, Gaskill, Granzow, Rayhons, Upmeyer, Huseman, Gayman, Jacobs, Hoffman, Palmer, Tymeson, Horbach, Wendt, Chambers, Pettengill,

Van Fossen, Mertz and Jacoby, a resolution celebrating the 100th birthday of the United States Army Reserve, honoring the commitment, dedication, and service to America, and wishing for its continued support to our soldiers.

Laid over under **Rule 25.**

HR 132, by Alons, a resolution recognizing Iowa's 4th legislative house district as the 2008 Iowa High School Boys' State Basketball Tournament capitol.

Laid over under **Rule 25.**

HR 133, by Smith, Baudler, Wendt, Foege, Heaton, Ford, T. Olson, Petersen and Hoffman, a resolution designating September 2008 as Prostate Cancer Awareness Month.

Laid over under **Rule 25.**

HR 134, by Berry, Frevert, Gaskill, Gayman, Heddens, Hunter, Jacobs, Jochum, Kressig, Lensing, H. Miller, L. Miller, T. Olson, Swaim, Winckler, Wiencek and Mertz, a resolution designating Tuesday, April 22, 2008, as Equal Pay Day.

Laid over under **Rule 25.**

HR 135, by Berry, a resolution recognizing March 15, 2008, as Buckle Up for Safety Day.

Laid over under **Rule 25.**

HR 136, by Foege, a resolution honoring Wartburg College's wrestling team for winning the National Collegiate Athletic Association Division III Wrestling Championship.

Laid over under **Rule 25.**

AMENDMENTS FILED

H—8287	S.F.	348	Palmer of Mahaska
	Sands of Louisa		De Boef of Keokuk
	May of Dickinson		Chambers of O'Brien

Greiner of Washington			Whitaker of Van Buren
Huseman of Cherokee			Alons of Sioux
Dolecheck of Ringgold			Pettengill of Benton
Smith of Marshall			Deyoe of Story
S. Olson of Clinton			Mertz of Kossuth
Worthan of Buena Vista			Anderson of Page
Granzow of Hardin			Wenthe of Fayette
Lukan of Dubuque			Jochum of Dubuque
Rasmussen of Buchanan			Heaton of Henry
Horbach of Tama			Soderberg of Plymouth
Baudler of Adair			Tjepkes of Webster
Rayhons of Hancock			Wiencek of Black Hawk
Thomas of Clayton			Schueller of Jackson
Frevert of Palo Alto			Foege of Linn
Zirkelbach of Jones			Wise of Lee
Van Fossen of Scott			Gaskill of Wapello
H—8288	S.F.	2251	Committee on Education
H—8289	S.F.	2216	Committee on Education
H—8290	S.F.	2329	Committee on Education
H—8293	S.F.	348	Rants of Woodbury
H—8294	H.F.	2623	Gayman of Scott
H—8295	H.F.	2610	Horbach of Tama
H—8297	S.F.	2212	Committee on Judiciary
H—8298	S.F.	2214	Committee on Judiciary
H—8299	S.F.	348	Quirk of Chickasaw
H—8301	H.F.	2652	Gaskill of Wapello
H—8302	S.F.	203	Baudler of Adair
H—8303	S.F.	203	Baudler of Adair
H—8304	H.F.	2559	Zirkelbach of Jones
H—8308	H.F.	2527	Rants of Woodbury
H—8310	S.F.	2328	Baudler of Adair
H—8311	S.F.	2216	Mascher of Johnson
H—8312	S.F.	348	Quirk of Chickasaw
H—8313	H.F.	2623	Wise of Lee
H—8314	H.F.	2545	Zirkelbach of Jones
H—8315	H.F.	2269	Berry of Black Hawk
H—8316	H.F.	2652	Gaskill of Wapello

On motion by McCarthy of Polk the House adjourned at 9:50 p.m., until 9:00 a.m., Wednesday, March 26, 2008.

JOURNAL OF THE HOUSE

Seventy-third Calendar Day - Fifty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 26, 2008

The House met pursuant to adjournment at 9:13 a.m., the honorable Ro Foege, state representative of Linn County in the chair.

Prayer was offered by Reverend Tom Clegg, pastor of the Two Rivers Church, Des Moines. He was the guest of Representative Scott Raecker of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by RoxAnn Rhoads, Editor of the Winterset Alumni paper. She was the guest of Representative Mark Smith of Marshall County and Representative Jodi Tymeson of Madison County.

The Journal of Tuesday, March 25, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kaufmann of Cedar and Van Fossen of Scott, on request of Paulsen of Linn, Raecker of Polk, until his arrival, on request of Rants of Woodbury.

INTRODUCTION OF BILL

House File 2664, by Chambers, a bill for an act providing for increased reimbursement paid by the department of human services for certain providers of services to persons with mental retardation or other disabilities and making an appropriation.

Read first time and referred to committee on **appropriations**.

ADOPTION OF HOUSE RESOLUTION 113

Smith of Marshall and Granzow of Hardin called up for consideration **House Resolution 113**, a resolution honoring the

men's soccer team from Marshalltown Community College for their third-place finish in the National Junior College Athletic Association National Soccer Tournament, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATIONS

Smith of Marshall and Granzow of Hardin introduced to the House the soccer team from Marshalltown Community College and their coach Marcelo Serrano.

The House rose and expressed its welcome.

Horbach of Tama introduced to the House, Bonnie Linsenmeyer and Marilyn Kidd, nurses who attended to an emergency with a House staff member and Susan Cameron whom called 911 and stayed with the victim until medics arrived.

The House rose and expressed its appreciation.

CONSIDERATION OF BILLS

Regular Calendar

House File 2600, a bill for an act relating to eluding or attempting to elude a pursuing law enforcement vehicle operated by a special security officer employed by a board of regents institution, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2600)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Ford
Forristall	Frevort	Gaskill	Gayman

Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wienczek	Winckler
Windschitl	Wise	Worthan	Zirkelbach
Foege, Presiding			

The nays were, none.

Absent or not voting, 3:

Kaufmann Raecker Van Fossen

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2283, a bill for an act concerning eligibility criteria for special gold star motor vehicle registration plates.

MICHAEL E. MARSHALL, Secretary

House File 2580, a bill for an act providing for a sustainable natural resource funding advisory committee, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2580)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Raecker Van Fossen

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

House File 2581, a bill for an act relating to the donation of food to the department of natural resources or county conservation boards, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2581)

The ayes were, 96:

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

The nays were, 1:

Lensing

Absent or not voting, 3:

Frevert Raecker Taylor, D.

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2580, 2581 and 2600.**

House File 2570, a bill for an act relating to solid waste disposal and environmental management by providing for the designation of environmental management systems, providing incentives, and creating a solid waste alternatives program advisory council, and modifying fees and allocations of funds, was taken up for consideration.

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-8145 filed by her on March 18, 2008.

D. Olson of Boone offered the following amendment H-8136 filed by him and moved its adoption:

H-8136

1 Amend House File 2570 as follows:
2 1. Page 5, line 20, by inserting after the word
3 "criteria." the following: "In determining whether a
4 system is in compliance with the provisions of this
5 chapter, the department shall evaluate whether a
6 system is making continuing progress in regard to the
7 requirements of section 455J.3."

Amendment H-8136 was adopted.

D. Olson of Boone asked and received unanimous consent to withdraw amendment H-8137 filed by him on March 17, 2008.

D. Olson of Boone asked and received unanimous consent to withdraw amendment H-8148 filed by him on March 18, 2008.

D. Olson of Boone offered amendment H-8202 filed by him as follows:

H-8202

1 Amend House File 2570 as follows:
2 1. Page 8, by inserting after line 16 the

3 following:

4 "Sec.____. COMPREHENSIVE RECYCLING PLANNING TASK
5 FORCE.

6 1. ESTABLISHMENT AND PURPOSE. A comprehensive
7 recycling planning task force is established. The
8 task force shall be initially convened by July 1,
9 2008, and shall be regularly convened as often as
10 necessary. The task force shall be convened for the
11 following purposes:

12 a. Studying and making recommendations for the
13 planning and implementation of comprehensive statewide
14 recycling programs, including an evaluation of the
15 current beverage container control law commonly
16 referred to as the bottle bill.

17 b. Making recommendations for reducing the amount
18 of recyclable materials contained in the waste stream
19 and for reducing litter.

20 2. MEMBERSHIP.

21 a. The task force shall consist of the following
22 voting members:

23 (1) One member selected by the Iowa recycling
24 association.

25 (2) One member selected by the Iowa society of
26 solid waste operations.

27 (3) Three members selected by the Iowa society of
28 solid waste operations representing solid waste
29 planning areas of various sizes and from various
30 locations across the state.

31 (4) One member selected by the Iowa league of
32 cities.

33 (5) One member selected by the solid waste
34 association of north America representing private
35 solid waste disposal entities.

36 (6) The director of the department of natural
37 resources, or the director's designee.

38 (7) One member selected by the Iowa environmental
39 council.

40 (8) One member selected by the league of women
41 voters of Iowa.

42 (9) One member selected by the Iowa wholesale beer
43 distributors association.

44 (10) One member selected by the Iowa beverage
45 association representing juice and soft drink
46 distributors.

47 (11) One member selected by the Iowa bottle bill
48 coalition representing independent redemption centers.

49 (12) One member selected by the Iowa association
50 of counties.

Page 2

1 (13) One member selected by the Iowa farm bureau

2 federation.

3 (14) One member selected by the association of
4 business and industry.

5 (15) One member selected by the home builders
6 association of Iowa.

7 (16) The director of the alcoholic beverages
8 division of the department of commerce, or the
9 director's designee.

10 (17) One member selected by keep Iowa beautiful.

11 (18) One member selected by the Iowa grocery
12 industry association.

13 (19) One member selected by the Iowa dairy foods
14 association.

15 (20) One member selected by the petroleum
16 marketers and convenience stores of Iowa.

17 (21) One member selected by the Iowa retail
18 federation.

19 (22) One member selected by the Iowa wine growers
20 association.

21 b. Nonvoting members of the task force shall
22 include all of the following:

23 (1) Two members of the senate. One senator shall
24 be appointed by the majority leader of the senate and
25 one senator shall be appointed by the minority leader
26 of the senate.

27 (2) Two members of the house of representatives.
28 One member shall be appointed by the speaker of the
29 house of representatives and one member shall be
30 appointed by the minority leader of the house of
31 representatives.

32 c. The voting members shall be appointed in
33 compliance with the requirements of sections 69.16,
34 69.16A, and 69.19, and shall serve for the duration of
35 the task force.

36 d. The members of the task force are entitled to
37 receive reimbursement for actual expenses incurred
38 while engaged in the performance of official duties.

39 e. The task force shall elect a chairperson and
40 the recommendations of the task force shall be
41 approved by a majority of the voting members. A
42 majority of the task force constitutes a quorum and an
43 affirmative vote of the majority of members is
44 necessary to approve the recommendations of the task
45 force. A vacancy in the membership does not impair
46 the right of a quorum to exercise all rights and
47 perform all duties of the task force.

48 3. DUTIES. The task force shall do all of the
49 following:

50 a. Evaluate in a comprehensive manner the nature,

Page 3

1 extent, and effectiveness of recycling programs
2 throughout the state.

3 b. Make recommendations for creating and enhancing
4 comprehensive sustainable recycling programs. Such
5 recommendations may include methods of collecting and
6 paying for the recycling of residential, industrial,
7 and commercial waste, mechanisms for increasing the
8 recycling of construction and demolition waste, and
9 incentives for increasing the recycling of yard waste,
10 food or other organic waste, hazardous household
11 waste, and electronic waste.

12 c. Assess the viability of a statewide curbside
13 recycling program and make recommendations regarding
14 the manner in which such a program might be
15 implemented. If the assessment determines that such a
16 program is viable, the task force shall provide an
17 evaluation of available funding sources for a
18 statewide curbside recycling program and include a
19 detailed budget proposal for funding, implementing,
20 and conducting such a program. The evaluation of
21 funding sources and the proposed budget shall ensure
22 adequate funding of recycling efforts throughout this
23 state until a transition from the current beverage
24 container control system to a statewide curbside
25 recycling program can be fully completed and
26 implemented.

27 d. Make recommendations for facilitating the
28 elimination of illegal dumping and littering
29 throughout the state, including an evaluation of
30 enhanced fines to increase deterrence. If
31 appropriate, the recommendations may include an
32 examination or incorporation of recommendations made
33 by other task forces or government agencies.

34 e. Make recommendations for the establishment and
35 funding of regional recycling centers.

36 f. Develop a plan to assist existing redemption
37 and recycling businesses in adapting to any industry
38 changes resulting from recommendations of the task
39 force.

40 g. Make recommendations for marketing programs
41 that increase education and awareness of recycling,
42 littering, and illegal dumping issues and that enhance
43 the understanding of and commitment to effective
44 environmental stewardship.

45 h. Assess the effectiveness and sustainability of
46 the beverage container control law in Code chapter
47 455C, commonly referred to as the bottle bill, and
48 consider possible alternatives.

49 4. REPORT. The task force shall submit a written
50 report containing its findings and recommendations to

Page 4

- 1 the governor and the general assembly by January 1,
 2 2009.
 3 5. DISSOLUTION. The task force shall complete its
 4 duties no later than January 1, 2009, but may complete
 5 its duties and dissolve itself prior to that date."
 6 2. Title page, line 4, by inserting after the
 7 word "council" the following: "and comprehensive
 8 recycling planning task force".
 9 3. By renumbering as necessary.

D. Olson of Boone offered the following amendment H-8258, to amendment H-8202, filed by him and moved its adoption:

H-8258

- 1 Amend the amendment, H-8202, to House File 2570 as
 2 follows:
 3 1. Page 2, by inserting after line 20 the
 4 following:
 5 "(23) The director of the department of
 6 transportation, or the director's designee."
 7 2. By renumbering as necessary.

Amendment H-8258 was adopted.

On motion by D. Olson of Boone, amendment H-8202, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2570)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig

Lensing	Lukan	Lykam	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencsek	Winckler
Windschitl	Wise	Worthan	Zirkelbach
Foege, Presiding			

The nays were, none.

Absent or not voting, 3:

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

House File 2558, a bill for an act relating to economic development by providing for the confidentiality of certain details contained in contracts and applications for financial assistance, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2558)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Hunter
Huseman	Huser	Jacobs	Jacoby

Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Rants	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Schueller	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Foege, Presiding

The nays were, none.

Absent or not voting, 4:

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2558** and **2570**.

On motion by McCarthy of Polk, the House was recessed at 10:15 a.m., until 5:00 p.m.

AFTERNOON SESSION

The House reconvened at 5:03 p.m., Speaker Murphy in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2131, a bill for an act relating to the promotion of equines, by establishing an equine industry promotional commission and an equine industry promotional fund, and providing an appropriation.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2283, by committee on veterans affairs, a bill for an act concerning eligibility criteria for special gold star motor vehicle registration plates.

Read first time and referred to committee on **transportation**.

The House stood at ease at 5:04 p.m., until the fall of the gavel.

The House resumed session at 6:49 p.m., Speaker Murphy in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 2523, a bill for an act relating to deer depredation management, providing for a deer study advisory committee, and providing an effective date, was taken up for consideration.

Whitaker of Van Buren offered the following amendment H-8253 filed by him and moved its adoption:

H-8253

- 1 Amend House File 2523 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "association," the following: "the Iowa nursery and
- 4 landscape association."
- 5 2. Page 4, line 34, by striking the words
- 6 "Federation of Iowa insurers" and inserting the
- 7 following: "Iowa insurance institute".
- 8 3. Page 5, by inserting after line 2 the
- 9 following:
- 10 "(17) Iowa nursery and landscape association."

Amendment H-8253 was adopted.

Baudler of Adair offered amendment H-8279 filed by him as follows:

H-8279

- 1 Amend House File 2523 as follows:
- 2 1. Page 4, by inserting after line 11 the
- 3 following:
- 4 "Sec. ____ Section 483A.1A, subsection 7,
- 5 paragraph e, Code 2007, is amended by striking the
- 6 paragraph."
- 7 2. By renumbering as necessary.

Whitaker of Van Buren rose on a point of order that amendment H-8279 was not germane.

The Speaker ruled the point well taken and amendment H-8279 not germane.

Baudler of Adair moved to suspend the rules to consider amendment H-8279.

A non-record roll call was requested.

The ayes were 45, nays 54.

The motion to suspend the rules lost.

SENATE FILE 2328 SUBSTITUTED FOR HOUSE FILE 2523

Whitaker of Van Buren asked and received unanimous consent to substitute Senate File 2328 for House File 2523.

Senate File 2328, a bill for an act relating to the deer depredation management program, establishing a deer study advisory committee, and providing an effective date, was taken up for consideration.

The Speaker previously ruled the amendment H-8279 to House File 2523 not germane making amendment H-8310 filed by Baudler of Adair on March 25, 2008 and amendment H-8318 to amendment H-8310, filed by Alons of Sioux from the floor out of order.

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

On the question "Shall the bill pass?" (S.F. 2328)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Raecker

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2328** be immediately messaged to the Senate.

HOUSE FILES 2053 and 2523 WITHDRAWN

Whitaker of Van Buren asked and received unanimous consent to withdraw House Files 2053 and 2523 from further consideration by the House.

House File 2559, a bill for an act prohibiting the sale at retail of designated flags manufactured outside of the United States and establishing a penalty, with report of committee recommending passage, was taken up for consideration.

Zirkelbach of Jones offered the following amendment H-8304 filed by him and moved its adoption:

H-8304

- 1 Amend House File 2559 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 554E.1 PURCHASING OF
- 5 FLAGS – RESTRICTION.
- 6 1. The state, a state agency, political
- 7 subdivision of the state, school district, area
- 8 education agency, community college, an institution
- 9 under the control of the state board of regents, other
- 10 public entity, or a state, county, or municipal
- 11 cemetery shall not purchase, on or after July 1, 2008,
- 12 any of the following flags, unless the flag was
- 13 manufactured in the United States:
- 14 a. The United States flag.
- 15 b. The state flag of Iowa.
- 16 c. A flag representing or commemorating United
- 17 States soldiers classified as missing in action or
- 18 prisoners of war.
- 19 2. For purposes of this section, "flag" means a
- 20 piece of woven cloth or other material designed to be
- 21 flown for purposes of public display.
- 22 3. This section does not apply to representations
- 23 or depictions of a flag not meeting the definition in
- 24 subsection 2 which are affixed or attached to physical
- 25 objects, works of art, or memorabilia."

26 2. Title page, by striking lines 1 through 3 and
 27 inserting the following: "An Act prohibiting the
 28 purchase of designated flags manufactured outside the
 29 United States."

Amendment H-8304 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2559)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Raecker

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2559** be immediately messaged to the Senate.

McCarthy of Polk asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting with the committee on education appropriations at 12:00 p.m., March 27, 2008.

HOUSE FILE 2537 REFERRED

The Speaker announced that House File 2537, previously placed on **calendar** was referred to committee on **ways and means**.

HOUSE FILE 2610 REFERRED

The Speaker announced that House File 2610, previously placed on **calendar** was referred to committee on **ways and means**.

HOUSE FILE 2623 REFERRED

The Speaker announced that House File 2623, previously placed on **calendar** was referred to committee on **ways and means**.

HOUSE FILE 2643 REFERRED

The Speaker announced that House File 2643, previously placed on **calendar** was referred to committee on **appropriations**.

EXPLANATIONS OF VOTE

On March 26, 2008, I inadvertently voted "nay" on House File 2581 and I intended to vote "aye".

LENSING of Johnson

I was necessarily absent from the House chamber on March 26, 2008. Had I been present, I would have voted “aye” on House Files 2580, 2581 and 2600.

VAN FOSSEN of Scott

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 26, 2008, he approved and transmitted to the Secretary of State the following bills:

House File 2215, an Act relating to private activity bond allocation procedures and single-project limitations.

House File 2268, an Act making specified revisions to the consumer credit code to conform to federal statutory updates and prohibit the transfer of ownership of a motor vehicle pursuant to a consumer rental purchase agreement.

House File 2287, an Act increasing the penalties that may be imposed by courts-martial under the Iowa code of military justice.

House File 2417, an Act exempting certain federal tax rebates under the state individual income tax and including a retroactive applicability date provision.

Senate File 2111, an Act relating to requirements for blood lead testing and dental screening of children.

Senate File 2156, an Act relating to regulation of commercial motor vehicle operators by the state department of transportation and providing penalties.

Senate File 2221, an Act relating to workers' compensation benefit payments for burial expenses.

Senate File 2304, an Act relating to the boiler and pressure vessel safety and elevator safety revolving funds under the control of the labor commissioner.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\2499 Maurine Pleak, Red Oak – For celebrating her 100th birthday.
- 2008\2500 Jim and Julane Hugg, Burlington – For celebrating their 60th wedding anniversary.
- 2008\2501 Edward and Majorie Massey, Columbus Junction – For celebrating their 60th wedding anniversary.
- 2008\2502 Vera Wiley, Conesville – For celebrating her 92nd birthday.
- 2008\2503 Agnes Pinter, Grand Mound – For celebrating her 90th birthday.
- 2008\2504 Edward and Peggy King, DeWitt – For celebrating their 50th wedding anniversary.
- 2008\2505 Bud and Maxine Runge, DeWitt – For celebrating their 70th wedding anniversary.
- 2008\2506 Christy Kunz, DeWitt – For being named the 2008 recipient of the Athena Business Women’s Award.
- 2008\2507 Herman and Jennie Lode, Sheldon – For celebrating their 65th wedding anniversary.
- 2008\2508 Julie LaGuardia, Washington Middle School, Dubuque – For finishing 12th out of 30 schools, and 7th out of more than 120 students in the State Mathcounts Competition.
- 2008\2509 Ben Martin, Washington Middle School, Dubuque – For finishing 12th out of 30 schools, and 35th out of 156 students in the State Mathcounts Competition.
- 2008\2510 Aaron O’Connor, Washington Middle School, Dubuque – For finishing 12th out of 30 schools in the State Mathcounts Competition.
- 2008\2511 Carter Huggins, Washington Middle School, Dubuque – For finishing 12th out of 30 schools in the State Mathcounts Competition.
- 2008\2512 Martha Kruetzmann, Hubbard – For celebrating her 100th birthday.
- 2008\2513 Sarah Fleming, Iowa Falls – For celebrating her 90th birthday.
- 2008\2514 Burdette Grieme, Galva – For celebrating his 80th birthday.
- 2008\2515 Lloyd Hinrichsen, Ute – For celebrating his 80th birthday.
- 2008\2516 Elsie Eckhoff, Battle Creek – For celebrating her 96th birthday.
- 2008\2517 Gloria Nailor, Holstein – For celebrating her 80th birthday.

- 2008\2518 Frieda L. Jeschke, Mapleton – For celebrating her 100th birthday.
- 2008\2519 Marvin “Mike” Kluver, Mapleton – For celebrating his 90th birthday.
- 2008\2520 Arnold and Wilma Hammer, Arthur – For celebrating their 60th wedding anniversary.
- 2008\2521 Duane and Nilmah Thompson, Ute – For celebrating their 60th wedding anniversary.
- 2008\2522 Wayne and Donna Korner, Ida Grove – For celebrating their 50th wedding anniversary.
- 2008\2523 Charles and Lois Hillmann, Ida Grove – For celebrating their 60th wedding anniversary.
- 2008\2524 Sue Bosma, Buffalo Center – For being named the 2007 Telecommunicator of the Year for the Iowa Chapter of Association of Public Safety Communications Officials.
- 2008\2525 Helene Mooty, Grundy Center – For celebrating her 80th birthday.
- 2008\2526 Ellsworth and Marlys Cizek, Traer – For celebrating their 60th wedding anniversary.
- 2008\2527 Bernice Dodd, Reinbeck – For celebrating her 90th birthday.
- 2008\2528 Elmer and Audrey Gesink, Orange City – For celebrating their 50th wedding anniversary.
- 2008\2529 Russ and Nola Solberg, Hawarden – For celebrating their 50th wedding anniversary.
- 2008\2530 Richard Coyle, Akron – For celebrating his 80th birthday.
- 2008\2531 Cleone Varenhorst, Le Mars – For celebrating her 80th birthday.
- 2008\2532 Cyrilla Nordstrom, Le Mars – For celebrating her 90th birthday.
- 2008\2533 Jo Jones, Winterset – For celebrating her 80th birthday.
- 2008\2534 Robert and Martha Guthrie, Newton – For celebrating their 60th wedding anniversary.
- 2008\2535 Fred and Pat Harrison, Newton – For celebrating their 60th wedding anniversary.
- 2008\2536 Loretta Schnabel, Traer – For celebrating her 90th birthday.
- 2008\2537 Darlene Dirks, Toledo – For celebrating her 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2579

Appropriations: Foegen, Chair; Gayman and Heaton.

Senate File 2303

Labor: T. Taylor, Chair; Abdul-Samad and Horbach.

Senate File 2306

Commerce: Berry, Chair; Kressig and Struyk.

Senate File 2321

Environmental Protection: Anderson, Chair; H. Miller and Smith.

Senate File 2339

Local Government: D. Olson, Chair; Clute and Gaskill.

Senate File 2344

Labor: Hunter, Chair; Horbach and T. Taylor.

Senate File 2392

Commerce: Wise, Chair; Oldson, Petersen, Pettengill and Struyk.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON COMMERCE

House File 2538, a bill for an act increasing the amount of investment tax credit for which an eligible housing business may qualify if specified energy efficiency standards are met, and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8320** March 25, 2008.

Pursuant to Rule 31.7, House File 2538 was referred to the committee on ways and means.

Senate File 2179, a bill for an act making specified changes relating to professional licensing and regulation under the purview of the banking division of the department of commerce.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2008.

Senate File 2248, a bill for an act modifying provisions relating to the application for a certificate of franchise authority applicable to the provision of cable or video services by an existing provider.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2008.

Senate File 2277, a bill for an act relating to offenses against identity by establishing a procedure to secure credit information and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2008.

Senate File 2308, a bill for an act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8323** March 25, 2008.

Senate File 2349, a bill for an act relating to the preneed sale of cemetery and funeral merchandise and funeral services.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8324** March 25, 2008.

COMMITTEE ON EDUCATION

Senate File 2279, a bill for an act establishing health, nutrition, and cardiopulmonary resuscitation certification requirements for students, school districts, and accredited nonpublic schools, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8328** March 26, 2008.

COMMITTEE ON LABOR

Senate File 2002, a bill for an act waiving employer charges for unemployment claims stemming from temporary workers who have replaced active duty military employees.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2008.

COMMITTEE ON NATURAL RESOURCES

Senate Joint Resolution 2002, a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2008.

Pursuant to Rule 31.7, Senate Joint Resolution 2002 was referred to committee on ways and means.

Senate File 310, a bill for an act relating to civil damages payable for unlawful taking of certain animals and fish.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2008.

COMMITTEE ON PUBLIC SAFETY

Senate File 2132, a bill for an act relating to notices regarding the disposition of seized property and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8325** March 25, 2008.

COMMITTEE ON WAYS AND MEANS

Senate File 385, a bill for an act excluding unarmed combat fighting from boxing and wrestling regulation.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8330** March 26, 2008.

Senate File 2174, a bill for an act providing an Iowa individual income tax checkoff for the department of human services' child abuse prevention program, making an appropriation, and providing for the Act's implementation and including a retroactive applicability date provision.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2008.

Senate File 2267, a bill for an act relating to rules for discharging wastewater from water well drilling sites.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8329** March 26, 2008.

Committee Bill (Formerly House File 898), relating to the sales and use taxes on the operation of bingo games.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 26, 2008.

Committee Bill (Formerly House File 2536), relating to an adjustment in state foundation aid for certain school districts required to repay property taxes and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2008.

AMENDMENTS FILED

H—8317	S.F.	2159	Mascher of Johnson
H—8319	S.F.	348	Rants of Woodbury
H—8320	H.F.	2538	Committee on Commerce
H—8321	S.F.	473	Hunter of Polk
H—8322	H.F.	2533	Mascher of Johnson
H—8323	S.F.	2308	Committee on Commerce
H—8324	S.F.	2349	Committee on Commerce
H—8325	S.F.	2132	Committee on Public Safety
H—8326	S.F.	2174	Huser of Polk
H—8327	S.F.	2216	Zirkelbach of Jones
H—8328	S.F.	2279	Committee on Education
H—8329	S.F.	2267	Committee on Ways and Means
H—8330	S.F.	385	Committee on Ways and Means
H—8331	S.F.	2329	Wendt of Woodbury
H—8332	S.F.	2132	R. Olson of Polk

On motion by McCarthy of Polk the House adjourned at 7:37 p.m., until 9:00 a.m., Thursday, March 27, 2008.

JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day - Fifty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 27, 2008

The House met pursuant to adjournment at 9:18 a.m., Speaker pro tempore Bukta in the chair.

Prayer was offered by Reverend James Meadows, pastor of the Congregational Church of Christ, Fort Dodge. He was the guest of Representative Helen Miller of Webster County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Hanne and Geneva Gaukel, twin granddaughters of Carolyn Gaukel, Sr. Administrative Assistant to the Speaker and the 5th grade students at Hanawalt Elementary School in Des Moines.

The Journal of Wednesday, March 26, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk, S. Olson of Clinton and Raecker of Polk on request of Rants of Woodbury.

INTRODUCTION OF BILLS

House Joint Resolution 2005, by McCarthy, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation.

Read first time and referred to committee on **administration and rules**.

House File 2665, by committee on ways and means, a bill for an act relating to the sales and use taxes on the operation of bingo games and including an effective date.

Read first time and placed on the **ways and means calendar**.

House File 2666, by committee on ways and means, a bill for an act relating to an adjustment in state foundation aid for certain school districts required to repay property taxes and providing an effective date.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGE CONSIDERED

Senate File 2131, by committee on agriculture, a bill for an act relating to the promotion of equines, by establishing an equine industry promotional commission and an equine industry promotional fund.

Read first time and referred to committee on **state government**.

SPECIAL PRESENTATION

Pella Tulip Festival

Van Engelenhoven of Marion presented to the House, Ally Huffman, Queen of the 2008 Pella Tulip Festival and escorted her and her court to the Speaker's station.

Queen Huffman presented her attendants, Cassidy Mejia, Robin Sadler, Nikki Sikkema and Emily Van Woerkom.

Also present from Pella were the parents of the Queen and her court, who wore native Dutch costumes and distributed the famous Pella Dutch cookies.

Queen Huffman and her court invited everyone to attend the Pella Tulip Festival on May 1st, 2nd and 3rd.

The House stood at ease at 9:28 a.m., until the fall of the gavel.

The House resumed session at 9:42 a.m., Bukta of Clinton in the chair.

ADOPTION OF HOUSE RESOLUTION 111

Upmeyer of Hancock and Smith of Marshall called up for consideration **House Resolution 111**, a resolution recognizing the month of March 2008 as Deep Vein Thrombosis Awareness Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

Reasoner of Union asked and received unanimous consent for the immediate consideration of House File 2603.

CONSIDERATION OF BILLS Regular Calendar

House File 2603, a bill for an act authorizing certain advanced registered nurse practitioners to file certain periodic court reports on chronic substance abusers and persons with mental illness who do not require full-time placement in a treatment facility, was taken up for consideration.

Upmeyer of Hancock offered amendment H-8131 filed by her and Smith of Marshall as follows:

H-8131

- 1 Amend House File 2603 as follows:
- 2 1. Page 2, by striking lines 16 through 33 and
- 3 inserting the following: "and if a psychiatrist
- 4 licensed pursuant to chapter 148, 150, or 150A
- 5 personally evaluates the patient on at least an annual
- 6 basis.
- 7 b. (1) An advanced registered nurse practitioner
- 8 who is not certified as a psychiatric advanced
- 9 registered nurse practitioner but who meets the
- 10 qualifications set forth in the definition of a mental
- 11 health professional in section 228.1 on July 1, 2008,
- 12 may complete periodic reports pursuant to paragraph
- 13 "a".
- 14 (2) An advanced registered nurse practitioner in
- 15 the process of becoming qualified as a mental health
- 16 professional pursuant to section 228.1, may complete
- 17 periodic reports pursuant to paragraph "a" upon

18 meeting such qualifications, if such qualifications
19 are met by July 1, 2010."
20 2. Page 4, by striking lines 13 through 30 and
21 inserting the following: "paragraph "c", and if a
22 psychiatrist licensed pursuant to chapter 148, 150, or
23 150A personally evaluates the patient on at least an
24 annual basis.
25 b. (1) An advanced registered nurse practitioner
26 who is not certified as a psychiatric advanced
27 registered nurse practitioner but who meets the
28 qualifications set forth in the definition of a mental
29 health professional in section 228.1 on July 1, 2008,
30 may complete periodic reports pursuant to paragraph
31 "a".
32 (2) An advanced registered nurse practitioner in
33 the process of becoming qualified as a mental health
34 professional pursuant to section 228.1, may complete
35 periodic reports pursuant to paragraph "a" upon
36 meeting such qualifications, if such qualifications
37 are met by July 1, 2010."
38 3. Title page, line 2, by inserting after the
39 word "practitioners" the following: "and
40 psychiatrists".

Smith of Marshall offered the following amendment H-8174, to amendment H-8131, filed by him and moved its adoption:

H-8174

1 Amend the amendment, H-8131, to House File 2603 as
2 follows:
3 1. Page 1, line 7, by striking the figure "(1)".
4 2. Page 1, by striking lines 14 through 19.
5 3. Page 1, line 25, by striking the figure "(1)".
6 4. Page 1, by striking lines 32 through 37.
7 5. By renumbering as necessary.

Amendment H-8174 was adopted.

On motion by Smith of Marshall, amendment H-8131, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2603)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

De Boef	Olson, R.	Olson, S.	Raecker
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILES AND SENATE FILE PLACED ON THE UNFINISHED BUSINESS CALENDAR

McCarthy of Polk asked and received unanimous consent to place the following House Files and Senate File on the unfinished business calendar

House File 2267
House File 2269
House File 2381
House File 2396

House File 2528
House File 2530
House File 2576
House File 2605

House File 2397
House File 2413
House File 2463
House File 2486
House File 2497

House File 2636
House File 2637
House File 2647
House File 2660
Senate File 2122

HOUSE FILE 2533 REFERRED

The Speaker announced that House File 2533, previously placed on **calendar** was referred to committee on **appropriations**.

HOUSE FILE 2566 REFERRED

The Speaker announced that House File 2566, previously placed on **calendar** was referred to committee on **ways and means**.

HOUSE FILE 2608 REFERRED

The Speaker announced that House File 2608, previously placed on **calendar** was referred to committee on **appropriations**.

SENATE JOINT RESOLUTION 2002 REREFERRED

The Speaker announced that Senate Joint Resolution 2002, previously referred to committee on ways and means was rereferred to the **calendar**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 26, 2008. Had I been present, I would have voted "aye" on House Files 2558, 2559, 2570, 2580, 2581, 2600 and Senate File 2328. On March 27, 2008, I would have voted "aye" on House File 2603.

RAECKER of Polk

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\2538 Dorothy Bisenius, Cascade – For celebrating her 101st birthday.
- 2008\2539 Margaret Stadtmueller, Monticello – For celebrating her 100th birthday.
- 2008\2540 Warren and Ruby Beatty, Keosauqua – For celebrating their 60th wedding anniversary.
- 2008\2541 Fred Parson, Van Buren – For being inducted into the Iowa High School Athletic Association’s Hall of Fame.
- 2008\2542 Mike Breitbach and the Breitbach Family, Balltown – For being Iowa’s oldest bar and restaurant, and for rebuilding after the devastating December fire.
- 2008\2543 Edward J. Lukan, New Vienna – For 50 years of employment and ownership of Lukan Service Station.
- 2008\2544 Jim Anderson, Chariton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2545 Nellie Collins, Albia – For celebrating her 95th birthday.
- 2008\2546 Keith Andrews, Russell – For celebrating his 95th birthday.
- 2008\2547 Betty Osenbaugh, Lucas – For celebrating her 90th birthday.
- 2008\2548 Jim and Judi Wright, Russell – For celebrating their 50th wedding anniversary.
- 2008\2549 Phil and Dru Thorne, Chariton – For celebrating their 50th wedding anniversary.
- 2008\2550 William and Phyllis Hughes, Eddyville – For celebrating their 60th wedding anniversary.
- 2008\2551 Helen Kielkopf, Hedrick – For celebrating her 90th birthday.
- 2008\2552 Beatrice Dovorak, Chelsea – For celebrating her 80th birthday.
- 2008\2553 Catherine Schmidt, Victor – For celebrating her 80th birthday.
- 2008\2554 Dora Gritsch, Brooklyn – For celebrating her 90th birthday.
- 2008\2555 Arlene Pfannebecker, Martinsburg – For celebrating her 80th birthday.
- 2008\2556 Virginia Hepker, North English – For celebrating her 90th birthday.
- 2008\2557 Charles White, Keota – For celebrating his 80th birthday.

- 2008\2558 Melvin Trumpold, Middle Amana – For celebrating his 80th birthday.
- 2008\2559 Arland Wyant, North English – For celebrating his 90th birthday.
- 2008\2560 Gilbert Von Ahsen, Williamsburg – For celebrating his 90th birthday.
- 2008\2561 Ivan Kahler, Parnell – For celebrating his 80th birthday.
- 2008\2562 Marlan McWilliams, Brooklyn – For celebrating his 80th birthday.
- 2008\2563 Lynn Roth, Brooklyn – For celebrating his 80th birthday.
- 2008\2564 Darold Dietz, Tipton – For celebrating his 80th birthday.
- 2008\2565 Jean Stuckey, Tipton – For celebrating her 80th birthday.
- 2008\2566 Alreta Crock, Olin – For celebrating her 80th birthday.
- 2008\2567 Don Crock, Tipton – For celebrating his 80th birthday.
- 2008\2568 Joseph Thomas, Tipton – For celebrating his 80th birthday.
- 2008\2569 Betty Anderson, Tipton – For celebrating her 80th birthday.
- 2008\2570 Harlan Ferguson, West Branch – For celebrating his 80th birthday.
- 2008\2571 Mildred Lovetinsky, Iowa City – For celebrating her 80th birthday.
- 2008\2572 Doris Lynch, West Branch – For celebrating her 80th birthday.
- 2008\2573 Clara Schroeder, Bennett – For celebrating her 80th birthday.
- 2008\2574 Margaret Garmon, Tipton – For celebrating her 80th birthday.
- 2008\2575 Eunice Oneil, West Branch – For celebrating her 80th birthday.
- 2008\2576 Margo Sievers, Sioux Rapids – For being named Teacher of the Year by the Iowa Reading Association.

SUBCOMMITTEE ASSIGNMENT

Senate File 2283

Transportation: Windschitl, Chair; Dandekar and Gaskill.

AMENDMENTS FILED

H—8333 S.F. 2281 Heaton of Henry

H—8334	H.F.	2660	Abdul-Samad of Polk T. Taylor of Linn
H—8335	S.F.	2278	Tymeson of Madison
H—8336	S.F.	2278	Tymeson of Madison
H—8337	S.F.	2278	Van Fossen of Scott
H—8338	S.F.	2278	Tymeson of Madison
H—8339	S.F.	2278	Windschitl of Harrison
H—8340	S.F.	2278	Kaufmann of Cedar
H—8341	S.F.	2282	Kaufmann of Cedar
H—8342	S.F.	2282	Sands of Louisa Paulsen of Linn
H—8343	H.F.	2660	L. Miller of Scott Abdul-Samad of Polk
H—8344	H.F.	2660	Zirkelbach of Jones T. Taylor of Linn Lukan of Dubuque
H—8345	S.F.	2216	Chambers of O'Brien
H—8346	S.F.	2216	Raecker of Polk
H—8347	S.F.	2216	Raecker of Polk

On motion by McCarthy of Polk the House adjourned at 10:10 a.m., until 1:00 p.m., Monday, March 31, 2008.

JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day - Fifty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 31, 2008

The House met pursuant to adjournment at 1:12 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Bill Tvedt, pastor of Jubilee Family Church, Oskaloosa. He was the guest of Representative Betty De Boef of Keokuk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Beth Orr, legislative secretary to Representative Tom Sands of Louisa County.

The Journal of Thursday, March 27, 2008 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 27, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2307, a bill for an act establishing committees to formulate plans for a state research and development prekindergarten through grade twelve school and providing an effective date.

Also: That the Senate has on March 27, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2377, a bill for an act relating to unemployment insurance benefits and compliance with federal law and including effective date and applicability provisions.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2307, by committee on education, a bill for an act establishing committees to formulate plans for a state research and

development prekindergarten through grade twelve school and providing an effective date.

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

Senate File 2377, by committee on labor and business relations, a bill for an act relating to unemployment insurance benefits and compliance with federal law and including effective date and applicability provisions.

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

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 31st day of March, 2008: House File 2400.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 27, 2008, he approved and transmitted to the Secretary of State the following bill:

Senate File 2292, an Act expanding the time period during which a complaint may be filed with the Iowa civil rights commission.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\2577 Floyd "Pete" Hester, Burlington – For celebrating his 90th birthday.
- 2008\2578 Francis and Betty Wixom, West Burlington – For celebrating their 50th wedding anniversary.
- 2008\2579 Joe and Georgia Houseman, Burlington – For celebrating their 64th wedding anniversary.
- 2008\2580 David and Shirley Bliven, Burlington – For celebrating their 50th wedding anniversary.
- 2008\2581 Delmer and Kay Walker, Burlington – For celebrating their 50th wedding anniversary.
- 2008\2582 Notre Dame High School, Burlington – For receiving the Class 1A Sportsmanship Award at the state basketball tournament.
- 2008\2583 Doug and Helen Nordstrom, Sioux City – For celebrating their 65th wedding anniversary.
- 2008\2584 Donabelle Benson, Sioux City – For celebrating her 90th birthday.
- 2008\2585 Don and Arlene Passmore, Atalissa – For celebrating their 60th wedding anniversary.
- 2008\2586 Wesley Muller, Durant – For celebrating his 90th birthday.
- 2008\2587 Joseph and Mary Jane Gallery, Winthrop – For celebrating their 50th wedding anniversary.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2286, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2008.

Senate File 2394, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and including an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2008.

COMMITTEE ON AGRICULTURE

Senate File 2133, a bill for an act relating to the Iowa crop improvement association.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2008.

Senate File 2369, a bill for an act regulating persons who transport, handle, store, or apply manure.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2008.

COMMITTEE ON COMMERCE

Senate File 517, a bill for an act relating to the state building code by providing for training, administration, and enforcement of energy conservation requirements.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8348** March 27, 2008.

Senate File 2306, a bill for an act relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2008.

Senate File 2357, a bill for an act requiring disclosure of employer group health benefit claims and premium information to certain employers.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2008.

Senate File 2386, a bill for an act relating to the achievement of improved energy efficiency through the establishment of a commission on energy efficiency standards

and practices, and providing for the periodic reporting of energy efficiency results and savings by gas and electric public utilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8349** March 27, 2008.

Senate File 2392, a bill for an act to regulate viatical settlements, and providing for fees and penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass without recommendation with Amendment H-8350** March 27, 2008.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Senate File 2321, a bill for an act relating to the recycling of mercury-containing lamps by providing for a study.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2008.

COMMITTEE ON HUMAN RESOURCES

Senate File 2252, a bill for an act relating to the inclusion of licensed marital and family therapists and licensed master social workers as behavioral health participating providers under the medical assistance program.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2008.

Senate File 2319, a bill for an act relating to disease prevention and wellness including the Iowa healthy communities initiative and the governor's council on physical fitness and nutrition.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2008.

Senate File 2340, a bill for an act requiring certain identity documents to be provided to children subject to a court order for out-of-home placement.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2008.

COMMITTEE ON JUDICIARY

Senate File 2343, a bill for an act relating to civil liability and other penalties for social hosts providing alcoholic beverages to persons under legal age.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2008.

Senate File 2356, a bill for an act relating to the judicial branch including contested and uncontested parking violations, filing civil citations of municipal infractions with the clerk, and records kept by the clerk.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2008.

Senate File 2364, a bill for an act relating to the emancipation of a minor.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2008.

COMMITTEE ON LABOR

Senate File 2303, a bill for an act relating to workers' compensation provisions for continued medically related benefits in certain settlements of workers' compensation claims and to funding of the second injury fund and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2008.

Senate File 2344, a bill for an act relating to the imposition of penalty benefits in workers' compensation cases.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2008.

COMMITTEE ON STATE GOVERNMENT

Senate File 2131, a bill for an act relating to the promotion of equines, by establishing an equine industry promotional commission and an equine industry promotional fund.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2008.

Senate File 2355, a bill for an act providing time off from work to attend presidential precinct caucuses and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2008.

COMMITTEE ON TRANSPORTATION

Senate File 2283, a bill for an act concerning eligibility criteria for special gold star motor vehicle registration plates.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2008.

Senate File 2323, a bill for an act concerning the regulation of operators of certain vehicles for hire used to transport persons.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2008.

COMMITTEE ON VETERANS AFFAIRS

Senate File 2125, a bill for an act concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service and including an effective date and retroactive applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2008.

Senate File 2134, a bill for an act relating to requirements and duties of members, executive directors, and employees of county commissions of veteran affairs.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8354** March 27, 2008.

Senate File 2352, a bill for an act concerning the definition of veteran.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2008.

RESOLUTIONS FILED

HR 137, by Heddens, Van Fossen, Abdul-Samad, Alons, Anderson, Arnold, Bailey, Baudler, Bell, Berry, Boal, Bukta, Chambers, Clute, Cohoon, Dandekar, Davitt, De Boef, Deyoe, Dolecheck, Drake, Foege, Ford, Forristall, Frevert, Gaskill, Gayman, Gipp, Granzow, Grassley, Greiner, Heaton, Hoffman, Horbach, Hunter, Huseman, Huser,

Jacobs, Jacoby, Jochum, Kaufmann, Kelley, Kressig, Kuhn, Lensing, Lukan, Lykam, Mascher, May, McCarthy, Mertz, H. Miller, L. Miller, Murphy, Oldson, D. Olson, R. Olson, S. Olson, T. Olson, Palmer, Paulsen, Petersen, Pettengill, Quirk, Raecker, Rants, Rasmussen, Rayhons, Reasoner, Reichert, Roberts, Sands, Schickel, Schueller, Shomshor, Smith, Soderberg, Staed, Struyk, Swaim, D. Taylor, T. Taylor, Thomas, Tjepkes, Tomenga, Tymeson, Upmeyer, Van Engelenhoven, Watts, Wendt, Wenthe, Wessel-Kroeschell, Whitaker, Whitead, Wiencek, Winckler, Windschitl, Wise Worthan and Zirkelbach, a resolution to honor Iowa's Olympic athletes.

Laid over under **Rule 25**.

HR 138, by Whitead, Foege, Smith and Granzow, a resolution urging implementation of disability-friendly principles for Iowa's health care coverage system.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8348	S.F.	517	Committee on Commerce
H—8349	S.F.	2386	Committee on Commerce
H—8350	S.F.	2392	Committee on Commerce
H—8351	S.F.	2132	R. Olson of Polk
H—8352	S.F.	2308	Granzow of Hardin
H—8353	S.F.	2308	Tjepkes of Webster
H—8354	S.F.	2134	Committee on Veterans Affairs
H—8355	S.F.	2349	Pettengill of Benton
H—8356	S.F.	2308	Pettengill of Benton
H—8357	S.F.	2279	Paulsen of Linn
H—8358	S.F.	2279	Paulsen of Linn
H—8359	S.F.	417	T. Taylor of Linn Tymeson of Madison

On motion by McCarthy of Polk the House adjourned at 1:20 p.m., until 9:00 a.m., Tuesday, April 1, 2008.

JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day - Fifty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 1, 2008

The House met pursuant to adjournment at 9:12 a.m., Clute of Polk in the chair.

Prayer was offered by the honorable Mark Smith, state representative from Marshall County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Anthony Menendez, legislative secretary to Representative Abdul-Samad of Polk County.

The Journal of Monday, March 31, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Petersen of Polk, until her arrival, on request of Wise of Lee.

INTRODUCTION OF BILLS

House Joint Resolution 2006, by McCarthy, a joint resolution authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date.

Read first time and referred to committee on **administration and rules**.

House File 2667, by McCarthy, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain

related entities, and including effective date and applicability provisions.

Read first time and referred to committee on **administration and rules.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform you honorable body that the Senate has on March 31, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 247, a bill for an act providing voting member representation on joint E911 service boards for cities or townships providing fire protection services through a volunteer fire department.

Also: That the Senate has on March 31, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2145, a bill for an act to require insurers offering certain individual or group health insurance contracts, policies, or plans to provide coverage for vaccinations for human papilloma virus.

Also: That the Senate has on March 31, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2196, a bill for an act requiring the department of transportation to study the acceptance of electronic payment at its customer service sites and sites operated by county treasurers.

Also: That the Senate has on March 31, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2197, a bill for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information.

Also: That the Senate has on March 31, 2008, passed the following bill in which the concurrence of the senate was asked:

House File 2328, a bill for an act relating to services associated with the family investment program by moving the family development and self-sufficiency council and grant program to the department of human rights and revising confidentiality provisions involving the programs.

Also: That the Senate has on March 31, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2364, a bill for an act relating to school district financing arrangements, specifying funds into which loan proceeds shall be deposited and from which the principal and interest payments shall be expended, and authorizing utilization of physical plant and equipment levy revenue to guarantee school district energy savings contracts.

Also: That the Senate has on March 31, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2372, a bill for an act limiting the scope of the electronic benefits transfer program maintained by the department of human services.

Also: That the Senate has on March 31, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2393, a bill for an act providing requirements for minority impact statements in relation to state grant applications and correctional impact statement for legislation, and providing effective and applicability dates.

Also: That the Senate has on March 31, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2383, a bill for an act making nonsubstantive corrections to certain provisions relating to insurance and making repeals.

Also: That the Senate has on March 31, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2407, a bill for an act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs.

Also: That the Senate has on March 31, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2450, a bill for an act relating to certain department of economic development programs including vision Iowa board membership, renewable fuels marketing, film project tax credits, the promotion of Iowa tourism experiences, the consolidation of reporting requirements, the administration of targeted industries development, and providing an effective date.

Also: That the Senate has on March 31, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2423, a bill for an act relating to the risk pool for county mental health, mental retardation, and developmental disabilities services by revising procedural and qualifying requirements.

Also: That the Senate has on March 31, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2452, a bill for an act relating to vehicle titles and registration plates for specialty vehicles, and providing a penalty and an effective date.

Also: That the Senate has on March 31, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2551, a bill for an act providing requirements for a nonresident of this state engaged in the aerial application of pesticides, making penalties applicable, and providing an effective date.

Also: That the Senate has on March 31, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2553, a bill for an act relating to per diem compensation for directors of the Iowa soybean association board.

Also: That the Senate has on March 31, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2554, a bill for an act providing monetary thresholds for actions by governing boards of drainage districts.

Also: That the Senate has on March 31, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2591, a bill for an act relating to dependent adult abuse in certain facilities and programs and providing penalties.

Also: That the Senate has on March 31, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2609, a bill for an act relating to the public release of information relating to elder group homes, assisted living facilities, and adult day services programs and providing for an effective date.

Also: That the Senate has on March 31, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2626, a bill for an act relating to the appointment or election of state judicial nominating commission members.

Also: That the Senate has on March 31, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2642, a bill for an act relating to issuance of a treasurer's deed after expiration of the period of redemption and including an effective and applicability date provision.

Also: That the Senate has on March 31, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2403, a bill for an act concerning the ability of the lottery authority to operate a joint lottery with a lottery operated outside of the United States.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS Regular Calendar

Senate File 473, a bill for an act allowing a competent adult to execute a written instrument directing the final disposition of that person's remains, including coordinating provisions, and providing applicability dates, with report of committee recommending amendment and passage, was taken up for consideration.

Hunter of Polk offered amendment H-8100 filed by the committee on human resources as follows:

H-8100

1 Amend Senate File 473, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by inserting after line 12 the
4 following:
5 "Sec.____. Section 144B.1, Code 2007, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 1A. "Designee" means a person
8 named in a declaration under chapter 144C that is
9 contained in or attached to a durable power of
10 attorney for health care.
11 Sec.____. Section 144B.5, Code 2007, is amended by
12 adding the following new subsection:
13 NEW SUBSECTION. 5. A durable power of attorney
14 for health care may include a declaration under
15 chapter 144C that names a designee and alternate
16 designees who may be different persons than the
17 attorney in fact or alternate attorneys in fact who
18 are designated in the durable power of attorney for
19 health care."
20 2. Page 3, line 15, by striking the word
21 "Directives".
22 3. Page 3, line 32, by inserting after the word
23 "instrument," the following: "contained in or
24 attached to a durable power of attorney for health
25 care under chapter 144B, that is".
26 4. Page 3, line 33, by inserting after the word
27 "chapter," the following: "and".
28 5. Page 3, line 34, by striking the words "and
29 may direct" and inserting the following: "who shall
30 have the sole responsibility and discretion for making

31 decisions concerning".

32 6. Page 4, lines 3 and 4, by striking the words
33 "to implement the declarant's wishes contained in the
34 declaration" and inserting the following: "who shall
35 have the sole responsibility and discretion for making
36 decisions concerning the final disposition of the
37 declarant's remains and the ceremonies planned after
38 the declarant's death".

39 7. Page 4, lines 21 and 22, by striking the words
40 ", as applied to implementation of a declarant's
41 directives in a declaration,".

42 8. By striking page 4, line 32, through page 5,
43 line 7, and inserting the following:

44 "19. a. "Third party" means a person who is
45 requested to dispose of remains by an adult with the
46 right to dispose of a decedent's remains under section
47 144C.5 or assist with arrangements for ceremonies
48 planned after the declarant's death."

49 9. Page 5, lines 12 and 13, by striking the words
50 "FINAL DISPOSITION OF REMAINS" and inserting the

Page 2

1 following: "DESIGNEE".

2 10. Page 5, by striking lines 14 through 19 and
3 inserting the following:

4 "____. A declaration shall name a designee who
5 shall have the sole responsibility and discretion for
6 making decisions concerning the final disposition of
7 the declarant's remains and the ceremonies planned
8 after the declarant's death. A declaration may name
9 one or more alternate designees and may include
10 contact information for the designees and alternate
11 designees.

12 _____. A declaration shall not include directives
13 for final disposition of the declarant's remains and
14 shall not include arrangements for ceremonies planned
15 after the declarant's death."

16 11. Page 5, by striking lines 20 and 21 and
17 inserting the following:

18 "____. A designee, an alternate designee, and a
19 third party shall act in good faith and in a manner
20 that is".

21 12. Page 6, line 13, by striking the words
22 "directives contained in the declaration" and
23 inserting the following: "decisions made by the
24 designee".

25 13. Page 8, lines 18 and 19, by striking the
26 words "FINAL DISPOSITION OF REMAINS" and inserting the
27 following: "DESIGNEE".

28 14. Page 8, lines 22 and 23, by striking the
29 words "to implement my wishes relating to" and

30 inserting the following: ". My designee shall have
31 the sole responsibility for making decisions
32 concerning".

33 15. Page 8, by striking lines 25 through 27 and
34 inserting the following: "This declaration hereby
35 revokes all prior declarations. This".

36 16. Page 8, lines 29 and 30, by striking the
37 words "consistently with my directives as stated in
38 this declaration,".

39 17. By striking page 8, line 31, through page 9,
40 line 2, and inserting the following: "under the
41 circumstances."

42 18. Page 9, line 15, by striking the word
43 "contained".

44 19. Page 9, line 15, by inserting after the word
45 "completed," the following: "is contained in or
46 attached to a durable power of attorney for health
47 care under chapter 144B,".

48 20. By striking page 9, line 27, through page 10,
49 line 9, and inserting the following:

50 "3. A declaration may include the location of an

Page 3

1 agreement for prearranged funeral services or funeral
2 merchandise as defined in and executed under chapter
3 523A, cemetery lots owned by or reserved for the
4 declarant, and special instructions regarding organ
5 donation consistent with chapter 142C."

6 21. Page 10, lines 11 and 12, by striking the
7 words "or any directive contained in a declaration".

8 22. Page 11, line 15, by inserting after the word
9 "by" the following: "the designee, an alternate
10 designee, and".

11 23. Page 11, line 16, by striking the words "a
12 directive of the declarant" and inserting the
13 following: "the declaration".

14 24. Page 11, by striking lines 24 through 31 and
15 inserting the following:

16 "2. The most recent declaration executed by a
17 declarant shall control.

18 3. All declarations executed prior to the
19 effective date of this Act which substantially comply
20 with the requirements of this chapter shall be given
21 full force and effect."

22 25. Page 11, by striking lines 32 through 34.

23 26. Page 13, by inserting after line 6, the
24 following:

25 "Sec. ____ Section 331.805, subsection 3,
26 paragraph b, Code 2007, is amended to read as follows:

27 b. If the ~~next of kin, guardian, or other person~~
28 authorized to ~~act on behalf~~ control the remains of a

29 deceased person under section 144C.5 has requested
 30 that the body of the deceased person be cremated, a
 31 permit for cremation must be obtained from a medical
 32 examiner. Cremation permits by the medical examiner
 33 must be made on the most current forms prepared at the
 34 direction of and approved by the state medical
 35 examiner, with copies forwarded to the state medical
 36 examiner's office. Costs for the cremation permit
 37 issued by a medical examiner shall not exceed
 38 seventy-five dollars. The costs ~~shall be borne by the~~
 39 ~~family, next of kin, guardian of the decedent, or~~
 40 ~~other person~~ of the permit and other reasonable
 41 cremation expenses may be paid from the decedent's
 42 estate pursuant to section 633.425, subsection 3."

43 27. Page 13, by striking lines 11 through 14 and
 44 inserting the following:

45 "1. ~~Any available member of the following classes~~
 46 ~~of persons, in the priority listed, A person~~
 47 authorized to control the deceased person's remains
 48 under section 144C.5 shall have the right to control
 49 the interment, relocation, or disinterment of a
 50 decedent's remains within or from a cemetery."

Page 4

1 28. Page 15, line 3, by striking the figures "~~2-~~
 2 1." and inserting the following: "2."

3 29. Page 15, line 30, by striking the figure "2."
 4 and inserting the following: "3."

5 30. Page 16, line 5, by striking the figure "3."
 6 and inserting the following: "4."

7 31. Page 17, line 3, by striking the figure "4."
 8 and inserting the following: "5."

9 32. Page 17, line 12, by striking the figure "5."
 10 and inserting the following: "6."

11 33. Page 17, line 27, by striking the figure "6."
 12 and inserting the following: "7."

13 34. Title page, line 2, by striking the word
 14 "directing" and inserting the following: "designating
 15 a person to have sole responsibility and discretion
 16 concerning".

17 35. Title page, line 2, by striking the word
 18 "person's" and inserting the following: "adult's".

19 36. By renumbering as necessary.

Hunter of Polk offered the following amendment H-8321, to the
 committee amendment H-8100, filed by him and moved its adoption:

H-8321

1 Amend the amendment, H-8100, to Senate File 473, as

- 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, by striking lines 17 through 21 and
 5 inserting the following: "declarant shall control."
 6 2. By renumbering as necessary.

Amendment H-8321 was adopted.

On motion by Hunter of Polk, the committee amendment H-8100, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 473)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Ford

Petersen

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

HOUSE FILE 177 WITHDRAWN

Hunter of Polk asked and received unanimous consent to withdraw House File 177 from further consideration by the House.

Senate File 2089, a bill for an act relating to applications for absentee ballots, with report of committee recommending amendment and passage, was taken up for consideration.

Gaskill of Wapello offered the following amendment H-8245 filed by the committee on state government and moved its adoption:

H-8245

1 Amend Senate File 2089, as passed by the Senate, as
2 follows:

3 1. Page 1, line 5, by inserting after the word
4 "application" the following: "on a sheet of paper no
5 smaller than three by five inches in size".

6 2. Page 1, by inserting before line 16, the
7 following:

8 "Sec. ____ Section 53.2, subsection 4, Code
9 Supplement 2007, is amended to read as follows:

10 4. Each application shall contain the name and
11 signature of the registered voter, the registered
12 voter's date of birth, the address at which the voter
13 is registered to vote, and the name or date of the
14 election for which the absentee ballot is requested,
15 and such other information as may be necessary to
16 determine the correct absentee ballot for the
17 registered voter. If insufficient information has
18 been provided, either on the prescribed form or on an
19 application created by the applicant, the commissioner
20 shall, by the best means available, obtain the
21 additional necessary information."

22 3. Page 1, by inserting before line 16 the
23 following:

24 "Sec. ____ Section 53.3, Code 2007, is amended to
25 read as follows:

26 53.3 ~~RECEIPT REQUIRED~~ REQUIREMENTS FOR CERTAIN
27 ABSENTEE BALLOT APPLICATIONS - PRESCRIBED FORM -

28 RECEIPT.

29 1. When an application for an absentee ballot is
 30 solicited by, or collected for return to the
 31 commissioner by, a person acting as an actual or
 32 implied agent for a political party, candidate, or
 33 committee, as defined by chapter 68A, the person shall
 34 provide the applicant with the form prescribed by the
 35 state commissioner.

36 2. a. When an application for an absentee ballot
 37 is solicited by, and returned to the commissioner by,
 38 a person acting as an actual or implied agent for a
 39 political party, candidate, or committee, as defined
 40 by chapter 68A, the person shall issue to the
 41 applicant a receipt for the completed application.

42 b. The receipt shall contain the following
 43 information:

- 44 ~~1.~~ (1) The name of the applicant.
 45 ~~2.~~ (2) The date and time the completed application
 46 was received from the applicant.
 47 ~~3.~~ (3) The name and date of the election for which
 48 the application is being completed.
 49 ~~4.~~ (4) The name of the political party, candidate,
 50 or committee for whom the person is soliciting and

Page 2

- 1 returning the application for the absentee ballot.
 2 ~~5.~~ (5) The name of the person acting as an actual
 3 or implied agent for the political party, candidate,
 4 or committee.
 5 ~~6.~~ (6) A statement that the application will be
 6 delivered to the appropriate commissioner within
 7 seventy-two hours of the date and time the completed
 8 application was received from the applicant or no
 9 later than five p.m. on the Friday before the
 10 election, whichever is earlier.
 11 ~~7.~~ (7) A statement that an absentee ballot will be
 12 mailed to the applicant within twenty-four hours after
 13 the ballot for the election is available.
 14 c. The commissioner shall make receipt forms
 15 required by this section available for photocopying at
 16 the expense of the political party, candidate, or
 17 committee."
 18 4. By renumbering as necessary.

The committee amendment H-8245 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2089)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Petersen

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

Senate File 2108, a bill for an act relating to the designation of a Gift to Iowa's Future Recognition Day, with report of committee recommending amendment and passage, was taken up for consideration.

Wenthe of Fayette offered the following amendment H-8268 filed by the committee on natural resources and moved its adoption:

H-8268

1 Amend Senate File 2108, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 7, by inserting after the word
4 "individuals" the following: "and corporations".

5 2. Page 1, line 8, by inserting after the word
6 "parks," the following: "trails, fish and wildlife
7 habitat, natural areas,".

8 3. Page 1, line 9, by inserting after the word
9 "uses" the following: "and benefits".

The committee amendment H-8268 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2108)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Petersen

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

Senate File 2214, a bill for an act relating to modification of a child custody order during the time a parent is serving active duty, with report of committee recommending amendment and passage, was taken up for consideration.

Smith of Marshall offered the following amendment H-8298 filed by the committee on judiciary and moved its adoption:

H-8298

- 1 Amend Senate File 2214, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 2, by inserting after the word
- 4 "CUSTODY" the following: "OR PHYSICAL CARE".
- 5 2. Page 1, line 4, by inserting after the word
- 6 "custody" the following: "or physical care".
- 7 3. Page 1, line 5, by inserting after the word
- 8 "filed" the following: "prior to or".
- 9 4. Page 1, line 7, by inserting after the word
- 10 "order" the following: "or decree".
- 11 5. Page 1, line 8, by striking the words "custody
- 12 order" and inserting the following: "custody or
- 13 physical care order or decree".
- 14 6. Page 1, line 11, by striking the words
- 15 "custody order" and inserting the following: "custody
- 16 or physical care order or decree".
- 17 7. Title page, line 1, by striking the words
- 18 "custody order" and inserting the following: "custody
- 19 or physical care order or decree".

The committee amendment H-8298 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2214)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Petersen

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

IMMEDIATE MESSAGES

Heddens of Story asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 473, 2089, 2108 and 2214.**

On motion by Heddens of Story, the House was recessed at 10:16 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:12 p.m., Wise of Lee in the chair.

QUORUM CALL

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

Speaker Murphy in the chair at 1:22 p.m.

CONSIDERATION OF BILLS
Regular Calendar

Senate File 505, a bill for an act relating to civil liability for damages relating to the use of an automated external defibrillator in sudden cardiac arrest emergencies, with report of committee recommending amendment and passage, was taken up for consideration.

Swaim of Davis asked and received unanimous consent to withdraw the committee amendment H-1581 filed by the committee on judiciary on April 4, 2007.

Swaim of Davis offered the following amendment H-8121 filed by the committee on judiciary and moved its adoption:

H-8121

- 1 Amend Senate File 505, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 35, by inserting after the word
- 4 "omissions" the following: "arising out of the use of
- 5 an automated external defibrillator, whether".
- 6 2. Page 2, line 8, by inserting after the word
- 7 "located" the following: "if the person or entity
- 8 maintains the automated external defibrillator in a
- 9 condition for immediate and effective use at all
- 10 times, subject to standards developed by the
- 11 department of public health by rule".
- 12 3. Page 2, by striking lines 15 through 20.
- 13 4. By renumbering as necessary.

The committee amendment H-8121 was adopted.

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

On the question "Shall the bill pass?" (S.F. 505)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Petersen

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

Senate File 2198, a bill for an act relating to the appointment of the membership of the Brushy creek recreation area trails advisory

board, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2198)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Petersen

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

Senate File 2230, a bill for an act authorizing the issuance of special nonresident turkey and deer hunting licenses to certain persons who have severe physical disabilities or a terminal illness, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2230)

The ayes were, 99:

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

The nays were, none.

Absent or not voting and 1:

Petersen

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

HOUSE FILE 2084 WITHDRAWN

Davitt of Warren asked and received unanimous consent to withdraw House File 2084 from further consideration by the House.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 505, 2198 and 2230.**

Senate File 2248, a bill for an act modifying provisions relating to the application for a certificate of franchise authority applicable to the provision of cable or video services by an existing provider, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2248)

The ayes were, 99:

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

Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, none.

Absent or not voting, 1:

Petersen

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

Senate File 2289, a bill for an act concerning state educational assistance to children of deceased veterans and the war orphans educational assistance fund, and including an effective date and retroactive applicability provision, with report of committee recommending amendment and passage, was taken up for consideration.

Staed of Linn offered amendment H-8191 filed by the committee on veterans affairs as follows:

H-8191

1 Amend Senate File 2289, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 17, by striking the word "~~who~~"
 4 and inserting the following: "who".
 5 2. Page 1, by striking line 19 and inserting the
 6 following: "educational assistance is less than
 7 thirty-one years of age, and who is the child of a
 8 person who".
 9 3. Page 2, line 10, by striking the words
 10 "twenty-six and" and inserting the following:
 11 "twenty-six".
 12 4. Page 2, line 15, by inserting after the word
 13 "lifetime" the following: ". and shall. to remain
 14 eligible for assistance. meet the academic progress
 15 standards of the postsecondary educational
 16 institution".

The committee amendment H-8191 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2289)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Petersen

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2248** and **2289**.

On motion by McCarthy of Polk, the House was recessed at 1:57 p.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened at 3:48 p.m., Speaker Murphy in the chair.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 139.

ADOPTION OF HOUSE RESOLUTION 139

Heddens of Story and Van Fossen of Scott called up for consideration **House Resolution 139**, a resolution honoring Iowa's Olympic athletes, and moved its adoption.

The motion prevailed and the resolution was adopted.

HOUSE FILE 2573 REFERRED

The Speaker announced that House File 2573, previously placed on **calendar** was referred to committee on **ways and means**.

SENATE FILE 2189 REFERRED

The Speaker announced that Senate File 2189, previously passed on **file** was referred to committee on **ways and means**.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 1, 2008, he approved and transmitted to the Secretary of State the following bill:

Senate File 2347, an Act relating to the use of optical scan voting systems in every county, making an appropriation for the cost of purchasing and distributing optical

scan voting systems, reducing certain appropriations, providing for continuing education for certain election personnel, and providing an effective date.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\2588 Betty Schreur, Kanawha – For celebrating her 85th birthday.
- 2008\2589 Alec Schierenbeck, Grinnell College – For receiving the esteemed Truman Scholarship.
- 2008\2590 Lucille Dohrmann, Hampton – For celebrating her 90th birthday.
- 2008\2591 Hulda Rodemeyer, Hampton – For celebrating her 95th birthday.
- 2008\2592 Elva DeYarman, Morning Sun –For celebrating her 90th birthday.
- 2008\2593 Tom and Phyllis Rittgers, Ames – For celebrating their 60th anniversary.
- 2008\2594 Alfretta Hauschilt, What Cheer – For celebrating her 80th birthday.
- 2008\2595 John Weidner, Jr., Wapello – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2596 Cade Nolan, Jesup – For being named Scout Hero of the Year due to his courageous efforts in assisting rescuers in removing his brothers Gavin and Tyler, and sister Ava from their wrecked vehicle, and for providing critical medical and contact information to the rescuers, after a severe accident left their mother trapped inside the family van.
- 2008\2597 Wanda Lang Meyer, Fayette – For celebrating her 90th birthday.
- 2008\2598 Bernice Winch, Guttenberg – For celebrating her 90th birthday.
- 2008\2599 Normwa Esslinger, Guttenberg – For celebrating her 90th birthday.
- 2008\2600 Miranda Kalke, Monona – For celebrating her 95th birthday.
- 2008\2601 Andy Moser, Colesburg – For celebrating his 85th birthday.
- 2008\2602 Louis Stramel, Cedar Rapids – For celebrating his 82nd birthday.

- 2008\2603 Robert "R.L." Green, Boyden – For serving as a World War II Army veteran in the American Legion for 36 years and as the Sioux County Service Officer for over 22 years. He proudly served as the Iowa American Legion 9th District Commander, Wm. Monster Post #272 Commander, and several other leadership positions in the American Legion before passing on to Post Eternal on March 30, 2008.
- 2008\2604 Kenneth and Evelyn Paulsen, Wheatland – For celebrating their 60th wedding anniversary.
- 2008\2605 Harold and Barbara Klein, Atalissa – For celebrating their 50th wedding anniversary.
- 2008\2606 Mary Stoltenberg, Durant – For celebrating her 90th birthday.
- 2008\2607 Beulah Moore, Jamaica – For celebrating her 90th birthday.
- 2008\2608 Marian and Eldon Sherman, Stuart – For celebrating their 65th wedding anniversary.
- 2008\2609 Betty Siomonsen, Exira – For celebrating her 80th birthday.
- 2008\2610 Ed and Ilamae Ahrendsen, Audubon – For celebrating their 60th wedding anniversary.
- 2008\2611 William Trampe, Iowa Falls – For celebrating his 80th birthday.
- 2008\2612 Edeltraud Croot, Iowa Falls – For celebrating his 80th birthday.
- 2008\2613 Robert Bays, Union – For celebrating his 80th birthday.
- 2008\2614 Miriam Miller, Ackley – For celebrating her 85th birthday.
- 2008\2615 Doris White, Iowa Falls – For celebrating her 80th birthday.
- 2008\2616 Marjorie Tintjer, Hubbard – For celebrating her 80th birthday.
- 2008\2617 Evelyn LaVelle, Eldora – For celebrating her 90th birthday.
- 2008\2618 Dorothy Porter, Iowa Falls – For celebrating her 90th birthday.
- 2008\2619 Sue and Les Hinz, Iowa Falls – For celebrating their 69th wedding anniversary.
- 2008\2620 Paul Ficken, Melbourne – For celebrating his 85th birthday.
- 2008\2621 Brian Erickson, Mt. Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boys Scouts of America.
- 2008\2622 Doris Drury, Mason City – For celebrating her 80th birthday.

- 2008\2623 James and Clara Wilson, Mason City – For celebrating their 60th wedding anniversary.
- 2008\2624 Clint and Jo Davis, Nevada – For celebrating their 50th wedding anniversary.
- 2008\2625 John and Lori Hoksbergen, Hull – For celebrating their 50th wedding anniversary.
- 2008\2626 Dick and Evelyn Kruse, Little Rock – For celebrating their 52nd wedding anniversary.
- 2008\2627 Norman Bell, Sheldon – For celebrating his 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2537

Ways and Means: Frevert, Chair; Jochum and Sands.

House File 2538

Ways and Means: Kelley, Chair; Pettengill and Thomas.

House File 2566

Ways and Means: Wendt, Chair; Kaufmann and Kelley.

House File 2610

Ways and Means: Reasoner, Chair; Grassley and Palmer.

House File 2623

Ways and Means: Wendt, Chair; Kelley and Wiencek.

House File 2661

Ways and Means: Shomshor, Chair; Reasoner and Sands.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 2337, a bill for an act relating to the purchase of liability insurance by the association of Iowa fairs.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8374** March 26, 2008.

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 2654), relating to water use permit fees, creating a new water use permit fund, and making appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 1, 2008.

COMMITTEE ON JUDICIARY

Senate File 2353, a bill for an act relating to the appointment of certain judicial officers, the retirement of senior judges, and the entry of temporary custody and visitation orders.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8373** March 27, 2008.

COMMITTEE ON LABOR

Senate File 417, a bill for an act providing for the licensure of elevator contractors and elevator mechanics and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8372** March 25, 2008.

COMMITTEE ON TRANSPORTATION

Senate File 34, a bill for an act requiring the use of child restraint systems or seat belts by motor vehicle passengers under eighteen years of age and making a penalty applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8371** March 27, 2008.

AMENDMENTS FILED

H—8360	H.F.	2450	Senate Amendment
H—8361	H.F.	2197	Senate Amendment

Huser of Polk			Bailey of Hamilton
Tymeson of Madison			Chambers of O'Brien
Wise of Lee			
H—8379	S.F.	2161	Ford of Polk

On motion by McCarthy of Polk the House adjourned at 3:59 p.m., until 9:00 a.m., Wednesday, April 2, 2008.

JOURNAL OF THE HOUSE

Eightieth Calendar Day - Fifty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 2, 2008

The House met pursuant to adjournment at 9:15 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Ro Foege, state representative from Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Caitlin Forrester, House Page from Anamosa.

The Journal of Tuesday, April 1, 2008 was approved.

SENATE MESSAGE CONSIDERED

Senate File 2403, by committee on government oversight, a bill for an act concerning the ability of the lottery authority to operate a joint lottery with a lottery operated outside of the United States.

Read first time and referred to committee on **government oversight**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 1, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2119, a bill for an act relating to taking the fingerprints of a child by a governmental unit.

Also: That the Senate has on April 1, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2310, a bill for an act requiring the departments of public health and human services to collect data and develop a protocol to address the relationship between substance misuse, abuse, or dependency by a child's parent, guardian, custodian, or other person responsible for the child's care and child abuse.

Also: That the Senate has on April 1, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2526, a bill for an act relating to the disposition of school property.

Also: That the Senate has on April 1, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2555, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including uniform securities; duties of the insurance division including a consumer advocate and rate reviews; confidential information; examinations; insurance trade practices; insurance fraud; the Iowa life and health insurance guaranty association; viatical settlement contracts; general agents and third-party administrators; life insurance companies; health maintenance organizations; utilization and cost control; external review of health care coverage decisions; the Iowa comprehensive health insurance association; workers' compensation liability insurance; consolidation, merger, and reinsurance; licensing of insurance producers; cemetery and funeral merchandise and funeral services; and cemeteries, making appropriations, and providing an effective date.

Also: That the Senate has on April 1, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2157, a bill for an act relating to amusement ride safety inspections conducted by special inspectors authorized by the division of labor services in the department of workforce development.

Also: That the Senate has on April 1, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2603, a bill for an act authorizing certain advanced registered nurse practitioners and psychiatrists to file certain periodic court reports on chronic substance abusers and persons with mental illness who do not require full-time placement in a treatment facility.

Also: That the Senate has on April 1, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2606, a bill for an act relating to the regulation of transactions involving grain, by providing for the regulation of grain dealers and warehouse operators, and providing for the administration of the grain indemnity fund.

Also: That the Senate has on April 1, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2399, a bill for an act relating to the eligibility requirements for the barn preservation property tax exemption.

Also: That the Senate has on April 1, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2401, a bill for an act relating to the carryforward of unused investment tax credits under the high quality job creation and enterprise zone programs and including effective and applicability date provisions.

Also: That the Senate has on April 1, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2402, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of income, sales and use, property, motor fuel, and tobacco taxes.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 9:19 a.m., until the fall of the gavel.

The House resumed session at 1:07 p.m., Speaker Murphy in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2266, a bill for an act relating to the regulation of explosives, and the possession of an incendiary or explosive device or material, and providing penalties.

Also: That the Senate has on April 2, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2283, a bill for an act concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service, providing a penalty, and including an effective date.

Also: That the Senate has on April 2, 2008, passed the following bill in which the concurrence of the House is asked:

House File 2581, a bill for an act relating to the donation of food to the department of natural resources or county conservation boards.

Also: That the Senate has on April 2, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 473, a bill for an act allowing a competent adult to execute a written instrument directing the final disposition of that person's remains, including coordinating provisions, and providing applicability dates.

Also: That the Senate has on April 2, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 505, a bill for an act relating to civil liability for damages relating to the use of an automated external defibrillator in sudden cardiac arrest emergencies.

Also: That the Senate has on April 2, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2089, a bill for an act relating to applications for absentee ballots.

Also: That the Senate has on April 2, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2108, a bill for an act relating to the designation of a Gift to Iowa's Future Recognition Day.

Also: That the Senate has on April 2, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2289, a bill for an act concerning state educational assistance to children of deceased veterans and the war orphans educational assistance fund, and including an effective date and retroactive applicability provision.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS Regular Calendar

Senate File 2277, a bill for an act relating to offenses against identity by establishing a procedure to secure credit information and providing a penalty, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2277)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill

Gayman	Granzow	Grassley	Greiner
Heaton	Heddens	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencsek	Winckler
Windschitl	Wise	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

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

Senate File 2308, a bill for an act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Kelley of Black Hawk offered the following amendment H-8323 filed by the committee on commerce and moved its adoption:

H-8323

- 1 Amend Senate File 2308, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "maintained" the following: "in computerized form".
- 5 2. Page 1, by striking lines 13 through 21 and
- 6 inserting the following: "integrity of the personal
- 7 information."

- 8 3. Page 2, lines 27 and 28, by striking the words
9 "voice print or recording,".
10 4. Page 3, by striking line 1 and inserting the
11 following: "than five digits of a social security
12 number or the last four digits of other".
13 5. Page 3, line 9, by striking the word "who" and
14 inserting the following: "that".
15 6. Page 4, line 3, by inserting after the word
16 "notice" the following: "to the last available
17 address the person has in the person's records".
18 7. Page 5, line 2, by inserting before the word
19 "harm" the following: "financial".

The committee amendment H-8323 was adopted.

Granzow of Hardin asked and received unanimous consent to withdraw amendment H-8352 filed by her on March 31, 2008.

Tjepkes of Webster offered amendment H-8353 filed by him as follows:

H-8353

- 1 Amend Senate File 2308, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. NEW SECTION. 714.16D DISCLOSURE OF
6 PERSONAL INFORMATION BY A PUBLIC OFFICIAL – CRIMINAL
7 PENALTY.
8 1. For the purposes of this section:
9 a. "Compensation" means any money, thing of value,
10 or financial benefit conferred to a public official by
11 a person other than the government body that employs
12 the public official.
13 b. "Personal information" means an individual's
14 first name or first initial and last name in
15 combination with any one or more of the following data
16 elements that relate to the individual if neither the
17 name nor the data elements are encrypted, redacted, or
18 otherwise altered by any method or technology in such
19 a manner that the name or data elements are
20 unreadable:
21 (1) Social security number.
22 (2) Driver's license number or other unique
23 identification number created or collected by a
24 government body.
25 (3) Financial account number, credit card number,
26 or debit card number in combination with any required
27 security code, access code, or password that would

28 permit access to an individual's financial account.
 29 (4) Unique electronic identifier or routing code,
 30 in combination with any required security code, access
 31 code, or password.
 32 (5) Unique biometric data, such as a fingerprint,
 33 voice print or recording, retina or iris image, or
 34 other unique physical representation or digital
 35 representation of the biometric data.
 36 c. "Public official" means an official or employee
 37 of the state or a local government, or an elected
 38 official of the state or a local government.
 39 2. Unless otherwise authorized by state or federal
 40 law, a public official in possession or control of an
 41 individual's personal information who intentionally
 42 discloses or releases the personal information for
 43 compensation is guilty of a class "D" felony."
 44 2. Title page, line 1, by inserting after the
 45 word "to" the following: "identity determination and
 46 protection and".
 47 3. Title page, line 3, by inserting after the
 48 word "information," the following: "prohibiting
 49 public officials from intentionally disclosing
 50 personal information for compensation,".

Page 2

1 4. By renumbering as necessary.

Kelley of Black Hawk offered the following amendment H-8376, to amendment H-8353, filed by her and moved its adoption:

H-8376

1 Amend the amendment, H-8353, to Senate File 2308,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 13 through 35 and
 5 inserting the following:
 6 "b. "Personal information" means the same as
 7 provided in section 715C.1, subsection 11."

Amendment H-8376 was adopted.

On motion by Tjepkes of Webster, amendment H-8353, as amended, was adopted.

Pettengill of Benton asked and received unanimous consent to withdraw amendment H-8356 filed by her on March 31, 2008.

SPECIAL PRESENTATION

Horbach of Tama introduced to the House, the honorable Phil Tyrell, former state representative from Iowa County.

The House rose and expressed its welcome.

Kelley of Black Hawk offered the following amendment H-8365 filed by her and moved its adoption:

H-8365

- 1 Amend Senate File 2308, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 6, by striking the words "owns,
- 4 maintains, or otherwise possesses" and inserting the
- 5 following: "owns or licenses computerized".

Amendment H-8365 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2308)

The ayes were, 100:

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

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

The nays were, none.

Absent or not voting, none.

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

Jacobs of Polk in the chair at 1:49 p.m.

Senate File 2129, a bill for an act relating to the duties of the commission on the status of Iowans of Asian and Pacific Islander heritage regarding interpreter qualifications, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2129)

The ayes were, 100:

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

Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Jacobs, Presiding

The nays were, none.

Absent or not voting, none.

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2129, 2277 and 2308.**

House File 2267, a bill for an act relating to coverage of closing protection letters in real estate transactions and providing an effective date, was taken up for consideration.

SENATE FILE 2117 SUBSTITUTED FOR HOUSE FILE 2267

Berry of Black Hawk asked and received unanimous consent to substitute Senate File 2117 for House File 2267.

Senate File 2117, a bill for an act relating to coverage of closing protection letters in real estate transactions and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2117)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry

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

The nays were, none.

Absent or not voting, none.

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

Senate File 2179, a bill for an act making specified changes relating to professional licensing and regulation under the purview of the banking division of the department of commerce, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2179)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute

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

The nays were, none.

Absent or not voting, none.

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

HOUSE FILE 2267 WITHDRAWN

Berry of Black Hawk asked and received unanimous consent to withdraw House File 2267 from further consideration by the House.

House File 2269, a bill for an act relating to real estate broker trust accounts, was taken up for consideration.

Berry of Black Hawk offered the following amendment H-8315 filed by her and moved its adoption:

H-8315

- 1 Amend House File 2269 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 16.10, subsection 1, Code

5 Supplement 2007, is amended to read as follows:

6 1. Moneys declared by the authority to be surplus
7 moneys which are not required to service bonds and
8 notes issued by the authority, to pay administrative
9 expenses of the authority, or to accumulate necessary
10 operating or loss reserves, shall be used by the
11 authority to provide grants, subsidies, and services
12 to lower income families and very low income families
13 through the programs authorized in this chapter and
14 consistent with legislative findings and guiding
15 principles. ~~In addition, the authority may use such~~
16 ~~surplus moneys to provide assistance to the local~~
17 ~~housing assistance program established in sections~~
18 ~~15.351 through 15.354 for purposes of providing~~
19 ~~assistance to low and moderate income families.~~
20 ~~Surplus moneys shall not be used for infrastructure or~~
21 ~~administration purposes under the local housing~~
22 ~~assistance program.~~

23 Sec. 2. Section 16.91, subsection 1, Code
24 Supplement 2007, is amended to read as follows:

25 1. The authority through the title guaranty
26 division shall initiate and operate a program in which
27 the division shall offer guaranties of real property
28 titles in this state. The terms, conditions and form
29 of the guaranty contract shall be forms approved by
30 the division board. The division shall fix a charge
31 for the guaranty in an amount sufficient to permit the
32 program to operate on a self-sustaining basis,
33 including payment of administrative costs and the
34 maintenance of an adequate reserve against claims
35 under the title guaranty program. A title guaranty
36 fund is created in the office of the treasurer of
37 state. Funds collected under this program shall be
38 placed in the title guaranty fund and are available to
39 pay all claims, necessary reserves and all
40 administrative costs of the title guaranty program.
41 Moneys in the fund shall not revert to the general
42 fund and interest on the moneys in the fund shall be
43 ~~transferred to the department of economic development~~
44 ~~for deposit in the local housing assistance program~~
45 ~~fund established in section 15.354 deposited in the~~
46 housing trust fund established in section 16.181 and
47 shall not accrue to the general fund. If the
48 authority board in consultation with the division
49 board determines that there are surplus funds in the
50 title guaranty fund after providing for adequate

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1 reserves and operating expenses of the division, the
2 surplus funds shall be transferred to the housing
3 assistance fund created pursuant to section 16.40."

- 4 2. Page 1, by inserting after line 18 the
 5 following:
 6 "Sec.____. TRANSFER OF FUNDS. Any unobligated
 7 funds in or received for deposit in the local housing
 8 assistance program fund, created in section 15.354,
 9 shall be transferred to the Iowa finance authority for
 10 deposit in the housing trust fund established in
 11 section 16.181.
 12 Sec.____. Sections 15.351 through 15.354, Code
 13 2007, are repealed."
 14 3. Title page, line 1, by inserting after the
 15 word "accounts" the following: "and abolishing the
 16 local housing assistance program".
 17 4. By renumbering as necessary.

Amendment H-8315 was adopted.

SENATE FILE 2136 SUBSTITUTED FOR HOUSE FILE 2269

Berry of Black Hawk asked and received unanimous consent to substitute Senate File 2136 for House File 2269.

Senate File 2136, a bill for an act relating to real estate broker trust accounts and abolishing the local housing assistance program, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2136)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson

Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Quirk
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Jacobs, Presiding		

The nays were, none.

Absent or not voting, 2:

Davitt Pettengill

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

HOUSE FILE 2269 WITHDRAWN

Berry of Black Hawk asked and received unanimous consent to withdraw House File 2269 from further consideration by the House.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2117, 2179 and 2136.**

House File 2396, a bill for an act relating to cultural affairs by providing for the preservation of electronic records, establishing local cultural committees, and creating a civil war sesquicentennial advisory committee, was taken up for consideration.

SENATE FILE 2176 SUBSTITUTED FOR HOUSE FILE 2396

H. Miller of Webster asked and received unanimous consent to substitute Senate File 2176 for House File 2396.

Senate File 2176, a bill for an act relating to cultural affairs by providing for the preservation of electronic records, establishing local cultural committees, and creating a civil war sesquicentennial advisory committee, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2176)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

HOUSE FILE 2396 WITHDRAWN

H. Miller of Webster asked and received unanimous consent to withdraw House File 2296 from further consideration by the House.

Senate File 2281, a bill for an act prohibiting employment discrimination against an employee witness in certain civil proceedings, with report of committee recommending passage, was taken up for consideration.

Heaton of Henry offered the following amendment H-8333 filed by him and moved its adoption:

H-8333

- 1 Amend Senate File 2281, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "or" the following: "as a plaintiff, defendant, or
- 5 witness".

Amendment H-8333 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2281)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen

Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Jacobs, Presiding

The nays were, none.

Absent or not voting, none.

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

House File 2486, a bill for an act relating to health-related activities and regulation by the department of public health, was taken up for consideration.

SENATE FILE 2177 SUBSTITUTED FOR HOUSE FILE 2486

Abdul-Samad of Polk asked and received unanimous consent to substitute Senate File 2177 for House File 2486.

Senate File 2177, a bill for an act relating to health-related activities and regulation by the department of public health, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2177)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill

Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Jacobs,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Shomshor

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

HOUSE FILE 2486 WITHDRAWN

Abdul-Samad of Polk asked and received unanimous consent to withdraw House File 2486 from further consideration by the House.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2176, 2177 and 2281.**

House File 2497, a bill for an act providing for the establishment of a council on homelessness, was taken up for consideration.

Ford of Polk offered the following amendment H-8377 filed by him and moved its adoption:

H-8377

1 Amend House File 2497 as follows:

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

4 "Section 1. NEW SECTION. 16.100A COUNCIL ON
5 HOMELESSNESS.

6 1. A council on homelessness is established
7 consisting of thirty-eight voting members.

8 2. Members of the council shall consist of all of
9 the following:

10 a. Twenty-six members of the general public
11 appointed to two-year staggered terms by the governor
12 in consultation with the nominating committee under
13 subsection 4, paragraph "a".

14 (1) Voting members from the general public may
15 include, but are not limited to the following types of
16 individuals and representatives of the following
17 programs: homeless or formerly homeless individuals
18 and their family members, youth shelters, faith-based
19 organizations, local homeless service providers,
20 emergency shelters, transitional housing providers,
21 family and domestic violence shelters, private
22 business, local government, and community-based
23 organizations.

24 (2) Five of the twenty-six voting members selected
25 from the general public shall be individuals who are
26 homeless, formerly homeless, or family members of
27 homeless or formerly homeless individuals.

28 (3) One of the twenty-six members selected from
29 the general public shall be a representative of the
30 Iowa state association of counties.

31 (4) One of the twenty-six members selected from
32 the general public shall be a representative of the
33 Iowa league of cities.

34 b. Twelve agency director members consisting of
35 all of the following:

36 (1) The director of the department of education or
37 the director's designee.

38 (2) The director of the department of economic
39 development or the director's designee.

40 (3) The director of human services or the
41 director's designee.

42 (4) The attorney general or the attorney general's
43 designee.

44 (5) The director of the department of human rights
45 or the director's designee.

46 (6) The director of public health or the
47 director's designee.

48 (7) The director of the department of elder
49 affairs or the director's designee.

50 (8) The director of the department of corrections

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1 or the director's designee.

2 (9) The director of the department of workforce
3 development or the director's designee.

4 (10) The director of the department of public
5 safety or the director's designee.

6 (11) The director of the department of veterans
7 affairs or the director's designee.

8 (12) The executive director of the Iowa finance
9 authority or the executive director's designee.

10 3. An agency director's designee may vote on
11 council matters in the absence of the director.

12 4. a. A nominating committee initially comprised
13 of all twelve agency director members shall nominate
14 persons to the governor to fill the general public
15 member positions. Following appointment of all
16 twenty-six general public members, the composition of
17 the nominating committee may be modified by rule.

18 b. The council may establish other committees and
19 subcommittees comprised of members of the council.

20 5. A vacancy on the council shall be filled in the
21 same manner as the original appointment. A member
22 appointed to fill a vacancy created other than by
23 expiration of a term shall be appointed for the
24 remainder of the unexpired term.

25 6. a. A majority of the members of the council
26 constitutes a quorum. Any action taken by the council
27 must be adopted by the affirmative vote of a majority
28 of its membership.

29 b. The council shall elect a chairperson and vice
30 chairperson from the membership of the council. The
31 chairperson and vice chairperson shall serve two-year
32 terms. The chairperson and vice chairperson shall not
33 both be either general public members or agency
34 directors. The chairperson shall rotate between
35 agency director members and general public members.

36 c. The council shall meet at least six times per
37 year. Meetings of the council may be called by the
38 chairperson or by a majority of the members.

39 d. General public members shall be reimbursed for
40 actual and necessary expenses incurred while engaged
41 in their official duties. Expense payments shall be
42 made from appropriations made for purposes of this
43 section.

44 7. The Iowa finance authority shall provide staff
45 assistance and administrative support to the council.

46 8. The duties of the council shall include but are
47 not limited to the following:

48 a. Develop a process for evaluating state
49 policies, programs, statutes, and rules to determine
50 whether any state policies, programs, statutes, or

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1 rules should be revised to help prevent and alleviate
2 homelessness.
3 b. Evaluate whether state agency resources could
4 be more efficiently coordinated with other state
5 agencies to prevent and alleviate homelessness.
6 c. Work to develop a coordinated and seamless
7 service delivery system to prevent and alleviate
8 homelessness.
9 d. Use existing resources to identify and
10 prioritize efforts to prevent persons from becoming
11 homeless and to eliminate factors that keep people
12 homeless.
13 e. Identify and use federal and other funding
14 opportunities to address and reduce homelessness
15 within the state.
16 f. Work to identify causes and effects of
17 homelessness and increase awareness among policymakers
18 and the general public.
19 g. Advise the governor's office, the Iowa finance
20 authority, state agencies, and private organizations
21 on strategies to prevent and eliminate homelessness.
22 9. a. The council shall make annual
23 recommendations to the governor regarding matters
24 which impact homelessness on or before September 15.
25 b. The council shall prepare and file with the
26 governor and the general assembly on or before the
27 first day of December in each odd-numbered year, a
28 report on homelessness in Iowa.
29 c. The council shall assist in the completion of
30 the state's continuum of care application to the
31 United States department of housing and urban
32 development.
33 10. a. The Iowa finance authority, in
34 consultation with the council, shall adopt rules
35 pursuant to chapter 17A for carrying out the duties of
36 the council pursuant to this section.
37 b. The council shall establish internal rules of
38 procedure consistent with the provisions of this
39 section.
40 c. Rules adopted or internal rules of procedure
41 established pursuant to paragraph "a" or "b" shall be
42 consistent with the requirements of the federal
43 McKinney-Vento Homeless Assistance Act, 42 U.S.C. §
44 11301, et seq.
45 11. The council shall comply with the requirements
46 of chapters 21 and 22. The Iowa finance authority
47 shall be the official repository of council records."

Amendment H-8377 was adopted.

SENATE FILE 2161 SUBSTITUTED FOR HOUSE FILE 2497

Ford of Polk asked and received unanimous consent to substitute Senate File 2161 for House File 2497.

Senate File 2161, a bill for an act providing for the establishment of a council on homelessness, was taken up for consideration.

Ford of Polk offered the following amendment H-8379 filed by him and moved its adoption:

H-8379

- 1 Amend Senate File 2161, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 3, by inserting after the word
- 4 "members." the following: "At least one voting member
- 5 at all times shall be a member of a minority group."
- 6 2. Page 4, by inserting after line 3 the
- 7 following:
- 8 " _____. The council shall conduct a study of issues
- 9 relating to the following:
- 10 a. Low-income seniors and low-income persons with
- 11 any form of disability, including but not limited to
- 12 physical disability, developmental disability, mental
- 13 illness, co-occurring mental illness and substance
- 14 abuse disorders, or AIDS and AIDS-related conditions.
- 15 For purposes of this section, "AIDS" and "AIDS-related
- 16 conditions" mean the same as defined in section
- 17 141A.1.
- 18 b. Low-income and moderate-income persons unable
- 19 to afford transportation or housing near work, and
- 20 adequate affordable housing able to support economic
- 21 growth and development of a community, including new
- 22 construction, community redevelopment, and urban
- 23 renewal.
- 24 c. Low-income persons residing in existing
- 25 affordable housing that is in danger of becoming
- 26 unaffordable or lost, and persons determined to be or
- 27 at risk of becoming homeless.
- 28 d. Affordable rental housing, access to available
- 29 financing for housing, first-time home buyers, and
- 30 relationships between landlords and tenants."
- 31 3. By renumbering as necessary.

Amendment H-8379 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2161)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Taylor, D.

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

HOUSE FILE 2497 WITHDRAWN

Ford of Polk asked and received unanimous consent to withdraw House File 2497 from further consideration by the House.

Senate File 2301, a bill for an act making revisions and modifications to uniform finance procedures for bonds issued by the state, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2301)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Quirk

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

Wise of Lee in the chair at 2:57 p.m.

Senate File 2325, a bill for an act relating to the grow Iowa values fund by allocating moneys for the physical infrastructure assistance program and changing certain job and wage requirements, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Thomas of Clayton asked and received unanimous consent that Senate File 2325 be deferred and that the bill retain its place on the calendar.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2161 and 2301**.

House File 2530, a bill for an act establishing committees to formulate plans for a state research and development prekindergarten through grade twelve school and providing an effective date, was taken up for consideration.

SENATE FILE 2307 SUBSTITUTED FOR HOUSE FILE 2530

Winckler of Scott asked and received unanimous consent to substitute Senate File 2307 for House File 2530.

Senate File 2307, a bill for an act establishing committees to formulate plans for a state research and development prekindergarten through grade twelve school and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2307)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

HOUSE FILE 2530 WITHDRAWN

Winckler of Scott asked and received unanimous consent to withdraw House File 2530 from further consideration by the House.

Senate File 2333, a bill for an act relating to the regulation of veterans commemorative property, with report of committee recommending passage, was taken up for consideration.

Chambers of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2333)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

Senate File 2354, a bill for an act concerning the home ownership assistance program for members of the military, with report of committee recommending passage, was taken up for consideration.

Zirkelbach of Jones offered the following amendment H-8366 filed by him and moved its adoption:

H-8366

- 1 Amend Senate File 2354, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 12, by inserting after the word
 4 "service" the following: "beginning on or after
 5 September 11, 2001,".

Amendment H-8366 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2354)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Reichert

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2307, 2333 and 2354.**

Senate File 2361, a bill for an act providing for the procurement of designated biobased products by state government, with report of committee recommending passage, was taken up for consideration.

T. Taylor of Linn offered the following amendment H-8369 filed by him and moved its adoption:

H-8369

1 Amend Senate File 2361, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 1, the
4 following:
5 "(___) The designated biobased product does not
6 meet the functional requirements and evaluation
7 criteria identified in bid documents. Functional
8 requirements to be considered may include but are not
9 limited to the designated biobased product's
10 conformance with ASTM (American society for testing
11 and materials) international standards.

12 (___) The purchase of the designated biobased
13 product conflicts with section 8A.311, subsection 1,
14 paragraph "a".

15 2. Page 2, by inserting after line 26 the
16 following:

17 "___ When evaluating a bid for the purchase of
18 designated biobased products, the department may take
19 into consideration warranty provisions and life cycle
20 cost estimates."

21 3. By renumbering as necessary.

Amendment H-8369 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2361)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Watts of Dallas on request of Rants of Woodbury.

Senate File 2380, a bill for an act establishing a low head dam public hazard program, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2380)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Watts

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

House File 2576, a bill for an act creating the Iowa uniform prudent management of institutional funds Act and including an applicability provision, was taken up for consideration.

SENATE FILE 2316 SUBSTITUTED FOR HOUSE FILE 2576

Anderson of Page asked and received unanimous consent to substitute Senate File 2316 for House File 2576.

Senate File 2316, a bill for an act creating the Iowa uniform prudent management of institutional funds Act and including an applicability provision, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2316)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Watts

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2316, 2361 and 2380.**

House File 2605, a bill for an act relating to the regulation of health-related professions, was taken up for consideration.

Hunter of Polk offered the following amendment H-8102 filed by him and moved its adoption:

H-8102

- 1 Amend House File 2605 as follows:
- 2 1. Page 21, line 11, by inserting after the word
- 3 "prefix" the following: "Dr. or".

Amendment H-8102 was adopted.

SENATE FILE 2338 SUBSTITUTED FOR HOUSE FILE 2605

Hunter of Polk asked and received unanimous consent to substitute Senate File 2338 for House File 2605.

Senate File 2338, a bill for an act relating to the regulation of health-related professions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2338)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser

Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Worthan	Zirkelbach	Wise, Presiding	

The nays were, none.

Absent or not voting, 1:

Watts

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

HOUSE FILE 2605 WITHDRAWN

Hunter of Polk asked and received unanimous consent to withdraw House File 2605 from further consideration by the House.

House File 2636, a bill for an act relating to the regulation of the practice of certified public accounting and providing an effective date, was taken up for consideration.

Quirk of Chickasaw offered the following amendment H-8146 filed by him and moved its adoption:

H-8146

- 1 Amend House File 2636 as follows:
- 2 1. Page 5, line 23, by striking the word
- 3 "convictions" and inserting the following:
- 4 "conviction".
- 5 2. Page 5, line 32, by inserting after the word
- 6 "has" the following: "a".
- 7 3. Page 12, line 16, by striking the words

8 "client by" and inserting the following: "client be".

9 4. Page 15, line 27, by striking the word

10 "applicable" and inserting the following:

11 "applicable,".

Amendment H-8146 was adopted.

SENATE FILE 2379 SUBSTITUTED FOR HOUSE FILE 2636

Quirk of Chickasaw asked and received unanimous consent to substitute Senate File 2379 for House File 2636.

Senate File 2379, a bill for an act relating to the regulation of the practice of certified public accounting and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2379)

The ayes were, 99:

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

Whitead
Worthan

Wiencek
Zirkelbach

Winckler
Wise,
Presiding

Windschitl

The nays were, none.

Absent or not voting, 1:

Watts

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2338 and 2379.**

Senate File 2349, a bill for an act relating to the preneed sale of cemetery and funeral merchandise and funeral services, with report of committee recommending amendment and passage, was taken up for consideration.

Quirk of Chickasaw offered the following amendment H-8324 filed by the committee on commerce and moved its adoption:

H-8324

1 Amend Senate File 2349, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, lines 26 and 27, by striking the words

4 "provide a report to" and inserting the following:

5 "notify".

6 2. Page 1, line 28, by striking the word

7 "purchase" and inserting the following: "deposit".

8 3. Page 4, line 8, by striking the words "receive

9 a report" and inserting the following: "be notified"

10 4. Page 4, line 9, by striking the word

11 "purchase" and inserting the following: "deposit".

12 5. Page 4, line 9, by striking the word

13 "directly" and inserting the following: "directly, if

14 acting as a trustee of trust funds under this

15 chapter".

16 6. Page 4, line 13, by striking the word "report"

17 and inserting the following: "notification".

The committee amendment H-8324 was adopted.

Pettengill of Benton asked and received unanimous consent to withdraw amendment H-8355 filed by her on March 31, 2008.

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

On the question "Shall the bill pass?" (S.F. 2349)

The ayes were, 99:

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

The nays were, none.

Absent or not voting and 1:

Watts

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2411, a bill for an act providing for changes in electrician licensure requirements for specified licensure classifications, and providing an effective date.

Also: That the Senate has on April 2, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2547, a bill for an act modifying provisions relating to statewide licensure and certification of electricians and alarm system contractors and installers, and providing an effective date.

Also: That the Senate has on April 2, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2580, a bill for an act providing for a sustainable natural resource funding advisory committee.

Also: That the Senate has on April 2, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2628, a bill for an act including a portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the definition of a dangerous weapon and making penalties applicable.

Also: That the Senate has on April 2, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2646, a bill for an act providing for the licensure of persons installing fire protection systems, providing for the establishment of fees, and providing penalties and an effective date.

MICHAEL E. MARSHALL, Secretary

HOUSE FILE 2636 WITHDRAWN

Quirk of Chickasaw asked and received unanimous consent to withdraw House File 2636 from further consideration by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2349** be immediately messaged to the Senate.

SENATE FILE 2306 REFERRED

The Speaker announced that Senate File 2306, previously placed on **calendar** was referred to committee on **appropriations**.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Seventh Grade students from Oskaloosa Christian School, Oskaloosa, Iowa, accompanied by Mrs. Renee Van Kooten. By De Boef of Keokuk.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|--|
| 2008\2628 | Duane and Betty Chance, Lovilia – For celebrating their 50 th wedding anniversary. |
| 2008\2629 | Maxine Meister, Le Mars – For celebrating her 90 th birthday. |
| 2008\2630 | Gayle and Bonnie Raymond, Arnolds Park – For celebrating their 60 th wedding anniversary. |
| 2008\2631 | Ruth Hargens, Spring Lake – For celebrating her 90 th birthday. |
| 2008\2632 | Chester Phillips, Spirit Lake – For celebrating his 96 th birthday. |
| 2008\2633 | Eugene and Loretta Rieks, Hubbard– For celebrating their 50 th wedding anniversary. |
| 2008\2634 | Leo and Jean Benda, Toledo – For celebrating their 60 th wedding anniversary. |

- 2008\2635 Mabel Bockes, Grundy Center – For celebrating her 80th birthday.
- 2008\2636 Nathan Lee Higgins, Clear Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2637 Maxine Cappel, Independence – For celebrating her 90th birthday.
- 2008\2638 Kenneth and Evelyn Paulsen, Wheatland – For celebrating their 60th wedding anniversary.
- 2008\2639 Harry and Elaine Hart – For celebrating their 50th wedding anniversary.
- 2008\2640 Art and Alta Dykstra, Lovilia – For celebrating their 50th wedding anniversary.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 786 Ways and Means

Relating to local taxes and fees by providing a rate for and use of city franchise fees, making certain city franchise fees legal, providing for the creation of sales tax increment financing districts by cities, and increasing the maximum rate for local hotel and motel taxes, and including an effective date provision.

H.S.B. 787 Appropriations

Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters and including an effective date provision.

H.S.B. 788 Government Oversight

Relating to student loans, including the protection of students and parents from certain lenders and institutions of higher education with conflicts of interest, establishing a student lending education fund, establishing penalties, and providing for related matters.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2400, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8387** April 1, 2008.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2329), relating to the collection and recycling of mercury-added thermostats.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2008.

Committee Bill (Formerly House File 2520), relating to the inheritance tax on any interest in the Iowa educational savings plan trust.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 1, 2008.

Committee Bill (Formerly House File 2525), relating to the disposal and recycling of waste oil filters.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2008.

Committee Bill (Formerly House Study Bill 783), relating to administration of the tax and related laws by the department of revenue, including administration of income, sales and use, property, motor fuel, and tobacco taxes.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 1, 2008.

RESOLUTIONS FILED

HR 140, by Heddens, Wessel-Kroeschell, Deyoe and D. Olson, a resolution congratulating Iowa State University of Science and Technology for 150 years of leadership and service to the nation and the world as Iowa's land-grant university.

Laid over under **Rule 25**.

HR 141, by Hoffman and Roberts, a resolution to recognize the 2008 annual Donna Reed Festival for the Performing Arts.

Laid over under **Rule 25**.

HR 142, by Jacoby, Abdul-Samad, Bailey, Baudler, Bell, Berry, Bukta, Chambers, Cohoon, Dandekar, Davit, Drake, Foege, Ford, Forristall, Frevert, Gaskill, Gayman, Gipp, Granzow, Greiner, Heaton, Hoffman, Hunter, Huseman, Huser, Jacobs, Jochum, Kelley, Kressig, Kuhn, Lensing, Lukan, Lykam, Mascher, May, H. Miller, Oldson, D. Olson, Palmer, Petersen, Quirk, Reasoner, Reichert, Roberts, Schueller, Smith, Soderberg, Staed, Swaim, D. Taylor, Tomenga, Upmeyer, Watts, Wendt, Wenthe, Whitaker, Whitead, Winckler, Wise and Zirkelbach, a resolution honoring the University of Iowa Hawkeye wrestling team and Coach Tom Brands for winning the 2008 National Collegiate Athletic Association's (NCAA) team championship.

Laid over under **Rule 25**.

HR 143, by Mascher, Abdul-Samad, Alons, Anderson, Arnold, Bailey, Baudler, Bell, Berry, Bukta, Clute, Cohoon, Dandekar, Davit, De Boef, Deyoe, Dolecheck, Drake, Foege, Ford, Forristall, Frevert, Gaskill, Gayman, Gipp, Granzow, Grassley, Greiner, Heaton, Heddens, Hoffman, Horbach, Hunter, Huser, Jacobs, Jochum, Kaufmann, Kelley, Kressig, Kuhn, Lensing, Lukan, Lykam, May, McCarthy, Mertz, H. Miller, L. Miller, Murphy, Oldson, D. Olson, R. Olson, S. Olson, T. Olson, Palmer, Paulsen, Petersen, Pettengill, Quirk, Raecker, Rants, Rasmussen, Rayhons, Reasoner, Reichert, Roberts, Sands, Schickel, Schueller, Shomshor, Smith, Soderberg, Staed, Struyk, Swaim, D. Taylor, T. Taylor, Thomas, Tjepkes, Tomenga, Upmeyer, Van Engelenhoven, Van Fossen, Watts, Wendt,

Wenthe, Wessel-Kroeschell, Whitaker, Whitead, Wiencek, Winckler, Windschitl, Wise, Worthan and Zirkelbach, a resolution honoring Lisa Bluder, Head Coach of the University of Iowa's Women's Basketball Team and 2008 Big Ten Coach of the Year.

Laid over under **Rule 25**.

HR 144, by Murphy, Heddens and Upmeyer, a resolution to honor Tyler Joseph Steinke as the youngest Global Messenger for Special Olympics Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8380	H.F.	2663	T. Taylor of Linn D. Taylor of Linn
H—8381	H.F.	2660	Zirkelbach of Jones Lukan of Dubuque
H—8382	H.F.	2197	Kelley of Black Hawk
H—8383	S.F.	2325	Drake of Pottawattamie
H—8384	H.F.	2526	Senate Amendment
H—8385	H.F.	2310	Senate Amendment
H—8386	H.F.	2555	Senate Amendment
H—8387	S.F.	2400	Committee on Appropriations
H—8388	H.F.	2283	Senate Amendment
H—8389	H.F.	2266	Senate Amendment
H—8390	S.F.	2216	Raecker of Polk
H—8391	S.F.	2392	Struyk of Pottawattamie
H—8392	S.F.	2279	Kuhn of Floyd
H—8393	H.F.	2528	Baudler of Adair
H—8394	S.F.	2353	Smith of Marshall
H—8395	S.F.	2400	Mascher of Johnson
H—8396	H.F.	2660	Struyk of Pottawattamie Lukan of Dubuque Horbach of Tama
H—8397	H.F.	2660	Baudler of Adair Lukan of Dubuque Horbach of Tama

H—8398	H.F.	2660	Baudler of Adair Lukan of Dubuque Horbach of Tama
H—8399	S.F.	2329	Rants of Woodbury
H—8400	S.F.	2251	Staed of Linn
H—8401	S.F.	2353	Huser of Polk
H—8402	H.F.	2637	Huser of Polk
H—8403	H.F.	2628	Senate Amendment
H—8404	H.F.	2662	Raecker of Polk De Boef of Keokuk Heaton of Henry
H—8405	H.F.	2662	Sands of Louisa Raecker of Polk De Boef of Keokuk

On motion by McCarthy of Polk the House adjourned at 4:33 p.m., until 9:00 a.m., Thursday, April 3, 2008.

JOURNAL OF THE HOUSE

Eighty-first Calendar Day - Fifty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 3, 2008

The House met pursuant to adjournment at 9:09 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Pete Wenzel, pastor of Peace United Church of Christ, Monticello. He was the guest of Representative Ray Zirkelbach of Jones County

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Page Sara Thoma, the House Journal Room Page from Barnum.

The Journal of Wednesday, April 2, 2008 was approved.

INTRODUCTION OF BILLS

House File 2668, by committee on ways and means, a bill for an act relating to the disposal and recycling of waste oil filters.

Read first time and placed on the **ways and means calendar**.

House File 2669, by committee on ways and means, a bill for an act relating to the collection and recycling of mercury-added thermostats.

Read first time and placed on the **ways and means calendar**.

House File 2670, by committee on ways and means, a bill for an act relating to administration of the tax and related laws by the department of revenue, including administration of income, sales and use, property, motor fuel, and tobacco taxes.

Read first time and placed on the **ways and means calendar**.

House File 2671, by T. Olson, Wise, Petersen, Oldson, H. Miller, Mascher and Jochum, a bill for an act relating to local government by modifying provisions related to franchise fees and by creating a pilot city program to establish efficient growth, authorize revenue sources other than property taxes, and provide city property tax relief through property tax credits, and by providing tax credits for the redevelopment of underutilized properties and clarifying the meaning of eligible business under the high job quality creation program, including penalties and including effective and applicability date provisions.

Read first time and referred to committee on **ways and means**.

SENATE MESSAGES CONSIDERED

Senate File 2399, by committee on ways and means, a bill for an act relating to the eligibility requirements for the barn preservation property tax exemption.

Read first time and referred to committee on **ways and means**.

Senate File 2401, by committee on ways and means, a bill for an act relating to the carryforward of unused investment tax credits under the high quality job creation and enterprise zone programs and including effective and applicability date provisions.

Read first time and referred to committee on **ways and means**.

Senate File 2402, by committee on ways and means, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of income, sales and use, property, motor fuel, and tobacco taxes.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2385, a bill for an act relating to allowable investments by the treasurer of state and other authorized state agencies.

Also: That the Senate has on April 2, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2390, a bill for an act relating to the licensing and regulation of plumbers and mechanical professionals and providing effective dates.

Also: That the Senate has on April 2, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2410, a bill for an act relating to alarm system installer or contractor certification and electrician licensure provisions, and providing an effective date.

Also: That the Senate has on April 2, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2564, a bill for an act concerning the disaster aid individual assistance grant program.

MICHAEL E. MARSHALL, Secretary

Kressig of Black Hawk in the chair at 9:17 a.m.

H. Miller of Webster asked and received unanimous consent for the immediate consideration of House Resolution 140.

ADOPTION OF HOUSE RESOLUTION 140

Heddens of Story, Wessel-Kroeschell of Story, Deyoe of Story and D. Olson of Boone, called up for consideration **House Resolution 140**, a resolution congratulating Iowa State University of Science and Technology for 150 years of leadership and service to the nation and the world as Iowa's land-grant university, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATIONS

Bailey of Hamilton introduced to the House, Albert Kurmanbiyevich, Aleksey Vasilyevich, Aleksandr Yevgenyevich Sharkov, Yunona Ivanovna Shevchenko, Gregoriy Olegovich Yarygin and Nilsolay Viktorovich Vysritskiy. They are judges visiting from Russia.

The House rose and expressed its welcome.

On motion by H. Miller of Webster, the House was recessed at 9:32 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:45 p.m., Speaker Murphy in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 3, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2164, a bill for an act relating to voluntary diversity or court-ordered school desegregation plans under the state's open enrollment law.

Also: That the Senate has on April 3, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2568, a bill for an act relating to the calculation of certain weekly workers' compensation benefits by requiring certain weekly workers' compensation benefits to be calculated by including an employee's shift differential pay and by changing the basis for calculating the weekly rate for certain injured inmates.

Also: That the Senate has on April 3, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2214, a bill for an act relating to modification of a child custody order during the time a parent is serving active duty.

Also: That the Senate has on April 3, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2409, a bill for an act relating to providing information to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits.

Also: That the Senate has on April 3, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2410, a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Huser of Polk called up for consideration **House File 2392**, a bill for an act relating to certain city utilities or city enterprises by making changes to procedures for notice and collection of delinquent charges and by making changes to billing notifications for water service provided to certain residential rental property, amended by the Senate, and moved that the House concur in the following Senate amendment H-8250:

H-8250

1 Amend House File 2392, as passed by the House, as
2 follows:

3 1. Page 3, by striking lines 19 and 20 and
4 inserting the following: "written notice shall
5 contain the name of the tenant responsible for
6 charges, address of the residential rental".
7 2. Page 3, line 21, by striking the word
8 "occupy;" and inserting the following: "occupy,".
9 3. Page 3, by striking lines 22 through 24 and
10 inserting the following: "occupancy begins. A change
11 in tenant shall require a new written notice to be
12 given to the city utility or enterprise within ~~ten~~
13 thirty business days of the change in tenant. When
14 the".

The motion prevailed and the House concurred in the Senate amendment H-8250.

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

On the question "Shall the bill pass?" (H.F. 2392)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser

Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, none.

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

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2036, a bill for an act relating to the division of criminal and juvenile justice planning of the department of human rights by making changes to the membership of the council, permitting access to the records of the department of workforce development, and modifying the sex offender treatment and supervision task force, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2036)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute

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

The nays were, none.

Absent or not voting, none.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pettengill of Benton on request of Struyk of Pottawattamie.

Senate File 2124, a bill for an act relating to authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority, with report of committee recommending amendment and passage, was taken up for consideration.

Staed of Linn offered the following amendment H-8064 filed by the committee on veterans affairs and moved its adoption:

H-8064

1 Amend Senate File 2124, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 16 the
4 following:

5 "NEW PARAGRAPH. k. Expenses related to
6 establishing whether a minor child is a dependent of a
7 deceased veteran.

8 NEW PARAGRAPH. l. Matching funds to veterans
9 organizations to provide for accredited veteran
10 service officers. However, moneys expended for this
11 purpose in a fiscal year shall not exceed the lesser
12 of one hundred fifty thousand dollars or twenty
13 percent of the moneys appropriated to the commission
14 from interest and earnings on the fund in that fiscal
15 year."

16 2. Page 1, by inserting after line 26 the
17 following:

18 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
19 of immediate importance, takes effect upon enactment."

20 3. Title page, line 2, by inserting after the
21 word "authority" the following: "and providing an
22 effective date".

23 4. By renumbering as necessary.

The committee amendment H-8064 was adopted.

Wiencek of Black Hawk offered the following amendment H-8130
filed by her as follows:

H-8130

1 Amend Senate File 2124, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 26 the
4 following:

5 "Sec. ____ Section 422.12E, subsection 1, Code
6 Supplement 2007, is amended to read as follows:
7 1. For tax years beginning on or after January 1,
8 2004, there shall be allowed no more than four income
9 tax return checkoffs on each income tax return. When
10 the same four income tax return checkoffs have been
11 provided on the income tax return for two consecutive
12 years, the two checkoffs for which the least amount
13 has been contributed, in the aggregate for the first
14 tax year and through March 15 of the second tax year,
15 are repealed. This section does not apply to the
16 income tax return ~~checkoff~~ checkoffs provided in
17 section 68A.601 and 422.12I.

18 Sec. ____ Section 422.12I, subsection 4, Code

19 Supplement 2007, is amended to read as follows:
20 4. This section is not subject to repeal under
21 section 422.12E."
22 2. Title page, line 1, by inserting after the
23 words "expenditures from" the following: "and income
24 tax checkoff for".
25 3. By renumbering as necessary.

Huser of Polk rose on a point of order that amendment H-8130 was not germane.

Huser of Polk moved to withdraw her question.

McCarthy of Polk asked and received unanimous consent that Senate File 2124 be deferred and that the bill retain its place on the calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dolecheck of Ringgold on request of Struyk of Pottawattamie.

Regular Calendar

Senate File 2212, a bill for an act relating to determinations in child in need of assistance proceedings, and modifying circumstances for termination of parental rights, with report of committee recommending amendment and passage, was taken up for consideration.

Smith of Marshall offered the following amendment H-8297 filed by the committee on judiciary and moved its adoption:

H-8297

1 Amend Senate File 2212, as passed by the Senate, as
2 follows:
3 1. Page 1, line 4, by inserting before the word
4 "terminated" the following: "involuntarily".
5 2. Page 1, line 17, by inserting before the word
6 "terminated" the following: "involuntarily".

The committee amendment H-8297 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2212)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

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

HOUSE AND SENATE FILES PLACED ON THE UNFINISHED BUSINESS CALENDAR

McCarthy of Polk asked and received unanimous consent that the following House Files and Senate Files be placed on the unfinished business calendar.

House File 2219	Senate File 2134
House File 2239	Senate File 2216
House File 2412	Senate File 2251
House File 2498	Senate File 2269
House File 2505	Senate File 2279
House File 2543	Senate File 2303
House File 2552	Senate File 2319
House File 2582	Senate File 2325
House File 2604	Senate File 2329
House File 2619	Senate File 2337
Senate File 34	Senate File 2344
Senate File 203	Senate File 2386
Senate File 482	Senate File 2392
Senate File 517	Senate Joint Resolution 2002
Senate File 2132	

Senate File 2217, a bill for an act relating to providing legal representation to an eligible indigent person and the appointment of a guardian ad litem, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2217)

The ayes were, 96:

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

Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, 4:

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

Senate File 2335, a bill for an act relating to the rights of a victim of an alleged sexual assault and notification of these rights by a peace officer, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2335)

The ayes were, 93:

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

Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencsek	Winckler
Windschitl	Wise	Worthan	Zirkelbach
Mr. Speaker Murphy			

The nays were, none.

Absent or not voting, 7:

Dolecheck	Gaskill	Jacobs	Olson, D.
Pettengill	Rants	Tomenga	

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2392** and **Senate Files 2036, 2212, 2217** and **2335**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hoffman of Crawford on request of Roberts of Carroll; Jacobs of Polk on request of Roberts of Carroll; Tomenga of Polk on request of Kaufmann of Cedar.

QUORUM CALL

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

Wendt of Woodbury in the chair at 3:43 p.m.

HOUSE FILES AND SENATE FILES PLACED ON THE UNFINISHED BUSINESS CALENDAR

McCarthy of Polk asked and received unanimous consent to place the following House Files and Senate Files on the Unfinished Business Calendar:

House File 2594
 House File 2602
 Senate File 2133
 Senate File 2321
 Senate File 2340
 Senate File 2364

The House resumed consideration of **Senate File 2124**, a bill for an act relating to authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority, with amendment H-8130 pending, previously deferred and found on pages 1033 through 1035 of the House Journal.

Huser of Polk offered the following amendment H-8411, to amendment H-8130, filed by her from the floor and moved its adoption:

H-8411

1 Amend the amendment, H-8130, to Senate File 2124,
 2 as passed by the Senate, as follows:

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

5 "____. Page 1, by inserting before line 1 the
 6 following:

7 "DIVISION I _____
 8 VETERANS TRUST FUND EXPENDITURES"

9 2. Page 1, by striking lines 5 through 24 and
 10 inserting the following:

11 "DIVISION II _____
 12 INCOME TAX CHECKOFFS

13 Sec. ____ NEW SECTION. 235A.2 CHILD ABUSE
 14 PREVENTION PROGRAM FUND.

15 1. A child abuse prevention program fund is
 16 created in the state treasury under the control of the
 17 department of human services. The fund is composed of
 18 moneys appropriated or available to and obtained or
 19 accepted by the treasurer of state for deposit in the
 20 fund. The fund shall include moneys transferred to
 21 the fund as provided in section 422.12K. All interest
 22 earned on moneys in the fund shall be credited to and
 23 remain in the fund. Section 8.33 does not apply to
 24 moneys in the fund.

25 2. Moneys in the fund that are authorized by the
 26 department for expenditure are appropriated, and shall
 27 be used, for the purposes described in section 235A.1
 28 of preventing child abuse and neglect.

29 Sec. ____ NEW SECTION. 422.12K INCOME TAX
 30 CHECKOFF FOR CHILD ABUSE PREVENTION PROGRAM FUND.

31 1. A person who files an individual or a joint
32 income tax return with the department of revenue under
33 section 422.13 may designate one dollar or more to be
34 paid to the child abuse prevention program fund
35 created in section 235A.2. If the refund due on the
36 return or the payment remitted with the return is
37 insufficient to pay the additional amount designated
38 by the taxpayer to the child abuse prevention program
39 fund, the amount designated shall be reduced to the
40 remaining amount remitted with the return. The
41 designation of a contribution to the child abuse
42 prevention program fund under this section is
43 irrevocable.
44 2. The director of revenue shall draft the income
45 tax form to allow the designation of contributions to
46 the child abuse prevention program fund on the tax
47 return. The department of revenue, on or before
48 January 31, shall transfer the total amount designated
49 on the tax return forms due in the preceding calendar
50 year to the child abuse prevention program fund.

Page 2

1 However, before a checkoff pursuant to this section
2 shall be permitted, all liabilities on the books of
3 the department of revenue and accounts identified as
4 owing under section 421.17 and the political
5 contribution allowed under section 68A.601 shall be
6 satisfied.

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

10 4. The department of revenue shall adopt rules to
11 administer this section.

12 5. This section is subject to repeal under section
13 422.12E.

14 Sec. ____ **NEW SECTION. 422.12L JOINT INCOME TAX**
15 **REFUND CHECKOFF FOR VETERANS TRUST FUND AND VOLUNTEER**
16 **FIRE FIGHTER PREPAREDNESS FUND.**

17 1. A person who files an individual or a joint
18 income tax return with the department of revenue under
19 section 422.13 may designate one dollar or more to be
20 paid jointly to the veterans trust fund created in
21 section 35A.13 and to the volunteer fire fighter
22 preparedness fund created in section 100B.13. If the
23 refund due on the return or the payment remitted with
24 the return is insufficient to pay the additional
25 amount designated by the taxpayer, the amount
26 designated shall be reduced to the remaining amount of
27 refund or the remaining amount remitted with the
28 return. The designation of a contribution under this
29 section is irrevocable.

30 2. The director of revenue shall draft the income
 31 tax form to allow the designation of contributions to
 32 the veterans trust fund and to the volunteer fire
 33 fighter preparedness fund as one checkoff on the tax
 34 return. The department of revenue, on or before
 35 January 31, shall transfer one-half of the total
 36 amount designated on the tax return forms due in the
 37 preceding calendar year to the veterans trust fund and
 38 the remaining one-half to the volunteer fire fighter
 39 preparedness fund. However, before a checkoff
 40 pursuant to this section shall be permitted, all
 41 liabilities on the books of the department of
 42 administrative services and accounts identified as
 43 owing under section 8A.504 and the political
 44 contribution allowed under section 68A.601 shall be
 45 satisfied.

46 3. The department of revenue shall adopt rules to
 47 administer this section.

48 4. This section is subject to repeal under section
 49 422.12E.

50 Sec.____. IMPLEMENTATION. The checkoffs created

Page 3

1 in this division of this Act are eligible for
 2 placement on the individual income tax return form
 3 commencing with the tax year beginning January 1,
 4 2008, provided the conditions for placement on the
 5 return form set out in section 422.12E are met.

6 Sec.____. RETROACTIVE APPLICABILITY. This
 7 division of this Act applies retroactively to the tax
 8 year commencing January 1, 2008, and applies to tax
 9 years beginning on or after that date."

10 _____. Title page, line 1, by inserting after the
 11 words "relating to" the following: "income tax
 12 checkoffs and".

13 _____. Title page, line 2, by inserting after the
 14 word "authority" the following: "and including a
 15 retroactive applicability date provision".

16 3. By renumbering as necessary.

Amendment H-8411 was adopted.

On motion by Wiencek of Black Hawk, amendment H-8130, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 2124)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

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

SPECIAL PRESENTATION

Jacoby of Johnson introduced to the House the University of Iowa Hawkeye Wrestling Team and Coach Tom Brands who briefly addressed the House in appreciation for the honor.

The House rose and expressed its welcome.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2124** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 3, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2542, A bill for an act concerning work-related injuries suffered and claims made outside of this state.

Also: That the Senate has on April 3, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2651, a bill for an act relating to policies for the administration of highways and the regulation of motor vehicle and to deposits made by a county to the secondary road fund, physical ability tests required for fire fighter applicants, and certain obligations guaranteed by highway funds including matters concerning the bid threshold for emergency highway repairs, providing for new collegiate motor vehicle registration plates and providing fees, the fee for replacement of special dealer registration plates, antique motor vehicle registration fees, used motor vehicle dealer education requirements, disqualification from operating a commercial motor vehicle, penalties for speeding violations committed in road work zones, access to persons with disabilities parking spaces for certain disabled veterans, and permits and fees for the movement of certain oversize or overweight vehicles, drinking driver courses offered at state correctional facilities, establishment of benefited secondary road services districts, and the defeasance of petroleum underground storage tank fund bonds, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 2, 2008. Had I been present, I would have voted "aye" on Senate Files 2316, 2338, 2349, 2379 and 2380.

WATTS of Dallas

I was necessarily absent from the House chamber on April 3, 2008. Had I been present, I would have voted "aye" on Senate File 2335.

GASKILL of Wapello

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 2, 2008, he approved and transmitted to the Secretary of State the following bills:

Senate File 2154, an Act relating to inclined or vertical wheelchair lifts regulated by the elevator safety board.

Senate File 2199, an Act relating to appeals of denials of insurance coverage based on medical necessity.

Senate File 2317, an Act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

Senate File 2320, an Act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-one seventh grade students from North Iowa Middle School, Thompson, Iowa, accompanied by Brad Ewest. By Rayhons of Hancock.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\2642 Marion Thomas, Denison – For celebrating her 90th birthday.
- 2008\2643 Lucille Wagner, Amana – For celebrating her 90th birthday.
- 2008\2644 Wilbert Adam, Keota – For celebrating his 90th birthday.
- 2008\2645 Delores Wardenburg, Williamsburg – For celebrating her 80th birthday.
- 2008\2646 Opal Craig, Hartwick – For celebrating her 90th birthday.
- 2008\2647 Dorothy Donahue, Parnell – For celebrating her 80th birthday.
- 2008\2648 Klara Sonner, Sigourney – For celebrating her 80th birthday.
- 2008\2649 Glen Langlas, Williamsburg – For celebrating his 90th birthday.
- 2008\2650 Geraldine McGrarry, Victor – For celebrating her 80th birthday.
- 2008\2651 Alberta Bos, What Cheer – For celebrating her 80th birthday.
- 2008\2652 Rose Hickey, Bettendorf – For celebrating her 80th birthday.
- 2008\2653 Marion Duffy, Bettendorf – For celebrating her 90th birthday.
- 2008\2654 Marie Tombergs, Bettendorf – For celebrating her 85th birthday.
- 2008\2655 Eleanor Gorecki, Bettendorf – For celebrating her 90th birthday.
- 2008\2656 Irene Olson, Bettendorf – For celebrating her 80th birthday.
- 2008\2657 Katherine Cone, Bettendorf – For celebrating her 85th birthday.
- 2008\2658 John Walsh, Bettendorf – For celebrating his 85th birthday.
- 2008\2659 James Schmitt, Bettendorf – For celebrating his 75th birthday.
- 2008\2660 June Wiese, Bettendorf – For celebrating her 75th birthday.
- 2008\2661 Dorothy Eyre, Bettendorf – For celebrating her 75th birthday.
- 2008\2662 Christine Taylor, Bettendorf – For celebrating her 75th birthday.
- 2008\2663 Bertha Cunningham, Bettendorf – For celebrating her 90th birthday.
- 2008\2664 Natividad Esquivel, Bettendorf – For celebrating his 80th birthday.
- 2008\2665 Lilah Bell, Bettendorf – For celebrating her 100th birthday.
- 2008\2666 Virgil Heaton, Bettendorf – For celebrating his 85th birthday.

- 2008\2667 Dorothy Heberling, Bettendorf – For celebrating her 90th birthday.
- 2008\2668 Dorothy Burke, Bettendorf – For celebrating her 85th birthday.
- 2008\2669 Joyce Taylor, Bettendorf – For celebrating her 75th birthday.
- 2008\2670 Lucy Dewaelsche, Bettendorf – For celebrating her 95th birthday.
- 2008\2671 Sylveria Ruden, Dubuque – For celebrating her 85th birthday.
- 2008\2672 Jack and Mary Ann Sabers, Dubuque – For celebrating their 50th wedding anniversary.
- 2008\2673 Michael Bagby, Dubuque – For winning the Level F division of the Iowa Music Teachers Association Pre-College State Piano Auditions.
- 2008\2674 Mathew Niemer, Dubuque – For being a runner-up the Level C division of the Iowa Music Teachers Association Pre-College State Piano Auditions.
- 2008\2675 Blance Robertson, Malcom – For celebrating her 93rd birthday.
- 2008\2676 Dolores Van Oort, Ankeny – For celebrating her 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2573

Ways and Means: Jochum, Chair; Pettengill and Schueller.

House File 2613

Ways and Means: Reasoner, Chair; Jochum and Windschitl.

Senate File 2403

Government Oversight: Ford, Chair; Baudler and Whitead.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON GOVERNMENT OVERSIGHT

Committee Bill (Formerly House File 917), concerning appropriations to the office of grants enterprise management and including an effective date and retroactive applicability provision.

Fiscal Note is not required,

Recommended **Amend and Do Pass** April 3, 2008.

AMENDMENTS FILED

H—8406	S.F.	2132	Kaufmann of Cedar Tymeson of Madison Grassley of Butler
H—8407	S.F.	445	Bell of Jasper
H—8408	S.F.	2134	Zirkelbach of Jones
H—8409	S.F.	2279	Paulsen of Linn
H—8410	H.F.	2663	T. Taylor of Linn D. Taylor of Linn
H—8412	H.F.	2663	Tymeson of Madison
H—8413	H.F.	2663	Tymeson of Madison
H—8414	H.F.	2651	Senate Amendment

On motion by McCarthy of Polk the House adjourned at 4:12 p.m., until 9:00 a.m., Friday, April 4, 2008.

JOURNAL OF THE HOUSE

Eighty-second Calendar Day - Fifty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 4, 2008

The House met pursuant to adjournment at 9:56 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Speaker of the House, Pat Murphy.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the 5th grade class of Whittier elementary school in Indianola, accompanied by their teacher Kathy Wonderlick. They were the guest of Speaker Murphy.

The Journal of Thursday, April 3, 2008 was approved.

INTRODUCTION OF BILLS

House File 2672, by committee on appropriations, a bill for an act relating to water use permit fees, creating a new water use permit fund, and making appropriations.

Read first time and placed on the **appropriations calendar**.

House File 2673, by committee on ways and means, a bill for an act relating to the inheritance tax on any interest in a qualified tuition plan.

Read first time and placed on the **ways and means calendar**.

House File 2674, by committee on government oversight, a bill for an act concerning appropriations to the office of grants enterprise management and including an effective date provision.

Read first time and referred to committee on **appropriations**.

House File 2675, by McCarthy, a bill for an act pertaining to qualifications for and payment of unemployment compensation benefits, and including effective and applicability date provisions.

Read first time and referred to committee on **labor**.

SENATE MESSAGES CONSIDERED

Senate File 2409, by committee on ways and means, a bill for an act relating to providing information to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits.

Read first time and referred to the committee on **ways and means**.

Senate File 2410, by committee on ways and means, a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

Read first time and referred to the committee on **ways and means**.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 3, 2008, he approved and transmitted to the Secretary of State the following bills:

House File 2400, an Act relating to water quality by establishing a water resources coordinating council, authorizing a marketing campaign, directing assistance to local communities for monitoring and measurement, providing for a wastewater and storm water infrastructure assessment, and creating a regional assessment program and a community-based improvement program.

Senate File 261, an Act requiring certain private sewage disposal system-related inspections to be conducted when certain property is sold or transferred and including an effective date provision.

On motion by McCarthy of Polk the House adjourned at 9:58 a.m., until 1:00 p.m., Monday, April 7, 2008.

JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day - Fifty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 7, 2008

The House met pursuant to adjournment at 1:13 p.m., Speaker Murphy in the chair.

Prayer was offered by Elder Jim Anderson of the Underwood Congregation of the Community of Christ. He was the guest of Representative Doug Struyk of Pottawattamie County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by IJAG students from Ottumwa High School accompanied by Lori Palmer, the wife of the honorable Eric Palmer, state representative from Mahaska County. They were the guests of Representative Mary Gaskill of Wapello County.

The Journal of Friday, April 4, 2008 was approved.

ADOPTION OF HOUSE RESOLUTION 123

Zirkelbach of Jones and Foege of Linn called up for consideration **House Resolution 123**, a resolution recognizing the Grant Wood Art Festival, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION Orange City Tulip Festival

Soderberg of Plymouth introduced to the House the 2008 Tulip Queen Katie Buntsma and the Tulip Court; Olivia Wielenga, Julia Haverdink, Paige Blythe and Jenna Woudstra. They were here to present the annual Orange City Tulip Festival on May 15th, 16th and 17th, 2008. They were dressed in the tradition Dutch costume and passed around Willamena peppermint treats.

The House rose and expressed its welcome.

The House stood at ease at 1:31 p.m., until the fall of the gavel.

The House resumed session at 3:16 p.m., Speaker pro tempore Bukta in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pettengill of Benton on request of Struyk of Pottawattamie.

CONSIDERATION OF BILLS Unfinished Business Calendar

Senate File 2325, a bill for an act relating to the grow Iowa values fund by allocating moneys for the physical infrastructure assistance program and changing certain job and wage requirements, and providing an effective date, with report of committee recommending passage, previously deferred on April 2, 2008, was taken up for consideration.

Thomas of Clayton offered amendment H-8368 filed by him as follows:

H-8368

- 1 Amend Senate File 2325, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 18, by striking the figure "2009"
- 4 and inserting the following: "2008".

Drake of Pottawattamie offered the following amendment H-8383, to amendment H-8368, filed by him as follows:

H-8383

- 1 Amend the amendment, H-8368, to Senate File 2325,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 4 the
- 5 following:
- 6 "____. Page 4, by inserting after line 14 the
- 7 following:
- 8 "Sec.____. NEW SECTION. 421.71 STATE AIDE –
- 9 EMPLOYER ELIGIBILITY.

10 1. An employer who chooses not to use the federal
11 employment eligibility program as authorized by the
12 federal Illegal Immigration Reform and Immigrant Act
13 of 1996, Pub. L. No. 104-208, shall not be eligible
14 for any developmental assistance.
15 2. For the purposes of this section,
16 "developmental assistance" means any form of public
17 assistance, including tax expenditures, made for the
18 purpose of stimulating the economic development of a
19 corporation, industry, geographic jurisdiction, or any
20 other sector of the state's economy, including but not
21 limited to public assistance involving industrial
22 development bonds, training grants, loans, loan
23 guarantees, enterprise zones, empowerment zones, tax
24 increment financing, fee waivers, land price
25 subsidies, infrastructure constructed or improved for
26 the benefit of a single business or defined group of
27 businesses at the time it is built or improved,
28 matching funds, tax abatements, tax credits and tax
29 discounts of every kind, including corporate,
30 franchise, personal income, sales and use, raw
31 materials, real property, job creation, individual
32 investment, excise, utility, inventory, accelerated
33 depreciation, and research and development tax credits
34 and discounts."
35 _____. Title page, line 3, by inserting after the
36 word "requirements," the following: "and denying
37 developmental assistance to employers who choose not
38 to use the federal employment eligibility program,"."
39 2. By renumbering as necessary.

Thomas of Clayton rose on a point of order that amendment H-8383 was not germane, to amendment H-8368.

The Speaker ruled the point well taken and amendment H-8383 not germane, to amendment H-8368.

Drake of Pottawattamie asked unanimous consent to suspend the rules to consider amendment H-8383.

Objection was raised.

Drake of Pottawattamie moved to suspend the rules to consider amendment H-8383.

Roll call was requested by Drake of Pottawattamie and Struyk of Pottawattamie.

On the question "Shall the rules be suspended to consider amendment H-8383?" (S.F. 2325)

The ayes were, 44:

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

The nays were, 54:

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

Absent or not voting, 2:

Kressig	Pettengill
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The motion to suspend the rules lost.

On motion by Thomas of Clayton, amendment H-8368 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2325)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Pettengill

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

Senate File 2251, a bill for an act relating to student eye care and including an applicability date provision, with report of committee recommending amendment and passage, was taken up for consideration.

Staed of Linn offered the following amendment H-8288 filed by the committee on education and moved its adoption:

H-8288

- 1 Amend Senate File 2251, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 4, by inserting after the word
 4 "association" the following: "and as approved by the
 5 department of education".

The committee amendment H-8288 was adopted.

Staed of Linn offered the following amendment H-8400 filed by him and moved its adoption:

H-8400

- 1 Amend Senate File 2251, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 7 through 15 and
 4 inserting the following:
 5 "2. School districts may encourage a student to
 6 receive an eye examination by a licensed
 7 ophthalmologist or optometrist prior to the student
 8 receiving special education services pursuant to
 9 chapter 256B. The eye examination is not a
 10 requirement for a student to receive special education
 11 services. A parent or guardian shall be responsible
 12 for ensuring that a student receives an eye
 13 examination pursuant to this section."

Amendment H-8400 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2251)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan

Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Bukta, Presiding	

The nays were, none.

Absent or not voting, 1:

Pettengill

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

Senate File 2134, a bill for an act relating to requirements and duties of members, executive directors, and employees of county commissions of veteran affairs, with report of committee recommending amendment and passage, was taken up for consideration.

Bailey of Hamilton offered amendment H-8354 filed by the committee on veterans affairs as follows:

H-8354

1 Amend Senate File 2134, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. Section 35A.5, subsection 9, Code
 6 Supplement 2007, is amended to read as follows:
 7 9. After consultation with the commission, provide
 8 certification training to executive directors and
 9 administrators of county commissions of veteran
 10 affairs pursuant to section 35B.6. Training provided
 11 under this subsection shall include accreditation by
 12 the national association of county veteran service
 13 officers. Training provided by the department shall

14 be certified by the national association of county
 15 veteran service officers and, in addition, shall
 16 ensure that each executive director and administrator
 17 is proficient in the use of electronic mail, general
 18 computer use, and use of the internet to access
 19 information regarding facilities, benefits, and
 20 services available to veterans and their families.

21 The department may adopt rules in accordance with
 22 chapter 17A to provide for training of county veteran
 23 affairs executive directors and administrators.

24 Sec. 2. NEW SECTION. 35A.16 COUNTY COMMISSIONS
 25 OF VETERAN AFFAIRS FUND – APPROPRIATION.

26 1. a. A county commissions of veteran affairs
 27 fund is created within the state treasury under the
 28 control of the department. The fund shall consist of
 29 appropriations made to the fund and any other moneys
 30 available to and obtained or accepted by the
 31 department from the federal government or private
 32 sources for deposit in the fund.

33 b. There is appropriated from the general fund of
 34 the state to the department, for the fiscal year
 35 beginning July 1, 2009, and for each subsequent fiscal
 36 year, the sum of one million dollars to be credited to
 37 the county commissions of veteran affairs fund.

38 2. Notwithstanding section 12C.7, interest or
 39 earnings on moneys in the county commissions of
 40 veteran affairs fund shall be credited to the county
 41 commissions of veteran affairs fund. Notwithstanding
 42 section 8.33, moneys remaining in the county
 43 commissions of veteran affairs fund at the end of a
 44 fiscal year shall not revert to the general fund of
 45 the state.

46 3. If sufficient moneys are available, the
 47 department shall annually allocate ten thousand
 48 dollars to each county commission of veteran affairs,
 49 or to each county sharing the services of an executive
 50 director or administrator pursuant to chapter 28E, to

Page 2

1 be used for the employment of an executive director or
 2 administrator pursuant to section 35B.6.

3 4. A county commission of veteran affairs training
 4 program account shall be established within the county
 5 commissions of veteran affairs fund. Any moneys
 6 remaining in the fund after the allocations under
 7 subsection 3 shall be credited to the account and used
 8 by the department to fund the county commission of
 9 veteran affairs training program under section 35A.17.

10 Sec. 3. NEW SECTION. 35A.17 COUNTY COMMISSION OF
 11 VETERAN AFFAIRS TRAINING PROGRAM.

12 1. A county commission of veteran affairs training

13 program is created under the control of the department
14 for the purpose of providing training, certification,
15 and accreditation opportunities for county commissions
16 of veteran affairs executive directors,
17 administrators, and employees.

18 2. The department may receive and accept
19 donations, grants, gifts, and contributions from any
20 public or private source for the purpose of providing
21 training opportunities under this section. All funds
22 received by the department shall be deposited in the
23 county commission of veteran affairs training program
24 account established in section 35A.16, subsection 4.

25 3. a. The department shall use funds deposited in
26 the county commission of veteran affairs training
27 program account to organize statewide or regional
28 training conferences and provide training,
29 certification, and accreditation opportunities for
30 county commissions of veteran affairs executive
31 directors, administrators, and employees, consistent
32 with the requirements of section 35A.5, subsection 9.

33 b. During the fiscal year beginning July 1, 2009,
34 the department shall use account funds to arrange for
35 an accreditation course by the national association of
36 county veteran service officers to take place within
37 the state.

38 c. The department may use account funds to hire an
39 agency, organization, or other entity to provide
40 training or educational programming, reimburse county
41 executive directors, administrators, and employees for
42 transportation costs related to a conference or
43 program, or both.

44 4. The department shall adopt rules, pursuant to
45 chapter 17A, deemed necessary for the administration
46 of the county commission of veteran affairs training
47 program.

48 Sec. 4. Section 35B.6, subsection 1, Code 2007, is
49 amended to read as follows:

50 1. a. The members of the commission shall qualify

Page 3

1 by taking the usual oath of office, and give bond in
2 the sum of five hundred dollars each, conditioned for
3 the faithful discharge of their duties with sureties
4 to be approved by the county auditor. The commission
5 shall organize by the selection of one of their
6 members as chairperson, and one as secretary. The
7 commission, subject to the approval of the board of
8 supervisors, shall ~~have power to~~ employ an executive
9 director or administrator and ~~shall have the power to~~
10 employ other necessary employees when needed,
11 including administrative or clerical assistants ~~when~~

12 ~~needed, the.~~ The compensation of such employees ~~to~~
 13 shall be fixed by the board of supervisors, but no
 14 member of the commission shall be so employed. The
 15 executive director must possess the same
 16 qualifications as provided in section 35B.3 for
 17 commission members. However, this qualification
 18 requirement shall not apply to a person employed as an
 19 executive director prior to July 1, 1989.

20 b. The commission may employ an administrator in
 21 lieu of an executive director. Administrators shall
 22 not be required to meet all the qualifications
 23 provided in section 35B.3 for commissioners. An
 24 administrator may hold another position within the
 25 county or other government entity while serving as an
 26 administrator only if such position does not adversely
 27 affect the administrator's duties under this chapter.

28 ~~b. c.~~ Upon the employment of an executive
 29 director or administrator, the executive director or
 30 administrator shall complete a course of initial
 31 certification training provided by the department of
 32 veterans affairs pursuant to section 35A.5. If an
 33 executive director or administrator fails to obtain
 34 certification within one year of being employed, the
 35 executive director or administrator shall be removed
 36 from office. If an executive director is not
 37 ~~appointed, a~~ A commissioner or a clerical assistant
 38 ~~shall other commission employee~~ may also complete the
 39 course of certification training. The department
 40 shall issue the executive director, administrator,
 41 commissioner, or clerical assistant employee a
 42 certificate of training after completion of the
 43 ~~initial~~ certification training course. To maintain
 44 ~~annual~~ certification, the executive director,
 45 administrator, commissioner, or clerical assistant
 46 employee shall attend one department training course
 47 ~~each year~~ satisfy the continuing education
 48 requirements established by the national association
 49 of county veteran service officers. Failure of an
 50 executive director or administrator to maintain

Page 4

1 certification ~~may shall~~ be cause for removal from
 2 office. The expenses of training the executive
 3 director or administrator shall be paid from the
 4 appropriation authorized in section 35B.14.

5 d. The duties of the executive director,
 6 administrator, and employees shall include all of the
 7 following:

8 (1) Inform members of the armed forces, veterans,
 9 and their dependents of all federal, state, and local
 10 laws enacted for their benefit.

11 (2) Assist all residents of the state who served
12 in the armed forces of the United States and their
13 relatives, beneficiaries, and dependents in receiving
14 from the United States and this state any and all
15 compensation, pensions, hospitalization, insurance,
16 education, employment pay and gratuities, loan
17 guarantees, or any other aid or benefit to which they
18 may be entitled under any law.

19 e. The department of veterans affairs or county
20 veteran affairs offices shall not charge for any
21 service provided to any individual.

22 Sec. 5. Section 35B.6, subsection 2, Code 2007, is
23 amended to read as follows:

24 2. Two or more boards of supervisors may agree,
25 pursuant to chapter 28E, to share the services of an
26 executive director or administrator. The agreement
27 shall provide for the establishment of a commission of
28 veteran affairs office in each of the counties
29 participating in the agreement.

30 Sec. 6. Section 35B.6, subsection 4, Code 2007, is
31 amended by striking the subsection and inserting in
32 lieu thereof the following:

33 4. a. Each county commission of veteran affairs
34 shall maintain an office in a building owned,
35 operated, or leased by the county.

36 b. An executive director or administrator employed
37 pursuant to subsection 1 shall provide veterans
38 services for the following minimum number of hours
39 each week:

40 (1) For a county with a population of thirty
41 thousand or less, no fewer than twenty hours per week.

42 (2) For a county with a population of more than
43 thirty thousand and less than sixty thousand, no fewer
44 than thirty hours per week.

45 (3) For a county with a population of sixty
46 thousand or more, no fewer than forty hours per week.

47 c. Counties sharing the services of an executive
48 director or administrator shall consider the aggregate
49 population of such counties when determining the
50 number of hours of service required under paragraph

Page 5

1 "b". The number of hours shall be allocated between
2 the counties in the proportion that the population of
3 each county bears to the aggregate population.

4 d. The hours that the office established under
5 paragraph "a", is open shall be posted in a prominent
6 position outside the office.

7 Sec. 7. Section 35B.14, Code 2007, is amended to
8 read as follows:

9 35B.14 COUNTY APPROPRIATION.

10 1. The board of supervisors of each county may
11 appropriate moneys for training an executive director
12 or administrator as provided for in section 35B.6, the
13 food, clothing, shelter, utilities, medical benefits,
14 and funeral expenses of indigent veterans, as defined
15 in section 35.1, and their indigent spouses, surviving
16 spouses, and minor children not over eighteen years of
17 age, having a legal residence in the county.

18 2. The appropriation shall be expended by the
19 joint action and control of the board of supervisors
20 and the county commission of veteran affairs.
21 Sec. 8. STATE MANDATE FUNDING SPECIFIED. In
22 accordance with section 25B.2, subsection 3, the state
23 cost of requiring compliance with any state mandate
24 included in this Act shall be moneys appropriated in
25 this Act and shall be deemed to meet all the state
26 funding-related requirements of section 25B.2,
27 subsection 3, and no specific state funding shall be
28 necessary for the full implementation of this Act by
29 and enforcement of this Act against all affected
30 political subdivisions.

31 Sec. 9. EFFECTIVE DATE. This Act takes effect on
32 July 1, 2009."

33 2. Title page, by striking lines 1 through 3 and
34 inserting the following:
35 "An Act relating to veterans affairs by modifying
36 training requirements, requiring executive directors
37 and administrators to provide minimum hours of service
38 in each county, specifying executive director,
39 administrator, and employee duties, creating a county
40 commission of veteran affairs training program,
41 creating a county commissions of veteran affairs fund,
42 providing an appropriation, and providing an effective
43 date."

Zirkelbach of Jones asked and received unanimous consent to withdraw amendment H-8370, to amendment H-8354, filed by him on April 1, 2008.

Zirkelbach of Jones asked and received unanimous consent to withdraw amendment H-8408, to amendment H-8354, filed by him on April 3, 2008.

On motion by Bailey of Hamilton, the committee amendment H-8354 was adopted.

RULE 32 INVOKED

Oldson of Polk rose on a point of order and invoked Rule 32.

The Speaker ruled the point well taken and Senate File 2134 was referred to the committee on appropriations.

Appropriations Calendar

House File 2647, a bill for an act relating to and making appropriations to the judicial branch, was taken up for consideration.

T. Taylor of Linn offered the following amendment H-8422 filed by him and moved its adoption:

H-8422

- 1 Amend House File 2647 as follows:
- 2 1. Page 4, line 11, by striking the figure
- 3 "1,174,663" and inserting the following: "2,500,000".
- 4 2. Page 4, line 20, by striking the figure
- 5 "3,000,000" and inserting the following: "1,674,663".

Amendment H-8422 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2647)

The ayes were, 53:

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

The nays were, 46:

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

Absent or not voting, 1:

Pettengill

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2647** and **Senate Files 2251** and **2325**.

House File 2660, a bill for an act relating to and making appropriations to the justice system, was taken up for consideration.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-8262 filed by him on March 24, 2008.

Zirkelbach of Jones offered amendment H-8381 filed by him as follows:

H-8381

1 Amend House File 2660 as follows:
 2 1. Page 3, by inserting after line 26 the
 3 following:
 4 "As a condition of the funds appropriated in this
 5 lettered paragraph, the department of corrections
 6 shall replace expired federal funding by expending at
 7 least \$238,252 for the therapeutic treatment community
 8 program and maintaining at least 4.75 full-time

9 equivalent positions for the program."
10 2. Page 8, by inserting after line 30 the
11 following:
12 "As a condition of the funds appropriated in this
13 lettered paragraph, the department of corrections
14 shall replace expired federal funding by expending at
15 least \$140,000 for the dual diagnosis program and
16 maintaining 1.25 full-time equivalent positions for
17 the program."

Zirkelbach of Jones offered the following amendment H-8421, to amendment H-8381, filed by him from the floor and moved its adoption:

H-8421

1 Amend the amendment, H-8381, to House File 2660 as
2 follows:
3 1. Page 1, lines 7 and 8, by striking the words
4 "the therapeutic treatment community program" and
5 inserting the following: "continuation of a treatment
6 program that prepares offenders for on-going
7 therapeutic treatment programs offered by the
8 department".

Amendment H-8421 was adopted.

On motion by Zirkelbach of Jones, amendment H-8381, as amended, was adopted.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-8266 filed by him on March 24, 2008.

Alons of Sioux offered amendment H-8272 filed by him and Baudler of Adair as follows:

H-8272

1 Amend House File 2660 as follows:
2 1. Page 19, by inserting after line 1 the
3 following:
4 "Sec.____. Section 123.46, Code 2007, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 3A. If a person under the age of
7 eighteen commits a violation of this section, the
8 matter shall be disposed of in the manner provided in
9 chapter 232.
10 Sec.____. Section 123.46, subsection 4, Code 2007,
11 is amended to read as follows:

12 4. a. A peace officer shall make a reasonable
 13 effort to identify a person under the age of eighteen
 14 who violates this section and, ~~if the person is not~~
 15 ~~referred to juvenile court, the law enforcement agency~~
 16 ~~of which the peace officer is an employee shall make a~~
 17 ~~reasonable attempt to~~ notify the person's custodial
 18 parent, ~~or~~ legal guardian, ~~or~~ custodian of the
 19 violation, ~~whether or not the person is taken into~~
 20 ~~custody, unless the officer has reasonable grounds to~~
 21 ~~believe that notification is not in the best interests~~
 22 ~~of the person or will endanger that person pursuant to~~
 23 section 232.19, subsection 2.

24 b. The peace officer shall also make a reasonable
 25 effort to identify the elementary or secondary school
 26 which the person attends if the person is enrolled in
 27 elementary or secondary school and to notify the
 28 superintendent or the superintendent's designee of the
 29 school which the person attends, or the authorities in
 30 charge of the nonpublic school which the person
 31 attends, of the violation. ~~If the person is taken~~
 32 ~~into custody, the~~ The peace officer shall notify a
 33 juvenile court officer who shall make a reasonable
 34 effort to identify the elementary or secondary school
 35 the person attends, if any, and to notify the
 36 superintendent of the school district or the
 37 superintendent's designee, or the authorities in
 38 charge of the nonpublic school, of the violation. A
 39 reasonable attempt to notify the person includes, but
 40 is not limited to, a telephone call or notice by
 41 first-class mail.

42 Sec. ____ Section 123.47, subsection 3, paragraph
 43 c, Code 2007, is amended to read as follows:

44 c. ~~If the a person who under the age of eightee n~~
 45 ~~commits a violation of this section is under the age~~
 46 ~~of eighteen, the matter shall be disposed of in the~~
 47 manner provided in chapter 232.

48 Sec. ____ Section 123.47B, Code 2007, is amended
 49 to read as follows:

50 123.47B PARENTAL AND SCHOOL NOTIFICATION --

Page 2

1 PERSONS UNDER EIGHTEEN YEARS OF AGE.

2 1. A peace officer shall make a reasonable effort
 3 to identify a person under the age of eighteen
 4 discovered to be in possession of alcoholic liquor,
 5 wine, or beer in violation of section 123.47 and ~~if~~
 6 ~~the person is not referred to juvenile court, the law~~
 7 ~~enforcement agency of which the peace officer is an~~
 8 ~~employee shall make a reasonable attempt to~~ notify th
 9 person's custodial parent, ~~or~~ legal guardian, ~~or~~
 10 custodian of such possession, ~~whether or not the~~

11 ~~person is arrested or a citation is issued pursuant to~~
12 ~~section 805.16, unless the officer has reasonable~~
13 ~~grounds to believe that such notification is not in~~
14 ~~the best interests of the person or will endanger that~~
15 ~~person pursuant to section 232.19, subsection 2.~~

16 2. The peace officer shall also make a reasonable
17 effort to identify the elementary or secondary school
18 which the person attends if the person is enrolled in
19 elementary or secondary school and to notify the
20 superintendent or the superintendent's designee of the
21 school which the person attends, or the authorities in
22 charge of the nonpublic school which the person
23 attends, of the possession. ~~If the person is taken~~
24 ~~into custody, the~~ The peace officer shall notify a
25 juvenile court officer who shall make a reasonable
26 effort to identify the elementary or secondary school
27 the person attends, if any, and to notify the
28 superintendent of the school district or the
29 superintendent's designee, or the authorities in
30 charge of the nonpublic school, of the taking into
31 custody. A reasonable attempt to notify the person
32 includes but is not limited to a telephone call or
33 notice by first-class mail.

34 Sec.____. Section 232.8, subsection 1, paragraph
35 b, Code 2007, is amended to read as follows:

36 b. ~~Violations~~ Except for violations by a child of
37 section 321.284 or 321.284A, violations by a child of
38 provisions of chapter 321, 321G, 321I, 453A, 461A,
39 461B, 462A, 481A, 481B, 483A, 484A, or 484B, which
40 would be simple misdemeanors if committed by an adult,
41 and violations by a child of county or municipal
42 curfew or traffic ordinances, are excluded from the
43 jurisdiction of the juvenile court and shall be
44 prosecuted as simple misdemeanors as provided by law.
45 A child convicted of a violation excluded from the
46 jurisdiction of the juvenile court under this
47 paragraph shall be sentenced pursuant to section
48 805.8, where applicable, and pursuant to section
49 903.1, subsection 3, for all other violations.

50 Sec.____. Section 321.284, Code 2007, is amended

Page 3

1 to read as follows:

2 321.284 OPEN CONTAINERS IN MOTOR VEHICLES --
3 DRIVERS.

4 1. A driver of a motor vehicle upon a public
5 street or highway shall not possess in the passenger
6 area of the motor vehicle an open or unsealed bottle,
7 can, jar, or other receptacle containing an alcoholic
8 beverage. "Passenger area" means the area designed to
9 seat the driver and passengers while the motor vehicle

10 is in operation and any area that is readily
 11 accessible to the driver or a passenger while in their
 12 seating positions, including the glove compartment.
 13 An open or unsealed receptacle containing an alcoholic
 14 beverage may be transported in the trunk of the motor
 15 vehicle. An unsealed receptacle containing an
 16 alcoholic beverage may be transported behind the last
 17 upright seat of the motor vehicle if the motor vehicle
 18 does not have a trunk. A person convicted of a
 19 violation of this section is guilty of a simple
 20 misdemeanor punishable as a scheduled violation under
 21 section 805.8A, subsection 14, paragraph "e".

22 2. If a person under the age of eighteen commits a
 23 violation of this section, the matter shall be
 24 disposed of in the manner provided in chapter 232.

25 Sec.____. Section 321.284A, Code 2007, is amended
 26 by adding the following new subsection:

27 NEW SUBSECTION. 5. If a person under the age of
 28 eighteen commits a violation of this section, the
 29 matter shall be disposed of in the manner provided in
 30 chapter 232.

31 Sec.____. Section 805.8A, subsection 14, paragraph
 32 e, Code 2007, is amended to read as follows:

33 e. OPEN CONTAINER VIOLATIONS. For violations
 34 under sections 321.284 and 321.284A, the scheduled
 35 fine is one hundred dollars. This paragraph shall not
 36 apply to a person under the age of eighteen who
 37 commits a violation under section 321.284 or 321.284A.

38 Sec.____. Section 805.8C, subsection 7, Code
 39 Supplement 2007, is amended to read as follows:

40 7. ALCOHOLIC BEVERAGE VIOLATIONS BY PERSONS UNDER
 41 LEGAL AGE. For first offense violations of section
 42 123.47, subsection 3, the scheduled fine is two
 43 hundred dollars. This subsection shall not apply to a
 44 person under the age of eighteen who commits a
 45 violation of section 123.47.

46 Sec.____. Section 805.16, subsection 1, Code 2007,
 47 is amended to read as follows:

48 1. Except as provided in this subsection and in
 49 subsection 2 of this section, a peace officer shall
 50 issue a police citation or uniform citation and

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1 complaint, in lieu of making a warrantless arrest, to
 2 a person under eighteen years of age accused of
 3 committing a simple misdemeanor under chapter 321,
 4 321G, 321I, 461A, 461B, 462A, 481A, 481B, 483A, 484A,
 5 484B, or a local ordinance not subject to the
 6 jurisdiction of the juvenile court, and shall not
 7 detain or confine the person in a facility regulated
 8 under chapter 356 or 356A. This subsection shall not

9 apply to a person under the age of eighteen for
 10 violations of section 123.46. 123.47. 321.284. or
 11 321.284A."
 12 2. Title page, line 2, by inserting after the
 13 word "system" the following: "and providing for
 14 penalties".

T. Taylor of Linn rose on a point of order that amendment H-8272 was not germane.

The Speaker ruled the point well taken and amendment H-8272 not germane.

Alons of Sioux moved to suspend the rules to consider amendment H-8272.

Roll call was requested by Alons of Sioux and Paulsen of Linn.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-8272?" (H.F. 2660)

The ayes were, 45:

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

The nays were, 52:

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

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

Absent or not voting, 3:

Palmer	Pettengill	Staed
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The motion to suspend the rules lost.

Abdul-Samad of Polk offered the following amendment H-8334 filed by him and T. Taylor of Linn and moved its adoption:

H-8334

1 Amend House File 2660 as follows:
2 1. Page 19, by inserting after line 1 the
3 following:
4 "Sec. ____. INTERIM REPORTING – IMPLEMENTATION.
5 The board of parole shall develop and implement the
6 certificate of employability program as provided in
7 section 906.19, as enacted by this Act, by July 1,
8 2009. The board shall file an interim status report
9 regarding the certificate of employability program
10 development with the general assembly and the
11 legislative services agency by January 1, 2009."
12 2. Page 19, by inserting after line 17 the
13 following:
14 "Sec. ____. NEW SECTION. 906.19 CERTIFICATES OF
15 EMPLOYABILITY.
16 1. As used in this section, "person" means a
17 person on parole or a person who is no longer on
18 parole but is currently unemployed or underemployed.
19 2. The board shall develop and implement a
20 certificate of employability program. The certificate
21 program shall be developed to maximize the
22 opportunities for rehabilitation and employability of
23 a person and provide protection of the community,
24 while considering the needs of potential employers.
25 3. Issuance of a certificate of employability
26 pursuant to the program shall be based upon the
27 successful completion of designated programs and other
28 relevant factors determined by the board.
29 4. A person required to register under chapter
30 692A shall be ineligible for the certificate of
31 employability program.
32 5. The board shall develop and adopt rules

33 pursuant to chapter 17A for the implementation and
34 administration of this section."

Amendment H-8334 was adopted.

L. Miller of Scott asked and received unanimous consent that amendment H-8343 be deferred.

Zirkelbach of Jones offered the following amendment H-8344 filed by him and moved its adoption:

H-8344

1 Amend House File 2660 as follows:

2 1. Page 19, by inserting after line 1 the
3 following:

4 "Sec.____. CENTRAL WAREHOUSE AND SUPPLY DEPOT OF
5 DEPARTMENT OF HUMAN SERVICES. It is the intent of the
6 general assembly that upon completion of the central
7 warehouse and supply depot of the department of
8 corrections established pursuant to section 904.118A,
9 as enacted by this Act, the department of human
10 services shall cease utilizing the central warehouse
11 and supply depot of the department of human services
12 established pursuant to section 218.100."

13 2. Page 19, by inserting after line 17 the
14 following:

15 "Sec.____. NEW SECTION. 904.118A CENTRAL
16 WAREHOUSE FUND.

17 The department shall establish a fund for
18 maintaining and operating a central warehouse and
19 supply depot and distribution facility for surplus
20 government products, canned goods, paper products,
21 other staples, and for such other items as determined
22 by the department. A department or agency of the
23 state or a political subdivision of this state may
24 purchase such products, goods, staples, or other items
25 from the central warehouse and supply depot. The fund
26 shall be permanent and shall be composed of the
27 receipts from the sales of merchandise and the
28 recovery of handling, operating, and delivery charges
29 for such merchandise. Notwithstanding section 8.33,
30 moneys credited to the fund shall not revert to any
31 other fund. Notwithstanding section 12C.7, interest
32 and earnings on moneys deposited in the fund shall be
33 credited to the fund."

Amendment H-8344 was adopted.

Struyk of Pottawattamie offered amendment H-8396 filed by Struyk et al., as follows:

H-8396

1 Amend House File 2660 as follows:

2 1. Page 19, by inserting after line 1 the
3 following:

4 "Sec.____. MEMORANDUM OF UNDERSTANDING –
5 ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

6 1. The attorney general is authorized and directed
7 to negotiate the terms of a memorandum of
8 understanding between the state of Iowa and the United
9 States department of justice or the United States
10 department of homeland security concerning the
11 enforcement of federal immigration and custom laws,
12 detention removals, and investigations in the state of
13 Iowa. The agreement shall provide that costs incurred
14 by the state for the detention and deportation of an
15 unauthorized alien shall be reimbursed by the federal
16 government.

17 2. The memorandum of understanding negotiated
18 pursuant to subsection 1 shall be signed on behalf of
19 this state by the attorney general and the governor or
20 as otherwise required by the appropriate federal
21 agency but shall not be implemented until money is
22 appropriated for such purpose.

23 3. A local government, whether acting through its
24 governing body or by an initiative, referendum, or any
25 other process, shall not enact any ordinance,
26 resolution, or policy that limits or prohibits a law
27 enforcement officer, local officer, or local
28 government employee from communicating or cooperating
29 with federal officials with regard to the immigration
30 status of any person within this state.

31 4. Notwithstanding any other provision of law, a
32 government entity or official within the state of Iowa
33 shall not prohibit, or in any way restrict, any
34 government entity or official from sending to, or
35 receiving from, the United States department of
36 homeland security information regarding the
37 citizenship or immigration status, lawful or unlawful,
38 of any individual.

39 5. Notwithstanding any other provision of law, a
40 person or agency shall not prohibit, or in any way
41 restrict, a public employee from doing any of the
42 following with respect to information regarding the
43 immigration status, lawful or unlawful, of any
44 individual:

45 a. Sending such information to, or requesting or
46 receiving such information from, the United States

47 department of homeland security.
 48 b. Maintaining such information.
 49 c. Exchanging such information with any other
 50 federal, state, or local government entity.

Page 2

1 6. Any natural or legal person lawfully domiciled
 2 in this state may file for a writ of mandamus to
 3 compel any noncooperating local or state governmental
 4 agency to comply with this section."
 5 2. By renumbering as necessary.

T. Taylor of Linn rose on a point of order that amendment H-8396 was not germane.

The Speaker ruled the point well taken and amendment H-8396 not germane.

Struyk of Pottawattamie asked for unanimous consent to suspend the rules to consider amendment H-8396.

Objection was raised.

Struyk of Pottawattamie moved to suspend the rules to consider amendment H-8396.

Speaker Murphy in the chair at 5:03 p.m.

Roll call was requested by Paulsen of Linn and Struyk of Pottawattamie.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-8396?" (H.F. 2660)

The ayes were, 45:

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

Rants	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wienczek	Windschitl
Worthan			

The nays were, 51:

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

Absent or not voting, 4:

Gayman	Palmer	Pettengill	Staed
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The motion to suspend the rules lost.

Baudler of Adair offered amendment H-8397 filed by Baudler et al., as follows:

H-8397

1 Amend House File 2660 as follows:
 2 1. Page 19, by inserting after line 1 the
 3 following:
 4 "Sec. ____ NEW SECTION. 715A.8A IDENTITY THEFT
 5 – FALSIFYING DOCUMENTS.
 6 It is an aggravated misdemeanor for a person to do
 7 any of the following:
 8 1. Make a driver's license, a nonoperator's
 9 identification card, a blank driver's license form, or
 10 any other form or document used to establish a
 11 person's identity if the person has no authority or
 12 right to make the license, card, or form in order to
 13 assist an unauthorized alien to obtain employment.
 14 2. Obtain, possess, or have in the person's
 15 control or on the person's premises, driver's license
 16 or nonoperator's identification card forms, or any
 17 other forms or documents used to establish a person's

18 identity in order to assist an unauthorized alien to
 19 obtain employment.
 20 3. Obtain, possess, or have in the person's
 21 control or on the person's premises, a driver's
 22 license or a nonoperator's identification card, or
 23 blank driver's license or nonoperator's identification
 24 card form, or any other form or document which could
 25 be used to establish a person's identity, which has
 26 been made by a person having no authority or right to
 27 make the license, card, or form in order to assist an
 28 unauthorized alien to obtain employment.
 29 4. Use a false or fictitious name in any
 30 application for a driver's license or nonoperator's
 31 identification card or to knowingly make a false
 32 statement or knowingly conceal a material fact or
 33 otherwise commit fraud on an application in order to
 34 assist an unauthorized alien to obtain employment."
 35 2. By renumbering as necessary.

T. Taylor of Linn rose on a point of order that amendment H-8397 was not germane.

The Speaker ruled the point well taken and amendment H-8397 not germane.

Baudler of Adair asked for unanimous consent to suspend the rules to consider amendment H-8397.

Objection was raised.

Baudler of Adair moved to suspend the rules to consider amendment H-8397.

Roll call was requested by Baudler of Adair and Paulsen of Linn.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-8397?" (H.F. 2660)

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner

Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Raecker
Rants	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wienczek	Windschitl
Worthan			

The nays were, 51:

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

Absent or not voting, 4:

Gayman	Palmer	Pettengill	Staed
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The motion to suspend the rules lost.

Baudler of Adair offered amendment H-8398 filed by Baudler et al., as follows:

H-8398

1 Amend House File 2660 as follows:
 2 1. Page 19, by inserting after line 1 the
 3 following:
 4 "Sec.____. Section 811.1, Code 2007, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 4. A defendant who is an
 7 identified unauthorized alien and is not lawfully
 8 present in the United States.
 9 Sec.____. NEW SECTION. 811.1B UNAUTHORIZED ALIEN
 10 – NOTIFICATION.
 11 The law enforcement agency responsible for the
 12 arrest of a defendant who has been denied bail
 13 pursuant to section 811.1, subsection 4, shall notify
 14 the United States immigration and customs enforcement

15 about the defendant who has been denied bail."
 16 2. Page 19, by inserting after line 17 the
 17 following:
 18 "Sec. ____. IMPLEMENTATION OF ACT. Section 25B.2,
 19 subsection 3, shall not apply to the sections of this
 20 Act amending section 811.1 and enacting section
 21 811.1B."
 22 3. By renumbering as necessary.

T. Taylor of Linn rose on a point of order that amendment H-8398 was not germane.

CALL OF THE HOUSE

Pursuant to Rule 77, the following members respectfully request a call of the House on amendment H-8398 to House File 2660.

PAULSEN of Linn
 ROBERTS of Carroll
 UPMEYER of Hancock
 STRUYK of Pottawattamie
 KAUFMANN of Cedar
 RANTS of Woodbury

A roll call was taken by Speaker Murphy.

There were 99 members present.

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

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

Absent 1:

Pettengill

Speaker Murphy declared that all unexcused members were present.

McCarthy of Polk moved that further proceeding under the Call of the House be dispensed with.

The motion prevailed.

The House resumed consideration of House File 2660, amendment H-8398.

The Speaker ruled the point well taken and amendment H-8398 not germane.

Baudler of Adair moved to suspend the rules to consider amendment H-8398.

Roll call was requested by Baudler of Adair and Paulsen of Linn.

Rule 75 was requested.

On the question "Shall amendment H-8398 be adopted?" (H.F. 2660)

The ayes were, 48:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Hoffman	Horbach
Huseman	Jacobs	Kaufmann	Lukan
May	Miller, L.	Olson, S.	Palmer
Paulsen	Raecker	Rants	Rasmussen

Rayhons	Roberts	Sands	Schickel
Soderberg	Staed	Struyk	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wiencek	Windschitl	Worthan

The nays were, 51:

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

Absent or not voting, 1:

Pettengill

The motion to suspend the rules lost.

Heddens of Story offered amendment H-8430 filed by her and Baudler of Adair from the floor as follows:

H-8430

1 Amend House File 2660 as follows:
 2 1. Page 19 by inserting after line 1 the
 3 following:
 4 "Sec.____. Section 124.212, subsection 4,
 5 paragraph c, Code Supplement 2007, is amended to read
 6 as follows:
 7 c. Pseudoephedrine. A person shall present a
 8 government-issued photo identification card when
 9 purchasing a pseudoephedrine product from a pharmacy.
 10 A person shall not purchase ~~more than seven thousand~~
 11 ~~five hundred milligrams of pseudoephedrine, either~~
 12 ~~separately or collectively, within a thirty day period~~
 13 a quantity of pseudoephedrine in violation of section
 14 124.213 from a pharmacy, unless the person has a
 15 prescription for a pseudoephedrine product in excess
 16 of that quantity.
 17 Sec.____. Section 124.213, Code 2007, is amended

18 by striking the section and inserting in lieu thereof
19 the following:

20 124.213 PSEUDOEPHEDRINE PURCHASE RESTRICTIONS FROM
21 PHARMACY OR RETAILER – PENALTY.

22 1. A person shall not purchase more than three
23 thousand six hundred milligrams of pseudoephedrine,
24 either separately or collectively, within a
25 twenty-four-hour period from a pharmacy, or more than
26 one package of a product containing pseudoephedrine
27 within a twenty-four hour period from a retailer in
28 violation of section 126.23A.

29 2. A person shall not purchase more than seven
30 thousand five hundred milligrams of pseudoephedrine,
31 either separately or collectively, within a thirty-day
32 period from a pharmacy or from a retailer in violation
33 of section 126.23A.

34 3. A person who violates this section commits a
35 serious misdemeanor.

36 Sec.____. Section 126.23A, subsection 1, paragraph
37 a, subparagraph (1), Code 2007, is amended by striking
38 the subparagraph and inserting in lieu thereof the
39 following:

40 (1) Sell more than seven thousand five hundred
41 milligrams of pseudoephedrine to the same person
42 within a thirty-day period.

43 Sec.____. Section 126.23A, subsection 1, paragraph
44 b, Code 2007, is amended to read as follows:

45 b. A retailer or an employee of a retailer shall
46 do the following:

47 (1) Provide for the sale of a pseudoephedrine
48 product in a locked cabinet or behind a sales counter
49 where the public is unable to reach the product and
50 where the public is not permitted.

Page 2

1 (2) Require a purchaser to present a
2 government-issued photo identification card
3 identifying the purchaser prior to purchasing a
4 pseudoephedrine product.

5 (3) Require the purchaser to sign a logbook and to
6 also require the purchaser to legibly print the
7 purchaser's name and address in the logbook.

8 (4) Print the name of the pseudoephedrine product
9 purchased and quantity sold next to the name of each
10 purchaser in the logbook.

11 ~~(4)~~ (5) Determine the signature in the logbook
12 corresponds with the name on the government-issued
13 photo identification card.

14 ~~(5)~~ (6) Keep the logbook ~~twelve~~ twenty-four
15 months from the date of the last entry.

16 ~~(6)~~ (7) Provide notification in a clear and

17 conspicuous manner in a location where a
18 pseudoephedrine product is offered for sale stating
19 the following:
20 Iowa law prohibits the over-the-counter purchase of
21 more than one package of a product containing
22 pseudoephedrine in a twenty-four-hour period or of
23 more than seven thousand five hundred milligrams of
24 pseudoephedrine within a thirty-day period. If you
25 purchase a product containing pseudoephedrine, you are
26 required to sign a logbook which may be accessible to
27 law enforcement officers.
28 (8) Provide notification affixed to the logbook
29 stating that a purchaser entering a false statement or
30 misrepresentation in the logbook may subject the
31 purchaser to criminal penalties under state or federal
32 law.
33 (9) Disclose logbook information as provided by
34 state and federal law.
35 (10) Comply with training requirements pursuant to
36 federal law."
37 2. By renumbering as necessary.

Raecker of Polk rose on a point of order that amendment H-8430 was not germane.

The Speaker ruled the point well taken and amendment H-8430 not germane.

L. Miller of Scott offered the following amendment H-8343, previously deferred, filed by her and Abdul-Samad of Polk and moved its adoption:

H-8343

1 Amend House File 2660 as follows:
2 1. Page 19, by inserting after line 1 the
3 following:
4 "Sec. ____ Section 135.11, Code Supplement 2007,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 32. In consultation with the
7 department of corrections, the antibiotic resistance
8 task force, and the American federation of state,
9 county and municipal employees, develop educational
10 programs to increase awareness and utilization of
11 infection control practices in institutions listed in
12 section 904.102."

Amendment H-8343 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2660)

The ayes were, 53:

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

The nays were, 46:

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

Absent or not voting, 1:

Pettengill

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2660** be immediately messaged to the Senate.

HOUSE FILE 2652 REREFERRED

The Speaker announced that House File 2652, previously referred to committee on **appropriations** was rereferred to committee on **ways and means**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 7th day of April, 2008: House Files 2119, 2195, 2196, 2364, 2407, 2423, 2452, 2551, 2553, 2554, 2609, 2626 and 2642.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF ADMINISTRATIVE SERVICES

Report of the Early Termination Programs, pursuant to Chapter 7E.5(1b), Code of Iowa.

Review of Affirmative Action in the Executive Branch of State Government, pursuant to Chapter 19B, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Annual report on Pilot Project Program, pursuant to Chapter 7E.5(1g), Code of Iowa.

DEPARTMENT OF EDUCATION

Statewide Voluntary Preschool Programs for Four-Year-Olds preliminary report, pursuant to Chapters 216.9 and 256.10(2), Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS

Report from the commission on the Status of Women, pursuant to Chapter 216A.1, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Report on Mental Health System Improvement, pursuant to Chapter 225C, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

Annual report of the Oil Overcharge Restitution Program, pursuant to Chapter 473.11, Code of Iowa.

Report on Household Hazardous Materials Programs, pursuant to Chapter 455B.381, Code of Iowa.

DEPARTMENT OF REVENUE
Iowa Capital Investment Board

Annual report, pursuant to Chapter 15E.46, Code of Iowa.

IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM

Final report, pursuant to Chapter 97B.4(4)(a), Code of Iowa.

OFFICE OF DRUG CONTROL POLICY

2008 Drug Control Strategy, pursuant to Chapter 126, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|--|
| 2008\2677 | Ethel Stephens, Sioux City – For celebrating her 90 th birthday. |
| 2008\2678 | Sam Vander Schaaf, Rock Valley – For celebrating his 97 th birthday. |
| 2008\2679 | Hessel and Anna De Jong, Rock Rapids – For celebrating their 70 th wedding anniversary. |

- 2008\2680 Harold and Barbara Kline, Atalissa – For celebrating their 50th wedding anniversary.
- 2008\2681 Mr. and Mrs. Walter Abels, Davenport – For celebrating their 50th wedding anniversary.
- 2008\2682 Mr. and Mrs. Lawrence Dorgan, Davenport – For celebrating their 50th wedding anniversary.
- 2008\2683 Brad Vermeer, Sioux Center – For receiving the Golden Cleat Award from the Iowa Sports Turf Managers Association.
- 2008\2684 Harlyn Kempema, Rock Valley – For his 36 years of dedicated service with Hope Haven.
- 2008\2685 Natalie Weires, Hempstead High School, Dubuque – For receiving a perfect test score on her ACT.
- 2008\2686 Eileen Arends, Hawarden – For celebrating her 80th birthday.
- 2008\2687 Ty Zirker, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2688 Celina Rubio, Dubuque – For winning the Curator Book Award for her clay sculpture at the National K-12 Ceramics Exhibition.
- 2008\2689 Jonathan Novander, Dubuque – For receiving the Certificate of Artistic Merit for his Herbert Hoover mask at the National K-12 Ceramics Exhibition.

SUBCOMMITTEE ASSIGNMENT

House File 2675

Labor: T. Taylor, Chair; Hunter and Watts.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 789 Appropriations

Relating to and making appropriations for health and human services and including other related provisions and appropriations, making penalties applicable and providing effective, retroactive, and applicability date provisions.

RESOLUTIONS FILED

HR 145, by Petersen, a resolution in recognition of the life and work of Dr. Kenneth Jernigan and the Iowa Department for the Blind.

Laid over under **Rule 25.**

HR 146, by Foege and Grassley, a resolution honoring Wartburg College's wrestling team for winning the National Collegiate Athletic Association Division III Wrestling Championship.

Laid over under **Rule 25.**

HR 147, by Granzow and Smith, a resolution recognizing the 50th anniversary of the Iowa Rose Festival in State Center.

Laid over under **Rule 25.**

AMENDMENTS FILED

H—8415	S.F.	2350	Huser of Polk
H—8416	S.F.	2122	S. Olson of Clinton
H—8417	S.F.	2122	Alons of Sioux
H—8418	H.F.	2651	Paulsen of Linn
H—8419	H.F.	2651	S. Olson of Clinton
H—8420	H.F.	2651	Alons of Sioux
H—8423	S.F.	2400	Hunter of Polk
H—8424	S.F.	2400	Hunter of Polk
H—8425	S.F.	2193	Baudler of Adair
H—8426	H.F.	2412	Baudler of Adair
H—8427	H.F.	2610	Dandekar of Linn
H—8428	S.F.	2216	Alons of Sioux
H—8429	S.F.	2216	Tymeson of Madison
H—8431	H.F.	2412	Kaufmann of Cedar
H—8432	S.F.	2216	Raecker of Polk
			Dandekar of Linn
			Quirk of Chickasaw
			Kelley of Black Hawk
			Mertz of Kossuth
			Huser of Polk
			Bailey of Hamilton
			Tymeson of Madison
			Chambers of O'Brien
			Wise of Lee
H—8433	S.F.	2400	Gaskill of Wapello
H—8434	S.F.	2216	Raecker of Polk

On motion by McCarthy of Polk the House adjourned at 6:18 p.m., until 9:00 a.m., Tuesday, April 8, 2008.

JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day - Fifty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 8, 2008

The House met pursuant to adjournment at 9:12 a.m., Speaker Murphy in the chair.

Prayer was offered by Jack Ohle, President of Wartburg College. He was the guest of Representative Ro Foege from Linn County and Representative Pat Grassley from Butler County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Case Hemming, legislative secretary to Representative Wes Whitehead of Woodbury County.

The Journal of Monday, April 7, 2008 was approved.

PETITION FILED

The following petition was received and placed on file:

By Frevert of Palo Alto, from sixty-six constituents of district seven favoring House File 2212, to reduce the use of tobacco and exposure to second hand smoke.

ADOPTION OF HOUSE RESOLUTION 146

Foege of Linn and Grassley of Butler called up for consideration **House Resolution 146**, a resolution honoring Wartburg College's wrestling team for winning the National Collegiate Athletic Association Division III Wrestling Championship, and moved its adoption.

The motion prevailed and the resolution was adopted.

Foege of Linn introduced to the House, Jim Miller, Head Coach of the Wartburg College wrestling team.

The House rose and expressed its welcome.

ADOPTION OF HOUSE RESOLUTION 131

Bailey of Hamilton and Schickel of Cerro Gordo called up for consideration **House Resolution 131**, a resolution celebrating the 100th birthday of the United States Army Reserve, honoring the commitment, dedication, and service to America, and wishing for its continued support to our soldiers, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 9:30 a.m., until the fall of the gavel.

The House resumed session at 11:23 a.m., Bell of Jasper in the chair.

QUORUM CALL

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2384, a bill for an act relating to the deposit of public funds with corporate credit unions.

Also: That the Senate has on April 7, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2539, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, health care transparencies, and including an applicability provision.

Also: That the Senate has on April 8, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2570, a bill for an act relating to solid waste disposal and environmental management by providing for the designation of environmental management systems, providing incentives, and creating a solid waste alternatives program advisory council, and modifying fees and allocations of funds.

Also: That the Senate has on April 8, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2620, a bill for an act relating to the conduct of elections and voter registration, making penalties applicable, and including effective date, applicability date, and transition provisions.

Also: That the Senate has on April 7, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2361, a bill for an act providing for the procurement of designated biobased products by state government.

MICHAEL E. MARSHALL, Secretary

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 2212)

A conference committee report signed by the following Senate and House members was filed April 8, 2008, on House File 2212, a bill for an act creating a smokefree air Act and providing penalties:

ON THE PART OF THE SENATE:	ON THE PART OF THE HOUSE:
APPEL, CHAIR	T. OLSON, CHAIR
BOLKOM	PETERSEN
DOTZLER	REASONER

Speaker Murphy in the chair at 11:43 a.m.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(House File 2212)

T. Olson of Linn called up for consideration the report of the conference committee on House File 2212 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2212

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

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2212, a bill for an Act creating a smokefree air Act and providing penalties, respectfully make the following report:

1. That the House recedes from its amendment, S-5087.

2. That the Senate recedes from its amendment, H-8054.

3. That House File 2212, as amended, passed, and reprinted by the House, is amended to read as follows:

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

"Section 1. NEW SECTION. 142D.1 TITLE – FINDINGS – PURPOSE.

1. This chapter shall be known and may be cited as the "Smokefree Air Act".

2. The general assembly finds that environmental tobacco smoke causes and exacerbates disease in nonsmoking adults and children. These findings are sufficient to warrant measures that regulate smoking in public places, places of employment, and outdoor areas in order to protect the public health and the health of employees.

3. The purpose of this chapter is to reduce the level of exposure by the general public and employees to environmental tobacco smoke in order to improve the public health of Iowans.

Sec. 2. NEW SECTION. 142D.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Bar" means an establishment where one may purchase alcoholic beverages as defined in section 123.3, for consumption on the premises and in which the serving of food is only incidental to the consumption of those beverages.

2. "Business" means a sole proprietorship, partnership, joint venture, corporation, association, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

3. "Common area" means a reception area, waiting room, lobby, hallway, restroom, elevator, stairway or stairwell, the common use area of a multiunit residential property, or other area to which the public is invited or in which the public is permitted.

4. "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, or a person who provides services to an employer on a voluntary basis.

5. "Employer" means a person including a sole proprietorship, partnership, joint venture, corporation, association, or other business entity whether for-profit or not-for-profit, including state government and its political subdivisions, that employs the services of one or more individuals as employees.

6. "Enclosed area" means all space between a floor and ceiling that is contained on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to the ceiling.

7. "Farm tractor" means farm tractor as defined in section 321.1.

8. "Farm truck" means a single-unit truck, truck-tractor, tractor, semitrailer, or trailer used by a farmer to transport agricultural, horticultural, dairy, or other farm products, including livestock, produced or finished by the farmer, or to transport any other personal property owned by the farmer, from the farm to market, and to transport property and supplies to the farm of the farmer.

9. "Farmer" means any of the following:

a. A person who files schedule F as part of the person's annual form 1040 or form 1041 filing with the United States internal revenue service, or an employee of such person while the employee is actively engaged in farming.

b. A person who holds an equity position in or who is employed by a business association holding agricultural land where the business association is any of the following:

(1) A family farm corporation, authorized farm corporation, family farm limited partnership, limited partnership, family farm limited liability company, authorized limited liability company, family trust, or authorized trust, as provided in chapter 9H.

(2) A limited liability partnership as defined in section 486A.101.

c. A natural person related to the person actively engaged in farming as provided in paragraph "a" or "b" when the person is actively engaged in farming. The natural person must be related as spouse, parent, grandparent, lineal ascendant of a grandparent or a grandparent's spouse, other lineal descendant of a grandparent or a grandparent's spouse, or a person acting in a fiduciary capacity for persons so related. For purposes of this subsection: "actively engaged in farming" means participating in physical labor on a regular, continuous, and substantial basis, or making day-to-day management decisions, where such participation or decision making is directly related to raising and harvesting crops for feed, food, seed, or fiber, or to the care and feeding of livestock.

10. "Health care provider location" means an office or institution providing care or treatment of disease, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to a hospital as

defined in section 135B.1, a long-term care facility, an adult day services program as defined in section 231D.1, clinics, laboratories, and the locations of professionals regulated pursuant to Title IV, subtitle III, and includes all enclosed areas of the location including waiting rooms, hallways, other common areas, private rooms, semiprivate rooms, and wards within the location.

11. "Implement of husbandry" means implement of husbandry as defined in section 321.1.

12. "Long-term care facility" means a health care facility as defined in section 135C.1, an elder group home as defined in section 231B.1, or an assisted living program as defined in section 231C.2.

13. "Place of employment" means an area under the control of an employer and includes all areas that an employee frequents during the course of employment or volunteering, including but not limited to work areas, private offices, conference and meeting rooms, classrooms, auditoriums, employee lounges and cafeterias, hallways, medical facilities, restrooms, elevators, stairways and stairwells, and vehicles owned, leased, or provided by the employer unless otherwise provided under this chapter. "Place of employment" does not include a private residence, unless the private residence is used as a child care facility, a child care home, or as a health care provider location.

14. "Political subdivision" means a city, county, township, or school district.

15. "Private club" means an organization, whether or not incorporated, that is the owner, lessee, or occupant of a location used exclusively for club purposes at all times and that meets all of the following criteria:

a. Is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain.

b. Sells alcoholic beverages only as incidental to its operation.

c. Is managed by a board of directors, executive committee, or similar body chosen by the members.

d. Has established bylaws or another document to govern its activities.

e. Has been granted an exemption from the payment of federal income tax as a club pursuant to 26 U.S.C. § 501.

16. "Public place" means an enclosed area to which the public is invited or in which the public is permitted, including common areas, and including but not limited to all of the following:

a. Financial institutions.

b. Restaurants.

c. Bars.

d. Public and private educational facilities.

e. Health care provider locations.

f. Hotels and motels.

g. Laundromats.

h. Public transportation facilities and conveyances under the authority of the state or its political subdivisions, including buses and taxicabs, and including the ticketing, boarding, and waiting areas of these facilities.

i. Aquariums, galleries, libraries, and museums.

j. Retail food production and marketing establishments.

k. Retail service establishments.

l. Retail stores.

m. Shopping malls.

n. Entertainment venues including but not limited to theaters; concert halls; auditoriums and other facilities primarily used for exhibiting motion pictures, stage performances, lectures, musical recitals, and other similar performances; bingo facilities; and indoor arenas including sports arenas.

o. Polling places.

p. Convention facilities and meeting rooms.

q. Public buildings and vehicles owned, leased, or operated by or under the control of the state government or its political subdivisions and including the entirety of the private residence of any state employee any portion of which is open to the public.

r. Service lines.

s. Private clubs only when being used for a function to which the general public is invited.

t. Private residences only when used as a child care facility, a child care home, or health care provider location.

u. Child care facilities and child care homes.

v. Gambling structures, excursion gambling boats, and racetrack enclosures.

17. "Restaurant" means eating establishments, including private and public school cafeterias, which offer food to the public, guests, or employees, including the kitchen and catering facilities in which food is prepared on the premises for serving elsewhere, and including a bar area within a restaurant.

18. "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is incidental to the sale of tobacco products.

19. "Service line" means an indoor line in which one or more individuals are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

20. "Shopping mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

21. "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other tobacco product in any manner or in any form. "Smoking" does not include smoking that is associated with a recognized religious ceremony, ritual, or activity, including but not limited to burning of incense.

22. "Sports arena" means a sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller or ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

Sec. 3. NEW SECTION. 142D.3 PROHIBITION OF SMOKING – PUBLIC PLACES, PLACES OF EMPLOYMENT, AND OUTDOOR AREAS.

1. Smoking is prohibited and a person shall not smoke in any of the following:

a. Public places.

b. All enclosed areas within places of employment including but not limited to work areas, private offices, conference and meeting rooms, classrooms, auditoriums, employee lounges and cafeterias, hallways, medical facilities, restrooms, elevators, stairways and stairwells, and vehicles owned, leased, or provided by the employer unless otherwise provided under this chapter.

2. In addition to the prohibitions specified in subsection 1, smoking is prohibited and a person shall not smoke in or on any of the following outdoor areas:

a. The seating areas of outdoor sports arenas, stadiums, amphitheaters and other entertainment venues where members of the general public assemble to witness entertainment events.

b. Outdoor seating or serving areas of restaurants.

c. Public transit stations, platforms, and shelters under the authority of the state or its political subdivisions.

d. School grounds, including parking lots, athletic fields, playgrounds, tennis courts, and any other outdoor area under the control of a public or private educational facility, including inside any vehicle located on such school grounds.

e. The grounds of any public buildings owned, leased, or operated by or under the control of the state government or its political subdivisions, including the grounds of a

private residence of any state employee any portion of which is open to the public with the following exceptions:

(1) This paragraph shall not apply to the Iowa state fairgrounds, or fairgrounds as defined in section 174.1.

(2) This paragraph shall not apply to institutions administered by the department of corrections, except that smoking on the grounds shall be limited to designated smoking areas.

(3) This paragraph shall not apply to facilities of the Iowa national guard as defined in section 29A.1, except that smoking on the grounds shall be limited to designated smoking areas.

Sec. 4. NEW SECTION. 142D.4 AREAS WHERE SMOKING NOT REGULATED.

Notwithstanding any provision of this chapter to the contrary, the following areas are exempt from the prohibitions of section 142D.3:

1. Private residences, unless used as a child care facility, child care home, or a health care provider location.

2. Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided that not more than twenty percent of the rooms of a hotel or motel rented to guests are designated as smoking rooms, all smoking rooms on the same floor are contiguous, and smoke from smoking rooms does not infiltrate into areas in which smoking is otherwise prohibited under this chapter. The status of smoking and nonsmoking rooms shall not be changed, except to provide additional nonsmoking rooms.

3. Retail tobacco stores, provided that smoke from these locations does not infiltrate into areas in which smoking is otherwise prohibited under this chapter.

4. Private and semiprivate rooms in long-term care facilities, occupied by one or more individuals, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted, provided that smoke from these locations does not infiltrate into areas in which smoking is otherwise prohibited under this chapter.

5. Private clubs that have no employees, except when being used for a function to which the general public is invited, provided that smoke from these locations does not infiltrate into areas in which smoking is otherwise prohibited under this chapter. This exemption shall not apply to any entity that is established for the purpose of avoiding compliance with this chapter.

6. Outdoor areas that are places of employment except those areas where smoking is prohibited pursuant to section 142D.3, subsection 2.

7. Limousines under private hire; vehicles owned, leased, or provided by a private employer that are for the sole use of the driver and are not used by more than one person in the course of employment either as a driver or passenger; privately owned vehicles not otherwise defined as a place of employment or public place; and cabs of motor trucks or truck tractors if no nonsmoking employees are present.

8. An enclosed area within a place of employment or public place that provides a smoking cessation program or a medical or scientific research or therapy program, if smoking is an integral part of the program.

9. Farm tractors, farm trucks, and implements of husbandry when being used for their intended purposes.

10. Only the gaming floor of a premises licensed pursuant to chapter 99F exclusive of any bar or restaurant located within the gaming floor which is an enclosed area and subject to the prohibitions of section 142D.3.

11. The Iowa veterans home.

Sec. 5. NEW SECTION. 142D.5 DECLARATION OF AREA AS NONSMOKING.

1. Notwithstanding any provision of this chapter to the contrary, an owner, operator, manager, or other person having custody or control of an area otherwise exempt from the prohibitions of section 142D.3 may declare the entire area as a nonsmoking place.

2. Smoking shall be prohibited in any location of an area declared a nonsmoking place under this section if a sign is posted conforming to the provisions of section 142D.6.

Sec. 6. NEW SECTION. 142D.6 NOTICE OF NONSMOKING REQUIREMENTS – POSTING OF SIGNS.

1. Notice of the provisions of this chapter shall be provided to all applicants for a business license in this state, to all law enforcement agencies, and to any business required to be registered with the office of the secretary of state.

2. All employers subject to the prohibitions of this chapter shall communicate to all existing employees and to all prospective employees upon application for employment the smoking prohibitions prescribed in this chapter.

3. The owner, operator, manager, or other person having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area where smoking is prohibited under this chapter shall clearly and conspicuously post in and at every entrance to the public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area, "no smoking" signs or the international "no smoking" symbol. Additionally, a "no smoking" sign or the international "no smoking" symbol shall be placed in every vehicle that constitutes a public place, place of employment, or area declared a nonsmoking place pursuant to section 142D.5 under this chapter, visible from the exterior of the vehicle. All signs shall contain the telephone number for reporting complaints and the internet site of the department of public health. The owner, operator, manager, or other person having custody or control of the public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area may use the sample signs provided on the department of public health's internet site, or may use another sign if the contents of the sign comply with the requirements of this subsection.

4. The owner, operator, manager, or other person having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area where smoking is prohibited under this chapter shall remove all ashtrays from these locations.

Sec. 7. NEW SECTION. 142D.7 NONRETALIATION – NONWAIVER OF RIGHTS.

1. A person or employer shall not discharge, refuse to employ, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded under this chapter, registers a complaint, or attempts to prosecute a violation of this chapter.

2. An employee who works in a location where an employer allows smoking does not waive or surrender any legal rights the employee may have against the employer or any other person.

Sec. 8. NEW SECTION. 142D.8 ENFORCEMENT.

1. This chapter shall be enforced by the department of public health or the department's designee. The department of public health shall adopt rules to administer this chapter, including rules regarding enforcement. The department of public health shall provide information regarding the provisions of this chapter and related compliance issues to employers, owners, operators, managers, and other persons having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area where smoking is prohibited, and the general public via the department's internet site. The internet site shall include sample signage and the telephone number for reporting complaints. Judicial magistrates shall hear and determine violations of this chapter.

2. If a public place is subject to any state or political subdivision inspection process or is under contract with the state or a political subdivision, the person performing the inspection shall assess compliance with the requirements of this chapter and shall report any violations to the department of public health or the department's designee.

3. An owner, operator, manager, or other person having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area regulated under this chapter shall inform persons violating this chapter of the provisions of this chapter.

4. An employee or private citizen may bring a legal action to enforce this chapter. Any person may register a complaint under this chapter by filing a complaint with the department of public health or the department's designee.

5. In addition to the remedies provided in this section, the department of public health or the department's designee or any other person aggrieved by the failure of the owner, operator, manager, or other person having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area regulated by this chapter to comply with this chapter may seek injunctive relief to enforce this chapter.

Sec. 9. NEW SECTION. 142D.9 CIVIL PENALTIES.

1. A person who smokes in an area where smoking is prohibited pursuant to this chapter shall pay a civil penalty pursuant to section 805.8C, subsection 3, paragraph "a", for each violation.

2. A person who owns, operates, manages, or otherwise has custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area regulated under this chapter and who fails to comply with this chapter shall pay a civil penalty as follows:

a. For a first violation, a monetary penalty not to exceed one hundred dollars.

b. For a second violation within one year, a monetary penalty not to exceed two hundred dollars.

c. For each violation in excess of a second violation within one year, a monetary penalty not to exceed five hundred dollars for each additional violation.

3. An employer who discharges or in any manner discriminates against an employee because the employee has made a complaint or has provided information or instituted a legal action under this chapter shall pay a civil penalty of not less than two thousand dollars and not more than ten thousand dollars for each violation.

4. In addition to the penalties established in this section, violation of this chapter by a person who owns, operates, manages, or who otherwise has custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area regulated under this chapter may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

5. Violation of this chapter constitutes a public nuisance which may be abated by the department of public health or the department's designee by restraining order, preliminary or permanent injunction, or other means provided by law, and the entity abating the public nuisance may take action to recover the costs of such abatement.

6. Each day on which a violation of this chapter occurs is considered a separate and distinct violation.

7. Civil penalties paid pursuant to this chapter shall be deposited in the general fund of the state, unless a local authority as designated by the department in administrative rules is involved in the enforcement, in which case the civil penalties paid shall be deposited in the general fund of the respective city or county.

Sec. 10. Section 135.1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

For the purposes of chapter 155 and Title IV, subtitle 2, excluding chapters ~~142B~~, ~~145B~~, and 146, unless otherwise defined:

Sec. 11. Section 135.11, subsection 14, Code Supplement 2007, is amended to read as follows:

14. Establish, publish, and enforce rules not inconsistent with law for the enforcement of the provisions of chapters 125 and 155, and Title IV, subtitle 2, excluding chapters ~~142B, 145B,~~ and 146 and for the enforcement of the various laws, the administration and supervision of which are imposed upon the department.

Sec. 12. Section 237A.3A, subsection 5, Code 2007, is amended by striking the subsection.

Sec. 13. NEW SECTION. 237A.3B SMOKING PROHIBITED.

Smoking, as defined in section 142D.2, shall not be permitted in a child care facility or child care home.

Sec. 14. Section 331.427, subsection 1, unnumbered paragraph 1, Code Supplement 2007, is amended to read as follows:

Except as otherwise provided by state law, county revenues from taxes and other sources for general county services shall be credited to the general fund of the county, including revenues received under sections 9I.11, 101A.3, 101A.7, 123.36, 123.143, ~~142B.6,~~ 142D.9, 176A.8, 321.105, 321.152, 321G.7, 321I.8, section 331.554, subsection 6, sections 341A.20, 364.3, 368.21, 423A.7, 428A.8, 433.15, 434.19, 445.57, 453A.35, 458A.21, 483A.12, 533.329, 556B.1, 583.6, 602.8108, 904.908, and 906.17, and the following:

Sec. 15. Section 805.8C, subsection 3, paragraph a, Code Supplement 2007, is amended to read as follows:

a. For violations ~~of section 142B.6 described in section 142D.9, subsection 1,~~ the scheduled fine is ~~twenty five~~ fifty dollars, and is a civil penalty, and the criminal penalty surcharge under section 911.1 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed. If the civil penalty assessed for a violation ~~of described in section 142B.6~~ 142D.9, subsection 1, is not paid in a timely manner, a citation shall be issued for the violation in the manner provided in section 804.1. However, a person under age eighteen shall not be detained in a secure facility for failure to pay the civil penalty. The complainant shall not be charged a filing fee.

Sec. 16. Chapter 142B, Code 2007, is repealed."

ON THE PART OF THE HOUSE

TYLER OLSON, Chairperson
JANET PETERSEN
MIKE REASONER

ON THE PART OF THE SENATE

STACI APPEL, Chairperson
JOE BOLKCOM
WILLIAM DOTZLER

T. Olson of Linn moved the adoption of the conference committee report.

A non-record roll call was requested.

The ayes were 52, nays 48.

The conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 2212)

The ayes were, 54:

Abdul-Samad	Anderson	Baudler	Bell
Berry	Bukta	Clute	Cohoon
Dandekar	Davitt	Foege	Ford
Frevert	Gaskill	Gayman	Heddens
Hunter	Jacobs	Jacoby	Jochum
Kelley	Kressig	Kuhn	Lensing
Mascher	May	McCarthy	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Rayhons	Reasoner
Reichert	Schickel	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Tomenga	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, 45:

Alons	Arnold	Bailey	Boal
Chambers	De Boef	Deyoe	Dolecheck
Drake	Forristall	Gipp	Granzow
Grassley	Greiner	Heaton	Hoffman
Horbach	Huseman	Huser	Kaufmann
Lukan	Lykam	Mertz	Miller, L.
Olson, S.	Paulsen	Pettengill	Quirk
Raecker	Rants	Rasmussen	Roberts
Sands	Schueller	Soderberg	Struyk
Thomas	Tjepkes	Tymeson	Van Engelenhoven
Van Fossen	Watts	Wenthe	Windschitl
Worthan			

Absent or not voting, 1:

Upmeyer

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2212** be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 12:09 p.m., until 12:30 p.m.

AFTERNOON SESSION

The House reconvened at 12:42 p.m., Whitaker of Van Buren in the chair.

QUORUM CALL

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2405, a bill for an act relating to renewable energy, providing for state bank acquisition of equity interests in wind energy production facilities, providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing effective and retroactive applicability dates.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS
Appropriations Calendar

House File 2662, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, was taken up for consideration.

Rants of Woodbury offered the following amendment H-8447 filed by him from the floor and moved its adoption:

H-8447

1 Amend House File 2662 as follows:
 2 1. Page 4, by inserting after line 13, the
 3 following:
 4 "Sec.____. AGRICHEMICAL REMEDIATION FUND – SOIL
 5 AND WATER CONSERVATION NEEDS ASSESSMENT ASSOCIATED
 6 WITH THE LITTLE SIOUX RIVER. There is appropriated
 7 from the agrichemical remediation fund created in
 8 section 161.7 to the department of agriculture and
 9 land stewardship for the fiscal year beginning July 1,
 10 2008, and ending June 30, 2009, the following amount,
 11 or so much thereof as is necessary, to be used for the
 12 purposes designated:
 13 For a grant to the governing body of a soil and
 14 water conservation district of a county bordering the
 15 Missouri river through which the Little Sioux and Big
 16 Sioux rivers flow for purposes of supporting a needs
 17 assessment of soil and water conservation structures
 18 associated with the Little Sioux river, which may
 19 include the identification and evaluation of aging and
 20 deteriorating soil and water conservation structures
 21 subject to major renovation in the watershed:
 22 \$15,000"
 23 2. By renumbering as necessary.

Amendment H-8447 was adopted.

H. Miller of Webster offered amendment H-8367 filed by H. Miller et al., as follows:

H-8367

1 Amend House File 2662 as follows:
 2 1. Page 9, by inserting after line 1, the
 3 following:
 4 "Sec.____. UNASSIGNED REVENUE FUND – FUNDING
 5 RESTORATION.
 6 There is appropriated from the unassigned revenue
 7 fund administered by the Iowa comprehensive
 8 underground storage tank fund board to the department
 9 of natural resources for the fiscal year beginning
 10 July 1, 2008, and ending June 30, 2009, the following
 11 amounts, or so much thereof as is necessary, to be
 12 used for the purposes designated:
 13 1. To be credited to and used for snowmobile
 14 programs as provided for the special snowmobile fund

15 created under section 321G.7, in order to restore
 16 funding transferred pursuant to 2002 Iowa Acts, Second
 17 Extraordinary Session, chapter 1001, section 10:
 18 \$ 950,000
 19 2. To be credited to and used for all-terrain
 20 vehicle programs as provided for the special
 21 all-terrain vehicle fund created under section 321I.8,
 22 in order to restore funding transferred pursuant to
 23 2002 Iowa Acts, Second Extraordinary Session, chapter
 24 1001, section 11:
 25 \$ 775,000".
 26 2. By renumbering as necessary.

Speaker Murphy in the chair at 1:22 p.m.

Raecker of Polk offered amendment H-8404, to amendment H-8367, filed by Raecker et al., as follows:

H-8404

1 Amend the amendment, H-8367, to House File 2662 as
 2 follows:
 3 1. Page 1, by inserting after line 25 the
 4 following:
 5 "____. Page 17, by inserting after line 5 the
 6 following:
 7 "DIVISION _____
 8 SENIOR LIVING TRUST FUND
 9 Sec.____. Section 249H.2, subsection 1, paragraph
 10 f, Code 2007, is amended to read as follows:
 11 f. ~~Grants are necessary to cover the expenditures~~
 12 ~~related to the development of alternative health care~~
 13 ~~services. Development of these long-term care~~
 14 alternatives will improve access to and delivery of
 15 long-term care services to underserved individuals or
 16 in underserved areas, which will in turn contain or
 17 reduce the cost and improve the quality of health care
 18 services.
 19 Sec.____. Section 249H.3, subsection 3, Code 2007,
 20 is amended by striking the subsection.
 21 Sec.____. Section 249H.5, subsection 1, Code 2007,
 22 is amended to read as follows:
 23 1. Moneys deposited in the senior living trust
 24 fund created in section 249H.4 shall be used only as
 25 provided in appropriations from the trust fund to the
 26 department of human services and the department of
 27 elder affairs; and for purposes, ~~including the~~
 28 ~~awarding of grants~~, as specified in this chapter.
 29 Sec.____. Section 249H.5, subsection 2, Code 2007,
 30 is amended by striking the subsection and inserting in

31 lieu thereof the following:

32 2. Moneys in the trust fund are allocated, subject
33 to their appropriation by the general assembly, as
34 follows:

35 a. To the department of elder affairs, an amount
36 necessary, annually, for expenses incurred in
37 implementation and administration of the long-term
38 care alternatives programs and for delivery of
39 long-term care services to seniors with low or
40 moderate incomes.

41 b. To the department of human services, an amount
42 necessary, annually, for expenses incurred in
43 administration of and service delivery through medical
44 assistance home and community-based services waivers
45 and the PACE program.

46 Sec. 5. Section 249H.5, subsection 3, Code 2007,
47 is amended to read as follows:

48 3. a. Any funds remaining after disbursement of
49 moneys under subsection 2 shall be invested with the
50 interest earned to be available in subsequent fiscal

Page 2

1 years for the purposes provided in subsection 2;
2 ~~paragraph "b", and subsection 2, paragraph "c",~~
3 ~~subparagraphs (1) and (2).~~

4 b. Moneys in the fund shall not be appropriated
5 for purposes other than those specified in subsection
6 2, and shall not be appropriated in amounts that
7 reduce the fund balance below two hundred million
8 dollars."

9 _____. Title page, by striking line 3 and inserting
10 the following: "environmental protection, and the
11 senior living trust fund.""

H. Miller of Webster rose on a point of order that amendment H-8404 was not germane, to amendment H-8367.

The Speaker ruled the point well taken and amendment H-8404 not germane, to amendment H-8367.

Raecker of Polk asked for unanimous consent to suspend the rules to consider amendment H-8404.

Objection was raised.

Raecker of Polk moved to suspend the rules to consider amendment H-8404.

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

On the question "Shall the rules be suspended to consider amendment H-8404 to amendment H-8367?" (H.F. 2662)

The ayes were, 45:

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

The nays were, 55:

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

Absent or not voting, none

The motion to suspend the rules lost.

Sands of Louisa offered amendment H-8405, to amendment H-8367, filed by Sands et al., as follows:

H-8405

- 1 Amend the amendment, H-8367, to House File 2662 as
- 2 follows:

3 1. Page 1, by inserting after line 25 the
 4 following:
 5 "____. Page 17, by inserting after line 5 the
 6 following:

7 "DIVISION____

8 STATE GENERAL FUND EXPENDITURE LIMITATION

9 Sec.____. Section 8.54, subsection 2, Code 2007,
 10 is amended to read as follows:

11 2. There is created a state general fund
 12 expenditure limitation for each fiscal year calculated
 13 as provided in this section. An expenditure
 14 limitation shall be used for ~~the portion of~~ the budget
 15 process commencing on the date the revenue estimating
 16 conference agrees to a revenue estimate for the
 17 following fiscal year in accordance with section
 18 8.22A, subsection 3, and ending with the ~~governor's~~
 19 ~~final approval or disapproval of the appropriations~~
 20 ~~bills applicable to that fiscal year that were passed~~
 21 ~~prior to July 1 of that fiscal year in a regular or~~
 22 ~~extraordinary legislative session close of the fiscal~~
 23 year for which the expenditure limitation was
 24 calculated. Once the fiscal year for which the
 25 expenditure limitation was calculated commences, the
 26 expenditure limitation for that fiscal year is not
 27 subject to adjustment or readjustment except by law
 28 enacted for that purpose.

29 Sec.____. Section 8.54, Code 2007, is amended by
 30 adding the following new subsections:
 31 NEW SUBSECTION. 8. a. The requirements of this
 32 subsection are only applicable under the state general
 33 fund expenditure limitation for a fiscal year when the
 34 adjusted revenue estimate used to establish the
 35 expenditure limitation for that fiscal year represents
 36 an increase of more than two percent over the adjusted
 37 revenue estimate used to establish the expenditure
 38 limitation for the immediately preceding fiscal year.
 39 b. If an appropriation is made for a fiscal year
 40 from a source other than the general fund of the state
 41 for a designated purpose and in either of the two
 42 fiscal years immediately preceding that fiscal year
 43 the designated purpose was funded by an appropriation
 44 from the general fund of the state, for the purposes
 45 of the state general fund expenditure limitation, the
 46 amount of the appropriation from the other source
 47 shall be considered to have been transferred to and
 48 appropriated from the general fund of the state and
 49 shall be counted as both a new revenue causing
 50 readjustment of the expenditure limitation amount and

Page 2

1 as an appropriation made under the expenditure

2 limitation amount. Subject to the applicability
3 condition in paragraph "a", the requirements of this
4 subsection shall apply to either or both the initial
5 and immediately succeeding fiscal years for which the
6 appropriation is made from the other funding source.
7 NEW SUBSECTION. 9. a. Commencing during the
8 fiscal year that begins July 1, 2008, if the adjusted
9 revenue estimate used to establish the expenditure
10 limitation for the succeeding fiscal year represents
11 an increase over the adjusted revenue estimate used to
12 establish the expenditure limitation for the fiscal
13 year in progress by a percentage amount listed in this
14 paragraph, there is appropriated from the general fund
15 of the state to the office of the treasurer of state
16 for the succeeding fiscal year, the indicated amount.
17 An appropriation made pursuant to this subsection
18 shall be counted under the state general fund
19 expenditure limitation amount for the fiscal year for
20 which the appropriation is made. The treasurer of
21 state shall distribute the appropriation as provided
22 in paragraph "b" to be used to restore funding that
23 was transferred to the general fund of the state or
24 appropriated from various funds and accounts in lieu
25 of funding from the general fund of the state. The
26 appropriation made in this paragraph shall continue on
27 an annual basis until the amounts listed in paragraph
28 "b" have all been distributed. If the amount
29 appropriated would exceed the amount remaining to be
30 distributed, the appropriation shall be reduced by the
31 excess.

32 (1) For an increase in the adjusted revenue
33 estimate of more than two percent but less than four
34 percent, the appropriation made in this paragraph "a"
35 shall be an amount equal to one-half of one percent of
36 the adjusted revenue estimate used to establish the
37 state general fund expenditure limitation for the
38 fiscal year for which the appropriation is made.

39 (2) For an increase in the adjusted revenue
40 estimate of at least four percent but less than six
41 percent, the appropriation made in this paragraph "a"
42 shall be an amount equal to one percent of the
43 adjusted revenue estimate used to establish the state
44 general fund expenditure limitation for the fiscal
45 year for which the appropriation is made.

46 (3) For an increase in the adjusted revenue
47 estimate of at least six percent but less than eight
48 percent, the appropriation made in this paragraph "a"
49 shall be an amount equal to one and one-half percent
50 of the adjusted revenue estimate used to establish the

Page 3

1 state general fund expenditure limitation for the
2 fiscal year for which the appropriation is made.

3 (4) For an increase in the adjusted revenue
4 estimate of eight percent or more, the appropriation
5 made in this paragraph "a" shall be an amount equal to
6 two percent of the adjusted revenue estimate used to
7 establish the state general fund expenditure
8 limitation for the fiscal year for which the
9 appropriation is made.

10 b. The appropriation made in paragraph "a" shall
11 be annually, if necessary, distributed as provided in
12 this paragraph "b". Unless otherwise provided by law,
13 notwithstanding section 8.33, moneys distributed in
14 accordance with this paragraph that remain
15 unencumbered or unobligated at the close of the fiscal
16 year shall not revert but shall remain available for
17 expenditure for the purposes designated until
18 expended.

19 (1) Moneys appropriated in paragraph "a" shall be
20 distributed to the funds and departments listed in
21 this subparagraph, in the order and amounts listed
22 until the full amounts listed have been distributed.
23 To the extent the appropriation for a fiscal year is
24 insufficient to fully fund an amount listed or
25 remaining, the amount of the insufficiency shall be
26 distributed from the next succeeding appropriation or
27 appropriations. When all amounts listed in this
28 subparagraph have been distributed in full, any
29 remaining amounts of the appropriation made in
30 paragraph "a" shall be distributed as provided in
31 subparagraph (2). Moneys distributed pursuant to this
32 subparagraph (1) shall be used for the purposes of the
33 fund or department to which distributed, unless a
34 purpose is stated with the amount:

35 (a) The innovations fund created in section 8.63,
36 four hundred thousand dollars.

37 (b) The state department of transportation to be
38 used for aviation hangars, three hundred sixty
39 thousand dollars, and for airport engineering studies
40 and improvement projects, three hundred forty-seven
41 thousand dollars.

42 (c) The special all-terrain vehicle fund created
43 pursuant to section 321I.8, twenty-five thousand
44 dollars.

45 (d) The victim compensation fund established in
46 section 915.94, one million dollars.

47 (e) The special snowmobile fund created pursuant
48 to section 321G.7, fifty thousand dollars.

49 (f) The revolving fund created in section
50 602.1302, for the purpose of paying jury and witness

Page 4

1 fees and mileage by the judicial branch, and for
2 payment of other trial-related expenses, one million
3 dollars.

4 (g) The brucellosis and tuberculosis eradication
5 fund created in section 165.18, one million dollars.

6 (h) The agricultural drainage well water quality
7 assistance fund created in section 460.303, one
8 million one hundred thousand dollars.

9 (i) The property tax relief fund risk pool created
10 in section 426B.5, subsection 2, three million five
11 hundred thousand dollars.

12 (j) The title guaranty fund created in section
13 16.91, two million seven hundred thousand dollars.

14 (k) The waste tire management fund created in
15 section 455D.11C, four million six hundred thousand
16 dollars.

17 (l) The groundwater protection fund established in
18 section 455E.11, five million two hundred thousand
19 dollars.

20 (m) The state department of transportation to be
21 used for recreational trails projects, five million
22 five hundred thousand dollars.

23 (n) The strategic investment fund created in
24 section 15.313, three million dollars.

25 (o) The physical infrastructure assistance fund
26 created in section 15E.175, two million five hundred
27 thousand dollars.

28 (p) The value-added agricultural products and
29 processes financial assistance fund created in section
30 15E.112, seven hundred fifty thousand dollars.

31 (q) The school infrastructure fund created in
32 section 12.82, twenty-two million dollars.

33 (2) When the amounts listed in subparagraph (1)
34 have all been distributed, any remaining amounts of
35 the appropriation made in paragraph "a" shall be
36 annually distributed to the account and funds listed
37 in this subparagraph (2) until the full amounts listed
38 have been distributed. If the appropriation is
39 insufficient to fully fund all amounts listed or
40 remaining, the appropriation shall be prorated among
41 the account and funds based upon an amount's
42 proportion of the total amount to be distributed. The
43 distribution of the appropriation made in paragraph
44 "a" shall continue in succeeding fiscal years until
45 the entire amount listed for each account or fund in
46 this subparagraph (2) has been distributed. Moneys
47 distributed shall be used for the purposes of the
48 account or fund to which distributed:

49 (a) The environment first fund created in section
50 8.57A, sixty-nine million five hundred thousand

Page 5

1 dollars.

2 (b) The rebuild Iowa infrastructure fund created
3 in section 8.57, subsection 6, sixty million five
4 hundred sixty thousand dollars.

5 (c) The Iowa comprehensive petroleum underground
6 storage tank fund created in section 455G.3,
7 forty-eight million dollars.

8 c. This subsection is repealed on July 1 following
9 the fiscal year in which all amounts listed in
10 paragraph "b" have been paid in full. The treasurer
11 of state shall notify the Code editor when the amounts
12 have been paid in full.

13 Sec.____. EFFECTIVE AND APPLICABILITY DATES. The
14 section of this Act amending section 8.54, subsection
15 2, and the provision of the section of this Act
16 enacting section 8.54, subsection 8, take effect July
17 1, 2008, and are first applicable to the state general
18 fund expenditure limitation established for the fiscal
19 year beginning July 1, 2009."

20 _____. Title page, line 3, by inserting after the
21 word "protection" the following: ", and addressing
22 the state general fund expenditure limitation".

H. Miller of Webster rose on a point of order that amendment H-8405 was not germane, to amendment H-8367.

The Speaker ruled the point well taken and amendment H-8405 not germane, to amendment H-8367.

Sands of Louisa asked for unanimous consent to suspend the rules to consider amendment H-8405.

Objection was raised.

Sands of Louisa moved to suspend the rules to consider amendment H-8405.

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

On the question "Shall the rules be suspended to consider amendment H-8405 to amendment H-8367" (H.F. 2662)

The ayes were, 45:

Alons

Anderson

Arnold

Baudler

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

The nays were, 52:

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

Absent or not voting, 3:

Quirk	Struyk	Zirkelbach
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The motion to suspend the rules lost.

H. Miller of Webster moved the adoption of amendment H-8367.

A non-record roll call was requested.

The ayes were 50, nays 50.

Amendment H-8367 lost.

Kuhn of Floyd offered the following amendment H-8435 filed by him and De Boef of Keokuk from the floor, and moved its adoption:

H-8435

- 1 Amend House File 2662 as follows:
 2 1. Page 9, line 19, by striking the word
 3 "AGRICULTURAL" and inserting the following:
 4 "AGRICHEMICAL".
 5 2. Page 17, by inserting after line 5 the
 6 following:
 7 "DIVISION _____
 8 CODE PROVISIONS
 9 Sec. ____ Section 466A.3, Code 2007, is amended by
 10 adding the following new subsection:
 11 NEW SUBSECTION. 1A. A voting member other than a
 12 representative of a state agency shall be compensated
 13 as provided in section 7E.6 and is allowed actual and
 14 necessary expenses incurred in the performance of
 15 their duties. The moneys used to pay for compensation
 16 and expenses shall be paid from available interest or
 17 earnings on moneys in the fund."
 18 3. By renumbering as necessary.

Amendment H-8435 was adopted.

De Boef of Keokuk asked and received unanimous consent to withdraw amendment H-8445 filed by her from the floor, placing out of order amendment H-8446 filed by De Boef of Keokuk from the floor.

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

On the question "Shall the bill pass?" (H.F. 2662)

The ayes were, 53:

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

Whitead	Winckler	Wise	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 47:

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

Absent or not voting, none.

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2662** be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 2:10 p.m., until the completion of the afternoon committee blocks.

EVENING SESSION

The House reconvened at 6:05 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

House File 2676, by McCarthy, a bill for an act relating to uninsured and underinsured motor vehicle liability coverage requirements.

Read first time and referred to committee on **commerce**.

House File 2677, by McCarthy, a bill for an act requiring that certain liability insurance policy information be given to claimants.

Read first time and referred to committee on **commerce**.

House File 2678, by McCarthy, a bill for an act prohibiting the use of campaign funds as compensation to a candidate and providing an effective date.

Read first time and referred to committee on **ethics**.

House File 2679, by committee on appropriations, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters and including effective date provisions.

Read first time and placed on the **appropriations calendar**.

SENATE MESSAGE CONSIDERED

Senate File 2405, by committee on ways and means, a bill for an act relating to renewable energy, providing for state bank acquisition of equity interest in wind energy production facilities, providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing effective and retroactive applicability dates.

Read first time and referred to committee on **ways and means**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 2008, adopted the conference committee report and passed House File 2212, a bill for an act creating a smokefree air Act and providing penalties.

Also: That the Senate has on April 8, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate file 2281, a bill for an act prohibiting employment discrimination against an employee witness in certain civil proceedings.

Also: That the Senate has on April 8, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2325, a bill for an act relating to the grow Iowa values fund by allocating moneys for the physical infrastructure assistance program and changing certain job and wage requirements, and providing an effective date.

Also: That the Senate has on April 8, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate file 2349, a bill for an act relating to the preneed sale of cemetery and funeral merchandise and funeral services.

Also: That the Senate has on April 8, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2354, a bill for an act concerning the home ownership assistance program for members of the military.

MICHAEL E. MARSHALL, Secretary

SENATE FILE 587 REFERRED

The Speaker announced that Senate File 587, previously referred to committee on **ways and means** was **passed on file**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 8, 2008. Had I been present, I would have voted "nay" on House File 2212.

UPMEYER of Hancock

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 8, 2008, he approved and transmitted to the Secretary of State the following bills:

House File 2119, an Act relating to taking the fingerprints of a child by a governmental unit.

House File 2195, an Act relating to certain county distress criteria under the enterprise zone program.

House File 2196, an Act requiring the department of transportation to study the acceptance of electronic payments at its customer service sites and sites operated by county treasurers.

House File 2364, an Act relating to school district financing arrangements, specifying funds into which loan proceeds shall be deposited and from which principal and interest payments shall be expended, and authorizing utilization of physical plant and equipment levy revenue to guarantee school district energy savings contracts.

House File 2407, an Act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs.

House File 2423, an Act relating to the risk pool for county mental health, mental retardation, and developmental disabilities services by revising procedural and qualifying requirements.

House File 2452, an Act relating to vehicle titles and registration plates for specialty vehicles, and providing a penalty and an effective date.

House File 2551, an Act providing requirements for a nonresident of this state engaged in the aerial application of pesticides, making penalties applicable, and providing an effective date.

House File 2553, an Act relating to per diem compensation for directors of the Iowa soybean association board.

House File 2554, an Act providing monetary thresholds for actions by governing boards of drainage districts.

House File 2609, an Act relating to the public release of information relating to elder group homes, assisted living facilities, and adult day services programs and providing for an effective date.

House File 2626, an Act relating to the appointment or election of state judicial nominating commission members.

House File 2642, an Act relating to issuance of a treasurer's deed after expiration of the period of redemption and including an effective and applicability date provision.

Senate File 2198, an Act relating to the appointment of the membership of the Brushy creek recreation area trails advisory board.

Senate File 2230, an Act authorizing the issuance of special nonresident turkey and deer hunting licenses to certain persons who have severe physical disabilities or a terminal illness.

Senate File 2328, an Act relating to the deer depredation management program, establishing a deer study advisory committee, and providing an effective date.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\2690 Leroy and Betty Rothfus, Pleasantville – For celebrating their 50th wedding anniversary.
- 2008\2691 Taylor Jay Edelman, Atlantic – For receiving the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2692 Anthony Gacke, Rock Valley – For celebrating his 90th birthday.
- 2008\2693 Frieda Smit, Boyden – For celebrating her 90th birthday.
- 2008\2694 Jenieva Kastein, Rock Rapids – For celebrating her 90th birthday.
- 2008\2695 Paul and Sharon Kilzer, Madrid – For celebrating their 50th wedding anniversary.
- 2008\2696 Morris Trimble, Clear Lake – For celebrating his 85th birthday.
- 2008\2697 Henrietta Eekhoff, Kanawha – For celebrating her 85th birthday.
- 2008\2698 Lucille McKigney, Dougherty – For celebrating her 90th birthday.
- 2008\2699 Dorothea Erickson, Clear Lake – For celebrating her 90th birthday.
- 2008\2700 Edward Prause, Hampton – For celebrating his 85th birthday.
- 2008\2701 Joseph and Rose Schlueter, Mason City – For celebrating their 50th wedding anniversary.
- 2008\2702 Grace Stiles, Rockwell – For celebrating her 80th birthday.
- 2008\2703 Jim and Mary Sue McIntosh, Tingley – For celebrating their 50th wedding anniversary.
- 2008\2704 Ed Farrell, Strawberry Point – For celebrating his 90th birthday.
- 2008\2705 Art and Pat Nefzger, Earlville – For celebrating their 50th wedding anniversary.
- 2008\2706 Kenny and Velma Kuehl, Farmersburg – For celebrating their 50th wedding anniversary.

- 2008\2707 Jerry and Helen Jack, Wapello – For celebrating their 50th wedding anniversary.
- 2008\2708 Billy and Wanda Marshall, Wapello – For celebrating their 58th wedding anniversary.
- 2008\2709 Robert Tiemeyer, Burlington – For celebrating his 85th birthday.
- 2008\2710 Mary Morgan, Wapello – For celebrating her 84th birthday.
- 2008\2711 Mildred Pilling, Mediapolis – For celebrating her 90th birthday.
- 2008\2712 Joe Colon, Clear Lake – For becoming the school's first wrestler to earn All-American honors.
- 2008\2713 Bob Mead, Manchester – For celebrating 50 years of membership with the Manchester Masonic Lodge.
- 2008\2714 Dubuque County Conservation Society, Dubuque County – For celebrating its 75th anniversary.
- 2008\2715 Joseph and Mary Jane Gallery, Winthrop – For celebrating their 50th anniversary.
- 2008\2716 Herb and Agnes Ludwig, Waterloo – For celebrating their 65th wedding anniversary.
- 2008\2717 Robert and Sharon Jacobs, Ladora – For celebrating their 50th wedding anniversary.
- 2008\2718 Robert and Dorothy Martinson, Williamsburg – For celebrating their 60th wedding anniversary.
- 2008\2719 Louis and Lillian Winslow, Belle Plaine – For celebrating their 60th wedding anniversary.
- 2008\2720 Harm and Esther Krull, Parkersburg – For celebrating their 50th wedding anniversary.
- 2008\2721 Violet Luhrs, Fontanelle – For celebrating her 80th birthday.
- 2008\2722 Frank Seivier, Greenfield – For celebrating his 99th birthday.
- 2008\2723 Judy Wagner, Audubon – For her 22 years of dedicated service with AMVC.
- 2008\2724 Johnny and Janice Coder, Ames – For celebrating their 50th wedding anniversary.
- 2008\2725 Don and Marlys Phipps, Ames – For celebrating their 50th wedding anniversary.

- 2008\2726 Ed and Mary Faris, New Providence – For celebrating their 60th wedding anniversary.
- 2008\2727 Eugene and Loretta Rieks, Hubbard – For celebrating their 50th wedding anniversary.
- 2008\2728 Josie Rundlett, Vinton – For being selected to represent the State of Iowa at the National Cherry Blossom Festival in Washington, D.C.
- 2008\2729 Elwyn and Joyce Brouwer, Sheffield – For celebrating their 60th wedding anniversary.
- 2008\2730 Bud and Lucille Coykendall, Red Oak – For celebrating their 69th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 2652

Ways and Means: Thomas, Chair; Quirk and Struyk.

House File 2671

Ways and Means: T. Olson, Chair; Kaufmann, Reasoner, Van Fossen and Wise.

House File 2674

Appropriations: Hunter, Chair; Alons and Berry.

Senate File 2306

Appropriations: Jacoby, Chair; Foege and Heaton.

Senate File 2399

Ways and Means: Davitt, Chair; Grassley and Palmer.

Senate File 2401

Ways and Means: Shomshor, Chair; Reasoner and Sands.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 790 Ways and Means

Relating to a sales and use tax exemption for paint and materials used in coating water tanks, providing refunds, and including effective and retroactive applicability date provisions.

H.S.B. 791 Ways and Means

Relating to a sales and use tax exemption on environmental test laboratory services.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2134, a bill for an act relating to requirements and duties of members, executive directors, and employees of county commissions of veteran affairs.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 2008.

Committee Bill (Formerly House File 2487), relating to student achievement and teacher quality program definitions and requirements and extending or changing program allocations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 2008.

Committee Bill (Formerly House Study Bill 787), relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters and including an effective date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 2008.

COMMITTEE ON GOVERNMENT OVERSIGHT

Committee Bill (Formerly House Study Bill 788), relating to student loans, including the protection of students and parents from certain lenders and institutions of higher education with conflicts of interest, establishing a student lending education fund, establishing penalties, and providing for related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 2008.

RESOLUTIONS FILED

HR 148, by Chambers, a resolution honoring the city of Sutherland on its quasiquicentennial anniversary.

Laid over under **Rule 25**.

HR 149, by Chambers, a resolution honoring the city of Paullina on its quasiquicentennial anniversary.

Laid over under **Rule 25**.

HR 150, by Ford, Jacobs, Raecker, Abdul-Samad, Alons, Anderson, Arnold, Bailey, Baudler, Bell, Berry, Boal, Bukta, Chambers, Clute, Cohoon, Dandekar, Davitt, De Boef, Deyoe, Dolecheck, Drake, Foege, Forristall, Frevert, Gaskill, Gayman, Gipp, Granzow, Grassley, Greiner, Heaton, Heddens, Hoffman, Horbach, Hunter, Huseman, Huser, Jacoby, Jochum, Kaufmann, Kelley, Kressig, Kuhn, Lensing, Lukan, Lykam, Mascher, May, McCarthy, Mertz, H. Miller, L. Miller, Murphy, Oldson, D. Olson, R. Olson, S. Olson, T. Olson, Palmer, Paulsen, Petersen, Pettengill, Quirk, Rants, Rasmussen, Rayhons, Reasoner, Reichert, Roberts, Sands, Schickel, Schueller, Shomshor, Smith, Soderberg, Staed, Struyk, Swaim, D. Taylor, T. Taylor, Thomas, Tjepkes, Tomenga, Tymeson, Upmeyer, Van Engelenhoven, Van Fossen, Watts, Wendt, Wenthe, Wessel-Kroeschell, Whitaker, Whitead, Wiencek, Winckler, Windschitl, Wise, Worthan and Zirkelbach, a resolution to honor Drake University's men's and women's basketball teams.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8436	S.F.	2337	Hoffman of Crawford
H—8437	H.F.	2498	Grassley of Butler
H—8438	H.F.	2670	Schueller of Jackson
H—8439	H.F.	2539	Senate Amendment
H—8440	S.F.	2392	Wise of Lee
H—8441	H.F.	2498	T. Olson of Linn
H—8442	H.F.	2602	Kressig of Black Hawk
H—8443	H.F.	2652	Gaskill of Wapello
H—8444	H.F.	2384	Senate Amendment

H—8448	S.F.	2337	Grassley of Butler Windschitl of Harrison Horbach of Tama Van Fossen of Scott
H—8449	S.F.	2400	Alons of Sioux
H—8450	H.F.	2663	Paulsen of Linn Struyk of Pottawattamie
H—8451	S.F.	2392	Wise of Lee
H—8452	S.F.	2394	Alons of Sioux
H—8453	S.F.	2394	S. Olson of Clinton
H—8454	S.F.	2394	Paulsen of Linn
H—8455	S.F.	2394	Pettengill of Benton
H—8456	S.F.	2394	Pettengill of Benton

On motion by McCarthy of Polk the House adjourned at 6:09 p.m., until 9:00 a.m., Wednesday, April 9, 2008.

JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day - Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 9, 2008

The House met pursuant to adjournment at 9:08 a.m., Speaker pro tempore Bukta in the chair.

Prayer was offered by Reverend Les Borsay, pastor of Central Christian Church, Jefferson. He was the guest of Representative Dave Tjepkes of Webster County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Natalie Bunnell, Page for the Legislative Service Agency.

The Journal of Tuesday, April 8, 2008 was approved.

ADOPTION OF HOUSE RESOLUTION 144

Speaker Murphy, Heddens of Story and Upmeyer of Hancock, called up for consideration **House Resolution 144**, a resolution to honor Tyler Joseph Steinke as the youngest Global Messenger for Special Olympics Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

Murphy of Dubuque introduced to the House, Tyler Joseph Steinke and presented him with a certificate of honor.

The House rose and expressed its welcome.

The House stood at ease at 9:18 a.m., until the fall of the gavel.

The House resumed session at 9:28 a.m., Speaker Murphy in the chair.

The House stood at ease at 9:29 a.m., until the fall of the gavel.

The House resumed session at 10:39 a.m., Speaker Murphy in the chair.

CONSIDERATION OF BILLS
Ways and Means Calendar

House File 2663, a bill for an act relating to the repeal of the local option sales and services tax for school infrastructure purposes by using the revenues from the increase in the state sales and use taxes for replacing lost school district revenues resulting from the repeal, providing property tax relief, providing for the reduction in the state sales and use tax, providing a penalty, and including an effective date provision, was taken up for consideration.

T. Taylor of Linn asked and received unanimous consent to withdraw amendment H-8380 filed by him and D. Taylor of Linn on April 2, 2008, placing out of order amendment H-8410 filed by T. Taylor and D. Taylor of Linn on April 3, 2008.

The following amendments were deferred by unanimous consent:

Amendment H-8457 filed by Rants of Woodbury.
Amendment H-8412 filed by Tymeson of Madison.
Amendment H-8413 filed by Tymeson of Madison.
Amendment H-8459 filed by Van Fossen of Scott.
Amendment H-8462 filed by Paulsen of Linn.

Forristall of Pottawattamie offered the following amendment H-8458 filed by him from the floor and moved its adoption:

H-8458

1 Amend House File 2663 as follows:
2 1. Page 10, lines 3 and 4, by striking the words
3 and figure ", as computed in subsection 8,".
4 2. Page 10, by inserting after line 7 the
5 following:
6 "Sec.____. Section 423E.4, subsection 3, paragraph
7 b, subparagraph (3), Code 2007, as amended by this
8 Act, is amended to read as follows:
9 (3) "Statewide tax revenues per student" means the
10 amount determined by estimating the total revenues
11 that would be generated by a one percent local option
12 sales and services tax for school infrastructure

13 purposes if imposed by all the counties during the
 14 entire fiscal year, as computed in subsection 8, and
 15 dividing this estimated revenue amount by the sum of
 16 the combined actual enrollment for all counties as
 17 determined in section 423E.3, subsection 5, paragraph
 18 "d", subparagraph (2)."

19 3. Page 38, by inserting after line 23 the
 20 following:

21 "Sec. ____ EFFECTIVE, CONTINGENT EFFECTIVE, AND
 22 APPLICABILITY DATE PROVISIONS.

23 1. Except as provided in subsection 3, this Act
 24 takes effect July 1 following ratification of an
 25 amendment to the Constitution of the State of Iowa
 26 that provides the following:

27 All revenue derived from the increase in the state
 28 sales and use tax rates from five percent to six
 29 percent shall be distributed to the school districts
 30 of the state to be used exclusively for school
 31 infrastructure purposes or school property tax relief,
 32 including the payment of principal and interest on
 33 bonds issued for school infrastructure purposes.

34 2. If sections of this Act take effect as provided
 35 in subsection 1, those sections of this Act apply to
 36 fiscal years beginning on or after the effective date
 37 of those sections of this Act.

38 3. Sections 20 and 22 of this Act amending section
 39 423E.4, subsection 3, paragraph "a", and section
 40 423E.4, subsection 3, paragraph "b", subparagraph (3),
 41 take effect July 1, 2008."

42 4. Title page, line 7, by striking the words "an
 43 effective date provision" and inserting the following:
 44 "effective, contingent effective, and applicability
 45 date provisions."

D. Olson of Boone in the chair at 11:05 a.m.

Speaker Murphy in the chair at 11:52 a.m.

Roll call was requested by Pettengill of Benton and Tymeson of Madison.

On the question "Shall amendment H-8458 be adopted?" (H.F. 2663)

The ayes were, 44:

Alons	Anderson	Arnold	Boal
Chambers	Clute	Dandekar	De Boef
Deyoe	Drake	Forristall	Gipp

Granzow	Grassley	Heaton	Horbach
Huseman	Huser	Jacobs	Lukan
May	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Reichert	Roberts
Sands	Schickel	Soderberg	Struyk
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wienczek	Windschitl	Worthan

The nays were, 55:

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

Absent or not voting, 1:

Greiner

Amendment H-8458 lost.

Mascher of Johnson offered the following amendment H-8363 filed by her and moved its adoption:

H-8363

1 Amend House File 2663 as follows:
 2 1. Page 11, line 5, by striking the word
 3 "one-half" and inserting the following: "~~one-half~~".
 4 2. Page 11, by striking lines 6 through 9 and
 5 inserting the following: "authorized by the voters.
 6 ~~For the second half of the duration of the tax~~
 7 ~~authorized by the voters, local sales and services tax~~
 8 ~~receipts shall be distributed as otherwise applicable~~
 9 ~~pursuant to subsection 2 of this section."~~

A non-record roll call was requested.

The ayes were 28, nays 50.

Amendment H-8363 lost.

Tymeson of Madison offered the following amendment H-8461 filed by her from the floor and moved its adoption:

H-8461

- 1 Amend House File 2663 as follows:
- 2 1. Page 15, line 28, by inserting after the word
- 3 "relief." the following: "Notwithstanding section
- 4 12C.7, interest or earnings on moneys in the fund
- 5 shall be credited to the property tax equity and
- 6 relief fund created in section 257.16A."

Roll call was requested by Tymeson of Madison and Van Fossen of Scott.

On the question "Shall amendment H-8461 be adopted?" (H.F. 2663)

The ayes were, 39:

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

The nays were, 58:

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

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

Absent or not voting, 3:

Greiner	Heaton	Upmeyer
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Amendment H-8461 lost.

Struyk of Pottawattamie offered the following amendment H-8450 filed by him and Paulsen of Linn and moved its adoption:

H-8450

1 Amend House File 2663 as follows:
 2 1. Page 18, line 3, by inserting after the word
 3 "board." the following: "The election ballot shall be
 4 designed so that the voter may approve either the
 5 question of the approval of the revenue purpose
 6 statement or the question of the approval of the use
 7 of the moneys for property tax relief. The voter
 8 shall only vote to approve one question."

A non-record roll call was requested.

The ayes were 34, nays 57.

Amendment H-8450 lost.

Mascher of Johnson offered the following amendment H-8362 filed by her and moved its adoption:

H-8362

1 Amend House File 2663 as follows:
 2 1. Page 18, line 24, by striking the words "two
 3 hundred fifty" and inserting the following: "four
 4 hundred".
 5 2. Page 18, line 25, by striking the word "one"
 6 and inserting the following: "two".

Amendment H-8362 lost.

Mascher of Johnson offered the following amendment H-8364 filed by her and moved its adoption:

H-8364

- 1 Amend House File 2663 as follows:
- 2 1. Page 18, line 26, by inserting after the word
- 3 "school" the following: "or a school district that
- 4 exceeds its authorized budget or carries a negative
- 5 unspent balance for two or more consecutive years, as
- 6 described in section 257.31, subsection 18,".

Amendment H-8364 lost.

SPECIAL PRESENTATIONS

Zirkelbach of Jones introduced to the House, his daughter Claire whom is celebrating her 2nd birthday. Representative Zirkelbach missed her birth and 1st birthday while serving in Iraq.

The House rose and expressed its welcome.

May of Dickinson introduced to the House his father Charles, visiting from Arizona.

The House rose and expressed its welcome.

Paulsen of Linn asked and received unanimous consent that amendment H-8466 be deferred.

Rants of Woodbury offered the following amendment H-8457, previously deferred, filed by him from the floor and moved its adoption:

H-8457

- 1 Amend House File 2663 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 8.54, Code 2007, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 8. If the revenue estimating
- 7 conference's estimate of state general fund revenues
- 8 made at a later meeting, as defined in section 8.22A,
- 9 subsection 3, exceeds the estimate of state general

10 fund revenues made at the meeting held prior to
 11 December 15, pursuant to section 8.22A, an amount
 12 equal to such excess amount shall be transferred from
 13 the general fund of the state to the property tax
 14 equity and relief fund created in section 257.16A.
 15 The amount transferred under this subsection shall not
 16 be deemed an appropriation for purposes of the general
 17 fund expenditure limitation and shall be made prior to
 18 any appropriation or transfer of the surplus in the
 19 general fund of the state pursuant to section 8.57."

A non-record roll call was requested.

The ayes were 38, nays 53.

Amendment H-8457 lost.

Tymeson of Madison asked and received unanimous consent that amendment H-8412, previously deferred, be deferred.

Tymeson of Madison offered the following amendment H-8413, previously deferred, filed by her and moved its adoption:

H-8413

1 Amend House File 2663 as follows:
 2 1. Page 3, by inserting after line 13 the
 3 following:
 4 "Sec. _____. Section 300.3, Code 2007, is amended by
 5 adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 7 300.2 or any other provision of this chapter, the
 8 public educational and recreational levy shall no
 9 longer be levied for school budget years beginning on
 10 or after July 1, 2009."

Roll call was requested by Tymeson of Madison and De Boef of Keokuk.

On the question "Shall amendment H-8413 be adopted?" (H.F. 2663)

The ayes were, 39:

Alons	Anderson	Arnold	Boal
Chambers	Clute	De Boef	Deyoe
Drake	Forristall	Gipp	Granzow

Grassley	Heaton	Horbach	Huseman
Jacobs	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rasmussen	Rayhons	Sands
Schickel	Soderberg	Struyk	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 60:

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

Absent or not voting, 1:

Greiner

Amendment H-8413 lost.

Van Fossen of Scott offered amendment H-8459, previously deferred, filed by him from the floor as follows:

H-8459

1 Amend House File 2663 as follows:
 2 1. Page 3, by inserting after line 13 the
 3 following:
 4 "Sec. ____ Section 422.11S, subsection 7,
 5 paragraph a, subparagraph (2), Code Supplement 2007,
 6 is amended to read as follows:
 7 (2) "Total approved tax credits" means for the tax
 8 year beginning in the 2006 calendar year, two million
 9 five hundred thousand dollars, for the tax year
 10 beginning in the 2007 calendar year, five million
 11 dollars, ~~and for tax years beginning on or after~~
 12 January 1, 2008 for the tax year beginning in the 2008
 13 calendar year, seven million five hundred thousand

14 dollars, and for tax years beginning on or after
15 January 1, 2009, ten million dollars."

Reasoner of Union rose on a point of order that amendment H-8459 was not germane.

The Speaker ruled the point well taken and amendment H-8459 not germane.

Van Fossen of Scott asked for unanimous consent to suspend the rules to consider amendment H-8459.

Objection was raised.

Paulsen of Linn offered the following amendment H-8462, previously deferred, filed by him from the floor and moved its adoption:

H-8462

1 Amend House File 2663 as follows:

2 1. Page 6, by striking lines 21 and 22 and

3 inserting the following: "remaining revenues as
4 follows:

5 (1) Ninety-nine percent to the secure an advanced
6 vision for education fund created in section 423F.2.

7 (2) One percent to an area education agency
8 infrastructure and maintenance fund created in the
9 state treasury under the control of the department of
10 education. Moneys in this fund shall be allocated by
11 the department, pursuant to a formula adopted by rule
12 pursuant to chapter 17A, to area education agencies
13 for repairing, remodeling, reconstructing, improving
14 or expanding facilities.

15 This paragraph is".

16 2. Page 7, by striking lines 19 and 20 and

17 inserting the following: "remaining revenues as
18 follows:

19 (1) Ninety-nine percent to the secure an advanced
20 vision for education fund created in section 423F.2.

21 (2) One percent to the area education agency
22 infrastructure and maintenance fund created in and to
23 be used as provided in section 423.2, subsection 11,
24 paragraph "b".

25 This paragraph is".

Amendment H-8462 lost.

Paulsen of Linn asked and received unanimous consent to withdraw amendment H-8466, previously deferred, filed by him from the floor.

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-8412, previously deferred, filed by her on April 3, 2008.

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

On the question "Shall the bill pass?" (H.F. 2663)

The ayes were, 59:

Abdul-Samad	Arnold	Bailey	Baudler
Bell	Berry	Bukta	Chambers
Cohoon	Davitt	Deyoe	Dolecheck
Drake	Foege	Ford	Forristall
Frevert	Gaskill	Granzow	Grassley
Heaton	Heddens	Hoffman	Huseman
Huser	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lykam	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Palmer	Petersen	Quirk
Rayhons	Reasoner	Reichert	Schueller
Shomshor	Swaim	Thomas	Tjepkes
Tomenga	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencek	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 41:

Alons	Anderson	Boal	Clute
Dandekar	De Boef	Gayman	Gipp
Greiner	Horbach	Hunter	Jacobs
Jacoby	Lensing	Lukan	Mascher
May	Miller, L.	Olson, S.	Olson, T.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Roberts	Sands	Schickel
Smith	Soderberg	Staed	Struyk
Taylor, D.	Taylor, T.	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Windschitl
Worthan			

Absent or not voting, none.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 9, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2103, a bill for an act relating to appointments to the college student aid commission and including an effective date and applicability provision.

Also: That the Senate has on April 9, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2338, a bill for an act relating to attendance at child in need of assistance proceedings.

Also: That the Senate has on April 9, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2558, a bill for an act relating to economic development by providing for the confidentiality of certain details contained in contracts and applications for financial assistance.

Also: That the Senate has on April 9, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2653, a bill for an act relating to foreclosure consultants and foreclosure reconveyances, providing for criminal and civil penalties, and providing an effective date.

Also: That the Senate has on April 9, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2124, a bill for an act relating to authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority.

Also: That the Senate has on April 9, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2161, a bill for an act providing for the establishment of a council on homelessness.

Also: That the Senate has on April 9, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2212, a bill for an act relating to determinations in child in need of assistance proceedings, and modifying circumstances for termination of parental rights.

Also: That the Senate has on April 9, 2008, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2308, a bill for an act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties.

Also: That the Senate has on April 9, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2404, a bill for an act relating to state agency reporting of the receipt of gifts, bequests, and grants.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2680, by committee on appropriations, a bill for an act relating to student achievement and teacher quality program definitions and requirements and extending or changing program allocations.

Read first time and referred to committee on **appropriations calendar**.

House File 2681, by committee on ways and means, a bill for an act relating to the compulsory school attendance age and providing effective dates.

Read first time and referred to committee on **ways and means calendar**.

House File 2682, by committee on ways and means, a bill for an act relating to the funding of school district programs for returning dropouts and dropout prevention.

Read first time and referred to committee on **ways and means calendar**.

House File 2683, by committee on ways and means, a bill for an act relating to the meetings of and appeals from the property

assessment appeal board and including effective and applicability date provisions.

Read first time and referred to committee on **ways and means calendar**.

House File 2684, by committee on ways and means, a bill for an act creating an insurance industry new jobs tax credit.

Read first time and referred to committee on **ways and means calendar**.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2663** be immediately messaged to the Senate.

Unfinished Business Calendar

Senate File 2133, a bill for an act relating to the Iowa crop improvement association, with report of committee recommending passage, was taken up for consideration.

Greiner of Washington in the chair at 2:58 p.m.

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

On the question "Shall the bill pass?" (S.F. 2133)

The ayes were, 99:

Alons	Anderson	Arnold	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Heaton
Heddens	Hoffman	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam

Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Greiner,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Abdul-Samad

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

House File 2552, a bill for an act relating to the management of cooperative associations, was taken up for consideration.

SENATE FILE 2348 SUBSTITUTED FOR HOUSE FILE 2552

Drake of Pottawattamie asked and received unanimous consent to substitute Senate File 2348 for House File 2552.

Senate File 2348, a bill for an act relating to the management of cooperative associations, was taken up for consideration.

Drake of Pottawattamie offered the following amendment H-8265 filed by him and Mertz of Kossuth and moved its adoption:

H-8265

- 1 Amend Senate File 2348, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 6 and 7 and
- 4 inserting the following: "with the care that a person
- 5 in a like position would reasonably believe
- 6 appropriate under similar circumstances. A person who
- 7 so".

- 8 2. Page 3, by inserting after line 15 the
 9 following:
 10 "Sec. . NEW SECTION. 499.41A GREATER VOTING
 11 REQUIREMENTS.
 12 An amendment to the articles of incorporation of an
 13 association that adds, changes, or deletes a greater
 14 voting or quorum requirement by the members than
 15 required by this chapter must be adopted by the voting
 16 or quorum requirements then in effect or proposed to
 17 be adopted, whichever is greater."
 18 3. By renumbering as necessary.

Amendment H-8265 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2348)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Abdul-Samad Upmeyer

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2133** and **2348**.

The House stood at ease at 3:10 p.m., until the fall of the gavel.

The House resumed session at 4:06 p.m., Boal of Polk in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 9, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2251, a bill for an act relating to student eye care and including applicability date provision.

MICHAEL E. MARSHALL, Secretary

House File 2594, a bill for an act relating to required disclosures in real estate transactions, was taken up for consideration.

SENATE FILE 2246 SUBSTITUTED FOR HOUSE FILE 2594

Kressig of Black Hawk asked and received unanimous consent to substitute Senate File 2246 for House File 2594.

Senate File 2246, a bill for an act relating to required disclosures in real estate transactions, was taken up for consideration.

Ford of Polk offered the following amendment H-8235 filed by him and moved its adoption:

H-8235

1 Amend Senate File 2246, as passed by the Senate, as
2 follows:

3 1. Page 1, line 12, by inserting after the figure
4 "~~358C~~," the following: "The disclosure statement
5 shall also include information regarding the presence
6 of lead contamination on the property, including
7 whether the owner has any knowledge of lead
8 contamination due to statements made by a previous
9 owner, personal discovery, an examination by a lead
10 inspector or lead abater, any renovation or
11 remodeling, or from any other source, as provided in
12 rules which shall be adopted by the real estate
13 commission pursuant to section 543B.9, which shall
14 include disclosure of the person who performed any
15 lead inspection, lead abatement, renovation, or
16 remodeling."

Amendment H-8235 lost.

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

On the question "Shall the bill pass?" (S.F. 2246)

The ayes were, 98:

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

Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wienczek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Boal, Presiding		

The nays were, 1:

Ford

Absent or not voting, 1:

Abdul-Samad

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

House File 2602, a bill for an act relating to the licensure of real estate brokers and salespersons, was taken up for consideration.

Kressig of Black Hawk offered the following amendment H-8442 filed by him and moved its adoption:

H-8442

1 Amend House File 2602 as follows:
 2 1. Page 3, by inserting after line 13 the
 3 following:
 4 "Sec.____. Section 543B.54, subsection 2, Code
 5 Supplement 2007, is amended to read as follows:
 6 2. Twenty-five dollars per license from fees
 7 deposited for each real estate salesperson's license
 8 and each broker's license shall be distributed and are
 9 appropriated to the real estate commission for the
 10 purpose of establishing and maintaining a program to
 11 provide grants to community colleges and other
 12 colleges and universities in the state providing
 13 programs under this section and using the curriculum
 14 maintained by the commission. Grants shall be awarded
 15 by a grant committee established by the real estate
 16 commission. The committee shall consist of seven
 17 members: two members of the commission, four members
 18 ~~of appointed by~~ the Iowa association of realtors, and
 19 one member of the general public. The commission
 20 shall promulgate rules, in consultation with the Iowa
 21 association of realtors, relating to the organization
 22 and operation of the committee, which shall include
 23 the term of membership, and establishing standards for
 24 awarding grants. The members of the committee may be

25 reimbursed for actual and necessary expenses incurred
 26 in the performance of their duties but shall not
 27 receive a per diem payment."
 28 2. By renumbering as necessary.

Amendment H-8442 was adopted.

SENATE FILE 2250 SUBSTITUTED FOR HOUSE FILE 2602

Kressig of Black Hawk asked and received unanimous consent to substitute Senate File 2250 for House File 2602.

Senate File 2250, a bill for an act relating to the licensure of real estate brokers and salespersons, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2250)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Abdul-Samad

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

House File 2582, a bill for an act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions, was taken up for consideration.

SENATE FILE 2350 SUBSTITUTED FOR HOUSE FILE 2582

Huser of Polk asked and received unanimous consent to substitute Senate File 2350 for House File 2582.

Senate File 2350, a bill for an act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions, was taken up for consideration.

Huser of Polk offered the following amendment H-8415 filed by her and moved its adoption:

H-8415

1 Amend Senate File 2350, as passed by the Senate, as
2 follows:

3 1. Page 4, by inserting after line 17 the
4 following:

5 "Sec. __. Section 463C.12, subsection 8, Code
6 2007, is amended to read as follows:

7 8. Tax-exempt bonds issued by the authority in
8 connection with the program, which are exempt from
9 taxation for federal tax purposes, are also exempt
10 from taxation by the state of Iowa and the interest on
11 these bonds is exempt from state income taxes and
12 state inheritance ~~and estate~~ taxes."

13 2. Page 5, by inserting after line 32 the
14 following:

15 "Sec. __. Section 633.3, subsection 4, Code 2007,
16 is amended to read as follows:

17 4. Charges – includes costs of administration,
18 funeral expenses, cost of monument, and federal ~~and~~

19 ~~state~~ estate taxes."

20 3. Page 8, by inserting after line 1 the
21 following:

22 "Sec.____. Section 633.436, unnumbered paragraph
23 1, Code 2007, is amended to read as follows:

24 Except as provided in sections 633.211 and 633.212,
25 shares of the distributees shall abate, for the
26 payment of debts and charges, federal ~~and state~~ estate
27 taxes, legacies, the shares of children born or
28 adopted after the making of a will, or the share of
29 the surviving spouse who elects to take against the
30 will, without any preference or priority as between
31 real and personal property, in the following order:

32 Sec.____. Section 633.449, Code 2007, is amended
33 to read as follows:

34 633.449 PAYMENT OF FEDERAL ESTATE TAXES.

35 All federal ~~and state~~ estate taxes ~~(as,~~
36 distinguished from state inheritance ~~taxes)~~ taxes,
37 owing by the estate of a decedent shall be paid from
38 the property of the estate, unless the will of the
39 decedent, or other trust instrument, provides
40 expressly to the contrary."

41 4. Page 8, by inserting after line 27 the
42 following:

43 "3. Notwithstanding subsections 1 and 2, the
44 interest of a beneficiary of a valid spendthrift trust
45 may be reached to satisfy an enforceable claim against
46 the beneficiary or the beneficiary's estate for either
47 of the following:

48 a. Services or supplies for necessities provided
49 to or for the beneficiary.

50 b. Tax claims by the United States to the extent

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1 authorized by federal law or an applicable provision
2 of the Code."

3 5. Page 9, line 23, by inserting before the word
4 "Whether" the following: "1."

5 6. Page 9, line 27, by striking the figure "1."
6 and inserting the following: "a."

7 7. Page 9, line 29, by striking the figure "2."
8 and inserting the following: "b."

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

11 "2. This section shall not apply to a creditor of
12 a beneficiary or to a creditor of a deceased
13 beneficiary enforcing an interest in a trust, if any,
14 given to a beneficiary by the trust instrument."

15 9. Page 9, line 32, by inserting before the word
16 "If" the following: "1."

17 10. Page 10, by inserting after line 2 the

18 following:

19 "2. Notwithstanding subsection 1, court may order
20 payment to a creditor of a beneficiary or to a
21 creditor of a deceased beneficiary if the beneficiary
22 has or had an interest in the trust."

23 11. Page 11, by inserting after line 25 the
24 following:

25 "Sec.____. Section 633A.3112, subsection 1, Code
26 2007, is amended to read as follows:

27 1. "Charges" includes costs of administration,
28 funeral expenses, costs of monuments, and federal ~~and~~
29 ~~state~~ estate taxes.

30 Sec.____. Section 633A.4703, unnumbered paragraph
31 1, Code Supplement 2007, is amended to read as
32 follows:

33 Except as otherwise provided by the governing
34 instrument, where necessary to abate shares of the
35 beneficiaries of a trust for the payment of debts and
36 charges, federal ~~and state~~ estate taxes, bequests, the
37 share of the surviving spouse who takes an elective
38 share, and the shares of children born or adopted
39 after the execution of the trust, abatement shall
40 occur in the following order:"

41 12. By renumbering as necessary.

Amendment H-8415 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2350)

The ayes were, 99

Alons	Anderson	Arnold	Bailey
Baudler	Bell	Berry	Bukta
Chambers	Clute	Cohoon	Dandekar
Davitt	De Boef	Deyoe	Dolecheck
Drake	Foegel	Ford	Forristall
Frevert	Gaskill	Gayman	Gipp
Granzow	Grassley	Greiner	Heaton
Heddens	Hoffman	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill

Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wienczek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Boal, Presiding	

The nays were, none.

Absent or not voting, 1:

Abdul-Samad

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

HOUSE FILES 2594 and 2602 WITHDRAWN

Kressig of Black Hawk asked and received unanimous consent to withdraw House Files 2594 and 2602 from further consideration by the House.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2246, 2250 and 2350.**

Senate File 2340, a bill for an act requiring certain identity documents to be provided to children subject to a court order for out-of-home placement, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2340)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Abdul-Samad Tjepkes

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

HOUSE FILE 2582 WITHDRAWN

Huser of Polk asked and received unanimous consent to withdraw House File 2582 from further consideration by the House.

House File 2505, a bill for an act relating to the compliance advisory panel, including the appointment of its members and its powers and duties, was taken up for consideration.

SENATE FILE 2367 SUBSTITUTED FOR HOUSE FILE 2505

Kressig of Black Hawk asked and received unanimous consent to substitute Senate File 2367 for House File 2505.

Senate File 2367, a bill for an act relating to the compliance advisory panel, including the appointment of its members and its powers and duties, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2367)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Abdul-Samad

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

INTRODUCTION OF BILL

House File 2685, by committee on ways and means, a bill for an act relating to rules for the discharge of wastewater from water well drilling sites and providing for a fee.

Read first time and referred to committee on **ways and means calendar**.

SENATE MESSAGE CONSIDERED

Senate File 2404, by committee on government oversight, a bill for an act relating to state agency reporting of the receipt of gifts, bequests, and grants.

Read first time and referred to committee on **government oversight**.

The House stood at ease at 4:52 p.m., until the fall of the gavel.

The House resumed session at 4:56 p.m., Boal of Polk in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Abdul-Samad of Polk on request of Speaker Murphy.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2340** and **2367**.

Senate File 2392, a bill for an act to regulate viatical settlements, and providing for fees and penalties, was taken up for consideration.

Speaker Murphy in the chair at 5:00 p.m.

Wise of Lee offered amendment H-8350 filed by the committee on commerce as follows:

H-8350

1 Amend Senate File 2392, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, line 35, by striking the words "a
4 plan" and inserting the following: "an act".

5 2. Page 9, by striking lines 30 through 34.

6 3. Page 15, line 2, by striking the figure
7 "508E.14" and inserting the following: "508E.15".

8 4. Page 16, line 14, by inserting after the word
9 "contract" the following: "form".

10 5. Page 17, line 22, by striking the figures and
11 words: "508E.13, and 508.14" and inserting the
12 following: "508E.14, and 508E.15".

13 6. Page 18, line 28, by striking the figure
14 "508E.14" and inserting the following: "508E.15".

15 7. Page 28, line 29, by striking the word "sixty"
16 and inserting the following: "thirty".

17 8. Page 28, line 31, by striking the word
18 "thirty" and inserting the following: "fifteen".

19 9. Page 30, by striking lines 10 through 12, and
20 inserting the following: "contracts shall be made
21 only by a duly licensed viatical settlement provider
22 or by the authorized".

23 10. Page 30, by striking lines 26 through 28.

24 11. Page 35, by striking lines 26 and 27, and
25 inserting the following:

26 "A viatical settlement broker, or viatical".

27 12. Page 35, line 29, by striking the words
28 "plan, transaction," and inserting the following:
29 "transaction".

30 13. Page 36, line 10, by striking the words
31 "broker, and" and inserting the following: "broker,
32 and, if the policy was issued less than two years from
33 the date of application for a viatical settlement
34 contract,".

35 14. Page 37, line 12, by striking the figure
36 "508E.16" and inserting the following: "508E.17".

37 15. Page 38, line 2, by striking the word "sixty"
38 and inserting the following: "thirty".

39 16. Page 38, line 4, by striking the word
40 "thirty" and inserting the following: "fifteen".

41 17. By striking page 40, line 12, through page
42 42, line 30, and inserting the following:
43 "Sec.____. NEW SECTION. 508E.11 PROHIBITED
44 PRACTICES.
45 1. Except as provided in section 508E.12, it is a
46 violation of this chapter for any person to enter into
47 a viatical settlement contract at any time prior to
48 the application or issuance of a policy which is the
49 subject of a viatical settlement contract or within a
50 five-year period commencing with the date of issuance

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1 of the insurance policy or certificate.
2 2. An insurer shall not, as a condition of
3 responding to a request for verification of coverage
4 or effecting the transfer of a policy pursuant to a
5 viatical settlement contract, require that the viator,
6 insured, viatical settlement provider, or viatical
7 settlement broker sign any form, disclosure, consent,
8 or waiver form that has not been expressly approved by
9 the commissioner for use in connection with viatical
10 settlement contracts in this state.
11 3. Upon receipt of a properly completed request
12 for change of ownership or beneficiary of a policy,
13 the insurer shall respond in writing within twenty
14 days, with written acknowledgment confirming that the
15 change has been effected or specifying the reasons why
16 the requested change cannot be processed. The insurer
17 shall not unreasonably delay effecting a change of
18 ownership or beneficiary and shall not otherwise seek
19 to interfere with any viatical settlement contract
20 lawfully entered into in this state.
21 Sec.____. NEW SECTION. 508E.12 PERMITTED
22 PRACTICES.
23 1. Notwithstanding section 508E.11, at any time
24 subsequent to the issuance of the policy, a person may
25 enter into a viatical settlement contract if the
26 viator certifies to the viatical settlement provider
27 that one or more of the following conditions have been
28 met within the five-year period:
29 a. The policy was issued upon the viator's
30 exercise of conversion rights arising out of a group
31 or individual policy, provided the total of the time
32 covered under the conversion policy plus the time
33 covered under the prior policy is at least sixty
34 months. The time covered under a group policy shall
35 be calculated without regard to any change in
36 insurance carriers, provided the coverage has been
37 continuous and under the same group sponsorship.
38 b. The viator submits an affidavit to the viatical
39 settlement provider that one or more of the following

40 conditions exists:

- 41 (1) The viator or insured is terminally or
- 42 chronically ill.
- 43 (2) The viator's spouse or child dies.
- 44 (3) The viator divorces the viator's spouse.
- 45 (4) The viator retires from full-time employment.
- 46 (5) The viator becomes physically or mentally
- 47 disabled and a physician determines that the
- 48 disability prevents the viator from maintaining
- 49 full-time employment.
- 50 (6) A final order, judgment, or decree is entered

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- 1 by a court of competent jurisdiction, on the
- 2 application of a creditor of the viator, adjudicating
- 3 the viator bankrupt or insolvent, or approving a
- 4 petition seeking reorganization of the viator or
- 5 appointing a receiver, trustee, or liquidator to all
- 6 or a substantial part of the viator's assets.
- 7 (7) Other circumstances as established as eligible
- 8 exemptions by the commissioner by rule, including but
- 9 not limited to substantial adverse financial
- 10 circumstances or other factors substantially affecting
- 11 the viator.
- 12 2. Notwithstanding section 508E.11, a person may
- 13 enter into a viatical settlement contract if at all
- 14 times prior to the date that is two years after policy
- 15 issuance, all of the following conditions are met with
- 16 respect to the policy:
- 17 a. Policy premiums have been funded exclusively
- 18 with any of the following:
- 19 (1) Unencumbered assets, including an interest in
- 20 the life insurance policy being financed only to the
- 21 extent of its net cash surrender value, provided by a
- 22 person described in section 508E.2, subsection 15,
- 23 paragraph "d".
- 24 (2) Fully recourse liability incurred by the
- 25 insured or a person described in section 508E.2,
- 26 subsection 15, paragraph "d".
- 27 b. There is no agreement or understanding with any
- 28 other person to guarantee any such liability or to
- 29 purchase, or stand ready to purchase, the policy,
- 30 including through an assumption or forgiveness of the
- 31 loan.
- 32 c. Neither the insured nor the policy has been
- 33 evaluated for settlement.
- 34 3. Copies of the affidavits described in this
- 35 section and documents required by section 508E.10,
- 36 subsection 1, shall be requested from and provided by
- 37 the insurer when the viatical settlement provider or
- 38 viatical settlement broker submits a request to the

39 insurer for verification of coverage. The copies
40 shall be accompanied by a letter of attestation from
41 the viatical settlement provider that the copies are
42 true and correct copies of the documents received by
43 the viatical settlement provider.

44 4. If the viatical settlement provider submits to
45 the insurer a copy of the owner's or insured's or
46 insurer's affidavit described in this section when the
47 provider submits a request to the insurer to effect
48 the transfer of the policy or certificate to the
49 viatical settlement provider, the copy shall be deemed
50 to conclusively establish that the viatical settlement

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1 contract satisfies the requirement of this section and
2 the insurer shall timely respond to the request."

3 18. Page 42, line 31, by striking the figure
4 "508E.12" and inserting the following: "508E.13".

5 19. Page 43, line 4, by inserting after the word
6 "broker" the following: "unless such relationship is
7 disclosed to the viator".

8 20. Page 43, line 14, by inserting after the word
9 "contract" the following: "unless such relationship
10 is disclosed to the viator".

11 21. Page 44, line 2, by inserting before the word
12 "purpose" the following: "sole".

13 22. Page 44, line 3, by striking the word "an"
14 and inserting the following: "a primary".

15 23. Page 44, by striking lines 4 through 18 and
16 inserting the following:

17 "____. A person providing premium financing shall
18 not receive any proceeds, fees, or other consideration
19 from the policy or owner of the policy that are in
20 addition to the amounts required to pay principal,
21 interest, and any costs or expenses incurred by the
22 lender or borrower in connection with the premium
23 finance agreement, except for the event of a default,
24 unless either the default on such loan or transfer of
25 the policy occurs pursuant to an agreement or
26 understanding with any other person for the purpose of
27 evading regulation under this chapter. Any payments,
28 charges, fees, or other amounts received by a person
29 providing premium financing in violation of this
30 subsection shall be".

31 24. Page 45, line 9, by striking the figure
32 "508E.13" and inserting the following: "508E.14".

33 25. Page 50, line 26, by striking the figure
34 "508E.14" and inserting the following: "508E.15".

35 26. Page 55, line 13, by striking the figure
36 "508E.15" and inserting the following: "508E.16".

37 27. Page 56, line 12, by striking the figure

- 38 "508E.16" and inserting the following: "508E.17".
 39 28. Page 56, line 18, by striking the figure
 40 "508E.17" and inserting the following: "508E.18".
 41 29. Page 57, line 3, by striking the figure
 42 "508E.18" and inserting the following: "508E.19".
 43 30. By renumbering as necessary.

Struyk of Pottawattamie asked and received unanimous consent that amendment H-8470 to amendment H-8350 be deferred.

Bailey of Hamilton offered the following amendment H-8463, to the committee amendment H-8350, filed by him from the floor and moved its adoption:

H-8463

- 1 Amend the amendment, H-8350, to Senate File 2392,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 5 the
 5 following:
 6 "____. Page 11, line 31, by striking the words
 7 "AND BOND".
 8 ____ Page 14, by striking lines 1 through 32."
 9 2. By renumbering as necessary.

Amendment H-8463 was adopted.

Quirk of Chickasaw offered the following amendment H-8473, to the committee amendment H-8350, filed by Quirk, Bailey of Hamilton and Reichert of Muscatine from the floor and moved its adoption:

H-8473

- 1 Amend the amendment, H-8350, to Senate File 2392,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 50, by striking the word
 5 "five-year" and inserting the following: "two-year".
 6 2. Page 2, line 28, by striking the word
 7 "five-year" and inserting the following: "two-year".
 8 3. Page 4, by inserting after line 42 the
 9 following:
 10 "____. Page 58, by inserting after line 4 the
 11 following:
 12 "Sec.____. INTERIM COMMITTEE. The legislative
 13 council is requested to establish an interim committee
 14 to study sections 508E.11 and 508E.12 as enacted in

15 this Act, and specifically the proper time period when
16 a person may enter into a viatical settlement contract
17 after the issuance of the insurance policy or
18 certificate. If established, the interim committee
19 shall make a recommendation to the legislative council
20 for purposes of increasing the time period if
21 necessary for consideration by the Eighty-third
22 General Assembly during its 2009 legislative
23 session.""
24 4. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 21, nays 60.

Amendment H-8473 lost.

Wise of Lee offered the following amendment H-8451, to the committee amendment H-8350, filed by him and moved its adoption:

H-8451

1 Amend the amendment, H-8350, to Senate File 2392,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 2, line 50, through page 3,
5 line 5, and inserting the following:
6 "() The viator has filed for bankruptcy or sought
7 reorganization in a court of competent jurisdiction,
8 or a court of competent jurisdiction has appointed a
9 receiver, trustee, or liquidator to all".
10 2. Page 3, line 36, by striking the words
11 "requested from and provided by" and inserting the
12 following: "submitted to".
13 3. By renumbering as necessary.

Amendment H-8451 was adopted.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment H-8470, to the committee amendment H-8350, previously deferred, filed by him from the floor.

On motion by Wise of Lee, the committee amendment H-8350, as amended, was adopted.

Wise of Lee offered the following amendment H-8440 filed by him and moved its adoption:

H-8440

- 1 Amend Senate File 2392, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 45, line 2, by striking the figure "6."
- 4 and inserting the following: "9."
- 5 2. By renumbering as necessary.

Amendment H-8440 was adopted.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment H-8391 filed by him on April 2, 2008, placing out of order amendment H-8471 to amendment H-8391 filed by Quirk of Chickasaw and Bailey of Hamilton and Reichert of Muscatine from the floor.

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

On the question "Shall the bill pass?" (S.F. 2392)

The ayes were, 99:

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

Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, none.

Absent or not voting and 1:

Abdul-Samad

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that the following bill be immediately messaged to the Senate: **Senate File 2392.**

HOUSE FILE 2552 WITHDRAWN

Drake of Pottawattamie asked and received unanimous consent to withdraw House File 2552 from further consideration by the House.

HOUSE FILE 2505 WITHDRAWN

Kressig of Black Hawk asked and received unanimous consent to withdraw House File 2505 from further consideration by the House.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 9th day of April, 2008: House Files 247, 2164, 2328, 2372, 2383, 2385, 2410, 2411, 2564, 2568, 2580, 2581, 2603 and 2606.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\2731 Grant and Rita Stalkfleet, Muscatine – For celebrating their 50th wedding anniversary.
- 2008\2732 Duane L. Seaman, Walker – For celebrating his 80th birthday.
- 2008\2733 Betty Lou Robertson, Cedar Rapids – For celebrating her 80th birthday.
- 2008\2734 Berniece Bangasser, Ackley – For celebrating her 85th birthday.
- 2008\2735 Harold Lawton, Iowa Falls – For celebrating his 85th birthday.
- 2008\2736 Wallace Rutzen, Hubbard – For celebrating his 85th birthday.
- 2008\2737 Donald Walters, New Providence – For celebrating his 80th birthday.
- 2008\2738 Fern Groenweld, Eldora – For celebrating her 85th birthday.
- 2008\2739 Darlene Williams, New Providence – For celebrating her 80th birthday.
- 2008\2740 Merriem Gast, Steamboat Rock – For celebrating her 85th birthday.
- 2008\2741 Orrell Veren, Haverhill – For celebrating his 80th birthday.
- 2008\2742 Myrna Shape, Le Grand – For celebrating her 85th birthday.
- 2008\2743 Wallace Gorder, Iowa Falls – For celebrating his 80th birthday.
- 2008\2744 Larry and Juventina Nelson, Mediapolis – For celebrating their 50th wedding anniversary.
- 2008\2745 Ellsworth and Marlys Cizek, Traer – For celebrating their 60th wedding anniversary.
- 2008\2746 Paul and Donna Burrows, Dysart – For celebrating their 50th wedding anniversary.
- 2008\2747 Dean and Donna Larsen, Reinbeck – For celebrating their 50th wedding anniversary.

- 2008\2748 Rose Brcka, Forest City – For celebrating her 102nd birthday.
- 2008\2749 Zachary M. Burds, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2750 Alexander L. Engling, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2751 Joshua A. Ihm, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2752 Christopher A. Iverson, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2753 Robert C. Stoman, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2754 Ethan Spangler, Sherrill – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2755 Zachary N. Marcov, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2756 Ariana McLaughlin, Cedar Rapids – For being named the Iowa High School Journalist of the Year by the Journalism Education Association.

SUBCOMMITTEE ASSIGNMENT

House File 2652 Reassigned

Ways and Means: Palmer, Chair; Deyoe, Reasoner, Struyk and Wise.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 790

Ways and Means: Thomas, Chair; Schueller and Van Fossen.

House Study Bill 791

Ways and Means: Kelley, Chair; T. Olson and Wiencek.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 792 Human Resources

Establishing a pilot physician assistant mental health fellowship program and making appropriations.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 903), creating an insurance industry new jobs tax credit.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 2008.

Committee Bill (Formerly House File 2351), relating to certain economic development programs by providing tax credits for the redevelopment of underutilized properties and by clarifying the meaning of an eligible business, and including effective date and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 2008.

Committee Bill (Formerly House File 2518), relating to rules for the discharge of wastewater from water well drilling sites.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 2008.

Committee Bill (Formerly House File 2566), relating to the funding of school district programs for returning dropouts and dropout prevention.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 2008.

Committee Bill (Formerly House File 2610), relating to the employer-employee relationship by preventing identity theft in the procurement of employment, providing for the employment classification of individuals, and providing penalties and an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 2008.

Committee Bill (Formerly House File 2623), relating to the compulsory school attendance age and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 2008.

Committee Bill (Formerly House File 2632), relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, modifying tax credits, providing for the purchase of renewable fuels by governmental entities, providing for renewable fuel marketing efforts, providing for retroactive applicability, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 2008.

Committee Bill (Formerly House Study Bill 781), relating to the meeting of and appeals from the property assessment appeals board and including effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 2008.

AMENDMENTS FILED

H—8460	S.F.	2134	Bailey of Hamilton Windschitl of Harrison
H—8464	H.F.	2412	Baudler of Adair
H—8467	S.F.	2132	R. Olson of Polk
H—8468	S.F.	587	Frevert of Palo Alto
H—8469	H.F.	2080	Frevert of Palo Alto
H—8472	H.F.	2558	Senate Amendment
H—8474	S.F.	2216	Raecker of Polk Wise of Lee
H—8475	S.F.	2404	Baudler of Adair
H—8476	H.F.	2679	Struyk of Pottawattamie Pettengill of Benton
H—8477	H.F.	2681	Gayman of Scott L. Miller of Scott

On motion by McCarthy of Polk the House adjourned at 5:59 p.m., until 9:00 a.m., Thursday, April 10, 2008.

JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day - Sixty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 10, 2008

The House met pursuant to adjournment at 9:15 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Gene Anderson, pastor of the Redeemer Lutheran Church, Indianola. He was the guest of Representative Mark Davitt of Warren County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bryce Williams, House Page from Lynnville.

The Journal of Wednesday, April 9, 2008 was approved.

The House stood at ease at 9:25 a.m., until the fall of the gavel.

The House resumed session at 1:05 p.m., Kressig of Black Hawk in the chair.

QUORUM CALL

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

Speaker Murphy in the chair at 1:21 p.m.

INTRODUCTION OF BILLS

House File 2686, by committee on ways and means, a bill for an act relating to determination and identity protection and the employer-employee relationship by preventing identity theft in the procurement of employment, providing for the employment classification of individuals, prohibiting employers from knowingly

employing unauthorized aliens, and imposing bail restrictions against a person who is an unauthorized alien, and providing penalties and an effective date.

Read first time and placed on the **ways and means calendar**.

House File 2687, by committee on ways and means, a bill for an act relating to certain economic development programs by providing tax credits for the redevelopment of underutilized properties, and including effective date and retroactive applicability date provisions.

Read first time and placed on the **ways and means calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

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

House File 2601, a bill for an act providing for the state interagency Missouri river authority.

Also: That the Senate has on April 10, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2392, a bill for an act to regulate viatical settlements, and providing for fees and penalties.

Also: That the Senate has on April 10, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2417, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing for the repeal of the healthy Iowans tobacco trust, and providing effective dates.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Abdul-Samad of Polk on request of Speaker Murphy.

SENATE AMENDMENT CONSIDERED

Hoffman of Crawford called up for consideration **House File 2555**, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including uniform securities; duties of the insurance division including a consumer advocate and rate reviews; confidential information; examinations; insurance trade practices; insurance fraud; the Iowa life and health insurance guaranty association; viatical settlement contracts; general agents and third-party administrators; life insurance companies; health maintenance organizations; utilization and cost control; external review of health care coverage decisions; the Iowa comprehensive health insurance association; workers' compensation liability insurance; consolidation, merger, and reinsurance; licensing of insurance producers; cemetery and funeral merchandise and funeral services; and cemeteries, making appropriations, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-8386:

H-8386

1 Amend House File 2555, as passed by the House, as
2 follows:
3 1. By striking page 3, line 33, through page 4,
4 line 26, and inserting the following:
5 "NEW SUBSECTION. 5A. a. The commissioner shall
6 establish a bureau, to be known as the "consumer
7 advocate bureau", which shall be responsible for
8 ensuring fair treatment of consumers by persons in the
9 business of insurance and for preventing unfair or
10 deceptive trade practices in the insurance
11 marketplace.
12 b. The commissioner, with the advice of the
13 governor, shall appoint a consumer advocate who shall
14 be knowledgeable in the area of insurance and
15 particularly in the area of consumer protection.
16 c. The consumer advocate bureau shall receive and
17 may investigate consumer complaints and inquiries from
18 the public, and shall conduct investigations to
19 determine whether any person has violated any
20 provision of the insurance code, including chapters
21 507B and 522B, and any provisions related to the
22 establishment of insurance rates.
23 d. When necessary or appropriate to protect the
24 public interest or consumers, the consumer advocate
25 may request that the commissioner conduct
26 administrative hearings as provided in section 505.29.

27 e. The consumer advocate bureau shall perform
28 other functions as may be assigned to it by the
29 commissioner related to consumer advocacy.
30 f. The consumer advocate bureau shall work in
31 conjunction with other areas of the insurance division
32 on matters of mutual interest. The insurance division
33 shall cooperate with the consumer advocate in
34 fulfilling the duties of the consumer advocate bureau.
35 The consumer advocate may also seek assistance from
36 other federal or state agencies or private entities
37 for the purpose of assisting consumers.
38 g. The commissioner, in cooperation with the
39 consumer advocate, shall prepare and deliver a report
40 to the general assembly by January 15 of each year
41 that contains findings and recommendations regarding
42 the activities of the consumer advocate bureau
43 including but not limited to all of the following:
44 (1) An overview of the functions of the bureau.
45 (2) The structure of the bureau including the
46 number and type of staff positions.
47 (3) Statistics showing the number of complaints
48 handled by the bureau, the nature of the complaints
49 including the line of business involved and their
50 disposition, and the disposition of similar issues in

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1 other states.
2 (4) Actions commenced by the consumer advocate.
3 (5) Studies performed by the consumer advocate.
4 (6) Educational and outreach efforts of the
5 consumer advocate bureau.
6 (7) Recommendations from the commissioner and the
7 consumer advocate about additional consumer protection
8 functions that would be appropriate and useful for the
9 bureau or the insurance division to fulfill based on
10 observations and analysis of trends in complaints and
11 information derived from national or other sources.
12 (8) Recommendations from the commissioner and the
13 consumer advocate about any needs for additional
14 funding, staffing, legislation, or administrative
15 rules."
16 2. Page 18, by striking lines 18 through 25.
17 3. Title page, by striking line 10 and inserting
18 the following: "the Iowa".
19 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8386.

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

On the question "Shall the bill pass?" (H.F. 2555)

The ayes were, 98:

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

The nays were, 1:

Horbach

Absent or not voting, 1:

Abdul-Samad

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2555** be immediately messaged to the Senate.

Unfinished Business Calendar

Senate Joint Resolution 2002, a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources, with report of committee recommending passage, was taken up for consideration.

Senate Joint Resolution 2002, a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources.

Be It Resolved by the General Assembly of the State of Iowa:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article VII of the Constitution of the State of Iowa is amended by adding the following new section:

NATURAL RESOURCES. SEC. 10. A natural resources and outdoor recreation trust fund is created within the treasury for the purposes of protecting and enhancing water quality and natural areas in this State including parks, trails, and fish and wildlife habitat, and conserving agricultural soils in this State. Moneys in the fund shall be exclusively appropriated by law for these purposes. The general assembly shall provide by law for the implementation of this section, including by providing for the administration of the fund and at least annual audits of the fund. Except as otherwise provided in this section, the fund shall be annually credited with an amount equal to the amount generated by a sales tax rate of three-eighths of one percent as may be imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State. No revenue shall be credited to the fund until the tax rate for the sales tax imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State in effect on the effective date of this section is increased. After such an increased tax rate becomes effective, an amount equal to the amount generated by the increase in the tax rate shall be annually credited to the fund, not to exceed an amount equal to the amount generated by a tax rate of three-eighths of one percent imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State.

Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed amendment to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly and the Secretary of

State is directed to cause it to be published for three consecutive months before the date of the election as provided by law.

EXPLANATION

This joint resolution proposes an amendment to the Constitution of the State of Iowa to dedicate a portion of state sales and service tax revenue for the benefit of water quality, natural areas, and agricultural soils in this state. The joint resolution establishes a natural resources and outdoor recreation trust fund. The joint resolution credits the fund with an amount equal to the amount generated by a sales tax rate of three-eighths of 1 percent as may be imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this state. The joint resolution provides that no revenue is to be credited to the fund until the tax rate in effect on the effective date of the joint resolution is increased. After the increased tax rate becomes effective, an amount equal to the amount generated by the increase in the tax rate is credited to the fund, not to exceed the amount generated by the tax rate of three-eighths of 1 percent. The proposed amendment to the Constitution of the State of Iowa, if adopted, would be referred to the Eighty-third General Assembly for adoption a second time, before being submitted to the electorate for ratification.

Bell of Jasper moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 2002)

The yeas, 88:

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

The nays were, 10:

Forristall	Granzow	Jochum	Kelley
Lensing	Mascher	McCarthy	Petersen
Winckler	Wise		

Absent or not voting, 2:

Abdul-Samad Staed

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate Joint Resolution 2002** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

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

Senate File 2415, a bill for an act allowing certain counties to participate in a pilot project for emergency response districts and providing for a district tax levy.

MICHAEL E. MARSHALL, Secretary

Senate File 2337, a bill for an act relating to the purchase of liability insurance by the association of Iowa fairs, with report of committee recommending amendment and passage, was taken up for consideration.

Reichert of Muscatine offered amendment H-8374 filed by the committee on agriculture as follows:

H-8374

- 1 Amend Senate File 2337, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 5 and
- 4 inserting the following:
- 5 "The association of Iowa fairs, or a fair, shall

6 have the power to join a local government risk pool as
7 provided in section 670.7.

8 Sec. ____ Section 670.7, Code 2007, is amended to
9 read as follows:

10 670.7 INSURANCE.

11 1. The governing body of a municipality may
12 purchase a policy of liability insurance insuring
13 against all or any part of liability which might be
14 incurred by the municipality or its officers,
15 employees, and agents under section 670.2 and section
16 670.8 and may similarly purchase insurance covering
17 torts specified in section 670.4. The governing body
18 of a municipality may adopt a self-insurance program,
19 including but not limited to the investigation and
20 defense of claims, the establishment of a reserve fund
21 for claims, the payment of claims, and the
22 administration and management of the self-insurance
23 program, to cover all or any part of the liability.
24 The governing body of a municipality may join and pay
25 funds into a local government risk pool to protect
26 itself against any or all liability. The governing
27 body of a municipality may enter into insurance
28 agreements obligating the municipality to make
29 payments beyond its current budget year to provide or
30 procure the policies of insurance, self-insurance
31 program, or local government risk pool. The premium
32 costs of the insurance, the costs of a self-insurance
33 program, the costs of a local government risk pool,
34 and the amounts payable under the insurance agreements
35 may be paid out of the general fund or any available
36 funds or may be levied in excess of any tax limitation
37 imposed by statute. However, for school districts,
38 the costs shall be included in the district management
39 levy as provided in section 296.7 if the district has
40 certified a district management levy. If the district
41 has not certified a district management levy, the cost
42 shall be paid from the general fund. Any independent
43 or autonomous board or commission in the municipality
44 having authority to disburse funds for a particular
45 municipal function without approval of the governing
46 body may similarly enter into insurance agreements,
47 procure liability insurance, adopt a self-insurance
48 program, or join a local government risk pool within
49 the field of its operation.

50 2. The procurement of this insurance constitutes a

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1 waiver of the defense of governmental immunity as to
2 those exceptions listed in section 670.4 to the extent
3 stated in the policy but shall have no further effect
4 on the liability of the municipality beyond the scope

5 of this chapter, but if a municipality adopts a
6 self-insurance program or joins and pays funds into a
7 local government risk pool the action does not
8 constitute a waiver of the defense of governmental
9 immunity as to the exceptions listed in section 670.4.
10 3. The existence of any insurance which covers in
11 whole or in part any judgment or award which may be
12 rendered in favor of the plaintiff, or lack of any
13 such insurance, shall not be material in the trial of
14 any action brought against the governing body of a
15 municipality, or its officers, employees, or agents
16 and any reference to such insurance, or lack of
17 insurance, is grounds for a mistrial. A
18 self-insurance program or local government risk pool
19 is not insurance and is not subject to regulation
20 under chapters 505 through 523C.
21 4. The association of county fairs as defined in
22 section 174.1, or a fair, shall be deemed to be a
23 municipality as defined in this chapter only for the
24 purpose of joining a local government risk pool as
25 provided in this section."
26 2. By renumbering as necessary.

Grassley of Butler offered amendment H-8448, to the committee amendment H-8374, filed by Grassley et al., as follows:

H-8448

1 Amend the amendment, H-8374, to Senate File 2337,
2 as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 7 the
4 following:
5 "Sec. ____ . Section 321.234, subsection 2, Code
6 2007, is amended to read as follows:
7 2. A person, including a peace officer, riding a
8 bicycle on the highway is subject to the provisions of
9 this chapter and has all the rights and duties under
10 this chapter applicable to the driver of a vehicle,
11 except those provisions of this chapter which by their
12 nature can have no application or those provisions for
13 which specific exceptions have been set forth
14 regarding police bicycles. A municipality, as defined
15 in section 670.1, shall not be liable for an injury
16 resulting from riding or operating a bicycle on a road
17 under the jurisdiction of the municipality unless the
18 injury was caused by a defective or unreasonably
19 dangerous condition and the municipality failed to
20 remedy the defect or condition after receiving actual
21 notice of the defect or condition."
22 2. Page 2, by inserting after line 25 the
23 following:

24 " _____. Title page, by striking lines 1 and 2 and
25 inserting the following: "An Act relating to
26 liability considerations of certain municipalities.""

Reichert of Muscatine rose on a point of order that amendment H-8448 was not germane, to amendment H-8374.

The Speaker ruled the point well taken and amendment H-8448 not germane, to amendment H-8374.

Grassley of Butler asked for unanimous consent to suspend the rules to consider amendment H-8448.

Objection was raised.

Grassley of Butler moved to suspend the rules to consider amendment H-8448.

A non-record roll call was requested.

The ayes were 45, nays 46.

The motion to suspend the rules lost.

On motion by Reichert of Muscatine, the committee amendment H-8374 was adopted.

Hoffman of Crawford offered the following amendment H-8436 filed by him and moved its adoption:

H-8436

1 Amend Senate File 2337, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 87.4, Code 2007, is amended to
6 read as follows:
7 87.4 GROUP AND SELF-INSURED PLANS – TAX EXEMPTION
8 – PLAN APPROVAL.
9 For the purpose of complying with this chapter,
10 groups of employers by themselves or in an association
11 with any or all of their workers, may form insurance
12 associations as hereafter provided, subject to such
13 reasonable conditions and restrictions as may be fixed

14 by the insurance commissioner; and membership in such
15 mutual insurance organization as approved, together
16 with evidence of the payment of premiums due, shall be
17 evidence of compliance with this chapter.

18 A self-insurance association formed under this
19 section and an association comprised of cities or
20 counties, or both, or the association of county fairs
21 or a fair as defined in section 174.1, or community
22 colleges as defined in section 260C.2 or school
23 corporations, or both, or other political
24 subdivisions, which have entered into an agreement
25 under chapter 28E for the purpose of establishing a
26 self-insured program for the payment of workers'
27 compensation benefits are exempt from taxation under
28 section 432.1.

29 A plan shall be submitted to the commissioner of
30 insurance for review and approval prior to its
31 implementation. The commissioner shall adopt rules
32 for the review and approval of a self-insured group
33 plan provided under this section. The rules shall
34 include, but are not limited to, the following:

35 1. Procedures for submitting a plan for approval
36 including the establishment of a fee schedule to cover
37 the costs of conducting the review.
38 2. Establishment of minimum financial standards to
39 ensure the ability of the plan to adequately cover the
40 reasonably anticipated expenses.

41 A self-insured program for the payment of workers'
42 compensation benefits established by an association
43 comprised of cities or counties, or both, or the
44 association of county fairs or a fair as defined in
45 section 174.1, or community colleges, as defined in
46 section 260C.2, or other political subdivisions, which
47 have entered into an agreement under chapter 28E, is
48 not insurance, and is not subject to regulation under
49 chapters 505 through 523C. Membership in such an
50 association together with payment of premiums due

Page 2

1 relieves the member from obtaining insurance as
2 required in section 87.1. Such an association is not
3 required to submit its plan or program to the
4 commissioner of insurance for review and approval
5 prior to its implementation and is not subject to
6 rules or rates adopted by the commissioner relating to
7 workers' compensation group self-insurance programs.
8 Such a program is deemed to be in compliance with this
9 chapter.

10 The workers' compensation premium written on a
11 municipality which is a member of an insurance pool
12 which provides workers' compensation insurance

- 13 coverage to a statewide group of municipalities, as
 14 defined in section 670.1, shall not be considered in
 15 the determination of any assessments levied pursuant
 16 to an agreement established under section 515A.15."
 17 2. Title page, line 1, by inserting after the
 18 word "insurance" the following: "and to
 19 self-insurance".
 20 3. By renumbering as necessary.

Amendment H-8436 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2337)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Abdul-Samad

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2337** be immediately messaged to the Senate.

Appropriations Calendar

Senate File 2286, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2286)

The ayes were, 98:

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

Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Mr. Speaker Murphy		

The nays were, none.

Absent or not voting, 2:

Abdul-Samad Hoffman

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2286** be immediately messaged to the Senate.

Senate File 2394, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of money from the road use tax fund and the primary road fund, and including an effective date, with report of committee recommending passage, was taken up for consideration.

Alons of Sioux offered amendment H-8452 filed by him as follows:

H-8452

- 1 Amend Senate File 2394, as passed by the Senate, as
- 2 follows:
- 3 1. Page 5, by inserting after line 4 the
- 4 following:
- 5 "Sec. ____ NEW SECTION. 715A.8A IDENTITY THEFT
- 6 – AIDING AND ABETTING.
- 7 A person who knowingly assists an unauthorized
- 8 alien obtain false identification in order to obtain
- 9 employment commits the offense of identity theft under
- 10 section 715A.8 by aiding and abetting the commission
- 11 of the offense as provided in section 703.1."
- 12 2. Title page, line 4, by inserting after the
- 13 word "fund," the following: "relating to the crime of
- 14 identity theft committed by aiding and abetting the
- 15 offense,"
- 16 3. By renumbering as necessary.

Cohon of Des Moines rose on a point of order that amendment H-8452 was not germane.

The Speaker ruled the point well taken and amendment H-8452 not germane.

Alons of Sioux asked for unanimous consent to suspend the rules to consider amendment H-8452.

Objection was raised.

Alons of Sioux moved to suspend the rules to consider amendment H-8452.

Roll call was requested by Paulsen of Linn and Alons of Sioux.

On the question "Shall the rules be suspended to consider amendment H-8452?" (S.F. 2394)

The ayes were, 47:

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

The nays were, 49:

Bell	Berry	Bukta	Cohon
Dandekar	Davitt	Foegen	Ford
Frevert	Gaskill	Heddens	Hunter
Huser	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Tomenga	Wendt	Wenthe	Wessel-Kroeschell

Whitaker Whitead Winckler Wise
 Mr. Speaker
 Murphy

Absent or not voting, 4:

Abdul-Samad Hoffman Jacoby Zirkelbach

The motion to suspend the rules lost.

S. Olson of Clinton offered amendment H-8453 filed by him as follows:

H-8453

1 Amend Senate File 2394, as passed by the Senate, as
 2 follows:

3 1. Page 5, by inserting after line 4 the
 4 following:

5 "Sec. ____ NEW SECTION. 715A.8A IDENTITY THEFT
 6 – FALSIFYING DOCUMENTS.

7 It is an aggravated misdemeanor for a person to do
 8 any of the following:

9 1. Make a driver's license, a nonoperator's
 10 identification card, a blank driver's license form, or
 11 any other form or document used to establish a
 12 person's identity if the person has no authority or
 13 right to make the license, card, or form in order to
 14 assist an unauthorized alien to obtain employment.

15 2. Obtain, possess, or have in the person's
 16 control or on the person's premises, driver's license
 17 or nonoperator's identification card forms, or any
 18 other forms or documents used to establish a person's
 19 identity in order to assist an unauthorized alien to
 20 obtain employment.

21 3. Obtain, possess, or have in the person's
 22 control or on the person's premises, a driver's
 23 license or a nonoperator's identification card, or
 24 blank driver's license or nonoperator's identification
 25 card form, or any other form or document which could
 26 be used to establish a person's identity, which has
 27 been made by a person having no authority or right to
 28 make the license, card, or form in order to assist an
 29 unauthorized alien to obtain employment.

30 4. Use a false or fictitious name in any
 31 application for a driver's license or nonoperator's
 32 identification card or to knowingly make a false
 33 statement or knowingly conceal a material fact or
 34 otherwise commit fraud on an application in order to
 35 assist an unauthorized alien to obtain employment."

36 2. Title page, line 4, by inserting after the

37 word "fund," the following: "relating to crimes
 38 involving the use of a driver's license or
 39 nonoperator's identification card, providing a
 40 penalty,".
 41 3. By renumbering as necessary.

Cohoon of Des Moines rose on a point of order that amendment H-8453 was not germane.

The Speaker ruled the point well taken and amendment H-8453 not germane.

S. Olson of Clinton asked for unanimous consent to suspend the rules to consider amendment H-8453.

Objection was raised.

S. Olson of Clinton moved to suspend the rules to consider amendment H-8453.

Roll call was requested by Paulsen of Linn and Alons of Sioux.

On the question "Shall the rules be suspended to consider amendment H-8453?" (S.F. 2394)

The ayes were, 47:

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

The nays were, 50:

Bailey	Bell	Berry	Bukta
Cohoon	Dandekar	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn

Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Schueller	Shomshor
Smith	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Tomenga	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Mr. Speaker		
	Murphy		

Absent or not voting, 3:

Abdul-Samad Hoffman Zirkelbach

The motion to suspend the rules lost.

Paulsen of Linn offered amendment H-8454 filed by him as follows:

H-8454

1 Amend Senate File 2394, as passed by the Senate, as
2 follows:

3 1. Page 5, by inserting after line 4 the
4 following:

5 "Sec.____. Section 321.177, Code 2007, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 10. To any person who is an
8 unauthorized alien. For the purpose of this section,
9 an "unauthorized alien" means a person who is not a
10 citizen or legal resident and who has not been
11 lawfully admitted to the United States pursuant to
12 federal law.

13 Sec.____. Section 321.190, subsection 1, Code
14 2007, is amended by adding the following new
15 paragraph:

16 NEW PARAGRAPH. e. The department shall not issue
17 a card to a person who is an unauthorized alien as
18 defined in section 321.177."

19 2. Title page, line 4, by inserting after the
20 word "fund," the following: "relating to
21 qualifications for issuance of a driver's license or
22 nonoperator's identification card,".

23 3. By renumbering as necessary.

Cohoon of Des Moines rose on a point of order that amendment H-8454 was not germane.

The Speaker ruled the point well taken and amendment H-8454 not germane.

Paulsen of Linn moved to suspend the rules to consider amendment H-8454.

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

On the question "Shall the rules be suspended to consider amendment H-8454?" (S.F. 2394)

The ayes were, 44:

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

The nays were, 52:

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

Absent or not voting, 4:

Abdul-Samad	Hoffman	Upmeyer	Van Engelenhoven
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The motion to suspend the rules lost.

Pettengill of Benton offered amendment H-8455 filed by her as follows:

H-8455

1 Amend Senate File 2394, as passed by the Senate, as
2 follows:

3 1. Page 5, by inserting after line 4 the
4 following:

5 "Sec. ____. NEW SECTION. 22.15 PROTECTION OF
6 PERSONAL INFORMATION – DESTRUCTION OF PUBLIC RECORDS
7 – PENALTY.

8 1. "Personal information" means an individual's
9 first name or first initial and last name in
10 combination with any one or more of the following data
11 elements that relate to the individual if neither the
12 name nor the data elements are encrypted, redacted, or
13 otherwise altered by any method or technology in such
14 a manner that the name or data elements are
15 unreadable:

16 a. Social security number.

17 b. Driver's license number or other unique
18 identification number created or collected by a
19 government body.

20 c. Financial account number, credit card number,
21 or debit card number in combination with any required
22 security code, access code, or password that would
23 permit access to an individual's financial account.

24 d. Unique electronic identifier or routing code,
25 in combination with any required security code, access
26 code, or password.

27 e. Unique biometric data, such as a fingerprint,
28 voice print or recording, retina or iris image, or
29 other unique physical representation or digital
30 representation of the biometric data.

31 2. Unless otherwise required by federal or state
32 law, each government body shall take reasonable steps
33 to destroy or arrange for the destruction of a public
34 record, or portion thereof, containing personal
35 information within its control, which is no longer
36 required to be retained by the government body.
37 Destruction of a public record, or portion thereof,
38 shall be in accordance with the following minimum
39 standards:

40 a. Paper documents containing personal information
41 shall be either redacted, burned, pulverized, or
42 shredded so that personal information cannot
43 practicably be read or reconstructed.

44 b. Electronic media and other nonpaper media
45 containing personal information shall be destroyed or
46 erased so that personal information cannot practicably
47 be read, reconstructed, or deciphered through any
48 means.

49 3. A government body may contract with a third
50 party to destroy public records containing personal

Page 2

1 information in accordance with the requirements of
 2 this section. Any third party hired to destroy public
 3 records containing personal information shall
 4 implement and monitor compliance with policies and
 5 procedures that prohibit unauthorized access to or
 6 acquisition of or use of personal information during
 7 the collection, transportation, and destruction of
 8 personal information.

9 4. A government body or third party that violates
 10 the provisions of this section shall be subject to a
 11 civil penalty of not more than one hundred dollars per
 12 public record affected, provided such penalty shall
 13 not exceed fifty thousand dollars for each instance of
 14 improper destruction. The office of attorney general
 15 or a county attorney may enforce the provisions of
 16 this section.

17 Sec. ___. IMPLEMENTATION OF ACT. Section 25B.2,
 18 subsection 3, shall not apply to the section of this
 19 Act enacting section 22.15."

20 2. Title page, line 4, by inserting after the
 21 word "fund," the following: "and relating to identity
 22 protection by requiring the destruction of certain
 23 public records containing personal information,".

24 3. By renumbering as necessary.

Cphoon of Des Moines rose on a point of order that amendment H-8455 was not germane.

The Speaker ruled the point well taken and amendment H-8455 not germane.

Pettengill of Benton moved to suspend the rules to consider amendment H-8455.

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

On the question "Shall the rules be suspended to consider amendment H-8455?" (S.F. 2394)

The ayes were, 46:

Alons	Anderson	Arnold	Bailey
Baudler	Boal	Chambers	Clute
De Boef	Deyoe	Dolecheck	Drake
Forristall	Gipp	Granzow	Grassley
Greiner	Heaton	Horbach	Huseman

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

The nays were, 52:

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

Absent or not voting, 2:

Abdul-Samad Hoffman

The motion to suspend the rules lost.

Pettengill of Benton asked and received unanimous consent to withdraw amendment H-8456 filed by her on April 8, 2008.

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

On the question "Shall the bill pass?" (S.F. 2394)

The ayes were, 53:

Bailey	Bell	Berry	Bukta
Cphoon	Dandekar	Davitt	Dolecheck
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson

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

The nays were, 45:

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

Absent or not voting, 2:

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

The House stood at ease at 3:18 p.m., until the fall of the gavel.

The House resumed session at 3:33 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

House File 2688, by committee on ways and means, a bill for an act providing for efforts to mitigate odor emitted from a livestock operation including by providing for basic and applied research and evaluations, and including applicability and effective date provisions.

Read first time and placed on the **ways and means calendar**.

House File 2689, by committee on ways and means, a bill for an act relating to renewable fuel, including by providing for

infrastructure associated with storing, blending, and dispensing renewable fuel, providing for the purchase of renewable fuels by governmental entities, providing for renewable fuel marketing efforts, and providing an effective date.

Read first time and placed on the **ways and means calendar**.

House File 2690, by committee on government oversight, a bill for an act relating to student loans, including the protection of students and parents from certain lenders and institutions of higher education with conflicts of interest, establishing a student lending education fund, establishing penalties, and providing for related matters.

Read first time and placed on the **calendar**.

SENATE MESSAGES CONSIDERED

Senate File 2415, by committee on ways and means, a bill for an act allowing certain counties to participate in a pilot project for emergency response districts and providing for a district tax levy.

Read first time and referred to committee on **ways and means**.

Senate File 2417, by committee on appropriations, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing for the repeal of the healthy Iowans tobacco trust, and providing effective dates.

Read first time and referred to committee on **appropriations**.

Appropriations Calendar

Senate File 2400, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Wise of Lee in the chair at 3:35 p.m.

Hunter of Polk offered the following amendment H-8387 filed by the committee on appropriations and moved its adoption:

H-8387

- 1 Amend Senate File 2400, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, line 9, by inserting after the word
- 4 "funding" the following: "in excess of \$880,209".
- 5 2. Page 8, line 13, by inserting after the word
- 6 "received" the following: "in excess of \$880,209".

The committee amendment H-8387 was adopted.

Alons of Sioux asked and received unanimous consent to withdraw amendment H-8449 filed by him on April 8, 2008.

Hunter of Polk offered the following amendment H-8423 filed by him and moved its adoption:

H-8423

- 1 Amend Senate File 2400, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, line 18, by inserting after the word
- 4 "development" the following: ", or, if 2008 Iowa
- 5 Acts, Senate File 2136, is enacted, from the housing
- 6 trust fund of the Iowa finance authority,".

Amendment H-8423 was adopted.

Wiencek of Black Hawk offered the following amendment H-8481 filed by her and moved its adoption:

H-8481

- 1 Amend Senate File 2400, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, by striking line 8 and inserting the
- 4 following:
- 5 "..... \$ 1,760,000
- 6 It is the intent of the general assembly that the
- 7 governor's office of drug control policy maximize
- 8 efforts with federal agencies concerning drug
- 9 enforcement programs to avoid duplication of
- 10 services."

Roll call was requested by Wiencek of Black Hawk and Hunter of Polk.

On the question "Shall amendment H-8481 be adopted?" (S.F. 2400)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Abdul-Samad Hoffman

Amendment H-8481 was adopted.

Ford of Polk asked and received unanimous consent to withdraw amendment H-8482 filed by Ford, Berry of Black Hawk and H. Miller of Webster from the floor.

Gaskill of Wapello offered the following amendment H-8433 filed by her and moved its adoption:

H-8433

1 Amend Senate File 2400, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 14, by inserting after line 17 the
4 following:
5 "The department of management budget for the fiscal
6 year beginning July 1, 2009, as proposed by the
7 department and the governor, shall include funding for
8 director and assistant director positions at the Tim
9 Shields center for governing excellence in Iowa under
10 section 8.69."

Amendment H-8433 was adopted.

Hunter of Polk offered the following amendment H-8424 filed by him and moved its adoption:

H-8424

1 Amend Senate File 2400, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 17, by inserting after line 14 the
4 following:
5 "Sec. ____ Section 68A.402, subsection 1, Code
6 Supplement 2007, is amended to read as follows:
7 1. FILING METHODS. Each committee shall file with
8 the board reports disclosing information required
9 under this section on forms prescribed by rule.
10 Reports shall be filed on or before the required due
11 dates by using any of the following methods: mail
12 bearing a United States postal service postmark,
13 hand-delivery, facsimile transmission, electronic mail
14 attachment, or electronic filing as prescribed by
15 rule. Any report that is required to be filed five
16 days or less prior to an election must be physically
17 received by the board to be considered timely filed.
18 For purposes of this section, "physically received"
19 means the report is either electronically filed using
20 the board's electronic filing system or is received by
21 the board prior to 4:30 p.m. on the report due date."
22 2. Page 18, by inserting after line 29 the
23 following:
24 "3. The section of this Act amending section
25 68A.402, being deemed of immediate importance, takes
26 effect upon enactment."
27 3. By renumbering as necessary.

Amendment H-8424 was adopted.

Granzow of Hardin offered amendment H-8483 filed by her from the floor as follows:

H-8483

1 Amend Senate File 2400, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 17, by inserting after line 14 the
4 following:
5 "Sec. ____. **NEW SECTION. 2.48 REPORTS OF SECURITY**
6 **BREACHES BY GOVERNMENTAL ENTITIES.**
7 1. A government, governmental subdivision, agency,
8 or instrumentality, if required to give notice to a
9 consumer of a personal information breach of security,
10 shall also notify the legislative services agency of
11 such a breach. The legislative services agency shall
12 report notices received to the legislative oversight
13 committee.
14 2. The notice to the legislative services agency
15 shall include the nature of the breach, the number of
16 individuals affected by the breach, a copy of the
17 notice of security breach that was issued, the number
18 of individuals to whom the notice was sent, whether
19 the notice was delayed due to law enforcement
20 considerations, and any procedures that have been
21 implemented to prevent the breach from reoccurring.
22 The notice must be provided to the legislative
23 services agency within twenty days of discovery of the
24 security breach. In the event that a law enforcement
25 agency informs the government or governmental
26 subdivision that notification may impede a criminal
27 investigation, the report may be delayed until twenty
28 days after the law enforcement agency has determined
29 that notice will no longer impede the investigation."
30 2. By renumbering as necessary.

Hunter of Polk rose on a point of order that amendment H-8483 was not germane.

The Speaker ruled the point well taken and amendment H-8483 not germane.

Granzow of Hardin moved to suspend the rules to consider amendment H-8483.

A non-record roll call was requested.

The ayes were 44, nays 49.

The motion to suspend the rules lost.

Upmeyer of Hancock offered amendment H-8486 filed by her from the floor as follows:

H-8486

- 1 Amend Senate File 2400, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 17, by inserting after line 14 the
- 4 following:
- 5 "Sec. ____ NEW SECTION. 2.16A CONSIDERATION OF
- 6 APPROPRIATIONS BILLS.
- 7 Bills sponsored by an appropriations committee by
- 8 either the senate or the house of representatives that
- 9 were previously considered by a joint appropriations
- 10 subcommittee shall not be brought to a vote in either
- 11 the senate or the house of representatives until at
- 12 least thirty days have elapsed since a full accounting
- 13 of anticipated revenues and expenditures, for the
- 14 applicable fiscal year for which appropriations in the
- 15 bill are to be made, is made available to the public
- 16 by the fiscal services division of the legislative
- 17 services agency."
- 18 2. By renumbering as necessary.

Hunter of Polk rose on a point of order that amendment H-8486 was not germane.

The Speaker ruled the point well taken and amendment H-8486 not germane.

Upmeyer of Hancock asked for unanimous consent to suspend the rules to consider amendment H-8486.

Objection was raised.

Upmeyer of Hancock moved to suspend the rules to consider amendment H-8486.

Roll call was requested by Upmeyer of Hancock and Raecker of Polk.

On the question "Shall the rules be suspended to consider amendment H-8486?" (S.F. 2400)

The ayes were, 46:

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

The nays were, 49:

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

Absent or not voting, 5:

Abdul-Samad	Hoffman	Lensing	Smith
Tomenga			

The motion to suspend the rules lost.

Mascher of Johnson asked and received unanimous consent that amendment H-8395 be deferred.

Alons of Sioux offered amendment H-8478 filed by him from the floor as follows:

H-8478

1 Amend Senate File 2400, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 17, by inserting after line 23 the
4 following:

5 "Sec. ____. NEW SECTION. 710B.1 ASSISTING
6 UNAUTHORIZED ALIENS.

7 1. An employer, employee, or labor organization,
8 or official member shall not knowingly assist an
9 unauthorized alien in avoiding contact with state or
10 federal officials.

11 2. For purposes of this section, an "unauthorized
12 alien" means a person who is not a citizen or legal
13 resident and who has not been lawfully admitted to the
14 United States pursuant to federal law.

15 3. A person who violates this section commits a
16 class "D" felony."

17 2. By renumbering as necessary.

Hunter of Polk rose on a point of order that amendment H-8478 was not germane.

The Speaker ruled the point well taken and amendment H-8478 not germane.

Alons of Sioux moved to suspend the rules to consider amendment H-8478.

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

On the question "Shall the rules be suspended to consider amendment H-8478?" (S.F. 2400)

The ayes were, 44:

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

The nays were, 50:

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

Absent or not voting, 6:

Abdul-Samad	Hoffman	Lensing	Murphy, Spkr.
Olson, D.	Schickel		

The motion to suspend the rules lost.

Alons of Sioux offered amendment H-8479 filed by him from the floor as follows:

H-8479

1 Amend Senate File 2400, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 17, by inserting after line 23 the
 4 following:
 5 "Sec. ___. **NEW SECTION.** 644.1 UNFAIR TRADE
 6 PRACTICE.
 7 The discharge of a United States citizen or lawful
 8 permanent resident alien employee by an employer of
 9 this state, who, on the date of the discharge employs
 10 an unauthorized alien, shall be an unfair trade
 11 practice. For the purpose of this section, "unfair
 12 trade practice" means any practice which offends
 13 established public policy. The discharged employee
 14 shall have a private cause of action for such unfair
 15 trade practice for damages due to discharge."
 16 2. By renumbering as necessary.

Hunter of Polk rose on a point of order that amendment H-8479 was not germane.

The Speaker ruled the point well taken and amendment H-8479 not germane.

Alons of Sioux asked for unanimous consent to suspend the rules to consider amendment H-8479.

Objection was raised.

Alons of Sioux moved to suspend the rules to consider amendment H-8479.

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

On the question "Shall the rules be suspended to consider amendment H-8479?" (S.F. 2400)

The ayes were, 45:

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

The nays were, 51:

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

Absent or not voting, 4:

Abdul-Samad Hoffman Horbach Taylor, T.

The motion to suspend the rules lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-8395, previously deferred, filed by her on April 2, 2008.

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

On the question "Shall the bill pass?" (S.F. 2400)

The ayes were, 51:

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

The nays were, 47:

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

Absent or not voting, 2:

Abdul-Samad Hoffman

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2400** be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hoffman of Crawford on request of Rants of Woodbury; Paulsen of Linn on request of Rants of Woodbury.

The House resumed consideration of **Senate File 2134**, a bill for an act relating to requirements and duties of members, executive directors, and employees of county commissions of veteran affairs, with report of committee recommending passage and found on pages 1062 through 1063 of the House Journal.

MOTION TO RECONSIDER PREVAILED (Amendment H-8354)

Bailey of Hamilton asked and received unanimous consent to reconsider the vote by which amendment H-8354 passed the House.

Watts of Dallas offered the following amendment H-8489, to amendment H-8354, filed by him from the floor and moved its adoption:

H-8489

- 1 Amend the amendment, H-8354, to Senate File 2134,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 4, line 4, by inserting after the figure
- 5 "35B.14." the following: "However, an executive
- 6 director or administrator is not required to complete
- 7 the training specified in this paragraph unless the
- 8 county receives the annual allocation under section

9 35A.16, subsection 3."

10 2. Page 5, by inserting after line 6 the
11 following:

12 "e. The requirements of paragraphs "a" through "d"
13 shall not apply to a county that does not receive the
14 annual allocation specified in section 35A.16,
15 subsection 3."

Roll call was requested by Ford of Polk and Zirkelbach of Jones.

On the question "Shall amendment H-8489 be adopted?" (S.F. 2134)

The ayes were, 2:

Boal Watts

The nays were, 91:

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

Absent or not voting, 7:

Abdul-Samad	Granzow	Hoffman	Horbach
Lenzing	Murphy, Spkr.	Paulsen	

Amendment H-8489 lost.

Bailey of Hamilton offered the following amendment H-8460, to amendment H-8354, filed by him and Windschitl of Harrison and moved its adoption:

H-8460

1 Amend the amendment, H-8354, to Senate File 2134,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 5, by inserting after line 20 the
5 following:

6 "Sec. 100. Section 321.34, subsection 24, Code
7 Supplement 2007, is amended to read as follows:

8 24. GOLD STAR PLATES. An owner referred to in
9 subsection 12 who is the surviving spouse, parent,
10 child, or sibling of a deceased member of the United
11 States armed forces who died while serving on active
12 duty during a time of military conflict or who died as
13 a result of such service may order special
14 registration plates bearing a gold star emblem upon
15 written application to the department accompanied by
16 satisfactory supporting documentation as determined by
17 the department. The gold star emblem shall be
18 designed by the department in cooperation with the
19 commission of veterans affairs. The special plate
20 fees collected by the director under subsection 12,
21 paragraph "a", from the issuance and annual validation
22 of letter-number designated and personalized gold star
23 plates shall be paid monthly to the treasurer of state
24 and credited to the road use tax fund.

25 Notwithstanding section 423.43, and prior to the
26 crediting of revenues to the road use tax fund under
27 section 423.43, subsection 1, paragraph "b", the
28 treasurer of state shall transfer monthly from those
29 revenues to the veterans license fee fund created in
30 section 35A.11 the amount of the special fees
31 collected in the previous month for gold star plates."

32 2. Page 5, line 32, by inserting after the figure
33 "2009" the following: ", except for section 100 of
34 this Act, amending section 321.34, which shall take
35 effect on July 1, 2008".

36 3. Page 5, line 42, by inserting after the word
37 "appropriation," the following: "concerning
38 eligibility criteria for special gold star motor
39 vehicle registration plates".

40 4. By renumbering as necessary.

Amendment H-8460 was adopted.

On motion by Bailey of Hamilton, amendment H-8354, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 2134)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

Abdul-Samad	Hoffman	Paulsen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Zirkelbach of Jones called up for consideration **House File 2283**, a bill for an act concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service, providing a penalty, and including an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-8388:

H-8388

- 1 Amend House File 2283, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 6, by striking the words "that
- 4 purpose" and inserting the following: "Vietnam
- 5 Conflict veterans' bonuses".

The motion prevailed and the House concurred in the Senate amendment H-8388.

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

On the question "Shall the bill pass?" (H.F. 2283)

The ayes were, 97:

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

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

The nays were, none.

Absent or not voting, 3:

Abdul-Samad	Hoffman	Paulsen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Huser of Polk called up for consideration **House File 2651**, a bill for an act relating to policies for the administration of highways and the regulation of motor vehicles by the department of transportation and to deposits made by a county to the secondary road fund, physical ability tests required for fire fighter applicants, and certain obligations guaranteed by highway funds including matters concerning the bid threshold for emergency highway repairs, the fee for replacement of special dealer registration plates, antique motor vehicle registration fees, used motor vehicle dealer education requirements, disqualification from operating a commercial motor vehicle, an exemption from the civil penalty imposed for certain driver's license sanctions, access to persons with disabilities parking spaces for certain disabled veterans, and permits and fees for the movement of certain oversize or overweight vehicles, drinking driver courses offered at state correctional facilities, and the defeasance of petroleum underground storage tank fund bonds, and providing an effective date, amended by the Senate amendment H-8414:

H-8414

- 1 Amend House File 2651, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. NEW SECTION. 306.47 UTILITY
- 6 FACILITIES RELOCATION POLICY.

7 It is the policy of the general assembly that a
8 proactive, cooperative coordination between the
9 department, local governments, private and public
10 utility companies, and other affected parties is the
11 most effective way to minimize costs, eliminate the
12 need for utilities to relocate facilities, limit
13 disruption of utility services related to federal,
14 state, or local highway construction projects, and
15 limit the potential need for relocation of utility
16 facilities.

17 All potentially affected parties shall be invited
18 to participate in development meetings at the design
19 phase of a highway construction project to review
20 plans, understand goals and objectives of the proposed
21 project, and discuss options that would limit the
22 impact of the construction on utility facilities and
23 thereby minimize or even eliminate costs associated
24 with utility facility relocation. All jurisdictions
25 and other interested parties shall cooperate to
26 discuss strategies and policies to utilize the Iowa
27 one call system in the development of a highway
28 construction project. Failure of the affected parties
29 to respond or participate during the design phase
30 shall not in any way affect the ability of the
31 federal, state, or local agency to proceed with design
32 and construction."

33 2. Page 1, by inserting after line 4 the
34 following:

35 "Sec. . NEW SECTION. 314.29 DICK DRAKE WAY.

36 The highway currently known as the industrial
37 connector in Muscatine shall be renamed "Dick Drake
38 Way" in honor of Richard Drake, who served for
39 thirty-six years as a member of the general assembly
40 of the state of Iowa."

41 3. By striking page 3, line 11, through page 4,
42 line 1.

43 4. Page 9, line 15, by inserting after the word
44 "facility" the following: "listed in section
45 904.102".

46 5. Page 9, by striking lines 22 through 25 and
47 inserting the following: "2. However, any person
48 under age eighteen who is required to attend the
49 courses for violation of section 321J.2 or 321J.17
50 must attend a course offered by a substance abuse

Page 2

1 treatment program licensed under chapter 125."

2 6. Page 9, line 32, by striking the words
3 "colleges and" and inserting the following:
4 "colleges, ~~and~~".

5 7. Page 9, line 33, by inserting after the figure

- 6 "125" the following: "the department of public
7 health, and the department of corrections".
8 8. Page 14, line 9, by inserting after the word
9 "construction." the following: "If costs for
10 construction of improvements according to a city's
11 standards exceed the costs for such construction
12 according to county standards, the petitioner shall
13 pay the difference in the costs."
14 9. Page 16, line 21, by striking the word
15 "district," and inserting the following: "district".
16 10. Page 16, line 24, by inserting after the word
17 "highway," the following: "other than roads
18 identified under section 357I.2, subsection 3,".
19 11. Page 19, by striking lines 26 through 32.
20 12. Title page, line 5, by inserting after the
21 word "concerning" the following: "utility facility
22 relocation due to highway construction,".
23 13. Title page, lines 10 and 11, by striking the
24 words "disqualification from operating a commercial
25 motor vehicle,".
26 14. By renumbering, relettering, or redesignating
27 and correcting internal references as necessary.

The following amendments to the Senate amendment were withdrawn by unanimous consent:

Amendment H-8418 filed by Paulsen of Linn on April 7, 2008.

Amendment H-8419 filed by S. Olson of Clinton on April 7, 2008.

Amendment H-8420 filed by Alons of Sioux on April 7, 2008.

On motion by Huser of Polk, the House concurred in the Senate amendment H-8414.

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

On the question "Shall the bill pass?" (H.F. 2651)

The ayes were, 97:

Alons	Anderson	Arnold	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner

Heaton	Heddens	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Petersen	Pettengill	Quirk
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wienczek
Winckler	Windschitl	Worthan	Zirkelbach
Wise, Presiding			

The nays were, none.

Absent or not voting, 3:

Abdul-Samad Hoffman Paulsen

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2283, 2651** and **Senate File 2134**.

Unfinished Business Calendar

Senate File 2269, a bill for an act revising family investment program requirements for limited benefit plans, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2269)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Abdul-Samad	Hoffman	Oldson	Paulsen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2498, a bill for an act relating to the disposal of solid waste by changing permitting requirements and updating and clarifying existing provisions, was taken up for consideration.

Grassley of Butler offered amendment H-8437 filed by him as follows:

H-8437

- 1 Amend House File 2498 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:

4 "DIVISION I
 5 SOLID WASTE DISPOSAL"
 6 2. Page 16, by inserting before line 13 the
 7 following:

8 "DIVISION _____
 9 ACQUISITION OF NATURAL
 10 RESOURCES PROPERTY
 11 Sec. ____ Section 6A.1, Code 2007, is amended to
 12 read as follows:

13 6A.1 EXERCISE OF POWER BY STATE.
 14 1. Proceedings may be instituted and maintained by
 15 the state of Iowa, or for the use and benefit thereof,
 16 for the condemnation of such private property as may
 17 be necessary for any public improvement which the
 18 general assembly has authorized to be undertaken by
 19 the state, and for which an available appropriation
 20 has been made. The executive council shall institute
 21 and maintain such proceedings in case authority to so
 22 do be not otherwise delegated.

23 2. All proceedings instituted and maintained by
 24 the department of natural resources or the natural
 25 resource commission shall not commence without the
 26 signed authorization of the governor."

27 3. Title page, by striking line 1 and inserting
 28 the following: "An Act relating to the department of
 29 natural resources by modifying eminent domain
 30 authority and by changing solid waste disposal".

31 4. By renumbering as necessary.

T. Olson of Linn rose on a point of order that amendment H-8437 was not germane.

The Speaker ruled the point well taken and amendment H-8437 not germane.

Grassley of Butler moved to suspend the rules to consider amendment H-8479.

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

On the question "Shall the rules be suspended to consider amendment H-8437?" (H.F. 2498)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall

Gipp	Granzow	Grassley	Greiner
Heaton	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Roberts	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wienczek	Windschitl	Worthan

The nays were, 51:

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

Absent or not voting, 5:

Abdul-Samad	Hoffman	Paulsen	Taylor, D.
Tomenga			

The motion to suspend the rules lost.

T. Olson of Linn offered the following amendment H-8441 filed by him and moved its adoption:

H-8441

1 Amend House File 2498 as follows:
 2 1. Page 2, by striking lines 11 through 17 and
 3 inserting the following: "remedial responses.
 4 a. The instrument shall be sufficient to ensure
 5 adequate response the lifetime of the project and for
 6 the thirty years following closure, and to provide for
 7 the closure of the facility and postclosure care
 8 required by rules adopted by the commission in the
 9 event that the operator fails to correctly perform
 10 closure and postclosure care requirements pursuant to
 11 section 455B.304, subsection 6."
 12 2. Page 16, line 4, by striking the word
 13 "department." and inserting the following:

14 "~~department.~~"
 15 3. Page 16, line 8, by striking the word
 16 "~~department.~~" and inserting the following:
 17 "department."

Amendment H-8441 was adopted.

SENATE FILE 2276 SUBSTITUTED FOR HOUSE FILE 2498

T. Olson of Linn asked and received unanimous consent to substitute Senate File 2276 for House File 2498.

Senate File 2276, a bill for an act relating to the disposal of solid waste by changing permitting requirements and updating and clarifying existing provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2276)

The ayes were, 96

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

Whitaker	Whitead	Wienczek	Winckler
Windschitl	Worthan	Zirkelbach	Wise, Presiding

The nays were, none.

Absent or not voting, 4:

Abdul-Samad	Hoffman	Paulsen	Tomenga
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2498 WITHDRAWN

T. Olson of Linn asked and received unanimous consent to withdraw House File 2498 from further consideration by the House.

Senate File 2321, a bill for an act relating to the recycling of mercury-containing lamps by providing for a study, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2321)

The ayes were, 96:

Alons	Anderson	Arnold	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Petersen	Pettengill	Quirk
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands

Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencsek	Winckler
Windschitl	Worthan	Zirkelbach	Wise, Presiding

The nays were, none.

Absent or not voting, 4:

Abdul-Samad	Hoffman	Paulsen	Tomenga
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 2669, a bill for an act relating to the collection and recycling of mercury-added thermostats, was taken up for consideration.

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

On the question “Shall the bill pass?” (H.F. 2669)

The ayes were, 96:

Alons	Anderson	Arnold	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Petersen	Pettengill	Quirk
Raecker	Rants	Rasmussen	Rayhons

Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencsek	Winckler
Windschitl	Worthan	Zirkelbach	Wise, Presiding

The nays were, none.

Absent or not voting, 4:

Abdul-Samad	Hoffman	Paulsen	Tomenga
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2668, a bill for an act relating to the disposal and recycling of waste oil filters, was taken up for consideration.

Whitead of Woodbury offered the following amendment H-8484 filed by him from the floor and moved its adoption:

H-8484

- 1 Amend House File 2668 as follows:
- 2 1. Page 1, line 3, by striking the words "WASTE
- 3 OIL AND WASTE" and inserting the following: "~~WASTE~~
- 4 USED OIL AND USED".
- 5 2. Page 1, line 5, by striking the word "waste"
- 6 and inserting the following: "~~waste~~ used".
- 7 3. Page 1, line 9, by striking the words "waste
- 8 oil and waste" and inserting the following: "~~waste~~
- 9 used oil and used".
- 10 4. Page 1, line 11, by striking the words "waste
- 11 oil and waste" and inserting the following: "~~waste~~
- 12 used oil and used".
- 13 5. Page 1, line 13, by striking the word "waste"
- 14 and inserting the following: "~~waste~~ used".
- 15 6. Page 1, line 18, by striking the word "waste".
- 16 7. Title page, line 1, by striking the word
- 17 "waste" and inserting the following: "used".

Amendment H-8484 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2668)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Abdul-Samad	Hoffman	Paulsen	Tomenga
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

INTRODUCTION OF BILL

House File 2691, by committee on ways and means, a bill for an act relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21

fund, requiring the department of transportation to conduct an analysis of TIME-21 funding and a study of public transit funding, increasing the motorcycle operator's license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, providing penalties, and providing effective and applicability dates.

Read first time and placed on the **ways and means calendar**

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2668, 2669** and **Senate Files 2276, 2269** and **2321**.

MOTION TO RECONSIDER (Senate File 2394)

I move to reconsider the vote by which Senate File 2394 passed the House on April 10, 2008.

MCCARTHY of Polk

EXPLANATIONS OF VOTE

On April 10, 2008 I inadvertently voted "aye" on Senate File 2394 and meant to vote "nay".

DOLECHECK of Ringgold

I was necessarily absent from the House chamber on April 10, 2008. Had I been present, I would have voted "aye" on Senate Joint Resolution 2002.

STAED of Linn

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\2757 Tom Elliott, La Porte City – For celebrating his 90th birthday.
- 2008\2758 Bill Farrell, Shenandoah – For his lifetime of service to the Boy Scouts and for receiving the Family Traditions Award.
- 2008\2759 Martin Grider, Bettendorf – For celebrating his 90th birthday.
- 2008\2760 John Lawlor, Bettendorf – For celebrating his 75th birthday.
- 2008\2761 Charles O’Connell, Bettendorf – For celebrating his 75th birthday.
- 2008\2762 James Megown, Bettendorf – For celebrating his 75th birthday.
- 2008\2763 Helen Byrum, Bettendorf – For celebrating her 85th birthday.
- 2008\2764 Ray Wenzel, Bettendorf – For celebrating his 80th birthday.
- 2008\2765 Ricarda Otto, Bettendorf – For celebrating her 80th birthday.
- 2008\2766 Bobbie Dodd, Bettendorf – For celebrating her 85th birthday.
- 2008\2767 Gerald Cowells, Bettendorf – For celebrating his 80th birthday.
- 2008\2768 Maurine Rath, Bettendorf – For celebrating her 95th birthday.
- 2008\2769 Ida Gutheil, Bettendorf – For celebrating her 85th birthday.
- 2008\2770 A. Truitt, Bettendorf – For celebrating her 85th birthday.
- 2008\2771 Jewel Schiff, Bettendorf – For celebrating her 90th birthday.
- 2008\2772 Marshall Lesser, Bettendorf – For celebrating his 85th birthday.
- 2008\2773 Mildred Belser, Bettendorf – For celebrating her 100th birthday.
- 2008\2774 Lorraine Vandyke, Bettendorf – For celebrating her 80th birthday.
- 2008\2775 Norma Blake, Bettendorf – For celebrating her 80th birthday.
- 2008\2776 Lois Gaghagen, Bettendorf – For celebrating her 80th birthday.
- 2008\2777 Alfred Darell, Bettendorf – For celebrating his 80th birthday.

- 2008\2778 Delmar Hintze, Bettendorf – For celebrating his 80th birthday.
- 2008\2779 James Spray, Bettendorf – For celebrating his 75th birthday.
- 2008\2780 Jean Burgstrum, Bettendorf – For celebrating her 80th birthday.
- 2008\2781 Leeta Stuhler, Bettendorf – For celebrating her 75th birthday.
- 2008\2782 Gregory Hein, Bettendorf – For celebrating his 80th birthday.
- 2008\2783 Janet Robinson, Bettendorf – For celebrating her 75th birthday.
- 2008\2784 Paul Anderson, Bettendorf – For celebrating his 85th birthday.
- 2008\2785 Bill Blake, Bettendorf – For celebrating his 75th birthday.
- 2008\2786 Neoma Stamm, Bettendorf – For celebrating her 85th birthday.
- 2008\2787 Walter Stasukewicz, Bettendorf – For celebrating his 75th birthday.
- 2008\2788 George Malito, Bettendorf – For celebrating his 85th birthday.
- 2008\2789 Nancy Rietz, Bettendorf – For celebrating her 75th birthday.
- 2008\2790 Anne Strahl, Bettendorf – For celebrating her 95th birthday.
- 2008\2791 Cheryl Ricketts, Bettendorf – For celebrating her 80th birthday.
- 2008\2792 Catherine Dick, Bettendorf – For celebrating her 90th birthday.
- 2008\2793 Betty Theis, Bettendorf – For celebrating her 75th birthday.
- 2008\2794 Dorothy Haes, Bettendorf – For celebrating her 80th birthday.
- 2008\2795 Raymond Williams, Bettendorf – For celebrating his 75th birthday.
- 2008\2796 Floyd Mills, Bettendorf – For celebrating his 80th birthday.
- 2008\2797 Charles Doyle, Bettendorf – For celebrating his 75th birthday.
- 2008\2798 Loretta Glowacki, Bettendorf – For celebrating her 75th birthday.
- 2008\2799 Wade Stickler, Bettendorf – For celebrating his 90th birthday.
- 2008\2800 Eugene Lightner, Bettendorf – For celebrating his 90th birthday.
- 2008\2801 Hazel Coffman, Bettendorf – For celebrating her 85th birthday.
- 2008\2802 Stavros Efstathiou, Bettendorf – For celebrating his 80th birthday.
- 2008\2803 Stuart Knox, Bettendorf – For celebrating his 80th birthday.

- 2008\2804 Delores Burroughs, Bettendorf – For celebrating her 80th birthday.
- 2008\2805 Clint Mahon, Dallas Center – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

House Study Bill 792

Human Resources: Wessel-Kroeschell, Chair; Heaton and Heddens.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON GOVERNMENT OVERSIGHT

Senate File 2403, a bill for an act concerning the ability of the lottery authority to operate a joint lottery with a lottery operated outside of the United States.

Fiscal Note is not required.

Recommended **Do Pass** April 10, 2008.

COMMITTEE ON WAYS AND MEANS

Senate File 2405, a bill for an act relating to renewable energy, providing for state bank acquisition of equity interests in wind energy production facilities, providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** April 10, 2008.

Committee Bill (Formerly House File 2562), relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, increasing the motorcycle operator's license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, making penalties applicable, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 10, 2008.

Committee Bill (Formerly House File 2652), providing for efforts to mitigate odor emitted from a livestock operation including by providing for basic and applied research and evaluations, and including applicability and effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 10, 2008.

AMENDMENTS FILED

H—8480	S.F.	2122	Tymeson of Madison
H—8485	H.F.	2601	Senate Amendment
H—8487	H.F.	2679	Lukan of Dubuque Boal of Polk Mertz of Kossuth Zirkelbach of Jones Heaton of Henry
H—8488	S.F.	2122	Gaskill of Wapello
H—8490	H.F.	2686	Wise of Lee Gayman of Scott
H—8491	H.F.	2412	Baudler of Adair
H—8492	H.F.	2679	Kaufmann of Cedar
H—8493	H.F.	2679	Kaufmann of Cedar L. Miller of Scott
H—8494	H.F.	2680	Chambers of O'Brien May of Dickinson Tymeson of Madison Boal of Polk
H—8495	H.F.	2679	Winckler of Scott
H—8496	H.F.	2679	Van Fossen of Scott Lukan of Dubuque
H—8497	H.F.	2687	Wise of Lee

On motion by McCarthy of Polk the House adjourned at 6:03 p.m., until 9:00 a.m., Friday, April 11, 2008.

JOURNAL OF THE HOUSE

Eighty-ninth Calendar Day - Sixty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 11, 2008

The House met pursuant to adjournment at 9:28 a.m., Wayne Ford of Polk in the chair.

Prayer was offered by Jean Tannatt, legislative secretary to Representative Janet Petersen of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mark W. Brandsgard, Chief Clerk of the House.

The Journal of Thursday, April 10, 2008 was approved.

SUBCOMMITTEE ASSIGNMENT

House File 2675 Reassigned

Labor: T. Taylor, Chair; Chambers and Staed.

On motion by McCarthy of Polk the House adjourned at 9:30 a.m., until 10:00 a.m., Monday, April 14, 2008.

JOURNAL OF THE HOUSE

Ninety-second Calendar Day - Sixty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 14, 2008

The House met pursuant to adjournment at 10:11 a.m., Speaker Murphy in the chair.

Ava Maria was sung by Anthony Menendez, legislative secretary to Representative Ako Abdul-Samad of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Josie Rundlett, legislative secretary to Representative Bill Schickel of Cerro Gordo County.

The Journal of Friday, April 11, 2008 was approved.

PETITION FILED

The following petition was received and placed on filed:

By Alons of Sioux, from six hundred nineteen Iowa citizens favoring impeachment of District Court Judge Robert Hanson.

The House stood at ease at 10:18 a.m., until the fall of the gavel.

The House resumed session at 1:56 p.m., Speaker Murphy in the chair.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 105

Huser of Polk, Swaim of Davis and Baudler of Adair called up for consideration **House Concurrent Resolution 105**, a concurrent resolution designating May 2008 as Motorcycle Safety Awareness Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Unfinished Business Calendar

Senate File 2216, a bill for an act concerning state and local measures for preparing a student for a career or for postsecondary education, including a statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system, with report of committee recommending amendment and passage, was taken up for consideration.

Winckler of Scott offered amendment H-8289 filed by the committee on education as follows:

H-8289

1 Amend Senate File 2216, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 19 through 28 and
4 inserting the following: "through grade twelve in
5 those areas. The department shall further define the
6 twenty-first century learning skills components by
7 rule."

8 2. Page 2, by striking lines 5 through 7 and
9 inserting the following: "Neither the state board nor
10 the department shall require school districts or
11 accredited nonpublic schools to adopt a specific
12 textbook, textbook series, or specific instructional
13 methodology, or acquire specific textbooks, curriculum
14 materials, or educational products from a specific
15 vendor in order to meet the core curriculum
16 requirements of".

17 3. Page 2, line 30, by inserting after the figure
18 "57." the following: "a."

19 4. Page 2, by striking lines 33 and 34 and
20 inserting the following: "that school districts and
21 accredited nonpublic schools shall utilize, including
22 but not limited to the development and".

23 5. Page 2, line 35, by inserting before the word
24 "assessments" the following: "model".

25 6. Page 3, line 1, by striking the word "can" and
26 inserting the following: "may".

27 7. Page 3, by striking lines 3 and 4 and
28 inserting the following: "The department shall, in
29 collaboration with the advisory group convened in
30 accordance with paragraph "b" and educational
31 assessment providers, identify and make available to
32 school districts end-of-course and additional model".

33 8. Page 3, line 6, by inserting after the word
 34 "curriculum." the following: "The model assessments
 35 shall be suitable to meet the multiple assessment
 36 measures requirement specified in section 256.7,
 37 subsection 21, paragraph "c".

38 b. Convene an advisory group comprised of
 39 education stakeholders including but not limited to
 40 school district and accredited nonpublic school
 41 teachers, school administrators, higher education
 42 faculty who teach in the subjects for which the
 43 curriculum is being adopted, private sector employers,
 44 members of the boards of directors of school
 45 districts, and individuals representing the
 46 educational assessment providers. The task force
 47 shall review the national assessment of educational
 48 progress standards and assessments used by other
 49 states, and shall consider standards identified as
 50 best practices in the field of study by the national

Page 2

1 councils of teachers of English and mathematics, the
 2 national council for the social studies, the national
 3 science teachers association, and other recognized
 4 experts."

5 9. Page 3, by inserting after line 13 the
 6 following:

7 "Sec.____. Section 257.11, Code Supplement 2007,
 8 is amended by adding the following new subsection:
 9 **NEW SUBSECTION.** 8A. A school district shall
 10 ensure that any course made available to a student
 11 through any sharing agreement between the school
 12 district and a community college or any other entity
 13 providing course programming pursuant to this section
 14 to students enrolled in the school district meets the
 15 expectations contained in the core curriculum adopted
 16 pursuant to section 256.7, subsection 26. The school
 17 district shall ensure that any course that has the
 18 capacity to generate college credit shall be
 19 equivalent to college-level work."

20 10. Page 4, by inserting after line 12 the
 21 following:

22 "Sec.____. Section 280.2, Code 2007, is amended to
 23 read as follows:

24 280.2 DEFINITIONS.

25 The term "public school" means any school directly
 26 supported in whole or in part by taxation. The term
 27 "nonpublic school" means any other school which is
 28 accredited ~~or which uses licensed practitioners as~~
 29 ~~instructors pursuant to section 256.11."~~

30 11. Page 4, line 15, by striking the words
 31 "**DUTIES OF BOARD**" and inserting the following:

32 "DUTIES OF BOARD _".

33 12. Page 6, line 20, by inserting after the word
34 "The" the following: "study shall include an
35 examination of the possible future expansion of the
36 core curriculum to include content areas not currently
37 included under section 256.7, subsection 26, including
38 but not limited to fine arts, applied arts,
39 humanities, and world languages. The".
40 13. By renumbering, relettering, or redesignating
41 and correcting internal references as necessary.

Chambers of O'Brien offered the following amendment H-8345, to the committee amendment H-8289, filed by him and moved its adoption:

H-8345

1 Amend the amendment, H-8289, to Senate File 2216,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

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

6 "___ . Page 1, line 7, by striking the words "and
7 accredited nonpublic schools" and inserting the
8 following: "~~and accredited nonpublic schools~~"."

9 2. Page 1, line 7, by inserting after the word
10 "rule." the following: "Accredited nonpublic schools
11 are encouraged to meet the requirements of this
12 subsection".

13 3. Page 1, lines 10 and 11, by striking the words
14 "~~or accredited nonpublic schools~~".

15 4. Page 1, by inserting after line 16 the
16 following:

17 "___ . Page 2, line 12, by striking the words "and
18 accredited nonpublic school" and inserting the
19 following: "~~and accredited nonpublic school~~".

20 ___ . Page 2, lines 19 and 20, by striking the
21 words: "and accredited nonpublic schools" and
22 inserting the following: "~~and accredited nonpublic~~
23 ~~schools~~".

24 ___ . Page 2, line 27, by inserting after the word
25 "appropriate." the following: "Accredited nonpublic
26 schools are encouraged to meet the requirements of
27 this subsection."

28 5. Page 2, by inserting after line 32 the
29 following:

30 "___ . Page 4, by striking line 25 and inserting
31 the following: "set forth in section 256.11,".

32 ___ . Page 4, line 31, by striking the words "and
33 the authorities in charge of each nonpublic school".

34 ___ . Page 5, line 5, by striking the words "and

- 35 school.
 36 ____ Page 6, line 18, by striking the words "and
 37 accredited nonpublic schools".
 38 6. By renumbering as necessary.

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

Rule 75 was invoked.

On the question "Shall amendment H-8345 be adopted?" (S.F. 2216)

The ayes were, 48:

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

The nays were, 50:

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

Absent or not voting, 2:

Dandekar	Quirk
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Amendment H-8345 lost.

Zirkelbach of Jones asked and received unanimous consent to withdraw amendment H-8327, to the committee amendment H-8289, filed by him on March 26, 2008.

On motion by Winkler of Scott, the committee amendment H-8289 was adopted.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-8347 filed by him on March 27, 2008.

Tymeson of Madison asked and received unanimous consent that amendment H-8429 be deferred.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-8311 filed by her on March 25, 2008.

Alons of Sioux asked and received unanimous consent that amendment H-8428 be deferred.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-8378 filed by Raecker of Polk et al., on April 1, 2008, placing out of order amendment H-8390 filed by Raecker of Polk on April 2, 2008 and amendment H-8434 filed by Raecker of Polk on April 7, 2008.

Raecker of Polk offered amendment H-8432 filed by Raecker et al., as follows:

H-8432

1 Amend Senate File 2216, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 10 through 27 and

4 inserting the following:

5 "28. a. Adopt ~~a set of~~ minimum core content
6 standards applicable to all students in kindergarten
7 through grade twelve in every school district and
8 accredited nonpublic school. For purposes of this
9 subsection, "~~core~~ minimum content standards" include
10 reading, mathematics, and science. The minimum core
11 content standards shall be identical to the core
12 content standards included in Iowa's approved 2006

13 standards and assessment system under Title I of the
 14 federal Elementary and Secondary Education Act of
 15 1965, 20 U.S.C. § 6301 et seq., as amended by the
 16 federal No Child Left Behind Act of 2001, Pub. L. No.
 17 107-110. ~~School districts and accredited nonpublic~~
 18 ~~schools shall include, at a minimum, the core content~~
 19 ~~standards adopted pursuant to this subsection in any~~
 20 ~~set of locally developed content standards.~~ School
 21 districts and accredited nonpublic schools are
 22 strongly encouraged to ~~include the voluntary model~~
 23 ~~core curriculum or~~ set higher expectations in local
 24 standards. As changes in federal law or regulation
 25 occur, the state board is authorized to amend the
 26 minimum core content standards as appropriate.

27 b. School districts and accredited nonpublic
 28 schools shall include, at a minimum, the core content
 29 standards adopted in accordance with paragraph "a" in
 30 any set of locally developed content standards until
 31 June 30, 2012. School districts and accredited
 32 nonpublic schools shall include, at a minimum, the
 33 rigorous core content standards adopted in accordance
 34 with paragraph "c" in any set of locally developed
 35 content standards by July 1, 2012.

36 c. (1) By July 1, 2010, adopt by rule, for
 37 implementation by July 1, 2012, by school districts
 38 and accredited nonpublic schools, rigorous core
 39 content standards applicable to all students in
 40 prekindergarten through grade twelve in every school
 41 district and accredited nonpublic school. The board
 42 shall consider the recommendations of the task force
 43 convened by the director in accordance with
 44 subparagraph (2). The board shall establish criteria
 45 to ensure that the standards adopted are rigorous and
 46 support best practices. However, the standards
 47 adopted shall not exceed in scope or depth the
 48 curriculum that can be reasonably taught in the
 49 instructional time available. Prior to adoption, the
 50 board shall submit the proposed standards to an

Page 2

1 external nonprofit educational organization for an
 2 independent review. The results of the review shall
 3 be posted on the department's internet web site.
 4 (2) Recommended rigorous core content standards
 5 shall be developed by a task force convened by the
 6 director of the department. The task force shall be
 7 comprised of teachers, school administrators, higher
 8 education faculty who teach in the subjects for which
 9 the standards are being adopted, private sector
 10 employers, members of the boards of directors of
 11 school districts, and authorities in charge of

12 accredited nonpublic schools. The task force shall
13 review the national assessment of educational progress
14 standards, standards adopted by other states, and
15 standards identified as best practices in the field of
16 study by the national councils of teachers of English
17 and mathematics, the national council for the social
18 studies, the national science teachers association,
19 and other recognized experts. The director shall
20 provide at least one staff person who is qualified by
21 education and experience in developing rigorous
22 content standards to assist the task force. Members
23 of the task force shall be allowed their actual and
24 necessary expenses incurred in the performance of
25 their duties. All expenses shall be paid from
26 appropriations to the department. The task force
27 shall submit its recommendations to the state board of
28 education by January 2, 2009. The task force may be
29 reconvened whenever the director determines there is a
30 need to review or amend the rigorous core content
31 standards.

32 d. The rigorous core content standards for
33 prekindergarten through grade six shall include
34 reading and writing, mathematics, science, social
35 studies, and art. The core content standards for
36 grades seven through twelve shall include English and
37 language arts, mathematics, science, history, social
38 studies, and art. The core content standards shall be
39 more rigorous than the minimum core content standards
40 adopted pursuant to paragraph "a". School districts
41 and accredited nonpublic schools shall include, at a
42 minimum, the rigorous core content standards adopted
43 pursuant to this subsection in any set of locally
44 developed content standards.

45 e. The task force convened in accordance with
46 paragraph "c", subparagraph (2), shall develop
47 rigorous performance standards which shall be
48 grade-level expectations aligned to the rigorous core
49 content standards adopted pursuant to paragraph "c",
50 subparagraph (1), and the task force shall specify

Page 3

1 expectations for students' knowledge and performance
2 at the end of a given grade level. The rigorous
3 performance standards for kindergarten through grade
4 six shall include reading and writing, mathematics,
5 science, social studies, and art; and for grades seven
6 through twelve shall include English and language
7 arts, mathematics, science, history and social
8 studies, and art. The director shall provide at least
9 one staff person who is qualified by education and
10 experience on developing rigorous performance

11 standards to assist the task force. The task force
 12 shall submit its recommendations to the state board
 13 and the general assembly by January 2, 2012.
 14 f. The board shall require each school district to
 15 align the local curriculum, instructional materials,
 16 and classroom instruction to the standards adopted and
 17 to submit evidence of such alignment satisfactory to
 18 the department.
 19 g. A student shall not be denied curriculum or
 20 instruction consistent with the rigorous core content
 21 standards adopted pursuant to this subsection."
 22 2. By renumbering as necessary.

Raecker of Polk offered the following amendment H-8474, to amendment H-8432, filed by him and Wise of Lee and moved its adoption:

H-8474

1 Amend the amendment, H-8432, to Senate File 2216,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 31, by striking the figure "2012"
 5 and inserting the following: "2014".
 6 2. Page 1, line 35, by striking the figure "2012"
 7 and inserting the following: "2014".
 8 3. Page 1, line 37, by striking the figure "2012"
 9 and inserting the following: "2014".
 10 4. Page 1, line 41, by inserting after the word
 11 "school," the following: "School districts and
 12 accredited nonpublic schools are encouraged to
 13 implement the rigorous core content standards between
 14 July 1, 2012, and June 30, 2014."

Amendment H-8474 was adopted.

Raecker of Polk moved the adoption of amendment H-8432, as amended.

Roll call was requested by Raecker of Polk and Roberts of Carroll.

On the question "Shall amendment H-8432, as amended, be adopted?" (S.F. 2216)

The ayes were, 56:

Alons
Baudler

Anderson
Bell

Arnold
Boal

Bailey
Chambers

Clute	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Horbach	Huseman	Huser
Jacobs	Kaufmann	Kelley	Lukan
May	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Staed
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Wise	Worthan

The nays were, 41:

Abdul-Samad	Berry	Bukta	Cphoon
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Reasoner	Reichert	Schueller
Shomshor	Smith	Swaim	Taylor, D.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Zirkelbach
Mr. Speaker Murphy			

Absent or not voting, 3:

Hoffman	Petersen	Taylor, T.
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Amendment H-8432, as amended, was adopted.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-8346 filed by him on March 27, 2008.

Tymeson of Madison offered amendment H-8429, previously deferred, filed by her as follows:

H-8429

1 Amend Senate File 2216, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking line 9 and inserting the
 4 following: "~~arts; three years of mathematics;~~
 5 including algebra and higher mathematics; three years
 6 of science; including biology, chemistry, and physics;
 7 and".

Tymeson of Madison offered the following amendment H-8517, to amendment H-8429, filed by her from the floor and moved its adoption:

H-8517

- 1 Amend the amendment, H-8429, to Senate File 2216,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 4, by striking the word "~~arts~~"
- 5 and inserting the following: "arts".

Amendment H-8517 was adopted.

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-8429, as amended, filed by her on April 7, 2008.

Alons of Sioux offered the following amendment H-8428, previously deferred, filed by him and moved its adoption:

H-8428

- 1 Amend Senate File 2216, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 9 the
- 4 following:
- 5 "If fifty percent or more of the students enrolled
- 6 in secondary school in the school district or
- 7 accredited nonpublic school take the college admission
- 8 examination administered by the American college
- 9 testing program, inc., and the average composite score
- 10 on the most recently administered examination for the
- 11 school district or school for which results are
- 12 available is higher than the combined state average
- 13 score on the same test, the school district or school
- 14 qualifies for an exemption from the core curriculum
- 15 requirements of this subsection for the next
- 16 succeeding school year."

Amendment H-8428 lost.

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

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

The ayes were, 97:

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

The nays were, 3:

Alons	Swaim	Wendt
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Absent or not voting, none.

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

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 150.

ADOPTION OF HOUSE RESOLUTION 150

Ford of Polk and Raecker of Polk called up for consideration **House Resolution 150**, a resolution to honor Drake University's men's and women's basketball teams, and moved its adoption.

The motion prevailed and the resolution was adopted.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 152.

ADOPTION OF HOUSE RESOLUTION 152

Jacobs of Polk called up for consideration **House Resolution 152**, a resolution to honor the Drake University men's basketball coach Keno Davis, and moved its adoption.

The motion prevailed and the resolution was adopted.

Jacobs of Polk introduced to the House the captains for the Drake men and women's basketball team, Adam Emmenecker and Lindsey Whorton, whom addressed the House briefly thanking the members for their support.

The House rose and expressed its welcome.

INTRODUCTION OF BILL

House File 2692, by McCarthy and Rants, a bill for an act relating to animal feeding operations by regulating livestock markets, open feedlot operations, and the stockpiling of manure, providing for applicability and enforcement, making penalties applicable, and providing effective dates.

Read first time and referred to committee on **agriculture**.

Appropriations Calendar

House File 2679, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters and including effective date provisions, was taken up for consideration.

Rants of Woodbury asked and received unanimous consent that amendment H-8476 be deferred.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-8508 filed by him from the floor.

Winckler of Scott offered the following amendment H-8519 filed by her and Foege of Linn from the floor and moved its adoption:

H-8519

- 1 Amend House File 2679 as follows:
- 2 1. Page 8, by striking line 33 and inserting the
- 3 following:
- 4 "....." \$ 22,302,006"
- 5 2. By striking page 12, line 8, through page 13,
- 6 line 9.
- 7 3. Page 14, by striking line 23 and inserting the
- 8 following:
- 9 "....." \$ 2,192,351"
- 10 4. By renumbering as necessary.

Amendment H-8519 was adopted, placing out of order amendment H-8495 filed by Winckler of Scott on April 10, 2008.

Mascher of Johnson in the chair at 4:36 p.m.

Winckler of Scott offered the following amendment H-8515 filed by her from the floor and moved its adoption:

H-8515

- 1 Amend House File 2679 as follows:
- 2 1. Page 9, line 13, by inserting after the word
- 3 "colleges" the following: ", the university of
- 4 northern Iowa, ".
- 5 2. Page 11, line 32, by inserting after the word
- 6 "economics" the following: ", the university of
- 7 northern Iowa, ".
- 8 3. Page 16, line 28, by inserting after the word
- 9 "committees" the following: ", the state board of
- 10 regents, ".

Amendment H-8515 was adopted.

Grassley of Butler offered the following amendment H-8512 filed by him, Upmeyer of Hancock, Kaufmann of Cedar, Boal of Polk, Forristall of Pottawattamie and Baudler of Adair from the floor and moved its adoption:

H-8512

1 Amend House File 2679 as follows:

2 1. Page 14, by striking line 27 and inserting the
3 following:

4 "..... \$186,866,657"

5 2. By striking page 14, line 31, through page 15,
6 line 10, and inserting the following:

- 7 "a. Merged Area I \$9,267,463
- 8 b. Merged Area II \$9,938,280
- 9 c. Merged Area III \$9,124,834
- 10 d. Merged Area IV \$4,490,986
- 11 e. Merged Area V \$10,234,103
- 12 f. Merged Area VI \$8,747,911
- 13 g. Merged Area VII \$13,010,598
- 14 h. Merged Area IX \$16,233,769
- 15 i. Merged Area X \$28,708,344
- 16 j. Merged Area XI \$28,503,448
- 17 k. Merged Area XII \$10,684,153
- 18 l. Merged Area XIII \$10,907,533
- 19 m. Merged Area XIV \$4,547,736
- 20 n. Merged Area XV \$14,273,002
- 21 o. Merged Area XVI \$8,194,497"

22 3. Page 15, by inserting before line 11 the
23 following:

24 "Notwithstanding unnumbered paragraph 1 of this
25 subsection and notwithstanding section 469.9, of the
26 moneys appropriated in this subsection, the sum of
27 \$6,404,243 is allocated from the moneys appropriated
28 to the office of energy independence for deposit in
29 the Iowa power fund for the fiscal year beginning July
30 1, 2008, and ending June 30, 2009."

Roll call was requested by Grassley of Butler and Rants of Woodbury.

On the question "Shall amendment H-8512 be adopted?" (H.F. 2679)

The ayes were, 48:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Mertz	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rasmussen
Rayhons	Roberts	Sands	Schickel

Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wienczek	Windschitl	Worthan

The nays were, 52:

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

Absent or not voting, none.

Amendment H-8512 lost.

Kaufmann of Cedar offered the following amendment H-8492 filed by him and moved its adoption:

H-8492

- 1 Amend House File 2679 as follows:
- 2 1. Page 15, by inserting after line 18 the
- 3 following:
- 4 "Sec.____. STUDY OF POSTSECONDARY RIGOR. The
- 5 legislative council shall commission a study by an
- 6 independent entity to evaluate and compare the rigor
- 7 of the first two years of study at community colleges
- 8 and institutions of higher education governed by the
- 9 state board of regents. The legislative council shall
- 10 make the commission's report available to the public
- 11 by July 1, 2009."
- 12 2. By renumbering as necessary.

Amendment H-8492 was adopted.

Chambers of O'Brien offered the following amendment H-8510 filed by him from the floor and moved its adoption:

H-8510

- 1 Amend House File 2679 as follows:
2 1. Page 15, by inserting after line 18 the
3 following:
4 "Sec.____. DUTIES RELATED TO CHILDREN AND
5 FAMILIES. The departments of education, human
6 services, and public health shall coordinate their
7 efforts in carrying out their respective duties
8 related to children and families. The departments
9 shall also coordinate their efforts regarding
10 applications for federal grants and other funding
11 resources which are available for the assistance of
12 Iowa's children and families."
13 2. By renumbering as necessary.

Amendment H-8510 was adopted.

Pettengill of Benton offered the following amendment H-8509 filed by her and Sands of Louisa from the floor and moved its adoption:

H-8509

- 1 Amend House File 2679 as follows:
2 1. Page 26, by inserting after line 13 the
3 following:
4 "Sec.____. Section 256.11, subsections 2, 3, and
5 4, Code Supplement 2007, are amended to read as
6 follows:
7 2. The kindergarten program shall include
8 experiences designed to develop healthy emotional and
9 social habits and growth in the language arts and
10 communication skills, as well as a capacity for the
11 completion of individual tasks, and protect and
12 increase physical well-being with attention given to
13 experiences relating to the development of life
14 skills, including but not limited to personal finance
15 skills, and human growth and development. A
16 kindergarten teacher shall be licensed to teach in
17 kindergarten. An accredited nonpublic school must
18 meet the requirements of this subsection only if the
19 nonpublic school offers a kindergarten program.
20 3. The following areas shall be taught in grades
21 one through six: English-language arts, social
22 studies, personal finance literacy, mathematics,
23 science, health, age-appropriate and research-based
24 human growth and development, physical education,
25 traffic safety, music, and visual art. The health
26 curriculum shall include the characteristics of
27 communicable diseases including acquired immune

28 deficiency syndrome. The state board as part of
 29 accreditation standards shall adopt curriculum
 30 definitions for implementing the elementary program.
 31 4. The following shall be taught in grades seven
 32 and eight: English-language arts; social studies;
 33 personal finance literacy; mathematics; science;
 34 health; age-appropriate and research-based human
 35 growth and development; family, consumer, career, and
 36 technology education; physical education; music; and
 37 visual art. The health curriculum shall include
 38 age-appropriate and research-based information
 39 regarding the characteristics of sexually transmitted
 40 diseases, including HPV and the availability of a
 41 vaccine to prevent HPV, and acquired immune deficiency
 42 syndrome. The state board as part of accreditation
 43 standards shall adopt curriculum definitions for
 44 implementing the program in grades seven and eight.
 45 However, this subsection shall not apply to the
 46 teaching of family, consumer, career, and technology
 47 education in nonpublic schools. For purposes of this
 48 section, "age-appropriate", "HPV", and
 49 "research-based" mean the same as defined in section
 50 279.50.

Page 2

1 Sec.____. Section 256.11, subsection 5, Code
 2 Supplement 2007, is amended by adding the following
 3 new paragraph:
 4 NEW PARAGRAPH. k. One-half unit of personal
 5 finance literacy."

Roll call was requested by Pettengill of Benton and Sands of
 Louisa.

Rule 75 was invoked.

On the question "Shall amendment H-8509 be adopted?" (H.F.
 2679)

The ayes were, 48:

Alons	Anderson	Arnold	Bailey
Baudler	Boal	Chambers	Clute
De Boef	Deyoe	Dolecheck	Drake
Forristall	Gipp	Granzow	Grassley
Greiner	Heaton	Hoffman	Horbach
Huseman	Jacobs	Kaufmann	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rasmussen

Rayhons	Roberts	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Windschitl	Worthan	Zirkelbach

The nays were, 51:

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

Absent or not voting, none.

RULE 76 INVOKED

Under the provision of Rule 76, conflict of interest, Wiencek of Black Hawk refrained from voting.

Amendment H-8509 lost.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-8513 filed by him on floor.

Kaufmann of Cedar offered amendment H-8493 filed by Kaufmann et al., and requested division as follows:

H-8493

- 1 Amend House File 2679 as follows:
- 2 1. Page 27, by inserting after line 4 the

H-8493A

- 3 following:
- 4 "Sec. . **NEW SECTION.** 256.42 STATE
- 5 POSTSECONDARY TRANSFER AND ARTICULATION OVERSIGHT
- 6 COMMITTEE.
- 7 1. A state postsecondary transfer and articulation
- 8 oversight committee is established within the
- 9 department. The committee shall consist of five

10 voting members, one of whom shall be the director of
11 the department of education or the director's
12 designee. The governor shall appoint four members as
13 follows:

14 a. Two persons who shall be members of boards of
15 directors of community colleges.

16 b. Two persons who shall represent the
17 institutions of higher education governed by the state
18 board of regents.

19 2. The committee shall meet to resolve the credit
20 and transfer or articulation disputes between the
21 community colleges, the regents universities, and
22 students who wish to transfer community college
23 credits to a regents university.

24 3. The committee shall designate a chairperson,
25 and may change the designation. The committee shall
26 meet no less than four times per year and may meet at
27 the call of the chairperson or upon the written
28 request to the chairperson of two or more members.
29 The members appointed by the governor shall serve a
30 term of four years, except that the initial term of
31 one member appointed pursuant to subsection 1,
32 paragraph "a", and one member appointed pursuant to
33 subsection 1, paragraph "b", shall be for two years.
34 Members appointed by the governor shall be appointed
35 in each odd-numbered year to succeed members whose
36 terms expire as provided by section 69.19. If a
37 vacancy occurs, a successor shall be appointed in the
38 same manner as the original appointment to serve the
39 unexpired term. A member designated to represent the
40 director of the department shall serve at the pleasure
41 of the director. A majority of the voting members of
42 the committee constitutes a quorum, and the
43 concurrence of a majority of the voting members of the
44 committee in any matter within their duties is
45 required for its determination. Members are entitled
46 to actual expenses necessarily incurred in the
47 discharge of their duties as members of the committee.
48 The expenses paid to the committee members shall be
49 paid from funds appropriated to the department."

H-8493B

50 2. Page 28, by inserting after line 5 the

Page 2

1 following:

2 "Sec.____. Section 260C.14, Code 2007, is amended
3 by adding the following new subsection:

4 NEW SUBSECTION. 22. Enter into a collective
5 statewide articulation agreement with the state board

6 of regents pursuant to section 262.9, subsection 32.
 7 The agreement shall provide for the creation of a
 8 bachelor of applied science degree and equivalent
 9 recognition for an applied science degree offered at
 10 the community college level. The cooperation of each
 11 community college in abiding by the terms of the
 12 agreement shall be reviewed and considered by the
 13 general assembly when making the annual appropriation
 14 for the community college."

15 3. Page 36, by inserting after line 25 the
 16 following:

17 "Sec. _____. Section 262.9, Code Supplement 2007, is
 18 amended by adding the following new subsection:
 19 NEW SUBSECTION. 32. a. In consultation with the
 20 state board for community colleges established
 21 pursuant to section 260C.3, establish and enter into a
 22 collective statewide articulation agreement with the
 23 community colleges established pursuant to chapter
 24 260C. The agreement shall provide for the creation of
 25 a bachelor of applied science degree and equivalent
 26 recognition for an applied science degree offered at
 27 the community college level. An accredited private
 28 institution as defined in section 261.9 may elect to
 29 enter into the agreement. The policies and procedures
 30 set forth in the agreement shall be fully operational
 31 at each of the institutions of higher education under
 32 the board's control by July 1, 2009. The articulation
 33 agreement shall provide for the seamless transfer of
 34 academic credits from a completed associate of arts or
 35 associate of science degree program to a baccalaureate
 36 degree program offered by the institutions of higher
 37 education under the control of the state board of
 38 regents, and shall include the following:

- 39 (1) A listing of the general education core
 40 courses for the associate of arts and associate of
 41 science degrees.
 42 (2) Policies and procedures for the seamless
 43 transfer and application of academic credits from a
 44 completed associate degree program to a baccalaureate
 45 degree program, including a guarantee that an
 46 associate of arts degree or an associate of science
 47 degree awarded by a community college established
 48 pursuant to chapter 260C, shall be fully transferable
 49 and credited as the first two years of a baccalaureate
 50 degree program at the institutions of higher education

Page 3

- 1 under the board's control to which a student is
 2 admitted.
 3 (3) Policies and procedures for the implementation
 4 of an appeals process for students and institutions to

5 resolve disputes regarding the transfer of academic
6 credits.

7 (4) Policies and procedures for the annual review
8 and updating of the agreement.

9 (5) Policies and procedures for the collection of
10 data by the board to ensure that its institutions of
11 higher education are in compliance with the provisions
12 of this subsection and to ensure that the agreement is
13 fostering both a seamless transfer process and the
14 academic success of transfer students at the board's
15 institutions of higher education. The board shall
16 annually determine the data to be collected and shall
17 notify each institution in a timely manner of the data
18 to be collected.

19 b. Direct the institutions of higher education
20 under its control to allow for the transfer of up to
21 eighty hours of the credits earned by a student who
22 has completed an associate degree program prior to
23 transferring into a baccalaureate degree program at
24 the institution.

25 c. Prepare an annual report summarizing the data
26 collected pursuant to paragraph "a", subparagraph (5),
27 and including an analysis of the effect of the
28 agreement on the transfer process and on the academic
29 success of transfer students at the institutions of
30 higher education under its control, and an analysis of
31 each institution's compliance with the provisions of
32 this subsection. The board shall submit the report to
33 the general assembly and the governor by January 15 of
34 each year. The cooperation of each institution of
35 higher education under the board's control in abiding
36 by the terms of the agreement shall be reviewed and
37 considered by the general assembly when making the
38 annual appropriation for the institution. However,
39 this subsection shall not be construed to require any
40 of the institutions of higher education to admit any
41 student or to waive its admission standards and
42 application procedures for any student."

43 4. By renumbering as necessary.

Kaufmann of Cedar moved the adoption of amendment H-8493A.

Amendment H-8493A was adopted.

Kaufmann of Cedar asked and received unanimous consent to
withdraw amendment H-8493B.

Tymeson of Madison offered the following amendment H-8511 filed by her, Chambers of O'Brien, Baudler of Adair and Alons of Sioux, from the floor and moved its adoption:

H-8511

1 Amend House File 2679 as follows:
 2 1. Page 36, by inserting after line 25 the
 3 following:
 4 "Sec. ____ Section 262.9, Code Supplement 2007, is
 5 amended by adding the following new subsection:
 6 NEW SUBSECTION. 32. Disclose to the general
 7 assembly any federal, state, or privately funded
 8 activities or studies undertaken by any of the
 9 institutions of higher education under its control
 10 that would involve actions which meet the standards
 11 for a violation of the laws of this state."
 12 2. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Horbach of Tama.

On the question "Shall amendment H-8511 be adopted?" (H.F. 2679)

The ayes were, 93:

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

Wiencek
Zirkelbach

Winckler

Windschitl

Worthan

The nays were, 7:

Cohoon
Olson, R.

Foege
Wise

Lensing
Mascher,
Presiding

Murphy, Spkr.

Absent or not voting, none.

Amendment H-8511 was adopted.

Speaker Murphy in the chair at 5:54 p.m.

Lukan of Dubuque offered the following amendment H-8487 filed by Lukan et al., and moved its adoption:

H-8487

- 1 Amend House File 2679 as follows:
- 2 1. Page 37, by inserting after line 14 the
- 3 following:
- 4 "Sec. ____ Section 301.1, subsection 3, Code 2007,
- 5 is amended to read as follows:
- 6 3. As used in subsection 2, "textbooks" means
- 7 ~~books~~ any of the following:
- 8 a. Books and loose-leaf or bound manuals, systems
- 9 of reusable instructional materials or combinations of
- 10 books and supplementary instructional materials which
- 11 convey information to the student or otherwise
- 12 contribute to the learning process, ~~or electronic,~~
- 13 b. Electronic textbooks, including but not limited
- 14 to computer software, applications using
- 15 computer-assisted instruction, interactive videodisc,
- 16 and other computer courseware and magnetic media.
- 17 c. Computer hardware, including but not limited to
- 18 personal computing devices."
- 19 2. By renumbering as necessary.

Roll call was requested by Lukan of Dubuque and Van Fossen of Scott.

On the question "Shall amendment H-8487 be adopted?" (H.F. 2679)

The ayes were, 48:

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

The nays were, 51:

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

Absent or not voting, 1:

Anderson

Amendment H-8487 lost.

Baudler of Adair offered amendment H-8507 filed by him from the floor as follows:

H-8507

- 1 Amend House File 2679 as follows:
- 2 1. Page 37, by inserting after line 14 the
- 3 following:
- 4 "Sec. ____, NEW SECTION. 279.60 DISPLAY OF UNITED
- 5 STATES FLAG IN CLASSROOMS.
- 6 In addition to the requirements of section 280.5,
- 7 the board of directors of each school district shall
- 8 cause a United States flag, manufactured in the United

- 9 States and in good condition to be displayed during
 10 school hours in each public school gymnasium or
 11 assembly hall in the district. The size of the flag
 12 shall be not less than two feet by three feet."
 13 2. By renumbering as necessary.

Winckler of Scott rose on a point of order that amendment H-8507 was not germane.

The Speaker ruled the point well taken and amendment H-8507 not germane.

Baudler of Adair moved to suspend the rules to consider amendment H-8507.

Roll call was requested by Rants of Woodbury and Struyk of Pottawattamie.

On the question "Shall the rules be suspended to consider amendment H-8507?" (H.F. 2679)

The ayes were, 49:

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

The nays were, 51:

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

Shomshor	Smith	Staed	Swaim
Taylor, T.	Thomas	Tomenga	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Mr. Speaker	
		Murphy	

Absent or not voting, none.

The motion to suspend the rules lost.

Van Fossen of Scott offered amendment H-8496 filed by him and Lukan of Dubuque as follows:

H-8496

1 Amend House File 2679 as follows:
 2 1. Page 37, by inserting after line 19 the
 3 following:
 4 "Sec.____. Section 422.11S, subsection 7,
 5 paragraph a, subparagraph (2), Code Supplement 2007,
 6 is amended to read as follows:
 7 (2) "Total approved tax credits" means for the tax
 8 year beginning in the 2006 calendar year, two million
 9 five hundred thousand dollars, for the tax year
 10 beginning in the 2007 calendar year, five million
 11 dollars, ~~and for tax years beginning on or after~~
 12 ~~January 1, 2008~~ for the tax year beginning in the 2008
 13 calendar year, seven million five hundred thousand
 14 dollars, ~~and for tax years beginning on or after~~
 15 January 1, 2009, ten million dollars."
 16 2. By renumbering as necessary.

Winckler of Scott rose on a point of order that amendment H-8496 was not germane.

The Speaker ruled the point well taken and amendment H-8496 not germane.

Van Fossen of Scott moved to suspend the rules to consider amendment H-8496.

Roll call was requested by Van Fossen of Scott and Lukan of Dubuque.

On the question "Shall the rules be suspended to consider amendment H-8496?" (H.F. 2679)

The ayes were, 47:

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

The nays were, 52:

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

Absent or not voting, 1:

Granzow

The motion to suspend the rules lost.

Kaufmann of Cedar offered the following amendment H-8505 filed by him from the floor and moved its adoption:

H-8505

- 1 Amend House File 2679 as follows:
- 2 1. Page 51, line 22, by inserting after the word
- 3 "instructors" the following: "hold a master's degree
- 4 from an accredited college or university,".
- 5 2. Page 51, line 24, by striking the figure "272"
- 6 and inserting the following: "272,".

Amendment H-8505 was adopted.

May of Dickinson offered the following amendment H-8518 filed by him from the floor and moved its adoption:

H-8518

- 1 Amend House File 2679 as follows:
 2 1. Page 60, by striking lines 2 through 13 and
 3 inserting the following: "succeeding fiscal years, an
 4 amount up to one million dollars to the department for
 5 distribution to school districts for purposes of
 6 paying college entrance examination fees for students
 7 enrolled in the district who are taking a college
 8 entrance examination provided by the American college
 9 testing program, inc."
 10 2. Page 60, by striking lines 16 through 18 and
 11 inserting the following: "dollars to the department
 12 for distribution to school districts for purposes of
 13 paying advanced placement course examination fees for
 14 students enrolled in the district."
 15 3. By renumbering as necessary.

Roll call was requested by May of Dickinson and Paulsen of Linn.

On the question "Shall amendment H-8518 be adopted?" (H.F. 2679)

The ayes were, 48:

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

The nays were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby

Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, none.

Amendment H-8518 lost.

Struyk of Pottawattamie offered the following amendment H-8476, previously deferred, filed by him and Pettengill of Benton and moved its adoption:

H-8476

- 1 Amend House File 2679 as follows:
- 2 1. Page 4, by striking line 27 and inserting the
- 3 following:
- 4 "..... \$ 8,417,427"
- 5 2. Page 22, by striking line 32 and inserting the
- 6 following:
- 7 "..... \$ 10,077,191"
- 8 3. Page 23, by striking line 3 and inserting the
- 9 following:
- 10 "..... \$ 5,674,351"

Roll call was requested by Struyk of Pottawattamie and Pettengill of Benton.

Rule 75 was invoked.

On the question "Shall amendment H-8476 be adopted?" (H.F. 2679)

The ayes were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	Dandekar
De Boef	Deyoe	Dolecheck	Drake
Forristall	Gipp	Granzow	Grassley
Greiner	Heaton	Hoffman	Horbach
Huseman	Jacobs	Kaufmann	Lukan

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

The nays were, 50:

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

Absent or not voting, none.

Amendment H-8476 lost.

Tymeson of Madison offered the following amendment H-8521 filed by her from the floor and moved its adoption:

H-8521

- 1 Amend House File 2679 as follows:
- 2 1. By striking page 25, line 9, through page 26,
- 3 line 13.
- 4 2. Page 39, line 23, by striking the word "DATES"
- 5 and inserting the following: "DATE".
- 6 3. Page 39, line 24, by striking the figure "1."
- 7 4. Page 39, by striking lines 28 through 30.
- 8 5. Title page, line 5, by striking line 5 and
- 9 inserting the following: "including an effective date
- 10 provision."
- 11 6. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 45, nays 49.

Amendment H-8521 lost.

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

On the question "Shall the bill pass?" (H.F. 2679)

The ayes were, 52:

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

The nays were, 48:

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

Absent or not voting, none.

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2679** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2416, a bill for an act relating to wage payment collection and employment classification issues arising between employers and individuals who provide services to employers and including an appropriation and an effective date.

Also: That the Senate has on April 14, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2418, a bill for an act relating to notice provided to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits.

Also: That the Senate has on April 14, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2419, a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

Also: That the Senate has on April 14, 2008, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 105, a concurrent resolution designating May 2008 as Motorcycle Safety Awareness Month.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILL

House Joint Resolution 2007, by McCarthy, a house joint resolution a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation.

Read first time and referred to committee on **administration and rules**.

HOUSE FILE 2678 REREFERRED

The Speaker announced that House File 2678, previously referred to committee on **ethics** was rereferred to committee on **state government**.

**MOTION TO RECONSIDER
(Senate File 2216)**

I move to reconsider the vote by which Senate File 2216 passed the House on April 14, 2008.

MCCARTHY of Polk

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 10, 2008. Had I been present, I would have voted "aye" on House Files 2283, 2651, 2668, 2669 and Senate Files 2134, 2269, 2276 and 2321.

PAULSEN of Linn

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 14th day of April, 2008: House Files 2212, 2390, 2392, 2542, 2547, 2591 and 2646.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 11, 2008, he approved and transmitted to the Secretary of State the following bills:

House File 247, an Act providing voting member representation on joint E911 service boards for cities or townships providing fire protection services through a volunteer fire department.

House File 2164, an Act relating to voluntary diversity or court-ordered school desegregation plans under the state's open enrollment law.

House File 2328, an Act relating to services associated with the family investment program by moving the family development and self-sufficiency council and grant program to the department of human rights and revising confidentiality provisions involving the programs.

House File 2372, an Act limiting the scope of the electronic benefits transfer program maintained by the department of human services.

House File 2383, an Act making nonsubstantive corrections to certain provisions relating to insurance and making repeals.

House File 2385, an Act relating to allowable investments by the treasurer of state and other authorized state agencies.

House File 2410, an Act relating to alarm system installer or contractor certification and electrician licensure provisions, and providing an effective date.

House File 2411, an Act providing for changes in electrician licensure requirements for specified licensure classifications, and providing an effective date.

House File 2564, an Act concerning the disaster aid individual assistance grant program.

House File 2568, an Act relating to the calculation of certain weekly workers' compensation benefits by requiring certain weekly workers' compensation benefits to be calculated by including an employee's shift differential pay and by changing the basis for calculating the weekly rate for certain injured inmates.

House File 2580, an Act providing for a sustainable natural resource funding advisory committee.

House File 2581, an Act relating to the donation of food to the department of natural resources or county conservation boards.

House File 2603, an Act authorizing certain advanced registered nurse practitioners and psychiatrists to file certain periodic court reports on chronic substance abusers and persons with mental illness who do not require full-time placement in a treatment facility.

House File 2606, an Act relating to the regulation of transactions involving grain, by providing for the regulation of grain dealers and warehouse operators, and providing for the administration of the grain indemnity fund.

Senate File 473, an Act allowing a competent adult to execute a written instrument designating a person to have sole responsibility and discretion concerning the final

disposition of that adult's remains, including coordinating provisions, and providing applicability dates.

Senate File 505, an Act relating to civil liability for damages relating to the use of an automated external defibrillator in sudden cardiac arrest emergencies.

Senate File 2089, an Act relating to applications for absentee ballots.

Senate File 2108, an Act relating to the designation of a Gift to Iowa's Future Recognition Day.

Senate File 2117, an Act relating to coverage of closing protection letters in real estate transactions and providing an effective date.

Senate File 2157, an Act relating to amusement ride safety inspection fees and special inspectors authorized by the division of labor services in the department of workforce development and providing an effective date.

Senate File 2176, an Act relating to cultural affairs by providing for the preservation of electronic records, establishing local cultural committees, and creating a civil war sesquicentennial advisory committee.

Senate File 2177, an Act relating to health-related activities and regulation by the department of public health.

Senate File 2179, an Act making specified changes relating to professional licensing and regulation under the purview of the banking division of the department of commerce.

Senate File 2214, an Act relating to modification of a child custody order during the time a parent is serving active duty.

Senate File 2217, an Act relating to providing legal representation to an eligible indigent person and the appointment of a guardian ad litem.

Senate File 2248, an Act modifying provisions relating to the application for a certificate of franchise authority applicable to the provision of cable or video services by an existing provider.

Senate File 2277, an Act relating to offenses against identity by establishing a procedure to secure credit information and providing a penalty.

Senate File 2289, an Act concerning state educational assistance to children of deceased veterans and the war orphans educational assistance fund, and including an effective date and retroactive applicability provision.

Senate File 2301, an Act making revisions and modifications to uniform finance procedures for bonds issued by the state.

Senate File 2316, an Act creating the Iowa uniform prudent management of institutional funds Act and including an applicability provision.

Senate File 2333, an Act relating to the regulation of veterans commemorative property.

Senate File 2335, an Act relating to the rights of a victim of an alleged sexual assault and notification of these rights by a peace officer.

Senate File 2380, an Act establishing a low head dam public hazard program.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\2806 Inez Wolford, Burlington – For celebrating her 90th birthday.
- 2008\2807 William and Barbara Lafferty, Burlington – For celebrating their 50th wedding anniversary.
- 2008\2808 Dwight and Cathy Brown, Burlington – For celebrating their 50th wedding anniversary.
- 2008\2809 Richard and Ellen Eckhardt, Burlington – For celebrating their 50th wedding anniversary.
- 2008\2810 Sherman and Mary Smith, Burlington – For celebrating their 65th wedding anniversary.
- 2008\2811 Marilyn Adams, Earlham – For being named America's Greatest Hometown Hero of the Sixth Annual Volvo for Life Awards.
- 2008\2812 Kay and Charles Derr, Fairfield – For celebrating their 50th wedding anniversary.
- 2008\2813 Earl Hesse, Sioux City – For celebrating his 80th birthday.
- 2008\2814 Pearl Fulton, Sioux City – For celebrating her 80th birthday.
- 2008\2815 Sylvia Kuennen, Sioux City – For being chosen the Social Worker of the Year for the State of Iowa.
- 2008\2816 Samuel Tucker Beernink, Sioux City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2817 Jerry Alan Pickell, Sioux Center – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 2008\2818 Charlie and Viola Van Schepen, Hull – For celebrating their 60th wedding anniversary.
- 2008\2819 John and Grach Schuurman, Rock Rapids – For celebrating their 65th wedding anniversary.
- 2008\2820 Jim and Marlene Michaud, Ames – For celebrating their 50th wedding anniversary.
- 2008\2821 Ken and Jo Noble, West Liberty – For celebrating their 50th wedding anniversary.
- 2008\2822 E. Wayne and Vivian Sissel, Tipton – For celebrating their 55th wedding anniversary.
- 2008\2823 Dale and Judy Wulff, Clarence – For celebrating their 55th wedding anniversary.
- 2008\2824 Fred Kummerfeldt, Wilton – For celebrating his 90th birthday.
- 2008\2825 Dorothy Beinke, West Liberty – For celebrating her 100th birthday.
- 2008\2826 Ann Gottschalk, Lowden – For celebrating her 90th birthday.
- 2008\2827 Anna Juffer, Doon – For celebrating her 90th birthday.
- 2008\2828 Mavis Porter, Rock Rapids – For celebrating her 90th birthday.
- 2008\2829 Emily Leuthold, Rock Rapids – For celebrating her 90th birthday.
- 2008\2830 Margaret Altena, Sioux Center – For celebrating her 90th birthday.
- 2008\2831 Lois Vande Garde, Rock Valley – For celebrating her 90th birthday.
- 2008\2832 Molly Nelson, Panorama – For receiving the Outstanding Performer Award at the Class 2A State Solo and Small Group contest.
- 2008\2833 Larry and Kay Calkins, Greenfield – For celebrating their 50th wedding anniversary.
- 2008\2834 Raymond and Leanne Miller, Oxford – For celebrating their 50th wedding anniversary.
- 2008\2835 Kenneth and Eleanore Miller, Fontanelle – For celebrating their 67th wedding anniversary.
- 2008\2836 Manley Young, Fontanelle – For celebrating his 80th birthday.
- 2008\2837 LaVera Burns, Latimer – For celebrating her 95th birthday.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON LABOR

House File 2675, a bill for an act pertaining to qualifications for and payment of unemployment compensation benefits, and including effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8527** April 14, 2008.

RESOLUTION FILED

HR 151, by Petersen, a resolution recognizing April 13 through 19, 2008, as the Week of the Young Child.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8498	S.F.	2404	Kaufmann of Cedar
H—8499	H.F.	2686	Wessel-Kroeschell of Story
H—8500	H.F.	2628	R. Olson of Polk
H—8501	H.F.	2628	R. Olson of Polk
H—8502	H.F.	2684	Ford of Polk
H—8503	S.F.	517	Reichert of Muscatine
H—8504	S.F.	517	Reichert of Muscatine
H—8506	H.F.	2239	Lukan of Dubuque
H—8514	H.F.	2688	Gaskill of Wapello
H—8516	S.F.	2382	R. Olson of Polk
			Swaim of Davis
H—8520	H.F.	2688	Whitaker of Van Buren
			Frevert of Palo Alto
			Whitead of Woodbury
H—8522	S.F.	2402	Van Fossen of Scott

H—8523	H.F.	2688	May of Dickinson
H—8524	H.F.	2688	Kuhn of Floyd
			May of Dickinson
			Whitead of Woodbury
H—8525	H.F.	2688	Frevert of Palo Alto
			Jochum of Dubuque
			Kuhn of Floyd
			Whitaker of Van Buren
			Kelley of Black Hawk
H—8526	H.F.	2688	Kuhn of Floyd
			Frevert of Palo Alto
			Ford of Polk
			Mascher of Johnson
			Jochum of Dubuque
			Gaskill of Wapello
H—8527	H.F.	2675	Committee on Labor
H—8528	H.F.	2672	Kaufmann of Cedar
H—8529	H.F.	2688	Kuhn of Floyd
			T. Taylor of Linn
			D. Taylor of Linn
			Jochum of Dubuque
			Smith of Marshall
			Gaskill of Wapello
			Kressig of Black Hawk
			Whitead of Woodbury
			Hunter of Polk
			Petersen of Polk
			Jacoby of Johnson
			Swaim of Davis
			H. Miller of Webster
			Heddens of Story
			Winckler of Scott
			Staed of Linn

On motion by McCarthy of Polk the House adjourned at 7:50 p.m., until 9:00 a.m., Tuesday, April 15, 2008.

JOURNAL OF THE HOUSE

Ninety-third Calendar Day - Sixty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 15, 2008

The House met pursuant to adjournment at 9:00 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Paul Hansen, pastor of the First Christian Reformed Church, Hull. He was the guest of Representative Dwayne Alons of Sioux County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Page Gloria Steinke of Gibson.

The Journal of Monday, April 14, 2008 was approved.

SENATE MESSAGES CONSIDERED

Senate File 2418, by committee on ways and means, a bill for an act relating to notice provided to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits.

Read first time and referred to committee on **ways and means**.

Senate File 2419, by committee on ways and means , a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **ways and means**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2406, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions.

Also: That the Senate has on April 14, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2411, a bill for an act relating to open records and public meetings and providing an effective date.

MICHAEL E. MARSHALL, Secretary

On motion by McCarthy of Polk, the House was recessed at 9:43 a.m., until 1:00 p.m., or the completion of the caucuses.

AFTERNOON SESSION

The House reconvened at 1:26 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILL

House File 2693, by McCarthy, a bill for an act pertaining to employers' participation in unemployment insurance adjudications.

Read first time and referred to committee on **labor**.

SENATE MESSAGES CONSIDERED

Senate File 2406, by Gronstal, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions.

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

Senate File 2411, by committee on appropriations, a bill for an act relating to open records and public meetings and providing an effective date.

Read first time and referred to committee on **state government**.

Senate File 2416, by committee on ways and means, a bill for an act relating to wage payment collection and employment classification issues arising between employers and individuals who provide services to employers and including an effective date.

Read first time and referred to committee on **labor**.

ADOPTION OF HOUSE RESOLUTION 141

Hoffman of Crawford and Roberts of Carroll called up for consideration **House Resolution 141**, a resolution to recognize the 2008 annual Donna Reed Festival for the Performing Arts, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Wenthe of Fayette called up for consideration **House File 2601**, a bill for an act providing for the state interagency Missouri river authority, amended by the Senate, and moved that the House concur in the following Senate amendment H-8485:

H-8485

1 Amend House File 2601, as passed by the House, as
 2 follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. Section 28L.1, Code 2007, is amended
 6 to read as follows:
 7 28L.1 STATE INTERAGENCY MISSOURI RIVER AUTHORITY
 8 CREATED – DUTIES.
 9 1. A state interagency Missouri river authority is
 10 created. The members of the authority shall include
 11 the governor or the governor's designee, the secretary
 12 of agriculture or the secretary's designee, the
 13 chairperson of the utilities board or the
 14 chairperson's designee, and the directors of the
 15 department of natural resources, the state department
 16 of transportation, and the department of economic
 17 development or the directors' designees. The governor
 18 shall serve as chairperson. The director of the
 19 department of natural resources or the director's
 20 designee shall serve as the coordinator of the
 21 authority's activities and shall serve as chairperson

22 in the absence of the governor.
23 2. The authority shall be responsible for
24 representing the interests of this state with regard
25 to its membership in the Missouri river ~~basin~~
26 association of states and tribes and to promote the
27 management of the Missouri river in a manner that does
28 not negatively impact landowners along the river or
29 negatively impact the state's economy, and in a manner
30 that positively impacts this state's many interests
31 along, in, and on the river. The Missouri river ~~basin~~
32 association of states and tribes is an interstate
33 association of government representatives formed to
34 seek consensus solutions to issues impacting the
35 Missouri river basin.
36 3. The director of the department of natural
37 resources or the director's designee shall coordinate
38 regular meetings of the state interagency Missouri
39 river authority to determine the state's position
40 before any meeting of the Missouri river association
41 of states and tribes or before a substantive proposal
42 or action is voted upon at such meeting. The members
43 of the state interagency Missouri river authority
44 shall attempt to achieve consensus on the state's
45 position regarding any substantive proposal or action
46 being considered by the Missouri river association of
47 states and tribes. Regardless of whether a consensus
48 can be achieved, a vote of the members shall be taken.
49 The state interagency Missouri river authority shall
50 not vote to approve or disapprove a substantive

Page 2

1 proposal or action being considered by the Missouri
2 river ~~basin~~ association of states and tribes without
3 the ~~agreement approval~~ approval of the directors of all four
4 ~~state departments and the chairperson of the utilities~~
5 ~~board who are a majority of the members of the~~
6 ~~authority. If a substantive proposal or action~~
7 ~~considered by the association is not approved or~~
8 ~~disapproved by all four directors and the chairperson~~
9 ~~of the utilities board, the state shall abstain from~~
10 ~~voting on the proposal or action. The director of the~~
11 ~~department of natural resources or the director's~~
12 ~~designee shall cast the votes for the state~~
13 ~~interagency Missouri river authority that are~~
14 ~~reflective of the position of the authority.~~
15 4. The state interagency Missouri river authority
16 shall ~~meet regularly with~~ seek input from stakeholder
17 groups in this state ~~to receive their recommendations~~
18 ~~before substantive proposals or actions are voted upon~~
19 ~~or to receive policy positions to submit to the~~
20 ~~Missouri river basin association~~ with regard to issues

21 impacting the Missouri river basin."

The motion prevailed and the House concurred in the Senate amendment H-8485.

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

On the question "Shall the bill pass?" (H.F. 2601)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

SENATE AMENDMENT CONSIDERED

Smith of Marshall called up for consideration **House File 2310**, a bill for an act requiring the departments of public health and human services to collect data and develop a protocol to address the relationship between substance misuse, abuse, or dependency by a child's parent, guardian, custodian, or other person responsible for the child's care and child abuse, amended by the Senate, and moved that the House concur in the following Senate amendment H-8385:

H-8385

1 Amend House File 2310, as passed by the House, as
 2 follows:
 3 1. Page 1, line 13, by inserting after the word
 4 "care." the following: "The study shall also identify
 5 potential changes in Iowa law that could encourage a
 6 child's parent, guardian, custodian, or other person
 7 responsible for the child's care to secure voluntary
 8 treatment for substance misuse, abuse, or dependency."

The motion prevailed and the House concurred in the Senate amendment H-8385.

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

On the question "Shall the bill pass?" (H.F. 2310)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.

Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Mr. Speaker
			Murphy

The nays were, none.

Absent or not voting, none.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2348, a bill for an act relating to the management of cooperative associations.

Also: That the Senate has on April 15, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2350, a bill for an act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions.

MICHAEL E. MARSHALL, Secretary

HOUSE REFUSED TO CONCUR

Kelley of Black Hawk called up for consideration **House File 2197**, a bill for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information, amended by the Senate amendment H-8361:

H-8361

1 Amend House File 2197, as passed by the House, as
2 follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. NEW SECTION. 261.7 TEXTBOOK NOTICE
6 – LEGISLATIVE INTENT.
7 1. In order to promote consumer choice and lower
8 the costs of higher education, the general assembly
9 intends that every public and private institution for
10 higher education in this state post the list of
11 required and suggested textbooks for all courses and
12 the corresponding international standard book numbers
13 for such textbooks at least fourteen days before the
14 start of each semester or term, to the extent
15 possible, at the locations where textbooks are sold on
16 campus and on the web site for the respective
17 institution for higher education.
18 2. The college student aid commission is directed
19 to convey this legislative intent to every registered
20 institution for higher education in the state at least
21 once a year."
22 2. Title page, line 1, by striking the word
23 "requiring" and inserting the following:
24 "encouraging".
25 3. Title page, lines 1 and 2, by striking the
26 words "and community colleges".

Kelley of Black Hawk asked and received unanimous consent to withdraw amendment H-8382, to the Senate amendment H-8361, filed by her on April 2, 2008.

On motion by Kelley of Black Hawk the House refused to concur in the Senate amendment H-8361.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2197, 2310 and 2601.**

SENATE AMENDMENT CONSIDERED

Thomas of Clayton called up for consideration **House File 2450**, a bill for an act relating to certain department of economic

development programs including vision Iowa board membership, renewable fuels marketing, film project tax credits, the promotion of Iowa tourism experiences, the consolidation of reporting requirements, the administration of targeted industries development, and providing an effective date, amended by the Senate amendment H-8360:

H-8360

1 Amend House File 2450, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, lines 24 and 25, by striking the words
4 "the date of the report" and inserting the following:
5 "June 30 of the prior year".

6 2. Page 3, lines 28 and 29, by striking the words
7 "the time of reporting" and inserting the following:
8 "June 30 of the prior year".

9 3. Page 3, line 35, and page 4, line 1, by
10 striking the words "the time of reporting" and
11 inserting the following: "June 30 of the prior year".

12 4. Page 4, lines 4 and 5, by striking the words
13 "the time of reporting" and inserting the following:
14 "June 30 of the prior year".

15 5. Page 4, line 9, by striking the words "the
16 time of reporting" and inserting the following: "June
17 30 of the prior year".

18 6. Page 4, line 11, by striking the words "the
19 time of reporting" and inserting the following: "June
20 30 of the prior year".

Van Fossen of Scott offered amendment H-8531, to the Senate amendment H-8360, filed by him from the floor as follows:

H-8531

1 Amend the Senate Amendment, H-8360, to House File
2 2450, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 20 the
5 following:

6 "____. Page 11, by inserting after line 5 the
7 following:

8 "DIVISION _____
9 PROPERTY REHABILITATION TAX CREDIT

10 Sec.____. Section 404A.4, subsection 4, Code
11 Supplement 2007, is amended to read as follows:

12 4. The total amount of tax credits that may be
13 approved for a fiscal year under this chapter shall
14 not exceed ten million dollars in the fiscal year

15 beginning July 1, 2007, fifteen million dollars in the
16 fiscal year beginning July 1, 2008, and twenty million
17 dollars in the fiscal year beginning July 1, 2009, and
18 each fiscal year thereafter. Of the tax credits
19 approved for a fiscal year under this chapter, ten
20 percent of the dollar amount of tax credits shall be
21 allocated for purposes of new projects with qualified
22 costs of five hundred thousand dollars or less, and
23 forty percent of the dollar amount of tax credits
24 shall be allocated for purposes of new projects
25 located in cultural and entertainment districts
26 certified pursuant to section 303.3B or identified in
27 Iowa great places agreements developed pursuant to
28 section 303.3C. Any of the tax credits allocated for
29 projects located in certified cultural and
30 entertainment districts or identified in Iowa great
31 places agreements and for projects with a cost of five
32 hundred thousand dollars or less that are not reserved
33 during a fiscal year shall be applied to reserved tax
34 credits issued in accordance with section 404A.3 in
35 order of original reservation. The department of
36 cultural affairs shall establish by rule the
37 procedures for the application, review, selection, and
38 awarding of certifications of completion. The
39 departments of cultural affairs and revenue shall each
40 adopt rules to jointly administer this subsection and
41 shall provide by rule for the method to be used to
42 determine for which fiscal year the tax credits are
43 available. With the exception of tax credits issued
44 pursuant to contracts entered into prior to July 1,
45 2007, tax credits shall not be reserved for more than
46 ~~three~~ five years.""
47 2. By renumbering as necessary.

Thomas of Clayton rose on a point of order that amendment H-8531 was not germane, to the Senate amendment H-8360.

The Speaker ruled the point well taken and amendment H-8531 not germane, to the Senate amendment H-8360.

Van Fossen of Scott asked for unanimous consent to suspend the rules to consider amendment H-8531.

Objection was raised.

On motion by Thomas of Clayton, the House concurred in the Senate amendment H-8360.

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

On the question "Shall the bill pass?" (H.F. 2450)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Davitt

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

SENATE AMENDMENT CONSIDERED

Gayman of Scott called up for consideration **House File 2526**, a bill for an act relating to the disposition of school property, amended

by the Senate, and moved that the House concur in the following Senate amendment H-8384:

H-8384

1 Amend House File 2526, as passed by the House, as
2 follows:

3 1. Page 1, line 3, by striking the word
4 "prohibited" and inserting the following:
5 "restricted".

6 2. Page 2, line 32, by striking the word "not".

7 3. By striking page 2, line 35, through page 3,
8 line 4, and inserting the following: "accordance with
9 section 297.22. However, the electors shall be
10 limited to twelve calendar months after an action by
11 the board to exercise such power for a purpose
12 directly contrary to the board's action."

The motion prevailed and the House concurred in the Senate amendment H-8384.

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

On the question "Shall the bill pass?" (H.F. 2526)

The ayes were, 100:

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

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

The nays were, none.

Absent or not voting, none.

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

Bukta of Clinton in the chair at 2:04 p.m.

HOUSE REFUSED TO CONCUR

Kelley of Black Hawk called up for consideration **Senate File 2308**, a bill for an act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8465 to the House amendment:

H-8465

- 1 Amend the House amendment, S-5272, to Senate File
- 2 2308, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 22.
- 5 2. Page 1, by striking lines 43 through 49.
- 6 3. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H-8465, to the House amendment.

The House stood at ease at 2:55 p.m., until the fall of the gavel.

The House resumed session at 3:18 p.m., Speaker Murphy in the chair.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the

following bills be immediately messaged to the Senate: **House Files 2450, 2526** and **Senate File 2308**.

SENATE AMENDMENT CONSIDERED

Dandekar of Linn called up for consideration **House File 2558**, a bill for an act relating to economic development by providing for the confidentiality of certain details contained in contracts and applications for financial assistance, amended by the Senate, and moved that the House concur in the following Senate amendment H-8472:

H-8472

1 Amend House File 2558, as passed by the House, as
2 follows:

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

5 "Sec. __. **NEW SECTION.** 15.118 CONFIDENTIALITY
6 OF INFORMATION IN FINANCIAL ASSISTANCE APPLICATIONS.

7 1. The board and the department shall give due
8 regard to the confidentiality of certain information
9 disclosed by applicants for financial assistance
10 during the application process, the contract
11 administration process, and the period following
12 closeout of a contract in the manner described in this
13 section.

14 2. All information contained in an application for
15 financial assistance submitted to the department shall
16 remain confidential while the department is reviewing
17 the application, processing requests for
18 confidentiality, negotiating with the applicant, and
19 preparing the application for consideration by the
20 director or the board. The department may release
21 certain information in an application for financial
22 assistance to a third party for technical review. If
23 the department releases such information to a third
24 party, the department shall ensure that the third
25 party protects such information from public
26 disclosure. After the department has considered a
27 request for confidentiality, any information not
28 deemed confidential shall be made publicly available.
29 Any information deemed confidential by the department
30 shall also be kept confidential during and following
31 administration of a contract executed pursuant to a
32 successful application.

33 3. The department shall consider the written
34 request of an applicant or award recipient to keep
35 confidential certain details of an application, a

36 contract, or the materials submitted in support of an
37 application or a contract. If the request includes a
38 sufficient explanation as to why the public disclosure
39 of such details would give an unfair advantage to
40 competitors, the department shall keep certain details
41 confidential. If the department elects to keep
42 certain details confidential, the department shall
43 release only the nonconfidential details in response
44 to a request for records pursuant to chapter 22. If
45 confidential details are withheld from a request for
46 records pursuant to chapter 22, the department shall
47 release an explanation of why the information was
48 deemed confidential and a summary of the nature of the
49 information withheld and the reasons for withholding
50 it. In considering requests for confidential

Page 2

1 treatment, the department shall narrowly construe the
2 provisions of this section in order to appropriately
3 balance an applicant's need for confidentiality
4 against the public's right to information about the
5 department's activities.

6 4. If a request for confidentiality is denied by
7 the department, an applicant may withdraw the
8 application and any supporting materials, and the
9 department shall not retain any copies of the
10 application or supporting materials. Upon notice that
11 an application has been withdrawn, the department
12 shall not release a copy in response to a request for
13 records pursuant to chapter 22.

14 5. The department shall adopt by rule a process
15 for considering requests to keep information
16 confidential pursuant to this section. The department
17 may adopt emergency rules pursuant to chapter 17A to
18 implement this section. The rules shall include
19 criteria for guiding the department's decisions about
20 the confidential treatment of applicant information.
21 The criteria may include but are not limited to the
22 following:

- 23 a. The nature and extent of competition in the
24 applicant's industry sector.
- 25 b. The likelihood of adverse financial impact to
26 the applicant if the information were to be released.
- 27 c. The risk that the applicant will locate in
28 another state if the request is denied.
- 29 d. Any other factor the department reasonably
30 considers relevant."

31 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8472.

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

On the question "Shall the bill pass?" (H.F. 2558)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Berry Quirk

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

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2417, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing for the repeal of the healthy Iowans tobacco trust, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8533** April 15, 2008.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of Senate File 2417.

CONSIDERATION OF BILLS

Appropriations Calendar

Senate File 2417, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing for the repeal of the healthy Iowans tobacco trust, and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Foege of Linn offered the following amendment H-8533 filed by the committee on appropriations from the floor and moved its adoption:

H-8533

- 1 Amend Senate File 2417, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 16, by striking the figure
- 4 "3,761,677" and inserting the following: "3,786,677".
- 5 2. Page 1, by inserting after line 16 the
- 6 following:
- 7 "Of the funds appropriated in this paragraph "a",

8 \$25,000 is allocated for the provision of additional
9 services by the grantee that receives the grant under
10 2007 Iowa Acts, chapter 218, section 20, subsection 2,
11 and successor grants, to be used for support services
12 for parents of children with autism spectrum
13 disorder."

The committee amendment H-8533 was adopted.

Raecker of Polk offered the following amendment H-8530 filed by him from the floor and moved its adoption:

H-8530

1 Amend Senate File 2417, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 2 through 5 and
4 inserting the following:
5 "GENERAL FUND – APPROPRIATIONS
6 Section 1. GENERAL FUND – APPROPRIATIONS TO
7 DEPARTMENTS. There is appropriated from the general
8 fund of the state to the following".
9 2. Page 7, by striking line 13 and inserting the
10 following: "general fund of the state to the".
11 3. Page 7, by striking line 28 and inserting the
12 following: "the general fund of the state to".
13 4. Page 7, by striking lines 34 and 35 and
14 inserting the following: "appropriated from the
15 general fund of the state to the department of
16 economic development for".
17 5. Page 8, by striking line 11 and inserting the
18 following: "from the general fund of the state".
19 6. Page 9, by striking lines 6 and 7 and
20 inserting the following: "transferred to the general
21 fund of the state."
22 7. Page 9, by striking line 12 and inserting the
23 following: "general fund of the state, being deemed
24 of immediate".
25 8. Page 12, line 17, by striking the figure
26 "2009" and inserting the following: "2008".
27 9. Page 13, line 13, by striking the figure
28 "2009" and inserting the following: "2008".
29 10. Title page, lines 1 and 2, by striking the
30 words "healthy Iowans tobacco trust and the tobacco
31 settlement trust fund" and inserting the following:
32 "general fund of the state".

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

On the question "Shall amendment H-8530 be adopted?" (S.F. 2417)

The ayes were, 47:

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

The nays were, 53:

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

Absent or not voting, none.

Amendment H-8530 lost.

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

On the question "Shall the bill pass?" (S.F. 2417)

The ayes were, 53:

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

The nays were, 47:

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

Absent or not voting, none.

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2558** and **Senate File 2417**.

McCarthy of Polk asked and received unanimous consent for the committee on state government to meet upon adjournment.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 15, 2008, he approved and transmitted to the Secretary of State the following bill:

House File 2212, a bill for an Act creating a smokefree air Act and providing penalties.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

IOWA WORKFORCE DEVELOPMENT

Annual report on the unemployment compensation trust fund, pursuant to Chapter 96.35, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|--|
| 2008\2838 | Carl Nelson, Westfield – For celebrating his 70 th birthday. |
| 2008\2839 | Ray and Zelda Sherlock, Merrill – For celebrating their 50 th wedding anniversary. |
| 2008\2840 | Harm and Esther Krull, Parkersburg – For celebrating their 50 th wedding anniversary. |
| 2008\2841 | George and Ruth Bridges, Waverly – For celebrating their 50 th wedding anniversary. |
| 2008\2842 | Michael D. Barber, President of the National Federation of the Blind of Iowa – For its 50 years of serving the blind of Iowa in an exemplary manner. |
| 2008\2843 | Sheila Hansen, Policy Director of Every Child Counts, Des Moines – For celebrating the Week of the Young Child. |
| 2008\2844 | James and Sharon Johnson, Union – For celebrating their 50 th wedding anniversary. |

- 2008\2845 Fran and Madeline Matney, Gilman – For celebrating their 50th wedding anniversary.
- 2008\2846 William Bowden, Mount Vernon – For celebrating his 64th birthday.
- 2008\2847 Carol Bowden, Mount Vernon – For celebrating her 63rd birthday.
- 2008\2848 Tucker Weber, Clear Lake – For earning All-American wrestling honors at the USA National Folkstyle Wrestling Tournament.
- 2008\2849 Virginia “Gin” Schnicker, Burlington – For celebrating her 80th birthday.
- 2008\2850 Edith Hathaway, Danville – For celebrating her 86th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2692

Agriculture: S. Olson, Chair; Drake, Mertz, Reasoner and Reichert.

Senate File 2417

Appropriations: Foege, Chair; Gayman and Heaton.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

House Joint Resolution 2006, a joint resolution authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 15, 2008.

House Joint Resolution 2007, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation.

Fiscal Note is not required.

Recommended **Do Pass** April 15, 2008.

House File 2667, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8539** April 15, 2008.

COMMITTEE ON APPROPRIATIONS

House File 2674, a bill for an act concerning appropriations to the office of grants enterprise management and including an effective date provision.

Fiscal Note is not required.

Recommended **Do Pass** April 15, 2008.

AMENDMENTS FILED

H—8532	H.F.	2691	Huser of Polk
H—8534	H.F.	2686	Dandekar of Linn
H—8535	H.F.	2681	Horbach of Tama
H—8536	S.F.	2203	Kelley of Black Hawk
H—8537	H.F.	2686	R. Olson of Polk
H—8538	H.F.	2675	Horbach of Tama
H—8539	H.F.	2667	Committee on Administration and Rules
H—8540	S.F.	2203	R. Olson of Polk

On motion by McCarthy of Polk the House adjourned at 4:00 p.m., until 9:00 a.m., April 16, 2008.

JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day - Sixty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 16, 2008

The House met pursuant to adjournment at 9:12 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Lucille King, Parish Associate of Christ Church Presbyterian, Cedar Rapids. She is the mother-in-law and guest of Representative Art Staed of Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Lindsey Frank, legislative secretary to Representative Doris Kelley of Black Hawk County.

The Journal of Tuesday, April 15, 2008 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2662, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

Also: That the Senate has on April 15, 2008, insisted on its amendment to Senate File 2308, a bill for an act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties, and the members of the Conference Committee on the part of the Senate are: The Senator from Woodbury, Senator Warnstadt, Chair; the Senator from Des Moines, Senator Courtney; the Senator from Bremer, Senator Heckroth; the Senator from Boone, Senator Behn; the Senator from Sac, Senator Kettering

Also: That the Senate has on April 15, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2337, a bill for an act relating to the purchase of liability insurance by the association of Iowa fairs.

Also: That the Senate has on April 15, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2420, a bill for an act relating to the increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, requiring the department of transportation to conduct an analysis of TIME-21 funding and a study of public transit funding, increasing the motorcycle operator's license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, providing penalties, and providing effective and applicability dates.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 9:18 a.m., until the fall of the gavel.

The House resumed session at 11:01 a.m., Speaker Murphy in the chair.

SENATE MESSAGE CONSIDERED

Senate File 2420, by committee on ways and means, a bill for an act relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, requiring the department of transportation to conduct an analysis of TIME-21 funding and a study of public transit funding, increasing the motorcycle operator's license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, providing penalties, and providing effective and applicability dates.

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

CONSIDERATION OF BILLS Ways and Means Calendar

House File 2691, a bill for an act relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, requiring the department of transportation to conduct an analysis of TIME-21 funding and a study of public transit funding, increasing the motorcycle operator's

license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, providing penalties, and providing effective and applicability dates, was taken up for consideration.

Huser of Polk offered the following amendment H-8532 filed by her and moved its adoption:

H-8532

1 Amend House File 2691 as follows:

2 1. Page 89, by inserting after line 14 the
3 following:

4 "PART 5

5 CONTINGENT CONFORMING AMENDMENTS

6 Sec.____. Section 423.5, subsection 3, Code 2007,
7 as amended by this division of this Act, is amended to
8 read as follows:

9 3. ~~The An excise tax at the rate of five percent~~
10 is imposed on the use of leased vehicles, if the lease
11 transaction does not require titling or registration
12 of the vehicle, on the amount subject to tax as
13 calculated pursuant to section 423.26, subsection 2.

14 Sec.____. Section 423.43, subsection 1, as enacted
15 by this division of this Act, is amended to read as
16 follows:

17 1. a. Except as provided in subsection 2, all
18 revenue arising under the operation of the use tax
19 under subchapter III shall be deposited into the
20 general fund of the state.

21 b. ~~Subsequent to the deposit into the general fund~~
22 of the state and after the transfer of such revenues
23 collected under chapter 423B, the department shall
24 transfer one-sixth of such remaining revenues to the
25 secure an advanced vision for education fund created
26 in section 423F.2. This paragraph is repealed
27 December 31, 2029.

28 Sec.____. The sections of 2008 Iowa Acts, House
29 File 2663, amending section 312.1, subsection 4,
30 section 327I.26, section 423.5, subsection 3, section
31 455G.3, subsection 1, section 455G.6, subsection 4,
32 and section 455G.8, subsection 2, Code 2007, are
33 repealed.

34 Sec.____. The sections of 2008 Iowa Acts, House
35 File 2663, amending section 312.2, subsection 14,
36 section 321.34, subsections 7, 10, 10A, 11, 11A, 11B,

37 13, 16, 17, 18, 19, 20, 20A, 20B, 21, 22, 23, and 24,
38 section 423.43, and section 423.57, Code Supplement
39 2007, are repealed.
40 Sec.____. The sections of 2008 Iowa Acts, House
41 File 2663, amending 2007 Iowa Acts, chapter 179,
42 section 6, and providing for such amendment's
43 effective date, are repealed.
44 Sec.____. CONTINGENT EFFECTIVE DATE. This part 5
45 of this division of this Act takes effect only upon
46 the enactment of 2008 Iowa Acts, House File 2663.
47 PART 6
48 EFFECT ON PRIOR LAW"
49 2. By renumbering as necessary.

Amendment H-8532 was adopted.

SENATE FILE 2420 SUBSTITUTED FOR HOUSE FILE 2691

Huser of Polk asked and received unanimous consent to substitute Senate File 2420 for House File 2691.

Senate File 2420, a bill for an act relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, requiring the department of transportation to conduct an analysis of TIME-21 funding and a study of public transit funding, increasing the motorcycle operator's license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, providing penalties, and providing effective and applicability dates, was taken up for consideration.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2420)

The ayes were, 53:

Abdul-Samad	Anderson	Bell	Boal
Bukta	Clute	Cphoon	De Boef
Dolecheck	Drake	Foege	Forristall
Gipp	Granzow	Heaton	Heddens
Hoffman	Huseman	Huser	Jacobs
Jacoby	Jochum	Kuhn	Lensing
Lukan	Mascher	May	McCarthy
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Quirk
Raecker	Reasoner	Roberts	Schueller
Shomshor	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Wendt	Wessel-Kroeschell
Winckler	Windschitl	Wise	Worthan
Mr. Speaker Murphy			

The nays were, 47:

Alons	Arnold	Bailey	Baudler
Berry	Chambers	Dandekar	Davitt
Deyoe	Ford	Frevert	Gaskill
Gayman	Grassley	Greiner	Horbach
Hunter	Kaufmann	Kelley	Kressig
Lykam	Mertz	Palmer	Paulsen
Petersen	Pettengill	Rants	Rasmussen
Rayhons	Reichert	Sands	Schickel
Smith	Soderberg	Staed	Struyk
Swaim	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wenthe	Whitaker
Whitead	Wiencsek	Zirkelbach	

Absent or not voting, none.

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

HOUSE FILE 2691 WITHDRAWN

Huser of Polk asked and received unanimous consent to withdraw House File 2691 from further consideration by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2420** be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 11:30 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:44 p.m., Speaker Murphy in the chair.

CONFERENCE COMMITTEE APPOINTED (Senate File 2308)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2308: Kelley of Black Hawk, Chair; Jacoby of Johnson, Huser of Polk, Jacobs of Polk and Tjepkes of Webster.

The House stood at ease at 2:14 p.m., until the fall of the gavel.

The House resumed session at 3:00 p.m., Speaker Murphy in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 16, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2612, a bill for an act relating to natural resources, including by providing for the powers and duties of the department's director and natural resource commission, and the regulation of public lands and outdoor recreation, providing for fees, providing for penalties and making penalties applicable.

Also: That the Senate has on April 16, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2633, a bill for an act relating to business associations, by providing for limited liability companies and conversion involving corporations, providing fees and penalties, and providing an effective date.

Also: That the Senate has on April 16, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2668, a bill for an act relating to the disposal and recycling of used oil filters.

Also: That the Senate has on April 16, 2008, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2003, a joint resolution authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date.

Also: That the Senate has on April 16, 2008, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2005, a joint resolution authorizing the temporary use and consumption of wine and beer in the state capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation.

Also: That the Senate has on April 16, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2134, a bill for an act relating to requirements and duties of members, executive directors, and employees of county commissions of veteran affairs.

Also: That the Senate has on April 16, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2413, a bill for an act providing extensions for school districts applying to the school budget review committee concerning school district finances, and providing an effective date.

Also: That the Senate has on April 16, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2423, a bill for an act concerning department of administrative services operations.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS Unfinished Business Calendar

Senate File 2303, a bill for an act relating to workers' compensation provisions for continued medically related benefits in certain settlements of workers' compensation claims and to funding of the second injury fund and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2303)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

House File 2543, a bill for an act relating to Alzheimer's disease and similar forms of irreversible dementia, was taken up for consideration.

SENATE FILE 2341 SUBSTITUTED FOR HOUSE FILE 2543

Hunter of Polk asked and received unanimous consent to substitute Senate File 2341 for House File 2543.

Senate File 2341, a bill for an act relating to Alzheimer's disease and similar forms of irreversible dementia, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2341)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

SENATE AMENDMENT CONSIDERED

Tjepkes of Webster called up for consideration **House File 2628**, a bill for an act including a portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the definition of a dangerous

weapon and making penalties applicable, amended by the Senate amendment H-8403:

H-8403

- 1 Amend House File 2628, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 19 and 20 and
- 4 inserting the following: "a person."

R. Olson of Polk offered the following amendment H-8501, to the Senate amendment H-8403, filed by him and moved its adoption:

H-8501

- 1 Amend the Senate amendment, H-8403, to House File
- 2 2628, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 "____. Page 1, line 8, by inserting after the word
- 7 "designed" the following: ".except a bow and arrow
- 8 when possessed and used for hunting or any other
- 9 lawful purpose."
- 10 2. By renumbering as necessary.

Amendment H-8501 was adopted.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-8500, to amendment H-8403, filed by him on April 14, 2008.

On motion by Tjepkes of Webster the House concurred in the Senate amendment H-8403, as amended.

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

On the question "Shall the bill pass?" (H.F. 2628)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry

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

The nays were, none.

Absent or not voting, none.

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

Unfinished Business Calendar

Senate File 2364, a bill for an act relating to the emancipation of a minor, with report of committee recommending passage, was taken up for consideration.

Lensing of Johnson moved that the bill be read a last time now and passed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2364)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry

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

The nays were, none.

Absent or not voting, none.

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2628** and **Senate Files 2303, 2341 and 2364**.

HOUSE FILE 2543 WITHDRAWN

Hunter of Polk asked and received unanimous consent to withdraw House File 2543 from further consideration by the House.

INTRODUCTION OF BILL

House File 2694, by committee on appropriations, a bill for an act relating to long-term care insurance, and providing for penalties, an

applicability date, repeals, and an appropriation and providing an effective date.

Read first time and placed on the **appropriations calendar**.

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 2003, by Gronstal, a joint resolution authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date.

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

Senate Joint Resolution 2005, by Gronstal, a joint resolution authorizing the temporary use and consumption of wine and beer in the state capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation.

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

Ways and Means Calendar

House File 2686, a bill for an act relating to determination and identity protection and the employer-employee relationship by preventing identity theft in the procurement of employment, providing for the employment classification of individuals, prohibiting employers from knowingly employing unauthorized aliens, and imposing bail restrictions against a person who is an unauthorized alien, and providing penalties and an effective date, was taken up for consideration.

Wise of Lee offered the following amendment H-8490 filed by him and Gayman of Scott and moved its adoption:

H-8490

- 1 Amend House File 2686 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "DIVISION _____
- 5 IDENTITY THEFT – FALSIFYING DOCUMENTS

6 Sec. ____ NEW SECTION. 715A.8A IDENTITY THEFT –
7 FALSIFYING DOCUMENTS.

8 It is an aggravated misdemeanor for a person to do
9 any of the following:

10 1. Make a driver's license, a nonoperator's
11 identification card, a blank driver's license form, or
12 any other form or document used to establish a
13 person's identity if the person has no authority or
14 right to make the license, card, or form in order to
15 assist an unauthorized alien to obtain employment.

16 2. Obtain, possess, or have in the person's
17 control or on the person's premises, driver's license
18 or nonoperator's identification card forms, or any
19 other forms or documents used to establish a person's
20 identity in order to assist an unauthorized alien to
21 obtain employment.

22 3. Obtain, possess, or have in the person's
23 control or on the person's premises, a driver's
24 license or a nonoperator's identification card, or
25 blank driver's license or nonoperator's identification
26 card form, or any other form or document which could
27 be used to establish a person's identity, which has
28 been made by a person having no authority or right to
29 make the license, card, or form in order to assist an
30 unauthorized alien to obtain employment.

31 4. Use a false or fictitious name in any
32 application for a driver's license or nonoperator's
33 identification card or to knowingly make a false
34 statement or knowingly conceal a material fact or
35 otherwise commit fraud on an application in order to
36 assist an unauthorized alien to obtain employment."

37 2. By renumbering as necessary.

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

On the question "Shall amendment H-8490 be adopted?" (H.F. 2686)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Horbach	Huseman
Huser	Jacobs	Jacoby	Jochum
Kaufmann	Kelley	Kressig	Kuhn
Lensing	Lukan	Lykam	Mascher
May	McCarthy	Mertz	Miller, H.

Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, 2:

Hunter Wessel-Kroeschell

Absent or not voting, 2:

Ford Hoffman

Amendment H-8490 was adopted.

R. Olson of Polk offered amendment H-8544 filed by him from the floor as follows:

H-8544

1 Amend House File 2686 as follows:
2 1. Page 1, line 26, by striking the words
3 "Iowa-issued".
4 2. Page 2, line 27, by striking the words
5 "Iowa-issued".
6 3. Page 3, line 35, by striking the word
7 "chapter" and inserting the following: "article".
8 4. Page 4, line 1, by striking the word "chapter"
9 and inserting the following: "article".
10 5. Page 4, line 3, by striking the word "chapter"
11 and inserting the following: "article".
12 6. Page 4, by inserting after line 23 the
13 following:
14 "____. a. Upon determining that an employee is
15 using false identity information, all state agencies
16 shall investigate whether the employee has violated
17 any laws.
18 b. The following state agencies shall take the
19 following action:
20 (1) The secretary of state's office shall remove
21 the employee's false identity information from the
22 voter registration list, as applicable, pursuant to

23 voter qualification requirements in section 48A.5.

24 (2) The department of transportation shall remove
25 the employee's false identity information from the
26 agency's driver's license records, as applicable.

27 (3) The department of human services shall
28 investigate the employee's possible use of the false
29 identity information to gain access to federal and
30 state resources."

31 7. Page 4, by inserting after line 32 the
32 following:

33 "Sec.____. Section 321.177, Code 2007, is amended
34 by adding the following new subsection:

35 NEW SUBSECTION. 10. To any person who is an
36 unauthorized alien. For the purpose of this section,
37 an "unauthorized alien" means a person who is not a
38 citizen or legal resident and who has not been
39 lawfully admitted to the United States pursuant to
40 federal law."

41 8. Page 5, line 5, by striking the figure "91F.1"
42 and inserting the following: "10A.902".

43 9. Page 5, by inserting after line 17 the
44 following:

45 "Sec.____. Section 321.190, subsection 1, Code
46 2007, is amended by adding the following new
47 paragraph:

48 NEW PARAGRAPH. e. The department shall not issue
49 a card to a person who is an unauthorized alien as
50 defined in section 321.177."

Page 2

1 10. Page 5, by inserting after line 30 the
2 following:

3 "Sec.____. NEW SECTION. 715A.8A IDENTITY THEFT
4 – AIDING AND ABETTING.

5 A person who knowingly assists an unauthorized
6 alien obtain false identification in order to obtain
7 employment commits the offense of identity theft under
8 section 715A.8 by aiding and abetting the commission
9 of the offense as provided in section 703.1."

10 11. Page 10, line 31, by striking the word
11 "working" and inserting the following: "employment".

12 12. Page 16, by striking lines 24 through 26 and
13 inserting the following: "duty of office for the
14 heads of state agencies or their designees. Failure
15 to so cooperate".

16 13. Page 16, by inserting after line 32 the
17 following:

18 "Sec.____. NEW SECTION. 91G.13 AGRICULTURAL
19 ACTIVITIES.

20 A person shall not be classified as an employee or
21 a contractor under this chapter when the person

22 participates in agricultural activities on
 23 agricultural land as defined in section 9H.1.
 24 Agricultural activities include the raising,
 25 harvesting, handling, drying, processing, or storage
 26 of crops used for feed, food, fuel, seed, or fiber;
 27 the production, care, feeding, or keeping of
 28 livestock; fencing; drainage; the handling or
 29 transportation of crops or livestock; the storage,
 30 treatment, land application, or disposal of livestock
 31 manure; the application of fertilizers, soil
 32 conditioners, pesticides, and herbicides on crops;
 33 environmental protection or preservation activities;
 34 and any accessory or related activities."

35 14. Page 16, by inserting before line 33 the
 36 following:

37 "Sec.____. Section 84A.5, subsection 4, Code
 38 Supplement 2007, is amended to read as follows:

39 4. The division of labor services is responsible
 40 for the administration of the laws of this state under
 41 chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91, 91A,
 42 91C, 91D, 91E, 91G, 92, and 94A, and section 85.68.
 43 The executive head of the division is the labor
 44 commissioner, appointed pursuant to section 91.2."

45 15. Page 17, by inserting after line 25 the
 46 following:

47 "Sec.____. Section 91.4, subsection 5, Code
 48 Supplement 2007, is amended to read as follows:

49 5. The director of the department of workforce
 50 development, in consultation with the labor

Page 3

1 commissioner, shall, at the time provided by law, make
 2 an annual report to the governor setting forth in
 3 appropriate form the business and expense of the
 4 division of labor services for the preceding year, the
 5 number of disputes or violations processed by the
 6 division and the disposition of the disputes or
 7 violations, and other matters pertaining to the
 8 division which are of public interest, together with
 9 recommendations for change or amendment of the laws in
 10 this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
 11 90A, 91A, 91C, 91D, 91E, 91G, 92, and 94A, and section
 12 85.68, and the recommendations, if any, shall be
 13 transmitted by the governor to the first general
 14 assembly in session after the report is filed."

15 16. Page 18, by striking lines 10 and 11 and
 16 inserting the following: "duty of office for the
 17 heads of the state agencies or their designees.
 18 Failure to so cooperate".

19 17. By striking page 18, line 19, through page
 20 19, line 9.

21 18. Page 19, by inserting before line 10 the
22 following:

23 "DIVISION _____
24 UNAUTHORIZED ALIENS
25 Sec.____. NEW SECTION. 421.71 STATE AIDE –
26 EMPLOYER ELIGIBILITY.

27 1. An employer who chooses not to use the federal
28 employment eligibility program as authorized by the
29 federal Illegal Immigration Reform and Immigrant Act
30 of 1996, Pub. L. No. 104-208, shall not be eligible
31 for any developmental assistance.

32 2. For the purposes of this section,
33 "developmental assistance" means any form of public
34 assistance, including tax expenditures, made for the
35 purpose of stimulating the economic development of a
36 corporation, industry, geographic jurisdiction, or any
37 other sector of the state's economy, including but not
38 limited to public assistance involving industrial
39 development bonds, training grants, loans, loan
40 guarantees, enterprise zones, empowerment zones, tax
41 increment financing, fee waivers, land price
42 subsidies, infrastructure constructed or improved for
43 the benefit of a single business or defined group of
44 businesses at the time it is built or improved,
45 matching funds, tax abatements, tax credits and tax
46 discounts of every kind, including corporate,
47 franchise, personal income, sales and use, raw
48 materials, real property, job creation, individual
49 investment, excise, utility, inventory, accelerated
50 depreciation, and research and development tax credits

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1 and discounts.

2 Sec.____. NEW SECTION. 644.1 UNFAIR TRADE
3 PRACTICE.

4 The discharge of a United States citizen or lawful
5 permanent resident alien employee by an employer of
6 this state, who, on the date of the discharge employs
7 an unauthorized alien, shall be an unfair trade
8 practice. For the purpose of this section, "unfair
9 trade practice" means any practice which offends
10 established public policy. The discharged employee
11 shall have a private cause of action for such unfair
12 trade practice for damages due to discharge.

13 Sec.____. NEW SECTION. 710B.1 ASSISTING
14 UNAUTHORIZED ALIENS.

15 1. An employer, employee, or labor organization,
16 or official member shall not knowingly assist an
17 unauthorized alien in avoiding contact with state or
18 federal officials.

19 2. For purposes of this section, an "unauthorized

20 alien" means a person who is not a citizen or legal
21 resident and who has not been lawfully admitted to the
22 United States pursuant to federal law.

23 3. A person who violates this section commits a
24 class "D" felony.

25 Sec. ____ MEMORANDUM OF UNDERSTANDING –
26 ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

27 1. The attorney general is authorized and directed
28 to negotiate the terms of a memorandum of
29 understanding between the state of Iowa and the United
30 States department of justice or the United States
31 department of homeland security concerning the
32 enforcement of federal immigration and custom laws,
33 detention removals, and investigations in the state of
34 Iowa. The agreement shall provide that costs incurred
35 by the state for the detention and deportation of an
36 unauthorized alien shall be reimbursed by the federal
37 government.

38 2. The memorandum of understanding negotiated
39 pursuant to subsection 1 shall be signed on behalf of
40 this state by the attorney general and the governor or
41 as otherwise required by the appropriate federal
42 agency but shall not be implemented until money is
43 appropriated for such purpose.

44 3. A local government, whether acting through its
45 governing body or by an initiative, referendum, or any
46 other process, shall not enact any ordinance,
47 resolution, or policy that limits or prohibits a law
48 enforcement officer, local officer, or local
49 government employee from communicating or cooperating
50 with federal officials with regard to the immigration

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1 status of any person within this state.

2 4. Notwithstanding any other provision of law, a
3 government entity or official within the state of Iowa
4 shall not prohibit, or in any way restrict, any
5 government entity or official from sending to, or
6 receiving from, the United States department of
7 homeland security information regarding the
8 citizenship or immigration status, lawful or unlawful,
9 of any individual.

10 5. Notwithstanding any other provision of law, a
11 person or agency shall not prohibit, or in any way
12 restrict, a public employee from doing any of the
13 following with respect to information regarding the
14 immigration status, lawful or unlawful, of any
15 individual:

16 a. Sending such information to, or requesting or
17 receiving such information from, the United States
18 department of homeland security.

19 b. Maintaining such information.
 20 c. Exchanging such information with any other
 21 federal, state, or local government entity.
 22 6. Any natural or legal person lawfully domiciled
 23 in this state may file for a writ of mandamus to
 24 compel any noncooperating local or state governmental
 25 agency to comply with this section."

26 19. Page 19, by inserting before line 10 the
 27 following:

28 "Sec. ____ DEPARTMENT OF PUBLIC SAFETY – ILLEGAL
 29 IMMIGRATION TASK FORCE. There is appropriated from
 30 the general fund of the state to the department of
 31 public safety for the fiscal year beginning July 1,
 32 2008, and ending June 30, 2009, the following amount,
 33 or so much thereof as is necessary, to be used for the
 34 purposes designated:

35 For establishing an illegal immigration task force,
 36 including salaries, support, maintenance,
 37 miscellaneous purposes, and for not more than the
 38 following full-time equivalent positions:

39	\$565,000
40	FTEs 12.00

41 Of the moneys appropriated in this section, the
 42 department shall hire twelve state troopers for
 43 purposes of the task force."

44 20. Page 19, by striking lines 14 and 15.

45 21. Title page, line 1, by inserting after the
 46 word "to" the following: "unauthorized aliens and".

47 22. Title page, line 3, by striking the word
 48 "employment," and inserting the following:
 49 "employment and".

50 23. Title page, line 4, by striking the words

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1 "prohibiting employers from".

2 24. Title page, by striking lines 5 and 6.

3 25. Title page, line 7, by striking the words
 4 "effective date" and inserting the following:
 5 "appropriation".

6 26. By renumbering as necessary.

R. Olson of Polk offered the following amendment H-8545, to
 amendment H-8544, filed by him from the floor and moved its
 adoption:

H-8545

1 Amend the amendment, H-8544, to House File 2686 as
 2 follows:

3 1. Page 2, line 23, by striking the words "as
 4 defined in section 9H.1".

Amendment H-8545 was adopted.

R. Olson of Polk offered the following amendment H-8549, to amendment H-8544, filed by him from the floor and moved its adoption:

H-8549

- 1 Amend the amendment, H-8544, to House File 2686, as
- 2 follows:
- 3 1. Page 5, by striking lines 29 through 43 and
- 4 inserting the following: "IMMIGRATION TASK FORCE.
- 5 The department of public safety shall create an
- 6 illegal immigration task force, consisting of twelve
- 7 state troopers, to enforce immigration laws.""
- 8 2. Page 6, by striking lines 4 and 5 and
- 9 inserting the following: ""and an effective date"."

Amendment H-8549 was adopted.

R. Olson of Polk moved the adoption of amendment H-8544, as amended.

Roll call was requested by R. Olson of Polk and Wise of Lee.

On the question "Shall amendment H-8544, as amended, be adopted?" (H.F. 2686)

The ayes were, 86:

Alons	Anderson	Arnold	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Forristall	Frevert
Gaskill	Gayman	Gipp	Grassley
Greiner	Heaton	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Kaufmann	Kelley	Kressig	Kuhn
Lukan	Lykam	May	McCarthy
Mertz	Miller, H.	Miller, L.	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson

Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Whitaker	Whitead
Wienczek	Windschitl	Wise	Worthan
Zirkelbach	Mr. Speaker Murphy		

The nays were, 12:

Abdul-Samad	Foege	Ford	Heddens
Jochum	Lensing	Mascher	Oldson
Petersen	Tomenga	Wessel-Kroeschell	Winckler

Absent or not voting, 2:

Granzow	Hoffman
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Amendment H-8544, as amended, was adopted.

Dandekar of Linn offered the following amendment H-8534 filed by her and moved its adoption:

H-8534

1 Amend House File 2686 as follows:
 2 1. Page 9, by striking lines 15 through 33.
 3 2. Page 9, by inserting after line 35 the
 4 following:
 5 "____. "Employer" means any person, as defined in
 6 section 4.1, engaged in doing business in this state
 7 and includes the state of Iowa and its officers,
 8 agencies, and political subdivisions."
 9 3. Page 10, line 2, by striking the words "a
 10 contractor", and inserting the following: "an
 11 employer".
 12 4. Page 10, by striking lines 5 through 19 and
 13 inserting the following:
 14 "____. "Performing services" means providing any
 15 service to any employer in this state for a fee."
 16 5. Page 10, line 25, by striking the word
 17 "contractor", and inserting the following:
 18 "employer".
 19 6. Page 10, line 26, by striking the word
 20 "contractor", and inserting the following:
 21 "employer".
 22 7. Page 10, line 28, by striking the word
 23 "contractor", and inserting the following:
 24 "employer".
 25 8. Page 10, line 30, by striking the word
 26 "contractor", and inserting the following:
 27 "employer".

- 28 9. Page 10, line 32, by striking the word
29 "contractor", and inserting the following:
30 "employer".
- 31 10. Page 11, line 2, by striking the words "A
32 contractor", and inserting the following: "An
33 employer".
- 34 11. Page 11, line 17, by striking the word
35 "contractors", and inserting the following:
36 "employers".
- 37 12. Page 11, line 18, by striking the words "a
38 contractor", and inserting the following: "an
39 employer".
- 40 13. Page 11, line 20, by striking the word
41 "contractor", and inserting the following:
42 "employer".
- 43 14. Page 11, line 24, by striking the word
44 "contractor", and inserting the following:
45 "employer".
- 46 15. Page 11, line 34, by striking the words "a
47 contractor", and inserting the following: "an
48 employer".
- 49 16. Page 12, lines 5 and 6, by striking the words
50 "a contractor", and inserting the following: "an

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- 1 employer".
- 2 17. Page 13, line 18, by striking the word
3 "contractor", and inserting the following:
4 "employer".
- 5 18. Page 13, line 20, by striking the words "A
6 contractor", and inserting the following: "An
7 employer".
- 8 19. Page 13, line 21, by striking the word
9 "contractor's", and inserting the following:
10 "employer's".
- 11 20. Page 13, line 28, by striking the words "A
12 contractor", and inserting the following: "An
13 employer".
- 14 21. Page 13, line 32, by striking the words "A
15 contractor", and inserting the following: "An
16 employer".
- 17 22. Page 13, line 35, by striking the words "A
18 contractor", and inserting the following: "An
19 employer".
- 20 23. Page 14, line 5, by striking the words "A
21 contractor", and inserting the following: "An
22 employer".
- 23 24. Page 14, line 7, by striking the words "A
24 contractor", and inserting the following: "An
25 employer".
- 26 25. Page 14, line 9, by striking the words "A

27 contractor", and inserting the following: "An
28 employer".
29 26. Page 14, line 12, by striking the words "A
30 contractor", and inserting the following: "An
31 employer".
32 27. Page 14, lines 14 and 15, by striking the
33 words "a contractor", and inserting the following:
34 "an employer".
35 28. Page 14, line 21, by striking the word
36 "contractor", and inserting the following:
37 "employer".
38 29. Page 14, line 28, by striking the word
39 "contractor's", and inserting the following:
40 "employer's".
41 30. Page 14, line 29, by striking the word
42 "contractor", and inserting the following:
43 "employer".
44 31. Page 14, lines 30 and 31, by striking the
45 words "a contractor", and inserting the following:
46 "an employer".
47 32. Page 14, by striking line 35 and inserting
48 the following:
49 "1. An employer or employer's agent shall not
50 retaliate".

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1 33. Page 15, line 8, by striking the words "a
2 contractor", and inserting the following: "an
3 employer".
4 34. Page 15, line 9, by striking the word
5 "contractor's", and inserting the following:
6 "employer's".
7 35. Page 15, line 18, by striking the words "a
8 contractor's", and inserting the following: "an
9 employer's".
10 36. Page 15, line 21, by striking the word
11 "contractor", and inserting the following:
12 "employer".
13 37. Page 15, lines 28 and 29, by striking the
14 words "a contractor", and inserting the following:
15 "an employer".
16 38. Page 16, line 3, by striking the word
17 "contractor", and inserting the following:
18 "employer".
19 39. Page 16, line 10, by striking the word
20 "contractor", and inserting the following:
21 "employer".
22 40. Page 16, by striking line 14 and inserting
23 the following: "by an employer of one or more of the
24 employer's employees".
25 41. Page 16, line 16, by striking the words "a

26 contractor", and inserting the following: "an
27 employer".

28 42. Page 16, line 21, by striking the word
29 "contractor's", and inserting the following:
30 "employer's".

31 43. By renumbering as necessary.

Amendment H-8534 lost.

Wessel-Kroeschell of Story offered the following amendment
H-8499 filed by her and moved its adoption:

H-8499

1 Amend House File 2686 as follows:

2 1. Page 19, by inserting after line 9 the
3 following:

4 "Sec. ____ LIVING WAGE IMPACT STUDY.

5 1. If funding is approved or appropriated to the
6 state board of regents for such purposes, Iowa state
7 university shall conduct a study regarding the
8 economic, fiscal, and social impacts of establishing
9 the living wage, also known as the self-sufficiency
10 wage, in Iowa. The living wage in the study shall be
11 based on a forty-hour work week, and the study shall
12 provide all of the following:

13 a. A two-tiered living wage, one tier with
14 benefits and one without benefits, for family sizes
15 ranging from two people to six people for all
16 ninety-nine counties.

17 b. The impact that a living wage would have on
18 full-time workers, the multiplier effect of a living
19 wage on the economy, and whether more jobs would be
20 created by this multiplier effect.

21 c. How a living wage would impact public
22 assistance programs, particularly whether it would
23 reduce costs.

24 d. How a living wage would impact state and local
25 economic development programs.

26 e. How a living wage would assist or hinder the
27 housing market.

28 f. Taking into account paragraphs "b", "c", "d",
29 and "e", examine whether there would be an overall
30 positive impact on the economy considering possible
31 business concerns of inflation and job loss.

32 g. Evaluate other states or metropolitan areas
33 that have a living wage to provide examples of how a
34 living wage could be implemented on a phased-in basis
35 for all workers in this state, including the private
36 and public sectors.

37 h. Any other recommendations that the individuals
 38 assigned to the study believe are relevant to
 39 establishing a living wage in this state.
 40 2. An Iowa state university sociology professor,
 41 an Iowa state university human development and family
 42 studies professor, and an Iowa state university
 43 economics professor, all who specialize in this area,
 44 shall conduct and coordinate the study.
 45 3. The department of workforce development, the
 46 department of economic development, the department of
 47 human services, the university of Iowa, the university
 48 of northern Iowa, the child and family policy center,
 49 the Iowa policy project, and representatives of labor
 50 organizations and associations representing business

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1 and industry shall cooperate in conducting the study.
 2 4. Iowa state university shall submit a report
 3 about the findings of the study to the general
 4 assembly by December 14, 2008."
 5 2. Title page, line 5, by inserting before the
 6 word "and" the following: "establishing a living wage
 7 study."
 8 3. By renumbering as necessary.

Roll call was requested by McCarthy of Polk and R. Olson of Polk.

On the question "Shall amendment H-8499 be adopted?" (H.F. 2686)

The ayes were, 99:

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

Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Mr. Speaker Murphy	

The nays were, none.

Absent or not voting, 1:

Hoffman

Amendment H-8499 was adopted.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-8537 filed by him on April 15, 2008.

Jochum of Dubuque offered the following amendment H-8553 filed by her, Mascher of Johnson, Wessel-Kroeschell of Story, Lensing of Johnson, Smith of Marshall and Winckler of Scott, from the floor and moved its adoption:

H-8553

1 Amend House File 2686 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "DIVISION I
 5 WAGE PAYMENT COLLECTION
 6 Section 1. Section 91A.2, subsection 3, Code 2007,
 7 is amended to read as follows:
 8 3. "Employee" means a natural person who is
 9 employed in this state for wages by an employer.
 10 Employee also includes a commission salesperson who
 11 takes orders or performs services on behalf of a
 12 principal and who is paid on the basis of commissions
 13 but does not include persons who purchase for their
 14 own account for resale.
 15 a. For the purposes of this chapter, the following
 16 persons engaged in agriculture are not employees:
 17 ~~a.~~ (1) The spouse of the employer and relatives
 18 of either the employer or spouse residing on the
 19 premises of the employer.
 20 ~~b.~~ (2) A person engaged in agriculture as an

21 owner-operator or tenant-operator and the spouse or
 22 relatives of either who reside on the premises while
 23 exchanging labor with the operator or for other mutual
 24 benefit of any and all such persons.

25 e. (3) Neighboring persons engaged in agriculture
 26 who are exchanging labor or other services.

27 (4) For the purposes of this chapter, persons
 28 licensed under chapter 543B are not employees.

29 b. In order to establish the absence of an
 30 employment relationship, a putative employer has the
 31 burden to establish all of the following:

32 (1) The putative employer and putative employee
 33 share the intention to create an independent
 34 contractor relationship.

35 (2) The putative employer does not control or
 36 direct the performance of services by the putative
 37 employee.

38 (3) The putative employer is not responsible for
 39 payment of wages to the putative employee.

40 (4) The putative employer does not have the right
 41 to discharge the putative employee or terminate the
 42 working relationship with the putative employee.

43 (5) The putative employer is not the authority in
 44 charge of the work or for whose benefit the putative
 45 employee is providing services.

46 Sec. 2. Section 91A.2, subsection 6, Code 2007, is
 47 amended to read as follows:

48 6. "Liquidated damages" means the sum of five
 49 percent multiplied by the amount of any wages that
 50 were not paid or of any authorized expenses that were

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1 not reimbursed on a regular payday or on another day
 2 pursuant to section 91A.3 multiplied by the total
 3 number of days, excluding Sundays, legal holidays, and
 4 the first seven days after the regular payday on which
 5 wages were not paid or expenses were not reimbursed.
 6 However, such sum shall not exceed twice the amount of
 7 the unpaid wages and shall not accumulate ~~when an~~
 8 ~~employer is subject to a petition filed in bankruptcy.~~

9 Sec. 3. Section 91A.6, subsections 1 and 2, Code
 10 2007, are amended to read as follows:

11 1. An employer shall ~~after being notified by the~~
 12 ~~commissioner pursuant to subsection 2~~ do the
 13 following:

14 a. Notify its employees in writing at the time of
 15 hiring what wages and regular paydays are designated
 16 by the employer.

17 b. Notify, at least one pay period prior to the
 18 initiation of any changes, its employees of any
 19 changes in the arrangements specified in this

20 subsection 4 that reduce wages or alter the regular
21 paydays. The notice shall either be in writing or
22 posted at a place where employee notices are routinely
23 posted.

24 c. Make available to its employees upon written
25 request, a written statement enumerating employment
26 agreements and policies with regard to vacation pay,
27 sick leave, reimbursement for expenses, retirement
28 benefits, severance pay, or other comparable matters
29 with respect to wages. Notice of such availability
30 shall be given to each employee in writing or by a
31 notice posted at a place where employee notices are
32 routinely posted.

33 d. Establish, maintain, and preserve for three
34 calendar years the payroll records showing the hours
35 worked, wages earned, and deductions made for each
36 employee and any employment agreements entered into
37 between an employer and employee. Failure to do so
38 shall raise a rebuttable presumption that the employer
39 did not pay the required minimum wage under section
40 91D.1.

41 ~~2. The commissioner shall notify an employer to~~
42 ~~comply with subsection 1 if the employer has paid a~~
43 ~~claim for unpaid wages or nonreimbursed authorized~~
44 ~~expenses and liquidated damages under section 91A.10~~
45 ~~or if the employer has been assessed a civil money~~
46 ~~penalty under section 91A.12. However, a court may,~~
47 ~~when rendering a judgment for wages or nonreimbursed~~
48 ~~authorized expenses and liquidated damages or~~
49 ~~upholding a civil money penalty assessment, order that~~
50 ~~an employer shall not be required to comply with the~~

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1 ~~provisions of subsection 1 or that an employer shall~~
2 ~~be required to comply with the provisions of~~
3 ~~subsection 1 for a particular period of time.~~

4 Sec. 4. Section 91A.8, Code 2007, is amended to
5 read as follows:

6 91A.8 VIOLATIONS BY EMPLOYER, DAMAGES RECOVERABLE
7 BY AN EMPLOYEE UNDER THIS CHAPTER.

8 1. A violation of this chapter shall occur any
9 week when an individual employee was not paid the
10 legally required wages under this chapter, state taxes
11 were not withheld, or in the case of improper
12 discharge, discrimination, or retaliation against an
13 employee, every week after the improper discharge,
14 discrimination, or retaliation has occurred until
15 compensation is finally made.

16 2. When it has been shown that an employer has
17 ~~intentionally~~ failed to pay an employee wages or
18 reimburse expenses pursuant to section 91A.3, whether

19 as the result of a wage dispute or otherwise, the
 20 employer shall be liable to the employee for ~~any the~~
 21 ~~unpaid~~ wages or expenses ~~that are so intentionally~~
 22 ~~failed to be paid or reimbursed~~, plus liquidated
 23 damages, court costs, and any ~~attorney's~~ attorney fees
 24 incurred in recovering the unpaid wages and determined
 25 to have been usual and necessary. ~~In other instances~~
 26 ~~the employer shall be liable only for unpaid wages or~~
 27 ~~expenses, court costs and usual and necessary~~
 28 ~~attorney's fees incurred in recovering the unpaid~~
 29 ~~wages or expenses.~~

30 Sec. 5. Section 91A.9, subsection 2, Code 2007, is
 31 amended to read as follows:

32 2. a. The commissioner may, consistent with due
 33 process of law, enter any place of employment to
 34 inspect records concerning wages and payrolls, to
 35 question the employer and employees, and to
 36 investigate such facts, conditions, or matters as are
 37 deemed appropriate in determining whether any person
 38 has violated the provisions of this chapter. ~~However,~~
 39 ~~such entry by the commissioner shall only be in~~
 40 ~~response to a written complaint.~~

41 b. A complaining employee may submit a written
 42 request for confidentiality of identifying
 43 information. Upon such request, the commissioner
 44 shall determine if the commissioner can effectively
 45 pursue the matter while keeping the identity of the
 46 complaining employee confidential. If the
 47 commissioner determines that an employee's identity
 48 must be disclosed in order to effectively pursue the
 49 matter, the commissioner may do so only with the
 50 employee's consent. Otherwise, the commissioner shall

Page 4

1 keep the complaining employee's identity confidential
 2 notwithstanding chapter 22.

3 Sec. 6. Section 91A.10, subsection 1, Code 2007,
 4 is amended to read as follows:

5 1. a. Upon the written complaint of the employee
 6 involved, the commissioner may determine whether wages
 7 have not been paid and may constitute an enforceable
 8 claim. If for any reason the commissioner decides not
 9 to make such determination, the commissioner shall so
 10 notify the complaining employee within fourteen days
 11 of receipt of the complaint. The commissioner shall
 12 otherwise notify the employee of such determination
 13 within a reasonable time ~~and if it is determined.~~

14 b. Without regard to whether the commissioner
 15 received a written complaint from an employee or
 16 initiated an investigation, if the commissioner
 17 determines that there is an enforceable claim, the

18 commissioner shall, with the consent of the
19 complaining employee, take an assignment in trust for
20 the wages and for any claim for liquidated damages
21 ~~without being bound by any of the. The technical~~
22 rules respecting the validity of the assignment shall
23 not apply. However, the commissioner shall not accept
24 any complaint for unpaid wages and liquidated damages
25 after one year from the date the wages became due and
26 payable.

27 Sec. 7. Section 91A.10, subsection 5, Code 2007,
28 is amended to read as follows:

29 ~~5. An employer shall not discharge or in any other~~
30 ~~manner discriminate against any employee because the~~
31 ~~employee has filed a complaint, assigned a claim, or~~
32 ~~brought an action under this section or has cooperated~~
33 ~~in bringing any action against an employer. An~~
34 employer or other person shall not discharge or in any
35 other manner discriminate or retaliate against an
36 employee or other person for exercising any right
37 provided under this chapter or any rules adopted
38 pursuant to this chapter, or against another employee
39 or person for providing assistance to an employee or
40 providing information regarding the employee or
41 person, or for testifying or planning to testify in
42 any investigation or proceeding regarding the employee
43 or person. Taking adverse action against an employee
44 or other person within ninety days of an employee's or
45 other person's engaging in the foregoing activities
46 raises a presumption that such action was retaliation,
47 which may be rebutted by clear and convincing evidence
48 that such action was taken for other permissible
49 reasons. Any employee may file a complaint with the
50 commissioner alleging discharge, ~~or~~ discrimination, or

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1 retaliation within thirty days after such violation
2 occurs. Upon receipt of the complaint, the
3 commissioner shall cause an investigation to be made
4 to the extent deemed appropriate. If the commissioner
5 determines from the investigation that the provisions
6 of this subsection have been violated, the
7 commissioner shall bring an action in the appropriate
8 district court against such person. The district
9 court shall have jurisdiction, for cause shown, to
10 restrain violations of this subsection and order all
11 appropriate relief including rehiring or reinstatement
12 of the employee to the former position with back pay.

13 Sec. 8. Section 91A.10, Code 2007, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 6. A civil action to enforce this
16 section may also be maintained in any court of

17 competent jurisdiction by the commissioner or by any
 18 party injured by a violation of this section. An
 19 employer or other person who retaliates against an
 20 employee or other person in violation of this section
 21 shall be required to pay the person an amount set by
 22 the commissioner or a court sufficient to compensate
 23 the employee or other person and deter future
 24 violations, but not less than one hundred fifty
 25 dollars for each day that the violation continued.

26 Sec. 9. Section 91A.12, subsection 1, Code 2007,
 27 is amended to read as follows:

28 1. Any employer who violates the provisions of
 29 this chapter or the rules ~~promulgated under it~~ adopted
 30 pursuant to this chapter shall be subject to a civil
 31 money penalty of not more than ~~one~~ five hundred
 32 dollars for each violation. The commissioner may
 33 recover such civil money penalty according to the
 34 provisions of subsections 2 ~~to~~ through 5. Any civil
 35 money penalty recovered shall be deposited in the
 36 general fund of the state.

37 DIVISION II

38 EMPLOYEE CLASSIFICATION

39 Sec. 10. NEW SECTION. 91G.1 PURPOSE.

40 The purpose of this chapter is to address the
 41 practice of misclassifying employees as independent
 42 contractors.

43 Sec. 11. NEW SECTION. 91G.2 DEFINITIONS.

44 1. "Commissioner" means the labor commissioner
 45 appointed pursuant to section 91.2 or the labor
 46 commissioner's designee.

47 2. "Construction" means any constructing,
 48 altering, reconstructing, repairing, rehabilitating,
 49 refinishing, refurbishing, remodeling, remediating,
 50 renovating, custom fabricating, maintenance,

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1 landscaping, improving, wrecking, painting,
 2 decorating, demolishing, and adding to or subtracting
 3 from any building, structure, airport facility,
 4 highway, roadway, street, alley, bridge, sewer, drain,
 5 ditch, sewage disposal plant, water works, parking
 6 facility, railroad, excavation or other project,
 7 development, real property, or improvement, or to do
 8 any part thereof, whether or not the performance of
 9 the work described in this subsection involves an
 10 addition to, or fabrication into, any structure,
 11 project, development, real property, or improvement
 12 described in this subsection of any material or
 13 article of merchandise.

14 3. "Contractor" means any person, as defined in
 15 section 4.1, engaged in construction. "Contractor"

16 includes general contractors, subcontractors, and the
17 state of Iowa and its officers, agencies, and
18 political subdivisions.

19 4. "Division" means the division of labor services
20 of the department of workforce development.

21 5. "Interested party" means an individual
22 performing services for a contractor who alleges a
23 violation of this chapter or a person with an interest
24 in compliance with this chapter.

25 6. "Performing services" means any constructing,
26 altering, reconstructing, repairing, rehabilitating,
27 refinishing, refurbishing, remodeling, remediating,
28 renovating, custom fabricating, maintenance,
29 landscaping, improving, wrecking, painting,
30 decorating, demolishing, and adding to or subtracting
31 from any building, structure, airport facility,
32 highway, roadway, street, alley, bridge, sewer, drain,
33 ditch, sewage disposal plant, water works, parking
34 facility, railroad, excavation or other project,
35 development, real property, or improvement, or to do
36 any part thereof, whether or not the performance of
37 the work described in this subsection involves an
38 addition to, or fabrication into, any structure,
39 project, development, real property, or improvement
40 described in this subsection of any material or
41 article of merchandise.

42 Sec. 12. NEW SECTION. 91G.3 STATUS OF
43 INDIVIDUALS PERFORMING SERVICES.

44 1. An individual performing services shall be
45 classified as an employee unless all of the following
46 conditions are present and the contractor and the
47 individual both intend to create an independent
48 contractor relationship between the contractor and the
49 individual:

50 a. The contractor does not control or direct the

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1 performance of services by the individual.

2 b. The contractor is not responsible for the
3 payment of the individual's wages.

4 c. The contractor does not have the right to
5 discharge the individual or terminate the employment
6 relationship with the individual.

7 d. The contractor is not the authority in charge
8 of the work or for whose benefit the individual is
9 providing services.

10 2. An individual classified as an employee under
11 this section shall also be classified as an employee
12 pursuant to chapters 85, 85A, 85B, 88, 91A, and 96. A
13 contractor commits a violation of this chapter by not
14 treating the individual so classified under this

15 chapter as an employee pursuant to chapters 85, 85A,
16 85B, 88, 91A, and 96.

17 3. An individual who is an owner-operator as
18 described in section 85.61, subsection 11, and not
19 deemed an employee under that subsection shall not be
20 classified as an employee under this section.

21 Sec. 13. NEW SECTION. 91G.4 NOTICE OF LAW.

22 1. The commissioner shall create posters in both
23 English and Spanish summarizing the requirements of
24 this chapter. The English and Spanish versions of the
25 poster shall be posted on the division's internet site
26 and on bulletin boards in the workforce centers.

27 2. The commissioner shall provide the posters
28 without charge to contractors upon request.

29 3. If a contractor violates section 91G.3 or 91G.8
30 or rules adopted pursuant to any of those sections,
31 the contractor shall post the English and Spanish
32 versions of the poster created by the commissioner.
33 The posters shall be posted in conspicuous locations
34 at the places where notices to employees are normally
35 posted at each job site and office of the contractor.

36 Sec. 14. NEW SECTION. 91G.5 ENFORCEMENT.

37 1. An interested party may file a complaint with
38 the commissioner alleging a violation of section
39 91G.3, 91G.4, or 91G.8 or rules adopted pursuant to
40 any of those sections. An interested party who makes
41 a complaint when the interested party knows such
42 representation to be false commits a simple
43 misdemeanor.

44 2. The commissioner shall adopt rules pursuant to
45 and consistent with chapter 17A regarding
46 investigations to determine whether a contractor has
47 violated any provisions of this chapter or any rules
48 adopted pursuant to this chapter.

49 3. A person acting in an official capacity related
50 to services provided by the commissioner for the

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1 purposes of workplace safety training and education,
2 pursuant to section 88.16, shall not file or
3 investigate a complaint pursuant to this chapter if
4 the information leading to the complaint was received
5 due to services provided pursuant to section 88.16.

6 4. The commissioner shall enforce the provisions
7 of this chapter. The commissioner may conduct
8 investigations in connection with the administration
9 and enforcement of this chapter and may visit and
10 inspect, at all reasonable times, any places where
11 individuals are performing services for a contractor
12 and may inspect, at all reasonable times, documents
13 related to the determination of whether an individual

14 is an employee under section 91G.3.

15 5. The commissioner and an employee of the
16 commissioner shall be indemnified for any damages and
17 legal expenses incurred as a result of the good-faith
18 performance of the employee's official duties under
19 this chapter, in regard to any claim for civil damages
20 not specifically covered by the Iowa tort claims Act,
21 chapter 669.

22 6. The commissioner may compel by subpoena the
23 attendance and testimony of witnesses and the
24 production of books, payrolls, records, papers, and
25 other evidence in an investigation and may administer
26 oaths to witnesses.

27 7. Upon the failure or refusal of any person to
28 obey a subpoena, the commissioner may petition a
29 district court of competent jurisdiction, and upon
30 proper showing, the court may enter an order
31 compelling the witness to appear and testify or
32 produce documentary evidence. Failure to obey the
33 court order is punishable as contempt of court.

34 8. A determination by the commissioner as to
35 whether a violation of section 91G.3, 91G.4, or 91G.8
36 or rules adopted pursuant to any of those sections has
37 occurred shall be considered final agency action under
38 chapter 17A.

39 9. If the commissioner determines upon
40 investigation that a violation of section 91G.3,
41 91G.4, or 91G.8 or rules adopted pursuant to any of
42 those sections has occurred, the commissioner may do
43 any of the following:

44 a. Issue and cause to be served on any party an
45 order to cease and desist from any further violation.

46 b. Take affirmative or other action as deemed
47 reasonable to eliminate the effect of any violation.

48 c. Collect the amount of any wages, salary,
49 employment benefits, or other compensation denied or
50 lost to an individual.

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1 d. Assess any civil penalty allowed by this
2 chapter.

3 e. Refer matters to the county attorney upon
4 determining that a criminal violation may have
5 occurred.

6 10. Judicial review of any final agency action of
7 the commissioner taken pursuant to this section may be
8 sought in accordance with the terms of chapter 17A.

9 If a petition for judicial review is not filed within
10 thirty days after service of the determination of the
11 commissioner, the commissioner's determination shall
12 be conclusive in connection with any petition for

13 enforcement filed by the commissioner and in such
14 case, the clerk of court, unless otherwise ordered by
15 the court, shall forthwith enter a decree enforcing
16 the commissioner's determination and shall transmit a
17 copy of the decree to the commissioner and the
18 contractor named in the petition.

19 11. A contractor shall not be liable under this
20 chapter for any other contractor's failure to properly
21 classify individuals.

22 12. In any civil action to enforce the provisions
23 of this chapter, the commissioner may be represented
24 by an attorney employed by the division or, at the
25 commissioner's request, by the attorney general.

26 Sec. 15. NEW SECTION. 91G.6 PENALTIES.

27 1. A contractor who violates section 91G.3, 91G.4,
28 or 91G.8 or rules adopted pursuant to one of those
29 sections is subject to a civil penalty not to exceed
30 one thousand two hundred fifty dollars for a first
31 violation as determined by the commissioner. A
32 contractor is subject to a civil penalty not to exceed
33 one thousand eight hundred seventy-five dollars for a
34 second violation occurring within six years of a first
35 violation as determined by the commissioner. A
36 contractor shall be subject to a civil penalty not to
37 exceed three thousand one hundred twenty-five dollars
38 for a third or successive violation occurring within
39 six years of a first violation as determined by the
40 commissioner.

41 2. A contractor who violates any provision of
42 section 91G.3, 91G.4, or 91G.8 or rules adopted
43 pursuant to one of those sections commits a simple
44 misdemeanor. A contractor who commits such a second
45 violation within six years of a first violation
46 commits a serious misdemeanor. A contractor who
47 commits such a third or subsequent violation within
48 six years of a first violation commits an aggravated
49 misdemeanor.

50 3. A contractor who obstructs the commissioner,

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1 the employee of the commissioner, or another person
2 authorized to inspect places where individuals are
3 performing services for a contractor is subject to a
4 civil penalty not to exceed one thousand eight hundred
5 seventy-five dollars.

6 4. Each violation described in this section for
7 each individual and for each day the violation
8 continues constitutes a separate and distinct
9 violation. In determining the amount of a civil
10 penalty, the commissioner shall consider the
11 appropriateness of the civil penalty to the contractor

12 and the gravity of the violation.
13 Sec. 16. NEW SECTION. 91G.7 STATE CONTRACT
14 PROHIBITION.

15 For a second or subsequent violation of section
16 91G.3 or 91G.4 determined by the commissioner to have
17 occurred within six years of an earlier violation or
18 for a first or subsequent violation of section 91G.8,
19 the commissioner shall add the contractor's name to a
20 list to be posted on the division's internet site and
21 notify the violating contractor of the posting. A
22 state contract shall not be awarded to a contractor
23 whose name appears on the list until three years have
24 elapsed from the date of the determination of the last
25 violation.

26 Sec. 17. NEW SECTION. 91G.8 RETALIATION.

27 1. A contractor or contractor's agent shall not
28 retaliate through discharge or in any other manner
29 against an individual for any of the following:

30 a. Making a good-faith complaint to the
31 commissioner or to a state or federal agency regarding
32 a violation of section 91G.3 or 91G.4.

33 b. Testifying or otherwise cooperating in an
34 investigation or proceeding under this chapter.

35 2. Such retaliation shall subject a contractor or
36 contractor's agent to civil penalties and a
37 prohibition on being awarded state contracts pursuant
38 to this chapter and may give rise to a private right
39 of action.

40 Sec. 18. NEW SECTION. 91G.9 DISPOSITION OF
41 PENALTIES.

42 Any penalties assessed and collected by the
43 commissioner pursuant to this chapter shall be
44 deposited in the general fund of the state.

45 Sec. 19. NEW SECTION. 91G.10 PRIVATE RIGHT OF
46 ACTION.

47 1. An individual, who has not received
48 compensatory damages under section 91G.5, alleging a
49 contractor's violation of this chapter or a rule
50 adopted pursuant to this chapter and damages may file

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1 suit in district court against the contractor, in the
2 county where the alleged violation occurred, or where
3 any person who is party to the action resides, without
4 regard to exhaustion of any alternative administrative
5 remedies provided in this chapter. Actions may be
6 brought by one or more aggrieved individuals for and
7 on behalf of themselves and other individuals
8 similarly situated.

9 2. If it is established that an individual has
10 been damaged through a proceeding under subsection 1

11 by a contractor who has willfully violated a provision
 12 of this chapter or a rule adopted pursuant to this
 13 chapter, the individual shall be entitled to collect
 14 the following:

15 a. The amount of any wages, salary, employment
 16 benefits, or other compensation denied or lost to the
 17 individual due to the violation or a retaliatory
 18 action, and court costs and interest at the statutory
 19 rate from the date of filing.

20 b. Punitive damages, not to exceed five times the
 21 amount awarded in paragraph "a".

22 c. Reasonable attorney fees, if the contractor who
 23 has damaged the individual has committed a second or
 24 subsequent violation of section 91G.3, 91G.4, or
 25 91G.8, or rules adopted pursuant to this chapter,
 26 occurring within six years of a first violation.

27 3. The right of a damaged individual to bring an
 28 action under this section terminates five years from
 29 the date of the alleged violation by the contractor.

30 Sec. 20. NEW SECTION. 91G.11 COOPERATION.

31 1. All state agencies shall cooperate under this
 32 chapter by sharing information concerning possible
 33 misclassification by a contractor of one or more of
 34 the contractor's employees as independent contractors.

35 2. Upon determining that a contractor
 36 misclassified one or more employees as independent
 37 contractors in violation of this chapter, the
 38 commissioner shall notify the division administering
 39 unemployment insurance services, the division of
 40 workers' compensation, and the department of revenue,
 41 each of which shall investigate the contractor's
 42 compliance with applicable laws.

43 3. Cooperation under this chapter shall be
 44 considered a duty of office for the heads of state
 45 agencies or their designees. Failure to so cooperate
 46 constitutes a violation of section 721.2, subsection
 47 6.

48 Sec. 21. NEW SECTION. 91G.12 AGRICULTURAL
 49 ACTIVITIES.

50 A person shall not be classified as an employee or

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1 a contractor under this chapter when the person
 2 participates in agricultural activities on
 3 agricultural land. Agricultural activities include
 4 the raising, harvesting, handling, drying, processing,
 5 or storage of crops used for feed, food, fuel, seed,
 6 or fiber; the production, care, feeding, or keeping of
 7 livestock; fencing; drainage; the handling or
 8 transportation of crops or livestock; the storage,
 9 treatment, land application, or disposal of livestock

10 manure; the application of fertilizers, soil
11 conditioners, pesticides, and herbicides on crops;
12 environmental protection or preservation activities;
13 and any accessory or related activities.

14 Sec. 22. Section 84A.5, subsection 4, Code
15 Supplement 2007, is amended to read as follows:

16 4. The division of labor services is responsible
17 for the administration of the laws of this state under
18 chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91, 91A,
19 91C, 91D, 91E, 91G, 92, and 94A, and section 85.68.

20 The executive head of the division is the labor
21 commissioner, appointed pursuant to section 91.2.

22 Sec. 23. Section 85.61, subsection 11, paragraph
23 b, Code Supplement 2007, is amended to read as
24 follows:

25 b. (1) "Worker" or "employee" includes an inmate
26 as defined in section 85.59 and a person described in
27 section 85.60.

28 (2) "Worker" or "employee" includes an individual
29 who is classified as an employee pursuant to section
30 91G.3.

31 Sec. 24. Section 86.45, subsection 2, Code 2007,
32 is amended by adding the following new paragraph:
33 NEW PARAGRAPH. j. To cooperate with the division
34 of labor services, the division of the department of
35 workforce development that administers unemployment
36 insurance services, and the department of revenue
37 pursuant to chapter 91G by sharing information
38 concerning possible misclassification of one or more
39 employees as independent contractors.

40 Sec. 25. Section 88.3, subsection 4, Code 2007, is
41 amended to read as follows:

42 4. "Employee" means an employee of an employer who
43 is employed in a business of the employer. "Employee"
44 also means an inmate as defined in section 85.59, when
45 the inmate works in connection with the maintenance of
46 the institution, in an industry maintained in the
47 institution, or while otherwise on detail to perform
48 services for pay. "Employee" also means a volunteer
49 involved in responses to hazardous waste incidences.
50 The employer of a volunteer is that entity which

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1 provides or which is required to provide workers'
2 compensation coverage for the volunteer. "Employee"
3 includes an individual who is classified as an
4 employee pursuant to section 91G.3.

5 Sec. 26. Section 91.4, subsection 5, Code
6 Supplement 2007, is amended to read as follows:

7 5. The director of the department of workforce
8 development, in consultation with the labor

9 commissioner, shall, at the time provided by law, make
 10 an annual report to the governor setting forth in
 11 appropriate form the business and expense of the
 12 division of labor services for the preceding year, the
 13 number of disputes or violations processed by the
 14 division and the disposition of the disputes or
 15 violations, and other matters pertaining to the
 16 division which are of public interest, together with
 17 recommendations for change or amendment of the laws in
 18 this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
 19 90A, 91A, 91C, 91D, 91E, 91G, 92, and 94A, and section
 20 85.68, and the recommendations, if any, shall be
 21 transmitted by the governor to the first general
 22 assembly in session after the report is filed.

23 Sec. 27. Section 91A.2, subsection 3, unnumbered
 24 paragraph 1, Code 2007, is amended to read as follows:

25 "Employee" means a natural person who is employed
 26 in this state for wages by an employer. Employee also
 27 includes a commission salesperson who takes orders or
 28 performs services on behalf of a principal and who is
 29 paid on the basis of commissions but does not include
 30 persons who purchase for their own account for resale.

31 "Employee" includes an individual who is classified as
 32 an employee pursuant to section 91G.3. For the
 33 purposes of this chapter, the following persons
 34 engaged in agriculture are not employees:

35 Sec. 28. Section 96.11, Code Supplement 2007, is
 36 amended by adding the following new subsection:

37 NEW SUBSECTION. 17. INTERAGENCY COOPERATION.

38 a. All state agencies shall cooperate with the
 39 director and the department pursuant to chapter 91G by
 40 sharing information concerning possible
 41 misclassification of employees as independent
 42 contractors.

43 b. Cooperation under this chapter shall be
 44 considered a duty of office for the heads of the state
 45 agencies or their designees. Failure to so cooperate
 46 constitutes a violation of section 721.2, subsection
 47 6.

48 Sec. 29. Section 96.19, subsection 18, paragraph
 49 a, subparagraph (2), Code 2007, is amended to read as
 50 follows:

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1 (2) Any individual who, under the usual common law
 2 rules applicable in determining the employer-employee
 3 relationship, has the status of an employee, or any
 4 individual who is classified as an employee pursuant
 5 to section 91G.3, or

6 DIVISION III

7 SEVERABILITY AND EFFECTIVE DATE

8 Sec. 30. SEVERABILITY. The provisions of this Act
 9 are severable in the manner provided by section 4.12.
 10 Sec. 31. EFFECTIVE DATE. This Act takes effect
 11 January 1, 2009."
 12 2. Title page, by striking lines 1 through 7 and
 13 inserting the following: "An Act relating to wage
 14 payment collection and employment classification
 15 issues arising between employers and individuals who
 16 provide services to employers and including an
 17 effective date."

Roll call was requested by Jochum of Dubuque and Hunter of Polk.

On the question "Shall amendment H-8553 be adopted?" (H.F. 2686)

The ayes were, 23:

Abdul-Samad	Foege	Ford	Frevort
Heddens	Hunter	Huser	Jacoby
Jochum	Lensing	Mascher	Oldson
Olson, D.	Olson, T.	Petersen	Schueller
Smith	Taylor, D.	Taylor, T.	Wendt
Wessel-Kroeschell	Whitead	Winckler	

The nays were, 75:

Alons	Anderson	Arnold	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gaskill
Gayman	Gipp	Grassley	Greiner
Heaton	Horbach	Huseman	Jacobs
Kaufmann	Kelley	Kressig	Kuhn
Lukan	Lykam	May	McCarthy
Mertz	Miller, H.	Miller, L.	Olson, R.
Olson, S.	Palmer	Paulsen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Shomshor	Soderberg
Staed	Struyk	Swaim	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wenthe
Whitaker	Wiencek	Windschitl	Wise
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 2:

Granzow Hoffman

Amendment H-8553 lost.

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

On the question "Shall the bill pass?" (H.F. 2686)

The ayes were, 84:

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

The nays were, 16:

Abdul-Samad	Foege	Ford	Heddens
Hunter	Jacoby	Jochum	Lensing
Mascher	Oldson	Olson, T.	Petersen
Smith	Tomenga	Wessel-Kroeschell	Winckler

Absent or not voting, none.

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2686** be immediately messaged to the Senate.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 16th day of April, 2008: House Files 2103, 2145, 2393 and 2570.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|--|
| 2008\2851 | Evelyn Murguia, Burlington – For celebrating her 80 th birthday. |
| 2008\2852 | Ted and Charlotte Schwenker, Burlington – For celebrating their 50 th wedding anniversary. |
| 2008\2853 | Richard and Virginia Goughnour, Burlington – For celebrating their 55 th wedding anniversary. |
| 2008\2854 | Emmet and Karleen O’Toole, Letts – For celebrating their 50 th wedding anniversary. |
| 2008\2855 | Marion and Donna Stark, Kellerton – For celebrating their 50 th wedding anniversary. |
| 2008\2856 | Maurine Krebill, Donnellson – For celebrating her 90 th birthday. |
| 2008\2857 | Allen and Shirley Stevens, Delta – For celebrating their 50 th wedding anniversary. |

- 2008\2858 Roger and Sandy Frakes, Ollie – For celebrating their 50th wedding anniversary.
- 2008\2859 Ed and Janet Maschmann, Victor – For celebrating their 50th wedding anniversary.
- 2008\2860 Bob and Dorothy Dow, Oskaloosa – For celebrating their 50th wedding anniversary.
- 2008\2861 Lloyd and Frances Pilkington, North English – For celebrating their 50th wedding anniversary.
- 2008\2862 Annabell Allen, North English – For celebrating her 75th birthday.
- 2008\2863 Rex W. McFall, Oskaloosa – For his 47 years of dedicated service at McGregor’s Furniture.
- 2008\2864 Carroll Kienol, Waterloo – For his 35 years of dedicated service to the Waterloo Police Department.
- 2008\2865 Jerry and Patricia Jaramillo, Kellerton – For celebrating their 50th wedding anniversary.
- 2008\2866 Wanda Freeberg, Truro – For celebrating her 90th birthday.
- 2008\2867 Charles and Charlotte Krogh, Exira – For celebrating their 60th wedding anniversary.
- 2008\2868 Drew Flickinger, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2869 Bradley Hauptmann, Garner – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2870 Vern and Geneva Van Zanten, Pella – For celebrating their 50th wedding anniversary.
- 2008\2871 Roger Squier, Mason City – For celebrating his 93rd birthday.
- 2008\2872 Margaret Squier, Mason City – For celebrating her 90th birthday.
- 2008\2873 Joseph and Rose Schlueter, Mason City – For celebrating their 60th wedding anniversary.
- 2008\2874 Pete Faust, Clear Lake – For being the Iowa winner of the ANCOR National Association Award for Outstanding Direct Support Professional.
- 2008\2875 Wayne Crawford, Independence – For celebrating his 90th birthday.
- 2008\2876 South O’Brien Jazz Band – For winning the 2008 Class 2A Iowa Jazz Championship.

- 2008\2877 George and Darlene Konicek, Clutier – For celebrating their 60th wedding anniversary.
- 2008\2878 Bessie Gary, Toledo – For celebrating her 90th birthday.
- 2008\2879 Rodney and Inez Deters, Wellsburg – For celebrating their 58th wedding anniversary.
- 2008\2880 Aurelia Jazz Band, Aurelia – For receiving 2nd place in the 2008 Class 1A Iowa Jazz Championship.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 793 Appropriations

Relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation and providing an effective date.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 793), relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 2008.

COMMITTEE ON STATE GOVERNMENT

Senate File 2411, a bill for an act relating to open records and public meetings and providing an effective date and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8546** April 15, 2008.

Pursuant to Rule 31.7, Senate File 2411 was referred to the committee on appropriations.

COMMITTEE ON WAYS AND MEANS

Senate File 2415, a bill for an act allowing certain counties to participate in a pilot project for emergency response districts and providing for a district tax levy.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 2008.

Senate File 2418, a bill for an act relating to notice provided to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 2008.

Senate File 2419, a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 2008.

Committee Bill (Formerly House File 2444), relating to targeted jobs withholding credit agreements for certain pilot project cities located in border counties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 16, 2008.

Committee Bill (Formerly House File 2573), concerning bingo conducted during county fairs and community festivals and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 2008.

RESOLUTIONS FILED

HR 153, by Wessel-Kroeschell, Heddens, D. Olson, Winckler, Staed, Mertz, Dandekar, Ford, T. Olson, Swaim, R. Olson, Lensing, Hunter, Reasoner, Shomshor, Quirk, D. Taylor, Palmer, Wenthe, Huser, Gayman, Murphy, Abdul-Samad, Petersen, Wise, Reichert, Smith, Jacoby, Wendt, Thomas, Bailey, Kuhn, Zirkelbach, H. Miller, Berry, Cohoon, Bell, Jochum, Gaskill, Kressig, Mascher, Davitt, Kelley, Whitaker, Bukta, Whitead, Lykam and Frevert, a resolution honoring the 2007 Iowa State University Cyclones women's volleyball team for

a phenomenal 2007 season that culminated in the team's appearance in the NCAA Women's Volleyball Tournament Regional semifinal.

Laid over under **Rule 25**.

HR 154, by Wessel-Kroeschell, Gaskill, Heddens, D. Olson, Winckler, Staed, Mertz, Dandekar, Ford, T. Olson, Swaim, R. Olson, Lensing, Hunter, Reasoner, Shomshor, Quirk, D. Taylor, Palmer, Windschitl, Huser, Abdul-Samad, Petersen, Wise, Reichert, Gayman, Smith, Jacoby, Wendt, Thomas, Bailey, Kuhn, H. Miller, Berry, Cohoon, Bell, Jochum, Kressig, Mascher, Davitt, Murphy, Kelley, Whitaker, Bukta, Whitead, Lykam and Frevert, a resolution honoring the Iowa State University Cyclone wrestling team and head coach Cael Sanderson for their second consecutive Big 12 Conference team championship.

Laid over under **Rule 25**.

HR 155, by Wessel-Kroeschell and Heddens, a resolution honoring Iowa State University track student-athlete and Fort Dodge native Lisa Koll.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8541	H.F.	2662	Senate Amendment
H—8542	H.F.	2687	Wise of Lee
H—8543	H.F.	2381	R. Olson of Polk
H—8546	S.F.	2411	Committee on State Government
H—8547	S.F.	2402	Watts of Dallas
H—8548	S.F.	2406	Ford of Polk
H—8550	H.F.	2688	Reichert of Muscatine
H—8551	H.F.	2633	Senate Amendment
H—8552	H.F.	2612	Senate Amendment
H—8554	H.F.	2662	Winckler of Scott
			Wessel-Kroeschell of Story
			Mascher of Johnson
			Frevert of Palo Alto
			Kelley of Black Hawk
			Lensing of Johnson
			Jochum of Dubuque
			Petersen of Polk

On motion by McCarthy of Polk the House adjourned at 5:32 p.m., until 9:00 a.m., Thursday, April 17, 2008

JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day - Sixty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 17, 2008

The House met pursuant to adjournment at 9:18 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Mario Lara, pastor of Life Bridge Church, Des Moines. He was the guest of Representative Mark Davitt of Warren County and Rod Roberts of Carroll County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Tom Boerigter, Page for the Legislative Service Agency.

The Journal of Wednesday, April 16, 2008 was approved.

INTRODUCTION OF BILL

House File 2695, by committee on ways and means, a bill for an act concerning bingo conducted during county fairs and community festivals and providing an effective date.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGE CONSIDERED

Senate File 2423, by committee on ways and means, a bill for an act concerning department of administrative services operations.

Read first time and referred to committee on **government oversight**.

The House stood at ease at 9:43 a.m., until the fall of the gavel.

The House resumed session at 1:21 p.m., Tjepkes of Webster in the chair.

QUORUM CALL

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

Speaker Murphy in the chair at 2:22 p.m.

INTRODUCTION OF BILL

House File 2696, by committee on ways and means, a bill for an act relating to economic development by expanding the scope of enterprise zones and targeted jobs withholding credit agreements in certain pilot project cities located in border counties, and providing an effective date.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGE CONSIDERED

Senate File 2413, by committee on government oversight, a bill for an act providing extensions for school districts applying to the school budget review committee concerning school district finances, and providing an effective date.

Read first time and referred to committee on **education**.

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 2308)

A conference committee report signed by the following Senate and House members was filed April 17, 2008, on Senate File 2308, a bill for an act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties:

ON THE PART OF THE SENATE:

STEVE WARNSTAD, Chair
JERRY BEHN
THOMAS COURTNEY
WILLIAM HECKROTH
STEVE KETTERING

ON THE PART OF THE HOUSE:

DORIS KELLEY, Chair
GERI HUSER
LIBBY JACOBS
DAVE JACOBY
DAVID TJEPKES

SENATE AMENDMENT CONSIDERED

Kressig of Black Hawk called up for consideration **House File 2266**, a bill for an act relating to the regulation of explosives, and the possession of an incendiary or explosive device or material, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-8389:

H-8389

1 Amend House File 2266, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 34 the
4 following:
5 "Sec. ____ Section 321.279, subsection 1, Code
6 2007, is amended to read as follows:
7 1. The driver of a motor vehicle commits a serious
8 misdemeanor if the driver willfully fails to bring the
9 motor vehicle to a stop or otherwise eludes or
10 attempts to elude a marked official law enforcement
11 vehicle driven by a uniformed peace officer after
12 being given a visual and audible signal to stop. The
13 signal given by the peace officer shall be by flashing
14 red light, or by flashing red and blue lights, and
15 siren. For purposes of this section, "peace officer"
16 means those officers designated under section 801.4,
17 subsection 11, paragraphs "a", "b", "c", "f", "g", and
18 "h".
19 2. Title page, by striking lines 1 and 2 and
20 inserting the following: "An Act relating to the
21 criminal offenses of eluding or attempting to elude a
22 law enforcement vehicle and the possession of an
23 incendiary or explosive device or material, and the
24 regulation of explosives,".

The motion prevailed and the House concurred in the Senate amendment H-8389.

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

On the question "Shall the bill pass?" (H.F. 2266)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

SENATE AMENDMENT CONSIDERED

Swaim of Davis called up for consideration **House File 2633**, a bill for an act relating to business associations, by providing for limited liability companies and conversion involving corporations, providing fees and penalties, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-8551:

H-8551

- 1 Amend House File 2633, as passed by the House, as
- 2 follows:

- 3 1. Page 1, by striking lines 25 through 27.
- 4 2. Page 2, by inserting after line 6 the
- 5 following:
- 6 "____. "Domestic cooperative" means an entity
- 7 organized on a cooperative basis under chapter 497,
- 8 498, or 499 or a cooperative organized under chapter
- 9 501 or 501A."
- 10 3. Page 11, line 28, by striking the words "A
- 11 operating" and inserting the following: "An
- 12 operating".
- 13 4. Page 12, lines 17 and 18, by striking the
- 14 words "as follows" and inserting the following: ",
- 15 the following rules apply".
- 16 5. Page 16, line 10, by striking the word
- 17 "corporation" and inserting the following: "limited
- 18 liability company".
- 19 6. Page 16, line 29, by striking the figure
- 20 "489.110" and inserting the following: "489.112".
- 21 7. Page 29, line 8, by inserting after the word
- 22 "becomes" the following: "a".
- 23 8. Page 44, line 7, by striking the figure "2"
- 24 and inserting the following: "3".
- 25 9. Page 49, line 33, by striking the word
- 26 "transferree" and inserting the following:
- 27 "transferee".
- 28 10. Page 51, line 10, by striking the word
- 29 "applies" and inserting the following: "apply".
- 30 11. Page 54, line 15, by inserting after the word
- 31 "due" the following: "to".
- 32 12. By striking page 65, line 3, through page 66,
- 33 line 26.
- 34 13. Page 82, line 30, by inserting after the word
- 35 "podiatry," the following: "real estate brokerage,".
- 36 14. Page 89, line 26, by striking the word
- 37 "account" and inserting the following: "accountant".
- 38 15. Page 92, line 7, by striking the word
- 39 "limited" and inserting the following: "professional
- 40 limited".
- 41 16. Page 101, line 9, by striking the word "'a",
- 42 and inserting the following: "'a'".
- 43 17. Page 104, line 35, by striking the figure
- 44 "10" and inserting the following: "12".
- 45 18. Page 106, line 11, by striking the word "OR"
- 46 and inserting the following: "ON".
- 47 19. Page 106, line 33, by inserting after the
- 48 word "conversion." the following: "The notice shall
- 49 include or be accompanied by a copy of the organic
- 50 documents as they will be in effect immediately after

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1 the conversion."

- 2 20. Page 107, line 27, by striking the word
 3 "entity" and inserting the following: "entity,".
 4 21. Page 110, line 4, by striking the words and
 5 figure "as provided in section 490.1112".
 6 22. Page 114, line 35, by striking the word
 7 "corporation" and inserting the following:
 8 "~~corporation~~ company".
 9 23. Page 118, line 12, by striking the figure
 10 "289.108" and inserting the following: "489.108".
 11 24. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8551.

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

On the question "Shall the bill pass?" (H.F. 2633)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

SENATE AMENDMENT CONSIDERED

Bell of Jasper called up for consideration **House File 2612**, a bill for an act relating to natural resources, including by providing for the powers and duties of the department's director and natural resource commission, and the regulation of public lands and outdoor recreation, providing for fees, providing for penalties and making penalties applicable, amended by the Senate amendment H-8552:

H-8552

1 Amend House File 2612, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Sec. ____ Section 455A.20, subsection 1,
6 paragraph e, Code 2007, is amended to read as follows:

7 e. (1) A representative of each of the following
8 entities:

9 (a) A historic preservation commission or similar
10 entity established by a county or city in the county.

11 (b) A private organization that provides
12 recognition and protection for the historic buildings,
13 structures, sites, and districts in a county or a city
14 in the county.

15 (c) A historic museum or organization that
16 maintains a collection of documents relating to the
17 history of a county or a city in the county.

18 (2) A representative shall be appointed by the
19 county's board of supervisors. If the board appoints
20 a person representing an entity established by a city
21 in the county, the board shall consult with the city
22 authority that established the entity.

23 e. f. If a question arises as to whether a
24 recognized county organization exists under paragraph
25 "c" or "d", the question shall be decided by a
26 majority vote of the members selected under paragraphs
27 "a" and "b", excluding the representative of the
28 county conservation board. Sections 69.16 and 69.16A
29 do not apply to appointments made pursuant to this
30 subsection."

31 2. Page 1, line 20, by inserting before the word

32 "RIDING" the following: "OPERATION OF ALL-TERRAIN
33 VEHICLES AND".

34 3. Page 1, by inserting after line 24 the
35 following:

36 "Sec.____. Section 321I.14, subsection 3, Code
37 Supplement 2007, is amended to read as follows:

38 3. a. A person shall not operate an all-terrain
39 vehicle with more persons on the vehicle than it was
40 designed to carry.

41 b. Paragraph "a" does not apply to a person who
42 operates an all-terrain vehicle as part of a farm
43 operation as defined in section 352.2."

44 4. Page 4, by inserting after line 35 the
45 following:

46 "DIVISION _____
47 WATER SAFETY

48 Sec.____. Section 462A.12, Code Supplement 2007,
49 is amended by adding the following new subsection:

50 NEW SUBSECTION. 15. A person shall not operate a

Page 2

1 vessel on the waters of this state under the
2 jurisdiction of the commission unless every person on
3 board the vessel who is under thirteen years of age is
4 wearing a type I, II, III, or V personal flotation
5 device, including "float coats" that meet this
6 definition, that is approved by the United States
7 coast guard, while the vessel is under way. This
8 subsection does not apply when the person under
9 thirteen years of age is in an enclosed cabin or below
10 deck, or is a passenger on a commercial vessel with a
11 passenger capacity of twenty-five persons or more.

12 Sec.____. WARNING CITATIONS – TWELVE-MONTH
13 PERIOD. During the twelve-month period beginning on
14 the effective date of section 462A.12, subsection 15,
15 as enacted in this division of this Act, peace
16 officers shall issue only warning citations for a
17 violation of such subsection.

18 Sec.____. EFFECTIVE DATE. This division of this
19 Act, being deemed of immediate importance, takes
20 effect upon enactment."

21 5. By striking page 10, line 22, through page 11,
22 line 1.

23 6. Title page, line 3, by inserting after the
24 word "lands" the following: ", waters,".

25 7. Title page, line 5, by inserting after the
26 word "applicable" the following: "and providing an
27 effective date".

28 8. By renumbering, relettering, or redesignating
29 and correcting internal references as necessary.

Baudler of Adair asked and received unanimous consent to withdraw amendment H-8556, to the Senate amendment H-8552, filed by him from the floor.

Baudler of Adair offered the following amendment H-8564, to the Senate amendment H-8552, filed by him from the floor and moved its adoption:

H-8564

- 1 Amend the Senate amendment, H-8552, to House File
- 2 2612, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 49, by striking the word
- 5 "subsection" and inserting the following:
- 6 "subsections".
- 7 2. Page 2, by inserting after line 11 the
- 8 following:
- 9 "NEW SUBSECTION. 16. A person shall not operate a
- 10 vessel while alone on the waters of this state under
- 11 the jurisdiction of the commission unless the person
- 12 is wearing a type I, II, III, or V personal flotation
- 13 device, including a "float coat" that meets this
- 14 definition, that is approved by the United States
- 15 coast guard, while the vessel is under way."
- 16 3. By renumbering as necessary.

Amendment H-8564 lost.

Horbach of Tama offered the following amendment H-8565, to the Senate amendment H-8552, filed by him from the floor and moved its adoption:

H-8565

- 1 Amend the Senate amendment, H-8552, to House File
- 2 2612, as amended, passed, and reprinted by the House
- 3 as follows:
- 4 1. Page 2, line 3, by striking the word
- 5 "thirteen" and inserting the following: "six".
- 6 2. Page 2, line 9, by striking the word
- 7 "thirteen" and inserting the following: "six".

A non-record roll call was requested.

The ayes were 41, nays 52.

Amendment H-8565 lost.

Baudler of Adair offered the following amendment H-8561, to the Senate amendment H-8552, filed by him from the floor and moved its adoption:

H-8561

- 1 Amend the Senate amendment, H-8552, to House File
- 2 2612, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 49, by striking the word
- 5 "subsection" and inserting the following:
- 6 "subsections".
- 7 2. Page 2, by inserting after line 11 the
- 8 following:
- 9 "NEW SUBSECTION. 16. An operator of a motorboat
- 10 or sailboat on the navigable waters of this state or a
- 11 passenger on such a vessel shall not possess on the
- 12 vessel an open or unsealed bottle, can, jar, or other
- 13 receptacle containing an alcoholic beverage."
- 14 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 46, nays 50.

Amendment H-8561 lost.

On motion by Bell of Jasper the House concurred in the Senate amendment H-8552.

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

On the question "Shall the bill pass?" (H.F. 2612)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser

Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, none.

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2266, 2612 and 2633.**

Unfinished Business Calendar

Senate File 517, a bill for an act relating to the state building code by providing for training, administration, and enforcement of energy conservation requirements, with report of committee recommending amendment and passage, was taken up for consideration.

Reichert of Muscatine asked and received unanimous consent to withdraw amendment H-1628 filed by the committee on commerce on April 9, 2007, placing out of order amendment H-2017 filed by Reichert of Muscatine on April 25, 2007.

Reichert of Muscatine offered amendment H-8348 filed by the committee on commerce as follows:

H-8348

1 Amend Senate File 517, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section 8.60, subsection 15, Code
6 2007, is amended by striking the subsection.

7 Sec. 2. Section 12.28, subsection 6, Code 2007, is
8 amended to read as follows:

9 6. The maximum principal amount of financing
10 agreements which the treasurer of state can enter into
11 shall be one million dollars per state agency in a
12 fiscal year, subject to the requirements of section
13 8.46. For the fiscal year, the treasurer of state
14 shall not enter into more than one million dollars of
15 financing agreements per state agency, not considering
16 interest expense. However, the treasurer of state may
17 enter into financing agreements in excess of the one
18 million dollar per agency per fiscal year limit if a
19 constitutional majority of each house of the general
20 assembly, or the legislative council if the general
21 assembly is not in session, and the governor,
22 authorize the treasurer of state to enter into
23 additional financing agreements above the one million
24 dollar authorization contained in this section. The
25 treasurer of state shall not enter into a financing
26 agreement for real or personal property which is to be
27 constructed for use as a prison or prison-related
28 facility without prior authorization by a
29 constitutional majority of each house of the general
30 assembly and approval by the governor of the use,
31 location, and maximum cost, not including interest
32 expense, of the real or personal property to be
33 financed. However, financing agreements for an energy
34 conservation measure, as defined in section 7D.34, for
35 an energy management improvement, as defined in
36 section 473.19, or for costs associated with projects
37 under section 473.13A, are exempt from the provisions
38 of this subsection, but are subject to the
39 requirements of section 7D.34 ~~or 473.20A~~. In
40 addition, financing agreements funded through the
41 materials and equipment revolving fund established in
42 section 307.47 are exempt from the provisions of this
43 subsection.

44 Sec. 3. Section 103A.3, Code 2007, is amended by
45 adding the following new subsection:

46 NEW SUBSECTION. 23. "Sustainable design" means

47 construction design intended to minimize negative
 48 environmental impacts and to promote the health and
 49 comfort of building occupants including but not
 50 limited to measures to reduce consumption of

Page 2

1 nonrenewable resources, minimize waste, and create
 2 healthy, productive environments.

3 Sec. 4. Section 103A.7, subsection 6, Code 2007,
 4 is amended to read as follows:

5 6. The conservation of energy through thermal ~~and~~
 6 ~~lighting~~ efficiency standards for buildings intended
 7 for human occupancy ~~or use~~ and which are heated or
 8 cooled and lighting efficiency standards for buildings
 9 intended for human occupancy which are lighted.

10 Sec. 5. Section 103A.7, Code 2007, is amended by
 11 adding the following new subsection:

12 NEW SUBSECTION. 7. Standards for sustainable
 13 design, also known and referred to as green building
 14 standards.

15 Sec. 6. Section 103A.8, subsections 7 and 8, Code
 16 2007, are amended to read as follows:

17 7. Limit the application of thermal efficiency
 18 standards for energy conservation to ~~new~~ construction
 19 of buildings which will incorporate a heating or
 20 cooling system are heated or cooled. Air exchange
 21 fans designed to provide ventilation shall not be
 22 considered a cooling system. The commissioner shall
 23 exempt any ~~new~~ construction from any thermal
 24 efficiency ~~standards~~ standard for energy conservation
 25 if the commissioner determines that the ~~standards are~~
 26 standard is unreasonable as ~~they apply it would apply~~
 27 to a particular building or class of buildings
 28 including farm buildings for livestock use. No
 29 standard adopted by the commissioner for energy
 30 conservation in construction shall be interpreted to
 31 require the replacement or modification of any
 32 existing equipment or feature solely to ensure
 33 compliance with requirements for energy conservation
 34 in construction. Lighting efficiency standards shall
 35 recognize variations in lighting intensities required
 36 for the various tasks performed within the building.
 37 The commissioner shall consult with the department of
 38 natural resources regarding standards for energy
 39 conservation prior to the adoption of the standards.
 40 However, the standards shall be consistent with
 41 section 103A.8A.

42 8. Facilitate the development and use of ~~sole~~
 43 renewable energy.

44 Sec. 7. Section 103A.8A, Code 2007, is amended to
 45 read as follows:

46 103A.8A ENERGY CONSERVATION REQUIREMENTS.

47 The state building code commissioner shall adopt as
48 a part of the state building code a requirement that
49 new single-family or two-family residential
50 construction shall comply with energy conservation

Page 3

1 requirements. The requirements adopted by the
2 commissioner shall be based upon a nationally
3 recognized standard or code for energy conservation.
4 The requirements shall only apply to single-family or
5 two-family residential construction commenced after
6 the adoption of the requirements. ~~This chapter shall
7 not be construed to prohibit a governmental
8 subdivision from adopting or enacting a minimum energy
9 standard which is substantially in accordance and
10 consistent with energy codes and standards developed
11 by a nationally recognized organization in effect on
12 or after July 1, 2002. A governmental subdivision
13 that adopts or enacts a minimum energy standard which
14 is substantially in accordance and consistent with
15 energy codes and standards developed by a nationally
16 recognized organization shall adopt or enact any
17 update or revision to the energy codes and standards.~~
18 Notwithstanding any other provision of this chapter to
19 the contrary, the energy conservation requirements
20 adopted by the commissioner and approved by the
21 council shall apply to new single-family or two-family
22 residential construction commenced on or after July 1,
23 2008, and shall supersede and replace any minimum
24 requirements for energy conservation adopted or
25 enacted by the governmental subdivision prior to that
26 date applicable to such construction. The state
27 building code commissioner may provide training to
28 builders, contractors, and other interested persons on
29 the adopted energy conservation requirements.
30 Sec. 8. NEW SECTION. 103A.8B SUSTAINABLE DESIGN
31 OR GREEN BUILDING STANDARDS.
32 The commissioner, after consulting with and
33 receiving recommendations from the department of
34 natural resources and the office of energy
35 independence, shall adopt rules pursuant to chapter
36 17A specifying standards and requirements for
37 sustainable design and construction based upon or
38 incorporating nationally recognized ratings,
39 certifications, or classification systems, and
40 procedures relating to documentation of compliance.
41 The standards and requirements shall be incorporated
42 into rules implementing the provisions of the state
43 building code established in section 103A.7 and shall
44 be applicable to construction projects specified in

45 the state building code, projects as specified in
 46 other statutory provisions, or as established by other
 47 state agencies by rule.
 48 Sec. 9. Section 103A.10, subsection 4, paragraphs
 49 a and b, Code Supplement 2007, are amended to read as
 50 follows:

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1 a. Provisions of the state building code
 2 establishing thermal efficiency energy conservation
 3 standards shall be applicable to all ~~new~~ construction
 4 ~~owned by the state, an agency of the state or a~~
 5 ~~political subdivision of the state, to all new~~
 6 ~~construction located in a governmental subdivision~~
 7 ~~which has adopted either the state building code or a~~
 8 ~~local building code or compilation of requirements for~~
 9 ~~building construction and to all other new~~
 10 construction in the state which will contain ~~more than~~
 11 ~~one hundred thousand cubic feet~~ of enclosed space that
 12 is heated or cooled. The commissioner shall provide
 13 appropriate exceptions for construction where the
 14 application of an energy conservation requirement
 15 adopted pursuant to this chapter would be impractical.

16 b. Provisions of the state building code
 17 establishing lighting efficiency standards shall be
 18 applicable to all ~~new~~ construction ~~owned by the state,~~
 19 ~~an agency of the state or a political subdivision of~~
 20 ~~the state and to all new construction, in the state,~~
 21 ~~of buildings which are open to the general public~~
 22 during normal business hours and to new and
 23 replacement lighting in existing buildings.

24 Sec. 10. Section 103A.10, subsection 5, Code
 25 Supplement 2007, is amended by striking the subsection
 26 and inserting in lieu thereof the following:

27 5. Notwithstanding any other provision of this
 28 chapter to the contrary, the energy conservation
 29 requirements adopted by the commissioner and approved
 30 by the council shall apply to all new construction
 31 commenced on or after July 1, 2008, and shall
 32 supersede and replace any minimum requirements for
 33 energy conservation adopted or enacted by the
 34 governmental subdivision prior to that date and
 35 applicable to such construction.

36 Sec. 11. Section 103A.10A, subsections 1 and 2,
 37 Code Supplement 2007, are amended to read as follows:

38 1. Beginning on January 1, 2007, all ~~All~~ newly
 39 constructed buildings or structures ~~subject to the~~
 40 state building code, ~~excluding~~ including any addition,
 41 but excluding any renovation, or repair of a building
 42 or structure, ~~whether existing prior to January 1,~~
 43 2007, or thereafter, that are owned by the state or an

44 agency of the state, except as provided in subsection
45 2, shall be subject to a plan review and inspection by
46 the commissioner or an independent building inspector
47 appointed by the commissioner. A fee shall be
48 assessed for the cost of plan review and the cost of
49 inspection. The commissioner may inspect an existing
50 building that is undergoing renovation or remodeling

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1 to enforce the energy conservation requirements
2 established under this chapter.
3 2. ~~Beginning on July 1, 2007, all All~~ newly
4 constructed buildings, ~~excluding including~~ any
5 addition, ~~but excluding any~~ renovation, or repair of
6 building, ~~whether existing prior to July 1, 2007, or~~
7 ~~thereafter, that are~~ owned by the state board of
8 regents shall be subject to a plan review and
9 inspection by the commissioner or the commissioner's
10 staff or assistant. ~~The commissioner and the state~~
11 ~~board of regents shall develop a plan to implement the~~
12 ~~requirements of this subsection, including funding~~
13 ~~recommendations related to plan review and inspection,~~
14 ~~by March 1, 2007. The commissioner may inspect an~~
15 existing building that is undergoing renovation or
16 remodeling to enforce the energy conservation
17 requirements established under this chapter.

18 Sec. 12. Section 103A.19, subsection 1, Code
19 Supplement 2007, is amended to read as follows:
20 1. The examination and approval or disapproval of
21 plans and specifications, the issuance and revocation
22 of building permits, licenses, certificates, and
23 similar documents, the inspection of buildings or
24 structures, and the administration and enforcement of
25 building regulations shall be the responsibility of
26 the governmental subdivisions of the state and shall
27 be administered and enforced in the manner prescribed
28 by local law or ordinance. All provisions of law
29 relating to the administration and enforcement of
30 local building regulations in any governmental
31 subdivision shall be applicable to the administration
32 and enforcement of the state building code in the
33 governmental subdivision. An application made to a
34 local building department or to a state agency for
35 permission to construct a building or structure
36 pursuant to the provisions of the state building code
37 shall, in addition to any other requirement, be signed
38 by the owner or the owner's authorized agent, and
39 shall contain the address of the owner, and a
40 statement that the application is made for permission
41 to construct in accordance with the provisions of the
42 code. The application shall also specifically include

43 a statement that the construction will be in
 44 accordance with all applicable energy conservation
 45 requirements.

46 Sec. 13. Section 103A.22, subsection 1, Code 2007,
 47 is amended to read as follows:

48 1. Nothing in this chapter shall be construed as
 49 prohibiting any governmental subdivision from adopting
 50 or enacting any building regulations relating to any

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1 building or structure within its limits, but a
 2 governmental subdivision in which the state building
 3 code has been accepted and is applicable shall not
 4 have the power to supersede, void, or repeal or make
 5 more restrictive any of the provisions of this chapter
 6 or of the rules adopted by the commissioner. This
 7 subsection shall not apply to energy conservation
 8 requirements adopted by the commissioner and approved
 9 by the council pursuant to section 103A.8A or 103A.10.

10 Sec. 14. Section 216A.102, subsection 2, paragraph
 11 b, Code 2007, is amended by striking the paragraph.

12 Sec. 15. Section 266.39C, subsection 3, Code 2007,
 13 is amended to read as follows:

14 3. Iowa state university of science and technology
 15 shall employ a director for the center, who shall be
 16 appointed by the president of Iowa state university of
 17 science and technology. The director of the center
 18 shall employ necessary research and support staff.
 19 The director and staff shall be employees of Iowa
 20 state university of science and technology. ~~No more~~
 21 ~~than seven hundred thousand dollars of the funds made~~
 22 ~~available by appropriation from state revenues in any~~
 23 ~~one year shall be expended by the center for the~~
 24 ~~salaries and benefits of the employees of the center,~~
 25 ~~including the salary and benefits of the director.~~
 26 ~~The limit on expenditures for salaries and benefits~~
 27 ~~shall be adjusted annually by a percentage equal to~~
 28 ~~the average percentage salary adjustment approved~~
 29 ~~annually by the state board of regents for~~
 30 ~~professional and scientific employees at Iowa state~~
 31 ~~university of science and technology. The remainder~~
 32 ~~of the funds appropriated from state funds~~ Funds
 33 appropriated to the center shall be used to sponsor
 34 research grants and projects submitted on a
 35 competitive basis by Iowa colleges and universities
 36 and private nonprofit agencies and foundations, and
 37 for the salaries and benefits of the employees of the
 38 center. The center may also solicit additional grants
 39 and funding from public and private nonprofit agencies
 40 and foundations.

41 Sec. 16. Section 388.9, subsection 2, Code 2007,

42 is amended by adding the following new unnumbered
43 paragraph:
44 NEW UNNUMBERED PARAGRAPH. For purposes of this
45 subsection, "proprietary information" includes
46 customer records that if disclosed would harm the
47 competitive position of a customer; or information
48 required by a noncustomer contracting party to be kept
49 confidential pursuant to a nondisclosure agreement
50 which relates to electric transmission planning and

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1 construction, critical energy infrastructure, an
2 ownership interest or acquisition of an ownership
3 interest in an electric generating facility, or other
4 information made confidential by law or rule.
5 Sec. 17. Section 455E.11, subsection 2, paragraph
6 e, Code 2007, is amended by striking the paragraph.
7 Sec. 18. Section 473.1, Code 2007, is amended by
8 adding the following new subsections:
9 NEW SUBSECTION. 0A. "Alternative and renewable
10 energy" means the same as in section 469.31.
11 NEW SUBSECTION. 4A. "Renewable fuel" means the
12 same as in section 469.31.
13 Sec. 19. Section 473.1, subsection 5, Code 2007,
14 is amended to read as follows:
15 5. "Supplier" means any person engaged in the
16 business of selling, importing, storing, or generating
17 energy sources, alternative and renewable energy, or
18 renewable fuel in Iowa.
19 Sec. 20. Section 473.2, subsection 1, paragraph a,
20 Code 2007, is amended to read as follows:
21 a. Physical, human, natural, and financial
22 resources are allocated efficiently.
23 Sec. 21. Section 473.3, Code 2007, is amended to
24 read as follows:
25 473.3 ENERGY EFFICIENCY RESOURCE MANAGEMENT GOAL.
26 1. The goal of this state is to ~~more~~ efficiently
27 utilize energy resources, ~~especially those that are~~
28 ~~nonrenewable or that have negative environmental~~
29 ~~impacts, in order~~ to enhance the economy of the state
30 ~~and to decrease by decreasing~~ the state's dependence
31 on ~~nonrenewable~~ energy resources from outside the
32 state ~~and~~ by reducing the amount of energy used. This
33 goal is to be implemented through the development of
34 policies and programs that promote energy efficiency,
35 ~~and~~ energy conservation, and alternative and renewable
36 energy use by all Iowans, through the development and
37 enhancement of an energy efficiency and alternative
38 and renewable energy industry, through the ~~development~~
39 ~~of indigenous commercialization of~~ energy resources
40 and technologies that are economically and

41 environmentally viable, and through the development
42 and implementation of effective public information and
43 education programs.

44 2. State government shall be a model and testing
45 ground for the use of energy efficiency, energy
46 conservation, and alternative and renewable energy
47 systems.

48 Sec. 22. Section 473.7, subsections 2 and 3, Code
49 Supplement 2007, are amended by striking the
50 subsections.

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1 Sec. 23. Section 473.7, subsections 4, 5, 11, 12,
2 and 14, Code Supplement 2007, are amended to read as
3 follows:

4 4. a. ~~Establish a central depository within the~~
5 ~~state for energy data. The central depository shall~~
6 ~~be located at or accessible through a library which is~~
7 ~~a member of an interlibrary loan program to facilitate~~
8 ~~access to the data and information contained in the~~
9 ~~central depository. The department shall collect and ~~~
10 ~~analyze data necessary to forecast to use in~~
11 ~~forecasting future energy demands in demand and supply~~
12 ~~for the state. The department may require a A~~
13 ~~supplier is required~~ to provide information pertaining
14 to the supply, storage, distribution, and sale of
15 energy sources in this state when requested by the
16 department. The information ~~shall be furnished on a~~
17 ~~periodic basis,~~ shall be of a nature which directly
18 relates to the supply, storage, distribution, and sale
19 of energy sources, and shall not include any records,
20 documents, books, or other data which relate to the
21 financial position of the supplier. ~~Provided the The~~
22 department, prior to requiring any supplier to furnish
23 it with such information, shall make every reasonable
24 effort to determine if ~~the same~~ such information is
25 available from any other governmental source. If it
26 finds such information is available, the department
27 shall not require submission of the ~~same information~~
28 from a supplier. Notwithstanding the provisions of
29 chapter 22, information and reports obtained under
30 this section shall be confidential except when used
31 for statistical purposes without identifying a
32 specific supplier and when release of the information
33 will not give an advantage to competitors and serves a
34 public purpose. The department shall use this data to
35 conduct energy forecasts ~~which shall be included in~~
36 ~~the biennial update required by this section.~~

37 b. The department may subpoena witnesses,
38 administer oaths, and require the production of
39 records, books, and documents for examination in order

40 to obtain information required to be submitted under
41 this section. In case of failure or refusal on the
42 part of any person to comply with a subpoena issued by
43 the department, or in case of the refusal of any
44 witness to testify as to any matter regarding which
45 the witness may be interrogated under this chapter,
46 the district court, upon the application of the
47 department, may order the person to show cause why the
48 person should not be held in contempt for failure to
49 testify or comply with a subpoena, and may order the
50 person to produce the records, books, and documents

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1 for examination, and to give testimony. The courts
2 may punish for contempt as in the case of disobedience
3 to a like subpoena issued by the court, or for refusal
4 to testify.

5 5. Develop, recommend, and implement with
6 appropriate agencies public and professional education
7 and communication programs in energy efficiency,
8 energy conservation, and conversion to ~~alternative~~
9 ~~sources of energy~~ alternative and renewable energy.

10 11. Develop, in coordination with the office of
11 energy independence, a program to annually give public
12 recognition to innovative methods of energy
13 conservation, ~~energy management, and alternative and~~
14 ~~renewable energy production.~~

15 12. Administer and coordinate, in coordination
16 with the office of energy independence, federal funds
17 for energy conservation, energy management, and
18 alternative and renewable energy programs ~~including,~~
19 ~~but not limited to, the institutional conservation~~
20 ~~program, state energy conservation program, and energy~~
21 ~~extension service program, and related programs which~~
22 ~~provide energy management and conservation assistance~~
23 ~~to schools, hospitals, health care facilities,~~
24 ~~communities, and the general public.~~

25 14. ~~Perform~~ Provide information from monthly fuel
26 surveys which establish a statistical average of motor
27 fuel prices for various motor fuels provided
28 throughout the state. Additionally, the department
29 shall ~~perform~~ provide statewide monthly fuel surveys
30 ~~in cities with populations of over fifty thousand~~
31 survey information which establish a statistical
32 average of motor fuel prices for various motor fuels
33 provided in ~~those individual cities~~ both metropolitan
34 and rural areas of the state. The survey results
35 shall be publicized in a monthly press release issued
36 by the department.

37 Sec. 24. Section 473.15, Code 2007, is amended to
38 read as follows:

39 473.15 ANNUAL REPORT.

40 The department shall ~~include in the complete an~~
 41 annual report ~~required under section 455A.4 an~~
 42 ~~assessment of~~ to assess the progress achieved by
 43 ~~public agencies of state agencies~~ in implementing
 44 energy management improvements, alternative and
 45 renewable energy systems, and life cycle cost analyses
 46 under chapter 470, and on the use of renewable fuels.
 47 The department shall work with state agencies and with
 48 any entity, agency, or organization with which they
 49 are associated or involved in such implementation, to
 50 use available information to minimize the cost of

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1 preparing the report. The department shall also
 2 provide an assessment of the economic and
 3 environmental impact of the progress made by state
 4 agencies related to energy management and alternative
 5 and renewable energy, along with recommendations on
 6 technological opportunities and policies necessary for
 7 continued improvement in these areas.

8 Sec. 25. Section 473.19, Code 2007, is amended to
 9 read as follows:

10 473.19 ENERGY BANK PROGRAM.

11 1. The energy bank program is established by the
 12 department. The energy bank program consists of the
 13 following forms of assistance for the state, state
 14 agencies, political subdivisions of the state, school
 15 districts, area education agencies, community
 16 colleges, and nonprofit organizations:

17 1. a. Promoting program availability.
 18 b. Developing or identifying guidelines and model
 19 energy techniques for the completion of energy
 20 analyses for state agencies, political subdivisions of
 21 the state, school districts, area education agencies,
 22 community colleges, and nonprofit organizations.
 23 c. Providing ~~moneys from the petroleum overcharge~~
 24 and ~~technical assistance for conducting or evaluating~~
 25 energy ~~audits analyses for school districts under~~
 26 ~~section 270.44, for conducting comprehensive~~
 27 ~~engineering analyses for school districts and for~~
 28 ~~conducting energy audits and comprehensive engineering~~
 29 ~~analyses for state agencies, and political~~
 30 ~~subdivisions of the state agencies, political~~
 31 ~~subdivisions of the state, school districts, area~~
 32 ~~education agencies, community colleges, and nonprofit~~
 33 ~~organizations.~~

34 2. d. Providing or ~~facilitating~~ loans, leases,
 35 and other methods of alternative financing ~~from under~~
 36 the energy loan ~~fund established in section 473.20 and~~
 37 ~~section 473.20A~~ program for the state, state agencies,

38 political subdivisions of the state, school districts,
 39 area education agencies, community colleges, and
 40 nonprofit organizations to implement energy
 41 ~~conservation measures management improvements or~~
 42 ~~energy analyses.~~
 43 ~~3. Serving as a source of technical support for~~
 44 ~~energy conservation management.~~
 45 4. ~~e.~~ Providing assistance for obtaining
 46 insurance on the energy savings expected to be
 47 realized from the implementation of energy
 48 ~~conservation measures management improvements.~~
 49 ~~5. f. Providing Facilitating self-liquidatin~~
 50 financing for the state, state agencies, political

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1 subdivisions of the state, school districts, area
 2 education agencies, community colleges, and nonprofit
 3 organizations pursuant to section 473.20A.
 4 g. Assisting the treasurer of state with financing
 5 agreements entered into by the treasurer of state on
 6 behalf of state agencies to finance energy management
 7 improvements pursuant to section 12.28.
 8 2. For the purpose of this section, section
 9 473.20, and section 473.20A, "energy ~~conservation~~
 10 ~~measure~~ management improvement" means construction,
 11 rehabilitation, acquisition, or modification of an
 12 installation in a facility or vehicle which is
 13 intended to reduce energy consumption, or energy
 14 costs, or both, or allow the use of ~~an alternative~~
 15 ~~energy source, which may contain integral alternative~~
 16 and renewable energy. "Energy management improvement"
 17 may include control and measurement devices.
 18 "Nonprofit organization" means an organization exempt
 19 from federal income taxation under section 501(c)(3)
 20 of the Internal Revenue Code.
 21 3. The department shall submit a report by January
 22 1 annually to the governor and the general assembly
 23 detailing services provided and assistance rendered
 24 pursuant to the energy bank program and pursuant to
 25 sections 473.20 and 473.20A, and receipts and
 26 disbursements in relation to the energy bank fund
 27 created in section 473.19A.
 28 4. Moneys awarded or allocated to the state, its
 29 citizens, or its political subdivisions as a result of
 30 the federal court decisions and United States
 31 department of energy settlements resulting from
 32 alleged violations of federal petroleum pricing
 33 regulations attributable to or contained within the
 34 Stripper Well fund shall be allocated to and remain
 35 under the control of the department for utilization
 36 for energy program-related staff support purposes.

37 Sec. 26. NEW SECTION. 473.19A ENERGY BANK FUND.

38 1. The energy bank fund is created within the
39 state treasury under the control of the department, in
40 collaboration with the office of energy independence
41 established in section 469.2. The fund shall be used
42 for the operational expenses and administrative costs
43 incurred by the department in facilitating and
44 administering the energy bank program established in
45 section 473.19.

46 2. The energy bank fund shall consist of amounts
47 deposited into the fund or allocated from the
48 following sources:

49 a. Any moneys awarded or allocated to the state,
50 its citizens, or its political subdivisions as a

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1 result of the federal court decisions and United
2 States department of energy settlements resulting from
3 alleged violations of federal petroleum pricing
4 regulations attributable to or contained within the
5 Exxon fund. Amounts remaining in the oil overcharge
6 account established in section 455E.11, subsection 2,
7 paragraph "e", and the energy conservation trust
8 established in section 473.11, as of June 30, 2008,
9 shall be deposited into the energy bank fund pursuant
10 to this paragraph, notwithstanding section 8.60,
11 subsection 15.

12 b. (1) Moneys received in the form of fees
13 imposed upon the state, state agencies, political
14 subdivisions of the state, school districts, area
15 education agencies, community colleges, and nonprofit
16 organizations for services performed or assistance
17 rendered pursuant to the energy bank program. Fees
18 imposed pursuant to this paragraph shall be
19 established by the department in an amount
20 corresponding to the operational expenses or
21 administrative costs incurred by the department in
22 performing services or providing assistance authorized
23 pursuant to the energy bank program, as follows:

24 (a) For a building of up to twenty-five thousand
25 square feet, two thousand five hundred dollars.

26 (b) For a building in excess of twenty-five
27 thousand square feet, an additional eight cents per
28 square foot.

29 (c) A building that houses more energy intensive
30 functions may be subject to a higher fee than the fees
31 specified in subparagraphs (a) and (b) as determined
32 by the department.

33 (2) Any fees imposed shall be retained by the
34 department and are appropriated to the department for
35 purposes of providing the services or assistance under

36 the program.

37 c. Moneys appropriated by the general assembly and
38 any other moneys, including grants and gifts from
39 government and nonprofit organizations, available to
40 and obtained or accepted by the department for
41 placement in the fund.

42 d. Moneys contained in the intermodal revolving
43 loan fund administered by the department of
44 transportation for the fiscal year beginning July 1,
45 2019, and succeeding fiscal years.

46 e. Moneys in the fund are not subject to section
47 8.33. Notwithstanding section 12C.7, interest or
48 earnings on moneys in the fund shall be credited to
49 the fund.

50 3. The energy bank fund shall be limited to a

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1 maximum of one million dollars. Amounts in excess of
2 this maximum limitation shall be transferred to and
3 deposited in the rebuild Iowa infrastructure fund
4 created in section 8.57, subsection 6.

5 Sec. 27. Section 473.20, unnumbered paragraph 1,
6 Code 2007, is amended to read as follows:

7 ~~An energy loan fund program is established in the~~
8 ~~office of the treasurer of state to~~ and shall be
9 administered by the department.

10 Sec. 28. Section 473.20, subsections 1, 5, and 6,
11 Code 2007, are amended to read as follows:

12 1. The department may ~~make loans to the state,~~
13 ~~state agencies, facilitate the loan process for~~
14 political subdivisions of the state, school districts,
15 area education agencies, community colleges, and
16 nonprofit organizations for implementation of energy
17 ~~conservation measures~~ management improvements
18 identified in ~~a comprehensive engineering an energy~~
19 analysis. Loans shall be ~~made~~ facilitated for all
20 cost-effective energy management improvements. For
21 ~~the state, state agencies,~~ political subdivisions of
22 the state, school districts, area education agencies,
23 community colleges, and nonprofit organizations to
24 receive ~~a loan from the fund~~ assistance under the
25 program, the department shall require completion of an
26 energy management plan including an energy ~~audit and a~~
27 ~~comprehensive engineering~~ analysis. The department
28 shall approve loans ~~made~~ facilitated under this
29 section.

30 5. ~~The state, state agencies, political~~ Political
31 subdivisions of the state, school districts, area
32 education agencies, and community colleges shall
33 design and construct the most energy cost-effective
34 facilities feasible and ~~shall use the financing made~~

35 ~~available~~ may use financing facilitated by the
 36 department to cover the incremental costs above
 37 minimum building code energy efficiency standards of
 38 purchasing energy efficient devices and materials
 39 unless other lower cost financing is available. As
 40 used in this section, "facility" means a structure
 41 that is heated or cooled by a mechanical or electrical
 42 system, or any system of physical operation that
 43 consumes energy to carry out a process.

44 6. The department shall not require the state,
 45 state agencies, political subdivisions of the state,
 46 school districts, area education agencies, and
 47 community colleges to implement a specific energy
 48 ~~conservation measure~~ management improvement identified
 49 in ~~a comprehensive engineering~~ an energy analysis if
 50 the entity which prepared the analysis demonstrates to

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1 the department that the facility which is the subject
 2 of the energy ~~conservation measure~~ management
 3 improvement is unlikely to be used or operated for the
 4 full period of the expected savings payback of all
 5 costs associated with implementing the energy
 6 ~~conservation measure~~ management improvement, including '
 7 without limitation, any fees or charges of the
 8 department, engineering firms, financial advisors,
 9 attorneys, and other third parties, and all financing
 10 costs including interest, if financed.

11 Sec. 29. Section 473.20, subsection 3, Code 2007,
 12 is amended by striking the subsection.

13 Sec. 30. Section 473.20A, Code 2007, is amended to
 14 read as follows:

15 473.20A SELF-LIQUIDATING FINANCING.

16 1. The department of natural resources may ~~enter~~
 17 into facilitate financing agreements that may be
 18 entered into with ~~the state, state agencies,~~ political
 19 subdivisions of the state, school districts, area
 20 education agencies, community colleges, or nonprofit
 21 organizations ~~in order to provide the financing to pay~~
 22 finance the costs of ~~furnishing energy conservation~~
 23 ~~measures~~ management improvements on a self-liquidating
 24 basis. The provisions of section 473.20 defining
 25 eligible energy ~~conservation measures and the method~~
 26 ~~of repayment of the loans~~ management improvements
 27 apply to financings under this section.

28 The financing agreement may contain provisions,
 29 including interest, term, and obligations to make
 30 payments on the financing agreement beyond the current
 31 budget year, as may be ~~agreed upon between the~~
 32 ~~department of natural resources and the state, state~~
 33 ~~agencies,~~ acceptable to political subdivisions of the

34 state, school districts, area education agencies,
 35 community colleges, or nonprofit organizations.
 36 ~~2. For the purpose of funding its obligation to~~
 37 ~~furnish moneys under the financing agreements, or to~~
 38 ~~fund the energy loan fund created in section 473.20,~~
 39 ~~the treasurer of state, with the assistance of the~~
 40 ~~department of natural resources, or the treasurer of~~
 41 ~~state's duly authorized agents or representatives, may~~
 42 ~~incur indebtedness or enter into master lease~~
 43 ~~agreements or other financing arrangements to borrow~~
 44 ~~to accomplish energy conservation measures, or the~~
 45 ~~department of natural resources may enter into master~~
 46 ~~lease agreements or other financing arrangements to~~
 47 ~~permit the state, state agencies, political~~
 48 ~~subdivisions of the state, school districts, area~~
 49 ~~education agencies, community colleges, or nonprofit~~
 50 ~~organizations to borrow sufficient funds to accomplish~~

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1 ~~the energy conservation measure. The obligations may~~
 2 ~~be in such form, for such term, bearing such interest~~
 3 ~~and containing such provisions as the department of~~
 4 ~~natural resources, with the assistance of the~~
 5 ~~treasurer of state, deems necessary or appropriate.~~
 6 ~~Funds remaining after the payment of all obligations~~
 7 ~~have been redeemed shall be paid into the energy loan~~
 8 ~~fund. The department shall assist the treasurer of~~
 9 ~~state with financing agreements entered into by the~~
 10 ~~treasurer of state on behalf of state agencies~~
 11 ~~pursuant to section 12.28 to finance energy management~~
 12 ~~improvements being implemented by state agencies.~~

13 ~~3. 2. The state, state agencies, political~~
 14 ~~Political subdivisions of the state, school districts,~~
 15 ~~area education agencies, community colleges, and~~
 16 ~~nonprofit organizations may enter into financing~~
 17 ~~agreements and issue obligations necessary to carry~~
 18 ~~out the provisions of the chapter. Chapter 75 shall~~
 19 ~~not be applicable.~~

20 Sec. 31. Section 476.46, subsection 2, paragraph
 21 d, subparagraph (2), Code 2007, is amended to read as
 22 follows:

23 (2) A facility shall be eligible for no more than
 24 ~~two hundred fifty thousand~~ one million dollars in
 25 loans outstanding at any time under this program.

26 Sec. 32. Sections 473.11, 473.13, 473.16, 473.17,
 27 473.42, and 473.44, Code 2007, are repealed.

28 Sec. 33. EFFECTIVE DATE. This Act, being deemed
 29 of immediate importance, takes effect upon enactment."

30 2. Title page, by striking lines 1 through 3 and
 31 inserting the following: "An Act relating to the
 32 development, management, and efficient use of energy

33 resources, making energy-related modifications to the
34 state building code, setting fees, making
35 appropriations, and providing an effective date."
36 3. By renumbering as necessary.

Reichert of Muscatine offered the following amendment H-8504, to the committee amendment H-8348, filed by him and moved its adoption:

H-8504

1 Amend the amendment, H-8348, to Senate File 517, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by striking lines 41 through 47 and
5 inserting the following: "The standards and
6 requirements shall be incorporated into the state
7 building code established in section 103A.7, but in
8 lieu of general applicability shall apply to
9 construction projects only if such applicability is
10 expressly authorized by statute, or as established by
11 another state agency by rule."

Amendment H-8504 was adopted.

Reichert of Muscatine offered the following amendment H-8503, to the committee amendment H-8348, filed by him and moved its adoption:

H-8503

1 Amend the amendment, H-8348, to Senate File 517, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 5, line 17, by inserting after the word
5 "chapter," the following: "The commissioner and the
6 state board of regents shall develop a plan to
7 implement this provision."

Amendment H-8503 was adopted.

On motion by Reichert of Muscatine, the committee amendment H-8348, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 517)

The ayes were, 90:

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

The nays were, 10:

Alons	Baudler	Boal	De Boef
Greiner	Horbach	Raecker	Rayhons
Schickel	Windschitl		

Absent or not voting, none.

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

Senate File 2386, a bill for an act relating to the achievement of improved energy efficiency through the establishment of a commission on energy efficiency standards and practices, and providing for the periodic reporting of energy efficiency results and

savings by gas and electric public utilities, with report of committee recommending amendment and passage, was taken up for consideration.

Reichert of Muscatine offered amendment H-8349 filed by the committee on commerce as follows:

H-8349

1 Amend Senate File 2386, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 20 and 21 and
4 inserting the following:

5 "g. Three individuals representing gas and
6 electric public utilities within this state, comprised
7 of one individual representing rural electric
8 cooperatives, one individual representing municipal
9 utilities, and one individual representing
10 investor-owned utilities."

11 2. Page 3, by inserting after line 13 the
12 following:

13 "Sec. ____ Section 469.4, subsection 4, Code
14 Supplement 2007, is amended by adding the following
15 new paragraph:

16 NEW PARAGRAPH. m. Perform a technical review of
17 the maximum cost-effective potential for renewable
18 energy generation by 2025, and formulate
19 recommendations for developing that potential."

20 3. Page 4, by inserting after line 11 following:

21 "Sec. ____ Section 476.6, subsection 16, Code
22 Supplement 2007, is amended by adding the following
23 new paragraphs:

24 NEW PARAGRAPH. bb. (1) Gas and electric
25 utilities that are not required to be rate-regulated
26 under this chapter shall assess potential energy and
27 capacity savings available from actual and projected
28 customer usage through cost-effective energy
29 efficiency measures and programs, taking into
30 consideration the utility service area's historic
31 energy load, its projected demand, its customer base,
32 and other relevant factors. Each utility shall
33 establish an energy efficiency goal based upon this
34 assessment of potential and shall establish
35 cost-effective energy efficiency programs designed to
36 meet the energy efficiency goal. Separate goals may
37 be established for various customer groupings.

38 (2) Energy efficiency programs shall include
39 activities conducted by a utility intended to enable
40 or encourage customers to increase the amount of heat,
41 light, cooling, motive power, or other forms of work

42 performed per unit of energy used. Energy efficiency
43 programs include activities which lessen the amount of
44 heating, cooling, or other forms of work which must be
45 performed, including but not limited to energy studies
46 or audits, general information, financial assistance,
47 direct rebates to customers or vendors of
48 energy-efficient products, research projects, direct
49 installation by the utility of energy-efficient
50 equipment, direct and indirect load control,

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1 time-of-use rates, tree planting programs, and hot
2 water insulation distribution programs.
3 (3) Each utility shall commence the process of
4 determining its cost-effective energy efficiency goal
5 on or before July 1, 2008, shall provide a progress
6 report to the board on or before January 1, 2009, and
7 complete the process and submit a final report to the
8 board on or before July 1, 2009. The report shall
9 include the utility's individualized cost-effective
10 energy efficiency goal, a detailed description of the
11 energy efficiency measures to be offered to meet the
12 projected goal, a list of measures considered, and an
13 estimate of projected costs. Each utility shall
14 include in its report the cost of achieving an energy
15 efficiency goal equal to one and one-half percent of
16 the utility's annual retail sales, calculated as an
17 average of sales for the three previous years.
18 Individual utilities or groups of utilities may
19 collaborate in conducting the studies required
20 hereunder and may file a joint report or reports with
21 the board. However, the board may require individual
22 information from any utility, even if it participates
23 in a joint report.

24 (4) On January 1 of each even-numbered year,
25 commencing January 1, 2012, gas and electric utilities
26 that are not required to be rate-regulated shall file
27 a report with the board identifying their progress in
28 meeting the energy efficiency goal and any updates or
29 amendments to their energy efficiency plans and goals.
30 Filings made pursuant to this paragraph "bb" shall be
31 deemed to meet the filing requirements of section
32 476.1A, subsection 7, and section 476.1B, subsection
33 1, paragraph "l".

34 NEW PARAGRAPH. bbb. (1) The board shall evaluate
35 the reports required to be filed pursuant to paragraph
36 "b" by gas and electric utilities required to be
37 rate-regulated, and shall submit a report summarizing
38 the evaluation to the general assembly on or before
39 January 1, 2009.

40 (2) The board shall evaluate the reports required

41 to be filed pursuant to paragraph "bb" by gas and
42 electric utilities that are not required to be
43 rate-regulated, and shall submit a report summarizing
44 the evaluation to the general assembly on or before
45 January 1, 2011.

46 (3) The reports submitted by the board to the
47 general assembly pursuant to this paragraph "bbb"
48 shall include the goals established by each of the
49 utilities. The reports shall also include the
50 projected costs of achieving the stated goals,

Page 3

1 potential rate impacts, and a description of the
2 programs proposed by each utility. Comparison of
3 individual utilities or groups of utilities contained
4 in the report may take into account differences in
5 system characteristics, including but not limited to
6 sales to various customer classes, age of facilities
7 of new large customers, and heating fuel type. The
8 reports may contain recommendations concerning the
9 achievability of certain intermediate and long-term
10 energy efficiency goals based upon the results of the
11 assessments submitted by the utilities.

12 Sec.____. NEW SECTION. 476.44A TRADING OF
13 CREDITS.

14 The board may establish or participate in a program
15 to track, record, and verify the trading of credits
16 for electricity generated from alternative energy
17 production facilities or renewable energy sources
18 among electric generators, utilities, and other
19 interested entities, within this state and with
20 similar entities in other states.

21 Sec.____. ENERGY EFFICIENCY INTERIM STUDY
22 COMMITTEE – CONSUMER FOCUS – REQUEST TO ESTABLISH.

23 The legislative council is requested to establish an
24 interim study committee to examine the existence and
25 effectiveness of energy efficiency plans and programs
26 implemented by gas and electric public utilities, with
27 an emphasis on results achieved by current plans and
28 programs from the demand, or customer, perspective,
29 and to make recommendations for additional
30 requirements applicable to energy efficiency plans and
31 programs that would improve such results. In
32 conducting the study and developing recommendations,
33 the committee shall consider testimony from the Iowa
34 utilities board, rate and nonrate-regulated gas and
35 electric utilities, the consumer advocate, state
36 agencies involved with energy efficiency program
37 administration, environmental groups and associations,
38 and consumers. The committee shall be composed of ten
39 members, representing both political parties and both

40 houses of the general assembly. Five members shall be
41 members of the senate, three of whom shall be
42 appointed by the majority leader of the senate and two
43 of whom shall be appointed by the minority leader of
44 the senate. The other five members shall be members
45 of the house of representatives, three of whom shall
46 be appointed by the speaker of the house of
47 representatives, and two of whom shall be appointed by
48 the minority leader of the house of representatives.
49 The committee shall issue a report of its
50 recommendations to the general assembly by January 15,

Page 4

1 2009.
2 Sec.____. EFFECTIVE DATE. This Act, being deemed
3 of immediate importance, takes effect upon enactment."
4 4. Title page, by striking lines 1 through 5 and
5 inserting the following: "An Act relating to energy
6 efficiency by establishing a commission on energy
7 efficiency standards and practices, providing for the
8 reporting of energy efficiency results and savings by
9 gas and electric public utilities, specifying
10 procedures for assessing potential energy and capacity
11 savings and developing energy efficiency goals by gas
12 and electric utilities not subject to rate regulation,
13 providing for the establishment or participation in a
14 program to track, record, or verify the trading of
15 credits for electricity generated from specified
16 sources, and providing for the establishment of an
17 interim study committee to conduct an examination of
18 energy efficiency plans and programs with an emphasis
19 on the demand or customer perspective, and providing
20 an effective date."
21 5. By renumbering as necessary.

Reichert of Muscatine offered the following amendment H-8558, to the committee amendment H-8349, filed by him from the floor and moved its adoption:

H-8558

1 Amend the amendment, H-8349, to Senate File 2386,
2 as passed by the Senate, as follows:
3 1. Page 1, by striking lines 11 through 19.
4 2. Page 1, line 26, by inserting after the word
5 "assess" the following: "maximum".
6 3. Page 1, by striking line 31 and inserting the
7 following: "energy load, projected demand, customer
8 base,".

9 4. Page 1, line 38, by inserting after the word
10 "include" the following: "efficiency improvements to
11 a utility infrastructure and system and".

12 5. Page 1, line 42, by inserting after the word
13 "used," the following: "In the case of a municipal
14 utility, for purposes of this paragraph, other
15 utilities and departments of the municipal utility
16 shall be considered customers to the same extent that
17 such utilities and departments would be considered
18 customers if served by an electric or gas utility that
19 is not a municipal utility."

20 6. Page 2, line 1, by inserting after the words
21 "tree planting programs," the following: "educational
22 programs,".

23 7. Page 2, by striking lines 8 through 17 and
24 inserting the following: "board on or before January
25 1, 2010. The report shall include the utility's
26 cost-effective energy efficiency goal, and for each
27 measure utilized by the utility in meeting the goal,
28 the measure's description, projected costs, and the
29 analysis of its cost-effectiveness. Each utility or
30 group of utilities shall evaluate cost-effectiveness
31 using the cost-effectiveness tests in accordance with
32 section 476.6, subsection 14."

33 8. By striking page 2, line 50, through page 3,
34 line 4, and inserting the following: "projected costs
35 of achieving the goals, potential rate impacts, and a
36 description of the programs offered and proposed by
37 each utility or group of utilities, and may take into
38 account differences in".

39 9. Page 3, by inserting after line 20 the
40 following:
41 "Sec.____. RENEWABLE ENERGY GENERATION –
42 COST-EFFECTIVE POTENTIAL STUDY. The Iowa utility
43 association, in consultation with the Iowa association
44 of electric cooperatives and the Iowa association of
45 municipal utilities, shall conduct a technical study
46 of the potential for achieving or engaging in
47 renewable energy generation on a cost-effective basis
48 by 2025. The study shall be transmitted to the office
49 of energy independence by December 1, 2008, to be
50 submitted with the energy independence plan required

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1 to be submitted by the office to the governor and the
2 general assembly by December 14, 2008."

3 10. By renumbering as necessary.

Amendment H-8558 was adopted.

Berry of Black Hawk asked and received unanimous consent to withdraw amendment H-8566, to the committee amendment H-8349, filed by her from the floor.

On motion by Reichert of Muscatine, the committee amendment H-8349, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 2386)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

Ways and Means Calendar

Senate File 2405, a bill for an act relating to renewable energy, providing for state bank acquisition of equity interests in wind energy production facilities, providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing effective and retroactive applicability dates, with report of committee recommending passage, was taken up for consideration.

Petersen of Polk in the chair at 4:24 p.m.

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

On the question "Shall the bill pass?" (S.F. 2405)

The ayes were, 99:

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

Wienczek
Worthan

Winckler
Zirkelbach

Windschitl
Petersen,
Presiding

Wise

The nays were, 1:

Hunter

Absent or not voting, none.

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

House File 2687, a bill for an act relating to certain economic development programs by providing tax credits for the redevelopment of underutilized properties, and including effective date and retroactive applicability date provisions, was taken up for consideration.

Rants of Woodbury offered amendment H-8555 filed by him from the floor as follows:

H-8555

1 Amend House File 2687 as follows:

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

4 "DIVISION I

5 REDEVELOPMENT TAX CREDITS"

6 2. Page 9, line 5, by inserting after the word
7 "This" the following: "division of this".

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

10 "DIVISION II

11 DATA CENTER TAX EXEMPTIONS

12 Sec.____. Section 423.3, subsection 93, as enacted
13 by 2008 Iowa Acts, House File 2233, subsection 1, is
14 amended to read as follows:

15 93. a. (1) The sales price from the sale or
16 rental of computers and equipment that are necessary
17 for the maintenance and operation of a web search
18 portal business or data center and property whether
19 directly or indirectly connected to the computers,
20 including but not limited to cooling systems, cooling
21 towers, and other temperature control infrastructure;
22 power infrastructure for transformation, distribution,
23 or management of electricity used for the maintenance
24 and operation of the web search portal business or
25 data center, including but not limited to exterior
26 dedicated business-owned substations, back-up power

27 generation systems, battery systems, and related
28 infrastructure; and racking systems, cabling, and
29 trays, which are necessary for the maintenance and
30 operation of the web search portal business or data
31 center.

32 (2) The sales price of back-up power generation
33 fuel, that is purchased by a web search portal
34 business or data center for use in the items listed in
35 subparagraph (1).

36 (3) The sales price of electricity purchased for
37 use by a web search portal business or data center.

38 b. For the purpose of claiming this exemption, all
39 of the following requirements shall be met:

40 (1) The purchaser or renter shall be a web search
41 portal business or data center.

42 (2) The web search portal business or data center
43 shall have a physical location in the state that is
44 used for the operations and maintenance of the web
45 search portal business or data center.

46 (3) (a) The web search portal business shall make
47 a minimum investment in an Iowa physical location of
48 two hundred million dollars within the first six years
49 of operation in Iowa beginning with the date the web
50 search portal business initiates site preparation

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1 activities. The minimum investment includes the
2 initial investment, including land and subsequent
3 acquisition of additional adjacent land and subsequent
4 investment at the Iowa location.

5 (b) The data center shall make a minimum
6 investment in an Iowa physical location of one million
7 dollars within the first six years of operation in
8 Iowa beginning with the date the data center initiates
9 site preparation activities. The minimum investment
10 includes the initial investment, including land and
11 subsequent acquisition of additional adjacent land and
12 subsequent investment at the Iowa location.

13 (4) The web search portal business or data center
14 shall purchase, option, or lease Iowa land not later
15 than December 31, 2008, for any initial investment.
16 However, the December 31, 2008, date shall not affect
17 the future purchases of adjacent land and additional
18 investment in the initial or adjacent land to qualify
19 as part of the minimum investment for purposes of this
20 exemption.

21 c. This exemption applies from the date of the
22 initial investment in or the initiation of site
23 preparation activities for the web search portal
24 facility or data center as described in paragraph "b".
25 For purposes of claiming this exemption, the

26 requirements may be met by aggregating the various
27 Iowa investments and other requirements of the web
28 search portal business's affiliates or data center's
29 affiliates. This exemption applies to affiliates of
30 the web search portal business or data center.
31 d. Failure to meet eighty percent of the minimum
32 investment amount requirement specified in paragraph
33 "b" within the first six years of operation from the
34 date the web search portal business or data center
35 initiates site preparation activities will result in
36 the web search portal business or data center losing
37 the right to claim this ~~web search portal business~~
38 exemption and the web search portal business or data
39 center shall pay all sales or use tax that would have
40 been due on the purchase or rental or use of the items
41 listed in this exemption, plus any applicable penalty
42 and interest imposed by statute.
43 e. For purposes of this subsection:
44 (1) "Affiliate" means an entity that directly or
45 indirectly controls, is controlled with or by, or is
46 under common control with another entity.
47 (2) "Control" means any of the following:
48 (a) In the case of a United States corporation,
49 the ownership, directly or indirectly, of fifty
50 percent or more of the voting power to elect

Page 3

1 directors.
2 (b) In the case of a foreign corporation, if the
3 voting power to elect the directors is less than fifty
4 percent, the maximum amount allowed by applicable law.
5 (c) In the case of an entity other than a
6 corporation, fifty percent or more ownership interest
7 in the entity, or the power to direct the management
8 of the entity.
9 (3) "Data center" means a facility, or portion of
10 a facility, that is predominately used for the housing
11 and operation of computer data processing hardware and
12 associated equipment directly in support thereof.
13 ~~(3)~~ (4) "Web search portal business" means an
14 entity whose business among other businesses is to
15 provide a search portal to organize information; to
16 access, search, and navigate the internet, including
17 research and development to support capabilities to
18 organize information; or to provide internet access,
19 navigation, or search functionalities.
20 Sec. ____ Section 427.1, subsection 36, as enacted
21 by 2008 Iowa Acts, House File 2233, section 2, is
22 amended to read as follows:
23 36. WEB SEARCH AND DATA CENTER PROPERTY.
24 a. Property, other than land and buildings and

25 other improvements, that is utilized by a web search
 26 portal business or data center as defined in and
 27 meeting the requirements of section 423.3, subsection
 28 93, including computers and equipment that are
 29 necessary for the maintenance and operation of a web
 30 search portal business or data center and other
 31 property whether directly or indirectly connected to
 32 the computers, including but not limited to cooling
 33 systems, cooling towers, and other temperature control
 34 infrastructure; power infrastructure for
 35 transformation, distribution, or management of
 36 electricity, including but not limited to exterior
 37 dedicated business-owned substations, and power
 38 distribution systems which are not subject to
 39 assessment under chapter 437A; racking systems,
 40 cabling, and trays; and back-up power generation
 41 systems, battery systems, and related infrastructure
 42 all of which are necessary for the maintenance and
 43 operation of the web search portal business or data
 44 center.

45 b. This ~~web search portal business~~ exemption
 46 applies beginning with the assessment year the
 47 investment in or construction of the facility
 48 utilizing the materials, equipment, and systems set
 49 forth in paragraph "a" are first assessed. For
 50 purposes of claiming this ~~web search portal business~~

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1 exemption, the requirements may be met by aggregating
 2 the various Iowa investments and other requirements of
 3 the web search portal business's affiliates or data
 4 center's affiliates as allowed under section 423.3,
 5 subsection 93. This exemption applies to affiliates
 6 of the web search portal business or data center."

7 4. Title page, line 3, by inserting after the
 8 word "properties" the following: "providing sales,
 9 use, and property tax exemptions for certain data
 10 centers,".

11 5. By renumbering as necessary.

Wise of Lee rose on a point of order that amendment H-8555 was not germane.

The Speaker ruled the point well taken and amendment H-8555 not germane.

Rants of Woodbury asked for unanimous consent to suspend the rules to consider amendment H-8555.

Objection was raised.

Rants of Woodbury moved to suspend the rules to consider amendment H-8555.

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

On the question "Shall the rules be suspended to consider amendment H-8555?" (H.F. 2687)

The ayes were, 49:

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

The nays were, 50:

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

Absent or not voting, 1:

Berry

The motion to suspend the rules lost.

Wise of Lee offered the following amendment H-8542 filed by him and moved its adoption:

H-8542

1 Amend House File 2687 as follows:

2 1. Page 3, line 5, by inserting after the figure
3 "2009" the following: "or for a taxable year
4 beginning on or after July 1, 2016".

5 2. Page 6, by inserting after line 32 the
6 following:

7 "12. This section is repealed June 30, 2016."

8 3. Page 7, by inserting after line 17 the
9 following:

10 "4. This section is repealed June 30, 2016."

11 4. Page 7, line 20, by inserting after the figure
12 "4." the following: "a."

13 5. Page 7, by inserting after line 24 the
14 following:

15 "b. This subsection is repealed June 30, 2016."

16 6. Page 8, line 18, by inserting before the word
17 "The" the following: "1."

18 7. Page 8, by inserting after line 20 the
19 following:

20 "2. This section is repealed June 30, 2016."

21 8. Page 8, line 23, by inserting after the figure
22 "25." the following: "a."

23 9. Page 8, by inserting after line 25 the
24 following:

25 "b. This subsection is repealed June 30, 2016."

26 10. Page 8, line 28, by inserting after the
27 figure "15." the following: "a."

28 11. Page 8, by inserting after line 30 the
29 following:

30 "b. This subsection is repealed June 30, 2016."

31 12. Page 8, line 32, by inserting before the word
32 "The" the following: "1."

33 13. Page 8, by inserting after line 33 the
34 following:

35 "2. This section is repealed June 30, 2016."

36 14. Page 9, line 1, by inserting after the word
37 "n." the following: "(1)".

38 15. Page 9, by inserting after line 3 the
39 following:

40 "(2) This paragraph "n" is repealed June 30,
41 2016."

42 16. By renumbering as necessary.

Amendment H-8542 was adopted.

Wise of Lee offered the following amendment H-8497 filed by him and moved its adoption:

H-8497

- 1 Amend House File 2687 as follows:
- 2 1. Page 8, by striking lines 11 through 16 and
- 3 inserting the following: "documentation of
- 4 compliance. The standards and requirements shall be
- 5 incorporated into the state building code established
- 6 in section 103A.7, but in lieu of general
- 7 applicability and shall apply to construction projects
- 8 only if such applicability is expressly authorized by
- 9 statute, or as established by other state agencies by
- 10 rule."
- 11 2. By renumbering as necessary.

Amendment H-8497 was adopted.

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

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

The ayes were, 98:

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

Wessel-Kroeschell	Whitaker	Whitead	Wienczek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Petersen, Presiding		

The nays were, 2:

Hunter Mascher

Absent or not voting, none.

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

Wise of Lee in the chair at 4:55 p.m.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2687** and **Senate Files 517, 2386 and 2405**.

House File 2688, a bill for an act providing for efforts to mitigate odor emitted from a livestock operation including by providing for basic and applied research and evaluations, and including applicability and effective date provisions, was taken up for consideration.

Kuhn of Floyd offered the following amendment H-8524 filed by Kuhn et al., and moved its adoption:

H-8524

- 1 Amend House File 2688 as follows:
- 2 1. Page 2, line 3, by inserting after the word
- 3 "constructed" the following: "or an existing swine
- 4 operation as proposed to be expanded".
- 5 2. Page 5, line 18, by inserting after the figure
- 6 "266.42." the following: "The effort shall apply to
- 7 the construction of a structure associated with a new
- 8 operation or the construction of a structure
- 9 associated with an existing swine operation."
- 10 3. Page 7, line 13, by inserting after the figure
- 11 "266.48." the following: "The applicant shall obtain
- 12 the certificate as part of the application for the
- 13 construction of a structure associated with a new
- 14 confinement feeding operation, or for the construction

15 of a structure associated with an existing confinement
16 feeding operation that keeps swine."

17 4. Page 7, line 15, by inserting after the word
18 "certificate" the following: "as part of the
19 application to construct a confinement feeding
20 operation that does not keep swine,".

21 5. Page 8, line 8, by striking the word
22 "structure" the following: "not associated with
23 keeping swine,".

Amendment H-8524 lost.

Whitaker of Van Buren offered the following amendment H-8520
filed by Whitaker et al., and moved its adoption:

H-8520

1 Amend House File 2688 as follows:

2 1. Page 2, by inserting after line 25 the
3 following:

4 "___ A livestock producer who is classified as a
5 habitual violator pursuant to section 459.604 or a
6 chronic violator pursuant to section 657.11 shall not
7 participate in an applied on-site research project
8 under this section unless the livestock producer
9 contributes one hundred percent of the total costs of
10 conducting the project."

11 2. Page 3, line 15, by inserting after the figure
12 "266.43." the following: "A livestock producer who is
13 classified as a habitual violator pursuant to section
14 459.604 or a chronic violator pursuant to section
15 657.11 shall not participate in a basic or applied
16 research project under this section unless the
17 livestock producer contributes one hundred percent of
18 the total costs of conducting the project."

19 3. Page 3, line 27, by inserting after the figure
20 "266.43." the following: "A livestock producer who is
21 classified as a habitual violator pursuant to section
22 459.604 or a chronic violator pursuant to section
23 657.11 shall not participate in a basic research
24 project under this section unless the livestock
25 producer contributes one hundred percent of the total
26 costs of conducting the project."

27 4. By renumbering as necessary.

Amendment H-8520 was adopted.

Frevert of Palo Alto asked and received unanimous consent to
withdraw amendment H-8525 filed by Frevert of Palo Alto et al., on
April 14, 2008.

Kuhn of Floyd offered the following amendment H-8526 filed by Kuhn et al., and moved its adoption:

H-8526

1 Amend House File 2688 as follows:

- 2 1. Page 4, line 34, by inserting after the figure
- 3 "266.42." the following: "Iowa state university, the
- 4 university of Iowa, the department of natural
- 5 resources, and the department of agriculture and land
- 6 stewardship shall make a joint recommendation that
- 7 establishes an ambient air quality standard for odor
- 8 emitted from a livestock operation."
- 9 2. By renumbering as necessary.

Amendment H-8526 lost.

May of Dickinson offered the following amendment H-8523 filed by him and moved its adoption:

H-8523

1 Amend House File 2688 as follows:

- 2 1. Page 5, line 22, by striking the word
- 3 "certificate" and inserting the following: "results
- 4 statement".
- 5 2. Page 6, line 31, by inserting after the word
- 6 "technologies." the following: "Upon request by the
- 7 department of natural resources, the university shall
- 8 forward the report to the department."
- 9 3. Page 6, line 35, by striking the word
- 10 "certificate" and inserting the following: "results
- 11 statement".
- 12 4. Page 7, line 1, by striking the word
- 13 "certificate" and inserting the following: "results
- 14 statement".
- 15 5. Page 7, line 4, by striking the word
- 16 "certificate" and inserting the following: "results
- 17 statement".
- 18 6. Page 7, line 6, by striking the word
- 19 "certificate" and inserting the following: "results
- 20 statement".
- 21 7. Page 7, by striking lines 11 through 16, and
- 22 inserting the following:
- 23 NEW PARAGRAPH. d. A livestock odor mitigation
- 24 evaluation results statement issued by Iowa state
- 25 university as provided in section 266.48. The
- 26 department shall obtain the results of the livestock
- 27 odor mitigation evaluation, including its report with
- 28 findings and recommendations, upon request from Iowa

29 state university. The department shall not approve an
 30 application until an applicant who is required to
 31 complete a level three evaluation makes modifications
 32 to the proposed site or the proposed construction to
 33 an extent that the applicant would have been issued an
 34 odor mitigation evaluation results statement after
 35 completing a level two evaluation as provided in
 36 section 266.48. The department shall certify that the
 37 application complies with the results of the livestock
 38 odor mitigation evaluation conducted by Iowa state
 39 university. However, the applicant is not required to
 40 submit a results statement and the department shall
 41 not request the results of an evaluation conducted by
 42 Iowa state university or certify the application, if
 43 any of the following applies:"

44 8. Page 7, line 28, by striking the word
 45 "certificate" and inserting the following: "results
 46 statement".

47 9. Page 7, by inserting after line 31 the
 48 following:

49 "____. The department fails to request results of
 50 an evaluation conducted by Iowa state university or

Page 2

1 Iowa state university fails to submit its results as
 2 provided in this section."

3 10. Page 8, line 9, by striking the word
 4 "certificate" and inserting the following: "results
 5 statement".

6 11. By renumbering as necessary.

Amendment H-8523 lost.

Gaskill of Wapello asked and received unanimous consent to
 withdraw amendment H-8514 filed by her on April 14, 2008.

Kuhn of Floyd offered amendment H-8529 filed by Kuhn et al., as
 follows:

H-8529

1 Amend House File 2688 as follows:

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

4 "Sec.____. NEW SECTION. 266.49 UNIVERSITY OF
 5 IOWA STUDY – HEALTH EFFECTS.

6 1. The university of Iowa college of public health
 7 shall conduct research regarding the possible effects
 8 on human health from the exposure to odor from

9 livestock operations. The research shall include
10 effects on neighbors who reside near a livestock
11 operation and livestock production workers who
12 regularly work inside a confinement feeding operation
13 building. The research shall include but is not
14 limited to the effect of livestock odor on respiratory
15 diseases, cardiovascular events, and neuropsychiatric
16 conditions. The research shall include effects on
17 subgroups of especially susceptible individuals, such
18 as the elderly, children, and those with preexisting
19 impairments.

20 2. a. The university of Iowa college of public
21 health shall submit an interim report to the general
22 assembly by January 15 of each year through January
23 15, 2012. An interim report shall include data
24 collected from the research and any recommendations
25 deemed necessary by the college to protect the public
26 health of individuals exposed to air emissions from
27 livestock operations.

28 b. The university of Iowa college of public health
29 shall submit a final report to the general assembly by
30 January 30, 2013. The report shall include a summary
31 of efforts, the university's findings and conclusions,
32 and recommendations necessary to protect the health of
33 the public, including but not limited to neighbors who
34 reside near a livestock operation and livestock
35 production workers who regularly work inside a
36 confinement feeding operation building, from the
37 effects of exposure from livestock operations."

38 2. By renumbering as necessary.

Granzow of Hardin rose on a point of order that amendment H-8529 was not germane.

The Speaker ruled the point not well taken and amendment H-8529 germane.

Kuhn of Floyd moved the adoption of amendment H-8529.

A non-record roll call was requested.

The ayes were 38, nays 53.

Amendment H-8529 lost.

Reichert of Muscatine offered the following amendment H-8550 filed by him and moved its adoption:

H-8550

1 Amend House File 2688 as follows:

2 1. Page 8, by striking lines 12 through 18, and

3 inserting the following:

4 "Sec.____. CONTINGENT IMPLEMENTATION. Subject to

5 the effective date provisions of this Act, this Act

6 shall be implemented by Iowa state university and the

7 department of natural resources only when Iowa state

8 university first receives moneys appropriated by the

9 general assembly during a fiscal year as necessary to

10 carry out all of the provisions of this Act."

11 2. Title page, line 3, by inserting after the

12 word "evaluations," the following: "providing for

13 implementation,".

14 3. By renumbering as necessary.

Amendment H-8550 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2688)

The ayes were, 66:

Alons	Anderson	Arnold	Bailey
Baudler	Bell	Boal	Chambers
Clute	Cohoon	Dandekar	Davitt
De Boef	Deyoe	Dolecheck	Drake
Forristall	Gayman	Gipp	Granzow
Grassley	Greiner	Heaton	Hoffman
Horbach	Huseman	Jacobs	Kaufmann
Kelley	Lukan	Lykam	McCarthy
Mertz	Miller, L.	Murphy, Spkr.	Olson, S.
Palmer	Paulsen	Pettengill	Quirk
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Soderberg	Struyk
Swaim	Thomas	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wenthe	Wiencek	Windschitl	Worthan
Zirkelbach	Wise,		
	Presiding		

The nays were, 34:

Abdul-Samad	Berry	Bukta	Foege
Ford	Frevert	Gaskill	Heddens

Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Mascher
May	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Petersen	Raecker
Smith	Staed	Taylor, D.	Taylor, T.
Tjepkes	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler		

Absent or not voting, none.

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2688** be immediately messaged to the Senate.

McCarthy of Polk asked and received unanimous consent that Senate File 2308 be deferred and that the bill retain its place on the calendar.

McCarthy of Polk asked and received unanimous consent to suspend the rules to move toward points of personal privilege.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 2008, adopted the conference committee report and passed Senate File 2308, a bill for an act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2308)

Kelley of Black Hawk called up for consideration the report of the conference committee on Senate File 2308 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT ON THE CONFERENCE COMMITTEE
ON SENATE FILE 2308

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2308, a bill for an Act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties, respectfully make the following report.

1. That the Senate recedes from its amendment, H-8465.
2. That the House recedes from its amendment, S-5272.
3. That Senate File 2308, as amended, passed, and reprinted by the Senate, is amended to read as follows:
 1. Page 1, line 5, by inserting after the word "maintained" the following: "in computerized form".
 2. Page 1, by striking lines 13 through 21 and inserting the following: "integrity of the personal information."
 3. Page 2, lines 27 and 28, by striking the words "voice print or recording,".
 4. Page 3, by striking line 1 and inserting the following: "than five digits of a social security number or the last four digits of other".
 5. Page 3, line 6, by striking the words "owns, maintains, or otherwise possesses" and inserting the following: "owns or licenses computerized".
 6. Page 3, line 9, by striking the word "who" and inserting the following: "that".
 7. Page 4, line 3, by inserting after the word "notice" the following: "to the last available address the person has in the person's records".
 8. Page 5, line 2, by inserting before the word "harm" the following: "financial".
 9. Page 5, by inserting after line 32 the following:

"Sec. _____. DISCLOSURE OF PERSONAL INFORMATION BY PUBLIC OFFICIALS, ENTITIES, OR AFFILIATED ORGANIZATIONS – INTERIM STUDY COMMITTEE REQUESTED.

The legislative council is requested to establish an interim study committee to assess and review the extent to which public officials, entities, and affiliated organizations in possession of or with access to personal identifying information of a resident of this state which could, if disclosed, render the resident vulnerable to identity theft, are disclosing or selling such information for compensation. Based upon this assessment and review, the committee shall develop recommendations relating to these practices. The committee shall be composed of ten members representing both

political parties and both houses of the general assembly. Five members shall be members of the senate, three of whom shall be appointed by the majority leader of the senate and two of whom shall be appointed by the minority leader of the senate. The other five members shall be members of the house or representatives, three of whom shall be appointed by the speaker of the house of representatives and two of whom shall be appointed by the minority leader of the house of representatives. The committee shall issue a report of its recommendations to the general assembly by January 15, 2009.”

10. Title page, line 3, by inserting after the word “information,” the following: “requesting the establishment of an interim study committee relating to the disclosure of personal information by public officials, entities, and affiliated organizations.”

11. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE SENATE:

STEVE WARNSTADT, Chair
 JERRY BEHN
 THOMAS G. COURTNEY
 WILLIAM HECKROTH
 STEVE KETTERING

ON THE PART OF THE HOUSE

DORIS KELLEY, Chair
 GERI HUSER
 LIBBY JACOBS
 DAVE JACOBY
 DAVID TJEKES

The conference committee report was adopted.

Kelley of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 2308)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Bell	Berry	Bukta
Chambers	Clute	Cohoon	Dandekar
Davitt	De Boef	Deyoe	Dolecheck
Drake	Foege	Ford	Forristall
Gaskill	Gayman	Gipp	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker

Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Wiencek	Winckler	Windschitl
Worthan	Zirkelbach	Wise,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Baudler	Boal	Frevert	Granzow
Whitead			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 2008, insisted on its amendment to House File 2197, a bill for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information. (Formerly HF 2015), and the members of the Conference Committee on the part of the Senate are: The Senator from Story, Senator Quirmbach, Chair; the Senator from Fayette, Senator Schoenjahn; the Senator from Jefferson, Senator Schmitz; the Senator from Sioux, Senator Mulder; the Senator from Lucas, Senator McKinley.

Also: That the Senate has on April 17, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2669, a bill for an act relating to the collection and recycling of mercury-added thermostats.

Also: That the Senate has on April 17, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2424, a bill for an act concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates.

MICHAEL E. MARSHALL, Secretary

CONFERENCE COMMITTEE APPOINTED
(House File 2197)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2197: Kelley of Black Hawk, Chair; Wendt of Woodbury, Gayman of Scott, Schickel of Cerro Gordo and Boal of Polk.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2197** and **Senate File 2308**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 13, 2008. Had I been present, I would have voted "aye" on House File 2266 and Senate Files 2154, 2156, 2221, 2304 and 2317.

WINCKLER of Scott

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 16, 2008, he approved and transmitted to the Secretary of State the following bills:

House File 2390, an Act relating to the licensing and regulation of plumbers and mechanical professionals and providing effective dates.

House File 2392, an Act relating to certain city utilities or city enterprises by making changes to procedures for notice and collection of delinquent charges and by making changes to billing notifications for water service provided to certain residential rental property.

House File 2542, an Act concerning work-related injuries suffered and claims made outside of this state.

House File 2547, an Act relating to statewide licensure and certification of electricians and alarm system contractors and installers, and providing an effective date.

House File 2591, an Act relating to dependent adult abuse in certain facilities and programs and providing penalties.

House File 2646, an Act providing for the licensure of persons installing fire protection systems, providing for the establishment of fees, and providing penalties and an effective date.

Senate File 2036, an Act relating to the division of criminal and juvenile justice planning of the department of human rights by making changes to the membership of the council, permitting access to the records of the department of workforce development, and modifying the sex offender treatment and supervision task force.

Senate File 2129, an Act relating to the duties of the commission on the status of Iowans of Asian and Pacific Islander heritage regarding interpreter qualifications.

Senate File 2281, an Act prohibiting employment discrimination against an employee witness in certain civil proceedings.

Senate File 2338, an Act relating to the regulation of health-related professions.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|--|
| 2008\2881 | Lisa Stanforth, Davenport – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting. |
| 2008\2882 | Dennis and Janet Oliver, Williamsburg – For celebrating their 50 th wedding anniversary. |
| 2008\2883 | Ed Upah, Tama – For celebrating his 80 th birthday. |
| 2008\2884 | Joe Roseman, Davenport – For graduating from the Iowa Law Enforcement Academy. |
| 2008\2885 | Clara Moore-Roberts – For celebrating her 108 th birthday. |
| 2008\2886 | Sara DeWitt, Spencer – For her 27 years of service to the First English Lutheran Church’s preschool program. |

SUBCOMMITTEE ASSIGNMENT

House File 2693

Labor: T. Taylor, Chair; Horbach and Hunter.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 794 Appropriations

Concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 2692, a bill for an act relating to animal feeding operations by regulating livestock markets, open feedlot operations, and the stockpiling of manure, providing for applicability and enforcement, making penalties applicable, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8563** April 16, 2008.

AMENDMENTS FILED

H—8557	S.F.	2193	Baudler of Adair
H—8559	S.F.	2404	Baudler of Adair
H—8560	S.F.	385	Jochum of Dubuque Van Fossen of Scott
H—8562	H.F.	2680	Worthan of Buena Vista
H—8563	H.F.	2692	Committee on Agriculture.
H—8567	S.F.	2415	Huser of Polk
H—8568	S.F.	2267	D. Olson of Boone
H—8569	S.F.	2334	Abdul-Samad of Polk

H—8570	H.F.	2604	Abdul-Samad of Polk
H—8571	H.F.	2669	Senate Amendment

On motion by McCarthy of Polk the House adjourned at 7:12 p.m., until 10:00 a.m., Monday, April 21, 2008.

State of Iowa
2008

JOURNAL OF THE HOUSE

2008
REGULAR SESSION
EIGHTY-SECOND
GENERAL ASSEMBLY

Convened January 14, 2008
Adjourned April 25, 2008

Volume II
April 21, 2008—April 25, 2008

CHESTER J. CULVER, Governor
PATRICK J. MURPHY, Speaker of the House
JOHN P. KIBBIE, President of the Senate

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JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day - Sixty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 21, 2008

The House met pursuant to adjournment at 10:24 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Gus George, pastor of St. Paul's Lutheran Church, Council Bluffs. He was the guest of Representative Doug Struyk of Pottawattamie County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jessica Flannery, Page of the Legislative Service Agency.

The Journal of Thursday, April 17, 2008 was approved.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2425, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

SENATE MESSAGES CONSIDERED

Senate File 2424, by committee on appropriations, a bill for an act concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates.

Read first time and referred to committee on **state government**.

Senate File 2425, by committee on appropriations, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Read first time and **passed on file**.

McCarthy of Polk asked and received unanimous consent for the state government committee to meet and consider Senate File 2424.

On motion by McCarthy of Polk, the House was recessed at 10:30 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:18 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILL

House File 2697, by committee on appropriations, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Read first time and placed on the **appropriations calendar**.

Davitt of Warren in the chair at 2:18 p.m.

ADOPTION OF HOUSE RESOLUTION 155

Wessel-Kroeschell of Story, Heddens of Story and H. Miller of Webster called up for consideration **House Resolution 155**, a resolution honoring Iowa State University track student-athlete and Fort Dodge native Lisa Koll, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Reasoner of Union, the House was recessed at 2:27 p.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:39 p.m., Wise of Lee in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Speaker Murphy and McCarthy of Polk, until their return, on request of H. Miller of Webster.

CONSIDERATION OF BILLS

Regular Calendar

House Joint Resolution 2007, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation, with report of committee recommending passage, was taken up for consideration.

SENATE JOINT RESOLUTION 2005 SUBSTITUTED FOR HOUSE
JOINT RESOLUTION 2007

Quirk of Chickasaw asked and received unanimous consent to substitute Senate Joint Resolution 2005 for House Joint Resolution 2007.

Senate Joint Resolution 2005, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation, with report of committee recommending passage, was taken up for consideration.

Quirk of Chickasaw moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 2005)

The ayes were, 84:

Abdul-Samad	Anderson	Bailey	Baudler
Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Deyoe	Dolecheck
Drake	Foege	Ford	Frevert
Gaskill	Gayman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kelley	Kressig
Lensing	Lukan	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wienczek	Winckler
Windschitl	Worthan	Zirkelbach	Wise, Presiding

The nays were, 12:

Alons	Arnold	Boal	Chambers
De Boef	Grassley	Heddens	Kaufmann
Kuhn	May	Taylor, D.	Van Engelenhoven

Absent or not voting, 4:

Clute	Forristall	Roberts	Shomshor
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The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

House Joint Resolution 2006, a joint resolution authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

SENATE JOINT RESOLUTION 2003 SUBSTITUTED FOR HOUSE JOINT RESOLUTION 2006

Quirk of Chickasaw asked and received unanimous consent to substitute Senate Joint Resolution 2003 for House Joint Resolution 2006.

Senate Joint Resolution 2003, a joint resolution authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date, was taken up for consideration.

Quirk of Chickasaw moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 2003)

The ayes were, 83:

Abdul-Samad	Anderson	Bailey	Baudler
Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Deyoe	Dolecheck
Drake	Foege	Ford	Frevert
Gaskill	Gayman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kelley	Kressig
Lensing	Lukan	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Smith	Soderberg	Staed	Struyk
Swaim	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Worthan	Zirkelbach	Wise, Presiding	

The nays were, 12:

Alons	Arnold	Boal	Chambers
De Boef	Grassley	Heddens	Kaufmann
Kuhn	May	Taylor, D.	Van Engelenhoven

Absent or not voting, 5:

Clute	Forristall	Roberts	Shomshor
Taylor, T.			

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

ADOPTION OF HOUSE RESOLUTION 114

Quirk of Chickasaw called up the following **House Resolution 114**, and moved its adoption:

1 House Resolution 114
2 By Committee on Administration and Rules
3 A resolution relating to an annual budget for the
4 daily operations of the House of Representatives.
5 *Whereas*, the legislative authority of this state is
6 vested in the General Assembly consisting of the House
7 of Representatives and the Senate; and
8 *Whereas*, the House of Representatives necessarily
9 incurs substantial expenses for its daily operations;
10 and
11 *Whereas*, the House of Representatives is authorized
12 to expend funds from the state treasury necessary to
13 pay for its expenses and for expenses incurred jointly
14 by the House of Representatives and the Senate; and
15 *Whereas*, it is deemed advisable and proper for the
16 House of Representatives to make expenditures in
17 accordance with a budgetary plan; *Now Therefore*,
18 *Be It Resolved By The House Of Representatives*
19 Section 1. Expenditures of the House of
20 Representatives payable pursuant to Iowa Code sections
21 2.10 through 2.14 for the regular legislative session
22 and the interim period during the fiscal year
23 beginning July 1, 2008, and ending June 30, 2009, are
24 budgeted to be as follows:
25 1. Members' salary, per diem, and expenses,
26 \$6,224,000.
27 2. Staff compensation, \$5,718,000.
28 3. Operations expenses, \$575,000.
29 Sec. 2. The Chief Clerk of the House of
30 Representatives shall immediately provide written

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1 notice to the Speaker and Minority Leader of the House
2 of Representatives and to the Chair and Ranking Member
3 of the House Committee on Appropriations if actual
4 expenditures payable pursuant to Iowa Code sections
5 2.10 through 2.14 exceed the maximum amount allocated
6 for any category of the budget provided by section 1
7 of this Resolution. The written notice shall specify
8 the amount of and reasons for any excess expenditure.
9 Sec. 3. Joint expenditures by the House of
10 Representatives and the Senate or by the Legislative

- 11 Council, special expenditures approved by the
 12 Committee on Administration and Rules, and special
 13 session expenses are not included in the budget set
 14 forth in this Resolution.

The motion prevailed and the resolution was adopted.

Appropriations Calendar

House File 2674, a bill for an act concerning appropriations to the office of grants enterprise management and including an effective date provision, was taken up for consideration.

Hunter of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2674)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Worthan
Zirkelbach	Wise, Presiding		

The nays were, none.

Absent or not voting, 2:

Forristall

Roberts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 2673, a bill for an act relating to the inheritance tax on any interest in a qualified tuition plan, was taken up for consideration.

Frevert of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2673)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Worthan
Zirkelbach	Wise,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Forristall

Roberts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

McCarthy of Polk, until his return, on request of H. Miller of Webster.

House File 2684, a bill for an act creating an insurance industry new jobs tax credit, was taken up for consideration.

Ford of Polk offered the following amendment H-8502 filed by him and moved its adoption:

H-8502

- 1 Amend House File 2684 as follows:
- 2 1. Page 2, line 5, by inserting after the figure
- 3 "2008" the following: ", that makes a good faith
- 4 effort to recruit minority persons, as defined in
- 5 section 15.102, subsection 5, for a portion of the new
- 6 jobs created under the agreement".

Amendment H-8502 was adopted.

Schueller of Jackson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2684)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman

Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Worthan	Zirkelbach	Wise, Presiding	

The nays were, 2:

Hunter Olson, R.

Absent or not voting, 3:

Forristall McCarthy Roberts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Oldson of Polk, until her return, on request of H. Miller of Webster; Forristall of Pottawattamie and Roberts of Carroll, on request of Paulsen of Linn.

IMMEDIATE MESSAGES

H. Miller of Webster asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2673, 2674, 2684** and **Senate Joint Resolutions 2003** and **2005**.

House File 2685, a bill for an act relating to rules for the discharge of wastewater from water well drilling sites and providing for a fee, was taken up for consideration.

D. Olson of Boone offered the following amendment H-8573 filed by him from the floor and moved its adoption:

H-8573

- 1 Amend House File 2685 as follows:
- 2 1. Page 1, lines 14 and 15, by striking the words
- 3 "well and the need to protect the environment." and
- 4 inserting the following: "well.
- 5 f. Reasonable and appropriate limitations on
- 6 wastewater discharge that take into consideration the
- 7 need to conserve soil and protect water quality."
- 8 2. By renumbering as necessary.

Amendment H-8573 was adopted.

Thomas of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2685)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes

Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wienczek
Winckler	Windschitl	Worthan	Zirkelbach
Wise, Presiding			

The nays were, none.

Absent or not voting, 3:

Forristall Murphy, Spkr. Roberts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 2008, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2628, a bill for an act including a portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the definition of a dangerous weapon and making penalties applicable.

Also: That the Senate has on April 21, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2134, a bill for an act relating to veterans affairs by modifying training requirements, requiring executive directors and administrators to provide minimum hours of service in each county, specifying executive director, administrator, and employee duties, creating a county commission of veteran affairs training program, creating a county commission of veteran affairs fund, providing an appropriation, concerning eligibility criteria for special gold star motor vehicle registration plates and providing an effective date.

Also: That the Senate has on April 21, 2008, passed the following bill in which the concurrence of the House is asked:

Senate file 2414, a bill for an act prohibiting the use of campaign funds as compensation to a candidate and providing an effective date.

Also: That the Senate has on April 21, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2421, a bill for an act authorizing certain special charter cities to impose a special charter city sales and services tax.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGE

H. Miller of Webster asked and received unanimous consent that **House File 2685** be immediately messaged to the Senate.

On motion by H. Miller of Webster, the House was recessed at 5:33 p.m., until 7:15 p.m.

EVENING SESSION

The House reconvened at 8:30 p.m., Speaker pro tempore Bukta in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-two members present, eight absent.

Speaker Murphy in the chair at 8:53 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clute of Polk on request of Rants of Woodbury.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 517, a bill for an act relating to the state building code by providing for training, administration, and enforcement of energy conservation requirements.

Also: That the Senate has on April 21, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2386, a bill for an act relating to the achievement of improved energy efficiency through the establishment of a commission on energy efficiency standards and practices, and providing for the periodic reporting of energy efficiency results and savings by gas and electric public utilities.

Also: That the Senate has on April 21, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2422, a bill for an act relating to energy independence initiatives, specifying procedures applicable to Iowa power fund applications, authorizing allocations from the fund, directing that specified payments, repayments, or recaptures made to or received by the board shall be deposited in the fund, authorizing increased allocations for administrative costs, and providing an effective date and applicability provision.

Also: That the Senate has on April 21, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2427, a bill for an act prohibiting certain lobbying activities of state agencies and providing a penalty.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2414, by Gronstal, a bill for an act prohibiting the use of campaign funds as compensation to a candidate and providing an effective date.

Read first time and referred to committee on **state government**.

Senate File 2421, by committee on ways and means, a bill for an act authorizing certain special charter cities to impose a special charter city sales and services tax.

Read first time and referred to committee on **ways and means**.

Senate File 2422, by committee on appropriations, a bill for an act relating to energy independence initiatives, specifying procedures applicable to Iowa power fund applications, authorizing allocations from the fund, directing that specified payments, repayments, or recaptures made to or received by the board shall be deposited in the fund, authorizing increased allocations for administrative costs,

authorizing repayment of audit expenses to the auditor of state, and providing an effective date and applicability provision.

Read first time and referred to committee on **appropriations**.

Senate File 2427, by Gronstal and Wieck, a bill for an act prohibiting certain lobbying activities of state agencies and providing a penalty.

Read first time and referred to committee on **state government**.

SENATE AMENDMENT CONSIDERED

Kuhn of Floyd called up for consideration **House File 2662**, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, amended by the Senate amendment H-8541 as follows:

H-8541

- 1 Amend House File 2662, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 9, by inserting after line 18, the
- 4 following:
- 5 "Sec.____. UNASSIGNED REVENUE FUND – FUNDING
- 6 RESTORATION. There is appropriated from the
- 7 unassigned revenue fund administered by the Iowa
- 8 comprehensive underground storage tank fund board to
- 9 the department of natural resources for the fiscal
- 10 year beginning July 1, 2008, and ending June 30, 2009,
- 11 the following amounts, or so much thereof as is
- 12 necessary, to be used for the purposes designated:
- 13 1. To be credited to and used for snowmobile
- 14 programs as provided for the special snowmobile fund
- 15 created under section 321G.7, in order to restore
- 16 funding transferred pursuant to 2002 Iowa Acts, Second
- 17 Extraordinary Session, chapter 1001, section 10:
- 18 \$950,000
- 19 2. To be credited to and used for all-terrain
- 20 vehicle programs as provided for the special
- 21 all-terrain vehicle fund created under section 321I.8,
- 22 in order to restore funding transferred pursuant to
- 23 2002 Iowa Acts, Second Extraordinary Session, chapter
- 24 1001, section 11:
- 25 \$775,000".
- 26 2. By renumbering as necessary.

Winckler of Scott asked and received unanimous consent to withdraw amendment H-8554, to the Senate amendment H-8541, filed by Winckler et al., on April 16, 2008.

On motion by Kuhn of Floyd the House concurred in the Senate amendment H-8541.

Kuhn of Floyd moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2662)

The ayes were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 44:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	De Boef	Deyoe
Dolecheck	Drake	Gipp	Granzow
Grassley	Greiner	Heaton	Hoffman
Horbach	Huseman	Jacobs	Kaufmann
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wienczek	Windschitl	Worthan

Absent or not voting, 3:

Clute	Forristall	Roberts
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House File 2697.

Appropriations Calendar

House File 2697, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions, was taken up for consideration.

Foege of Linn offered the following amendment H-8581 filed by him from the floor and moved its adoption:

H-8581

1 Amend House File 2697 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "DIVISION I

5 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS

6 ELDER AFFAIRS

7 Section 1. DEPARTMENT OF ELDER AFFAIRS. There is
8 appropriated from the general fund of the state to the
9 department of elder affairs for the fiscal year
10 beginning July 1, 2008, and ending June 30, 2009, the
11 following amount, or so much thereof as is necessary,
12 to be used for the purposes designated:

13 For aging programs for the department of elder
14 affairs and area agencies on aging to provide citizens
15 of Iowa who are 60 years of age and older with case
16 management for the frail elderly only if the monthly
17 cost per client for case management for the frail
18 elderly services provided does not exceed an average
19 of \$70, resident advocate committee coordination,
20 employment, and other services which may include but
21 are not limited to adult day services, respite care,
22 chore services, telephone reassurance, information and
23 assistance, and home repair services, and for the
24 construction of entrance ramps which make residences
25 accessible to the physically handicapped, and for
26 salaries, support, administration, maintenance, and
27 miscellaneous purposes, and for not more than the
28 following full-time equivalent positions:

29 \$ 4,851,698

30 FTEs 40.50

31 1. Funds appropriated in this section may be used
32 to supplement federal funds under federal regulations.
33 To receive funds appropriated in this section, a local
34 area agency on aging shall match the funds with moneys
35 from other sources according to rules adopted by the
36 department. Funds appropriated in this section may be
37 used for elderly services not specifically enumerated
38 in this section only if approved by an area agency on
39 aging for provision of the service within the area.

40 2. Of the funds appropriated in this section,
41 \$2,788,223 shall be used for case management for the
42 frail elderly. Of the funds allocated in this
43 subsection, \$1,385,015 shall be transferred to the
44 department of human services in equal amounts on a
45 quarterly basis for reimbursement of case management
46 services provided under the medical assistance elderly
47 waiver. The department of human services shall adopt
48 rules for case management services provided under the
49 medical assistance elderly waiver in consultation with
50 the department of elder affairs. The monthly cost per

Page 2

1 client for case management for the frail elderly
2 services provided shall not exceed an average of \$70.

3 3. Of the funds appropriated in this section,
4 \$200,198 shall be transferred to the department of
5 economic development for the Iowa commission on
6 volunteer services to be used for the retired and
7 senior volunteer program.

8 4. Of the funds appropriated in this section,
9 \$130,000 shall be used to continue to fund additional
10 long-term care resident's advocate positions.

11 5. Of the funds appropriated in this section,
12 \$250,000 shall be used for continuation of the
13 substitute decision maker Act pursuant to chapter
14 231E.

15 HEALTH

16 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
17 appropriated from the general fund of the state to the
18 department of public health for the fiscal year
19 beginning July 1, 2008, and ending June 30, 2009, the
20 following amounts, or so much thereof as is necessary,
21 to be used for the purposes designated:

22 1. ADDICTIVE DISORDERS

23 For reducing the prevalence of use of tobacco,
24 alcohol, and other drugs, and treating individuals
25 affected by addictive behaviors, including gambling,
26 and for not more than the following full-time
27 equivalent positions:

28 \$ 1,532,149

29 FTEs 6.00

30 The requirement of section 123.53, subsection 3, is
31 met by the appropriations made in this Act for
32 purposes of addictive disorders for the fiscal year
33 beginning July 1, 2008.

34 2. HEALTHY CHILDREN AND FAMILIES

35 For promoting the optimum health status for
36 children, adolescents from birth through 21 years of
37 age, and families, and for not more than the following
38 full-time equivalent positions:

39 \$ 2,636,913
40 FTEs 16.00

41 a. Of the funds appropriated in this subsection,
42 not more than \$645,917 shall be used for the healthy
43 opportunities to experience success (HOPES)-healthy
44 families Iowa (HFI) program established pursuant to
45 section 135.106. The department shall transfer the
46 funding allocated for the HOPES-HFI program to the
47 Iowa empowerment board for distribution and shall
48 assist the board in managing the contracting for the
49 funding. The funding shall be distributed to renew
50 the grants that were provided to the grantees that

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1 operated the program during the fiscal year ending
2 June 30, 2008.

3 b. Of the funds appropriated in this subsection,
4 \$325,000 shall be used to continue to address the
5 healthy mental development of children from birth
6 through five years of age through local evidence-based
7 strategies that engage both the public and private
8 sectors in promoting healthy development, prevention,
9 and treatment for children.

10 c. Of the funds appropriated in this subsection,
11 \$100,000 is allocated for distribution to the
12 children's hospital of Iowa mother's milk bank.

13 d. Of the funds appropriated in this subsection,
14 \$40,000 shall be distributed to a statewide dental
15 carrier to provide funds to continue the donated
16 dental services program patterned after the projects
17 developed by the national foundation of dentistry for
18 the handicapped to provide dental services to indigent
19 elderly and disabled individuals.

20 e. Of the funds appropriated in this subsection,
21 \$100,000 shall be transferred to the university of
22 Iowa college of dentistry for provision of primary
23 dental services to children. State funds shall be
24 matched on a dollar-for-dollar basis. The university
25 of Iowa college of dentistry shall coordinate efforts
26 with the department of public health bureau of oral
27 health to provide dental care to underserved

28 populations throughout the state.

29 f. The department shall consult with other
30 agencies involved with provision of health-related
31 services to children and with legislators, providers,
32 advocates, and other stakeholders in performing a
33 study of services and other support promoting healthy
34 kids.

35 3. CHRONIC CONDITIONS

36 For serving individuals identified as having
37 chronic conditions or special health care needs, and
38 for not more than the following full-time equivalent
39 positions:

40	\$ 2,242,840	
41	FTEs	5.00

42 a. Of the funds appropriated in this subsection,
43 \$100,000 shall be used for grants to individual
44 patients who have phenylketonuria (PKU) to assist with
45 the costs of necessary special foods.

46 b. Of the funds appropriated in this subsection,
47 \$500,000 is allocated for continuation of the
48 contracts for resource facilitator services in
49 accordance with section 135.22B, subsection 10, and
50 for brain injury training services and recruiting of

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1 service providers to increase the capacity within this
2 state to address the needs of individuals with brain
3 injuries and such individuals' families.

4 4. COMMUNITY CAPACITY

5 For strengthening the health care delivery system
6 at the local level, and for not more than the
7 following full-time equivalent positions:

8	\$ 1,760,52	
9	FTEs	12.00

10 a. Of the funds appropriated in this subsection,
11 \$100,000 is allocated for a child vision screening
12 program implemented through the university of Iowa
13 hospitals and clinics in collaboration with community
14 empowerment areas.

15 b. Of the funds appropriated in this subsection,
16 \$159,700 is allocated for an initiative implemented at
17 the university of Iowa and \$140,300 is allocated for
18 an initiative at the state mental health institute at
19 Cherokee to expand and improve the workforce engaged
20 in mental health treatment and services. The
21 initiatives shall receive input from the university of
22 Iowa, the department of human services, the department
23 of public health, and the mental health, mental
24 retardation, developmental disabilities, and brain
25 injury commission to address the focus of the
26 initiatives. The department of human services, the

27 department of public health, and the commission shall
28 receive regular updates concerning the status of the
29 initiatives.

30 5. ELDERLY WELLNESS

31 For promotion of healthy aging and optimization of
32 the health of older adults:

33 \$ 9,233,985

34 6. ENVIRONMENTAL HAZARDS

35 For reducing the public's exposure to hazards in
36 the environment, primarily chemical hazards, and for
37 not more than the following full-time equivalent
38 positions:

39 \$ 747,960

40 FTEs 2.00

41 Of the funds appropriated in this subsection,
42 \$121,000 shall be used for childhood lead poisoning
43 provisions pursuant to sections 135.102 and 135.103.

44 7. INFECTIOUS DISEASES

45 For reducing the incidence and prevalence of
46 communicable diseases, and for not more than the
47 following full-time equivalent positions:

48 \$ 1,701,974

49 FTEs 7.00

50 a. Of the funds appropriated in this subsection,

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1 an increase of \$43,688 is provided for the purchasing
2 of vaccines for immunizations.

3 b. Of the funds appropriated in this subsection,
4 \$100,000 shall be used to fund the position of bureau
5 chief for the center for acute disease epidemiology
6 (CADE).

7 8. PUBLIC PROTECTION

8 For protecting the health and safety of the public
9 through establishing standards and enforcing
10 regulations, and for not more than the following
11 full-time equivalent positions:

12 \$ 2,798,513

13 FTEs 128.00

14 a. Of the funds appropriated in this subsection,
15 \$643,500 shall be credited to the emergency medical
16 services fund created in section 135.25. Moneys in
17 the emergency medical services fund are appropriated
18 to the department to be used for the purposes of the
19 fund.

20 b. Of the funds appropriated in this subsection,
21 \$23,810 shall be used for the office of the state
22 medical examiner.

23 c. Of the funds appropriated in this subsection,
24 \$150,000 shall be used for management of the antiviral
25 stockpile.

26 d. Of the funds appropriated in this subsection,
 27 \$100,000 shall be used for sexual violence prevention
 28 programming through a statewide organization
 29 representing programs serving victims of sexual
 30 violence through the department's sexual violence
 31 prevention program. The amount allocated in this
 32 paragraph "d" shall not be used to supplant funding
 33 administered for other sexual violence prevention or
 34 victims assistance programs.

35 e. The department may incur expenses for start-up
 36 costs to implement licensing of plumbers and
 37 mechanical professionals in accordance with 2007 Iowa
 38 Acts, chapter 198, provided the amounts expended are
 39 covered by the close of the fiscal year through the
 40 repayment receipts from license fees.

41 9. RESOURCE MANAGEMENT

42 For establishing and sustaining the overall ability
 43 of the department to deliver services to the public,
 44 and for not more than the following full-time
 45 equivalent positions:

46	\$ 1,205,933
47	FTEs 10.00

48 Of the funds appropriated in this subsection,
 49 \$150,150 shall be used for administration of
 50 tobacco-related programs.

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1 The university of Iowa hospitals and clinics under
 2 the control of the state board of regents shall not
 3 receive indirect costs from the funds appropriated in
 4 this section. The university of Iowa hospitals and
 5 clinics billings to the department shall be on at
 6 least a quarterly basis.

7 Sec. 3. GAMBLING TREATMENT FUND – APPROPRIATION.

8 1. In lieu of the appropriation made in section
 9 135.150, subsection 1, there is appropriated from
 10 funds available in the gambling treatment fund created
 11 in section 135.150 to the department of public health
 12 for the fiscal year beginning July 1, 2008, and ending
 13 June 30, 2009, the following amount, or so much
 14 thereof as is necessary, to be used for the purposes
 15 designated:

16 To be utilized for the benefit of persons with 17 addictive disorders:	
18	\$ 4,678,000

19 a. It is the intent of the general assembly that
 20 from the moneys appropriated in this subsection
 21 persons with a dual diagnosis of substance abuse and
 22 gambling addictions shall be given priority in
 23 treatment services. The amount appropriated in this
 24 subsection includes moneys credited to the fund in

25 previous fiscal years.

26 b. Of the funds appropriated in this subsection,
27 \$613,000 shall be used for tobacco use prevention,
28 cessation, and treatment.

29 2. The amount remaining in the gambling treatment
30 fund after the appropriation made in subsection 1 is
31 appropriated to the department to be used for funding
32 of administrative costs and to provide programs which
33 may include but are not limited to outpatient and
34 follow-up treatment for persons affected by problem
35 gambling, rehabilitation and residential treatment
36 programs, information and referral services, education
37 and preventive services, and financial management
38 services. Of the amount appropriated in this
39 subsection, up to \$100,000 may be used for the
40 licensing of gambling treatment programs as provided
41 in section 135.150.

42 DEPARTMENT OF VETERANS AFFAIRS

43 Sec. 4. DEPARTMENT OF VETERANS AFFAIRS. There is
44 appropriated from the general fund of the state to the
45 department of veterans affairs for the fiscal year
46 beginning July 1, 2008, and ending June 30, 2009, the
47 following amounts, or so much thereof as is necessary,
48 to be used for the purposes designated:

49 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

50 For salaries, support, maintenance, and

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1 miscellaneous purposes, including the war orphans
2 educational assistance fund created in section 35.8,
3 and for not more than the following full-time
4 equivalent positions:

5	\$ 1,163,457
6	FTEs 17.20

7 Of the amount appropriated in this subsection,
8 \$50,000 is allocated for continuation of the veterans
9 counseling program established pursuant to section
10 35.12.

11 2. IOWA VETERANS HOME

12 For salaries, support, maintenance, and
13 miscellaneous purposes, and for not more than the
14 following full-time equivalent positions:

15	\$ 12,694,154
16	FTEs 951.95

17 The Iowa veterans home billings involving the
18 department of human services shall be submitted to the
19 department on at least a monthly basis.

20 If there is a change in the employer of employees
21 providing services at the Iowa veterans home under a
22 collective bargaining agreement, such employees and
23 the agreement shall be continued by the successor

24 employer as though there had not been a change in
25 employer.

26 3. COUNTY GRANT PROGRAM FOR VETERANS

27 For providing grants to counties to provide
28 services to living veterans:

29 \$ 600,000

30 The department shall establish or continue a grant
31 application process and shall require each county
32 applying for a grant to submit a plan for utilizing
33 the grant for providing services for living veterans.
34 The maximum grant to be awarded to a county shall be
35 \$10,000. Each county receiving a grant shall submit a
36 report to the department identifying the impact of the
37 grant on providing services to veterans as specified
38 by the department. The department shall submit a
39 report to the general assembly by October 1, 2008,
40 concerning the impact of the grant program on services
41 to veterans.

42 Notwithstanding section 8.33, moneys appropriated
43 in this subsection that remain unencumbered or
44 unobligated at the close of the fiscal year shall not
45 revert to the fund from which appropriated but shall
46 be credited to the veterans trust fund.

47 4. STATE EDUCATIONAL ASSISTANCE – CHILDREN OF
48 DECEASED VETERANS

49 For provision of educational assistance pursuant to
50 section 35.9:

Page 8

1 \$ 27,000

2 HUMAN SERVICES

3 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

4 BLOCK GRANT. There is appropriated from the fund

5 created in section 8.41 to the department of human
6 services for the fiscal year beginning July 1, 2008,
7 and ending June 30, 2009, from moneys received under
8 the federal temporary assistance for needy families
9 (TANF) block grant pursuant to the federal Personal
10 Responsibility and Work Opportunity Reconciliation Act
11 of 1996, Pub. L. No. 104-193, and successor
12 legislation, which are federally appropriated for the
13 federal fiscal years beginning October 1, 2007, and
14 ending September 30, 2008, and beginning October 1,
15 2008, and ending September 30, 2009, the following
16 amounts, or so much thereof as is necessary, to be
17 used for the purposes designated:

18 1. To be credited to the family investment program
19 account and used for assistance under the family
20 investment program under chapter 239B:

21 \$ 26,101,513

22 2. To be credited to the family investment program

23 account and used for the job opportunities and basic
 24 skills (JOBS) program and implementing family
 25 investment agreements in accordance with chapter 239B:
 26 \$ 13,334,528
 27 Notwithstanding section 8.33, not more than 5
 28 percent of the moneys designated in this subsection
 29 that are allocated by the department for contracted
 30 services, other than family self-sufficiency grant
 31 services allocated under this subsection, that remain
 32 unencumbered or unobligated at the close of the fiscal
 33 year shall not revert but shall remain available for
 34 expenditure for the purposes designated until the
 35 close of the succeeding fiscal year. However, unless
 36 such moneys are encumbered or obligated on or before
 37 September 30, 2009, the moneys shall revert.
 38 3. To be used for the family development and
 39 self-sufficiency grant program in accordance with 2008
 40 Iowa Acts, House File 2328:
 41 \$ 2,998,675
 42 4. For field operations:
 43 \$ 17,707,495
 44 It is the intent of the general assembly that the
 45 department work with Indian tribes providing services
 46 under the federal Temporary Assistance for Needy
 47 Families block grant to Indians who reside in Iowa but
 48 live outside the reservation to establish a formula
 49 for providing match funding for the expenditures made
 50 by the tribes for such services. The department shall

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1 provide recommendations regarding implementation of
 2 the formula beginning in FY 2009-2010 to the governor
 3 and the persons designated by this Act to receive
 4 reports. For the purposes of this paragraph,
 5 "Indian", "reservation", and "Indian tribe" mean the
 6 same as defined in section 232B.3.
 7 5. For general administration:
 8 \$ 3,744,000
 9 6. For local administrative costs:
 10 \$ 2,189,830
 11 7. For state child care assistance:
 12 \$ 27,886,177
 13 a. Of the funds appropriated in this subsection,
 14 \$18,986,177 shall be transferred to the child care and
 15 development block grant appropriation made in 2008
 16 Iowa Acts, Senate File 2286, if enacted, for the
 17 federal fiscal year beginning October 1, 2008, and
 18 ending September 30, 2009. Of this amount, \$200,000
 19 shall be used for provision of educational
 20 opportunities to registered child care home providers
 21 in order to improve services and programs offered by

22 this category of providers and to increase the number
 23 of providers. The department may contract with
 24 institutions of higher education or child care
 25 resource and referral centers to provide the
 26 educational opportunities. Allowable administrative
 27 costs under the contracts shall not exceed 5 percent.
 28 The application for a grant shall not exceed two pages
 29 in length.

30 b. Any funds appropriated in this subsection
 31 remaining unallocated shall be used for state child
 32 care assistance payments for individuals enrolled in
 33 the family investment program who are employed.

34 8. For mental health and developmental	
35 disabilities community services:	
36	\$ 4,894,052
37 9. For child and family services:	
38	\$ 32,084,430
39 10. For child abuse prevention grants:	
40	\$ 250,000
41 11. For pregnancy prevention grants on the	
42 condition that family planning services are funded:	
43	\$ 1,930,067

44 Pregnancy prevention grants shall be awarded to
 45 programs in existence on or before July 1, 2008, if
 46 the programs are comprehensive in scope and have
 47 demonstrated positive outcomes. Grants shall be
 48 awarded to pregnancy prevention programs which are
 49 developed after July 1, 2008, if the programs are
 50 comprehensive in scope and are based on existing

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1 models that have demonstrated positive outcomes.
 2 Grants shall comply with the requirements provided in
 3 1997 Iowa Acts, chapter 208, section 14, subsections 1
 4 and 2, including the requirement that grant programs
 5 must emphasize sexual abstinence. Priority in the
 6 awarding of grants shall be given to programs that
 7 serve areas of the state which demonstrate the highest
 8 percentage of unplanned pregnancies of females of
 9 childbearing age within the geographic area to be
 10 served by the grant.

11 12. For technology needs and other resources	
12 necessary to meet federal welfare reform reporting,	
13 tracking, and case management requirements:	
14	\$ 1,037,186
15 13. For the healthy opportunities for parents to	
16 experience success (HOPES) program administered by the	
17 department of public health to target child abuse	
18 prevention:	
19	\$ 200,000
20 14. To be credited to the state child care	

21 assistance appropriation made in this section to be
 22 used for funding of community-based early childhood
 23 programs targeted to children from birth through five
 24 years of age developed by community empowerment areas
 25 as provided in section 28.9:

26 \$ 7,350,000

27 The department shall transfer TANF block grant
 28 funding appropriated and allocated in this subsection
 29 to the child care and development block grant
 30 appropriation in accordance with federal law as
 31 necessary to comply with the provisions of this
 32 subsection.

33 15. For a pilot program established in one or more
 34 judicial districts, selected by the department and the
 35 judicial council, to provide employment and support
 36 services to delinquent child support obligors as an
 37 alternative to commitment to jail as punishment for
 38 contempt of court:

39 \$ 200,000

40 Of the amounts appropriated in this section,
 41 \$12,962,008 for the fiscal year beginning July 1,
 42 2008, shall be transferred to the appropriation of the
 43 federal social services block grant for that fiscal
 44 year.

45 The department may transfer funds allocated in this
 46 section to the appropriations in this Act for general
 47 administration and field operations for resources
 48 necessary to implement and operate the services
 49 referred to in this section and those funded in the
 50 appropriation made in this division of this Act for

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1 the family investment program from the general fund of
 2 the state.

3 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

4 1. Moneys credited to the family investment
 5 program (FIP) account for the fiscal year beginning
 6 July 1, 2008, and ending June 30, 2009, shall be used
 7 to provide assistance in accordance with chapter 239B.

8 2. The department may use a portion of the moneys
 9 credited to the FIP account under this section as
 10 necessary for salaries, support, maintenance, and
 11 miscellaneous purposes.

12 3. The department may transfer funds allocated in
 13 this section to the appropriations in this Act for
 14 general administration and field operations for
 15 resources necessary to implement and operate the
 16 services referred to in this section and those funded
 17 in the appropriation made in this division of this Act
 18 for the family investment program from the general
 19 fund of the state.

20 4. Moneys appropriated in this division of this
21 Act and credited to the FIP account for the fiscal
22 year beginning July 1, 2008, and ending June 30, 2009,
23 are allocated as follows:

24 a. To be retained by the department of human
25 services to be used for coordinating with the
26 department of human rights to more effectively serve
27 participants in the FIP program and other shared
28 clients and to meet federal reporting requirements
29 under the federal temporary assistance for needy
30 families block grant:
31 \$ 20,000

32 b. To the department of human rights for staffing,
33 administration, and implementation of the family
34 development and self-sufficiency grant program in
35 accordance with 2008 Iowa Acts, House File 2328:
36 \$ 5,563,042

37 (1) Of the funds allocated for the family
38 development and self-sufficiency grant program in this
39 lettered paragraph, not more than 5 percent of the
40 funds shall be used for the administration of the
41 grant program.

42 (2) The department of human rights may continue to
43 implement the family development and self-sufficiency
44 grant program statewide during fiscal year 2008-2009.

45 (3) Notwithstanding section 8.33, moneys allocated
46 in this lettered paragraph that remain unencumbered or
47 unobligated at the close of the fiscal year shall not
48 revert but shall remain available for expenditure for
49 the purposes designated until the close of the
50 succeeding fiscal year.

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1 c. For the diversion subaccount of the FIP
2 account:
3 \$ 2,814,000

4 (1) A portion of the moneys allocated for the
5 subaccount may be used for field operations salaries,
6 data management system development, and implementation
7 costs and support deemed necessary by the director of
8 human services in order to administer the FIP
9 diversion program.

10 (2) Of the funds allocated in this lettered
11 paragraph, not more than \$250,000 shall be used to
12 develop or continue community-level parental
13 obligation pilot projects. The requirements
14 established under 2001 Iowa Acts, chapter 191, section
15 3, subsection 5, paragraph "c", subparagraph (3),
16 shall remain applicable to the parental obligation
17 pilot projects for fiscal year 2008-2009.
18 Notwithstanding 441 IAC 100.8, providing for

19 termination of rules relating to the pilot projects
20 the earlier of October 1, 2006, or when legislative
21 authority is discontinued, the rules relating to the
22 pilot projects shall remain in effect until June 30,
23 2009.

24 d. For the food stamp employment and training
25 program:
26 \$ 68,059

27 e. For the JOBS program:
28 \$ 22,310,116

29 5. Of the child support collections assigned under
30 FIP, an amount equal to the federal share of support
31 collections shall be credited to the child support
32 recovery appropriation. Of the remainder of the
33 assigned child support collections received by the
34 child support recovery unit, a portion shall be
35 credited to the FIP account, a portion may be used to
36 increase recoveries, and a portion may be used to
37 sustain cash flow in the child support payments
38 account. If as a result the appropriations allocated
39 in this section are insufficient to sustain cash
40 assistance payments and meet federal maintenance of
41 effort requirements, the department shall seek
42 supplemental funding. If child support collections
43 assigned under FIP are greater than estimated or are
44 otherwise determined not to be required for
45 maintenance of effort, the state share of either
46 amount may be transferred to or retained in the child
47 support payment account.

48 6. The department may adopt emergency rules for
49 the family investment, JOBS, family development and
50 self-sufficiency grant, food stamp, and medical

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1 assistance programs if necessary to comply with
2 federal requirements.

3 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND.

4 There is appropriated from the general fund of the
5 state to the department of human services for the
6 fiscal year beginning July 1, 2008, and ending June
7 30, 2009, the following amount, or so much thereof as
8 is necessary, to be used for the purpose designated:

9 To be credited to the family investment program
10 (FIP) account and used for family investment program
11 assistance under chapter 239B:
12 \$ 42,675,127

13 1. Of the funds appropriated in this section,
14 \$8,975,588 is allocated for the JOBS program.

15 2. Of the funds appropriated in this section,
16 \$2,584,367 is allocated for the family development and
17 self-sufficiency grant program.

18 3. a. Of the funds appropriated in this section,
19 \$250,000 shall be used for a grant to an Iowa-based
20 nonprofit organization with a history of providing tax
21 preparation assistance to low-income Iowans in order
22 to expand the usage of the earned income tax credit.
23 The purpose of the grant is to supply this assistance
24 to underserved areas of the state. The grant shall be
25 provided to an organization that has existing national
26 foundation support for supplying such assistance that
27 can also secure local charitable match funding.

28 b. The general assembly supports efforts by the
29 organization receiving funding under this subsection
30 to create a statewide earned income tax credit and
31 asset-building coalition to achieve both of the
32 following purposes:

33 (1) Expanding the usage of the tax credit through
34 new and enhanced outreach and marketing strategies, as
35 well as identifying new local sites and human and
36 financial resources.

37 (2) Assessing and recommending various strategies
38 for Iowans to develop assets through savings,
39 individual development accounts, financial literacy,
40 antipredatory lending initiatives, informed home
41 ownership, use of various forms of support for work,
42 and microenterprise business development targeted to
43 persons who are self-employed or have fewer than five
44 employees.

45 4. Notwithstanding section 8.39, for the fiscal
46 year beginning July 1, 2008, if necessary to meet
47 federal maintenance of effort requirements or to
48 transfer federal temporary assistance for needy
49 families block grant funding to be used for purposes
50 of the federal social services block grant or to meet

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1 cash flow needs resulting from delays in receiving
2 federal funding or to implement, in accordance with
3 this division of this Act, activities currently funded
4 with juvenile court services, county, or community
5 moneys and state moneys used in combination with such
6 moneys, the department of human services may transfer
7 funds within or between any of the appropriations made
8 in this division of this Act and appropriations in law
9 for the federal social services block grant to the
10 department for the following purposes, provided that
11 the combined amount of state and federal temporary
12 assistance for needy families block grant funding for
13 each appropriation remains the same before and after
14 the transfer:

15 a. For the family investment program.

16 b. For child care assistance.

- 17 c. For child and family services.
- 18 d. For field operations.
- 19 e. For general administration.
- 20 f. MH/MR/DD/BI community services (local
- 21 purchase).

22 This subsection shall not be construed to prohibit
 23 the use of existing state transfer authority for other
 24 purposes. The department shall report any transfers
 25 made pursuant to this subsection to the legislative
 26 services agency.

27 Sec. 8. CHILD SUPPORT RECOVERY. There is
 28 appropriated from the general fund of the state to the
 29 department of human services for the fiscal year
 30 beginning July 1, 2008, and ending June 30, 2009, the
 31 following amount, or so much thereof as is necessary,
 32 to be used for the purposes designated:

33 For child support recovery, including salaries,
 34 support, maintenance, and miscellaneous purposes, and
 35 for not more than the following full-time equivalent
 36 positions:

37	\$ 14,951,757
38	FTEs 515.00

39 1. The department shall expend up to \$31,000,
 40 including federal financial participation, for the
 41 fiscal year beginning July 1, 2008, for a child
 42 support public awareness campaign. The department and
 43 the office of the attorney general shall cooperate in
 44 continuation of the campaign. The public awareness
 45 campaign shall emphasize, through a variety of media
 46 activities, the importance of maximum involvement of
 47 both parents in the lives of their children as well as
 48 the importance of payment of child support
 49 obligations.

50 2. Federal access and visitation grant moneys

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1 shall be issued directly to private not-for-profit
 2 agencies that provide services designed to increase
 3 compliance with the child access provisions of court
 4 orders, including but not limited to neutral
 5 visitation sites and mediation services.

6 3. The appropriation made to the department for
 7 child support recovery may be used throughout the
 8 fiscal year in the manner necessary for purposes of
 9 cash flow management, and for cash flow management
 10 purposes the department may temporarily draw more than
 11 the amount appropriated, provided the amount
 12 appropriated is not exceeded at the close of the
 13 fiscal year.

14 Sec. 9. MEDICAL ASSISTANCE. There is appropriated
 15 from the general fund of the state to the department

16 of human services for the fiscal year beginning July
17 1, 2008, and ending June 30, 2009, the following
18 amount, or so much thereof as is necessary, to be used
19 for the purpose designated:

20 For medical assistance reimbursement and associated
21 costs as specifically provided in the reimbursement
22 methodologies in effect on June 30, 2008, except as
23 otherwise expressly authorized by law, including
24 reimbursement for abortion services which shall be
25 available under the medical assistance program only
26 for those abortions which are medically necessary:
27 \$646,401,453

- 28 1. Medically necessary abortions are those
- 29 performed under any of the following conditions:

 - 30 a. The attending physician certifies that
 - 31 continuing the pregnancy would endanger the life of
 - 32 the pregnant woman.
 - 33 b. The attending physician certifies that the
 - 34 fetus is physically deformed, mentally deficient, or
 - 35 afflicted with a congenital illness.
 - 36 c. The pregnancy is the result of a rape which is
 - 37 reported within 45 days of the incident to a law
 - 38 enforcement agency or public or private health agency
 - 39 which may include a family physician.
 - 40 d. The pregnancy is the result of incest which is
 - 41 reported within 150 days of the incident to a law
 - 42 enforcement agency or public or private health agency
 - 43 which may include a family physician.
 - 44 e. Any spontaneous abortion, commonly known as a
 - 45 miscarriage, if not all of the products of conception
 - 46 are expelled.

- 47 2. The department shall utilize not more than
- 48 \$60,000 of the funds appropriated in this section to
- 49 continue the AIDS/HIV health insurance premium payment
- 50 program as established in 1992 Iowa Acts, Second

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1 Extraordinary Session, chapter 1001, section 409,
2 subsection 6. Of the funds allocated in this
3 subsection, not more than \$5,000 may be expended for
4 administrative purposes.

5 3. Of the funds appropriated in this Act to the
6 department of public health for addictive disorders,
7 \$950,000 for the fiscal year beginning July 1, 2008,
8 shall be transferred to the department of human
9 services for an integrated substance abuse managed
10 care system. The department shall not assume
11 management of the substance abuse system in place of
12 the managed care contractor unless such a change in
13 approach is specifically authorized in law. The
14 departments of human services and public health shall

15 work together to maintain the level of mental health
16 and substance abuse services provided by the managed
17 care contractor through the Iowa plan for behavioral
18 health. Each department shall take the steps
19 necessary to continue the federal waivers as necessary
20 to maintain the level of services.

21 4. a. The department shall aggressively pursue
22 options for providing medical assistance or other
23 assistance to individuals with special needs who
24 become ineligible to continue receiving services under
25 the early and periodic screening, diagnosis, and
26 treatment program under the medical assistance program
27 due to becoming 21 years of age who have been approved
28 for additional assistance through the department's
29 exception to policy provisions, but who have health
30 care needs in excess of the funding available through
31 the exception to policy provisions.

32 b. Of the funds appropriated in this section,
33 \$100,000 shall be used for participation in one or
34 more pilot projects operated by a private provider to
35 allow the individual or individuals to receive service
36 in the community in accordance with principles
37 established in *Olmstead v. L.C.*, 527 U.S. 581 (1999),
38 for the purpose of providing medical assistance or
39 other assistance to individuals with special needs who
40 become ineligible to continue receiving services under
41 the early and periodic screening, diagnosis, and
42 treatment program under the medical assistance program
43 due to becoming 21 years of age who have been approved
44 for additional assistance through the department's
45 exception to policy provisions, but who have health
46 care needs in excess of the funding available through
47 the exception to the policy provisions.

48 5. Of the funds appropriated in this section, up
49 to \$3,050,082 may be transferred to the field
50 operations or general administration appropriations in

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1 this Act for operational costs associated with Part D
2 of the federal Medicare Prescription Drug,
3 Improvement, and Modernization Act of 2003, Pub. L.
4 No. 108-173.

5 6. In addition to any other funds appropriated in
6 this Act, of the funds appropriated in this section,
7 \$250,000 shall be used for the grant to the Iowa
8 healthcare collaborative as defined in section 135.40.

9 7. Of the funds appropriated in this section, not
10 more than \$166,600 shall be used to enhance outreach
11 efforts. The department may transfer funds allocated
12 in this subsection to the appropriations in this
13 division of this Act for general administration, the

14 state children's health insurance program, or medical
15 contracts, as necessary, to implement the outreach
16 efforts.

17 8. Of the funds appropriated in this section, up
18 to \$442,100 may be transferred to the appropriation in
19 this Act for medical contracts to be used for clinical
20 assessment services related to remedial services in
21 accordance with federal law.

22 9. Of the funds appropriated in this section,
23 \$1,143,522 may be used for the demonstration to
24 maintain independence and employment (DMIE) if the
25 waiver for DMIE is approved by the centers for
26 Medicare and Medicaid services of the United States
27 department of health and human services.
28 Additionally, if the waiver is approved, \$440,000 of
29 the funds shall be transferred to the department of
30 corrections for DMIE activities.

31 10. The drug utilization review commission shall
32 monitor the smoking cessation benefit provided under
33 the medical assistance program and shall provide a
34 report of utilization, client success,
35 cost-effectiveness, and recommendations for any
36 changes in the benefit to the persons designated in
37 this Act to receive reports by January 15, 2009. If a
38 prescriber determines that all smoking cessation aids
39 on the preferred drug list are not effective or
40 medically appropriate for a patient, the prescriber
41 may apply for an exception to policy for another
42 product approved by the United States food and drug
43 administration for smoking cessation pursuant to 441
44 IAC 1.8(1).

45 11. A portion of the funds appropriated in this
46 section may be transferred to the appropriations in
47 this division of this Act for general administration,
48 medical contracts, the state children's health
49 insurance program, or field operations to be used for
50 the state match cost to comply with the payment error

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1 rate measurement (PERM) program for both the medical
2 assistance and state children's health insurance
3 programs as developed by the centers for Medicare and
4 Medicaid services of the United States department of
5 health and human services to comply with the federal
6 Improper Payments Information Act of 2002, Pub. L. No.
7 107-300.

8 12. It is the intent of the general assembly that
9 the department implement the recommendations of the
10 assuring better child health and development
11 initiative II (ABCDII) clinical panel to the Iowa
12 early and periodic screening, diagnostic, and

13 treatment services healthy mental development
 14 collaborative board regarding changes to billing
 15 procedures, codes, and eligible service providers.
 16 13. Of the funds appropriated in this section, a
 17 sufficient amount is allocated to supplement the
 18 incomes of residents of nursing facilities,
 19 intermediate care facilities for persons with mental
 20 illness, and intermediate care facilities for persons
 21 with mental retardation, with incomes of less than \$50
 22 in the amount necessary for the residents to receive a
 23 personal needs allowance of \$50 per month pursuant to
 24 section 249A.30A.

25 14. Of the funds appropriated in this section, the
 26 following amounts shall be transferred to
 27 appropriations made in this division of this Act to
 28 the state mental health institutes:

- 29 a. Cherokee mental health institute \$ 5,933,659
- 30 b. Clarinda mental health institute \$ 1,289,526
- 31 c. Independence mental health institute..... \$ 5,899,400
- 32 d. Mount Pleasant mental health institute \$ 3,751,626

33 15. a. Of the funds appropriated in this section,
 34 \$2,753,055 is allocated for state match for
 35 disproportionate share hospital payment of \$7,321,954
 36 to hospitals that meet both of the following
 37 conditions:

- 38 (1) The hospital qualifies for disproportionate
- 39 share and graduate medical education payments.
- 40 (2) The hospital is an Iowa state-owned hospital
- 41 with more than 500 beds and eight or more distinct
- 42 residency specialty or subspecialty programs
- 43 recognized by the American college of graduate medical
- 44 education.
- 45 b. Distribution of the disproportionate share
- 46 payment shall be made on a monthly basis. The total
- 47 amount of disproportionate share payments including
- 48 graduate medical education, enhanced disproportionate
- 49 share, and Iowa state-owned teaching hospital payments
- 50 shall not exceed the amount of the state's allotment

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1 under Pub. L. No. 102-234. In addition, the total
 2 amount of all disproportionate share payments shall
 3 not exceed the hospital-specific disproportionate
 4 share limits under Pub. L. No. 103-66.

5 16. Of the funds appropriated in this section,
 6 \$4,568,899 is transferred to the IowaCare account
 7 created in section 249J.24.

8 17. Of the funds appropriated in this section,
 9 \$250,000 shall be used for the Iowa chronic care
 10 consortium pursuant to 2003 Iowa Acts, chapter 112,
 11 section 12, as amended by 2003 Iowa Acts, chapter 179,

12 sections 166 and 167.

13 18. The department shall implement cost-saving
14 initiatives including implementing a surcharge for
15 claims filed on paper when electronic filing is
16 available and collecting a supplemental rebate for
17 diabetic supplies.

18 19. One hundred percent of the nonfederal share of
19 payments to area education agencies that are medical
20 assistance providers for medical assistance-covered
21 services provided to medical assistance-covered
22 children, shall be made from the appropriation made in
23 this section.

24 20. a. Beginning July 1, 2009, any new or renewed
25 contract entered into by the department with a third
26 party to administer behavioral health services under
27 the medical assistance program shall provide that any
28 interest earned on payments from the state during the
29 state fiscal year shall be remitted to the department
30 for deposit in a separate account after the end of the
31 fiscal year.

32 b. Beginning July 1, 2008, the department shall
33 maintain a separate account within the medical
34 assistance budget for the deposit of all funds
35 remitted pursuant to a contract with a third party to
36 administer behavioral health services under the
37 medical assistance program. Notwithstanding section
38 8.33, funds remaining in the account that remain
39 unencumbered or unobligated at the end of any fiscal
40 year shall not revert but shall remain available in
41 succeeding fiscal years and shall be used only in
42 accordance with appropriations from the account for
43 health and human services-related purposes.

44 c. Of the state share of any funds remitted to the
45 medical assistance program pursuant to a contract with
46 a third party to administer behavioral health services
47 under the medical assistance program, the following
48 amounts are appropriated to the department for the
49 fiscal year beginning July 1, 2008, and ending June
50 30, 2009, to be used as follows:

Page 20

1 (1) For implementation of the emergency mental
2 health crisis services system in accordance with
3 section 225C.19, as enacted by this Act, \$1,500,000.

4 (2) For implementation of the mental health
5 services system for children and youth in accordance
6 with section 225C.52, as enacted by this Act,
7 \$500,000.

8 (3) For the mental health, mental retardation, and
9 developmental disabilities risk pool created in the
10 property tax relief fund in section 426B.5,

11 \$1,000,000.

12 (4) To reduce the waiting lists of the medical
13 assistance home and community-based services waivers,
14 \$2,000,000. The department shall distribute the
15 funding allocated under this subparagraph
16 proportionately among all home and community-based
17 services waivers.

18 (5) For child welfare and court-ordered services
19 for children who have been adjudicated as delinquent,
20 \$750,000.

21 (6) For training for child welfare services
22 providers, \$250,000. The training shall be developed
23 by the department in collaboration with the coalition
24 for children and family services in Iowa.

25 d. The department shall provide the results of the
26 audits of the third party administering behavioral
27 health services under the medical assistance program
28 for the fiscal years beginning July 1, 2006, and July
29 1, 2007, to the legislative services agency for
30 review.

31 21. Of the funds appropriated in this section, at
32 least \$2,500,000 shall be used for existing and new
33 home and community-based waiver slots for persons with
34 brain injury.

35 Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM.

36 There is appropriated from the general fund of the
37 state to the department of human services for the
38 fiscal year beginning July 1, 2008, and ending June
39 30, 2009, the following amount, or so much thereof as
40 is necessary, to be used for the purpose designated:

41 For administration of the health insurance premium
42 payment program, including salaries, support,
43 maintenance, and miscellaneous purposes, and for not
44 more than the following full-time equivalent
45 positions:

46	\$ 566,338
47	FTEs 21.00

48 Sec. 11. MEDICAL CONTRACTS. There is appropriated
49 from the general fund of the state to the department
50 of human services for the fiscal year beginning July

1 1, 2008, and ending June 30, 2009, the following
2 amount, or so much thereof as is necessary, to be used
3 for the purpose designated:

4 For medical contracts, including salaries, support,
5 maintenance, and miscellaneous purposes, and for not
6 more than the following full-time equivalent
7 positions:

8	\$ 14,165,550
9	FTEs 6.00

10 1. Of the funds appropriated in this section,
11 \$50,000 shall be used for electronic cross-matching
12 with state vital records databases through the
13 department of public health.

14 2. Of the funds appropriated in this section,
15 \$250,000 shall be used for monitoring of home and
16 community-based services waivers.

17 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

18 1. There is appropriated from the general fund of
19 the state to the department of human services for the
20 fiscal year beginning July 1, 2008, and ending June
21 30, 2009, the following amount, or so much thereof as
22 is necessary, to be used for the purpose designated:

23 For the state supplementary assistance program:
24 \$ 18,310,335

25 2. The department shall increase the personal
26 needs allowance for residents of residential care
27 facilities by the same percentage and at the same time
28 as federal supplemental security income and federal
29 social security benefits are increased due to a
30 recognized increase in the cost of living. The
31 department may adopt emergency rules to implement this
32 subsection.

33 3. If during the fiscal year beginning July 1,
34 2008, the department projects that state supplementary
35 assistance expenditures for a calendar year will not
36 meet the federal pass-through requirement specified in
37 Title XVI of the federal Social Security Act, section
38 1618, as codified in 42 U.S.C. } 1382g, the department
39 may take actions including but not limited to
40 increasing the personal needs allowance for
41 residential care facility residents and making
42 programmatic adjustments or upward adjustments of the
43 residential care facility or in-home health-related
44 care reimbursement rates prescribed in this division
45 of this Act to ensure that federal requirements are
46 met. In addition, the department may make other
47 programmatic and rate adjustments necessary to remain
48 within the amount appropriated in this section while
49 ensuring compliance with federal requirements. The
50 department may adopt emergency rules to implement the

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1 provisions of this subsection.

2 Sec. 13. STATE CHILDREN'S HEALTH INSURANCE
3 PROGRAM.

4 1. There is appropriated from the general fund of
5 the state to the department of human services for the
6 fiscal year beginning July 1, 2008, and ending June
7 30, 2009, the following amount, or so much thereof as
8 is necessary, to be used for the purpose designated:

9 For maintenance of the healthy and well kids in
10 Iowa (hawk-i) program pursuant to chapter 514I for
11 receipt of federal financial participation under Title
12 XXI of the federal Social Security Act, which creates
13 the state children's health insurance program:
14 \$ 15,873,103

15 2. If sufficient funding is available under this
16 Act, and if federal reauthorization of the state
17 children's health insurance program provides
18 sufficient federal allocations to the state and
19 authorization to cover the following populations as an
20 option under the state children's health insurance
21 program, the department may expand coverage under the
22 state children's health insurance program as follows:
23 a. By eliminating the categorical exclusion of
24 state employees from receiving state children's health
25 insurance program benefits.
26 b. By providing coverage for legal immigrant
27 children and pregnant women not eligible under current
28 federal guidelines.
29 c. By covering children up to age twenty-one, or
30 up to age twenty-three if the child is attending
31 school.

32 3. If the United States Congress does not
33 authorize additional federal funds necessary to
34 address any shortfall for the state children's health
35 insurance program for the federal fiscal year
36 beginning October 1, 2008, and ending September 30,
37 2009, the department may use 100 percent of state
38 funds from the appropriation made in this section for
39 the period beginning July 1, 2008, and ending June 30,
40 2009, and may, after consultation with the governor
41 and the general assembly, utilize funding from the
42 appropriations made in this Act for medical assistance
43 to maintain the state children's health insurance
44 program. If deemed necessary, the department shall
45 request a supplemental appropriation from the
46 Eighty-third General Assembly, 2009 Session, to
47 address any remaining shortfall for the fiscal year
48 beginning July 1, 2008.

49 4. Of the funds appropriated in this section,
50 \$134,050 is allocated for continuation of the contract

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1 for advertising and outreach with the department of
2 public health and \$90,050 is allocated for other
3 advertising and outreach.

4 Sec. 14. CHILD CARE ASSISTANCE. There is
5 appropriated from the general fund of the state to the
6 department of human services for the fiscal year
7 beginning July 1, 2008, and ending June 30, 2009, the

8 following amount, or so much thereof as is necessary,
9 to be used for the purpose designated:

10 For child care programs:

11 \$ 39,298,895

12 1. Of the funds appropriated in this section,
13 \$36,043,083 shall be used for state child care
14 assistance in accordance with section 237A.13.

15 2. Nothing in this section shall be construed or
16 is intended as or shall imply a grant of entitlement
17 for services to persons who are eligible for
18 assistance due to an income level consistent with the
19 waiting list requirements of section 237A.13. Any
20 state obligation to provide services pursuant to this
21 section is limited to the extent of the funds
22 appropriated in this section.

23 3. Of the funds appropriated in this section,
24 \$525,524 is allocated for the statewide program for
25 child care resource and referral services under
26 section 237A.26. A list of the registered and
27 licensed child care facilities operating in the area
28 served by a child care resource and referral service
29 shall be made available to the families receiving
30 state child care assistance in that area.

31 4. Of the funds appropriated in this section,
32 \$1,180,288 is allocated for child care quality
33 improvement initiatives including but not limited to
34 the voluntary quality rating system in accordance with
35 section 237A.30.

36 5. The department may use any of the funds
37 appropriated in this section as a match to obtain
38 federal funds for use in expanding child care
39 assistance and related programs. For the purpose of
40 expenditures of state and federal child care funding,
41 funds shall be considered obligated at the time
42 expenditures are projected or are allocated to the
43 department's service areas. Projections shall be
44 based on current and projected caseload growth,
45 current and projected provider rates, staffing
46 requirements for eligibility determination and
47 management of program requirements including data
48 systems management, staffing requirements for
49 administration of the program, contractual and grant
50 obligations and any transfers to other state agencies,

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1 and obligations for decategorization or innovation
2 projects.

3 6. A portion of the state match for the federal
4 child care and development block grant shall be
5 provided as necessary to meet federal matching funds
6 requirements through the state general fund

7 appropriation made for child development grants and
8 other programs for at-risk children in section 279.51.

9 7. Of the funds appropriated in this section,
10 \$1,200,000 is transferred to the Iowa empowerment fund
11 from which it is appropriated to be used for
12 professional development for the system of early care,
13 health, and education.

14 8. Of the funds appropriated in this section,
15 \$350,000 shall be allocated to a county with a
16 population of more than 300,000 to be used for a
17 one-time grant to support child care center services
18 provided to children with mental, physical, or
19 emotional challenges in order for the children to
20 remain in a home or family setting.

21 9. Notwithstanding section 8.33, moneys
22 appropriated in this section or received from the
23 federal appropriations made for the purposes of this
24 section that remain unencumbered or unobligated at the
25 close of the fiscal year shall not revert to any fund
26 but shall remain available for expenditure for the
27 purposes designated until the close of the succeeding
28 fiscal year.

29 Sec. 15. JUVENILE INSTITUTIONS. There is
30 appropriated from the general fund of the state to the
31 department of human services for the fiscal year
32 beginning July 1, 2008, and ending June 30, 2009, the
33 following amounts, or so much thereof as is necessary,
34 to be used for the purposes designated:

35 1. For operation of the Iowa juvenile home at	
36 Toledo and for salaries, support, and maintenance, and	
37 for not more than the following full-time equivalent	
38 positions:	
39	\$ 7,579,484
40	FTEs 126.00

41 2. For operation of the state training school at	
42 Eldora and for salaries, support, and maintenance, and	
43 for not more than the following full-time equivalent	
44 positions:	
45	\$ 11,948,327
46	FTEs 202.70

47 3. A portion of the moneys appropriated in this
48 section shall be used by the state training school and
49 by the Iowa juvenile home for grants for adolescent
50 pregnancy prevention activities at the institutions in

1 the fiscal year beginning July 1, 2008.

2 Sec. 16. CHILD AND FAMILY SERVICES.

3 1. There is appropriated from the general fund of
4 the state to the department of human services for the
5 fiscal year beginning July 1, 2008, and ending June

6 30, 2009, the following amount, or so much thereof as
7 is necessary, to be used for the purpose designated:

8 For child and family services:
9 \$ 88,557,565

10 2. In order to address a reduction of \$5,200,000
11 from the amount allocated under the appropriation made
12 for the purposes of this section in prior years for
13 purposes of juvenile delinquent graduated sanction
14 services, up to \$5,200,000 of the amount of federal
15 temporary assistance for needy families block grant
16 funding appropriated in this division of this Act for
17 child and family services shall be made available for
18 purposes of juvenile delinquent graduated sanction
19 services.

20 3. The department may transfer funds appropriated
21 in this section as necessary to pay the nonfederal
22 costs of services reimbursed under the medical
23 assistance program, state child care assistance
24 program, or the family investment program which are
25 provided to children who would otherwise receive
26 services paid under the appropriation in this section.
27 The department may transfer funds appropriated in this
28 section to the appropriations in this division of this
29 Act for general administration and for field
30 operations for resources necessary to implement and
31 operate the services funded in this section.

32 4. a. Of the funds appropriated in this section,
33 up to \$36,441,744 is allocated as the statewide
34 expenditure target under section 232.143 for group
35 foster care maintenance and services.

36 b. If at any time after September 30, 2008,
37 annualization of a service area's current expenditures
38 indicates a service area is at risk of exceeding its
39 group foster care expenditure target under section
40 232.143 by more than 5 percent, the department and
41 juvenile court services shall examine all group foster
42 care placements in that service area in order to
43 identify those which might be appropriate for
44 termination. In addition, any aftercare services
45 believed to be needed for the children whose
46 placements may be terminated shall be identified. The
47 department and juvenile court services shall initiate
48 action to set dispositional review hearings for the
49 placements identified. In such a dispositional review
50 hearing, the juvenile court shall determine whether

1 needed aftercare services are available and whether
2 termination of the placement is in the best interest
3 of the child and the community.

4 5. In accordance with the provisions of section

5 232.188, the department shall continue the child
6 welfare and juvenile justice funding initiative during
7 fiscal year 2008-2009. Of the moneys subject to the
8 nonreversion clause provided in the amendment in this
9 Act to 2006 Iowa Acts, chapter 1184, section 17,
10 subsection 4, \$3,605,000 is allocated specifically for
11 expenditure for fiscal year 2008-2009 through the
12 decategorization service funding pools and governance
13 boards established pursuant to section 232.188.

14 6. A portion of the funds appropriated in this
15 section may be used for emergency family assistance to
16 provide other resources required for a family
17 participating in a family preservation or
18 reunification project or successor project to stay
19 together or to be reunified.

20 7. Notwithstanding section 234.35 or any other
21 provision of law to the contrary, state funding for
22 shelter care shall be limited to \$7,072,215. The
23 department shall work with the coalition for children
24 and family services in Iowa and other representatives
25 of shelter care providers to reduce the number of
26 guaranteed shelter beds and shift a portion of
27 available funding to develop new or expand existing
28 child welfare emergency services for children who
29 might otherwise be served in shelter care. The child
30 welfare emergency services shall be provided by
31 shelter care agencies that currently have a contract
32 for shelter care services with the department and may
33 include mobile crisis response units for child and
34 family crises, in-home supervision services, emergency
35 family foster care homes, expanding capacity to
36 provide emergency services in other family foster care
37 homes, or provide flexible funding for child welfare
38 emergency services based on evidence-based practices.
39 Notwithstanding chapter 8A, the department may amend
40 existing contracts with shelter care agencies as
41 necessary to include child welfare emergency services.

42 8. Federal funds received by the state during the
43 fiscal year beginning July 1, 2008, as the result of
44 the expenditure of state funds appropriated during a
45 previous state fiscal year for a service or activity
46 funded under this section are appropriated to the
47 department to be used as additional funding for
48 services and purposes provided for under this section.
49 Notwithstanding section 8.33, moneys received in
50 accordance with this subsection that remain

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1 unencumbered or unobligated at the close of the fiscal
2 year shall not revert to any fund but shall remain
3 available for the purposes designated until the close

4 of the succeeding fiscal year.

5 9. Of the funds appropriated in this section, at
6 least \$3,696,285 shall be used for protective child
7 care assistance.

8 10. a. Of the funds appropriated in this section,
9 up to \$2,268,963 is allocated for the payment of the
10 expenses of court-ordered services provided to
11 juveniles who are under the supervision of juvenile
12 court services, which expenses are a charge upon the
13 state pursuant to section 232.141, subsection 4. Of
14 the amount allocated in this lettered paragraph, up to
15 \$1,556,287 shall be made available to provide
16 school-based supervision of children adjudicated under
17 chapter 232, of which not more than \$15,000 may be
18 used for the purpose of training. A portion of the
19 cost of each school-based liaison officer shall be
20 paid by the school district or other funding source as
21 approved by the chief juvenile court officer.

22 b. Of the funds appropriated in this section, up
23 to \$823,965 is allocated for the payment of the
24 expenses of court-ordered services provided to
25 children who are under the supervision of the
26 department, which expenses are a charge upon the state
27 pursuant to section 232.141, subsection 4.

28 c. Notwithstanding section 232.141 or any other
29 provision of law to the contrary, the amounts
30 allocated in this subsection shall be distributed to
31 the judicial districts as determined by the state
32 court administrator and to the department's service
33 areas as determined by the administrator of the
34 department's division of child and family services.
35 The state court administrator and the division
36 administrator shall make the determination of the
37 distribution amounts on or before June 15, 2008.

38 d. Notwithstanding chapter 232 or any other
39 provision of law to the contrary, a district or
40 juvenile court shall not order any service which is a
41 charge upon the state pursuant to section 232.141 if
42 there are insufficient court-ordered services funds
43 available in the district court or departmental
44 service area distribution amounts to pay for the
45 service. The chief juvenile court officer and the
46 departmental service area manager shall encourage use
47 of the funds allocated in this subsection such that
48 there are sufficient funds to pay for all
49 court-related services during the entire year. The
50 chief juvenile court officers and departmental service

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1 area managers shall attempt to anticipate potential
2 surpluses and shortfalls in the distribution amounts

3 and shall cooperatively request the state court
 4 administrator or division administrator to transfer
 5 funds between the judicial districts' or departmental
 6 service areas' distribution amounts as prudent.

7 e. Notwithstanding any provision of law to the
 8 contrary, a district or juvenile court shall not order
 9 a county to pay for any service provided to a juvenile
 10 pursuant to an order entered under chapter 232 which
 11 is a charge upon the state under section 232.141,
 12 subsection 4.

13 f. Of the funds allocated in this subsection, not
 14 more than \$100,000 may be used by the judicial branch
 15 for administration of the requirements under this
 16 subsection.

17 11. Of the funds appropriated in this section,
 18 \$1,030,000 shall be transferred to the department of
 19 public health to be used for the child protection
 20 center grant program in accordance with section
 21 135.118.

22 12. If the department receives federal approval to
 23 implement a waiver under Title IV-E of the federal
 24 Social Security Act to enable providers to serve
 25 children who remain in the children's families and
 26 communities, for purposes of eligibility under the
 27 medical assistance program children who participate in
 28 the waiver shall be considered to be placed in foster
 29 care.

30 13. Of the funds appropriated in this section,
 31 \$2,862,164 is allocated for the preparation for adult
 32 living program pursuant to section 234.46.

33 14. Of the funds appropriated in this section,
 34 \$1,030,000 shall be used for juvenile drug courts.
 35 The amount allocated in this subsection shall be
 36 distributed as follows:

- 37 a. To the judicial branch for salaries to assist
 38 with the operation of juvenile drug court programs
 39 operated in the following jurisdictions:
- 40 (1) Marshall county:
 41 \$ 61,800
- 42 (2) Woodbury county:
 43 \$ 123,862
- 44 (3) Polk county:
 45 \$ 193,057
- 46 (4) The third judicial district:
 47 \$ 66,950
- 48 (5) The eighth judicial district:
 49 \$ 66,950

50 b. For court-ordered services to support substance

2 in the juvenile drug court programs listed in
 3 paragraph "a" and the juveniles' families:
 4 \$ 517,381

5 The state court administrator shall allocate the
 6 funding designated in this paragraph among the
 7 programs.

8 15. Of the funds appropriated in this section,
 9 \$203,000 is allocated for continuation of the
 10 contracts for the multidimensional treatment level
 11 foster care program established pursuant to 2006 Iowa
 12 Acts, chapter 1123, for a third year.

13 16. Of the funds appropriated in this section,
 14 \$236,900 shall be used for a grant to a nonprofit
 15 human services organization providing services to
 16 individuals and families in multiple locations in
 17 southwest Iowa and Nebraska for support of a project
 18 providing immediate, sensitive support and forensic
 19 interviews, medical exams, needs assessments, and
 20 referrals for victims of child abuse and their
 21 nonoffending family members.

22 17. Of the funds appropriated in this section,
 23 \$131,000 is allocated for the elevate approach of
 24 providing a support network to children placed in
 25 foster care.

26 18. Of the funds appropriated in this section,
 27 \$300,000 is allocated for sibling visitation
 28 provisions for children subject to a court order for
 29 out-of-home placement in accordance with section
 30 232.108.

31 19. Of the funds appropriated in this section,
 32 \$200,000 is allocated for use pursuant to section
 33 235A.1 for the initiative to address child sexual
 34 abuse implemented pursuant to 2007 Iowa Acts, ch. 218,
 35 section 18, subsection 21.

36 20. Of the funds appropriated in this section,
 37 \$80,000 is allocated for renewal of a grant to a
 38 county with a population between 189,000 and 196,000
 39 in the latest preceding certified federal census for
 40 implementation of the county's runaway treatment plan
 41 under section 232.195.

42 21. Of the funds appropriated in this section,
 43 \$418,000 is allocated for the community partnership
 44 for child protection sites.

45 22. Of the funds appropriated in this section,
 46 \$375,000 is allocated for the department's minority
 47 youth and family projects under the redesign of the
 48 child welfare system.

49 23. Of the funds appropriated in this section,
 50 \$300,000 is allocated for funding of the state match

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1 for the federal substance abuse and mental health
 2 services administration (SAMHSA) system of care grant.
 3 24. The department shall develop options for
 4 providing a growth mechanism for reimbursement of the
 5 child and family services traditionally funded under
 6 this appropriation. The growth mechanism options may
 7 provide for a tie to allowable growth for school aid,
 8 an inflationary adjustment reflective of the cost
 9 increases for the services, or other reasonable proxy
 10 for the cost increases affecting such service
 11 providers.

12 Sec. 17. ADOPTION SUBSIDY.

13 1. There is appropriated from the general fund of
 14 the state to the department of human services for the
 15 fiscal year beginning July 1, 2008, and ending June
 16 30, 2009, the following amount, or so much thereof as
 17 is necessary, to be used for the purpose designated:

18 For adoption subsidy payments and services:
 19 \$ 32,568,872

20 2. The department may transfer funds appropriated
 21 in this section to the appropriation made in this Act
 22 for general administration for costs paid from the
 23 appropriation relating to adoption subsidy.

24 3. Federal funds received by the state during the
 25 fiscal year beginning July 1, 2008, as the result of
 26 the expenditure of state funds during a previous state
 27 fiscal year for a service or activity funded under
 28 this section are appropriated to the department to be
 29 used as additional funding for the services and
 30 activities funded under this section. Notwithstanding
 31 section 8.33, moneys received in accordance with this
 32 subsection that remain unencumbered or unobligated at
 33 the close of the fiscal year shall not revert to any
 34 fund but shall remain available for expenditure for
 35 the purposes designated until the close of the
 36 succeeding fiscal year.

37 Sec. 18. JUVENILE DETENTION HOME FUND. Moneys
 38 deposited in the juvenile detention home fund created
 39 in section 232.142 during the fiscal year beginning
 40 July 1, 2008, and ending June 30, 2009, are
 41 appropriated to the department of human services for
 42 the fiscal year beginning July 1, 2008, and ending
 43 June 30, 2009, for distribution of an amount equal to
 44 a percentage of the costs of the establishment,
 45 improvement, operation, and maintenance of county or
 46 multicounty juvenile detention homes in the fiscal
 47 year beginning July 1, 2007. Moneys appropriated for
 48 distribution in accordance with this section shall be
 49 allocated among eligible detention homes, prorated on
 50 the basis of an eligible detention home's proportion

1 of the costs of all eligible detention homes in the
 2 fiscal year beginning July 1, 2007. The percentage
 3 figure shall be determined by the department based on
 4 the amount available for distribution for the fund.
 5 Notwithstanding section 232.142, subsection 3, the
 6 financial aid payable by the state under that
 7 provision for the fiscal year beginning July 1, 2008,
 8 shall be limited to the amount appropriated for the
 9 purposes of this section.

10 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.

11 1. There is appropriated from the general fund of
 12 the state to the department of human services for the
 13 fiscal year beginning July 1, 2008, and ending June
 14 30, 2009, the following amount, or so much thereof as
 15 is necessary, to be used for the purpose designated:

16 For the family support subsidy program:
 17 \$ 1,936,434

18 2. The department shall use at least \$433,212 of
 19 the moneys appropriated in this section for the family
 20 support center component of the comprehensive family
 21 support program under section 225C.47. Not more than
 22 \$20,000 of the amount allocated in this subsection
 23 shall be used for administrative costs.

24 Sec. 20. CONNER DECREE. There is appropriated
 25 from the general fund of the state to the department
 26 of human services for the fiscal year beginning July
 27 1, 2008, and ending June 30, 2009, the following
 28 amount, or so much thereof as is necessary, to be used
 29 for the purpose designated:

30 For building community capacity through the
 31 coordination and provision of training opportunities
 32 in accordance with the consent decree of Conner v.
 33 Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14,
 34 1994):
 35 \$ 42,623

36 Sec. 21. MENTAL HEALTH INSTITUTES. There is
 37 appropriated from the general fund of the state to the
 38 department of human services for the fiscal year
 39 beginning July 1, 2008, and ending June 30, 2009, the
 40 following amounts, or so much thereof as is necessary,
 41 to be used for the purposes designated:

42 1. For the state mental health institute at
 43 Cherokee for salaries, support, maintenance, and
 44 miscellaneous purposes, and for not more than the
 45 following full-time equivalent positions:
 46 \$ 5,727,743
 47 FTEs 210.00

48 2. For the state mental health institute at
 49 Clarinda for salaries, support, maintenance, and
 50 miscellaneous purposes, and for not more than the

Page 32

1 following full-time equivalent positions:
 2 \$ 7,023,073
 3 FTEs 109.95

4 3. For the state mental health institute at
 5 Independence for salaries, support, maintenance, and
 6 miscellaneous purposes, and for not more than the
 7 following full-time equivalent positions:
 8 \$ 10,495,879
 9 FTEs 287.66

10 4. For the state mental health institute at Mount
 11 Pleasant for salaries, support, maintenance, and
 12 miscellaneous purposes, and for not more than the
 13 following full-time equivalent positions:
 14 \$ 1,874,721
 15 FTEs 116.44

16 Sec. 22. STATE RESOURCE CENTERS.

17 1. There is appropriated from the general fund of
 18 the state to the department of human services for the
 19 fiscal year beginning July 1, 2008, and ending June
 20 30, 2009, the following amounts, or so much thereof as
 21 is necessary, to be used for the purposes designated:
 22 a. For the state resource center at Glenwood for
 23 salaries, support, maintenance, and miscellaneous
 24 purposes:

25 \$ 17,102,330

26 b. For the state resource center at Woodward for
 27 salaries, support, maintenance, and miscellaneous
 28 purposes:
 29 \$ 11,266,164

30 2. The department may continue to bill for state
 31 resource center services utilizing a scope of services
 32 approach used for private providers of ICFMR services,
 33 in a manner which does not shift costs between the
 34 medical assistance program, counties, or other sources
 35 of funding for the state resource centers.

36 3. The state resource centers may expand the
 37 time-limited assessment and respite services during
 38 the fiscal year.

39 4. If the department's administration and the
 40 department of management concur with a finding by a
 41 state resource center's superintendent that projected
 42 revenues can reasonably be expected to pay the salary
 43 and support costs for a new employee position, or that
 44 such costs for adding a particular number of new
 45 positions for the fiscal year would be less than the
 46 overtime costs if new positions would not be added,
 47 the superintendent may add the new position or
 48 positions. If the vacant positions available to a
 49 resource center do not include the position
 50 classification desired to be filled, the state

1 resource center's superintendent may reclassify any
 2 vacant position as necessary to fill the desired
 3 position. The superintendents of the state resource
 4 centers may, by mutual agreement, pool vacant
 5 positions and position classifications during the
 6 course of the fiscal year in order to assist one
 7 another in filling necessary positions.

8 5. If existing capacity limitations are reached in
 9 operating units, a waiting list is in effect for a
 10 service or a special need for which a payment source
 11 or other funding is available for the service or to
 12 address the special need, and facilities for the
 13 service or to address the special need can be provided
 14 within the available payment source or other funding,
 15 the superintendent of a state resource center may
 16 authorize opening not more than two units or other
 17 facilities and begin implementing the service or
 18 addressing the special need during fiscal year
 19 2008-2009.

20 Sec. 23. MI/MR/DD STATE CASES.

21 1. There is appropriated from the general fund of
 22 the state to the department of human services for the
 23 fiscal year beginning July 1, 2008, and ending June
 24 30, 2009, the following amount, or so much thereof as
 25 is necessary, to be used for the purpose designated:

26 For distribution to counties for state case
 27 services for persons with mental illness, mental
 28 retardation, and developmental disabilities in
 29 accordance with section 331.440:
 30 \$ 13,067,178

31 2. For the fiscal year beginning July 1, 2008, and
 32 ending June 30, 2009, \$200,000 is allocated for state
 33 case services from the amounts appropriated from the
 34 fund created in section 8.41 to the department of
 35 human services from the funds received from the
 36 federal government under 42 U.S.C., ch. 6A, subch.
 37 XVII, relating to the community mental health center
 38 block grant, for the federal fiscal years beginning
 39 October 1, 2006, and ending September 30, 2007,
 40 beginning October 1, 2007, and ending September 30,
 41 2008, and beginning October 1, 2008, and ending
 42 September 30, 2009. The allocation made in this
 43 subsection shall be made prior to any other
 44 distribution allocation of the appropriated federal
 45 funds.

46 3. Notwithstanding section 8.33, moneys
 47 appropriated in this section that remain unencumbered
 48 or unobligated at the close of the fiscal year shall
 49 not revert but shall remain available for expenditure
 50 for the purposes designated until the close of the

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1 succeeding fiscal year.

2 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL
3 DISABILITIES0020 – COMMUNITY SERVICES FUND. There is
4 appropriated from the general fund of the state to the
5 mental health and developmental disabilities community
6 services fund created in section 225C.7 for the fiscal
7 year beginning July 1, 2008, and ending June 30, 2009,
8 the following amount, or so much thereof as is
9 necessary, to be used for the purpose designated:

10 For mental health and developmental disabilities
11 community services in accordance with this division of
12 this Act:

13 \$ 18,017,890

14 1. Of the funds appropriated in this section,
15 \$17,727,890 shall be allocated to counties for funding
16 of community-based mental health and developmental
17 disabilities services. The moneys shall be allocated
18 to a county as follows:

19 a. Fifty percent based upon the county's
20 proportion of the state's population of persons with
21 an annual income which is equal to or less than the
22 poverty guideline established by the federal office of
23 management and budget.

24 b. Fifty percent based upon the county's
25 proportion of the state's general population.

26 2. a. A county shall utilize the funding the
27 county receives pursuant to subsection 1 for services
28 provided to persons with a disability, as defined in
29 section 225C.2. However, no more than 50 percent of
30 the funding shall be used for services provided to any
31 one of the service populations.

32 b. A county shall use at least 50 percent of the
33 funding the county receives under subsection 1 for
34 contemporary services provided to persons with a
35 disability, as described in rules adopted by the
36 department.

37 3. Of the funds appropriated in this section,
38 \$30,000 shall be used to support the Iowa compass
39 program providing computerized information and
40 referral services for Iowans with disabilities and
41 their families.

42 4. a. Funding appropriated for purposes of the
43 federal social services block grant is allocated for
44 distribution to counties for local purchase of
45 services for persons with mental illness or mental
46 retardation or other developmental disability.

47 b. The funds allocated in this subsection shall be
48 expended by counties in accordance with the county's
49 approved county management plan. A county without an
50 approved county management plan shall not receive

1 allocated funds until the county's management plan is
2 approved.

3 c. The funds provided by this subsection shall be
4 allocated to each county as follows:

5 (1) Fifty percent based upon the county's
6 proportion of the state's population of persons with
7 an annual income which is equal to or less than the
8 poverty guideline established by the federal office of
9 management and budget.

10 (2) Fifty percent based upon the amount provided
11 to the county for local purchase of services in the
12 preceding fiscal year.

13 5. A county is eligible for funds under this
14 section if the county qualifies for a state payment as
15 described in section 331.439.

16 6. Of the funds appropriated in this section,
17 \$260,000 is allocated to the department for continuing
18 the development of an assessment process for use
19 beginning in a subsequent fiscal year as authorized
20 specifically by a statute to be enacted in a
21 subsequent fiscal year, determining on a consistent
22 basis the needs and capacities of persons seeking or
23 receiving mental health, mental retardation,
24 developmental disabilities, or brain injury services
25 that are paid for in whole or in part by the state or
26 a county. The assessment process shall be developed
27 with the involvement of counties and the mental
28 health, mental retardation, developmental
29 disabilities, and brain injury commission.

30 7. The most recent population estimates issued by
31 the United States bureau of the census shall be
32 applied for the population factors utilized in this
33 section.

34 Sec. 25. SEXUALLY VIOLENT PREDATORS.

35 1. There is appropriated from the general fund of
36 the state to the department of human services for the
37 fiscal year beginning July 1, 2008, and ending June
38 30, 2009, the following amount, or so much thereof as
39 is necessary, to be used for the purpose designated:

40 For costs associated with the commitment and
41 treatment of sexually violent predators in the unit
42 located at the state mental health institute at
43 Cherokee, including costs of legal services and other
44 associated costs, including salaries, support,
45 maintenance, and miscellaneous purposes, and for not
46 more than the following full-time equivalent
47 positions:

48	\$ 6,492,008
49	FTEs 94.50

50 2. Unless specifically prohibited by law, if the

1 amount charged provides for recoupment of at least the
 2 entire amount of direct and indirect costs, the
 3 department of human services may contract with other
 4 states to provide care and treatment of persons placed
 5 by the other states at the unit for sexually violent
 6 predators at Cherokee. The moneys received under such
 7 a contract shall be considered to be repayment
 8 receipts and used for the purposes of the
 9 appropriation made in this section.

10 Sec. 26. FIELD OPERATIONS. There is appropriated
 11 from the general fund of the state to the department
 12 of human services for the fiscal year beginning July
 13 1, 2008, and ending June 30, 2009, the following
 14 amount, or so much thereof as is necessary, to be used
 15 for the purposes designated:

16 For field operations, including salaries, support,
 17 maintenance, and miscellaneous purposes, and for not
 18 more than the following full-time equivalent
 19 positions:
 20 \$ 66,852,732
 21 FTEs 2,130.68

22 Priority in filling full-time equivalent positions
 23 shall be given to those positions related to child
 24 protection services and eligibility determination for
 25 low-income families.

26 Sec. 27. GENERAL ADMINISTRATION. There is
 27 appropriated from the general fund of the state to the
 28 department of human services for the fiscal year
 29 beginning July 1, 2008, and ending June 30, 2009, the
 30 following amount, or so much thereof as is necessary,
 31 to be used for the purpose designated:

32 For general administration, including salaries,
 33 support, maintenance, and miscellaneous purposes, and
 34 for not more than the following full-time equivalent
 35 positions:
 36 \$ 16,682,067
 37 FTEs 407.50

38 1. Of the funds appropriated in this section,
 39 \$57,000 is allocated for the prevention of
 40 disabilities policy council established in section
 41 225B.3.

42 2. The department shall report at least monthly to
 43 the legislative services agency concerning the
 44 department's operational and program expenditures.

45 Sec. 28. VOLUNTEERS. There is appropriated from
 46 the general fund of the state to the department of
 47 human services for the fiscal year beginning July 1,
 48 2008, and ending June 30, 2009, the following amount,
 49 or so much thereof as is necessary, to be used for the
 50 purpose designated:

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1 For development and coordination of volunteer
 2 services:
 3 \$ 109,568

4 Sec. 29. FAMILY PLANNING SERVICES. There is
 5 appropriated from the general fund of the state to the
 6 department of human services for the fiscal year
 7 beginning July 1, 2008, and ending June 30, 2009, the
 8 following amount or so much thereof as is necessary,
 9 to be used for the purpose designated:

10 For family planning services to individuals with
 11 incomes not to exceed two hundred percent of the
 12 federal poverty level as defined by the most recently
 13 revised income guidelines published by the United
 14 States department of health and human services, who
 15 are not currently receiving the specific benefit under
 16 the medical assistance program:
 17 \$ 750,000

18 Moneys appropriated under this section shall not be
 19 used to provide abortions. The department shall work
 20 with appropriate stakeholders to implement and
 21 administer the program.

22 Sec. 30. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
 23 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED
 24 UNDER THE DEPARTMENT OF HUMAN SERVICES.

25 1. a. (1) For the fiscal year beginning July 1,
 26 2008, the total state funding amount for the nursing
 27 facility budget shall not exceed \$183,367,323.

28 (2) For the state fiscal year beginning July 1,
 29 2008, the patient-day weighted medians used in rate
 30 setting for nursing facilities shall be recalculated
 31 and the rates adjusted to provide an increase in
 32 nursing facility rates by applying the skilled nursing
 33 facility market basket inflation factor from the
 34 mid-point of the cost report to July 1, 2007.

35 (3) The department, in cooperation with nursing
 36 facility representatives, shall review projections for
 37 state funding expenditures for reimbursement of
 38 nursing facilities on a quarterly basis and the
 39 department shall determine if an adjustment to the
 40 medical assistance reimbursement rate is necessary in
 41 order to provide reimbursement within the state
 42 funding amount. Any temporary enhanced federal
 43 financial participation that may become available to
 44 the Iowa medical assistance program during the fiscal
 45 year shall not be used in projecting the nursing
 46 facility budget. Notwithstanding 2001 Iowa Acts,
 47 chapter 192, section 4, subsection 2, paragraph "c",
 48 and subsection 3, paragraph "a", subparagraph (2), if
 49 the state funding expenditures for the nursing
 50 facility budget for the fiscal year beginning July 1,

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1 2008, are projected to exceed the amount specified in
2 subparagraph (1), the department shall adjust the
3 reimbursement for nursing facilities reimbursed under
4 the case-mix reimbursement system to maintain
5 expenditures of the nursing facility budget within the
6 specified amount. The department shall revise such
7 reimbursement as necessary to adjust the annual
8 accountability measures payment in accordance with the
9 amendment in this division of this Act to 2001 Iowa
10 Acts, chapter 192, section 4, subsection 4.

11 b. For the fiscal year beginning July 1, 2008, the
12 department shall reimburse pharmacy dispensing fees
13 using a single rate of \$4.52 per prescription or the
14 pharmacy's usual and customary fee, whichever is
15 lower.

16 c. (1) For the fiscal year beginning July 1,
17 2008, reimbursement rates for inpatient and outpatient
18 hospital services shall remain at the rates in effect
19 on June 30, 2008. The department shall continue the
20 outpatient hospital reimbursement system based upon
21 ambulatory patient groups implemented pursuant to 1994
22 Iowa Acts, chapter 1186, section 25, subsection 1,
23 paragraph "f", unless the department adopts the
24 Medicare ambulatory payment classification methodology
25 authorized in subparagraph (2).

26 (2) The department may implement the Medicare
27 ambulatory payment classification methodology for
28 reimbursement of outpatient hospital services. Any
29 change in hospital reimbursement shall be budget
30 neutral.

31 (3) In order to ensure the efficient use of
32 limited state funds in procuring health care services
33 for low-income Iowans, funds appropriated in this Act
34 for hospital services shall not be used for activities
35 which would be excluded from a determination of
36 reasonable costs under the federal Medicare program
37 pursuant to 42 U.S.C. § 1395X(v)(1)(N).

38 d. For the fiscal year beginning July 1, 2008,
39 reimbursement rates for rural health clinics,
40 hospices, independent laboratories, and acute mental
41 hospitals shall be increased in accordance with
42 increases under the federal Medicare program or as
43 supported by their Medicare audited costs.

44 e. (1) For the fiscal year beginning July 1,
45 2008, reimbursement rates for home health agencies
46 shall remain at the rates in effect on June 30, 2008,
47 not to exceed a home health agency's actual allowable
48 cost.

49 (2) The department shall establish a fixed fee
50 reimbursement schedule for home health agencies under

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- 1 the medical assistance program beginning July 1, 2008.
- 2 f. For the fiscal year beginning July 1, 2008,
3 federally qualified health centers shall receive
4 cost-based reimbursement for 100 percent of the
5 reasonable costs for the provision of services to
6 recipients of medical assistance.
- 7 g. For the fiscal year beginning July 1, 2008, the
8 reimbursement rates for dental services shall remain
9 at the rates in effect on June 30, 2008.
- 10 h. For the fiscal year beginning July 1, 2008, the
11 maximum reimbursement rate for psychiatric medical
12 institutions for children shall be \$160.71 per day.
- 13 i. For the fiscal year beginning July 1, 2008,
14 unless otherwise specified in this Act, all
15 noninstitutional medical assistance provider
16 reimbursement rates shall remain at the rates in
17 effect on June 30, 2008, except for area education
18 agencies, local education agencies, infant and toddler
19 services providers, and those providers whose rates
20 are required to be determined pursuant to section
21 249A.20.
- 22 j. Notwithstanding section 249A.20, for the fiscal
23 year beginning July 1, 2008, the average reimbursement
24 rate for health care providers eligible for use of the
25 federal Medicare resource-based relative value scale
26 reimbursement methodology under that section shall
27 remain at the rate in effect on June 30, 2008;
28 however, this rate shall not exceed the maximum level
29 authorized by the federal government.
- 30 k. For the fiscal year beginning July 1, 2008, the
31 reimbursement rate for residential care facilities
32 shall not be less than the minimum payment level as
33 established by the federal government to meet the
34 federally mandated maintenance of effort requirement.
35 The flat reimbursement rate for facilities electing
36 not to file semiannual cost reports shall not be less
37 than the minimum payment level as established by the
38 federal government to meet the federally mandated
39 maintenance of effort requirement.
- 40 l. For the fiscal year beginning July 1, 2008,
41 inpatient mental health services provided at hospitals
42 shall be reimbursed at the cost of the services,
43 subject to Medicaid program upper payment limit rules;
44 community mental health centers and providers of
45 mental health services to county residents pursuant to
46 a waiver approved under section 225C.7, subsection 3,
47 shall be reimbursed at 100 percent of the reasonable
48 costs for the provision of services to recipients of
49 medical assistance; and psychiatrists shall be
50 reimbursed at the medical assistance program fee for

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1 service rate.

2 2. For the fiscal year beginning July 1, 2008, the
3 reimbursement rate for providers reimbursed under the
4 in-home-related care program shall not be less than
5 the minimum payment level as established by the
6 federal government to meet the federally mandated
7 maintenance of effort requirement.

8 3. Unless otherwise directed in this section, when
9 the department's reimbursement methodology for any
10 provider reimbursed in accordance with this section
11 includes an inflation factor, this factor shall not
12 exceed the amount by which the consumer price index
13 for all urban consumers increased during the calendar
14 year ending December 31, 2002.

15 4. For the fiscal year beginning July 1, 2008, the
16 foster family basic daily maintenance rate paid in
17 accordance with section 234.38, the maximum adoption
18 subsidy rate, and the maximum supervised apartment
19 living foster care rate for children ages 0 through 5
20 years shall be \$16.36, the rate for children ages 6
21 through 11 years shall be \$17.01, the rate for
22 children ages 12 through 15 years shall be \$18.62, and
23 the rate for children ages 16 and older shall be
24 \$18.87.

25 5. For the fiscal year beginning July 1, 2008, the
26 maximum reimbursement rates for social services
27 providers reimbursed under a purchase of social
28 services contract shall remain at the rates in effect
29 on June 30, 2008, or the provider's actual and
30 allowable cost plus inflation for each service,
31 whichever is less. However, the rates may be adjusted
32 under any of the following circumstances:

33 a. If a new service was added after June 30, 2008,
34 the initial reimbursement rate for the service shall
35 be based upon actual and allowable costs.

36 b. If a social service provider loses a source of
37 income used to determine the reimbursement rate for
38 the provider, the provider's reimbursement rate may be
39 adjusted to reflect the loss of income, provided that
40 the lost income was used to support actual and
41 allowable costs of a service purchased under a
42 purchase of service contract.

43 6. For the fiscal year beginning July 1, 2008, the
44 reimbursement rates for family-centered service
45 providers, family foster care service providers, group
46 foster care service providers, and the resource family
47 recruitment and retention contractor shall remain at
48 rates in effect on June 30, 2008.

49 7. The group foster care reimbursement rates paid
50 for placement of children out of state shall be

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1 calculated according to the same rate-setting
2 principles as those used for in-state providers,
3 unless the director of human services or the
4 director's designee determines that appropriate care
5 cannot be provided within the state. The payment of
6 the daily rate shall be based on the number of days in
7 the calendar month in which service is provided.

8 8. For the fiscal year beginning July 1, 2008,
9 remedial service providers shall receive cost-based
10 reimbursement for 100 percent of the reasonable costs
11 not to exceed the established limit for the provision
12 of services to recipients of medical assistance.

13 9. a. For the fiscal year beginning July 1, 2008,
14 the combined service and maintenance components of the
15 reimbursement rate paid for shelter care services
16 purchased under a contract shall be based on the
17 financial and statistical report submitted to the
18 department. The maximum reimbursement rate shall be
19 \$91.45 per day. The department shall reimburse a
20 shelter care provider at the provider's actual and
21 allowable unit cost, plus inflation, not to exceed the
22 maximum reimbursement rate.

23 b. Notwithstanding section 232.141, subsection 8,
24 for the fiscal year beginning July 1, 2008, the amount
25 of the statewide average of the actual and allowable
26 rates for reimbursement of juvenile shelter care homes
27 that is utilized for the limitation on recovery of
28 unpaid costs shall remain at the amount in effect for
29 this purpose in the preceding fiscal year.

30 10. For the fiscal year beginning July 1, 2008,
31 the department shall calculate reimbursement rates for
32 intermediate care facilities for persons with mental
33 retardation at the 80th percentile.

34 11. For the fiscal year beginning July 1, 2008,
35 for child care providers reimbursed under the state
36 child care assistance program, the department shall
37 set provider reimbursement rates based on the rate
38 reimbursement survey completed in December 2004. The
39 department shall set rates in a manner so as to
40 provide incentives for a nonregistered provider to
41 become registered.

42 12. For the fiscal year beginning July 1, 2008,
43 reimbursements for providers reimbursed by the
44 department of human services may be modified if
45 appropriated funding is allocated for that purpose
46 from the senior living trust fund created in section
47 249H.4, or as specified in appropriations from the
48 healthy Iowans tobacco trust created in section 12.65.

49 13. The department may adopt emergency rules to
50 implement this section.

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1 Sec. 31. 2001 Iowa Acts, chapter 192, section 4,
2 subsection 4, is amended to read as follows:

3 4. ACCOUNTABILITY MEASURERS MEASUREMENTS – ANNUAL
4 ACCOUNTABILITY PAYMENTS.

5 a. It is the intent of the general assembly that
6 the department of human services initiate a system to
7 measure a variety of elements to determine a nursing
8 facility's capacity to provide quality of life and
9 appropriate access to medical assistance program
10 beneficiaries in a cost-effective manner. Beginning
11 July 1, 2001, the department shall implement a process
12 to collect data for these measurements and shall
13 develop procedures to increase nursing facility
14 reimbursements based upon a nursing facility's
15 achievement of multiple favorable outcomes as
16 determined by these measurements. Any increased
17 reimbursement shall not exceed 3 percent of the
18 calculation of the modified price-based case-mix
19 reimbursement median. The increased reimbursement
20 shall be included in the calculation of nursing
21 facility modified price-based payment rates beginning
22 July 1, 2002, with the exception of Medicare-certified
23 hospital-based nursing facilities, state-operated
24 nursing facilities, and special population nursing
25 facilities.

26 ~~b. It is the intent of the general assembly that~~
27 ~~increases in payments to nursing facilities under the~~
28 ~~case mix adjusted component shall be used for the~~
29 ~~provision of direct care with an emphasis on~~
30 ~~compensation to direct care workers. The department~~
31 ~~shall compile and provide a detailed analysis to~~
32 ~~demonstrate growth of direct care costs, increased~~
33 ~~acuity, and care needs of residents. The department~~
34 ~~shall also provide analysis of cost reports submitted~~
35 ~~by providers and the resulting desk review and field~~
36 ~~audit adjustments to reclassify and amend provider~~
37 ~~cost and statistical data. The results of these~~
38 ~~analyses shall be submitted to the general assembly~~
39 ~~for evaluation to determine payment levels following~~
40 ~~the transition funding period.~~

41 b. Beginning July 1, 2008, notwithstanding any law
42 or rule to the contrary, the increased nursing
43 facility reimbursement available pursuant to paragraph
44 "a" shall be based upon the accountability measures
45 and calculations existing on July 1, 2008, pursuant to
46 441 IAC 81.6(16)(g), as adjusted in accordance with
47 the following provisions, and the increased
48 reimbursement shall be disbursed to each qualifying
49 nursing facility as an accountability payment at the
50 end of each fiscal year. The department of human

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1 services shall request any medical assistance state
2 plan amendment necessary to implement the modified
3 accountability payment methodology. If the department
4 does not receive approval of the state plan amendment,
5 the funds designated for the purposes of providing the
6 accountability measures payment shall instead be
7 disbursed through the case-mix reimbursement system:

8 (1) If a nursing facility receives a citation
9 resulting in actual harm pursuant to the federal
10 certification guidelines at a G level scope and
11 severity or higher, the increased reimbursement
12 calculated for payment under this paragraph "b" shall
13 be reduced by 25 percent for each such citation during
14 the year. Additionally, if a nursing facility fails
15 to cure any deficiency cited within the time required
16 by the department of inspections and appeals, the
17 increased reimbursement calculated for payment under
18 this paragraph shall be forfeited and the nursing
19 facility shall not receive any accountability measure
20 payment for the year.

21 (2) If a nursing facility receives a deficiency
22 resulting in actual harm or immediate jeopardy,
23 pursuant to the federal certification guidelines at an
24 H level scope and severity or higher, regardless of
25 the amount of any fines assessed, the increased
26 reimbursement calculated for payment under this
27 paragraph "b" shall be forfeited and the nursing
28 facility shall not receive any accountability measure
29 payment for the year.

30 (3) Beginning July 1, 2008, accountability measure
31 payments to providers shall be reduced by 20 percent
32 of the calculated amount. The percentage reduction
33 shall continue until June 30, 2009, or until such time
34 as the general assembly adopts a modification of the
35 accountability measures system.

36 c. It is the intent of the general assembly that
37 the department of human services assemble a workgroup
38 to develop recommendations to redesign the
39 accountability measures for implementation in the
40 fiscal year beginning July 1, 2009. The workgroup
41 shall include long-term care services stakeholders and
42 advocates including but not limited to representatives
43 of the AARP Iowa chapter, direct care workers,
44 long-term care provider entities, the long-term care
45 resident's advocate, the consumer members of the
46 senior living coordinating unit, the department of
47 elder affairs, the department of inspections and
48 appeals, and the chairpersons and ranking members of
49 the joint appropriations subcommittee on health and
50 human services. The workgroup shall submit its

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1 recommendations for the redesigned accountability
2 measures which shall meet all of the following
3 specifications:
4 (1) Acknowledge and establish higher benchmarks
5 for performance-based reimbursement to those nursing
6 facilities meeting the identified and weighted
7 components recommended by the workgroup.
8 (2) Reinforce the expectation that the
9 performance-based payments will be used to support
10 direct care and support care staff through increased
11 wages, enhanced benefits, and expanded training
12 opportunities and provide a system for determining
13 compliance with this expectation.
14 (3) Identify the best practices that are used in
15 facilities receiving a performance-based payment and
16 create a system to assist other facilities in the
17 implementation of those best practices.

18 Sec. 32. REVIEW – DRUG PRODUCT SELECTION. On or
19 after the effective date of this section, the
20 chairpersons of the joint appropriations subcommittee
21 on health and human services shall convene a group of
22 representatives of appropriate entities to review
23 current law regarding drug product selection. The
24 representatives shall include but are not limited to
25 representatives of the Iowa pharmacy association, the
26 Iowa medical society, pharmacy industry
27 representatives of the Iowa retail federation,
28 advocacy groups, the department of human services, the
29 board of pharmacy, and the department of public
30 health. The legislative services agency shall provide
31 administrative support to the group. The group shall
32 complete its deliberations on or before December 15,
33 2008.

34 Sec. 33. EMERGENCY RULES. If specifically
35 authorized by a provision of this division of this
36 Act, the department of human services or the mental
37 health, mental retardation, developmental
38 disabilities, and brain injury commission may adopt
39 administrative rules under section 17A.4, subsection
40 2, and section 17A.5, subsection 2, paragraph "b", to
41 implement the provisions and the rules shall become
42 effective immediately upon filing or on a later
43 effective date specified in the rules, unless the
44 effective date is delayed by the administrative rules
45 review committee. Any rules adopted in accordance
46 with this section shall not take effect before the
47 rules are reviewed by the administrative rules review
48 committee. The delay authority provided to the
49 administrative rules review committee under section
50 17A.4, subsection 5, and section 17A.8, subsection 9,

1 shall be applicable to a delay imposed under this
 2 section, notwithstanding a provision in those sections
 3 making them inapplicable to section 17A.5, subsection
 4 2, paragraph "b". Any rules adopted in accordance
 5 with the provisions of this section shall also be
 6 published as notice of intended action as provided in
 7 section 17A.4.

8 Sec. 34. REPORTS. Any reports or information
 9 required to be compiled and submitted under this Act
 10 shall be submitted to the chairpersons and ranking
 11 members of the joint appropriations subcommittee on
 12 health and human services, the legislative services
 13 agency, and the legislative caucus staffs on or before
 14 the dates specified for submission of the reports or
 15 information.

16 Sec. 35. EFFECTIVE DATE. The following provisions
 17 of this division of this Act, being deemed of
 18 immediate importance, take effect upon enactment:

19 1. The provision under the appropriation for child
 20 and family services, relating to requirements of
 21 section 232.143 for representatives of the department
 22 of human services and juvenile court services to
 23 establish a plan for continuing group foster care
 24 expenditures for the 2008-2009 fiscal year.

25 2. The section directing the chairpersons of the
 26 joint appropriations subcommittee on health and human
 27 services to convene a group to review drug product
 28 selection.

29 DIVISION II

30 SENIOR LIVING TRUST FUND,
 31 PHARMACEUTICAL SETTLEMENT ACCOUNT,
 32 IOWACARE ACCOUNT, HEALTH CARE
 33 TRANSFORMATION ACCOUNT, AND
 34 PROPERTY TAX RELIEF FUND

35 Sec. 36. DEPARTMENT OF ELDER AFFAIRS. There is
 36 appropriated from the senior living trust fund created
 37 in section 249H.4 to the department of elder affairs
 38 for the fiscal year beginning July 1, 2008, and ending
 39 June 30, 2009, the following amount, or so much
 40 thereof as is necessary, to be used for the purpose
 41 designated:

42 For the development and implementation of a
 43 comprehensive senior living program, including case
 44 management only if the monthly cost per client for
 45 case management for the frail elderly services
 46 provided does not exceed an average of \$70, and
 47 including program administration and costs associated
 48 with implementation:

49 \$ 8,442,707

50 1. Of the funds appropriated in this section,

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1 \$2,196,967 shall be used for case management for the
 2 frail elderly. Of the funds allocated in this
 3 subsection, \$1,010,000 shall be transferred to the
 4 department of human services in equal amounts on a
 5 quarterly basis for reimbursement of case management
 6 services provided under the medical assistance elderly
 7 waiver. The monthly cost per client for case
 8 management for the frail elderly services provided
 9 shall not exceed an average of \$70.

10 2. Notwithstanding section 249H.7, the department
 11 of elder affairs shall distribute up to \$400,000 of
 12 the funds appropriated in this section in a manner
 13 that will supplement and maximize federal funds under
 14 the federal Older Americans Act and shall not use the
 15 amount distributed for any administrative purposes of
 16 either the department of elder affairs or the area
 17 agencies on aging.

18 3. Of the funds appropriated in this section,
 19 \$60,000 shall be used to provide dementia-specific
 20 education to direct care workers and other providers
 21 of long-term care to enhance existing or scheduled
 22 efforts through the Iowa caregivers association, the
 23 Alzheimer's association, and other organizations
 24 identified as appropriate by the department.

25 Sec. 37. DEPARTMENT OF INSPECTIONS AND APPEALS.

26 There is appropriated from the senior living trust
 27 fund created in section 249H.4 to the department of
 28 inspections and appeals for the fiscal year beginning
 29 July 1, 2008, and ending June 30, 2009, the following
 30 amount, or so much thereof as is necessary, to be used
 31 for the purpose designated:

32 For the inspection and certification of assisted
 33 living facilities and adult day care services,
 34 including program administration and costs associated
 35 with implementation:
 36 \$ 1,183,303

37 Sec. 38. DEPARTMENT OF HUMAN SERVICES. There is

38 appropriated from the senior living trust fund created
 39 in section 249H.4 to the department of human services
 40 for the fiscal year beginning July 1, 2008, and ending
 41 June 30, 2009, the following amount, or so much
 42 thereof as is necessary, to be used for the purpose
 43 designated:

44 To supplement the medical assistance appropriations
 45 made in this Act, including program administration and
 46 costs associated with implementation:
 47 \$ 67,500,000

48 In order to carry out the purposes of this section,
 49 the department may transfer funds appropriated in this
 50 section to supplement other appropriations made to the

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1 department of human services.

2 Sec. 39. IOWA FINANCE AUTHORITY. There is
3 appropriated from the senior living trust fund created
4 in section 249H.4 to the Iowa finance authority for
5 the fiscal year beginning July 1, 2008, and ending
6 June 30, 2009, the following amount, or so much
7 thereof as is necessary, to be used for the purposes
8 designated:

9 To provide reimbursement for rent expenses to
10 eligible persons:
11 \$ 700,000

12 Participation in the rent subsidy program shall be
13 limited to only those persons who meet the
14 requirements for the nursing facility level of care
15 for home and community-based services waiver services
16 as in effect on July 1, 2008, and to those individuals
17 who are eligible for the federal money follows the
18 person grant program under the medical assistance
19 program.

20 Sec. 40. PHARMACEUTICAL SETTLEMENT ACCOUNT. There
21 is appropriated from the pharmaceutical settlement
22 account created in section 249A.33 to the department
23 of human services for the fiscal year beginning July
24 1, 2008, and ending June 30, 2009, the following
25 amount, or so much thereof as is necessary, to be used
26 for the purpose designated:

27 To supplement the appropriations made for medical
28 contracts under the medical assistance program:
29 \$ 1,323,833

30 Sec. 41. APPROPRIATIONS FROM IOWACARE ACCOUNT.

31 1. There is appropriated from the IowaCare account
32 created in section 249J.24 to the state board of
33 regents for distribution to the university of Iowa
34 hospitals and clinics for the fiscal year beginning
35 July 1, 2008, and ending June 30, 2009, the following
36 amount, or so much thereof as is necessary, to be used
37 for the purposes designated:

38 For salaries, support, maintenance, equipment, and
39 miscellaneous purposes, for the provision of medical
40 and surgical treatment of indigent patients, for
41 provision of services to members of the expansion
42 population pursuant to chapter 249J, and for medical
43 education:
44 \$ 27,284,584

45 a. Funds appropriated in this subsection shall not
46 be used to perform abortions except medically
47 necessary abortions, and shall not be used to operate
48 the early termination of pregnancy clinic except for
49 the performance of medically necessary abortions. For
50 the purpose of this subsection, an abortion is the

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1 purposeful interruption of pregnancy with the
2 intention other than to produce a live-born infant or
3 to remove a dead fetus, and a medically necessary
4 abortion is one performed under one of the following
5 conditions:

6 (1) The attending physician certifies that
7 continuing the pregnancy would endanger the life of
8 the pregnant woman.

9 (2) The attending physician certifies that the
10 fetus is physically deformed, mentally deficient, or
11 afflicted with a congenital illness.

12 (3) The pregnancy is the result of a rape which is
13 reported within 45 days of the incident to a law
14 enforcement agency or public or private health agency
15 which may include a family physician.

16 (4) The pregnancy is the result of incest which is
17 reported within 150 days of the incident to a law
18 enforcement agency or public or private health agency
19 which may include a family physician.

20 (5) The abortion is a spontaneous abortion,
21 commonly known as a miscarriage, wherein not all of
22 the products of conception are expelled.

23 b. Notwithstanding any provision of law to the
24 contrary, the amount appropriated in this subsection
25 shall be allocated in twelve equal monthly payments as
26 provided in section 249J.24.

27 2. There is appropriated from the IowaCare account
28 created in section 249J.24 to the state board of
29 regents for distribution to the university of Iowa
30 hospitals and clinics for the fiscal year beginning
31 July 1, 2008, and ending June 30, 2009, the following
32 amount, or so much thereof as is necessary, to be used
33 for the purposes designated:

34 For salaries, support, maintenance, equipment, and
35 miscellaneous purposes, for the provision of medical
36 and surgical treatment of indigent patients, for
37 provision of services to members of the expansion
38 population pursuant to chapter 249J, and for medical
39 education:

40 \$ 35,969,365

41 The amount appropriated in this subsection shall be
42 distributed only if expansion population claims
43 adjudicated and paid by the Iowa Medicaid enterprise
44 exceed the appropriation to the state board of regents
45 for distribution to the university of Iowa hospitals
46 and clinics provided in subsection 1. The amount
47 appropriated in this subsection shall be distributed
48 monthly for expansion population claims adjudicated
49 and approved for payment by the Iowa Medicaid
50 enterprise using medical assistance program

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1 reimbursement rates.

2 3. There is appropriated from the IowaCare account
3 created in section 249J.24 to the department of human
4 services for the fiscal year beginning July 1, 2008,
5 and ending June 30, 2009, the following amount, or so
6 much thereof as is necessary, to be used for the
7 purposes designated:

8 For distribution to a publicly owned acute care
9 teaching hospital located in a county with a
10 population over three hundred fifty thousand for the
11 provision of medical and surgical treatment of
12 indigent patients, for provision of services to
13 members of the expansion population pursuant to
14 chapter 249J, and for medical education:

15 \$ 40,000,000

16 Notwithstanding any provision of law to the
17 contrary, the amount appropriated in this subsection
18 shall be allocated in twelve equal monthly payments as
19 provided in section 249J.24. Any amount appropriated
20 in this subsection in excess of \$37,000,000 shall be
21 allocated only if federal funds are available to match
22 the amount allocated.

23 4. There is appropriated from the IowaCare account
24 created in section 249J.24 to the department of human
25 services for the fiscal year beginning July 1, 2008,
26 and ending June 30, 2009, the following amounts, or so
27 much thereof as is necessary, to be used for the
28 purposes designated:

29 a. For the state mental health institute at
30 Cherokee, for salaries, support, maintenance, and
31 miscellaneous purposes, including services to members
32 of the expansion population pursuant to chapter 249J:

33 \$ 3,164,766

34 b. For the state mental health institute at
35 Clarinda, for salaries, support, maintenance, and
36 miscellaneous purposes, including services to members
37 of the expansion population pursuant to chapter 249J:

38 \$ 687,779

39 c. For the state mental health institute at
40 Independence, for salaries, support, maintenance, and
41 miscellaneous purposes, including services to members
42 of the expansion population pursuant to chapter 249J:

43 \$ 3,146,494

44 d. For the state mental health institute at Mount
45 Pleasant, for salaries, support, maintenance, and
46 miscellaneous purposes, including services to members
47 of the expansion population pursuant to chapter 249J:

48 \$ 2,000,961

49 Sec. 42. APPROPRIATIONS FROM ACCOUNT FOR HEALTH
50 CARE TRANSFORMATION. Notwithstanding any provision to

Page 50

1 the contrary, there is appropriated from the account
2 for health care transformation created in section
3 249J.23 to the department of human services for the
4 fiscal year beginning July 1, 2008, and ending June
5 30, 2009, the following amounts, or so much thereof as
6 is necessary, to be used for the purposes designated:

7 1. For the costs of medical examinations and
8 development of personal health improvement plans for
9 the expansion population pursuant to section 249J.6:
10 \$ 556,800

11 2. For the provision of a medical information
12 hotline for the expansion population as provided in
13 section 249J.6:
14 \$ 150,000

15 3. For other health promotion partnership
16 activities pursuant to section 249J.14:
17 \$ 900,000

18 4. For the costs related to audits, performance
19 evaluations, and studies required pursuant to chapter
20 249J:
21 \$ 400,000

22 5. For administrative costs associated with
23 chapter 249J:
24 \$ 1,132,412

25 6. For planning and development, in cooperation
26 with the department of public health, of a phased-in
27 program to provide a dental home for children:
28 \$ 500,000

29 The department shall issue a request for proposals
30 for a performance-based contract to implement the
31 dental home for children and shall apply for any
32 waivers from the centers for Medicare and Medicaid
33 services of the United States department of health and
34 human services as necessary to pursue a phased-in
35 approach. The department shall submit progress
36 reports regarding the planning and development of the
37 dental home for children to the medical assistance
38 projections and assessment council on a periodic
39 basis.

40 7. For a mental health transformation pilot
41 program:
42 \$ 250,000

43 8. For the tuition assistance for individuals
44 serving individuals with disabilities pilot program as
45 enacted in this Act:
46 \$ 500,000

47 9. For payment to the publicly owned acute care
48 teaching hospital located in a county with a
49 population of over 350,000 that is a participating
50 provider pursuant to chapter 249J:

1 \$ 230,000

2 Disbursements under this subsection shall be made
3 monthly. The hospital shall submit a report following
4 the close of the fiscal year regarding use of the
5 funds appropriated in this subsection to the persons
6 specified in this Act to receive reports.

7 10. For transfer to the department of elder
8 affairs to expand the elder abuse initiative program
9 established pursuant to section 231.56A to additional
10 counties:

11 \$ 200,000

12 11. For pregnancy counseling and support services
13 as specified in this subsection:

14 \$ 200,000

15 The department of human services shall establish a
16 pregnancy counseling and support services program to
17 provide core services consisting of information,
18 education, counseling, and support services to women
19 who experience unplanned pregnancies. Funds
20 appropriated in this subsection shall be used by the
21 department to award grants to service providers that
22 have been in existence for at least one year prior to
23 the awarding of the grant and that are experienced and
24 qualified in providing core pregnancy and parenting
25 support services, including but not limited to
26 pregnancy support organizations, maternity homes,
27 social service agencies, and adoption agencies.
28 Priority in the awarding of grants shall be given to
29 programs that serve areas of the state which
30 demonstrate the highest percentage of unplanned
31 pregnancies of females of childbearing age within the
32 geographic area to be served by the grant.

33 Notwithstanding section 8.39, subsection 1, without
34 the prior written consent and approval of the governor
35 and the director of the department of management, the
36 director of human services may transfer funds among
37 the appropriations made in this section as necessary
38 to carry out the purposes of the account for health
39 care transformation. The department shall report any
40 transfers made pursuant to this section to the
41 legislative services agency.

42 Sec. 43. TRANSFER FROM ACCOUNT FOR HEALTH CARE
43 TRANSFORMATION. There is transferred from the account
44 for health care transformation created pursuant to
45 section 249J.23 to the IowaCare account created in
46 section 249J.24 a total of \$3,000,000 for the fiscal
47 year beginning July 1, 2008, and ending June 30, 2009.

48 Sec. 44. IOWACARE PLAN REPORT. The department of
49 human services, in cooperation with the members of the
50 expansion population provider network as specified in

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1 chapter 249J and other interested parties, shall
 2 review the current IowaCare program and shall develop
 3 a plan for continuation, expansion, or elimination of
 4 the IowaCare program beyond June 30, 2010. The plan
 5 shall address the issue of establishing a procedure to
 6 either transfer an expansion population member who
 7 seeks medical care or treatment for a covered service
 8 from a nonparticipating provider to a participating
 9 provider in the expansion population provider network,
 10 or to compensate the nonparticipating provider for
 11 medical care or treatment for a covered service
 12 provided to an expansion population member, if
 13 transfer is not medically possible or if the transfer
 14 is refused and if no other third party is liable for
 15 reimbursement for the services provided. The review
 16 shall also address the issue of the future of the
 17 IowaCare program beyond June 30, 2010, including but
 18 not limited to expansion of the provider network
 19 beyond the initial network, expansion population
 20 member growth projections, member benefits,
 21 alternatives for providing health care coverage to the
 22 expansion population, and other issues pertinent to
 23 the continuation, expansion, or elimination of the
 24 program. The department shall report its findings and
 25 recommendations to the medical assistance projections
 26 and assessment council no later than December 15,
 27 2008.

28 Sec. 45. PROPERTY TAX RELIEF FUND. There is
 29 appropriated from the property tax relief fund created
 30 in section 426B.1 to the department of human services
 31 for the fiscal year beginning July 1, 2008, and ending
 32 June 30, 2009, the following amount, or so much
 33 thereof as is necessary, to be used for the purposes
 34 designated:

35 For the medical assistance program in addition to
 36 the appropriation made in section 426B.1, subsection
 37 3, and other appropriations made for purposes of the
 38 program:

39 \$ 624,000

40 The appropriation made in this section consists of
 41 the revenues credited to the property tax relief fund
 42 pursuant to sections 437A.8 and 437A.15 after November
 43 1, 2007, and before April 1, 2008.

44 Sec. 46. Section 426B.2, subsection 3, Code 2007,
 45 is amended to read as follows:

46 3. a. The director of human services shall draw
 47 warrants on the property tax relief fund, payable to
 48 the county treasurer in the amount due to a county in
 49 accordance with subsection 1 and mail the warrants to
 50 the county auditors in July and January of each year.

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1 b. Any replacement generation tax in the property
2 tax relief fund as of ~~November~~ May 1 shall be paid to
3 the county treasurers in July and January of the
4 fiscal year beginning the following July 1. The
5 department of management shall determine the amount
6 each county will be paid pursuant to this lettered
7 paragraph for the following fiscal year. The
8 department shall reduce by the determined amount the
9 amount of each county's certified budget to be raised
10 by property tax for that fiscal year which is to be
11 expended for mental health, mental retardation, and
12 developmental disabilities services and shall revise
13 the rate of taxation as necessary to raise the reduced
14 amount. The department of management shall report the
15 reduction in the certified budget and the revised rate
16 of taxation to the county auditors by June 15.

17 Sec. 47. MEDICAL ASSISTANCE PROGRAM – REVERSION
18 TO SENIOR LIVING TRUST FUND FOR FY 2008-2009.
19 Notwithstanding section 8.33, if moneys appropriated
20 for purposes of the medical assistance program for the
21 fiscal year beginning July 1, 2008, and ending June
22 30, 2009, from the general fund of the state, the
23 senior living trust fund, the healthy Iowans tobacco
24 trust fund, the health care trust fund, and the
25 property tax relief fund are in excess of actual
26 expenditures for the medical assistance program and
27 remain unencumbered or unobligated at the close of the
28 fiscal year, the excess moneys shall not revert but
29 shall be transferred to the senior living trust fund
30 created in section 249H.4.

31 DIVISION III
32 MH/MR/DD/BI SERVICES
33 ALLOWED GROWTH FUNDING –
34 FY 2008-2009

35 Sec. 48. Section 225C.5, subsection 1, Code 2007,
36 is amended by adding the following new paragraph:
37 NEW PARAGRAPH. ii. One member shall be an active
38 board member of an agency serving persons with a
39 substance abuse problem selected from nominees
40 submitted by the Iowa behavioral health association.

41 Sec. 49. NEW SECTION. 225C.19 EMERGENCY MENTAL
42 HEALTH CRISIS SERVICES SYSTEM.

43 1. For the purposes of this section:

- 44 a. "Emergency mental health crisis services
45 provider" means a provider accredited or approved by
46 the department to provide emergency mental health
47 crisis services.
48 b. "Emergency mental health crisis services
49 system" or "services system" means a coordinated array
50 of crisis services for providing a response to assist

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1 an individual adult or child who is experiencing a
2 mental health crisis or who is in a situation that is
3 reasonably likely to cause the individual to have a
4 mental health crisis unless assistance is provided.

5 2. a. The division shall implement an emergency
6 mental health crisis services system in accordance
7 with this section.

8 b. The purpose of the services system is to
9 provide a statewide array of time-limited intervention
10 services to reduce escalation of crisis situations,
11 relieve the immediate distress of individuals
12 experiencing a crisis situation, reduce the risk of
13 individuals in a crisis situation doing harm to
14 themselves or others, and promote timely access to
15 appropriate services for those who require ongoing
16 mental health services.

17 c. The services system shall be available
18 twenty-four hours per day, seven days per week to any
19 individual who is determined by self or others to be
20 in a crisis situation, regardless of whether the
21 individual has been diagnosed with a mental illness or
22 a co-occurring mental illness and substance abuse
23 disorder, and shall address all ages, income levels,
24 and health coverage statuses.

25 d. The goals of an intervention offered by a
26 provider under the services system shall include but
27 are not limited to symptom reduction, stabilization of
28 the individual receiving the intervention, and
29 restoration of the individual to a previous level of
30 functioning.

31 e. The elements of the services system shall be
32 specified in administrative rules adopted by the
33 commission.

34 3. The services system elements shall include but
35 are not limited to all of the following:

36 a. Standards for accrediting or approving
37 emergency mental health crisis services providers.
38 Such providers may include but are not limited to a
39 community mental health center, a provider approved in
40 a waiver adopted by the commission to provide services
41 to a county in lieu of a community mental health
42 center, a unit of the department or other state
43 agency, a county, or any other public or private
44 provider who meets the accreditation or approval
45 standards for an emergency mental health crisis
46 services provider.

47 b. Identification by the division of geographic
48 regions, service areas, or other means of distributing
49 and organizing the emergency mental health crisis
50 services system to ensure statewide availability of

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1 the services.

2 c. Coordination of emergency mental health crisis
3 services with all of the following:

4 (1) The district and juvenile courts.

5 (2) Law enforcement.

6 (3) Judicial district departments of correctional
7 services.

8 (4) County central point of coordination
9 processes.

10 (5) Other mental health, substance abuse, and
11 co-occurring mental illness and substance abuse
12 services available through the state and counties to
13 serve both children and adults.

14 d. Identification of basic services to be provided
15 through each accredited or approved emergency mental
16 health crisis services provider which may include but
17 are not limited to face-to-face crisis intervention,
18 stabilization, support, counseling, preadmission
19 screening for individuals who may require psychiatric
20 hospitalization, transportation, and follow-up
21 services.

22 e. Identification of operational requirements for
23 emergency mental health crisis services provider
24 accreditation or approval which may include providing
25 a telephone hotline, mobile crisis staff,
26 collaboration protocols, follow-up with community
27 services, information systems, and competency-based
28 training.

29 4. The division shall initially implement the
30 program through a competitive block grant process.
31 The implementation shall be limited to the extent of
32 the appropriations provided for the program.

33 Sec. 50. NEW SECTION. 225C.51 DEFINITIONS.

34 For the purposes of this division:

35 1. "Child" or "children" means a person or persons
36 under eighteen years of age.

37 2. "Children's system" or "mental health services
38 system for children and youth" means the mental health
39 services system for children and youth implemented
40 pursuant to this division.

41 3. "Functional impairment" means difficulties that
42 substantially interfere with or limit a person from
43 achieving or maintaining one or more developmentally
44 appropriate social, behavioral, cognitive,
45 communicative, or adaptive skills and that
46 substantially interfere with or limit the person's
47 role or functioning in family, school, or community
48 activities. "Functional impairment" includes
49 difficulties of episodic, recurrent, and continuous
50 duration. "Functional impairment" does not include

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1 difficulties resulting from temporary and expected
2 responses to stressful events in a person's
3 environment.

4 4. "Other qualifying mental health disorder" means
5 a mental health crisis or any diagnosable mental
6 health disorder that is likely to lead to mental
7 health crisis unless there is an intervention.

8 5. "Serious emotional disturbance" means a
9 diagnosable mental, behavioral, or emotional disorder
10 of sufficient duration to meet diagnostic criteria
11 specified within the most current diagnostic and
12 statistical manual of mental disorders published by
13 the American psychiatric association that results in a
14 functional impairment. "Serious emotional
15 disturbance" does not include substance use and
16 developmental disorders unless such disorders co-occur
17 with such a diagnosable mental, behavioral, or
18 emotional disorder.

19 6. "Youth" means a person eighteen years of age or
20 older but under twenty-two years of age who met the
21 criteria for having a serious emotional disturbance
22 prior to the age of eighteen.

23 Sec. 51. NEW SECTION. 225C.52 MENTAL HEALTH
24 SERVICES SYSTEM FOR CHILDREN AND YOUTH – PURPOSE.

25 1. Establishing a comprehensive community-based
26 mental health services system for children and youth
27 is part of fulfilling the requirements of the division
28 and the commission to facilitate a comprehensive,
29 continuous, and integrated state mental health
30 services plan in accordance with sections 225C.4,
31 225C.6, and 225C.6A, and other provisions of this
32 chapter. The purpose of establishing the children's
33 system is to improve access for children and youth
34 with serious emotional disturbances and youth with
35 other qualifying mental health disorders to mental
36 health treatment, services, and other support in the
37 least restrictive setting possible so the children and
38 youth can live with their families and remain in their
39 communities. The children's system is also intended
40 to meet the needs of children and youth who have
41 mental health disorders that co-occur with substance
42 abuse, mental retardation, developmental disabilities,
43 or other disabilities. The children's system shall
44 emphasize community-level collaborative efforts
45 between children and youth and the families and the
46 state's systems of education, child welfare, juvenile
47 justice, health care, substance abuse, and mental
48 health.

49 2. The goals and outcomes desired for the
50 children's system shall include but are not limited to

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- 1 all of the following:
- 2 a. Identifying the mental health needs of children
- 3 and youth.
- 4 b. Performing comprehensive assessments of
- 5 children and youth that are designed to identify
- 6 functional skills, strengths, and services needed.
- 7 c. Providing timely access to available treatment,
- 8 services, and other support.
- 9 d. Offering information and referral services to
- 10 families to address service needs other than mental
- 11 health.
- 12 e. Improving access to needed mental health
- 13 services by allowing children and youth to be served
- 14 with their families in the community.
- 15 f. Preventing or reducing utilization of more
- 16 costly, restrictive care by reducing the unnecessary
- 17 involvement of children and youth who have mental
- 18 health needs and their families with law enforcement,
- 19 the corrections system, and detention, juvenile
- 20 justice, and other legal proceedings; reducing the
- 21 involvement of children and youth with child welfare
- 22 services or state custody; and reducing the placement
- 23 of children and youth in the state juvenile
- 24 institutions, state mental health institutes, or other
- 25 public or private residential psychiatric facilities.
- 26 g. Increasing the number of children and youth
- 27 assessed for functional skill levels.
- 28 h. Increasing the capacity to develop
- 29 individualized, strengths-based, and integrated
- 30 treatment plans for children, youth, and families.
- 31 i. Promoting communications with caregivers and
- 32 others about the needs of children, youth, and
- 33 families engaged in the children's system.
- 34 j. Developing the ability to aggregate data and
- 35 information, and to evaluate program, service, and
- 36 system efficacy for children, youth, and families
- 37 being served on a local and statewide basis.
- 38 k. Implementing and utilizing outcome measures
- 39 that are consistent with but not limited to the
- 40 national outcomes measures identified by the substance
- 41 abuse and mental health services administration of the
- 42 United States department of health and human services.
- 43 l. Identifying children and youth whose mental
- 44 health or emotional condition, whether chronic or
- 45 acute, represents a danger to themselves, their
- 46 families, school students or staff, or the community.
- 47 Sec. 52. NEW SECTION. 225C.53 ROLE OF DEPARTMENT
- 48 AND DIVISION – TRANSITION TO ADULT SYSTEM.
- 49 1. The department is the lead agency responsible
- 50 for the development, implementation, oversight, and

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1 management of the mental health services system for
2 children and youth in accordance with this chapter.
3 The department's responsibilities shall be fulfilled
4 by the division.

5 2. The division's responsibilities relating to the
6 children's system include but are not limited to all
7 of the following:

8 a. Ensuring that the rules adopted for the
9 children's system provide that, within the limits of
10 appropriations for the children's system, children and
11 youth shall not be inappropriately denied necessary
12 mental health services.

13 b. Establishing standards for the provision of
14 home and community-based mental health treatment,
15 services, and other support under the children's
16 system.

17 c. Identifying and implementing eligibility
18 criteria for the treatment, services, and other
19 support available under the children's system.

20 d. Ongoing implementation of recommendations
21 identified through children's system improvement
22 efforts.

23 3. An adult person who met the criteria for having
24 a serious emotional disturbance prior to the age of
25 eighteen may qualify to continue services through the
26 adult mental health system.

27 Sec. 53. NEW SECTION. 225C.54 MENTAL HEALTH
28 SERVICES SYSTEM FOR CHILDREN AND YOUTH – INITIAL
29 IMPLEMENTATION.

30 1. The mental health services system for children
31 and youth shall be initially implemented by the
32 division commencing with the fiscal year beginning
33 July 1, 2008. The division shall begin implementation
34 by utilizing a competitive bidding process to allocate
35 state block grants to develop services through
36 existing community mental health centers, providers
37 approved in a waiver adopted by the commission to
38 provide services to a county in lieu of a community
39 mental health center, and other local service
40 partners. The implementation shall be limited to the
41 extent of the appropriations provided for the
42 children's system.

43 2. In order to maximize federal financial
44 participation in the children's system, the division
45 and the department's Medicaid program staff shall
46 analyze the feasibility of leveraging existing
47 Medicaid options, such as expanding the home and
48 community-based services waiver for children's mental
49 health services, reviewing the feasibility of
50 implementing other Medicaid options such as the

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1 federal Tax Equity and Financial Responsibility Act of
2 1982 (TEFRA) option for children with severe mental
3 illness or emotional disturbance and Medicaid
4 administrative funding, and determining the need for
5 service enhancements through revisions to the Medicaid
6 state plan and the federal state children's health
7 insurance program and the healthy and well kids in
8 Iowa program.

9 3. Initial block grants shall support a wide range
10 of children, youth, and family services and
11 initiatives including but not limited to school-based
12 mental health projects, system reviews providing
13 service gap analysis, status studies of the mental
14 health needs of children and youth in representative
15 areas of the state, and mental health assessment
16 capacity development based in public and nonpublic
17 schools and clinical settings using standard
18 functional assessment tools. The purpose of
19 developing the assessment capacity is to determine
20 children's and youths' degree of impairment in daily
21 functioning due to emotional, behavioral,
22 psychological, psychiatric, or substance use problems.

23 4. The initial block grants may also support an
24 array of programs and services including but not
25 limited to mobile crisis intervention services, or
26 other support intended to prevent more intensive or
27 in-patient interventions, skills training, intensive
28 care coordination, and cognitive-behavioral and
29 multisystemic family therapy. In addition, support
30 may be provided for prevention-oriented services
31 including mental health consultations regarding home
32 visits, child welfare, juvenile justice, and maternal
33 and child health services, and consultation for
34 preschool programs.

35 5. The division shall report regularly to the
36 commission, general assembly, and governor concerning
37 the implementation status of the children's system,
38 including but not limited to an annual report
39 submitted each January. The report may address
40 funding requirements and statutory amendments
41 necessary to further develop the children's system.

42 Sec. 54. Section 331.439, subsection 1, paragraph
43 a, Code Supplement 2007, is amended to read as
44 follows:

45 a. The county accurately reported by December 1
46 the county's expenditures for mental health, mental
47 retardation, and developmental disabilities services
48 and the information required under section 225C.6A,
49 subsection 2, paragraph "c", for the previous fiscal
50 year on forms prescribed by rules adopted by the state

1 commission. If the department determines good cause
 2 exists, the department may extend a deadline otherwise
 3 imposed under this chapter, chapter 225C, or chapter
 4 426B for a county's reporting concerning mental
 5 health, mental retardation, or developmental
 6 disabilities services or related revenues and
 7 expenditures.

8 Sec. 55. 2007 Iowa Acts, chapter 215, section 1,
 9 is amended to read as follows:

10 SECTION 1. COUNTY MENTAL HEALTH, MENTAL
 11 RETARDATION, DEVELOPMENTAL DISABILITIES, AND BRAIN
 12 INJURY ALLOWED GROWTH APPROPRIATION AND ALLOCATIONS –
 13 FISCAL YEAR 2008-2009.

14 1. There is appropriated from the general fund of
 15 the state to the department of human services for the
 16 fiscal year beginning July 1, 2008, and ending June
 17 30, 2009, the following amount, or so much thereof as
 18 is necessary, to be used for the purpose designated:

19 For distribution to counties of the county mental
 20 health, mental retardation, and developmental
 21 disabilities allowed growth factor adjustment for
 22 fiscal year 2008-2009, and for the brain injury
 23 services program in the department of public health:
 24 \$ 64,600,002
 25 54,081,310

26 ~~2. The amount appropriated in this section shall~~
 27 ~~be allocated as provided in a later enactment of the~~
 28 ~~general assembly.~~

29 2. There is appropriated from the property tax
 30 relief fund to the department of human services for
 31 the fiscal year beginning July 1, 2008, and ending
 32 June 30, 2009, the following amount, or so much
 33 thereof as is necessary, to be used for the purposes
 34 designated:

35 For distribution to counties of the county mental
 36 health, mental retardation, and developmental
 37 disabilities allowed growth factor adjustment, as
 38 provided in this section in lieu of the provisions of
 39 section 331.438, subsection 2, and section 331.439,
 40 subsection 3, and chapter 426B:
 41 \$ 7,592,099

42 Sec. 56. 2007 Iowa Acts, chapter 215, section 1,
 43 as amended by this division of this Act, is amended by
 44 adding the following new subsections:

45 NEW SUBSECTION. 3. Of the amount appropriated in
 46 subsection 1, \$12,000,000 shall be distributed as
 47 provided in this subsection.

48 a. To be eligible to receive a distribution under
 49 this subsection, a county must meet the following
 50 requirements:

1 (1) The county is levying for the maximum amount
 2 allowed for the county's mental health, mental
 3 retardation, and developmental disabilities services
 4 fund under section 331.424A for taxes due and payable
 5 in the fiscal year beginning July 1, 2008, or the
 6 county is levying for at least 90 percent of the
 7 maximum amount allowed for the county's services fund
 8 and that levy rate is more than \$2 per \$1,000 of the
 9 assessed value of all taxable property in the county.

10 (2) In the fiscal year beginning July 1, 2007, the
 11 county's mental health, mental retardation, and
 12 developmental disabilities services fund ending
 13 balance under generally accepted accounting principles
 14 was equal to or less than 15 percent of the county's
 15 actual gross expenditures for that fiscal year.

16 b. A county's allocation of the amount
 17 appropriated in this subsection shall be determined
 18 based upon the county's proportion of the general
 19 population of the counties eligible to receive an
 20 allocation under this subsection. The most recent
 21 population estimates issued by the United States
 22 bureau of the census shall be applied in determining
 23 population for the purposes of this paragraph.

24 c. The allocations made pursuant to this
 25 subsection are subject to the distribution provisions
 26 and withholding requirements established in this
 27 section for the county mental health, mental
 28 retardation, and developmental disabilities allowed
 29 growth factor adjustment for the fiscal year beginning
 30 July 1, 2008.

31 NEW SUBSECTION. 4. The funding appropriated in
 32 this section is the allowed growth factor adjustment
 33 for fiscal year 2008-2009, and shall be credited to
 34 the allowed growth funding pool created in the
 35 property tax relief fund and for distribution in
 36 accordance with section 426B.5, subsection 1:
 37 \$ 49,673,409

38 NEW SUBSECTION. 5. The following formula amounts
 39 shall be utilized only to calculate preliminary
 40 distribution amounts for fiscal year 2008-2009 under
 41 this section by applying the indicated formula
 42 provisions to the formula amounts and producing a
 43 preliminary distribution total for each county:

44 a. For calculation of a distribution amount for
 45 eligible counties from the allowed growth funding pool
 46 created in the property tax relief fund in accordance
 47 with the requirements in section 426B.5, subsection 1:
 48 \$ 57,337,985

49 b. For calculation of a distribution amount for
 50 counties from the mental health and developmental

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1 disabilities (MH/DD) community services fund in
 2 accordance with the formula provided in the
 3 appropriation made for the MH/DD community services
 4 fund for the fiscal year beginning July 1, 2008:
 5 \$ 17,727,890

6 NEW SUBSECTION. 6. After applying the applicable
 7 statutory distribution formulas to the amounts
 8 indicated in subsection 5 for purposes of producing
 9 preliminary distribution totals, the department of
 10 human services shall apply a withholding factor to
 11 adjust an eligible individual county's preliminary
 12 distribution total. In order to be eligible for a
 13 distribution under this section, a county must be
 14 levying seventy percent or more of the maximum amount
 15 allowed for the county's mental health, mental
 16 retardation, and developmental disabilities services
 17 fund under section 331.424A for taxes due and payable
 18 in the fiscal year for which the distribution is
 19 payable. An ending balance percentage for each county
 20 shall be determined by expressing the county's ending
 21 balance on a modified accrual basis under generally
 22 accepted accounting principles for the fiscal year
 23 beginning July 1, 2007, in the county's mental health,
 24 mental retardation, and developmental disabilities
 25 services fund created under section 331.424A, as a
 26 percentage of the county's gross expenditures from
 27 that fund for that fiscal year. If a county borrowed
 28 moneys for purposes of providing services from the
 29 county's services fund on or before July 1, 2007, and
 30 the county's services fund ending balance for that
 31 fiscal year includes the loan proceeds or an amount
 32 designated in the county budget to service the loan
 33 for the borrowed moneys, those amounts shall not be
 34 considered to be part of the county's ending balance
 35 for purposes of calculating an ending balance
 36 percentage under this subsection. The withholding
 37 factor for a county shall be the following applicable
 38 percent:

- 39 a. For an ending balance percentage of less than 5
 40 percent, a withholding factor of 0 percent. In
 41 addition, a county that is subject to this lettered
 42 paragraph shall receive an inflation adjustment equal
 43 to 3 percent of the gross expenditures reported for
 44 the county's services fund for the fiscal year.
- 45 b. For an ending balance percentage of 5 percent
 46 or more but less than 10 percent, a withholding factor
 47 of 0 percent. In addition, a county that is subject
 48 to this lettered paragraph shall receive an inflation
 49 adjustment equal to 2 percent of the gross
 50 expenditures reported for the county's services fund

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1 for the fiscal year.

2 c. For an ending balance percentage of 10 percent
3 or more but less than 25 percent, a withholding factor
4 of 25 percent. However, for counties with an ending
5 balance percentage of 10 percent or more but less than
6 15 percent, the amount withheld shall be limited to
7 the amount by which the county's ending balance was in
8 excess of the ending balance percentage of 10 percent.

9 d. For an ending balance percentage of 25 percent
10 or more, a withholding percentage of 100 percent.

11 NEW SUBSECTION. 7. The total withholding amounts
12 applied pursuant to subsection 6 shall be equal to a
13 withholding target amount of \$7,664,576. If the
14 department of human services determines that the
15 amount to be withheld in accordance with subsection 6
16 is not equal to the target withholding amount, the
17 department shall adjust the withholding factors listed
18 in subsection 6 as necessary to achieve the target
19 withholding amount. However, in making such
20 adjustments to the withholding factors, the department
21 shall strive to minimize changes to the withholding
22 factors for those ending balance percentage ranges
23 that are lower than others and shall not adjust the
24 zero withholding factor or the inflation adjustment
25 percentage specified in subsection 6, paragraph "a".

26 NEW SUBSECTION. 8. It is the intent of the
27 general assembly that for distribution of the moneys
28 addressed in this section to counties for the fiscal
29 year beginning July 1, 2009, any factor utilizing
30 services fund ending balances will be based upon the
31 fiscal year beginning July 1, 2007.

32 NEW SUBSECTION. 9. a. The department of human
33 services may implement a pilot project for a regional
34 service network established for mental health, mental
35 retardation, and developmental disabilities services
36 paid from the services funds under section 331.424A.
37 The initial term of the pilot project is limited to
38 the two-year period beginning July 1, 2008, and ending
39 June 30, 2010.

40 b. Under the pilot project, the department may
41 enter into an agreement with the counties
42 participating in the pilot project to administer a
43 risk-based contract for the mental health, mental
44 retardation, and developmental disabilities services
45 provided by the participating counties. The pilot
46 project provisions may include but are not limited to
47 all of the following:

48 (1) Pooling of the participating counties services
49 fund moneys.

50 (2) Pooling of waiver slots for the participating

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1 counties.

2 (3) To the extent allowed under federal
3 requirements, decategorizing the funding streams for
4 mental health, mental retardation, and developmental
5 disabilities available to the counties participating
6 in the pilot project.

7 (4) If the department implements a new program,
8 initiative, or service addressing the needs of the
9 populations receiving services paid for by a county
10 services fund, adapting any associated requirements to
11 optimize implementation within the pilot project
12 counties.

13 c. For purposes of qualifying for the allowed
14 growth and MH/DD community services fund moneys
15 distributed under this section, the minimum levy and
16 services fund ending balances of the counties
17 participating in the pilot project may be combined and
18 an average utilized to qualify for the moneys.

19 d. For the allowed growth and MH/DD community
20 services fund moneys distributed for the fiscal year
21 beginning July 1, 2009, provided the counties
22 participating in the pilot project do not reduce
23 levies below the required percentages, the combined
24 percentage of those moneys of such counties shall not
25 be less than the combined percentage of such moneys in
26 the preceding fiscal year.

27 e. A county's participation in the pilot project
28 and the provisions of the pilot project must be agreed
29 upon by the department and the board of supervisors of
30 each of the counties participating in the pilot
31 project.

32 f. The department may specify a minimum population
33 level and other prerequisites for the consortium of
34 counties participating in the pilot project.

35 g. The pilot project counties shall provide
36 periodic performance and evaluation information to the
37 department, governor, and general assembly.

38 **Sec. 57. COUNTY-STATE SHARED FUNDING FOR MENTAL**
39 **HEALTH AND DISABILITY SERVICES COVERED BY THE MEDICAID**
40 **PROGRAM.**

41 1. The legislative council is requested to
42 authorize for the 2008 legislative interim a task
43 force to consider county-state shared funding for
44 mental health and disability services covered by the
45 Medicaid program. The membership of the task force
46 should include five legislators from each chamber, one
47 member of the mental health, mental retardation,
48 developmental disabilities, and brain injury
49 (MH/MR/DD/BI) commission; three members of county
50 boards of supervisors, with one each from a large,

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1 medium, and small population county; three staff
2 members from the county central point of coordination
3 (CPC) office, with one each from a large, medium, and
4 small population county; two individuals representing
5 advocacy organizations, one of which shall be the
6 governor's developmental disabilities council; one
7 current consumer of county MH/MR/DD services; and one
8 MH/MR/DD/BI service provider representative from each
9 of the state's five congressional districts.

10 2. The task force should be charged to review and
11 estimate the shared impact for the state and for Iowa
12 counties if financial responsibility for the
13 nonfederal share of the costs of mental health and
14 disability services covered under the Medicaid program
15 is shifted from counties to the state. The task force
16 should be charged to develop an eight-year transition
17 plan that reflects the shared responsibility of costs
18 and service delivery resulting from the shift in
19 responsibilities. It is the intent of the general
20 assembly that the task force will be formed by June
21 15, 2008, and meet a minimum of four times in 2008.

22 3. In addition to legislative staff,
23 representatives of the department of management, the
24 Iowa state association of counties, the department of
25 human services, association of community providers,
26 and Iowa substance abuse program directors association
27 shall comprise a team of resource experts to the task
28 force.

29 4. The task force's final report for consideration
30 by the 2009 regular session of the general assembly
31 and governor shall include findings and
32 recommendations and a service delivery and funding
33 transition plan.

34 Sec. 58. COMMUNITY MENTAL HEALTH CENTER LAW
35 UPDATE.

36 1. The administrator of the division of mental
37 health and disability services of the department of
38 human services shall appoint a stakeholder advisory
39 committee to develop a proposal for updating and
40 revising Code chapter 230A, relating to community
41 mental health centers, and for revising the
42 accreditation standards in rule that would result from
43 the statutory revisions.

44 2. The membership of the advisory committee shall
45 include all of the following:

- 46 a. Five voting members representing the board of
47 directors and professional staff of community mental
48 health centers and division staff, selected by the
49 administrator.
- 50 b. Five voting members, not more than two of whom

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1 shall be employed by, providing services to, or
2 otherwise affiliated with a community mental health
3 center, selected one each by the following:

4 (1) The child welfare advisory committee
5 established pursuant to section 234.3.

6 (2) The coalition for family and children's
7 services in Iowa.

8 (3) The Iowa association of community providers.

9 (4) The Iowa chapter of the national association
10 of social workers.

11 (5) The Iowa psychological association jointly
12 with the Iowa psychiatric society.

13 c. Four ex officio, nonvoting members selected one
14 each by the following:

15 (1) A member of the senate selected by the
16 majority leader of the senate.

17 (2) A member of the senate selected by the
18 minority leader of the senate.

19 (3) A member of the house of representatives
20 selected by the speaker of the house of
21 representatives.

22 (4) A member of the house of representatives
23 selected by the minority leader of the house of
24 representatives.

25 Those selecting the voting members of the advisory
26 committee shall identify more than one option as
27 necessary for the membership to comply with the
28 political affiliation and gender balance requirements
29 of sections 69.16 and 69.16A.

30 3. The advisory committee recommendations shall
31 include but are not limited to addressing Code chapter
32 230A requirements in the following areas:
33 establishment and support of community mental health
34 centers, services offered, consumer and family
35 involvement, capability to address co-occurring
36 disorders, forms of organization, board of directors,
37 organization meetings, duties and powers of directors,
38 center organization as a nonprofit entity, annual
39 budget, financial support of centers through federal
40 and state block grants, comprehensive community mental
41 health programs, target populations to be served,
42 emergency mental health crisis services, quality
43 improvement programs, use of evidence-based practices,
44 use of functional assessments and outcomes measures,
45 establishment of standards, and review and evaluation
46 processes.

47 4. The advisory committee shall submit its report
48 with findings and recommendations to the governor and
49 general assembly on or before December 1, 2008. Until
50 the advisory committee report has been considered and

1 acted upon by the general assembly, the division
 2 administrator may defer consideration of requests for
 3 accreditation of a new community mental health center
 4 or for approval of a provider to fill the role of a
 5 community mental health center.

6 DIVISION IV

7 HEALTH CARE TRUST FUND APPROPRIATIONS –
 8 HEALTH CARE ACTIVITIES

9 Sec. 59. DEPARTMENT OF PUBLIC HEALTH. The
 10 allocations made in this section may include amounts
 11 carried forward from appropriations and allocations
 12 made for the same purposes in the previous fiscal
 13 year. In addition to any other appropriation made in
 14 this Act for the purposes designated, there is
 15 appropriated from the health care trust fund created
 16 in section 453A.35A to the department of public health
 17 for the fiscal year beginning July 1, 2008, and ending
 18 June 30, 2009, the following amounts, or so much
 19 thereof as is necessary, for the purposes designated,
 20 and for not more than the following full-time
 21 equivalent positions:

22 1. ADDICTIVE DISORDERS

23 \$ 2,955,164
 24 FTEs 5.00

25 a. Of the funds appropriated in this subsection,
 26 \$450,000 shall be used for culturally competent
 27 substance abuse treatment pilot projects.

28 (1) The department shall utilize the amount
 29 allocated in this lettered paragraph for at least
 30 three pilot projects to provide culturally competent
 31 substance abuse treatment in various areas of the
 32 state. Each pilot project shall target a particular
 33 ethnic minority population. The populations targeted
 34 shall include but are not limited to African-American,
 35 Asian, and Latino.

36 (2) The pilot project requirements shall provide
 37 for documentation or other means to ensure access to
 38 the cultural competence approach used by a pilot
 39 project so that such approach can be replicated and
 40 improved upon in successor programs.

41 b. Of the funds appropriated in this subsection,
 42 \$2,747,754 shall be used for tobacco use prevention,
 43 cessation, and treatment. The department shall
 44 utilize the funds to provide for a variety of
 45 activities related to tobacco use prevention,
 46 cessation, and treatment including to support Quitline
 47 Iowa, QuitNet cessation counseling and education,
 48 grants to school districts and community organizations
 49 to support Just Eliminate Lies youth chapters and
 50 youth tobacco prevention activities, the Just

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1 Eliminate Lies tobacco prevention media campaign,
 2 nicotine replacement therapy, and other prevention and
 3 cessation materials and media promotion. Of the funds
 4 allocated in this lettered paragraph, \$255,000 may be
 5 utilized by the department for administrative
 6 purposes.

7 c. Of the funds appropriated in this subsection,
 8 \$682,000 shall be used for substance abuse treatment
 9 activities.

10 2. HEALTHY CHILDREN AND FAMILIES

11 \$ 667,700
 12 FTEs 1.00

13 a. Of the funds appropriated in this subsection,
 14 \$200,000 shall be used to address the healthy mental
 15 development of children from birth through five years
 16 of age through local evidence-based strategies that
 17 engage both the public and private sectors in
 18 promoting healthy development, prevention, and
 19 treatment for children.

20 b. Of the funds appropriated in this subsection,
 21 \$180,000 shall be used for childhood obesity
 22 prevention.

23 c. Of the funds appropriated in this subsection,
 24 \$39,000 shall be used for the dental screening of
 25 children program pursuant to 2007 Iowa Acts, chapter
 26 146, section 1.

27 d. Of the funds appropriated in this subsection,
 28 \$10,000 shall be used for public health education and
 29 awareness of the children's vision initiatives,
 30 including the InfantSee program and the student vision
 31 program, administered through a statewide association
 32 of optometric professionals for infants and preschool
 33 children.

34 e. Of the funds appropriated in this subsection,
 35 \$238,500 shall be used to provide audiological
 36 services and hearing aids for children. The
 37 department may enter into a contract to administer
 38 this paragraph.

39 f. It is the intent of the general assembly that
 40 the department of public health shall implement the
 41 recommendations of the postnatal tissue and fluid bank
 42 task force created in 2007 Iowa Acts, chapter 147,
 43 based upon the report submitted to the general
 44 assembly in November 2007, as funding becomes
 45 available. The department shall notify the Iowa Code
 46 editor and the persons specified in this Act to
 47 receive reports when such funding becomes available.

48 3. CHRONIC CONDITIONS

49 \$ 1,164,181
 50 FTEs 1.00

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1 a. Of the funds appropriated in this subsection,
2 \$473,981 shall be used for child health specialty
3 clinics.

4 b. Of the funds appropriated in this subsection,
5 \$500,000 shall be used for the comprehensive cancer
6 control program to reduce the burden of cancer in Iowa
7 through prevention, early detection, effective
8 treatment, and ensuring quality of life. The
9 department shall utilize one of the full-time
10 equivalent positions authorized in this subsection for
11 administration of the activities related to the
12 comprehensive cancer control program.

13 c. Of the funds appropriated in this subsection,
14 \$5,000 shall be used for the hemophilia advisory
15 council pursuant to chapter 135N.

16 d. Of the funds appropriated in this subsection,
17 \$200,000 shall be used for cervical and colon cancer
18 screening.

19 4. COMMUNITY CAPACITY

20 \$ 2,790,000

21 FTEs 6.00

22 a. Of the funds appropriated in this subsection,
23 \$75,000 shall be used to further develop and implement
24 at the state level, and pilot at the local level, the
25 Iowa public health standards approved by the
26 department.

27 b. Of the funds appropriated in this subsection,
28 \$200,000 shall be used for the mental health
29 professional shortage area program implemented
30 pursuant to section 135.80.

31 c. Of the funds appropriated in this subsection,
32 \$50,000 shall be used for a grant to a statewide
33 association of psychologists that is affiliated with
34 the American psychological association to be used for
35 continuation of a program to rotate intern
36 psychologists in placements in urban and rural mental
37 health professional shortage areas, as defined in
38 section 135.80.

39 d. Of the funds appropriated in this subsection,
40 the following amounts shall be allocated to the Iowa
41 collaborative safety net provider network established
42 pursuant to section 135.153 to be used for the
43 purposes designated:

44 (1) For distribution to the Iowa-Nebraska primary
45 care association for statewide coordination of the
46 Iowa collaborative safety net provider network:
47 \$ 100,000

48 (2) For distribution to the Iowa family planning
49 network agencies for necessary infrastructure,
50 statewide coordination, provider recruitment, service

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1 delivery, and provision of assistance to patients in
2 determining an appropriate medical home:

3 \$ 100,000

4 (3) For distribution to the local boards of health
5 that provide direct services for pilot programs in
6 three counties to assist patients in determining an
7 appropriate medical home:

8 \$ 100,000

9 (4) For distribution to maternal and child health
10 centers for pilot programs in three counties to assist
11 patients in determining an appropriate medical home:

12 \$ 100,000

13 (5) For distribution to free clinics for necessary
14 infrastructure, statewide coordination, provider
15 recruitment, service delivery, and provision of
16 assistance to patients in determining an appropriate
17 medical home:

18 \$ 250,000

19 (6) For distribution to rural health clinics for
20 necessary infrastructure, statewide coordination,
21 provider recruitment, service delivery, and provision
22 of assistance to patients in determining an
23 appropriate medical home:

24 \$ 150,000

25 (7) For continuation of the safety net provider
26 patient access to specialty health care initiative as
27 described in 2007 Iowa Acts, ch. 218, section 109:

28 \$ 400,000

29 (8) For continuation of the pharmaceutical
30 infrastructure for safety net providers as described
31 in 2007 Iowa Acts, ch. 218, section 108:

32 \$ 400,000

33 The Iowa collaborative safety net provider network
34 may continue to distribute funds allocated pursuant to
35 this paragraph "d" through existing contracts or
36 renewal of existing contracts.

37 e. Of the funds appropriated in this subsection,
38 \$650,000 shall be used for the incubation grant
39 program to community health centers that receive a
40 total score of 85 based on the evaluation criteria of
41 the health resources and services administration of
42 the United States department of health and human
43 services.

44 f. Of the funds appropriated in this subsection,
45 \$75,000 shall be used for implementation of the
46 recommendations of the direct care worker task force
47 established pursuant to 2005 Iowa Acts, chapter 88,
48 based upon the report submitted to the governor and
49 the general assembly in December 2006.

50 g. Of the funds appropriated in this subsection,

1 \$140,000 shall be used for allocation to an
 2 independent statewide direct care worker association
 3 for education, outreach, leadership development,
 4 mentoring, and other initiatives intended to enhance
 5 the recruitment and retention of direct care workers
 6 in health and long-term care.

7 h. The department shall utilize one of the
 8 full-time equivalent positions authorized in this
 9 subsection for administration of the activities
 10 related to the Iowa collaborative safety net provider
 11 network.

12 i. The department shall utilize one of the
 13 full-time equivalent positions authorized in this
 14 subsection for administration of the voluntary health
 15 care provider program pursuant to section 135.24.

16 Sec. 60. DEPARTMENT OF HUMAN SERVICES. In
 17 addition to any other appropriation made in this Act
 18 for the purposes designated, there is appropriated
 19 from the health care trust fund created in section
 20 453A.35A to the department of human services for the
 21 fiscal year beginning July 1, 2008, and ending June
 22 30, 2009, the following amounts, or so much thereof as
 23 is necessary, for the purposes designated:

24 1. MEDICAL ASSISTANCE
 25 \$ 113,690,856

26 Of the funds appropriated in this subsection,
 27 \$250,000 shall be used for the grant to the Iowa
 28 healthcare collaborative as described in section
 29 135.40.

30 2. MH/MR/DD ALLOWED GROWTH FACTOR
 31 \$ 7,592,099

32 The funds appropriated in this subsection shall be
 33 credited to the property tax relief fund created in
 34 section 426B.1.

35 Sec. 61. BEHAVIORAL HEALTH – DEVELOPING WORKFORCE
 36 COMPETENCIES.

37 1. The department of public health shall continue
 38 during the fiscal year beginning July 1, 2008, the
 39 collaborative work with the departments of
 40 corrections, education, elder affairs, and human
 41 services, and other state agencies, commenced pursuant
 42 to 2007 Iowa Acts, ch. 218, section 111, to enhance
 43 the workforce competencies of professional and direct
 44 care staff who provide behavioral health services,
 45 including but not limited to all of the following:

- 46 a. Treatment of persons with co-occurring mental
- 47 health and substance use disorders.
- 48 b. Treatment of children with mental health or
- 49 substance use disorders.
- 50 c. Treatment of persons with serious mental

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1 illness.

2 d. Treatment of veterans of United States or Iowa
3 military service with mental health or substance use
4 disorders.

5 e. Treatment of older adults with mental health or
6 substance use disorders.

7 2. The department's collaborative effort shall
8 utilize the findings of the substance abuse and mental
9 health services administration of the United States
10 department of health and human services and materials
11 developed by the Annapolis coalition on the behavioral
12 health workforce in planning and implementing efforts
13 to enhance the competency-based training of the
14 state's behavioral health workforce.

15 DIVISION V

16 APPROPRIATION-RELATED CHANGES – EFFECTIVE DATE

17 Sec. 62. Section 35D.18, subsection 5, Code 2007,
18 is amended to read as follows:

19 5. Notwithstanding section 8.33, ~~up to five~~
20 ~~hundred thousand dollars of any balance in the Iowa~~
21 ~~veterans home revenue~~ annual appropriation or revenues
22 ~~that remain remains~~ unencumbered or unobligated at the
23 close of the fiscal year shall not revert but shall
24 remain available for expenditure for specified
25 purposes of the Iowa veterans home until the close of
26 the succeeding fiscal year.

27 JUVENILE DETENTION HOME FUND

28 Sec. 63. HEALTHY IOWANS TOBACCO TRUST. There is
29 appropriated from the healthy Iowans tobacco trust
30 created in section 12.65, to the department of human
31 services for the fiscal year beginning July 1, 2007,
32 and ending June 30, 2008, for deposit in the juvenile
33 detention home fund created in section 232.142:

34 \$ 1,000,000

35 CHILD WELFARE DECATEGORYIZATION

36 FY 2006-2007 NONREVERSION

37 Sec. 64. 2006 Iowa Acts, chapter 1184, section 17,
38 subsection 4, is amended by adding the following new
39 unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
41 232.188, subsection 5, moneys from the allocations
42 made in this subsection or made from any other source
43 for the decategorization of child welfare and juvenile
44 justice funding initiative under section 232.188, that
45 are designated as carryover funding and that remain
46 unencumbered or unobligated at the close of the fiscal
47 year beginning July 1, 2007, shall not revert but
48 shall remain available for expenditure until the close
49 of the succeeding fiscal year to be used for the
50 purposes of continuing the initiative in the

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1 succeeding fiscal year.

2 VIETNAM CONFLICT VETERANS BONUS FUND

3 Sec. 65. 2007 Iowa Acts, chapter 176, section 3,
4 is amended by adding the following new unnumbered
5 paragraph:

6 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
7 8.33, moneys appropriated in this section that remain
8 unencumbered or unobligated at the close of the fiscal
9 year shall not revert but shall remain available for
10 expenditure for the purposes designated until the
11 close of the succeeding fiscal year.

12 INJURED VETERANS GRANT PROGRAM

13 Sec. 66. 2006 Iowa Acts, chapter 1184, section 5,
14 as enacted by 2007 Iowa Acts, chapter 203, section 1,
15 subsection 4, unnumbered paragraph 2, is amended to
16 read as follows:

17 Notwithstanding section 8.33, moneys appropriated
18 in this subsection that remain unencumbered or
19 unobligated at the close of the fiscal year shall not
20 revert but shall remain available for expenditure for
21 the purposes designated until the close of the
22 ~~succeeding~~ fiscal year beginning July 1, 2008.

23 DEPARTMENT OF ELDER AFFAIRS – LIVABLE
24 COMMUNITY INITIATIVE

25 Sec. 67. 2007 Iowa Acts, chapter 215, section 32,
26 is amended by adding the following new subsection:
27 NEW SUBSECTION. 4. Notwithstanding section 8.33,
28 moneys appropriated in this section that remain
29 unencumbered or unobligated at the close of the fiscal
30 year shall not revert but shall remain available for
31 expenditure for the purposes designated until the
32 close of the succeeding fiscal year.

33 CHRONIC CONDITIONS – PKU

34 Sec. 68. 2007 Iowa Acts, chapter 218, section 2,
35 subsection 3, unnumbered paragraph 2, is amended to
36 read as follows:

37 Of the funds appropriated in this subsection,
38 \$100,000 shall be used as additional funding to
39 provide grants to individual patients who have
40 phenylketonuria (PKU) to assist with the costs of
41 necessary special foods. Notwithstanding section
42 8.33, moneys appropriated in this subsection and
43 allocated in this paragraph that remain unencumbered
44 or unobligated at the close of the fiscal year shall
45 not revert but shall remain available for expenditure
46 for the purposes designated until the close of the
47 succeeding fiscal year.

48 PUBLIC PROTECTION – ANTIVIRAL STOCKPILE

49 Sec. 69. 2007 Iowa Acts, chapter 218, section 2,
50 subsection 8, paragraph d, is amended to read as

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1 follows:

2 d. Of the funds appropriated in this subsection,
3 \$150,000 shall be used for management of the antiviral
4 stockpile. Notwithstanding section 8.33, moneys
5 appropriated in this subsection and allocated in this
6 paragraph that remain unencumbered or unobligated at
7 the close of the fiscal year shall not revert but
8 shall remain available for expenditure for the
9 purposes designated until the close of the succeeding
10 fiscal year.

11 DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

12 Sec. 70. 2007 Iowa Acts, chapter 218, section 4,
13 subsection 1, is amended by adding the following new
14 unnumbered paragraph:

15 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
16 8.33, up to \$100,000 of the moneys appropriated in
17 this subsection that remain unencumbered or
18 unobligated at the close of the fiscal year shall not
19 revert but shall remain available for expenditure for
20 the purposes designated in this paragraph until the
21 close of the succeeding fiscal year. The purposes
22 shall include the sign for the veterans cemetery and
23 other necessary expenses.

24 COUNTY GRANT PROGRAM

25 Sec. 71. 2007 Iowa Acts, chapter 218, section 4,
26 subsection 4, unnumbered paragraph 3, is amended to
27 read as follows:

28 Notwithstanding section 8.33, moneys appropriated
29 in this subsection that remain unencumbered or
30 unobligated at the close of the fiscal year shall not
31 revert to the fund from which appropriated but shall
32 be credited to the veterans trust fund but shall
33 remain available for expenditure for the purposes
34 designated until the close of the succeeding fiscal
35 year.

36 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

37 BLOCK GRANT – CHILD CARE

38 Sec. 72. 2007 Iowa Acts, chapter 218, section 7,
39 subsections 1 and 7, are amended to read as follows:

40 1. To be credited to the family investment program
41 account and used for assistance under the family
42 investment program under chapter 239B:

43	\$ 36,890,944
44	28,390,944
45 7. For state child care assistance:	
46	\$ 18,986,177
47	27,486,177

48 a. Of the funds appropriated in this subsection,
49 up to \$18,986,177 shall be transferred to the child
50 care and development block grant appropriation made

1 for the federal fiscal year beginning October 1, 2007,
 2 and ending September 30, 2008, in 2007 Iowa Acts, ch.
 3 204, section 14. Of this amount, \$200,000 shall be
 4 used for provision of educational opportunities to
 5 registered child care home providers in order to
 6 improve services and programs offered by this category
 7 of providers and to increase the number of providers.
 8 The department may contract with institutions of
 9 higher education or child care resource and referral
 10 centers to provide the educational opportunities.
 11 Allowable administrative costs under the contracts
 12 shall not exceed 5 percent. The application for a
 13 grant shall not exceed two pages in length.

14 b. ~~The Any funds appropriated in this subsection~~
 15 ~~shall be transferred to the child care and development~~
 16 ~~block grant appropriation that remain unallocated~~
 17 shall be used for state child care assistance payments
 18 for individuals enrolled in the family investment
 19 program who are employed.

20 FAMILY INVESTMENT PROGRAM ACCOUNT
 21 FAMILY DEVELOPMENT AND SELF-SUFFICIENCY GRANT PROGRAM

22 Sec. 73. 2007 Iowa Acts, chapter 218, section 8,
 23 subsection 4, paragraph b, is amended by adding the
 24 following new subparagraph:

25 NEW SUBPARAGRAPH. (7) Notwithstanding section
 26 8.33, moneys allocated in this lettered paragraph that
 27 remain unencumbered or unobligated at the close of the
 28 fiscal year shall not revert but shall remain
 29 available for expenditure for the purposes designated
 30 until the close of the succeeding fiscal year.

31 FAMILY INVESTMENT PROGRAM – TRANSITIONAL BENEFITS

32 Sec. 74. 2007 Iowa Acts, chapter 218, section 8,
 33 subsection 4, paragraph d, is amended to read as
 34 follows:

35 ~~d. For developing and implementing a new program~~
 36 ~~to provide transitional benefits to families with~~
 37 ~~members who are employed at the time the family leaves~~
 38 ~~the family investment program in accordance with~~
 39 ~~section 239B.11A, as enacted by this Act:~~

40 \$ 2,000,000

41 ~~The department may adopt emergency rules to~~
 42 ~~implement the new program.~~

43 CHILDREN'S HEALTH INSURANCE PROGRAM

44 Sec. 75. 2007 Iowa Acts, chapter 218, section 15,
 45 is amended by adding the following new subsection:

46 NEW SUBSECTION. 4. Notwithstanding sections 8.33
 47 and 514I.11, up to \$441,000 of the moneys appropriated
 48 in this section that remain unencumbered or
 49 unobligated at the close of the fiscal year shall not
 50 revert to any other fund but shall instead be

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1 transferred to the appropriation made in section 16 of
 2 this Act for child care assistance to be used for the
 3 state child care assistance program until the close of
 4 the succeeding fiscal year.

5 CHILD AND FAMILY SERVICES
 6 TRANSFER FOR CHILD CARE

7 Sec. 76. 2007 Iowa Acts, chapter 218, section 18,
 8 subsection 3, is amended to read as follows:

9 3. The department may transfer funds appropriated
 10 in this section as necessary to pay the nonfederal
 11 costs of services reimbursed under the medical
 12 assistance program, the state child care assistance
 13 program, or the family investment program which are
 14 provided to children who would otherwise receive
 15 services paid under the appropriation in this section.
 16 The department may transfer funds appropriated in this
 17 section to the appropriations in this division of this
 18 Act for general administration and for field
 19 operations for resources necessary to implement and
 20 operate the services funded in this section.

21 CHILD AND FAMILY SERVICES FY 2007-2008

22 Sec. 77. 2007 Iowa Acts, chapter 218, section 18,
 23 is amended by adding the following new subsection:

24 NEW SUBSECTION. 5A. Notwithstanding sections 8.33
 25 and 232.188, up to \$6,600,000 of the funds
 26 appropriated in this section that could otherwise be
 27 designated as carryover funding under section 232.188
 28 and that would remain unencumbered or unobligated at
 29 the close of the fiscal year shall instead be
 30 transferred to the appropriation made in section 16 of
 31 this Act for child care assistance to be used for the
 32 state child care assistance program until the close of
 33 the succeeding fiscal year.

34 CHILD AND FAMILY SERVICES
 35 PROTECTIVE CHILD CARE

36 Sec. 78. 2007 Iowa Acts, chapter 218, section 18,
 37 subsection 9, is amended to read as follows:

38 9. Of the funds appropriated in this section, at
 39 least \$3,696,285 shall be used for protective child
 40 care assistance.

41 JUVENILE DETENTION FUNDING

42 Sec. 79. 2007 Iowa Acts, chapter 218, section 20,
 43 is amended to read as follows:

44 SEC. 20. JUVENILE DETENTION HOME FUND. Moneys
 45 deposited in the juvenile detention home fund created
 46 in section 232.142 during the fiscal year beginning
 47 July 1, 2007, and ending June 30, 2008, are
 48 appropriated to the department of human services for
 49 the fiscal year beginning July 1, 2007, and ending
 50 June 30, 2008, for distribution as follows:

1 1. ~~An~~ The following amount which is equal to more
2 than 10 percent of the costs of the establishment,
3 improvement, operation, and maintenance of county or
4 multicounty juvenile detention homes in the fiscal
5 year beginning July 1, 2006. Moneys appropriated for
6 distribution in accordance with this subsection shall
7 be allocated among eligible detention homes, prorated
8 on the basis of an eligible detention home's
9 proportion of the costs of all eligible detention
10 homes in the fiscal year beginning July 1, 2006-
11 Notwithstanding section 232.142, subsection 3, the
12 financial aid payable by the state under that
13 provision for the fiscal year beginning July 1, 2007,
14 shall be limited to the amount appropriated for the
15 purposes of this subsection:
16 \$ 3,764,041

17 2. For renewal of a grant to a county with a
18 population between 189,000 and 196,000 in the latest
19 preceding certified federal census for implementation
20 of the county's runaway treatment plan under section
21 232.195:
22 \$ 80,000

23 3. For continuation and expansion of the community
24 partnership for child protection sites:
25 \$ 418,000

26 4. For continuation of the department's minority
27 youth and family projects under the redesign of the
28 child welfare system:
29 \$ 375,000

30 5. For funding of the state match for the federal
31 substance abuse and mental health services
32 administration (SAMHSA) system of care grant:
33 \$ 400,000
34 300,000

35 ~~6. For transfer to the appropriation made in this~~
36 ~~Act for child and family services to supplement the~~
37 ~~statewide expenditure target amount under section~~
38 ~~232.143 designated in the appropriation made in this~~
39 ~~Act for child and family services:~~
40 \$ 1,324,000

41 ~~7. For training of nonlicensed relatives caring~~
42 ~~for children in the child welfare system:~~
43 \$ 276,000

44 ~~8. 6. The remainder for additional alloc ns to~~
45 ~~county or multicounty juvenile detention homes, in~~
46 ~~accordance with the distribution requirements of~~
47 ~~subsection 1 shall be credited to the appropriation~~
48 ~~made in section 18 of this Act for child and family~~
49 ~~services to supplement the statewide expenditure~~
50 ~~target amount under section 232.143 designated in that~~

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1 appropriation. Notwithstanding section 8.33, moneys
 2 credited pursuant to this subsection that remain
 3 unencumbered or unobligated at the close of the fiscal
 4 year shall not revert but shall remain available for
 5 expenditure for caseload growth in the preparation for
 6 adult living program pursuant to section 234.46 until
 7 the close of the succeeding fiscal year.

8 SEXUALLY VIOLENT PREDATORS

9 Sec. 80. 2007 Iowa Acts, chapter 218, section 27,
 10 is amended by adding the following new subsection:
 11 NEW SUBSECTION. 3. Notwithstanding section 8.33,
 12 moneys appropriated in this section that remain
 13 unencumbered or unobligated at the close of the fiscal
 14 year shall not revert but shall remain available for
 15 expenditure for the purposes designated until the
 16 close of the succeeding fiscal year.

17 DEPARTMENT OF HUMAN SERVICES FIELD OPERATIONS

18 Sec. 81. 2007 Iowa Acts, chapter 218, section 28,
 19 is amended by adding the following new subsection:
 20 NEW SUBSECTION. 4. Notwithstanding section 8.33,
 21 up to \$1,500,000 of the moneys appropriated in this
 22 section that remain unencumbered or unobligated at the
 23 close of the fiscal year shall not revert but shall
 24 remain available for expenditure for the purposes
 25 designated until the close of the succeeding fiscal
 26 year.

27 DEPARTMENT OF HUMAN SERVICES GENERAL ADMINISTRATION

28 Sec. 82. 2007 Iowa Acts, chapter 218, section 29,
 29 is amended by adding the following new subsections:
 30 NEW SUBSECTION. 4. Of the funds appropriated in
 31 this section, \$1,000,000 is transferred to the
 32 juvenile detention home fund created in section
 33 232.142.

34 NEW SUBSECTION. 5. Notwithstanding section 8.33,
 35 up to \$110,000 of the moneys appropriated in this
 36 section that remain unencumbered or unobligated at the
 37 close of the fiscal year shall not revert but shall
 38 remain available for expenditure for the purposes
 39 designated until the close of the succeeding fiscal
 40 year.

41 ADJUSTMENT OF PHARMACY DISPENSING FEE

42 Sec. 83. 2007 Iowa Acts, chapter 218, section 31,
 43 subsection 1, paragraph b, is amended to read as
 44 follows:

45 b. ~~(1)~~ For the fiscal year beginning July 1,
 46 2007, the department shall reimburse pharmacy
 47 dispensing fees using a single rate of \$4.52 per
 48 prescription, or the pharmacy's usual and customary
 49 fee, whichever is lower.

50 ~~(2) Beginning July 1, 2007, the department of~~

1 human services shall adopt rules, pursuant to chapter
 2 17A, to provide for the adjustment of the pharmacy
 3 dispensing fee to compensate for any reduction in the
 4 drug product cost reimbursement resulting from
 5 implementation of the average manufacturer price
 6 reimbursement standards for multisource generic drug
 7 products imposed pursuant to the federal Deficit
 8 Reduction Act of 2005, Pub. L. No. 109-171. In
 9 implementing the reimbursement, the department may
 10 adjust the reimbursement amount as necessary to
 11 provide reimbursement within the state funding
 12 appropriated for the fiscal year beginning July 1,
 13 2007, and ending June 30, 2008, for this purpose. The
 14 department shall submit a medical assistance state
 15 plan amendment to the centers for Medicare and
 16 Medicaid services of the United States department of
 17 health and human services as necessary to implement
 18 this subparagraph (2).

19 PHARMACEUTICAL SETTLEMENT ACCOUNT

20 Sec. 84. 2007 Iowa Acts, chapter 218, section 72,
21 is amended to read as follows:

22 SEC. 72. PHARMACEUTICAL SETTLEMENT ACCOUNT. There
 23 is appropriated from the pharmaceutical settlement
 24 account created in section 249A.33 to the department
 25 of human services for the fiscal year beginning July
 26 1, 2007, and ending June 30, 2008, the following
 27 amount, or so much thereof as is necessary, to be used
 28 for the purpose designated:

29 To supplement the appropriations made for medical
30 contracts under the medical assistance program:

31 \$ 1,323,833
 32 1,349,833

33 Of the funds appropriated in this section,
 34 notwithstanding section 249A.33, \$26,000 is
 35 transferred to the appropriation made in this Act from
 36 the general fund of the state to the department of
 37 public health for chronic conditions to be used for
 38 the center for congenital and inherited disorders
 39 established pursuant to section 136A.3.

40 IOWACARE COSTS

41 Sec. 85. 2007 Iowa Acts, chapter 218, section 74,
42 is amended by adding the following new subsection:

43 NEW SUBSECTION. 8. For payment to the publicly
 44 owned acute care teaching hospital located in a county
 45 with a population of over 350,000 included in the
 46 expansion population provider network pursuant to
 47 chapter 249J:

48 \$ 230,000

49 Disbursements under this subsection shall be made
50 monthly. The hospital shall submit a report following

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1 the close of the fiscal year regarding use of the
 2 funds appropriated in this subsection to the persons
 3 specified in this Act to receive reports.
 4 **TRANSFER OF BRAIN INJURY FUNDING TO MEDICAL ASSISTANCE**
 5 Sec. 86. 2006 Iowa Acts, chapter 1185, section 1,
 6 subsection 2, as amended by 2007 Iowa Acts, chapter
 7 218, section 83, subsection 2, paragraph c, is amended
 8 by adding the following new unnumbered paragraph:
 9 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
 10 provision of law to the contrary, moneys that were
 11 transferred to the department of public health
 12 pursuant to this paragraph "c" that remain
 13 unencumbered or unobligated at the close of the fiscal
 14 year shall not revert but shall instead be transferred
 15 to the department of human services to the
 16 appropriation made for the medical assistance program
 17 in 2007 Iowa Acts, chapter 218, section 11.
 18 Notwithstanding section 8.33, the transferred moneys
 19 shall not revert at the close of the fiscal year but
 20 shall instead remain available to be used for the
 21 medical assistance program in the succeeding fiscal
 22 year.

23 **HEALTH CARE TRUST FUND**

24 **DEPARTMENT OF PUBLIC HEALTH – ADDICTIVE DISORDERS**

25 Sec. 87. 2007 Iowa Acts, chapter 218, section 97,
 26 subsection 1, is amended by adding the following new
 27 paragraph:
 28 NEW PARAGRAPH. d. Notwithstanding section 8.33,
 29 moneys appropriated and allocated in this subsection
 30 that remain unencumbered or unobligated at the close
 31 of the fiscal year shall not revert but shall remain
 32 available for expenditure for the purposes designated
 33 until the close of the succeeding fiscal year.

34 **HEALTH CARE TRUST FUND – DEPARTMENT OF**

35 **PUBLIC HEALTH – HEALTHY CHILDREN AND FAMILIES**

36 Sec. 88. 2007 Iowa Acts, chapter 218, section 97,
 37 subsection 2, is amended by adding the following new
 38 paragraph:
 39 NEW PARAGRAPH. g. Notwithstanding section 8.33,
 40 moneys appropriated and allocated in this subsection
 41 that remain unencumbered or unobligated at the close
 42 of the fiscal year shall not revert but shall remain
 43 available for expenditure for the purposes designated
 44 until the close of the succeeding fiscal year.

45 **HEALTH CARE TRUST FUND – DEPARTMENT OF**

46 **PUBLIC HEALTH – CHRONIC CONDITIONS**

47 Sec. 89. 2007 Iowa Acts, chapter 218, section 97,
 48 subsection 3, is amended by adding the following new
 49 paragraph:
 50 NEW PARAGRAPH. dd. Notwithstanding section 8.33,

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1 moneys appropriated and allocated in this subsection
2 that remain unencumbered or unobligated at the close
3 of the fiscal year shall not revert but shall remain
4 available for expenditure for the purposes designated
5 until the close of the succeeding fiscal year.

6 HEALTH CARE TRUST FUND – DEPARTMENT OF
7 HUMAN SERVICES – STATE CHILDREN’S
8 HEALTH INSURANCE PROGRAM

9 Sec. 90. 2007 Iowa Acts, chapter 218, section 98,
10 subsection 2, is amended by adding the following new
11 paragraph:

12 NEW PARAGRAPH. d. Notwithstanding section 8.33,
13 moneys appropriated in this subsection that are
14 allocated for outreach and remain unencumbered or
15 unobligated at the close of the fiscal year, shall not
16 revert but shall remain available for expenditure for
17 the purposes designated until the close of the
18 succeeding fiscal year.

19 Sec. 91. Section 239B.11A, Code Supplement 2007,
20 is repealed.

21 Sec. 92. EFFECTIVE DATE. This division of this
22 Act, being deemed of immediate importance, takes
23 effect upon enactment.

24 DIVISION VI
25 PRIOR YEAR APPROPRIATION CHANGES

26
27 Sec. 93. 2007 Iowa Acts, chapter 214, section 9,
28 subsection 2, paragraph b, is amended to read as
29 follows:

30 b. Psychiatric hospital

31 For salaries, support, maintenance, equipment,
32 miscellaneous purposes, for the care, treatment, and
33 maintenance of committed and voluntary public
34 patients, and for not more than the following
35 full-time equivalent positions:

36	\$ 7,043,056
37	0
38	FTEs 269.65

39 Sec. 94. 2007 Iowa Acts, chapter 215, section 15,
40 unnumbered paragraph 1, is amended to read as follows:

41 There is appropriated from the general fund of the
42 state to the salary adjustment fund for distribution
43 by the department of management to the various state
44 departments, boards, commissions, councils, and
45 agencies, including the state board of regents except
46 as otherwise provided, and the judicial branch, for
47 the fiscal year beginning July 1, 2007, and ending
48 June 30, 2008, the amount of ~~\$106,848,094~~
49 \$106,569,196, or so much thereof as may be necessary,
50 to fully fund annual pay adjustments, expense

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1 reimbursements, and related benefits implemented
2 pursuant to the following:

3 Sec. 95. 2007 Iowa Acts, chapter 215, section 15,
4 is amended by adding the following new subsection:
5 NEW SUBSECTION. 16. The amount distributed to the
6 state psychiatric hospital administered by the state
7 board of regents from the appropriation in this
8 section shall be reduced to zero.

9 Sec. 96. 2007 Iowa Acts, chapter 218, section 11,
10 unnumbered paragraph 2, is amended to read as follows:

11 For medical assistance reimbursement and associated
12 costs as specifically provided in the reimbursement
13 methodologies in effect on June 30, 2007, except as
14 otherwise expressly authorized by law, including
15 reimbursement for abortion services, which shall be
16 available under the medical assistance program only
17 for those abortions which are medically necessary:

18 \$ 616,771,820
19 631,593,774

20 Sec. 97. 2007 Iowa Acts, chapter 218, section 11,
21 is amended by adding the following new subsections:

22 NEW SUBSECTION. 17. a. Of the funds appropriated
23 in this section, \$2,797,719 is allocated for state
24 match for disproportionate share hospital payment of
25 \$7,321,954 to hospitals that meet both of the
26 following conditions:

- 27 (1) The hospital qualifies for disproportionate
28 share and graduate medical education payments.
- 29 (2) The hospital is an Iowa state-owned hospital
30 with more than 500 beds and eight or more distinct
31 residency specialty or subspecialty programs
32 recognized by the American college of graduate medical
33 education.

34 b. Distribution of the disproportionate share
35 payment shall be made on a monthly basis. The total
36 amount of disproportionate share payments including
37 graduate medical education, enhanced disproportionate
38 share, and Iowa state-owned teaching hospital payments
39 shall not exceed the amount of the state's allotment
40 under Pub. L. No. 102-234. In addition, the total
41 amount of all disproportionate share payments shall
42 not exceed the hospital-specific disproportionate
43 share limits under Pub. L. No. 103-66.

44 NEW SUBSECTION. 18. Of the funds appropriated in
45 this section, \$4,524,235 is transferred to the
46 IowaCare account created in section 249J.24 for the
47 fiscal year beginning July 1, 2007, and ending June
48 30, 2008.

49 NEW SUBSECTION. 19. The department shall
50 immediately notify the governor and the general

1 assembly of any changes in federal policies or
 2 application of policies that impact the distribution
 3 of hospital disproportionate share payments.
 4 Sec. 98. 2007 Iowa Acts, chapter 218, section 73,
 5 subsection 2, is amended to read as follows:
 6 2. There is appropriated from the IowaCare account
 7 created in section 249J.24 to the state board of
 8 regents for distribution to the university of Iowa
 9 hospitals and clinics for the fiscal year beginning
 10 July 1, 2007, and ending June 30, 2008, the following
 11 amount, or so much thereof as is necessary, to be used
 12 for the purposes designated:

13 For salaries, support, maintenance, equipment, and
 14 miscellaneous purposes, for the provision of medical
 15 and surgical treatment of indigent patients, for
 16 provision of services to members of the expansion
 17 population pursuant to chapter 249J, and for medical
 18 education:
 19 \$ 10,000,000
 20 25,684,211

21 The amount appropriated in this subsection shall be
 22 distributed only if expansion population claims
 23 adjudicated and paid by the Iowa Medicaid enterprise
 24 exceed the appropriation to the state board of regents
 25 for distribution to the university of Iowa hospitals
 26 and clinics provided in subsection 1. The amount
 27 appropriated in this subsection shall be distributed
 28 monthly for expansion population claims adjudicated
 29 and approved for payment by the Iowa Medicaid
 30 enterprise using medical assistance program
 31 reimbursement rates.

32 Notwithstanding section 8.33, moneys appropriated
 33 in this subsection that remain unencumbered or
 34 unobligated at the close of the fiscal year shall not
 35 revert but shall remain available for expenditure for
 36 the purposes designated until the close of the
 37 succeeding fiscal year.

38 Sec. 99. EFFECTIVE DATE – RETROACTIVE
 39 APPLICABILITY. This division of this Act, being
 40 deemed of immediate importance, takes effect upon
 41 enactment and is retroactively applicable to December
 42 21, 2007.

43 DIVISION VII
 44 CODE CHANGES

45 Sec. 100. Section 28.9, subsection 5, Code 2007,
 46 is amended to read as follows:
 47 5. A ~~community empowerment gifts and grants first~~
 48 ~~years first~~ account is created in the Iowa empowerment
 49 fund under the authority of the department of
 50 management. The account shall consist of gift or

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1 grant moneys obtained from any source, including but
 2 not limited to the federal government. Moneys
 3 credited to the account are appropriated to the
 4 department of management to be used for the community
 5 empowerment-related purposes for which the moneys were
 6 received.

7 Sec. 101. Section 135.22B, subsections 3 and 4,
 8 Code Supplement 2007, are amended to read as follows:

9 3. PURPOSE. The purpose of the brain injury
 10 services program is to provide services, service
 11 funding, or other support for persons with a brain
 12 injury under ~~one of the cost-share program component~~
 13 ~~or other~~ components established pursuant to this
 14 section. Implementation of the cost-share component
 15 or any other component of the program is subject to
 16 the funding made available for the program.

17 ~~4. GENERAL REQUIREMENTS — WAIVER ELIGIBLE~~
 18 ~~COMPONENT.~~

19 ~~a. The component of the brain injury services~~
 20 ~~program for persons eligible for the brain injury~~
 21 ~~services waiver is subject to the requirements~~
 22 ~~provided in this subsection.~~

23 ~~b. If a person is eligible for the brain injury~~
 24 ~~services waiver and is on the waiting list for the~~
 25 ~~waiver but the appropriation for the medical~~
 26 ~~assistance program does not have sufficient funding~~
 27 ~~designated to pay the nonfederal share of the costs to~~
 28 ~~remove the person from the waiting list, the brain~~
 29 ~~injury services program may provide the funding for~~
 30 ~~the nonfederal share of the costs in order for the~~
 31 ~~person to be removed from the waiting list and receive~~
 32 ~~services under the waiver.~~

33 ~~c. A person who receives support under the~~
 34 ~~waiver eligible component is not eligible to receive~~
 35 ~~support under the cost share component of the program.~~

36 ~~d. Provision of funding under the waiver eligible~~
 37 ~~component is not an entitlement. Subject to the~~
 38 ~~department of human services requirements for the~~
 39 ~~brain injury services waiver waiting list, the program~~
 40 ~~administrator shall make the final determination~~
 41 ~~whether funding will be authorized under this~~
 42 ~~component.~~

43 Sec. 102. Section 135.22B, subsection 5,
 44 unnumbered paragraph 1, Code Supplement 2007, is
 45 amended to read as follows:

46 The cost-share component of the brain injury
 47 services program shall be directed to persons who have
 48 been determined to be ineligible for the brain injury
 49 services waiver or persons who are eligible for the
 50 waiver but funding was not authorized or available to

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1 provide waiver eligibility for the persons ~~under the~~
2 ~~waiver eligible component~~. The cost-share component
3 is subject to general requirements which shall include
4 but are not limited to all of the following:

5 Sec. 103. Section 135.22B, subsection 8, paragraph
6 a, Code Supplement 2007, is amended to read as
7 follows:

8 a. The application materials for services under
9 ~~both the waiver eligible and cost-share components=~~
10 component of the brain injury services program shall
11 use the application form and other materials of the
12 brain injury services waiver. In order to apply for
13 the brain injury services program, the applicant must
14 authorize the department of human services to provide
15 the applicant's waiver application materials to the
16 brain injury services program. The application
17 materials provided shall include but are not limited
18 to the waiver application and any denial letter,
19 financial assessment, and functional assessment
20 regarding the person.

21 Sec. 104. NEW SECTION. 135.155 EARLY CHILDHOOD
22 IOWA COUNCIL.

23 1. COUNCIL CREATED. An early childhood Iowa
24 council is created as an alliance of stakeholders in
25 early care, health, and education systems that affect
26 children ages zero through five in Iowa.

27 2. PURPOSE. The purpose of the early childhood
28 Iowa council is to oversee the development of an Iowa
29 early childhood system by integrating the early care,
30 health, and education systems addressing the needs of
31 children ages zero through five and their families.
32 The council shall advise the governor, general
33 assembly, and public and private policy and service
34 providers in coordinating activities throughout the
35 state to fulfill its purpose.

36 3. VISION STATEMENT. All system development
37 activities addressed by the early childhood Iowa
38 council shall be aligned around the following vision
39 statement for the children of Iowa: "Every child,
40 beginning at birth, will be healthy and successful."

41 4. MEMBERSHIP. The early childhood Iowa council
42 membership shall include a representative of any
43 organization that touches the lives of young children
44 in the state ages zero through five, has endorsed the
45 purpose and vision statement for the council, has
46 endorsed the guiding principles adopted by the council
47 for the early childhood system, and has formally asked
48 to be a member and remains actively engaged in council
49 activities. The council shall work to ensure there is
50 geographic, cultural, and ethnic diversity among the

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1 membership.

2 5. PROCEDURE. Except as otherwise provided by
3 law, the early childhood Iowa council shall determine
4 its own rules of procedure and operating provisions.

5 6. STEERING COMMITTEE. The early childhood Iowa
6 council shall operate with a steering committee to
7 organize, manage, and coordinate the activities of the
8 council and its component groups. The steering
9 committee may act on behalf of the council as
10 necessary. The steering committee membership shall
11 consist of the co-chairpersons of the council's
12 component groups, the chairperson of the state agency
13 liaison team, the community empowerment facilitator or
14 the facilitator's designee, and other leaders
15 designated by the council.

16 7. COMPONENT GROUPS. The early childhood Iowa
17 council shall maintain component groups to address the
18 key components of the Iowa early childhood system.
19 Each component group shall have one private and one
20 public agency co-chairperson. The council may change
21 the component groups as deemed necessary by the
22 advisory council. Initially, there shall be a
23 component group for each of the following:

- 24 a. Governance planning and administration.
- 25 b. Professional development.
- 26 c. Public engagement.
- 27 d. Quality services and programs.
- 28 e. Resources and funding.
- 29 f. Results accountability.

30 8. STATE AGENCY LIAISON TEAM. A state agency
31 liaison team shall provide input into the efforts of
32 the early childhood Iowa council. In addition to
33 designees of the governor, the team shall consist of
34 the directors or chief administrators, or their
35 designees, from the following state agencies and
36 programs:

- 37 a. Child health specialty clinics.
- 38 b. Office of community empowerment in the
39 department of management.
- 40 c. Department of education.
- 41 d. Division of libraries and information services
42 of the department of education.
- 43 e. Office of the governor.
- 44 f. Department of human rights.
- 45 g. Department of human services.
- 46 h. Postsecondary education institutions, including
47 but not limited to institutions of higher learning
48 under the control of the state board of regents and
49 Iowa community colleges.
- 50 i. Department of public health.

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1 9. DUTIES. In addition to the advisory function
2 specified in subsection 2, the early childhood Iowa
3 council's duties shall include but are not limited to
4 all of the following regarding the Iowa early
5 childhood system:
6 a. Coordinate the development and implementation
7 of a strategic plan.
8 b. Assist in the development of responsibilities
9 across agencies and other entities to achieve
10 strategic goals.
11 c. Work with the Iowa empowerment board in
12 developing public-private partnerships to support the
13 early childhood system through the first years first
14 account in the Iowa empowerment fund and other efforts
15 for expanding investment of private funding in the
16 early childhood system. As this and similar efforts
17 to expand and coordinate investments from all public
18 and private sources evolve and mature, make
19 recommendations for designation of or contracting with
20 a private nonprofit organization to serve as a fiscal
21 agent for the early childhood system or another
22 approach for increasing public and private investment
23 in the system.
24 d. Report annually by December 31 to the governor
25 and general assembly. The report content shall
26 include but is not limited to all of the following:
27 (1) The status and results of the council's
28 efforts to engage the public regarding the early care,
29 health, and education needs of children ages zero
30 through five and the efforts to develop and promote
31 private sector involvement with the early childhood
32 system.
33 (2) The status of the community empowerment
34 initiative and the overall early childhood system in
35 achieving the following initial set of desired results
36 identified in section 28.2:
37 (a) Healthy children.
38 (b) Children ready to succeed in school.
39 (c) Safe and supportive communities.
40 (d) Secure and nurturing families.
41 (e) Secure and nurturing early care and education
42 environments.
43 Sec. 105. NEW SECTION. 135.156 LEAD AGENCY AND
44 OTHER STATE AGENCIES.
45 1. The lead agency for support of the early
46 childhood Iowa council for state agency efforts to
47 develop an early childhood system for Iowa shall be
48 the department of public health.
49 2. The department shall work with the early
50 childhood Iowa council in integrating early care,

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1 health, and education systems to develop an early
2 childhood system for Iowa. The department shall do
3 all of the following in developing the system:
4 a. Work with state agencies to enter into
5 memorandums of understanding outlining the agencies'
6 responsibilities in the system.
7 b. Work with private businesses, foundations, and
8 nonprofit organizations in implementing a
9 public-private partnership to develop and provide
10 funding for the system.
11 c. Maintain an internet site for distributing the
12 information provided through the council and its
13 component groups.

14 Sec. 106. Section 135B.34, Code 2007, is amended
15 by striking the section and inserting in lieu thereof
16 the following:

17 135B.34 HOSPITAL EMPLOYEES – CRIMINAL HISTORY AND
18 ABUSE RECORD CHECKS – PENALTY.

19 1. Prior to employment of a person in a hospital,
20 the hospital shall request that the department of
21 public safety perform a criminal history check and the
22 department of human services perform child and
23 dependent adult abuse record checks of the person in
24 this state. A hospital shall inform all persons prior
25 to employment regarding the performance of the records
26 checks and shall obtain, from the persons, a signed
27 acknowledgment of the receipt of the information. A
28 hospital shall include the following inquiry in an
29 application for employment: "Do you have a record of
30 founded child or dependent adult abuse or have you
31 ever been convicted of a crime, in this state or any
32 other state?"

33 2. a. If it is determined that a person being
34 considered for employment in a hospital has committed
35 a crime, the department of public safety shall notify
36 the hospital that upon the request of the hospital the
37 department of human services will perform an
38 evaluation to determine whether the crime warrants
39 prohibition of the person's employment in the
40 hospital.

41 b. If a department of human services child or
42 dependent adult abuse record check shows that the
43 person has a record of founded child or dependent
44 adult abuse, the department of human services shall
45 notify the hospital that upon the request of the
46 hospital the department of human services will perform
47 an evaluation to determine whether the founded child
48 or dependent adult abuse warrants prohibition of the
49 person's employment in the hospital.

50 c. An evaluation performed under this subsection

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1 shall be performed in accordance with procedures
2 adopted for this purpose by the department of human
3 services.

4 d. (1) If a person owns or operates more than one
5 hospital, and an employee of one of such hospitals is
6 transferred to another such hospital without a lapse
7 in employment, the hospital is not required to request
8 additional criminal and child and dependent adult
9 abuse records checks of that employee.

10 (2) If the ownership of a hospital is transferred,
11 at the time of transfer the records checks required by
12 this section shall be performed for each employee for
13 whom there is no documentation that such records
14 checks have been performed. The hospital may continue
15 to employ such employee pending the performance of the
16 records checks and any related evaluation.

17 3. In an evaluation, the department of human
18 services shall consider the nature and seriousness of
19 the crime or founded child or dependent adult abuse in
20 relation to the position sought or held, the time
21 elapsed since the commission of the crime or founded
22 child or dependent adult abuse, the circumstances
23 under which the crime or founded child or dependent
24 adult abuse was committed, the degree of
25 rehabilitation, the likelihood that the person will
26 commit the crime or founded child or dependent adult
27 abuse again, and the number of crimes or founded child
28 or dependent adult abuses committed by the person
29 involved. If the department of human services
30 performs an evaluation for the purposes of this
31 section, the department of human services has final
32 authority in determining whether prohibition of the
33 person's employment is warranted.

34 4. a. Except as provided in paragraph "b" and
35 subsection 2, a person who has committed a crime or
36 has a record of founded child or dependent adult abuse
37 shall not be employed in a hospital licensed under
38 this chapter unless an evaluation has been performed
39 by the department of human services.

40 b. A person with a criminal or abuse record who is
41 employed by a hospital licensed under this chapter and
42 is hired by another licensee without a lapse in
43 employment shall be subject to the criminal history
44 and abuse record checks required pursuant to
45 subsection 1. If an evaluation was previously
46 performed by the department of human services
47 concerning the person's criminal or abuse record and
48 it was determined that the record did not warrant
49 prohibition of the person's employment and the latest
50 record checks do not indicate a crime was committed or

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1 founded abuse record was entered subsequent to that
2 evaluation, the person may commence employment with
3 the other licensee while the department of human
4 services' evaluation of the latest record checks is
5 pending. Otherwise, the requirements of paragraph "a"
6 remain applicable to the person's employment.

7 5. a. If a person employed by a hospital that is
8 subject to this section is convicted of a crime or has
9 a record of founded child or dependent adult abuse
10 entered in the abuse registry after the person's
11 employment application date, the person shall inform
12 the hospital of such information within forty-eight
13 hours of the criminal conviction or entry of the
14 record of founded child or dependent adult abuse. The
15 hospital shall act to verify the information within
16 forty-eight hours of notification. If the information
17 is verified, the requirements of subsections 2, 3, and
18 4 regarding employability and evaluations shall be
19 applied by the hospital to determine whether or not
20 the person's employment is continued. The hospital
21 may continue to employ the person pending the
22 performance of an evaluation by the department of
23 human services to determine whether prohibition of the
24 person's employment is warranted. A person who is
25 required by this subsection to inform the person's
26 employer of a conviction or entry of an abuse record
27 and fails to do so within the required period commits
28 a serious misdemeanor.

29 b. If a hospital receives credible information, as
30 determined by the hospital, that a person employed by
31 the hospital has been convicted of a crime or a record
32 of founded child or dependent adult abuse has been
33 entered in the abuse registry after employment from a
34 person other than the employee and the employee has
35 not informed the hospital of such information within
36 the period required under paragraph "a", the hospital
37 shall act to verify the credible information within
38 forty-eight hours of receipt of the credible
39 information. If the information is verified, the
40 requirements of subsections 2, 3, and 4 regarding
41 employability and evaluations shall be applied by the
42 hospital to determine whether or not the person's
43 employment is continued.

44 c. The hospital may notify the county attorney for
45 the county where the hospital is located of any
46 violation or failure by an employee to notify the
47 hospital of a criminal conviction or entry of an abuse
48 record within the period required under paragraph "a".
49 6. A hospital licensed in this state may access
50 the single contact repository established by the

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1 department pursuant to section 135C.33 as necessary
2 for the hospital to perform record checks of persons
3 employed or being considered for employment by the
4 hospital.

5 Sec. 107. Section 135C.33, Code 2007, is amended
6 to read as follows:

7 135C.33 EMPLOYEES – CHILD OR DEPENDENT ADULT
8 ABUSE INFORMATION AND CRIMINAL RECORDS RECORD CHECKS
9 – EVALUATIONS – APPLICATION TO OTHER PROVIDERS –
10 PENALTY.

11 1. ~~Beginning July 1, 1997, prior~~ Prior to
12 employment of a person in a facility, the facility
13 shall request that the department of public safety
14 perform a criminal history check and the department of
15 human services perform a child and dependent adult
16 abuse record ~~check~~ checks of the person in this state.
17 ~~In addition, the facility may request that the~~
18 ~~department of human services perform a child abuse~~
19 ~~record check in this state.~~ Beginning July 1, 1997, a
20 Δ facility shall inform all persons prior to
21 employment regarding the performance of the records
22 checks and shall obtain, from the persons, a signed
23 acknowledgment of the receipt of the information.
24 ~~Additionally, a Δ~~ facility shall include the following
25 inquiry in an application for employment: "Do you
26 have a record of founded child or dependent adult
27 abuse or have you ever been convicted of a crime, in
28 this state or any other state?"

29 2. a. If the it is determined that a person be ing
30 considered for employment in a facility has been
31 convicted of a crime under a law of any state ~~or has a~~
32 ~~record of founded child or dependent adult abuse, the~~
33 department of public safety shall notify the licensee
34 that upon the request of the licensee the department
35 of human services ~~shall, upon the facility's request,~~
36 ~~perform an evaluation~~ will perform an evaluation to
37 determine whether the crime ~~or founded child or~~
38 ~~dependent adult abuse~~ warrants prohibition of the
39 person's employment in the facility.

40 b. If a department of human services child or
41 dependent adult abuse record check shows that such
42 person has a record of founded child or dependent
43 adult abuse, the department of human services shall
44 notify the licensee that upon the request of the
45 licensee the department of human services will perform
46 an evaluation to determine whether the founded child
47 or dependent adult abuse warrants prohibition of
48 employment in the facility.

49 c. The An evaluation performed under this
50 subsection shall be performed in accordance with

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1 procedures adopted for this purpose by the department
2 of human services.

3 d. (1) If a person owns or operates more than one
4 facility, and an employee of one of such facilities is
5 transferred to another such facility without a lapse
6 in employment, the facility is not required to request
7 additional criminal and child and dependent adult
8 abuse record checks of that employee.

9 (2) If the ownership of a facility is transferred,
10 at the time of transfer the records checks required by
11 this section shall be performed for each employee for
12 whom there is no documentation that such records
13 checks have been performed. The facility may continue
14 to employ such employee pending the performance of the
15 records checks and any related evaluation.

16 ~~2. If the department of public safety determines~~
17 ~~that a person has committed a crime and is to be~~
18 ~~employed in a facility licensed under this chapter,~~
19 ~~the department of public safety shall notify the~~
20 ~~licensee that an evaluation, if requested by the~~
21 ~~facility, will be conducted by the department of human~~
22 ~~services to determine whether prohibition of the~~
23 ~~person's employment is warranted. If a department of~~
24 ~~human services child or dependent adult abuse record~~
25 ~~check shows that the person has a record of founded~~
26 ~~child or dependent adult abuse, the department of~~
27 ~~human services shall inform the licensee that an~~
28 ~~evaluation, if requested by the facility, will be~~
29 ~~conducted to determine whether prohibition of the~~
30 ~~person's employment is warranted.~~

31 3. In an evaluation, the department of human
32 services shall consider the nature and seriousness of
33 the crime or founded child or dependent adult abuse in
34 relation to the position sought or held, the time
35 elapsed since the commission of the crime or founded
36 child or dependent adult abuse, the circumstances
37 under which the crime or founded child or dependent
38 adult abuse was committed, the degree of
39 rehabilitation, the likelihood that the person will
40 commit the crime or founded child or dependent adult
41 abuse again, and the number of crimes or founded child
42 or dependent adult abuses committed by the person
43 involved. ~~The~~ If the department of human services
44 performs an evaluation for the purposes of this
45 section, the department of human services has final
46 authority in determining whether prohibition of the
47 person's employment is warranted.

48 4. a. Except as provided in paragraph "b" and
49 subsection 2, a person who has committed a crime or
50 has a record of founded child or dependent adult abuse

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1 shall not be employed in a facility licensed under
2 this chapter unless an evaluation has been performed
3 by the department of human services. ~~If the~~
4 ~~department of human services determines from the~~
5 ~~evaluation that the person has committed a crime or~~
6 ~~has a record of founded child or dependent adult abuse~~
7 ~~which warrants prohibition of employment, the person~~
8 ~~shall not be employed in a facility licensed under~~
9 ~~this chapter.~~

10 b. A person with a criminal or abuse record who is
11 employed by a facility licensed under this chapter and
12 is hired by another licensee without a lapse in
13 employment shall be subject to the criminal history
14 and abuse record checks required pursuant to
15 subsection 1. If an evaluation was previously
16 performed by the department of human services
17 concerning the person's criminal or abuse record and
18 it was determined that the record did not warrant
19 prohibition of the person's employment and the latest
20 record checks do not indicate a crime was committed or
21 founded abuse record was entered subsequent to that
22 evaluation, the person may commence employment with
23 the other licensee while the department of human
24 services' evaluation of the latest record checks is
25 pending. Otherwise, the requirements of paragraph "a"
26 remain applicable to the person's employment.

27 5. ~~a. Beginning July 1, 1998, this~~ This section
28 shall ~~also~~ apply to prospective employees of all of
29 the following, if the provider is regulated by the
30 state or receives any state or federal funding:
31 ~~a. (1)~~ An employee of a homemaker, home-health
32 aide, home-care aide, adult day services, or other
33 provider of in-home services if the employee provides
34 direct services to consumers.

35 ~~b. (2)~~ An employee of a hospice, if the employee
36 provides direct services to consumers.

37 ~~c. (3)~~ An employee who provides direct services
38 to consumers under a federal home and community-based
39 services waiver.

40 ~~d. (4)~~ An employee of an elder group home
41 certified under chapter 231B, if the employee provides
42 direct services to consumers.

43 ~~e. (5)~~ An employee of an assisted living program
44 certified under chapter 231C, if the employee provides
45 direct services to consumers.

46 b. In substantial conformance with the provisions
47 of this section, prior to the employment of such an
48 employee, the provider shall request the performance
49 of the criminal and child and dependent adult abuse
50 record checks ~~and may request the performance of the~~

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1 ~~child abuse record checks.~~ The provider shall inform
2 the prospective employee and obtain the prospective
3 employee's signed acknowledgment. The department of
4 human services shall perform the evaluation of any
5 criminal record or founded child or dependent adult
6 abuse record and shall make the determination of
7 whether a prospective employee of a provider shall not
8 be employed by the provider.

9 6. a. The department of inspections and appeals,
10 in conjunction with other departments and agencies of
11 state government involved with criminal history and
12 abuse registry information, shall establish a single
13 contact repository for facilities and other providers
14 to have electronic access to data to perform
15 background checks for purposes of employment, as
16 required of the facilities and other providers under
17 this section.

18 b. The department may access the single contact
19 repository for any of the following purposes:

20 (1) To verify data transferred from the
21 department's nurse aide registry to the repository.

22 (2) To conduct record checks of applicants for
23 employment with the department.

24 7. a. If a person employed by a facility,
25 service, or program employer that is subject to this
26 section is convicted of a crime or has a record of
27 founded child or dependent adult abuse entered in the
28 abuse registry after the person's employment
29 application date, the person shall inform the employer
30 of such information within forty-eight hours of the
31 criminal conviction or entry of the record of founded
32 child or dependent adult abuse. The employer shall
33 act to verify the information within forty-eight hours
34 of notification. If the information is verified, the
35 requirements of subsections 2, 3, and 4 regarding
36 employability and evaluations shall be applied by the
37 employer to determine whether or not the person's
38 employment is continued. The employer may continue to
39 employ the person pending the performance of an
40 evaluation by the department of human services to
41 determine whether prohibition of the person's
42 employment is warranted. A person who is required by
43 this subsection to inform the person's employer of a
44 conviction or entry of an abuse record and fails to do
45 so within the required period commits a serious
46 misdemeanor.

47 b. If a facility, service, or program employer
48 receives credible information, as determined by the
49 employer, that a person employed by the employer has
50 been convicted of a crime or a record of founded child

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1 or dependent adult abuse has been entered in the abuse
2 registry after employment from a person other than the
3 employee and the employee has not informed the
4 employer of such information within the period
5 required under paragraph "a", the employer shall act
6 to verify the credible information within forty-eight
7 hours of receipt of the credible information. If the
8 information is verified, the requirements of
9 subsections 2, 3, and 4 regarding employability and
10 evaluations shall be applied to determine whether or
11 not the person's employment is continued.

12 c. The employer may notify the county attorney for
13 the county where the employer is located of any
14 violation or failure by an employee to notify the
15 employer of a criminal conviction or entry of an abuse
16 record within the period required under paragraph "a".
17 Sec. 108. Section 135H.3, Code 2007, is amended to
18 read as follows:

19 135H.3 NATURE OF CARE.

20 1. A psychiatric medical institution for children
21 shall utilize a team of professionals to direct an
22 organized program of diagnostic services, psychiatric
23 services, nursing care, and rehabilitative services to
24 meet the needs of residents in accordance with a
25 medical care plan developed for each resident. Social
26 and rehabilitative services shall be provided under
27 the direction of a qualified mental health
28 professional.

29 2. A child who requires treatment for a
30 biologically based mental illness as defined in
31 section 514C.22, and meets the medical assistance
32 program criteria for admission to a psychiatric
33 medical institution for children shall be deemed to
34 meet the acuity criteria for inpatient benefits under
35 a group policy, contract, or plan providing for
36 third-party payment or prepayment of health, medical,
37 and surgical coverage benefits issued by a carrier, as
38 defined in section 513B.2, or by an organized delivery
39 system authorized under 1993 Iowa Acts, chapter 158,
40 that is subject to section 514C.22.

41 Sec. 109. Section 217.19, Code 2007, is amended by
42 adding the following new unnumbered paragraph:
43 NEW UNNUMBERED PARAGRAPH. The department of
44 administrative services shall work with the department
45 of human services to develop and implement an expense
46 policy applicable to the members of a board,
47 commission, committee, or other body under the
48 auspices of the department of human services who meet
49 the income requirements for payment of per diem in
50 accordance with section 7E.6, subsection 2. The

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1 policy shall allow for the payment of the member's
2 expenses to be addressed through use of direct
3 billings, travel purchase card, prepaid expenses, or
4 other alternative means of addressing the expenses in
5 lieu of reimbursement of the member.

6 Sec. 110. Section 225C.40, Code 2007, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. 4. If a family appeals the
9 termination of a family member who has attained the
10 age of eighteen years, family support subsidy payments
11 for that family member shall be withheld pending
12 resolution of the appeal.

13 Sec. 111. NEW SECTION. 234.47 STATE CHILD CARE
14 ASSISTANCE AND ADOPTION SUBSIDY PROGRAMS –
15 EXPENDITURE PROJECTIONS. The department of human
16 services, the department of management, and the
17 legislative services agency shall utilize a joint
18 process to arrive at consensus projections for
19 expenditures for the state child care assistance
20 program under section 237A.13 and adoption subsidy and
21 other assistance provided under section 600.17.

22 Sec. 112. Section 235B.6, subsection 2, Code
23 Supplement 2007, is amended by adding the following
24 new paragraph:

25 NEW PARAGRAPH. f. To a person who submits written
26 authorization from an individual allowing the person
27 access to information on the determination only on
28 whether or not the individual who authorized the
29 access is named in a founded dependent adult abuse
30 report as having abused a dependent adult.

31 Sec. 113. Section 237A.3, Code 2007, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 3. The location at which the
34 child care is provided shall be a single-family
35 residence that is owned, rented, or leased by the
36 person or program providing the child care. For
37 purposes of this subsection, a "single-family
38 residence" includes an apartment, condominium,
39 townhouse, or other individual unit within a multiple
40 unit residential dwelling, but does not include a
41 commercial or industrial building that is primarily
42 used for purposes other than a residence.

43 Sec. 114. Section 237A.3A, subsection 3, Code
44 2007, is amended by adding the following new
45 paragraph:

46 NEW PARAGRAPH. d. The rules shall require a child
47 development home to be located in a single-family
48 residence that is owned, rented, or leased by the
49 person or, for dual registrations, at least one of the
50 persons who is named on the child development home's

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1 certificate of registration. For purposes of this
2 paragraph, a "single-family residence" includes an
3 apartment, condominium, townhouse, or other individual
4 unit within a multiple unit residential dwelling, but
5 does not include a commercial or industrial building
6 that is primarily used for purposes other than a
7 residence.

8 Sec. 115. Section 237A.5, subsection 2, Code 2007,
9 is amended by adding the following new paragraph:
10 NEW PARAGRAPH. cc. If a record check performed in
11 accordance with paragraph "b" or "c" identifies that
12 an individual is a person subject to an evaluation,
13 the department shall perform the evaluation in
14 accordance with this subsection, even if the
15 application which made the person subject to the
16 record check is withdrawn or the circumstances which
17 made the person subject to the record check are no
18 longer applicable. If the department's evaluation
19 determines that prohibition of the person's
20 involvement with child care is warranted, the
21 provisions of this subsection regarding such a
22 prohibition shall apply.

23 Sec. 116. Section 237A.13, subsection 8, Code
24 Supplement 2007, is amended by striking the
25 subsection.

26 Sec. 117. NEW SECTION. 249A.15A LICENSED MARITAL
27 AND FAMILY THERAPISTS AND LICENSED MASTER SOCIAL
28 WORKERS.

29 1. The department shall adopt rules pursuant to
30 chapter 17A entitling marital and family therapists
31 who are licensed pursuant to chapter 154D to payment
32 for behavioral health services provided to recipients
33 of medical assistance, subject to limitations and
34 exclusions the department finds necessary on the basis
35 of federal laws and regulations.

36 2. The department shall adopt rules pursuant to
37 chapter 17A entitling master social workers who hold a
38 master's degree approved by the board of social work,
39 are licensed as a master social worker pursuant to
40 section 154C.3, subsection 1, paragraph "b", and
41 provide treatment services under the supervision of an
42 independent social worker licensed pursuant to section
43 154C.3, subsection 1, paragraph "c", to payment for
44 behavioral health services provided to recipients of
45 medial assistance, subject to limitations and
46 exclusions the department finds necessary on the basis
47 of federal laws and regulations.

48 Sec. 118. Section 249J.20, subsections 2 and 4,
49 Code 2007, are amended to read as follows:

50 2. The council shall meet as often as deemed

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1 necessary, but shall meet at least ~~quarterly~~ annually
2 The council may use sources of information deemed
3 appropriate, and the department and other agencies of
4 state government shall provide information to the
5 council as requested. The legislative services agency
6 shall provide staff support to the council.

7 4. The council shall do all of the following:

8 a. Make ~~quarterly~~ cost projections for the medical
9 assistance program and the expansion population.

10 b. Review ~~quarterly~~ reports on all initiatives
11 under this chapter, including those provisions in the
12 design, development, and implementation phases, and
13 make additional recommendations for medical assistance
14 program and expansion population reform on an annual
15 basis.

16 c. Review annual audited financial statements
17 relating to the expansion population submitted by the
18 providers included in the expansion population
19 provider network.

20 d. Review ~~quarterly~~ reports on the success of the
21 Iowa Medicaid enterprise based upon the contractual
22 performance measures for each Iowa Medicaid enterprise
23 partner.

24 e. Assure that the expansion population is managed
25 at all times within funding limitations. In assuring
26 such compliance, the council shall assume that
27 supplemental funding will not be available for
28 coverage of services provided to the expansion
29 population.

30 Sec. 119. NEW SECTION. 256.35A IOWA AUTISM
31 COUNCIL.

32 1. An Iowa autism council is created to act in an
33 advisory capacity to the state in developing and
34 implementing a comprehensive, coordinated system to
35 provide appropriate diagnostic, intervention, and
36 support services for children with autism and to meet
37 the unique needs of adults with autism.

38 2. a. The council shall consist of thirteen
39 voting members appointed by the governor and confirmed
40 by the senate. The majority of the voting members
41 shall be individuals with autism or members of their
42 families. Additionally, each of the following shall
43 be represented among the voting members:

44 (1) Autism diagnostic and research specialists.

45 (2) Individuals with recognized expertise in
46 utilizing best practices for diagnosis, intervention,
47 education, and support services for individuals with
48 autism.

49 (3) Individuals providing residential services for
50 individuals with autism.

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1 (4) Mental health professionals with background or
2 expertise in a pertinent mental health field such as
3 psychiatry, psychology, or behavioral health.

4 (5) Private insurers.

5 (6) Teachers and representatives of area education
6 agencies.

7 b. In addition, representatives of the department
8 of education, the division of vocational
9 rehabilitation of the department of education, the
10 department of public health, the department of human
11 services, the governor's developmental disabilities
12 council, the division of insurance of the department
13 of commerce, and the state board of regents shall
14 serve as ex officio members of the advisory council.
15 Ex officio members shall work together in a
16 collaborative manner to serve as a resource to the
17 advisory council. The council may also form
18 workgroups as necessary to address specific issues
19 within the technical purview of individual members.

20 c. Voting members shall serve three-year terms
21 beginning and ending as provided in section 69.19, and
22 appointments shall comply with sections 69.16 and
23 69.16A. Vacancies on the council shall be filled in
24 the same manner as the original appointment. A person
25 appointed to fill a vacancy shall serve only for the
26 unexpired portion of the term. Public members shall
27 receive reimbursement for actual expenses incurred
28 while serving in their official capacity and may also
29 be eligible to receive compensation as provided in
30 section 7E.6.

31 d. The council shall elect a chairperson from its
32 voting members annually. A majority of the voting
33 members of the council shall constitute a quorum.

34 e. The department shall convene and provide
35 administrative support to the council.

36 3. The council shall focus its efforts on
37 addressing the unmet needs of individuals with autism
38 at various levels of severity and their families. The
39 council shall address all of the following:

40 a. Early identification by medical professionals
41 of autism, including education and training of health
42 care and mental health care professionals and the use
43 of best practice guidelines.

44 b. Appropriate early and intensive early
45 intervention services with access to models of
46 training.

47 c. Integration and coordination of the medical
48 community, community educators, childhood educators,
49 health care providers, and community-based services
50 into a seamless support system for individuals and

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1 their families.

2 d. General and special education support services.

3 e. In-home support services for families requiring
4 behavioral and other supports.

5 f. Training for educators, parents, siblings, and
6 other family members.

7 g. Enhancing of community agency responsiveness to
8 the living, learning, and employment needs of adults
9 with autism and provision of services including but
10 not limited to respite services, crisis intervention,
11 employment assistance, case management, and long-term
12 care options.

13 h. Financing options including but not limited to
14 medical assistance waivers and private health
15 insurance coverage.

16 i. Data collection.

17 4. The council shall meet quarterly. The council
18 shall submit a report to the governor and the general
19 assembly, annually by December 15, identifying the
20 needs and making recommendations for improving and
21 enhancing the lives of individuals with autism and
22 their families.

23 5. For the purposes of this section, "autism"
24 means a spectrum disorder that includes at various
25 levels of severity, autism, Asperger's disorder,
26 pervasive developmental disorder not otherwise
27 specified, Rett's syndrome, and childhood
28 disintegrative disorder.

29 Sec. 120. Section 514I.6, Code 2007, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 7. Provide qualified child health
32 plans to eligible children. A participating insurer
33 shall not require participation by a provider in other
34 health insurance products of the participating insurer
35 as a condition of participation in the qualified child
36 health plan.

37 Sec. 121. Section 642.2, subsection 4, Code 2007,
38 is amended to read as follows:

39 4. Notwithstanding subsections 2, 3, and 6, and 7,
40 any moneys owed to the child support obligor by the
41 state, with the exception of unclaimed property held
42 by the treasurer of state pursuant to chapter 556, and
43 payments owed to the child support obligor through the
44 Iowa public employees' retirement system are subject
45 to garnishment, attachment, execution, or assignment
46 by the child support recovery unit if the child
47 support recovery unit is providing enforcement
48 services pursuant to chapter 252B. Any moneys that
49 are determined payable by the treasurer pursuant to
50 section 556.20, subsection 2, to the child support

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1 obligor shall be subject to setoff pursuant to section
2 8A.504, notwithstanding any administrative rule
3 pertaining to the child support recovery unit limiting
4 the amount of the offset.

5 Sec. 122. 2005 Iowa Acts, chapter 167, section 61,
6 is amended by striking the section and inserting in
7 lieu thereof the following:

8 SEC. 61. INMATES, STUDENTS, PATIENTS, AND FORMER
9 INMATES OF STATE INSTITUTIONS – REVIEW.

10 1. The president of the state board of regents
11 shall convene a workgroup comprised of the president
12 or the president's designee, the director of the
13 department of corrections or the director's designee,
14 the director of the department of human services or
15 the director's designee, and a representative of the
16 university of Iowa hospitals and clinics to review the
17 provision of treatment and care to the inmates,
18 students, patients, and former inmates specified in
19 sections 263.21 and 263.22. The review shall
20 determine all of the following:

21 a. The actual cost to the university of Iowa
22 hospitals and clinics to provide care and treatment to
23 the inmates, students, patients, and former inmates on
24 an annual basis. The actual cost shall be determined
25 utilizing Medicare cost accounting principles.

26 b. The number of inmates, students, patients, and
27 former inmates provided treatment at the university of
28 Iowa hospitals and clinics, annually.

29 c. The specific types of treatment and care
30 provided to the inmates, students, patients, and
31 former inmates.

32 d. The existing sources of revenue that may be
33 available to pay for the costs of providing care and
34 treatment to the inmates, students, patients, and
35 former inmates.

36 e. The cost to the department of human services,
37 the Iowa department of corrections, and the state
38 board of regents to provide transportation and
39 staffing relative to provision of care and treatment
40 to the inmates, students, patients, and former inmates
41 at the university of Iowa hospitals and clinics.

42 f. The effect of any proposed alternatives for
43 provision of care and treatment for inmates, students,
44 patients, or former inmates, including the proposed
45 completion of the hospital unit at the Iowa state
46 penitentiary at Fort Madison.

47 2. The workgroup shall submit a report of its
48 findings to the governor and the general assembly no
49 later than December 31, 2008. The report shall also
50 include any recommendations for improvement in the

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1 provision of care and treatment to inmates, students,
2 patients, and former inmates, under the control of the
3 department of human services, the Iowa department of
4 corrections, and the state board of regents.

5 Sec. 123. MEDICAID STATE PLAN – MARITAL AND
6 FAMILY THERAPISTS AND LICENSED MASTER SOCIAL WORKERS.

7 1. The department of human services shall amend
8 the medical assistance state plan to allow marital and
9 family therapists licensed in the state to be
10 participating behavioral health providers under the
11 medical assistance program.

12 2. The department of human services shall amend
13 the medical assistance state plan to allow master
14 social workers who hold a master's degree approved by
15 the board of social work, are licensed as a master
16 social worker pursuant to section 154C.3, subsection
17 1, paragraph "b", and provide treatment services under
18 the supervision of an independent social worker
19 licensed pursuant to section 154C.3, subsection 1,
20 paragraph "c", to be participating behavioral health
21 services providers under the medical assistance
22 program.

23 DIVISION VIII

24 DOMESTIC VIOLENCE

25 Sec. 124. Section 236.2, Code 2007, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 4A. "Household pet" means pet as
28 defined in section 198.3.

29 Sec. 125. Section 236.3, subsection 6, Code 2007,
30 is amended to read as follows:

31 6. Name and age of each child under eighteen whose
32 welfare may be affected by the controversy. The
33 petition may also specify household pets which may be
34 affected by the controversy.

35 Sec. 126. Section 236.4, subsection 2, Code 2007,
36 is amended to read as follows:

37 2. The court may enter any temporary order it
38 deems necessary to protect the plaintiff from domestic
39 abuse prior to the hearing, including temporary
40 custody or visitation orders or temporary orders
41 relating to household pets, upon good cause shown in
42 an ex parte proceeding. Present danger of domestic
43 abuse to the plaintiff constitutes good cause for
44 purposes of this subsection.

45 a. The court may award temporary custody of or
46 establish temporary visitation rights with regard to
47 children under eighteen years of age. In awarding
48 temporary custody or temporary visitation rights, the
49 court shall give primary consideration to the safety
50 of the alleged victim and the children. Prior to the

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1 entry of any temporary order pursuant to this
 2 subsection related to a child-custody determination as
 3 defined in section 598B.102, the plaintiff shall
 4 comply with the provisions of section 598B.209. If
 5 the court finds that the safety of the alleged victim
 6 will be jeopardized by unsupervised or unrestricted
 7 visitation, the court shall set conditions or restrict
 8 visitation as to time, place, duration, or
 9 supervision, or deny visitation entirely, as needed to
 10 guard the safety of the victim and the children. The
 11 court shall also determine whether any other existing
 12 orders awarding custody or visitation should be
 13 modified.

14 b. The court may issue a temporary order granting
 15 the petitioner the exclusive care, possession, or
 16 control of a household pet specified in the petition
 17 which may be affected by the controversy. In granting
 18 temporary care, possession, or control of a household
 19 pet, the court shall give primary consideration to the
 20 safety of the alleged victim and the children.

21 Sec. 127. Section 236.5, subsection 2, Code 2007,
 22 is amended by adding the following new paragraph:
 23 **NEW PARAGRAPH.** bb. That the plaintiff or
 24 defendant have exclusive care, possession, or control
 25 of a household pet affected by the controversy.

DIVISION IX

TUITION ASSISTANCE – HEALTH CARE FACILITY EMPLOYEES

29 Sec. 128. TUITION ASSISTANCE FOR INDIVIDUALS
 30 SERVING INDIVIDUALS WITH DISABILITIES – PILOT
 31 PROGRAM.

32 1. If the general assembly appropriates moneys for
 33 the establishment of a tuition assistance pilot
 34 program for employees of health care facilities
 35 serving adults with mental illness or mental
 36 retardation, the department of education, in
 37 consultation with the department of human services and
 38 the community colleges, shall establish a statewide
 39 pilot program to provide grants to community colleges
 40 for the purpose of awarding tuition assistance to
 41 individuals pursuing a course of study leading to a
 42 degree applicable to the health care workforce and
 43 employment by health care facilities that provide
 44 services to adults with mental illness or mental
 45 retardation.

46 2. Within the limits set by the appropriation for
 47 this purpose, the departments of education and human
 48 services shall work collaboratively to develop a
 49 system for determining the number of hours a student
 50 shall work in a health care facility in return for a

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1 percentage reduction in the student's tuition costs.
2 3. A participating community college shall enter
3 into an agreement with one or more participating
4 health care facilities, and may also enter into an
5 agreement with one or more local nonprofit public
6 agencies, to match state funds provided on a
7 dollar-for-dollar basis for tuition assistance for an
8 eligible student who is employed by a participating
9 health care facility to provide services to adults
10 with mental illness or mental retardation. A
11 participating health care facility shall agree to
12 provide the community college with the number of hours
13 the student has accrued in order that the community
14 college may determine the percentage reduction in the
15 student's tuition costs.

16 4. The grant recipient shall compile and submit
17 information regarding the program's implementation and
18 level of local participation in the program in the
19 manner prescribed by the department. The department
20 shall summarize the information and shall submit the
21 information and its findings and recommendations in a
22 report to the general assembly by January 15 of the
23 fiscal year following the completion of the pilot
24 program.

25 5. For purposes of this section, unless the
26 context otherwise requires:

27 a. "Eligible student" means an individual who is a
28 resident of Iowa, enrolled in a community college
29 pursuing a course of study leading to a degree
30 applicable to the health care workforce, and employed
31 by a participating health care facility to serve
32 adults with mental illness or mental retardation.

33 b. "Health care facility" means as defined in
34 section 135C.1.

35 c. "Participating health care facility" means a
36 health care facility that has entered into an
37 agreement with a community college in accordance with
38 this section and which employs an eligible student.

39 DIVISION X

40 JUVENILE COURT PROCEEDINGS

41 Sec. 129. Section 232.2, subsection 4, paragraph
42 e, Code Supplement 2007, is amended to read as
43 follows:

44 e. The most recent information available regarding
45 the child's health and education records, including
46 the date the records were supplied to the agency or
47 individual who is the child's foster care provider.
48 If the child remains in foster care until the age of
49 majority, the child is entitled to receive prior to
50 discharge the most recent information available

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1 regarding the child's health and educational records.

2 Sec. 130. Section 232.46, subsection 4, Code 2007,
3 is amended to read as follows:

4 4. A consent decree shall remain in force for ~~six~~
5 ~~months up to one year~~ unless the child is sooner
6 discharged by the court or by the juvenile court
7 officer or other agency or person supervising the
8 child. Upon application of a juvenile court officer
9 or other agency or person supervising the child made
10 prior to the expiration of the decree and after notice
11 and hearing, or upon agreement by the parties, a
12 consent decree may be extended for up to an additional
13 ~~six months year~~ by order of the court.

14 Sec. 131. Section 232.91, subsection 3, Code
15 Supplement 2007, is amended to read as follows:

16 3. Any person who is entitled under section 232.88
17 to receive notice of a hearing concerning a child
18 shall be given the opportunity to be heard in any
19 other review or hearing involving the child. A foster
20 parent, relative, or other individual with whom a
21 child has been placed for preadoptive care shall have
22 the right to be heard in any proceeding involving the
23 child. If a child is of an age appropriate to attend
24 the hearing but the child does not attend, the court
25 shall determine if the child was informed of the
26 child's right to attend the hearing.

27 DIVISION XI

28 INVESTIGATION OF DEATHS AT INSTITUTIONS

29 Sec. 132. NEW SECTION. 218.64 INVESTIGATION OF
30 DEATH.

31 1. For the purposes of this section, unless the
32 context otherwise requires, "institution" and
33 "resident" mean the same as defined in section 218.13.

34 2. Upon the death of a resident of an institution,
35 the county medical examiner shall conduct a
36 preliminary investigation of the death as provided in
37 section 331.802. The cost of the preliminary
38 investigation shall be paid by the department of human
39 services.

40 Sec. 133. Section 222.12, Code 2007, is amended to
41 read as follows:

42 222.12 DEATHS INVESTIGATED.

43 1. In the event of a sudden or mysterious Upon the
44 death of a patient of a resource center or the special
45 unit or any private institution for persons with
46 mental retardation, an a preliminary investigation of
47 the death shall be held conducted as required by
48 section 218.64 by the county medical examiner as
49 provided in section 331.802. Such a preliminary
50 investigation shall also be conducted in the event of

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1 a sudden or mysterious death of a patient in a private
 2 institution for persons with mental retardation. The
 3 ~~superintendent of a resource center or a special unit~~
 4 ~~or~~ chief administrative officer of any private
 5 institution may request an investigation of the death
 6 of any patient by the county medical examiner.

7 2. Notice of the death of the patient, and the
 8 cause ~~thereof of death~~, shall be sent to the county
 9 board of supervisors and to the judge of the court
 10 ~~having that~~ had jurisdiction over a committed patient.
 11 The fact of death with the time, place, and alleged
 12 cause shall be entered upon the docket of the court.

13 3. The parent, guardian, or other person
 14 responsible for the admission of a patient to ~~such~~
 15 ~~institutions~~ a private institution for persons with
 16 mental retardation may also request ~~an~~ such a
 17 preliminary investigation by the county medical
 18 examiner in the event of the death of the patient that
 19 is not sudden or mysterious. The person or persons
 20 making the request ~~shall be~~ are liable for the expense
 21 of such preliminary investigation and payment ~~therefor~~
 22 for the expense may be required in advance. ~~The~~
 23 ~~expense of a county medical examiner's investigation~~
 24 ~~when requested by the superintendent of a state~~
 25 ~~resource center or a special unit shall be paid from~~
 26 ~~support funds of that institution.~~

27 Sec. 134. Section 226.34, Code 2007, is amended to
 28 read as follows:

29 226.34 INVESTIGATION OF DEATH – NOTICE.

30 1. An Upon the death of a patient, the county
 31 medical examiner shall conduct a preliminary
 32 ~~investigation by the county medical examiner shall be~~
 33 ~~held in those cases where a death shall occur suddenly~~
 34 ~~and without apparent cause, or a patient die and the~~
 35 ~~patient's relatives so request, but in the latter case~~
 36 ~~the relatives making the request shall be liable for~~
 37 ~~the expense of the same, and payment therefor may be~~
 38 ~~required in advance as required by section 218.64, in~~
 39 accordance with section 331.802.

40 2. ~~When~~ If a patient in ~~any a~~ any a mental health
 41 institute ~~shall die~~ dies from any cause, the
 42 superintendent of ~~said the~~ institute shall within
 43 three days of the date of death, send by certified
 44 mail a written notice of death to all of the
 45 following:

- 46 ~~1.~~ a. The decedent's nearest relative.
- 47 ~~2.~~ b. The clerk of the district court of the
- 48 county from which the patient was committed, ~~and,~~
- 49 ~~3.~~ c. The sheriff of the county from which the
- 50 patient was committed.

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1 Sec. 135. Section 331.802, subsection 2, Code
2 2007, is amended to read as follows:
3 2. a. If a person's death affects the public
4 interest, the county medical examiner shall conduct a
5 preliminary investigation of the cause and manner of
6 death, prepare a written report of the findings,
7 promptly submit the full report to the state medical
8 examiner on forms prescribed for that purpose, and
9 submit a copy of the report to the county attorney.

10 b. ~~For~~ Except as provided in section 21 or as
11 otherwise provided by law, for each preliminary
12 investigation and the preparation and submission of
13 the required reports, the county medical examiner
14 shall receive from the county of appointment a fee
15 determined by the board plus the examiner's actual
16 expenses. The fee and expenses paid by the county of
17 appointment shall be reimbursed to the county of
18 appointment by the county of the person's residence.
19 However, if the person's death is caused by a
20 defendant for whom a judgment of conviction and
21 sentence is rendered under section 707.2, 707.3,
22 707.4, 707.5, or 707.6A, the county of the person's
23 residence may recover from the defendant the fee and
24 expenses.

25 c. The fee and expenses of the county medical
26 examiner who performs an autopsy or conducts an
27 investigation of a person who dies after being brought
28 into this state for emergency medical treatment by or
29 at the direction of an out-of-state law enforcement
30 officer or public authority shall be paid by the
31 state. A claim for payment shall be filed with the
32 Iowa department of public health. If moneys are not
33 appropriated to the Iowa department of public health
34 for the payment of autopsies under this ~~subsection~~
35 paragraph, claims for payment shall be forwarded to
36 the state appeal board and, if authorized by the
37 board, shall be paid out of moneys in the general fund
38 of the state not otherwise appropriated.

39 Sec. 136. Section 331.802, subsection 3, Code
40 2007, is amended by adding the following new
41 paragraph:
42 NEW PARAGRAPH. k. Death of a person committed or
43 admitted to a state mental health institute, a state
44 resource center, the state training school, or the
45 Iowa juvenile home."

Amendment H-8581 was adopted.

SENATE FILE 2425 SUBSTITUTED FOR HOUSE FILE 2697

Foege of Linn asked and received unanimous consent to substitute Senate File 2425 for House File 2697.

Senate File 2425, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions, was taken up for consideration.

Foege of Linn offered amendment H-8586 filed by him from the floor as follows:

H-8586

1 Amend Senate File 2425, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 24, by striking the figure
4 "4,851,698" and inserting the following: "5,251,698".

5 2. Page 2, by inserting after line 21 the
6 following:

7 "____. Of the funds appropriated in this section,
8 \$200,000 shall be used to replace federal funding for
9 the aging and disability resource center."

10 3. Page 2, by inserting after line 21 the
11 following:

12 "____. Of the funds appropriated in this section,
13 \$200,000 shall be used for expansion of the elder
14 abuse initiative program established pursuant to
15 section 231.56A to additional counties."

16 4. Page 4, by striking lines 1 through 8, and
17 inserting the following:

18 "____. Of the funds appropriated in this
19 subsection, \$100,000 shall be distributed to a
20 statewide coalition that has demonstrated
21 effectiveness in a research-based literacy program to
22 train parents and health care providers about the
23 importance of early childhood learning and literacy by
24 providing parents with age-appropriate counseling on
25 reading aloud to their children, giving children new
26 books, and providing a literacy-rich physician waiting
27 room environment."

28 5. Page 4, by striking lines 9 through 13.

29 6. Page 5, lines 30 and 31, by striking the words
30 and figures "pursuant to sections 135.102 and
31 135.103".

32 7. Page 6, line 13, by striking the figure

33 "2,798,513" and inserting the following: "2,961,013".

34 8. Page 6, line 24, by striking the figure
35 "100,000" and inserting the following: "262,500".

36 9. Page 8, by inserting after line 10 the
37 following:

38 "3. To enhance and standardize the availability,
39 delivery, and cost of delivery of gambling treatment
40 services statewide, the department shall implement a
41 transition process to transfer the delivery of
42 gambling treatment services to the network of licensed
43 substance abuse treatment providers funded by the
44 department. The transition process shall be completed
45 by July 1, 2009.

46 a. By December 1, 2008, licensed substance abuse
47 treatment providers funded by the department shall
48 submit to the department, plans and budgets that
49 address transitioning gambling treatment services,
50 providing gambling treatment services, and training

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1 staff to provide gambling treatment services. The
2 format for the plans and budgets shall be developed by
3 the department. Plans and budgets shall be approved
4 or disapproved by the department. The department
5 shall allocate funds to providers in accordance with
6 approved plans and budgets.

7 b. The transition process shall include the
8 establishment of joint licensure for gambling and
9 substance abuse treatment that includes one set of
10 standards, one licensure survey, comprehensive
11 technical assistance, and appropriately credentialed
12 counselors to support the following goals:

13 (1) Gambling treatment services are available to
14 Iowans statewide.

15 (2) The comorbidity and spectrum of conditions
16 involving substance use disorders, problematic and
17 pathological gambling, concerned persons, and mental
18 health disorders are readily acknowledged and service
19 providers have the skills to treat individuals who are
20 symptomatic with combinations of these conditions.

21 (3) Service providers also have the skills and
22 delivery structures to welcome and treat individuals
23 with single morbidity.

24 (4) Licensure standards for gambling treatment and
25 substance abuse treatment services are uniform to the
26 greatest possible extent, with no duplications or
27 contradictions.

28 (5) Client admissions to gambling treatment
29 services statewide are consistent with the incidence
30 of problematic and pathological gambling.

31 (6) Outcome measures for gambling treatment

32 services are uniform statewide.

33 (7) The costs to deliver gambling treatment
34 services are better aligned with the costs to deliver
35 substance abuse treatment services.

36 c. From the amounts appropriated in this section
37 and from other funding sources available for gambling
38 and substance abuse treatment, the department may
39 allocate up to \$100,000 for administrative costs to
40 develop and implement the transition process in
41 accordance with this subsection."

42 10. Page 10, by inserting after line 32 the
43 following:

44 "Notwithstanding section 8.33, moneys appropriated
45 in this subsection that remain unencumbered or
46 unobligated at the close of the fiscal year shall not
47 revert but shall remain available for expenditure for
48 the purposes designated until the close of the
49 succeeding fiscal year. However, unless such moneys
50 are encumbered or obligated on or before September 30,

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1 2009, the moneys shall revert."

2 11. Page 10, line 34, by striking the figure
3 "17,707,495" and inserting the following:
4 "19,707,495".

5 12. Page 11, by inserting before line 12 the
6 following:

7 "Of the funds appropriated in this subsection,
8 \$1,200,000 is allocated for additional income
9 maintenance workers and \$800,000 is allocated for
10 additional social workers."

11 13. Page 14, by striking lines 30 through 34.

12 14. Page 15, by inserting after line 19 the
13 following:

14 "The department shall amend the food stamp
15 employment and training state plan in order to
16 maximize to the fullest extent permitted by federal
17 law the use of the fifty-fifty match provisions for
18 the claiming of allowable federal matching funds from
19 the United States department of agriculture pursuant
20 to the federal food stamp employment and training
21 program for providing education, employment, and
22 training services for eligible food assistance program
23 participants, including but not limited to related
24 dependent care and transportation expenses."

25 15. Page 19, line 10, by striking the figure
26 "646,401,453" and inserting the following:
27 "643,005,671".

28 16. Page 24, line 35, by inserting after the word
29 "Act," the following: "beginning January 1, 2009,".

30 17. Page 25, line 3, by inserting after the word

31 "Act," the following: "beginning January 1, 2009,".

32 18. Page 25, by inserting after line 25 the
33 following:

34 "____. Of the funds appropriated in this section,
35 \$250,000 shall be used to implement the provisions in
36 2007 Iowa Acts, chapter 218, section 124, as amended
37 by the Eighty-second General Assembly, 2008 Session,
38 relating to eligibility for certain persons with
39 disabilities under the medical assistance program.

40 _____. The department of human services shall
41 conduct a review of the impact of broadening the list
42 of drugs prescribed for the treatment of diabetes on
43 the preferred drug list under the medical assistance
44 program in order to promote drugs that are appropriate
45 and therapeutically effective for persons with
46 diabetes. The review shall include, at a minimum, a
47 comparison of the effectiveness of drugs prescribed
48 for the treatment of diabetes and a cost analysis.
49 The department shall report its findings and
50 recommendations to the individuals specified in this

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1 Act to receive reports by December 15, 2008."

2 19. Page 27, line 27, by striking the figure
3 "15,873,103" and inserting the following:
4 "13,868,885".

5 20. Page 31, line 13, by striking the figure
6 "88,557,565" and inserting the following:
7 "88,210,005".

8 21. Page 31, line 34, by striking the figure
9 "36,441,744" and inserting the following:
10 "35,841,744".

11 22. Page 35, line 23, by striking the figure
12 "1,030,000" and inserting the following: "1,130,000".

13 23. Page 37, by inserting after line 21 the
14 following:

15 "25. Of the funds appropriated in this section,
16 \$152,440 shall be used for continuation of the funding
17 of one or more child welfare diversion and mediation
18 pilot projects as provided in 2004 Iowa Acts, chapter
19 1130, section 1."

20 24. Page 37, line 29, by striking the figure
21 "32,568,872" and inserting the following:
22 "33,168,872".

23 25. Page 44, by striking lines 2 through 13 and
24 inserting the following:

25 "6. Of the funds appropriated in this section,
26 \$260,000 shall be used for a grant to a statewide
27 association of counties for development and
28 implementation of the community services network to
29 replace the county management information system."

30 26. Page 45, line 26, by striking the figure
 31 "16,682,067" and inserting the following:
 32 "16,982,067".

33 27. Page 45, by inserting after line 33 the
 34 following:

35 "3. Of the funds appropriated in this section,
 36 \$300,000 is allocated for opening a new Alzheimer's
 37 disease unit at one of the state mental health
 38 institutes."

39 28. Page 48, by inserting after line 8 the
 40 following:

41 "(4) A hospital is not eligible for an increase in
 42 reimbursement under the medical assistance program for
 43 the fiscal year beginning July 1, 2008, if at any time
 44 within the 24-month period directly preceding the
 45 start of that fiscal year, the hospital meets both of
 46 the following criteria:

47 (a) Has been subject to a cease and desist order
 48 or other adverse order or adverse decision by the
 49 national labor relations board, either by the board or
 50 by an administrative law judge under the board, in

Page 5

1 response to an unfair labor practice charge, and the
 2 order or decision has not been subsequently overturned
 3 by administrative or judicial review.

4 (b) Has been cited for a violation of the
 5 occupational health and safety administration of the
 6 United States department of labor pursuant to Iowa
 7 Code chapter 88, and the citation has not been
 8 subsequently overturned by administrative or judicial
 9 review."

10 29. Page 48, line 21, by striking the figure
 11 "2008" and inserting the following: "2009".

12 30. Page 54, by striking line 27 and inserting
 13 the following: "provider entities, the state and
 14 local offices of the long-term resident's care
 15 advocate, the older Iowans' legislature, area agencies
 16 on aging, the".

17 31. Page 55, by striking lines 13 through 25.

18 32. Page 55, by inserting before line 26 the
 19 following:

20 "____. VISUAL INSPECTIONS AND REPAIR OF HAZARDS –
 21 LEAD HAZARDS. The department of human services and
 22 the department of education shall adopt rules to
 23 require programs and facilities under the purview of
 24 the respective department to conduct visual
 25 assessments for lead hazards and to repair lead
 26 hazards identified."

27 33. Page 63, line 7, by striking the figure
 28 "500,000" and inserting the following: "1,000,000".

29 34. Page 63, by striking lines 32 through 35.

30 35. Page 89, line 20, by striking the figure

31 "113,690,856" and inserting the following:

32 "114,693,296".

33 36. Page 94, by striking lines 20 through 30 and

34 inserting the following:

35 "TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

36 FAMILY DEVELOPMENT AND SELF-SUFFICIENCY GRANT PROGRAM

37 Sec.____. 2007 Iowa Acts, chapter 218, section 7,

38 subsection 3, is amended by adding the following new

39 unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. Notwithstanding section

41 8.33, moneys appropriated in this subsection that

42 remain unencumbered or unobligated at the close of the

43 fiscal year shall not revert but shall remain

44 available for expenditure for the purposes designated

45 until the close of the succeeding fiscal year.

46 However, unless such moneys are encumbered or

47 obligated on or before September 30, 2008, the moneys

48 shall revert."

49 37. Page 98, by inserting after line 6 the

50 following:

Page 6

1 "MI/MR/DD STATE CASES

2 ADOPTION SUBSIDY

3 Sec.____. 2007 Iowa Acts, chapter 218, section 25,

4 subsection 3, is amended to read as follows:

5 3. Notwithstanding section 8.33, moneys

6 appropriated in this section that remain unencumbered

7 or unobligated at the close of the fiscal year shall

8 not revert but shall remain available for expenditure

9 for the purposes designated until the close of the

10 succeeding fiscal year. The first \$1,000,000 of such

11 moneys shall be transferred to the appropriation made

12 for adoption subsidy for the fiscal year beginning

13 July 1, 2008."

14 38. Page 100, line 10, by striking the word

15 "subsection" and inserting the following:

16 "subsections".

17 39. Page 100, by inserting after line 20 the

18 following:

19 "NEW SUBSECTION. 9. For the medical assistance

20 program only to the extent all other appropriations

21 made for the program are insufficient:

22 \$ 2,500,000"

23 40. Page 107, by inserting after line 14 the

24 following:

25 "Sec.____. Section 135.150, subsection 2, Code

26 Supplement 2007, is amended to read as follows:

27 2. a. Moneys appropriated to the department under

28 this section shall be for the purpose of operating a
 29 gambling treatment program and shall be used for
 30 funding of administrative costs and to provide
 31 programs which may include, but are not limited to,
 32 outpatient and follow-up treatment for persons
 33 affected by problem gambling, rehabilitation and
 34 residential treatment programs, information and
 35 referral services, crisis call access, education and
 36 preventive services, and financial management ~~and~~
 37 ~~credit counseling~~ services.

38 b. A person shall not maintain or conduct a
 39 gambling treatment program funded under this section
 40 unless the person has obtained a license for the
 41 program from the department. The department shall
 42 adopt rules to establish standards for the licensing
 43 and operation of gambling treatment programs under
 44 this section. The rules shall specify, but are not
 45 limited to specifying, the qualifications for persons
 46 providing gambling treatment services, standards for
 47 the organization and administration of gambling
 48 treatment programs, and a mechanism to monitor
 49 compliance with this section and the rules adopted
 50 under this section. Effective on or after July 1,

Page 7

1 2009, the department shall adopt rules regarding the
 2 joint licensure of gambling treatment and substance
 3 abuse treatment programs including qualifications for
 4 persons providing the services."

5 41. Page 107, line 26, by inserting after the
 6 word "policy" the following: "bodies".

7 42. Page 123, by inserting after line 8 the
 8 following:

9 "Sec. . NEW SECTION. 249A.36 HEALTH CARE
 10 INFORMATION SHARING.

11 1. As a condition of doing business in the state,
 12 health insurers including self-insured plans, group
 13 health plans as defined in the federal Employee
 14 Retirement Income Security Act of 1974, Pub. L. No.
 15 93-406, service benefit plans, managed care
 16 organizations, pharmacy benefits managers, and other
 17 parties that are, by statute, contract, or agreement,
 18 legally responsible for payment of a claim for a
 19 health care item or service, shall do all of the
 20 following:

21 a. Provide, with respect to individuals who are
 22 eligible for or are provided medical assistance under
 23 the state's medical assistance state plan, upon the
 24 request of the state, information to determine during
 25 what period the individual or the individual's spouse
 26 or dependents may be or may have been covered by a

27 health insurer and the nature of the coverage that is
28 or was provided by the health insurer, including the
29 name, address, and identifying number of the plan, in
30 accordance with section 505.25, in a manner prescribed
31 by the department of human services or as agreed upon
32 by the department and the entity specified in this
33 section.

34 b. Accept the state's right of recovery and the
35 assignment to the state of any right of an individual
36 or other entity to payment from the party for an item
37 or service for which payment has been made under the
38 medical assistance state plan.

39 c. Respond to any inquiry by the state regarding a
40 claim for payment for any health care item or service
41 that is submitted no later than three years after the
42 date of the provision of such health care item or
43 service.

44 d. Agree not to deny any claim submitted by the
45 state solely on the basis of the date of submission of
46 the claim, the type or format of the claim form, or a
47 failure to present proper documentation at the
48 point-of-sale that is the basis of the claim, if all
49 of the following conditions are met:

50 (1) The claim is submitted to the entity by the

Page 8

1 state within the three-year period beginning on the
2 date on which the item or service was furnished.

3 (2) Any action by the state to enforce its rights
4 with respect to such claim is commenced within six
5 years of the date that the claim was submitted by the
6 state.

7 2. The department of human services may adopt
8 rules pursuant to chapter 17A as necessary to
9 implement this section. Rules governing the exchange
10 of information under this section shall be consistent
11 with all laws, regulations, and rules relating to the
12 confidentiality or privacy of personal information or
13 medical records, including but not limited to the
14 federal Health Insurance Portability and
15 Accountability Act of 1996, Pub. L. No. 104-191, and
16 regulations promulgated in accordance with that Act
17 and published in 45 C.F.R. pts. 160 through 164."

18 43. Page 126, by striking lines 18 through 24.

19 44. By renumbering as necessary.

Foege of Linn offered the following amendment H-8603, to amendment H-8586, filed by him, Oldson of Polk, Kressig of Black Hawk, Kelley of Black Hawk, Gayman of Scott, Palmer of Mahaska, Smith of Marshall, Staed of Linn, Whitead of Woodbury, Bell of

Jasper , Wenthe of Fayette and Reichert of Muscatine from the floor and moved its adoption:

H-8603

1 Amend the amendment, H-8586, to Senate File 2425,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, line 27, by striking the figure
5 "643,005,671" and inserting the following:
6 "649,497,984".
7 2. Page 4, by inserting after line 38 the
8 following:
9 "____. Page 46, line 32, by striking the figure
10 "2007." and inserting the following: "2007, plus 1
11 percent. Nursing facility rates calculated in
12 accordance with this subparagraph shall in no instance
13 exceed the rate component limits as defined in 441 IAC
14 81.6(16)."
15 _____. Page 47, line 23, by striking the figure
16 "4.52" and inserting the following: "4.57".
17 _____. Page 47, line 27, by striking the words
18 "remain at" and inserting the following: "be
19 increased by 1 percent over".
20 3. Page 5, by inserting after line 9 the
21 following:
22 "____. Page 48, line 16, by striking the words
23 "remain at" and inserting the following: "be
24 increased by 1 percent over".
25 4. Page 5, by inserting after line 11 the
26 following:
27 "____. Page 48, line 27, by striking the words
28 "remain at" and inserting the following: "be
29 increased by 1 percent over".
30 _____. Page 48, line 31, by striking the figure
31 "160.71" and inserting the following: "167.19".
32 _____. Page 48, line 34, by striking the words
33 "remain at" and inserting the following: "be
34 increased by 1 percent over".
35 _____. Page 49, line 8, by striking the words
36 "remain at" and inserting the following: "be
37 increased by 1 percent over".

Amendment H-8603 was adopted.

L. Miller of Scott offered the following amendment H-8607, to amendment H-8586, filed by her from the floor and moved its adoption:

H-8607

1 Amend the amendment, H-8586, to Senate File 2425,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by inserting after line 39 the
5 following:
6 "22. It is the intent of the general assembly that
7 if federal funding for the medical assistance program
8 is increased during the fiscal year beginning July 1,
9 2008, priority in utilization of the increased funding
10 shall be to eliminate the medical assistance home and
11 community-based services waivers waiting lists, with
12 any remaining funds being used to provide an
13 across-the-board percentage increase, up to 3 percent
14 above the rates existing on June 30, 2008, in the
15 reimbursement rates of medical assistance providers."

Amendment H-8607 was adopted.

Wiencek of Black Hawk offered the following amendment H-8608, to amendment H-8586, filed by her from the floor and moved its adoption:

H-8608

1 Amend the amendment, H-8586, to Senate File 2425,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, by inserting after line 19 the
5 following:
6 "____. The department shall review the processes
7 for drug testing of persons responsible for the care
8 of a child in child abuse cases to evaluate the
9 effectiveness of the testing, whether it is applied in
10 the same manner in all service areas, identify how the
11 funding designated for drug testing is utilized, and
12 address other issues associated with the testing. The
13 department shall report concerning the review to the
14 persons designated by this Act to receive reports."
15 2. By renumbering as necessary.

Amendment H-8608 was adopted.

Foege of Linn offered the following amendment H-8598, to amendment H-8586, filed by him from the floor and moved its adoption:

H-8598

- 1 Amend the amendment, H-8586, to Senate File 2425,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 5, line 32, by striking the figure
5 "114,693,296" and inserting the following:
6 "114,953,296".
7 2. Page 7, by inserting after line 6 the
8 following:
9 "____. By striking page 119, line 35, through page
10 120, line 21."
11 3. By renumbering as necessary.

Amendment H-8598 was adopted.

Heaton of Henry offered the following amendment H-8606, to amendment H-8586, filed by him from the floor and moved its adoption:

H-8606

- 1 Amend the amendment, H-8586, to Senate File 2425,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 7, by inserting after line 8 the
5 following:
6 "Sec.____. Section 249A.20A, subsection 2, Code
7 2007, is amended by adding the following new
8 paragraph:
9 NEW PARAGRAPH. d. A member of the committee shall
10 disclose to the department, in a format and in
11 accordance with a schedule prescribed by rule of the
12 department, any financial relationship or affiliation
13 with a pharmaceutical manufacturer, including but not
14 limited to any payments or contributions for lectures,
15 consulting, research, or other services. The
16 disclosure requirements shall be at least as stringent
17 as the campaign disclosure requirements applicable to
18 a member of the general assembly pursuant to chapter
19 68A.
20 Sec.____. Section 249A.24, Code 2007, is amended
21 by adding the following new subsection:
22 NEW SUBSECTION. 4. A member of the commission
23 shall disclose to the department, in a format and in
24 accordance with a schedule prescribed by rule of the
25 department, any financial relationship or affiliation
26 with a pharmaceutical manufacturer, including but not
27 limited to any payments or contributions for lectures,
28 consulting, research, or other services. The

29 disclosure requirements shall be at least as stringent
30 as the campaign disclosure requirements applicable to
31 a member of the general assembly pursuant to chapter
32 68A."
33 2. By renumbering as necessary.

Amendment H-8606 was adopted.

The House stood at ease at 9:50 p.m., until the fall of the gavel.

The House resumed session at 9:55 p.m., Speaker Murphy in the chair.

Kressig of Black Hawk in the chair at 9:59 p.m.

Van Fossen of Scott offered the following amendment H-8612, to amendment H-8586, filed by him from the floor and moved its adoption:

H-8612

1 Amend the amendment, H-8586, to Senate File 2425,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by striking lines 28 through 31 and
5 inserting the following
6 "____. By striking page 24, line 33, through page
7 25, line 6, and inserting the following:
8 "(1) For transfer to the appropriation made in
9 2007 Iowa Acts, chapter 215, section 1, subsection 1,
10 as amended by this Act, for allocation as additional
11 funding under new subsection 3 of that section, as
12 enacted by this Act, \$3,000,000."
13 2. Page 4, by inserting after line 22 the
14 following:
15 "____. Page 42, by inserting after line 16 the
16 following:
17 "4. Of the funds appropriated in this section,
18 \$1,000,000 is transferred to the appropriation made in
19 2007 Iowa Acts, chapter 215, section 1, subsection 1,
20 as amended by this Act, for allocation as additional
21 funding under new subsection 3 of that section, as
22 enacted by this Act."
23 3. Page 5, by inserting after line 28 the
24 following:
25 "____. Page 63, by striking lines 17 and 18 and
26 inserting the following:
27 "7. For transfer to the appropriation made in 2007

28 Iowa Acts, chapter 215, section 1, subsection 1, as
 29 amended by this Act, for allocation as additional
 30 funding under new subsection 3 of that section, as
 31 enacted by this Act:
 32 \$ 250,000""

Speaker Murphy in the chair at 10:00 p.m.

Roll call was requested by Van Fossen of Scott and Rants of Woodbury.

On the question "Shall amendment H-8612 to amendment H-8586, be adopted?" (H.F. 2425)

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Mertz
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wiencek
Windschitl	Worthan		

The nays were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 2:

Clute	Roberts
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Amendment H-8612 lost.

Heaton of Henry offered the following amendment H-8609, to amendment H-8586, filed by him from the floor and moved its adoption:

H-8609

1 Amend the amendment, H-8586, to Senate File 2425,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, by inserting after line 1 the
5 following:
6 "____. The department of human services shall
7 conduct a review of the medical assistance home and
8 community-based services waivers, including but not
9 limited to the upper limit of reimbursement for each
10 waiver and the services provided under each waiver,
11 and shall make recommendations to the individuals
12 specified in this Act to receive reports by December
13 15, 2008, regarding revising the upper limits of
14 reimbursement and services provided."

Amendment H-8609 was adopted.

Jacobs of Polk offered the following amendment H-8613, to amendment H-8586, filed by her from the floor and moved its adoption:

H-8613

1 Amend the amendment, H-8586, to Senate File 2425,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, by inserting after line 1 the
5 following:
6 "____. To the extent allowed by federal law, it is
7 the intent of the general assembly that individuals
8 with amyotrophic lateral sclerosis who are eligible
9 for such services are given priority status in
10 receiving services under the medical assistance home
11 and community-based services waivers."

Amendment H-8613 lost.

Heaton of Henry offered the following amendment H-8618, to amendment H-8586, filed by him from the floor and moved its adoption:

H-8618

1 Amend the amendment, H-8586, to Senate File 2425,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by inserting after line 10 the
5 following:
6 "____. Page 11, line 13, by striking the figure
7 "3,744,000" and inserting the following:
8 "4,616,130"."
9 2. Page 4, by inserting after line 4 the
10 following:
11 "____. Page 30, line 29, by striking the figure
12 "7,579,484" and inserting the following: "7,663,642".
13 _____. Page 30, line 34, by striking the figure
14 "11,948,327" and inserting the following:
15 "12,040,991"."
16 3. Page 4, by inserting after line 22 the
17 following:
18 "____. Page 39, line 29, by striking the figure
19 "5,727,743" and inserting the following: "5,840,220".
20 _____. Page 39, line 35, by striking the figure
21 "7,023,073" and inserting the following: "7,124,187".
22 _____. Page 40, line 6, by striking the figure
23 "10,495,879" and inserting the following:
24 "10,676,040".
25 _____. Page 40, line 12, by striking the figure
26 "1,874,721" and inserting the following: "1,935,276".
27 _____. Page 40, line 22, by striking the figure
28 "17,102,330" and inserting the following:
29 "17,251,783".
30 _____. Page 40, line 25, by striking the figure
31 "11,266,164" and inserting the following:
32 "11,345,002"."
33 4. Page 4, by inserting after line 29 the
34 following:
35 "____. Page 44, line 29, by striking the figure
36 "6,492,008" and inserting the following:
37 "6,504,718"."
38 5. Page 4, line 32, by striking the figure
39 "16,982,067" and inserting the following:
40 "15,809,937".

Amendment H-8618 lost.

Division of amendment H-8586, as amended, was requested as follows:

Page 1, lines 36 through page 2 line 41, page 6 lines 23 through page 7 line 4, Division A.

Page 4 lines 2 through 4, page 5 line 17 through page 8 line 18, Division B.

Page 4 line 39 through page 5 line 9, Division C.

Page 1 lines 3-35, page 2 line 42 through page 4 line 1, page 4 lines 5-38, page 5 lines 10 through 16, page 5 line 18 through page 6 line 22, page 7 lines 5 to page 8 line 17, page 8 line 18, Division D.

Foege of Linn moved the adoption of amendment H-8586A.

Rule 75 was invoked.

A non-record roll call was requested.

The ayes were 51, nays 47.

Amendment H-8586A was adopted.

Foege of Linn moved the adoption of amendment H-8586B.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment H-8586B be adopted?" (S.F. 2425)

The ayes were, 54:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert

Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Tomenga	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach	Mr. Speaker Murphy		

The nays were, 44:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rasmussen	Rayhons	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wiencsek	Windschitl	Worthan

Absent or not voting, 2:

Clute	Roberts
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Amendment H-8586B was adopted.

Foege of Linn moved the adoption of amendment H-8586C, as amended.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment H-8586C, as amended, be adopted?" (S.F. 2425)

The ayes were, 50:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell

Whitaker	Whitead	Winckler	Wise
Zirkelbach	Mr. Speaker Murphy		

The nays were, 45:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rasmussen	Rayhons	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wienczek	Windschitl
Worthan			

Absent or not voting, 5:

Clute	Jochum	Kuhn	Roberts
Schueller			

Amendment H-8586C, as amended, was adopted.

Foege of Linn moved the adoption of amendment H-8586D.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment H-8586D, as amended, be adopted?" (S.F. 2425)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill

Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencek	Winckler
Windschitl	Wise	Worthan	Zirkelbach
Mr. Speaker Murphy			

The nays were, none.

Absent or not voting, 3:

Clute	Roberts	Schueller
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Amendment H-8586D, as amended was adopted, placing out of order the following amendments:

Amendment H-8590 filed by Heaton of Henry, Anderson of Page, Granzow of Hardin, Rasmussen of Buchanan, Huseman of Cherokee, Horbach of Tama and Watts of Dallas from the floor.

Amendment H-8592 filed by Van Fossen of Scott, Alons of Sioux, Anderson of Page, Arnold of Lucas, Baudler of Adair, Boal of Polk, Chambers of O'Brien, De Boef of Keokuk, Deyoe of Story, Dolecheck of Ringgold, Drake of Pottawattamie, Gipp of Winneshiek, Granzow of Hardin, Grassley of Butler, Greiner of Washington, Heaton of Henry, Hoffman of Crawford, Horbach of Tama, Huseman of Cherokee, Jacobs of Polk, Kaufmann of Cedar, Lukan of Dubuque, May of Dickinson, L. Miller of Scott, S. Olson of Clinton, Paulsen of Linn, Pettengill of Benton, Raecker of Polk, Rants of Woodbury, Rasmussen of Buchanan, Rayhons of Hancock, Sands of Louisa, Schickel of Cerro Gordo, Soderberg of Plymouth, Struyk of Pottawattamie, Tjepkes of Webster, Tomenga of Polk, Tymeson of Madison, Upmeyer of Hancock, Van Engelenhoven of Marion, Watts of Dallas, Wiencek of Black Hawk, Windschitl of Harrison and Worthan of Buena Vista from the floor.

Amendment H-8595 filed by L. Miller of Scott from the floor.

Amendment H-8596 filed by Jacobs of Polk from the floor.

Amendment H-8602 filed by Wiencek of Black Hawk from the floor.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk on request of Struyk of Pottawattamie.

Raecker of Polk asked and received unanimous consent that amendment H-8610 be deferred.

Tymeson of Madison offered the following amendment H-8589 filed by her from the floor and moved its adoption:

H-8589

- 1 Amend Senate File 2425, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 9, by striking lines 2 through 6.

Amendment H-8589 lost.

Heaton of Henry offered the following amendment H-8591 filed by him from the floor and moved its adoption:

H-8591

- 1 Amend Senate File 2425, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 21, by striking lines 4 through 9, and
- 4 inserting the following:
- 5 "5. Of the funds appropriated in this section, in
- 6 addition to any other funds appropriated or allocated
- 7 for this purpose, up to \$3,050,082 shall be used to
- 8 reduce the waiting lists of the home and
- 9 community-based services waivers under the medical
- 10 assistance program. The department shall distribute
- 11 the funding allocated in this subsection
- 12 proportionately among all home and community-based
- 13 services waivers."

A non-record roll call was requested.

The ayes were 42, nays 49.

Amendment H-8591 lost.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-8593 filed by him from the floor.

Foege of Linn asked and received unanimous consent that amendment H-8605 be deferred.

Foege of Linn offered the following amendment H-8616 filed by him from the floor and moved its adoption:

H-8616

1 Amend Senate File 2425, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 46, by striking lines 6 through 20 and
 4 inserting the following:
 5 "Sec. ____ . ALLOWED GROWTH – ADDITIONAL FUNDING.
 6 There is appropriated from the general fund of the
 7 state to the department of human services for the
 8 fiscal year beginning July 1, 2008, and ending June
 9 30, 2009, the following amount, or so much thereof as
 10 is necessary, to be used for the purposes designated:
 11 To be credited to the appropriation made in 2007
 12 Iowa Acts, chapter 215, section 1, subsection 1, as
 13 amended by this Act, for allocation as additional
 14 funding under new subsection 3 of that section, as
 15 enacted by this Act:
 16 \$ 750,000"
 17 2. Page 64, by striking lines 1 through 19 and
 18 inserting the following:
 19 "11. For transfer to the appropriation made in
 20 2007 Iowa Acts, chapter 215, section 1, subsection 1,
 21 as amended by this Act, for allocation as additional
 22 funding under new subsection 3 of that section, as
 23 enacted by this Act:
 24 \$ 200,000"

Amendment H-8616 was adopted, placing out of order amendment H-8605, previously deferred, filed by Foege of Linn from the floor.

Upmeyer of Hancock offered the following amendment H-8617 filed by her and L. Miller of Scott from the floor and moved its adoption:

H-8617

1 Amend Senate File 2425, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 49, by inserting after line 3 the

4 following:
5 "ii. Notwithstanding any provision to the
6 contrary, for the fiscal year beginning July 1, 2008,
7 the reimbursement rate for anesthesiologists shall be
8 increased by 1 percent over the medical assistance
9 rate for anesthesiologists in effect on July 1, 2007."

Amendment H-8617 was adopted.

Heddens of Story offered amendment H-8587 filed by her from the floor and requested division as follows:

H-8587

1 Amend Senate File 2425, as amended, passed, and
2 reprinted by the Senate, as follows:

H-8587A

3 1. Page 67, by striking lines 24 and 25 and
4 inserting the following:
5 "2. a. A statewide emergency mental health crisis
6 services system shall be implemented through counties
7 in accordance with this section."
8 2. Page 68, by striking line 24 and inserting the
9 following:
10 "b. Identification of county groupings, geographic
11 regions,".

H-8587B

12 3. Page 69, line 16, by striking the word
13 "division" and inserting the following: "commission".

On motion by Heddens of Story, amendment H-8587A was adopted.

Heddens of Story asked and received unanimous consent to withdraw amendment H-8587B.

Gayman of Scott asked and received unanimous consent to withdraw amendment H-8615 filed by her from the floor.

Heddens of Story offered amendment H-8588 filed by her from the floor as follows:

H-8588

1 Amend Senate File 2425, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 82, line 10, through page 84,
4 line 2, and inserting the following:

5 "Sec. _____. COMMUNITY MENTAL HEALTH CENTER LAW
6 UPDATE.

7 1. The mental health, mental retardation,
8 developmental disabilities, and brain injury
9 commission, as part of fulfilling its responsibilities
10 under chapter 225C, shall develop a proposal for
11 updating and revising Code chapter 230A, relating to
12 community mental health centers, and for revising the
13 accreditation standards in rule that would result from
14 the statutory revisions.

15 2. The proposal content shall include but is not
16 limited to addressing Code chapter 230A requirements
17 in the following areas: establishment and support of
18 community mental health centers, services offered,
19 consumer and family involvement, capability to address
20 co-occurring disorders, forms of organization, board
21 of directors, organization meetings, duties and powers
22 of directors, center organization as a nonprofit
23 entity, annual budget, financial support of centers
24 through federal and state block grants, comprehensive
25 community mental health programs, target populations
26 to be served, emergency mental health crisis services,
27 quality improvement programs, use of evidence-based
28 practices, use of functional assessments and outcomes
29 measures, establishment of standards, and review and
30 evaluation processes.

31 3. The commission shall submit the proposal with
32 findings and recommendations to the governor and
33 general assembly on or before December 1, 2008. Until
34 the report has been considered and acted upon by the
35 general assembly, the division administrator may defer
36 consideration of requests for accreditation of a new
37 community mental health center or for approval of a
38 provider to fill the role of a community mental health
39 center."

Heddens of Story offered the following amendment H-8620, to
amendment H-8588, filed by her from the floor and moved its
adoption:

H-8620

1 Amend the amendment, H-8588, to Senate File 2425,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 14, by inserting after the word
5 "revisions." the following: "The commission shall
6 utilize an advisory committee in developing the
7 proposal. In addition to the interests represented on
8 the commission, the advisory committee membership
9 shall include but is not limited to representatives of
10 the following: the child welfare advisory committee
11 established pursuant to section 234.3, the coalition
12 for family and children's services in Iowa, the Iowa
13 chapter of the national association of social workers,
14 the Iowa psychological society, and the Iowa
15 psychiatric society."

Amendment H-8620 was adopted.

On motion by Heddens of Story, amendment H-8588, as amended, was adopted.

Granzow of Hardin offered the following amendment H-8597 filed by her from the floor and moved its adoption:

H-8597

1 Amend Senate File 2425, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 84, by inserting after line 2 the
4 following:
5 "Sec. ___. MENTAL HEALTH PATIENT ADVOCATE INTERIM
6 STUDY. The legislative council shall authorize a 2008
7 legislative interim study of the duties,
8 responsibilities, funding, and authority for the
9 mental health patient advocates appointed by the
10 courts under chapter 229. In addition to legislators,
11 the study committee membership shall include
12 representatives of counties, the judicial branch,
13 mental health patient advocates, and the department of
14 human services. The study committee shall
15 specifically identify the appropriate appointing
16 authority and funding source for the advocates in the
17 study recommendations."
18 2. By renumbering as necessary.

Amendment H-8597 was adopted.

Raecker of Polk offered the following amendment H-8599 filed by him from the floor and moved its adoption:

H-8599

1 Amend Senate File 2425, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 91, by inserting after line 2 the
4 following:

5 "GENERAL FUND OF THE STATE
6 Sec.____. RISK POOL SUPPLEMENTAL. There is
7 appropriated from the general fund of the state to the
8 department of human services for the fiscal year
9 beginning July 1, 2007, and ending June 30, 2008, the
10 following amount, or so much thereof as is necessary,
11 to be used for the purposes designated:

12 For deposit in the risk pool of the property tax
13 relief fund:

14 \$ 1,331,933

15 The department shall distribute the amount
16 appropriated in this section to the counties that
17 applied for and received awards from the risk pool
18 board in February 2008. Each such county shall
19 receive the remainder of the eligible amount as
20 determined for the county by the risk pool board that
21 was not awarded by the board in February 2008."

22 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 41, nays 50.

Amendment H-8599 lost.

Chambers of O'Brien asked and received unanimous consent to withdraw amendment H-8611 filed by him from the floor.

Van Engelenhoven of Marion offered the following amendment H-8600 filed by him and Upmeyer of Hancock from the floor and moved its adoption:

H-8600

1 Amend Senate File 2425, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 121, by inserting after line 21 the
4 following:

5 "Sec.____. Section 235B.19, subsection 1, Code
6 2007, is amended to read as follows:

7 1. If the department determines that a dependent
8 adult is suffering from dependent adult abuse which

9 presents an immediate danger to the health or safety
10 of the dependent adult or which results in irreparable
11 harm to the physical or financial resources or
12 property of the dependent adult, and that the
13 dependent adult lacks capacity to consent to receive
14 protective services and that no consent can be
15 obtained, the department ~~may~~ shall petition the court
16 with probate jurisdiction in the county in which the
17 dependent adult resides for an emergency order
18 authorizing protective services.

19 Sec. ____ Section 235B.19, subsection 3, paragraph
20 c, Code 2007, is amended to read as follows:

21 c. Order the provision of other available services
22 necessary to remove conditions creating the danger to
23 health or safety, including the services of peace
24 officers or emergency services personnel, and
25 including the termination of a guardianship or a
26 conservatorship pursuant to the requirements of
27 section 633.675."

28 2. By renumbering as necessary.

Amendment H-8600 was adopted.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-8601 filed by him from the floor.

Granzow of Hardin offered the following amendment H-8619 filed by her from the floor and moved its adoption:

H-8619

1 Amend Senate File 2425, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 126, by inserting after line 17 the
4 following:

5 "Sec. ____. **NEW SECTION.** 284.15 DEPARTMENT OF
6 HUMAN SERVICES INSTITUTIONS – PRACTITIONERS.

7 1. For purposes of this chapter, an individual who
8 holds a practitioner's license issued under chapter
9 272 and who is employed in a nonadministrative
10 position by the department of human services at the
11 state training school, the Iowa juvenile home, or the
12 state mental health institutes located in Cherokee and
13 Independence shall be considered a teacher if the
14 individual and the institution in which the individual
15 practices meet the requirements of this chapter. If
16 an institution and a practitioner employed by the
17 institution are determined by the department to meet
18 the requirements of this chapter, the department shall
19 annually distribute funds to the institution in the

20 manner prescribed for school districts pursuant to
 21 section 284.13.
 22 2. The area education agencies in which the
 23 institutions are located shall work with the
 24 institutions to develop a plan for meeting the
 25 requirements of this chapter, which shall be submitted
 26 to the department of education, the department of
 27 human services, and the general assembly by January
 28 14, 2009. This subsection is repealed July 1, 2009."
 29 2. By renumbering as necessary.

Amendment H-8619 lost.

Heaton of Henry offered the following amendment H-8594 filed by
 him and Tymeson of Madison from the floor and moved its adoption:

H-8594

1 Amend Senate File 2425, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 135, by inserting after line 32 the
 4 following:
 5 "DIVISION _____
 6 CHILD CARE NATIONAL CRIMINAL RECORD CHECKS
 7 Sec.____. Section 237A.3, subsection 2, Code 2007,
 8 is amended to read as follows:
 9 2. a. A person shall not provide child care as a
 10 child care home provider unless the person and any
 11 person who resides or will reside in the child care
 12 home have been subject to a fingerprint-based national
 13 criminal history record check in accordance with
 14 section 237A.5.
 15 b. If a person or program does not comply with
 16 paragraph "a" or has been prohibited by the department
 17 from involvement with child care, the person or
 18 program shall not provide child care as a child care
 19 home provider and is subject to penalty under section
 20 237A.19 or injunction under section 237A.20 for doing
 21 so.
 22 Sec.____. Section 237A.5, subsection 2, paragraph
 23 a, subparagraph (1), subparagraph subdivision (e),
 24 Code 2007, is amended to read as follows:
 25 (e) The person will provide or is providing child
 26 care as a child care home provider or will reside or
 27 resides in a child care home that is not registered
 28 under this chapter ~~but that receives public funding~~
 29 ~~for providing child care.~~
 30 Sec.____. Section 237A.5, subsection 2, paragraphs
 31 b and c, Code 2007, are amended to read as follows:
 32 b. If an individual person subject to a record

33 check is being considered for employment by a child
34 care facility or child care home, ~~in lieu of prior to~~
35 requesting a fingerprint-based record check to be
36 conducted by the department under paragraph "c", the
37 child care facility or child care home may access the
38 single contact repository established pursuant to
39 section 135C.33 as necessary to conduct a criminal and
40 child abuse record check of the individual in this
41 state. A copy of the results of the record check
42 conducted through the single contact repository shall
43 also be provided to the department. If the record
44 check indicates the individual is a person subject to
45 an evaluation, the child care facility or child care
46 home may request that the department perform an
47 evaluation as provided in this subsection. Otherwise,
48 the individual shall not be employed by the child care
49 facility or child care home. The cost of accessing
50 the single contact repository is the responsibility of

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1 the child care facility or home.
2 ~~c. (1) Unless a record check has already been~~
3 ~~conducted in accordance with paragraph "b", For a~~
4 ~~person subject to a record check, in addition to any~~
5 ~~record check conducted pursuant to paragraph "b" and~~
6 ~~the record checks conducted under subparagraph (2),~~
7 ~~the person's fingerprints shall be provided to the~~
8 ~~department of public safety for submission through the~~
9 ~~state criminal history repository to the United States~~
10 ~~department of justice, federal bureau of investigation~~
11 ~~for a national criminal history record check. For a~~
12 ~~child care home that is not registered under this~~
13 ~~chapter, the cost of the national criminal history~~
14 ~~record check for a person who will provide or is~~
15 ~~providing child care or will reside or resides in that~~
16 ~~child care home shall be paid by the person.~~
17 ~~Otherwise, the cost of the national criminal history~~
18 ~~record check and any other record checks conducted~~
19 ~~under this lettered paragraph is the responsibility of~~
20 ~~the department.~~
21 (2) In addition to the national criminal history
22 record check, the department shall conduct a criminal
23 and child abuse record check in this state for a
24 person who is subject to a record check and may
25 conduct such a child abuse record check in other
26 states. In addition, the department may conduct a
27 dependent adult abuse, sex offender registry, or other
28 public or civil offense record check in this state or
29 in other states for a person who is subject to a
30 record check. If record checks of a person who is
31 subject to a record check have been conducted through

32 the single contact repository as described in
33 paragraph "b". the department may forego the record
34 checks addressed by this subparagraph.

35 (3) If a record check performed pursuant to this
36 lettered paragraph identifies an individual as a
37 person subject to an evaluation, an evaluation shall
38 be performed to determine whether prohibition of the
39 person's involvement with child care is warranted.
40 The evaluation shall be performed in accordance with
41 procedures adopted for this purpose by the department.

42 (4) Prior to performing an evaluation, the
43 department shall notify the affected person, licensee,
44 registrant, or child care home applying for or
45 receiving public funding for providing child care,
46 that an evaluation will be conducted to determine
47 whether prohibition of the person's involvement with
48 child care is warranted.

49 Sec.____. 2007 Iowa Acts, chapter 218, section 26,
50 subsection 6, is amended to read as follows:

Page 3

1 6. Of the funds appropriated in this section,
2 \$260,000 is allocated to the department for continuing
3 the development of an assessment process for use
4 beginning in a subsequent fiscal year as authorized
5 specifically by a statute to be enacted in a
6 subsequent fiscal year, determining on a consistent
7 basis the needs and capacities of persons seeking or
8 receiving mental health, mental retardation,
9 developmental disabilities, or brain injury services
10 that are paid for in whole or in part by the state or
11 a county. The assessment process shall be developed
12 with the involvement of counties and the mental
13 health, mental retardation, developmental
14 disabilities, and brain injury commission.
15 Notwithstanding section 8.33, moneys allocated in this
16 subsection that remain unencumbered or unobligated at
17 the close of the fiscal year shall not revert but
18 shall remain available for expenditure to defray the
19 costs of required fingerprint-based national criminal
20 history record checks of child care providers until
21 the close of the succeeding fiscal year.

22 Sec.____. 2007 Iowa Acts, chapter 218, section 74,
23 subsection 3, is amended to read as follows:

24 3. For the mental health transformation pilot
25 program:

26 \$ 250,000

27 Notwithstanding section 8.33, moneys appropriated
28 in this subsection that remain unencumbered or
29 unobligated at the close of the fiscal year shall not
30 revert but shall remain available for expenditure to

31 defray the costs of required fingerprint-based
 32 national criminal history record checks of child care
 33 providers until the close of the succeeding fiscal
 34 year.
 35 Sec.____. APPLICABILITY. The sections of this
 36 division of this Act amending chapter 237A are
 37 applicable beginning January 1, 2009. The department
 38 of human services shall adopt rules and take other
 39 administrative steps prior to January 1, 2009, as
 40 necessary for implementation of this division of this
 41 Act on the applicability date."
 42 2. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment H-8594 be adopted?" (S.F. 2425)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Deyoe	Dolecheck
Drake	Forristall	Gipp	Granzow
Grassley	Greiner	Heaton	Hoffman
Horbach	Huseman	Jacobs	Kaufmann
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wiencsek	Windschitl	Worthan

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Taead	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 5:

Clute
Roberts

De Boef

Jochum

Mertz

Amendment H-8594 lost.

Huser of Polk offered the following amendment H-8614 filed by her, Wessel-Kroeschell of Story, Mascher of Johnson, Lensing of Johnson, Winckler of Scott and Heddens of Story from the floor and moved its adoption:

H-8614

1 Amend Senate File 2425, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 135, by inserting after line 32 the
 4 following:
 5 "DIVISION _____
 6 MASS TRANSIT
 7 Sec.____. MASS TRANSIT INTERIM COMMITTEE. The
 8 legislative council is requested to establish a
 9 legislative interim study committee to conduct a
 10 comprehensive study of the ways in which mass transit
 11 might be employed to provide public transportation
 12 services among Iowa communities. The study should
 13 include but not be limited to an examination of the
 14 following:
 15 1. The ways in which the availability of mass
 16 transit affects various populations within rural and
 17 urban communities. In particular, the study should
 18 examine the benefits of mass transit for poor,
 19 elderly, and disabled individuals who are unable to
 20 drive or cannot afford to own a motor vehicle.
 21 2. Any impact that mass transit services among
 22 Iowa communities might have on population levels,
 23 quality of life, and economic development in urban job
 24 centers, smaller satellite communities, and rural
 25 towns.
 26 3. The effect of mass transit on statewide
 27 greenhouse gas emissions and overall air quality,
 28 including the role that mass transit can play in
 29 meeting the goals of the Iowa energy independence
 30 plan.
 31 4. The level of public need for mass transit among
 32 Iowa communities, including any specific areas of the
 33 state where the need is most immediate.
 34 5. The feasibility of expanding mass transit
 35 services and the types and combinations of services
 36 that might comprise a mass transit system for Iowa.

37 6. The potential costs and possible funding
38 mechanisms for developing and maintaining specific
39 mass transit services.
40 7. The attitudes and habits of Iowans concerning
41 personal transportation. The study should include a
42 component for educating the public about the economic,
43 social, and environmental advantages of mass transit.
44 The committee membership should include ten members
45 representing both political parties and both houses of
46 the general assembly. The committee should consult
47 with the department of transportation, the office of
48 energy independence, the department of human services,
49 local officials, members of the general public who are
50 knowledgeable concerning intercity public transit and

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1 passenger rail, and other interested parties as
2 necessary to accomplish the work of the committee.
3 The committee, if authorized, shall submit a written
4 report of its findings and recommendations to the
5 governor and the general assembly by December 31,
6 2008."

Amendment H-8614 was adopted.

Raecker of Polk offered the following amendment H-8610, previously deferred, filed by him from the floor and moved its adoption:

H-8610

1 Amend Senate File 2425, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 7, line 25, by striking the figure
4 "4,678,000" and inserting the following: "1,690,000".
5 2. Page 7, line 26, by striking the words "a.
6 It" and inserting the following: "It".
7 3. Page 7, by striking lines 32 through 34.

Amendment H-8610 was adopted.

Heaton of Henry offered the following amendment H-8621 filed by him from the floor and moved its adoption:

H-8621

1 Amend Senate File 2425, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 52, by inserting after line 12, the
4 following:
5 "____. a. The department of human services, in
6 cooperation with assisted living program providers,
7 advocates, and policymakers, shall develop an
8 alternative rate setting approach for tenants in
9 congregate residential care settings such as assisted
10 living programs and elder group homes under the home
11 and community-based services waiver for the elderly.
12 The alternative rate setting approaches considered may
13 include but are not limited to flat-fee, tiered, or
14 case-mix methodologies. The department shall submit a
15 plan of recommendations to the individuals specified
16 in this Act to receive reports by October 1, 2008.
17 b. Beginning July 1, 2008, the department of human
18 services shall provide congregate residential care
19 setting providers such as assisted living programs and
20 elder group homes, with the form required by the
21 medical assistance program for documentation of home
22 and community-based services waiver for the elderly
23 services provided to consumers in these settings. The
24 form shall reflect the distinction between in-home
25 care and care in the congregate residential setting
26 and the 24-hours-per-day, seven-days-per-week service
27 requirements of consumers in these settings."
28 2. By renumbering as necessary.

Amendment H-8621 lost.

The House stood at ease at 1:08 a.m., until the fall of the gavel.

The House resumed session at 1:24 a.m., Speaker Murphy in the chair.

Foegen of Linn offered the following amendment H-8622 filed by him from the floor and moved its adoption:

H-8622

- 1 Amend Senate File 2425, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 128, line 32, through page
4 130, line 10.
5 2. By renumbering as necessary.

Amendment H-8622 was adopted.

Foege of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2425)

The ayes were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 44:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Deyoe	Dolecheck
Drake	Forristall	Gipp	Granzow
Grassley	Greiner	Heaton	Hoffman
Horbach	Huseman	Jacobs	Kaufmann
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wienczek	Windschitl	Worthan

Absent or not voting, 3:

Clute	De Boef	Roberts
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE JOINT RESOLUTIONS 2006 and 2007 WITHDRAWN

Quirk of Chickasaw asked and received unanimous consent to withdraw House Joint Resolutions 2006 and 2007 from further consideration by the House.

HOUSE FILE 2697 WITHDRAWN

Foege of Linn asked and received unanimous consent to withdraw House File 2697 from further consideration by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2425** be immediately messaged to the Senate.

MOTION TO RECONSIDER

(House File 2662)

I move to reconsider the vote by which House File 2662 passed the House on April 21, 2008.

MCCARTHY of Polk

SPONSORS ADDED

(Amendment H-8587 to Senate File 2425)

Gaskill of Wapello requested to be added as a sponsor of amendment H-8587 to Senate File 2425.

D. Olson of Boone requested to be added as a sponsor of amendment H-8587 to Senate File 2425.

(Amendment H-8588 to Senate File 2425)

Gaskill of Wapello requested to be added as a sponsor of amendment H-8588 to Senate File 2425.

D. Olson of Boone requested to be added as a sponsor of amendment H-8588 to Senate File 2425.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 21st day of April, 2008: House Files 2338 and 2620.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 17, 2008, he approved and transmitted to the Secretary of State the following bill:

House File 2393, an Act providing requirements for minority impact statements in relation to state grant applications and correctional impact statements for legislation, and providing effective and applicability dates.

Also: the Governor announced that on April 18, 2008 he approved and transmitted to the Secretary of State the following bills:

House File 2103, an Act relating to appointments to the college student aid commission and including an effective date and applicability provision.

House File 2145, an Act to require insurers offering certain individual or group health insurance contracts, policies, or plans to provide coverage for vaccinations for human papilloma virus.

House File 2570, an Act relating to solid waste disposal and environmental management by providing for the designation of environmental management systems, providing incentives, and creating a solid waste alternatives program advisory council, and modifying fees and allocations of funds.

Senate File 2133, an Act relating to the Iowa crop improvement association.

Senate File 2136, an Act relating to real estate broker trust accounts and abolishing the local housing assistance program.

Senate File 2212, an Act relating to determinations in child in need of assistance proceedings, and modifying circumstances for termination of parental rights.

Senate File 2250, an Act relating to the licensure of real estate brokers and salespersons.

Senate File 2251, an Act relating to student eye care and including an applicability date provision.

Senate File 2307, an Act establishing committees to formulate plans for a state research and development prekindergarten through grade twelve school and providing an effective date.

Senate File 2325, an Act relating to the grow Iowa values fund by allocating moneys for the physical infrastructure assistance program and changing certain job and wage requirements, and providing an effective date.

Senate File 2349, an Act relating to the preneed sale of cemetery and funeral merchandise and funeral services.

Senate File 2361, an Act providing for the procurement of designated biobased products by state government.

Senate File 2367, an Act relating to the compliance advisory panel, including the appointment of its members and its powers and duties.

Senate File 2379, an Act relating to the regulation of the practice of certified public accounting and providing an effective date.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|--|
| 2008\2887 | Myron and Marilyn Heitman, Williamsburg – For celebrating their 50 th wedding anniversary. |
| 2008\2888 | Ed and Linda Ehlers, Dubuque – For celebrating their 50 th wedding anniversary. |
| 2008\2889 | Lolita Steele, Dubuque – For celebrating her 85 th birthday. |
| 2008\2890 | Lloyd and Barbara Auderer, Dubuque – For celebrating their 50 th wedding anniversary. |
| 2008\2891 | Tom and Donna May – For celebrating their 50 th wedding anniversary. |
| 2008\2892 | Wade Gibson, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |

- 2008\2893 West Lyon High School and Superintendent Jim Hargens, Inwood – For ranking the top 10 percent and for receiving a Bronze Award in the U.S. News and World Report magazine’s list of America’s Best High Schools.
- 2008\2894 Phyllis Voss, Rock Rapids – For her 55 years of service in elementary education in Minnesota, South Dakota, Nebraska, Florida, and Iowa, with her last 13 years with preschoolers in Rock Rapids.
- 2008\2895 Al Vande Kamp, Rock Valley – For his 36 years of service as an EMT with the Rock Valley ambulance unit.
- 2008\2896 Ashton Wickett, New Virginia – For celebrating his 100th birthday.
- 2008\2897 La Vere Cumings, Truro – For celebrating her 95th birthday.
- 2008\2898 Mr. and Mrs. Reynold Stearns, Davenport – For celebrating their 60th wedding anniversary.
- 2008\2899 Darwin and Jeanette Collins, Aredale – For celebrating their 60th wedding anniversary.
- 2008\2900 Harold and Peggy Gallagher, Hampton – For celebrating their 60th wedding anniversary.
- 2008\2901 George and Pearl Simkins, Clear Lake – For celebrating their 60th wedding anniversary.
- 2008\2902 Eric Hild, Clear Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2903 Chris Sorensen, Clear Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2904 Helen Means, Fontanelle – For celebrating her 90th birthday.
- 2008\2905 Lorraine Homan, Fontanelle – For celebrating her 85th birthday.
- 2008\2906 Wayne Findley, Stuart – For celebrating his 80th birthday.
- 2008\2907 Dorothy Zaiger, Audubon – For celebrating her 82nd birthday.
- 2008\2908 Delilah Andreasen, Guthrie Center – For celebrating her 90th birthday.
- 2008\2909 Rosa Eddy, Greenfield – For celebrating her 90th birthday.
- 2008\2910 Harvey Jensen, Exira – For 60 years of continuous membership in the American Legion.
- 2008\2911 Eileen Langel, Le Mars – For celebrating her 90th birthday.

- 2008\2912 Clifford and Margaret Ferrin, Le Mars – For celebrating their 60th wedding anniversary.
- 2008\2913 Bill and Jeanette Doppenberg, Orange City – For celebrating their 70th wedding anniversary.
- 2008\2914 Gwendolyn Peterson, Mason City – For celebrating her 85th birthday.
- 2008\2915 Marilyn Garl, Mason City – For celebrating her 80th birthday.
- 2008\2916 Della Brungardt, Mason City – For celebrating her 95th birthday.
- 2008\2917 Lois Severson, Mason City – For celebrating her 80th birthday.
- 2008\2918 Lloyd and Carol Tinkey, Mason City – For celebrating their 50th wedding anniversary.
- 2008\2919 Gerri Trebil, Mason City – For celebrating her 85th birthday.
- 2008\2920 Mahlon Thomas Whitead, Sioux City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2921 Lorna Ann Hagenbucher, Paullina – For celebrating her 100th birthday.
- 2008\2922 Larry and Shirley Vogt, Tripoli – For celebrating their 50th wedding anniversary.
- 2008\2923 Roy and Karen Engelhardt, Manchester – For celebrating their 50th wedding anniversary.
- 2008\2924 Darlene Dobson Hanner, Paullina – For celebrating her 80th birthday.
- 2008\2925 Fran and Madeline Matney, Gilman – For celebrating their 50th wedding anniversary.
- 2008\2926 Ann Crosser, Iowa Falls – For celebrating her 90th birthday.
- 2008\2927 Kathryn Henze, State Center – For celebrating her 90th birthday.
- 2008\2928 Margaret Johns, Ackley – For celebrating her 90th birthday.
- 2008\2929 Dorothy Roelfs, Ackley – For celebrating her 90th birthday.
- 2008\2930 Doris Schaap, Eldora – For celebrating her 85th birthday.
- 2008\2931 John Bernard, Eldora – For celebrating his 80th birthday.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 794 Appropriations

Concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates.

H.S.B. 795 Appropriations

Relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 795), relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 17, 2008.

COMMITTEE ON EDUCATION

Senate File 2413, a bill for an act providing extensions for school districts applying to the school budget review committee concerning school district finances, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 21, 2008.

COMMITTEE ON GOVERNMENT OVERSIGHT

Senate File 2423, a bill for an act concerning department of administrative services operations.

Fiscal Note is not required.

Recommended **Do Pass** April 21, 2008.

COMMITTEE ON LABOR

House File 2693, a bill for an act pertaining to employers' participation in unemployment insurance adjudications.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8574** April 17, 2008.

COMMITTEE ON STATE GOVERNMENT

Senate File 2424, a bill for an act concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8578** April 21, 2008.

RESOLUTIONS FILED

HR 156, by Bell, Gipp, Roberts and H. Miller, a resolution supporting a free trade agreement between the Republic of China on Taiwan and the United States.

Laid over under **Rule 25**.

HR 157, by Bell, Gipp, Bailey, Roberts and H. Miller, a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer.

Laid over under **Rule 25**.

HR 158, by Raecker, a resolution to honor Coach Kim Muhl and the Kirkwood Community College Women's Basketball team.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8572	S.F.	2406	Quirk of Chickasaw
H—8574	H.F.	2693	Committee on Labor
H—8575	S.F.	2424	Baudler of Adair
H—8576	S.F.	2424	Jacobs of Polk
H—8577	H.F.	2539	Heddens of Story
H—8578	S.F.	2424	Committee on State Government
H—8579	H.F.	2693	Horbach of Tama
H—8580	H.F.	2695	Van Fossen of Scott
H—8582	H.F.	2689	Reasoner of Union S. Olson of Clinton
H—8583	S. F.	2424	Jochum of Dubuque
H—8584	H.F.	2696	Jochum of Dubuque
H—8585	S.F.	2423	Baudler of Adair
H—8604	H.F.	2539	Heddens of Story

On motion by McCarthy of Polk the House adjourned at 1:42 a.m., until 10:30 a.m., Tuesday, April 22, 2008

JOURNAL OF THE HOUSE

One-hundredth Calendar Day - Sixty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 22, 2008

The House met pursuant to adjournment at 10:35 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Ben Ramirez, pastor of the First Christian Church, Coon Rapids. He was the guest of Representative Bruce Hunter of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jordan Durham, Page to Minority Leader Rants.

The Journal of Monday, April 21, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk on request of Rants of Woodbury.

On motion by McCarthy of Polk, the House was recessed at 10:40 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:42 p.m., Speaker pro tempore Bukta in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clute of Polk and Roberts of Carroll on request of Soderberg of Plymouth.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2177, a bill for an act relating to the placement of deer transportation tags on antlered deer that have been taken pursuant to a deer hunting license.

Also: That the Senate has on April 22, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2426, a bill for an act relating to the judicial branch including the assessment and collection of fees and fines, filings and records kept by the clerk of the district court, the regulation and certification of shorthand reporters, making appropriations to offset costs, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2426, by committee on appropriations, a bill for an act relating to the judicial branch including the assessment and collection of fees and fines, filings and records kept by the clerk of the district court, the regulation and certification of shorthand reporters, making appropriations to offset costs, and providing an effective date.

Read first time and referred to committee on **appropriations**.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-nine members present, eleven absent.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House File 2694.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 2197)

A conference committee report signed by the following Senate and House members was filed April 22, 2008, on House File 2197, a bill

for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information.

ON THE PART OF THE SENATE:

QUIRMBACH, Chair
MCKINLEY
MULDER
SCHMITZ
SCHOENJAHN

ON THE PART OF THE HOUSE:

KELLEY, Chair
BOAL
GAYMAN
SCHICKEL
WENDT

CONSIDERATION OF BILLS Appropriations Calendar

House File 2694, a bill for an act relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation and providing an effective date, was taken up for consideration.

Berry of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2694)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Chambers	Cohoon	Dandekar
Davitt	Deyoe	Dolecheck	Drake
Foege	Ford	Forristall	Frevert
Gaskill	Gayman	Gipp	Granzow
Grassley	Greiner	Heaton	Heddens
Hoffman	Horbach	Hunter	Huseman
Huser	Jacobs	Jacoby	Jochum
Kaufmann	Kelley	Kressig	Kuhn
Lensing	Lukan	Lykam	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen

Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wienczek	Winckler
Windschitl	Wise	Worthan	Zirkelbach
Bukta, Presiding			

The nays were, none.

Absent or not voting, 3:

Clute	De Boef	Roberts
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(House File 2197)

Kelley of Black Hawk called up for consideration the report of the conference committee on House File 2197 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2197

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2197, a bill for an Act requiring institutions of higher learning and community colleges to provide students with specific textbook information, respectfully make the following report:

1. That the Senate recedes from its amendment, H-8361.
2. That House File 2197, as passed by the House, is amended to read as follows:
 1. By striking everything after the enacting clause and inserting the following:

"Section 1. NEW SECTION. 261.7 TEXTBOOK NOTICE – LEGISLATIVE INTENT AND RECOMMENDATION.

1. In order to promote consumer choice and lower the costs of textbooks in higher education, the general assembly intends that students enrolled in institutions of higher learning have access to appropriate textbook information prior to the start of classes, with adequate time to pursue alternative purchase avenues.

2. The general assembly recommends that every public and private institution for higher education in this state, including those institutions referenced in chapters 260C

and 262 and section 261.9, post the list of required and suggested textbooks for all courses and the corresponding international standard book numbers for such textbooks at least fourteen days before the start of each semester or term, to the extent possible, at the locations where textbooks are sold on campus and on the web site for the respective institution for higher education.

2. The college student aid commission is directed to convey the legislative intent and recommendation contained in this section to every institution for higher education in the state registered pursuant to chapter 261B at least once a year."
3. Title page, line 1, by striking the word "requiring" and inserting the following: "recommending".
3. Title page, lines 1 and 2, by striking the words "and community colleges".

ON THE PART OF THE HOUSE:

DORIS KELLEY, Chair
 CARMINE BOAL
 ELESHA GAYMAN
 BILL SCHICKEL
 ROGER WENDT

ON THE PART OF THE SENATE

HERMAN C. QUIRMBACH, Chair
 PAUL MCKINLEY
 DAVE MULDER
 BECKY SCHMITZ
 BRIAN SCHOENJAHN

The conference committee report was adopted.

Kelley of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2197)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Chambers	Cohoon	Dandekar
Davitt	Deyoie	Dolecheck	Drake
Foege	Ford	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Smith

Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencek	Winckler
Windschitl	Wise	Worthan	Zirkelbach
Bukta, Presiding			

The nays were, 4:

Forristall	Greiner	Rants	Tymeson
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Absent or not voting, 3:

Clute	De Boef	Roberts
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Regular Calendar

House File 2667, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Quirk of Chickasaw asked and received unanimous consent to withdraw amendment H-8539 filed by the committee on administration and rules on April 15, 2008.

SENATE FILE 2406 SUBSTITUTED FOR HOUSE FILE 2667

Quirk of Chickasaw asked and received unanimous consent to substitute Senate File 2406 for House File 2667.

Senate File 2406, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions, was taken up for consideration.

Quirk of Chickasaw offered the following amendment H-8572 filed by him and moved its adoption:

H-8572

1 Amend Senate File 2406, as passed by the Senate, as
 2 follows:
 3 1. By striking page 4, line 11, through page 5,
 4 line 28, and inserting the following:
 5 "Sec.____. Section 7K.1, subsection 3, unnumbered
 6 paragraph 1, Code 2007, is amended to read as follows:
 7 The board of directors of the foundation shall
 8 consist of fifteen members ~~serving staggered~~
 9 ~~three-year terms beginning on May 1 of the year of~~
 10 ~~appointment~~ who shall be appointed as follows:
 11 Sec.____. Section 7K.1, subsection 3, Code 2007,
 12 is amended by adding the following new paragraph:
 13 NEW PARAGRAPH. d. The term of the members
 14 appointed by the governor shall be for three years,
 15 staggered by the governor, beginning upon the
 16 convening of a regular session of the general assembly
 17 and ending upon the convening of a regular session of
 18 the general assembly three years later. The term of
 19 the members appointed by a member of the general
 20 assembly shall be as provided in section 69.16B."
 21 2. By renumbering as necessary.

Amendment H-8572 was adopted.

Ford of Polk asked and received unanimous consent to withdraw amendment H-8548 filed by him on April 16, 2008.

Quirk of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2406)

The ayes were, 61:

Abdul-Samad	Anderson	Bailey	Bell
Berry	Cohoon	Dandekar	Davitt
Deyoe	Dolecheck	Foege	Ford
Frevert	Gaskill	Gayman	Gipp
Heaton	Heddens	Hoffman	Hunter
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.

Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Tomenga	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Wise	Zirkelbach
Bukta, Presiding			

The nays were, 36:

Alons	Arnold	Baudler	Boal
Chambers	Drake	Forristall	Granzow
Grassley	Greiner	Horbach	Huseman
Huser	Jacobs	Kaufmann	Lukan
May	Miller, L.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Windschitl	Worthan

Absent or not voting and 3:

Clute	De Boef	Roberts
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2667 WITHDRAWN

Quirk of Chickasaw asked and received unanimous consent to withdraw House File 2667 from further consideration by the House.

Ways and Means Calendar

House File 2689, a bill for an act relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, providing for the purchase of renewable fuels by governmental entities, providing for renewable fuel marketing efforts, and providing an effective date, was taken up for consideration.

Reasoner of Union offered amendment H-8582 filed by him and S. Olson of Clinton as follows:

H-8582

1 Amend House File 2689 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "DIVISION I

5 RENEWABLE FUEL INFRASTRUCTURE

6 Section 1. Section 15G.201, subsection 1, Code

7 2007, is amended to read as follows:

8 1. "Biodiesel", "biodiesel blended fuel",
9 "biodiesel fuel", "E-85 gasoline", "ethanol", "ethanol"
10 blended gasoline", "gasoline", "motor fuel", "~~motor~~
11 ~~fuel pump~~", "retail dealer", and "retail motor fuel
12 site" mean the same as defined in section 214A.1.

13 Sec. 2. Section 15G.201, Code 2007, is amended by
14 adding the following new subsections:

15 NEW SUBSECTION. 4A. "Motor fuel pump" and "motor
16 fuel blender pump" or "blender pump" mean the same as
17 defined in section 214.1.

18 NEW SUBSECTION. 5A. "Tank vehicle" means the same
19 as defined in section 321.1.

20 Sec. 3. Section 15G.201, subsection 6, Code 2007,
21 is amended by adding the following new paragraph:

22 NEW PARAGRAPH. c. A biofuel manufacturer that is
23 in the business of producing ethanol or biodiesel from
24 biomass as defined in section 469.31.

25 Sec. 4. NEW SECTION. 15G.201A CLASSIFICATION OF
26 RENEWABLE FUEL.

27 For purposes of this division, ethanol blended fuel
28 and biodiesel fuel shall be classified in the same
29 manner as provided in section 214A.2.

30 Sec. 5. Section 15G.203, unnumbered paragraph 1,
31 Code Supplement 2007, is amended to read as follows:

32 A renewable fuel infrastructure program for retail
33 motor fuel sites is established in the department
34 under the direction of the renewable fuel
35 infrastructure board created pursuant to section
36 15G.202.

37 Sec. 6. Section 15G.203, subsection 1, Code
38 Supplement 2007, is amended to read as follows:

39 1. The purpose of the program is to improve retail
40 motor fuel sites by installing, replacing, or
41 converting ~~motor fuel storage and dispensing~~
42 ~~infrastructure. The infrastructure must be to be used~~
43 to store, blend, or dispense renewable fuel. The
44 infrastructure shall be ethanol infrastructure or
45 biodiesel infrastructure.

46 a. (1) Ethanol infrastructure shall be designed
47 and shall be used exclusively to store do any of the
48 following:

49 (a) Store and dispense renewable fuel which is
50 E-85 gasoline,

Page 2

1 (b) Store, blend, and dispense motor fuel from a
2 motor fuel blender pump, as required in this
3 subparagraph subdivision. The ethanol infrastructure
4 must provide for the storage of ethanol or ethanol
5 blended gasoline, or for blending ethanol with
6 gasoline. The ethanol infrastructure must at least
7 include a motor fuel blender pump which dispenses
8 different classifications of ethanol blended gasoline
9 and allows E-85 gasoline to be dispensed at all times
10 that the blender pump is operating.

11 (2) Biodiesel infrastructure shall be designed and
12 used exclusively to do any of the following:

13 (a) Store and dispense biodiesel, or biodiesel
14 blended fuel ~~on the~~

15 (b) Blend or dispense biodiesel fuel from a motor
16 fuel blender pump.

17 b. The infrastructure must be part of the premises
18 of a retail motor fuel sites site operated by a retail
19 dealers dealer. The infrastructure shall not include
20 a tank vehicle.

21 Sec. 7. Section 15G.203, subsection 3, Code
22 Supplement 2007, is amended by striking the
23 subsection.

24 Sec. 8. Section 15G.203, subsection 4, paragraph
25 b, subparagraphs (3) and (4), Code Supplement 2007,
26 are amended to read as follows:

27 (3) A statement describing how the retail motor
28 fuel site is to be improved, the total estimated cost
29 of the planned improvement, and the date when the
30 infrastructure will be first used ~~to store and~~
31 ~~dispense the renewable fuel.~~

32 (4) A statement certifying that the infrastructure
33 shall ~~not only~~ be used to ~~store or dispense motor fuel~~
34 ~~other than E-85 gasoline, biodiesel, or biodiesel~~
35 ~~blended fuel~~ comply with the provisions of this
36 section and as specified in the cost-share agreement,
37 unless granted a waiver by the infrastructure board
38 pursuant to this section.

39 Sec. 9. Section 15G.203, subsection 6, Code
40 Supplement 2007, is amended by striking the
41 subsection.

42 Sec. 10. Section 15G.203, subsection 7, Code
43 Supplement 2007, is amended to read as follows:

44 7. An award of financial incentives to a
45 participating person shall be on a cost-share basis in
46 the form of a grant. To
47 ~~In order to~~ participate in the program, an eligible
48 person must execute a cost-share agreement with the
49 department as approved by the infrastructure board in
50 which the person contributes a percentage of the total

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1 costs related to improving the retail motor fuel site.
2 A cost-share agreement shall be for a three-year
3 period or a five-year period. A cost-share agreement
4 shall include provisions for standard financial
5 incentives or standard financial incentives and
6 supplemental financial incentives as provided in this
7 subsection. The infrastructure board may approve
8 multiple improvements to the same retail motor fuel
9 site for the full amount available for both ethanol
10 infrastructure and biodiesel infrastructure so long as
11 the improvements for ethanol infrastructure and for
12 biodiesel infrastructure are made under separate
13 cost-share agreements.

14 a. (1) Except as provided in paragraph "b", a
15 participating person may be awarded standard financial
16 incentives to make improvements to a retail motor fuel
17 site. The standard financial incentives awarded to
18 the a participating person shall not exceed the
19 following:

20 (a) For a three-year cost-share agreement, fifty
21 percent of the actual cost of making the improvement
22 or thirty thousand dollars, whichever is less.

23 (b) For a five-year cost-share agreement, seventy
24 percent of the actual cost of making the improvement
25 or fifty thousand dollars, whichever is less.

26 (2) The infrastructure board may approve multiple
27 awards of standard financial incentives to make
28 improvements to a retail motor fuel site so long as
29 the total amount of the awards for ethanol
30 infrastructure or biodiesel infrastructure does not
31 exceed the limitations provided in this paragraph
32 subparagraph (1).

33 b. In addition to any standard financial
34 incentives awarded to a participating person under
35 paragraph "a", the participating person may be awarded
36 supplemental financial incentives to make improvements
37 to a retail motor fuel site to upgrade do any of the
38 following:

39 (1) Upgrade or replace a dispenser which is part
40 of gasoline storage and dispensing infrastructure used
41 to store and dispense E-85 gasoline as provided in
42 section 455G.31. The participating person is only
43 eligible to receive be awarded the supplemental
44 financial incentives if the person installed the
45 dispenser not later than sixty days after the date of
46 the publication in the Iowa administrative bulletin of
47 the state fire marshal's order providing that a
48 commercially available dispenser is listed as
49 compatible for use with E-85 gasoline by an
50 independent testing laboratory as provided in section

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1 455G.31. The supplemental financial incentives
2 awarded to the participating person shall not exceed
3 seventy-five percent of the actual cost of making the
4 improvement or thirty thousand dollars, whichever is
5 less.

6 (2) To improve additional retail motor fuel sites
7 owned or operated by a participating person within a
8 twelve-month period as provided in the cost-share
9 agreement. The supplemental financial incentives
10 shall be used for the installation of an additional
11 tank and associated infrastructure at each such retail
12 motor fuel site. A participating person may be
13 awarded supplemental financial incentives under this
14 subparagraph and standard financial incentives under
15 paragraph "a" to improve the same motor fuel site.
16 The supplemental financial incentives awarded to the
17 participating person shall not exceed the following:

18 (a) For the second retail motor fuel site, five
19 thousand dollars.

20 (b) For the third retail motor fuel site, seven
21 thousand five hundred dollars.

22 (c) For the fourth retail motor fuel site, ten
23 thousand dollars.

24 (d) For the fifth retail motor fuel site, twelve
25 thousand five hundred dollars.

26 Sec. 11. Section 15G.204, subsection 2, Code
27 Supplement 2007, is amended by striking the
28 subsection.

29 Sec. 12. Section 15G.204, subsection 4, Code
30 Supplement 2007, is amended to read as follows:

31 4. a. An award of financial incentives to a
32 participating person shall be in the form of a grant.
33 In order to participate in the program, an eligible
34 person must execute a cost-share agreement with the
35 department as approved by the infrastructure board in
36 which the person contributes a percentage of the total
37 costs related to improving the terminal. The
38 financial incentives awarded to the participating
39 person shall not exceed the following:

40 (1) For improvements to store, blend, or dispense
41 biodiesel fuel from B-2 or higher but not as high as
42 B-99, fifty percent of the actual cost of making the
43 improvements or fifty thousand dollars, whichever is
44 less.

45 (2) For improvements to store, blend, or dispense
46 biodiesel fuel from B-99 to B-100, fifty percent of
47 the actual cost of making the improvements or one
48 hundred fifty thousand dollars, whichever is less.

49 b. The infrastructure board may approve multiple
50 awards to make improvements to a terminal so long as

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1 the total amount of the awards does not exceed the
2 limitations provided in ~~this subsection~~ paragraph "c"

3 Sec. 13. Section 214.1, Code 2007, is amended to
4 read as follows:

5 214.1 DEFINITIONS.

6 ~~For the purpose of As used in~~ his chapter, unless
7 the context otherwise requires:

8 1. "Biodiesel", "biodiesel fuel", "biofuel",
9 "ethanol", "motor fuel", "retail dealer", "retail
10 motor fuel site", and "wholesale dealer" mean the same
11 as defined in section 214A.1.

12 2. "Commercial weighing and measuring device" or
13 "device" means the same as defined in section 215.26.

14 ~~2. 3. "Motor fuel" means the same as defined in~~
15 ~~section 214A.1~~ fuel blender pump" or "blender pump"
16 means a motor fuel pump that dispenses a type of motor
17 fuel that is blended from two or more different types
18 of motor fuels and which may dispense more than one
19 type of blended motor fuel.

20 ~~3. 4. "Motor fuel pump" means a pump, meter, or~~
21 ~~similar commercial weighing and measuring device used~~
22 ~~to measure and dispense motor fuel on a retail basis.~~

23 4. ~~"Retail dealer" means the same as defined in~~
24 ~~section 214A.1.~~

25 5. ~~"Wholesale dealer" means the same as defined in~~
26 ~~section 214A.1~~ "Motor fuel storage tank" or "storage
27 tank" means an aboveground or belowground container
28 that is a fixture used to store an accumulation of
29 motor fuel.

30 Sec. 14. Section 214.9, Code 2007, is amended to
31 read as follows:

32 214.9 SELF-SERVICE MOTOR FUEL PUMPS.

33 ~~Self service~~ A self-service motor fuel pumps pum p
34 located at a retail motor vehicle fuel stations site
35 may be equipped with an automatic latch-open devices
36 device on the fuel dispensing hose nozzle only if the
37 nozzle valve is the automatic closing type.

38 Sec. 15. Section 214A.1, Code 2007, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 4A. "Biodiesel fuel" means
41 biodiesel or biodiesel blended fuel.

42 Sec. 16. Section 214A.1, subsections 9, 14, and
43 15, Code 2007, are amended to read as follows:

44 9. "E-85 gasoline" or "E-85" means ethanol blended
45 gasoline formulated with a minimum percentage of
46 between seventy and eighty-five percent by volume of
47 ethanol, if the formulation meets the standards
48 provided in section 214A.2.

49 14. "Motor fuel pump" and "motor fuel blender
50 pump" or "blender pump" means the same as defined in

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1 section 214.1.

2 15. "Motor fuel storage tank" means ~~an aboveground~~
3 ~~or belowground container that is a fixture, used to~~
4 ~~keep an accumulation of motor fuel the same as defined~~
5 in section 214.1.

6 Sec. 17. Section 214A.1, Code 2007, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 21A. "Unleaded gasoline" means
9 gasoline, including ethanol blended gasoline, if all
10 of the following applies:

- 11 a. It has an octane number of not less than
12 eighty-seven as provided in section 214A.2.
13 b. Lead or phosphorus compounds have not been
14 intentionally added to it.
15 c. It does not contain more than thirteen
16 thousandths grams of lead per liter and not more than
17 thirteen ten-thousandths grams of phosphorus per
18 liter.

19 Sec. 18. Section 214A.2, subsection 3, paragraph
20 b, Code 2007, is amended to read as follows:

21 b. If the motor fuel is advertised for sale or
22 sold as ethanol blended gasoline, the motor fuel must
23 comply with departmental standards which shall ~~comply~~
24 ~~with specifications for ethanol blended gasoline~~
25 ~~adopted by A.S.T.M. international. For ethanol~~
26 ~~blended gasoline meet~~ all of the following ~~shall apply~~
27 requirements:

28 (1) Ethanol must be an agriculturally derived
29 ethyl alcohol that meets A.S.T.M. international
30 specification D4806 for denatured fuel ethanol for
31 blending with gasoline for use as automotive
32 spark-ignition engine fuel, or a successor A.S.T.M.
33 international specification, as established by rules
34 adopted by the department.

35 (2) Gasoline blended with ethanol must meet any of
36 the following requirements:

37 (a) For the gasoline, A.S.T.M. international
38 specification D4814.

39 (b) For the ethanol blended gasoline, A.S.T.M.
40 international specification D4814.

41 (c) For the gasoline, A.S.T.M. international
42 specification D4814 except for distillation, if, for
43 E-10 or a classification below E-10, the ethanol
44 blended gasoline meets the requirements of A.S.T.M.
45 international specification D4814.

46 (3) For ethanol blended gasoline ~~other than E-85~~
47 ~~gasoline~~, at least ~~ten~~ nine percent of the ~~gasoline~~ by
48 volume must be fuel grade ethanol. In addition the
49 following applies:

50 (a) For the period beginning on September 16 and

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1 ending on May 31 of each year, the state grants a
2 waiver of one pound per square inch from the A.S.T.M.
3 international D4814 Reid vapor pressure requirement.

4 (b) For the period beginning on June 1 and ending
5 on September 15 of each year the United States
6 environmental protection agency must grant a one pound
7 per square inch waiver for ethanol blended
8 conventional gasoline with at least nine but not more
9 than ten percent by volume of ethanol pursuant to 40
10 C.F.R. } 80.27.

11 (4) E-85 gasoline must be an agriculturally
12 derived ethyl alcohol that meets A.S.T.M.
13 international specification D5798, described as a fuel
14 blend for use in ground vehicles with automotive
15 spark-ignition engines, or a successor A.S.T.M.
16 international specification, as established by rules
17 adopted by the department.

18 Sec. 19. Section 214A.2, Code 2007, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 4A. Ethanol blended gasoline
21 shall be designated E-xx where "xx" is the volume
22 percent of ethanol in the ethanol blended gasoline and
23 biodiesel shall be designated B-xx where "xx" is the
24 volume percent of biodiesel.

25 Sec. 20. Section 214A.2B, Code Supplement 2007, is
26 amended to read as follows:

27 214A.2B LABORATORY FOR MOTOR FUEL AND BIOFUELS.

28 A laboratory for motor fuel and biofuels is
29 established at a merged area school which is engaged
30 in biofuels testing on July 1, 2007, and which testing
31 includes but is not limited to ~~B-20~~ B-20 biodiesel fuel
32 testing for motor trucks and the ability of biofuels
33 to meet A.S.T.M. international standards. The
34 laboratory shall conduct testing of motor fuel sold in
35 this state and biofuel which is blended in motor fuel
36 in this state to ensure that the motor fuel or
37 biofuels meet the requirements in section 214A.2.

38 Sec. 21. Section 214A.3, subsection 2, paragraph
39 b, Code 2007, is amended to read as follows:

40 b. (1) Ethanol blended gasoline sold by a dealer
41 shall be designated ~~E-xx where "xx" is the volume~~
42 ~~percent of ethanol in the ethanol blended gasoline~~
43 according to its classification as provided in section
44 214A.2. However, a person advertising E-9 or E-10
45 gasoline may only designate it as ethanol blended
46 gasoline. A person advertising ethanol blended
47 gasoline formulated with a percentage of between
48 seventy and eighty-five percent by volume of ethanol
49 shall designate it as E-85. A person shall not
50 knowingly falsely advertise ethanol blended gasoline

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1 by using an inaccurate designation in violation of
2 this subparagraph.

3 (2) Biodiesel ~~blended~~ fuel shall be designated
4 ~~B-xx~~ where "xx" is the volume percent of biodiesel in
5 the biodiesel blended fuel according to its
6 classification as provided in section 214A.2. A
7 person shall not knowingly falsely advertise biodiesel
8 blended fuel by using an inaccurate designation in
9 violation of this subparagraph.

10 Sec. 22. Section 214A.16, Code 2007, is amended to
11 read as follows:

12 214A.16 NOTICE OF BLENDED FUEL – DECAL.

13 1. If motor fuel containing a renewable fuel is
14 sold from a motor fuel pump, the pump shall have
15 affixed a decal identifying the name of the renewable
16 fuel. The decal may shall be different based on the
17 type of renewable fuel used dispensed. If the motor
18 fuel pump dispenses ethanol blended gasoline
19 classified as higher than E-10 pursuant to section
20 214A.2, the decal shall contain the following notice:
21 "FOR FLEXIBLE FUEL VEHICLES ONLY".

22 2. The design and location of the decal shall be
23 prescribed by rules adopted by the department. A
24 decal identifying a renewable fuel shall be consistent
25 with standards adopted pursuant to section 159A.6.
26 The department may approve an application to place a
27 decal in a special location on a pump or container or
28 use a decal with special lettering or colors, if the
29 decal appears clear and conspicuous to the consumer.
30 The application shall be made in writing pursuant to
31 procedures adopted by the department.

32 Sec. 23. Section 455G.31, subsection 1, Code
33 Supplement 2007, is amended to read as follows:

34 1. As used in this section, unless the context
35 otherwise requires:

36 a. "Dispenser" includes a motor fuel pump,
37 including but not limited to a motor fuel blender
38 pump.

39 ~~a.~~ b. "E-85 gasoline", "ethanol blended
40 gasoline", and "retail dealer" mean the same as
41 defined in section 214A.1.

42 ~~b.~~ c. "Gasoline storage and dispensing
43 infrastructure" means any storage tank located below
44 ground or above ground and any associated equipment
45 including but not limited to a pipe, hose, connection,
46 fitting seal, or motor fuel pump, which is used to
47 store, measure, and dispense gasoline by a retail
48 dealer.

49 d. Ethanol blended gasoline shall be designated in
50 the same manner as provided in section 214A.2.

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1 e. "Motor fuel pump" means the same as defined in
2 section 214.1.

3 Sec. 24. Section 455G.31, subsection 2, unnumbered
4 paragraph 1, Code Supplement 2007, is amended to read
5 as follows:

6 A retail dealer may use gasoline storage and
7 dispensing infrastructure to store and dispense ~~E-85~~
8 ethanol blended gasoline classified as E-9 or higher
9 if all of the following apply:

10 Sec. 25. Section 455G.31, subsection 2, paragraph
11 a, Code Supplement 2007, is amended to read as
12 follows:

13 a. For gasoline storage and dispensing
14 infrastructure other than the dispenser, the
15 department of natural resources under this chapter or
16 the state fire marshal under chapter 101 must
17 determine that it is compatible with ~~E-85~~ the ethanol
18 blended gasoline being used.

19 Sec. 26. Section 455G.31, subsection 2, paragraph
20 b, subparagraph (1), subparagraph subdivision (a),
21 Code Supplement 2007, is amended to read as follows:

22 (a) The dispenser must be listed by an independent
23 testing laboratory as compatible with ethanol blended
24 gasoline classified as E-9 or higher.

25 Sec. 27. Section 15.401, Code 2007, is repealed.

26 Sec. 28. RENEWABLE FUEL INFRASTRUCTURE – STANDARD
27 FINANCIAL INCENTIVES AWARDED FOR THE ACQUISITION OF
28 TANK VEHICLES.

29 1. Notwithstanding the amendments to section
30 15G.203, subsection 1, paragraph "b", as enacted in
31 this Act, a person may participate in the renewable
32 fuel infrastructure program for retail motor fuel
33 sites as provided in section 15G.203, as amended by
34 this Act, for the acquisition of any of the following:

35 a. One tank vehicle used to store and dispense
36 E-85 gasoline, which shall be deemed ethanol
37 infrastructure.

38 b. One tank vehicle used to store and dispense
39 biodiesel or biodiesel blended fuel, which shall be
40 deemed biodiesel infrastructure.

41 2. The renewable fuel infrastructure board may
42 approve an award of financial incentives for the
43 acquisition of a tank vehicle as provided in a
44 cost-share agreement for a three-year period as
45 provided in section 15G.203, as amended by this Act.
46 The standard financial incentives awarded to the
47 participating person shall not exceed fifty percent of
48 the actual cost of the acquisition of the tank vehicle
49 or thirty thousand dollars, whichever is less. The
50 infrastructure board may approve an application for

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1 both a tank vehicle used to store and dispense E-85
2 gasoline as ethanol infrastructure and for a tank
3 vehicle used to store and dispense biodiesel or
4 biodiesel blended fuel as biodiesel infrastructure so
5 long as the standard financial incentives awarded to
6 the participating person for the acquisition of the
7 two tank vehicles are made under separate cost-share
8 agreements.

9 3. In order to participate in the renewable fuel
10 infrastructure program for retail motor fuel sites as
11 provided in this section, a person must apply to the
12 department of economic development as provided in
13 section 15G.203, as amended by this Act, not later
14 than December 31, 2008.

15 Sec. 29. RENEWABLE FUEL INFRASTRUCTURE PROGRAMS –
16 CONSIDERATION OF APPLICATIONS.

17 1. The renewable fuel infrastructure board created
18 in section 15G.202 may award financial incentives to a
19 person participating in the renewable fuel
20 infrastructure program for retail motor fuel sites for
21 an amount provided in section 15G.203, subsection 7,
22 as amended in this Act, if the person applied to the
23 department of economic development on or after
24 February 19, 2008.

25 2. The renewable fuel infrastructure board created
26 in section 15G.202 may award financial incentives to a
27 person participating in the renewable fuel
28 infrastructure program for terminal facilities for an
29 amount provided in section 15G.204, subsection 4, as
30 amended in this Act, if the person applied to the
31 department of economic development on or after
32 February 19, 2008.

33 Sec. 30. SECRETARY OF AGRICULTURE – APPLICATION
34 TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

35 The secretary of agriculture shall make application to
36 the United States environmental protection agency to
37 obtain approval for the use of ethanol blended
38 gasoline containing more than ten percent ethanol by
39 volume in this state by gasoline-powered vehicles
40 other than flexible fuel vehicles. The application
41 shall, as necessary, seek a waiver of relevant
42 standards promulgated by the agency under the federal
43 Clean Air Act, including but not limited to 42 U.S.C.
44 § 7545 and 40 C.F.R. pt. 80. Within sixty days after
45 obtaining such approval, the secretary of agriculture
46 shall publish a notice in the Iowa administrative
47 bulletin certifying the approval.

48 Sec. 31. LEGISLATIVE INTENT – FUTURE REVENUE
49 SOURCES. It is the intent of the general assembly
50 that all options be examined in order to continue the

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1 financing of renewable fuel infrastructure as provided
2 in chapter 15G, subchapter II.

3 Sec. 32. EFFECTIVE DATES.

4 1. Except as provided in subsection 2, this
5 division of this Act, being deemed of immediate
6 importance, takes effect upon enactment.

7 2. The amendments to section 15G.204, subsection
8 4, as amended by this division of this Act, take
9 effect January 1, 2009.

10 DIVISION II

11 BIODIESEL BLENDED FUEL INCOME TAX CREDIT

12 Sec. 33. Section 422.11P, subsection 3, Code
13 Supplement 2007, is amended to read as follows:

14 3. a. The tax credit shall be calculated
15 separately for each retail motor fuel site operated by
16 the taxpayer.

17 b. The amount of the tax credit is three cents
18 multiplied by the total number of gallons of biodiesel
19 blended fuel sold and dispensed by the retail dealer
20 through all motor fuel pumps operated by the retail
21 dealer during the retail dealer's tax year.

22 Sec. 34. Section 422.33, subsection 11C, paragraph
23 c, Code Supplement 2007, is amended to read as
24 follows:

25 c. The tax credit shall be calculated separately
26 for each retail motor fuel site operated by the
27 taxpayer.

28 d. This subsection is repealed on January 1, 2012.

29 Sec. 35. RETROACTIVE APPLICABILITY DATE. Section
30 422.11P, as amended by this Act, and section 422.33,
31 subsection 11C, as applied due to the enactment of
32 this Act, shall apply retroactively to tax years
33 beginning on or after January 1, 2008.

34 Sec. 36. EFFECTIVE DATE. This division of this
35 Act, being deemed of immediate importance, takes
36 effect upon enactment.

37 DIVISION III

38 BIOFUEL REPORTING

39 Sec. 37. Section 452A.2, Code 2007, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 4A. "Biofuel producer" means a
42 person required to be licensed pursuant to this
43 division who produces biofuel from a production
44 facility located in this state.

45 Sec. 38. NEW SECTION. 452A.30 DEFINITIONS. The
46 words and phrases used in this division shall have the
47 same meaning as defined in section 452A.2.

48 Sec. 39. Section 452A.33, Code 2007, is amended by
49 adding the following new subsection:

50 NEW SUBSECTION. 1A. a. Each biofuel producer

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1 shall report the total number of gallons of biofuel
2 produced by the biofuel producer for a determination
3 period. The report shall include all of the
4 following:

5 (1) The total number of gallons of ethanol
6 produced at each production facility located in this
7 state, the total number of gallons of ethanol produced
8 at all production facilities located in this state,
9 and the total number of gallons of ethanol delivered
10 by the biofuel producer to destinations outside of
11 this state.

12 (2) The total number of gallons of biodiesel
13 produced at each production facility located in this
14 state, the total number of gallons of biodiesel
15 produced at all production facilities located in this
16 state, and the total number of gallons of biodiesel
17 delivered to destinations outside of this state.

18 b. The biofuel producer shall prepare and submit
19 the report in a manner and according to procedures
20 required by the department. The department may
21 require that a biofuel producer report to the
22 department on an annual, quarterly, or monthly basis.

23 c. The information included in a report submitted
24 by a biofuel producer that identifies the location of
25 a production facility is deemed to be a trade secret,
26 protected as a confidential record pursuant to section
27 22.7.

28 Sec. 40. Section 452A.33, Code 2007, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 2A. On or before April 1 of each
31 year the department shall deliver a report to the
32 governor and the legislative services agency. The
33 report shall compile information reported by biofuel
34 producers.

35 a. The report shall include all of the following:

36 (1) The total number of gallons of ethanol
37 produced in this state and the total number of gallons
38 of ethanol delivered to destinations outside of this
39 state.

40 (2) The total number of gallons of biodiesel
41 produced in this state and the total number of gallons
42 of biodiesel delivered to destinations outside of this
43 state.

44 b. The report shall not provide information
45 classified as a trade secret protected as a
46 confidential record pursuant to this section.

47 Sec. 41. CODE EDITOR. The Code editor shall
48 codify section 452A.30, as enacted in this division of
49 this Act, as part of chapter 452A, division II.

50

DIVISION IV

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1 GOVERNMENT FLEET PURCHASES
2 OF RENEWABLE FUELS

3 Sec. 42. Section 8A.362, subsection 3, paragraph
4 b, Code Supplement 2007, is amended to read as
5 follows:

6 b. A ~~gasoline-powered~~ motor vehicle operated under
7 this subsection shall not operate on gasoline other
8 than ethanol blended gasoline as defined in section
9 214A.1, unless under emergency circumstances. A
10 diesel-powered motor vehicle operated under this
11 subsection shall not operate on diesel fuel other than
12 biodiesel fuel as defined in section 214A.1, if
13 commercially available. A state-issued credit card
14 ~~used to purchase gasoline~~ shall not be valid to
15 purchase gasoline other than ethanol blended gasoline,
16 if commercially available, or to purchase diesel fuel
17 other than biodiesel fuel, if commercially available.
18 The motor vehicle shall also be affixed with a
19 brightly visible sticker which notifies the traveling
20 public that the motor vehicle is being operated on
21 ethanol blended gasoline or biodiesel fuel, as
22 applicable. However, the sticker is not required to
23 be affixed to an unmarked vehicle used for purposes of
24 providing law enforcement or security.

25 Sec. 43. Section 216B.3, subsection 16, paragraph
26 a, Code Supplement 2007, is amended to read as
27 follows:

28 a. A ~~gasoline-powered~~ motor vehicle purchased by
29 the commission shall not operate on gasoline other
30 than ethanol blended gasoline as defined in section
31 214A.1. A diesel-powered motor vehicle purchased by
32 the commission shall not operate on diesel fuel other
33 than biodiesel fuel as defined in section 214A.1, if
34 commercially available. A state issued credit card
35 ~~used to purchase gasoline~~ shall not be valid to
36 purchase gasoline other than ethanol blended gasoline
37 or to purchase diesel fuel other than biodiesel fuel,
38 if commercially available. The motor vehicle shall
39 also be affixed with a brightly visible sticker which
40 notifies the traveling public that the motor vehicle
41 is being operated on ethanol blended gasoline or
42 biodiesel fuel, as applicable. However, the sticker
43 is not required to be affixed to an unmarked vehicle
44 used for purposes of providing law enforcement or
45 security.

46 Sec. 44. Section 262.25A, subsection 2, Code
47 Supplement 2007, is amended to read as follows:

48 2. A ~~gasoline-powered~~ motor vehicle purchased by
49 the institutions shall not operate on gasoline other
50 than ethanol blended gasoline as defined in section

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1 214A.1, unless under emergency circumstances or if to
2 do so would result in the use of a percentage of
3 ethanol blended gasoline higher than recommended by
4 the vehicle manufacturer or would result in a
5 violation of the vehicle's manufacturer warranty. A
6 diesel-powered motor vehicle purchased by the
7 institutions shall not operate on diesel fuel other
8 than biodiesel fuel as defined in section 214A.1, if
9 commercially available, unless to do so would result
10 in the use of a percentage of biodiesel not
11 recommended by the vehicle manufacturer or would
12 result in violation of the vehicle's manufacturer
13 warranty, or under emergency circumstances. A
14 state-issued credit card ~~used to purchase gasoline~~
15 shall not be ~~valid~~ used to purchase gasoline other
16 than ethanol blended gasoline if commercially
17 available or to purchase diesel fuel other than
18 biodiesel fuel if commercially available. The motor
19 vehicle shall also be affixed with a brightly visible
20 sticker which notifies the traveling public that the
21 motor vehicle is being operated on ethanol blended
22 gasoline or biodiesel fuel, as applicable. However,
23 the sticker is not required to be affixed to an
24 unmarked vehicle used for purposes of providing law
25 enforcement or security.

26 Sec. 45. Section 307.21, subsection 4, paragraph
27 d, Code Supplement 2007, is amended to read as
28 follows:

29 d. A ~~motor gasoline-powered~~ vehicle purchased by
30 the administrator shall not operate on gasoline other
31 than ethanol blended gasoline as defined in section
32 214A.1. A diesel-powered motor vehicle purchased by
33 the administrator shall not operate on diesel fuel
34 other than biodiesel fuel as defined in section
35 214A.1, if commercially available. A state-issued
36 credit card ~~used to purchase gasoline~~ shall not be
37 valid to purchase gasoline other than ethanol blended
38 gasoline or to purchase diesel fuel other than
39 biodiesel fuel, if commercially available. The motor
40 vehicle shall also be affixed with a brightly visible
41 sticker which notifies the traveling public that the
42 motor vehicle is being operated on ethanol blended
43 gasoline or biodiesel fuel, as applicable. However,
44 the sticker is not required to be affixed to an
45 unmarked vehicle used for purposes of providing law
46 enforcement or security.

47 Sec. 46. Section 904.312A, subsection 1, Code
48 Supplement 2007, is amended to read as follows:

49 1. A ~~gasoline-powered~~ motor vehicle purchased by
50 the department shall not operate on gasoline other

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1 than ethanol blended gasoline as defined in section
2 214A.1. A diesel-powered motor vehicle purchased by
3 the department shall not operate on diesel fuel other
4 than biodiesel fuel as defined in section 214A.1, if
5 commercially available. A state-issued credit card
6 ~~used to purchase gasoline~~ shall not be valid to
7 purchase gasoline other than ethanol blended gasoline,
8 or to purchase diesel fuel other than biodiesel fuel,
9 if commercially available. The motor vehicle shall
10 also be affixed with a brightly visible sticker which
11 notifies the traveling public that the motor vehicle
12 is being operated on ethanol blended gasoline or
13 biodiesel fuel, as applicable. However, the sticker
14 is not required to be affixed to an unmarked vehicle
15 used for purposes of providing law enforcement or
16 security.

17 Sec. 47. USE OF BIODIESEL FUEL BY LOCAL ENTITIES.

18 It is the policy of the state to encourage the use of
19 biodiesel fuel to the extent practical in all
20 diesel-powered motor vehicles purchased or used by
21 cities, counties, school corporations, and merged area
22 schools.

23 Sec. 48. EFFECTIVE DATE. This division of this
24 Act, being deemed of immediate importance, takes
25 effect upon enactment.

26 DIVISION V

27 RENEWABLE FUELS MARKETING EFFORTS

28 Sec. 49. DEFINITIONS. As used in this division of
29 this Act, unless the context otherwise requires:

- 30 1. "Biodiesel blended fuel", "biofuel", "E-85",
31 and "retail dealer" mean the same as defined in
32 section 214A.1.
- 33 2. "Renewable fuel" means biodiesel blended fuel
34 or ethanol blended gasoline.

35 Sec. 50. RENEWABLE FUELS MARKETING PLAN. The
36 office of energy independence shall develop a
37 renewable fuels marketing plan to promote the biofuel
38 industry in this state.

- 39 1. The renewable fuels marketing plan shall
40 provide for research to determine what barriers hinder
41 the increased use of renewable fuels, including
42 renewable fuels containing higher blends of biofuels
43 in this state. The research shall include but is not
44 limited to determining all of the following:
 - 45 a. Barriers that may prevent retail dealers from
46 selling more renewable fuels, which shall at least
47 include issues involving infrastructure, product
48 quality, and cost efficiencies.
 - 49 b. Barriers that may prevent consumers from
50 purchasing more renewable fuels, which shall at least

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1 include issues involving fuel efficiency and consumer
2 awareness of renewable fuels and flexible fuel
3 vehicles.

4 2. The office shall prepare and submit the
5 renewable fuels marketing plan to the governor and the
6 general assembly by January 30, 2009.

7 Sec. 51. DIRECT MARKETING CAMPAIGN – FLEXIBLE
8 FUEL VEHICLES AND DIESEL POWERED VEHICLES. The office
9 of energy independence shall conduct a direct
10 marketing campaign specifically targeted to owners of
11 flexible fuel vehicles and diesel powered vehicles.

12 1. The direct marketing campaign shall include but
13 is not limited to education to increase owner
14 awareness and knowledge regarding all of the
15 following:

16 a. Flexible fuel vehicles and E-85 as an
17 alternative fuel choice. The office shall provide
18 owners with maps indicating where retail motor fuel
19 sites offering E-85 are located.

20 b. Diesel powered vehicles and biodiesel blended
21 fuel as an alternative fuel choice. The office shall
22 provide owners with information on but not limited to
23 successful cold weather handling and use of biodiesel
24 blended fuel, engine manufacturer warranties covering
25 the use of biodiesel blended fuel, and maps indicating
26 where retail motor fuel sites offering biodiesel
27 blended fuel and terminals storing biodiesel are
28 located.

29 2. The department of transportation shall provide
30 the office with a list of the names and addresses of
31 owners of flexible fuel vehicles, including vehicles
32 registered under sections 321.109, 321.121, and
33 321.122.

34 3. The office shall complete the direct marketing
35 campaign by October 1, 2008.

36 Sec. 52. COLLABORATION. The office of energy
37 independence may collaborate with public or private
38 organizations to carry out the provisions of this
39 division of this Act.

40 Sec. 53. FUNDING. The office of energy
41 independence shall carry out the provisions of this
42 division of this Act using moneys appropriated to the
43 office as provided in section 469.10.

44 Sec. 54. EFFECTIVE DATE. This division of this
45 Act, being deemed of immediate importance, takes
46 effect upon enactment."

47 2. Title page, line 3, by inserting after the
48 word "fuel," the following: "providing for tax
49 credits, providing for the reporting of biofuels,".

50 3. Title page, lines 5 and 6, by striking the

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- 1 words "an effective date" and inserting the following:
- 2 "for effective dates and applicability; including
- 3 retroactive applicability".
- 4 4. By renumbering as necessary.

Reasoner of Union offered the following amendment H-8623, to amendment H-8582, filed by him from the floor and moved its adoption:

H-8623

- 1 Amend the amendment, H-8582, to House File 2689 as
- 2 follows:
- 3 1. Page 4, by striking line 17 and inserting the
- 4 following: "participating person shall not exceed
- 5 thirty-five thousand dollars. The participating
- 6 person shall be awarded the supplemental financial
- 7 incentives on a cumulative basis according to the
- 8 schedule provided in this subparagraph, which shall
- 9 not exceed the following:"
- 10 2. Page 16, line 42, by inserting after the word
- 11 "moneys" the following: "received by the office from
- 12 all sources, including but not limited to moneys".
- 13 3. By renumbering as necessary.

Amendment H-8623 was adopted.

Reasoner of Union offered the following amendment H-8629, to amendment H-8582, filed by him from the floor and moved its adoption:

H-8629

- 1 Amend the amendment, H-8582, to House File 2689, as
- 2 follows:
- 3 1. Page 5, line 2, by striking the word "c" and
- 4 inserting the following: "a".
- 5 2. By renumbering as necessary.

Amendment H-8629 was adopted.

On motion by Reasoner of Union, amendment H-8582, as amended, was adopted.

Reasoner of Union moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2689)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Chambers	Cphoon	Davitt
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Bukta, Presiding

The nays were, none.

Absent or not voting, 4:

Clute	Dandekar	De Boef	Roberts
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2197, 2689, 2694** and **Senate File 2406**.

The House stood at ease at 4:58 p.m., until the fall of the gavel.

The House resumed session at 6:25 p.m., Speaker Murphy in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker, I am directed to inform your honorable body that the Senate has on April 22, 2008, adopted the conference committee report and passed House File 2197, a bill for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information.

Also: That the Senate has on April 22, 2008 passed the following bill in which the concurrence of the Senate was asked:

House File 2663, a bill for an act relating to the repeal of the local option sales and services tax for school infrastructure purposes by using the revenues from the increase in the state sales and use taxes for replacing lost school district revenues resulting from the repeal, providing property tax relief, providing for the reduction in the state sales and use tax, providing a penalty, and including an effective date provision.

Also: That the Senate has on April 22, 2008, refused to concur in the House amendment in which the concurrence of the Senate was asked:

Senate File 2425, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Also: That the Senate has on April 22, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2428, a bill for an act relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to county attorney collections, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable.

MICHAEL E. MARSHALL, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-two members present, eight absent.

HOUSE INSISTS

Foege of Linn called up for consideration **Senate File 2425**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED
(Senate File 2425)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2425: Foege of Linn, Chair; Smith of Marshall, Gayman of Scott, Raecker of Polk and Heaton of Henry.

SENATE AMENDMENT CONSIDERED

Heddens of Story called up for consideration **House File 2539**, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, health care transparency, and including an applicability provision, amended by the Senate amendment H-8439:

H-8439

- 1 Amend House File 2539, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 3, through page 2,
- 4 line 4, and inserting the following:
- 5 "Section 1. DECLARATION OF INTENT.
- 6 1. It is the intent of the general assembly to
- 7 progress toward achievement of the goal that all
- 8 Iowans have health care coverage with the following
- 9 priorities:
- 10 a. The goal that all children in the state have
- 11 health care coverage which meets certain standards of
- 12 quality and affordability with the following

13 priorities:

14 (1) Covering all children who are declared
15 eligible for the medical assistance program or the
16 hawk-i program pursuant to chapter 514I no later than
17 January 1, 2011.

18 (2) Building upon the current hawk-i program by
19 creating a hawk-i expansion program to provide
20 coverage to children who meet the hawk-i program's
21 eligibility criteria but whose income is at or below
22 three hundred percent of the federal poverty level,
23 beginning July 1, 2009.

24 (3) If federal reauthorization of the state
25 children's health insurance program provides
26 sufficient federal allocations to the state and
27 authorization to cover such children as an option
28 under the state children's health insurance program,
29 requiring the department of human services to expand
30 coverage under the state children's health insurance
31 program to cover children with family incomes at or
32 below three hundred percent of the federal poverty
33 level, with appropriate cost sharing established for
34 families with incomes above two hundred percent of the
35 federal poverty level.

36 b. The goal that the Iowa comprehensive health
37 insurance association, in consultation with the
38 advisory council established in section 514E.5A,
39 develop a comprehensive plan to cover all children
40 without health care coverage that utilizes and
41 modifies existing public programs including the
42 medical assistance program, the hawk-i program, and
43 the hawk-i expansion program, and provide access to
44 unsubsidized, affordable, qualified health care
45 coverage for children, adults, and families with
46 family incomes as specified under the Iowa choice
47 health care coverage program who are not otherwise
48 eligible for health care coverage through public
49 programs.

50 c. The goal of decreasing health care costs and

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1 health care coverage costs by:

2 (1) Instituting health insurance reforms that
3 assure the availability of private health insurance
4 coverage for Iowans by addressing issues involving
5 guaranteed availability and issuance to applicants,
6 preexisting condition exclusions, portability, and
7 allowable or required pooling and rating
8 classifications.

9 (2) Requiring children who have health care
10 coverage through a public program administered by the
11 state, with the exception of any public program that

12 provides health care coverage through private
13 insurers, and children who are insured through plans
14 created by the Iowa choice health care coverage
15 program to have a medical home.

16 (3) Establishing a statewide health information
17 technology system.

18 (4) Implementing cost containment strategies and
19 initiatives such as chronic care management, long-term
20 living planning and patient autonomy in health care
21 decision making, and transparency in health care costs
22 and quality information."

23 2. Page 2, by inserting before line 5 the
24 following:

25 "DIVISION _____

26 HAWK-I AND MEDICAID EXPANSION

27 Sec.____. Section 249A.3, subsection 1, paragraph
28 1, Code Supplement 2007, is amended to read as
29 follows:

30 1. Is an infant whose income is not more than two
31 hundred percent of the federal poverty level, as
32 defined by the most recently revised income guidelines
33 published by the United States department of health
34 and human services. Additionally, effective July 1,
35 2009, medical assistance shall be provided to an
36 infant whose family income is at or below three
37 hundred percent of the federal poverty level, as
38 defined by the most recently revised poverty income
39 guidelines published by the United States department
40 of health and human services.

41 Sec.____. Section 249A.3, Code Supplement 2007, is
42 amended by adding the following new subsection:
43 NEW SUBSECTION. 14. The department shall provide
44 continuous eligibility for twelve months under the
45 medical assistance program for a child who was
46 eligible for enrollment at the time of the most recent
47 enrollment.

48 Sec.____. Section 514I.1, subsection 4, Code 2007,
49 is amended to read as follows:

50 4. It is the intent of the general assembly that

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1 the hawk-i program be an integral part of the
2 continuum of health insurance coverage and that the
3 program be developed and implemented in such a manner
4 as to facilitate movement of families between health
5 insurance providers and to facilitate the transition
6 of families to private sector health insurance
7 coverage. It is the intent of the general assembly in
8 developing such continuum of health insurance coverage
9 and in facilitating such transition, that beginning
10 July 1, 2009, the department implement the hawk-i

11 expansion program.

12 Sec.____. Section 514I.1, Code 2007, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 5. It is the intent of the
15 general assembly that if federal reauthorization of
16 the state children's health insurance program provides
17 sufficient federal allocations to the state and
18 authorization to cover such children as an option
19 under the state children's health insurance program,
20 the department shall expand coverage under the state
21 children's health insurance program to cover children
22 with family incomes at or below three hundred percent
23 of the federal poverty level.

24 Sec.____. Section 514I.2, Code 2007, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 7A. "Hawk-i expansion program" or
27 "hawk-i expansion" means the healthy and well kids in
28 Iowa expansion program created in section 514I.12 to
29 provide health insurance to children who meet the
30 hawk-i program eligibility criteria pursuant to
31 section 514I.8, with the exception of the family
32 income criteria, and whose family income is at or
33 below three hundred percent of the federal poverty
34 level, as defined by the most recently revised poverty
35 income guidelines published by the United States
36 department of health and human services.

37 Sec.____. Section 514I.5, subsection 7, paragraph
38 d, Code Supplement 2007, is amended to read as
39 follows:

40 d. Develop, with the assistance of the department,
41 an outreach plan, and provide for periodic assessment
42 of the effectiveness of the outreach plan. The plan
43 shall provide outreach to families of children likely
44 to be eligible for assistance under the program, to
45 inform them of the availability of and to assist the
46 families in enrolling children in the program. The
47 outreach efforts may include, but are not limited to,
48 solicitation of cooperation from programs, agencies,
49 and other persons who are likely to have contact with
50 eligible children, including but not limited to those

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1 associated with the educational system, and the
2 development of community plans for outreach and
3 marketing. Other state agencies including but not
4 limited to the department of revenue, the department
5 of economic development, and the department of
6 education shall cooperate with the department in
7 providing marketing and outreach to potentially
8 eligible children and their families.

9 Sec.____. Section 514I.5, subsection 7, Code

10 Supplement 2007, is amended by adding the following
11 new paragraph:

12 NEW PARAGRAPH. 1. Develop options and
13 recommendations to allow children eligible for the
14 hawk-i or hawk-i expansion program to participate in
15 qualified employer-sponsored health plans through a
16 premium assistance program. The options and
17 recommendations shall ensure reasonable alignment
18 between the benefits and costs of the hawk-i and
19 hawk-i expansion programs and the employer-sponsored
20 health plans consistent with federal law. The options
21 and recommendations shall be completed by January 1,
22 2009, and submitted to the governor and the general
23 assembly for consideration as part of the hawk-i and
24 hawk-i expansion programs.

25 Sec.____. Section 514I.7, subsection 2, paragraph
26 a, Code 2007, is amended to read as follows:

27 a. Determine individual eligibility for program
28 enrollment based upon review of completed applications
29 and supporting documentation. The administrative
30 contractor shall not enroll a child who has group
31 health coverage ~~or any child who has dropped coverage~~
32 ~~in the previous six months, unless the coverage was~~
33 ~~involuntarily lost or unless the reason for dropping~~
34 ~~coverage is allowed by rule of the board.~~

35 Sec.____. Section 514I.8, subsection 1, Code 2007,
36 is amended to read as follows:

37 1. Effective July 1, 1998, and notwithstanding any
38 medical assistance program eligibility criteria to the
39 contrary, medical assistance shall be provided to, or
40 on behalf of, an eligible child under the age of
41 nineteen whose family income does not exceed one
42 hundred thirty-three percent of the federal poverty
43 level, as defined by the most recently revised poverty
44 income guidelines published by the United States
45 department of health and human services.
46 Additionally, effective July 1, 2000, and
47 notwithstanding any medical assistance program
48 eligibility criteria to the contrary, medical
49 assistance shall be provided to, or on behalf of, an
50 eligible infant whose family income does not exceed

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1 two hundred percent of the federal poverty level, as
2 defined by the most recently revised poverty income
3 guidelines published by the United States department
4 of health and human services. Effective July 1, 2009,
5 and notwithstanding any medical assistance program
6 eligibility criteria to the contrary, medical
7 assistance shall be provided to, or on behalf of, an
8 eligible infant whose family income is at or below

9 three hundred percent of the federal poverty level, as
 10 defined by the most recently revised poverty income
 11 guidelines published by the United States department
 12 of health and human services.

13 Sec.____. Section 514I.10, subsection 2, Code
 14 2007, is amended to read as follows:

15 2. Cost sharing for eligible children whose family
 16 income ~~equals or exceeds~~ is one hundred fifty percent
 17 but does not exceed two hundred percent of the federal
 18 poverty level may include a premium or copayment
 19 amount which does not exceed five percent of the
 20 annual family income. The amount of any premium or
 21 the copayment amount shall be based on family income
 22 and size.

23 Sec.____. Section 514I.11, subsections 1 and 3,
 24 Code 2007, are amended to read as follows:

25 1. A hawk-i trust fund is created in the state
 26 treasury under the authority of the department of
 27 human services, in which all appropriations and other
 28 revenues of the program and the hawk-i expansion
 29 program such as grants, contributions, and participant
 30 payments shall be deposited and used for the purposes
 31 of the program and the hawk-i expansion program. The
 32 moneys in the fund shall not be considered revenue of
 33 the state, but rather shall be funds of the program.

34 3. Moneys in the fund are appropriated to the
 35 department and shall be used to offset any program and
 36 hawk-i expansion program costs.

37 Sec.____. NEW SECTION. 514I.12 HAWK-I EXPANSION
 38 PROGRAM.

39 1. All children less than nineteen years of age
 40 who meet the hawk-i program eligibility criteria
 41 pursuant to section 514I.8, with the exception of the
 42 family income criteria, and whose family income is at
 43 or below three hundred percent of the federal poverty
 44 level, shall be eligible for the hawk-i expansion
 45 program.

46 2. To the greatest extent possible, the provisions
 47 of section 514I.4, relating to the director and
 48 department duties and powers, section 514I.5 relating
 49 to the hawk-i board, section 514I.6 relating to
 50 participating insurers, and section 514I.7 relating to

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1 the administrative contractor shall apply to the
 2 hawk-i expansion program. The department shall adopt
 3 any rules necessary, pursuant to chapter 17A, and
 4 shall amend any existing contracts to facilitate the
 5 application of such sections to the hawk-i expansion
 6 program.

7 3. The hawk-i board shall establish by rule

8 pursuant to chapter 17A, the cost-sharing amounts for
9 children under the hawk-i expansion program. The
10 rules shall include criteria for modification of the
11 cost-sharing amounts by the board. Beginning July 1,
12 2009, the board shall establish the cost-sharing
13 amounts under the hawk-i expansion program as follows:

14 a. For children with family incomes of more than
15 two hundred percent but less than two hundred fifty
16 percent of the federal poverty level, the monthly
17 cost-sharing amount shall be not less than ten dollars
18 per individual and twenty dollars per family if not
19 otherwise prohibited by federal law.

20 b. For children with family incomes of at least
21 two hundred fifty percent but at or below three
22 hundred percent of the federal poverty level, the
23 monthly cost-sharing amount shall be forty dollars per
24 individual and eighty dollars per family if not
25 otherwise prohibited by federal law.

26 Sec.____. MAXIMIZATION OF ENROLLMENT AND RETENTION
27 – MEDICAL ASSISTANCE AND HAWK-I PROGRAMS.

28 1. The department of human services, in
29 collaboration with the department of education, the
30 department of public health, the division of insurance
31 of the department of commerce, the hawk-i board, the
32 covering kids and families coalition, and the covering
33 kids now task force, shall develop a plan to maximize
34 enrollment and retention of eligible children in the
35 hawk-i and medical assistance programs. In developing
36 the plan, the collaborative shall review, at a
37 minimum, all of the following strategies:

38 a. Streamlined enrollment in the hawk-i and
39 medical assistance programs. The collaborative shall
40 identify information and documentation that may be
41 shared across departments and programs to simplify the
42 determination of eligibility or eligibility factors,
43 and any interagency agreements necessary to share
44 information consistent with state and federal
45 confidentiality and other applicable requirements.

46 b. Conditional eligibility for the hawk-i and
47 medical assistance programs.

48 c. Retroactive eligibility for the hawk-i program.

49 d. Expedited renewal for the hawk-i and medical
50 assistance programs.

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1 2. Following completion of the review the
2 department of human services shall compile the plan
3 which shall address all of the following relative to
4 implementation of the strategies specified in
5 subsection 1:

6 a. Federal limitations and quantifying of the risk

7 of federal disallowance.

8 b. Any necessary amendment of state law or rule.

9 c. Budgetary implications and cost-benefit
10 analyses.

11 d. Any medical assistance state plan amendments,
12 waivers, or other federal approval necessary.

13 e. An implementation time frame.

14 3. The department of human services shall submit
15 the plan to the governor and the general assembly no
16 later than December 1, 2008.

17 Sec.____. MEDICAL ASSISTANCE, HAWK-I, AND HAWK-I
18 EXPANSION PROGRAMS – COVERING CHILDREN –
19 APPROPRIATION. There is appropriated from the
20 general fund of the state to the department of human
21 services for the designated fiscal years, the
22 following amounts, or so much thereof as is necessary,
23 for the purpose designated:

24 To cover children as provided in this Act under the
25 medical assistance, hawk-i, and hawk-i expansion
26 programs and outreach under the current structure of
27 the programs:

28	FY 2008-2009	\$ 4,800,000
29	FY 2009-2010	\$ 14,800,000
30	FY 2010-2011	\$ 24,800,000

31 DIVISION _____

32 IOWA CHOICE HEALTH CARE COVERAGE PROGRAM

33 Sec.____. Section 514E.1, Code 2007, is amended by
34 adding the following new subsections:

35 NEW SUBSECTION. 0A. "Advisory council" means the
36 advisory council created in section 514E.5A.

37 NEW SUBSECTION. 6A. "Eligible individual" means
38 an individual who satisfies the eligibility
39 requirements for participation in the Iowa choice
40 health care coverage program as provided by the
41 association by rule.

42 NEW SUBSECTION. 14A. "Iowa choice health care
43 coverage program" means the Iowa choice health care
44 coverage program established in this chapter.

45 NEW SUBSECTION. 14B. "Iowa choice health care
46 policy" means an individual or group policy issued by
47 the association that provides the coverage set forth
48 in the benefit plans adopted by the association's
49 board of directors and approved by the commissioner
50 for the Iowa choice health care coverage program.

1 NEW SUBSECTION. 14C. "Iowa choice health
2 insurance" means the health insurance product
3 established by the Iowa choice health care coverage
4 program that is offered by a private health insurance
5 carrier.

6 NEW SUBSECTION. 14D. "Iowa choice health
7 insurance carrier" means any entity licensed by the
8 division of insurance of the department of commerce to
9 provide health insurance in Iowa or an organized
10 delivery system licensed by the director of public
11 health that has contracted with the association to
12 provide health insurance coverage to eligible
13 individuals under the Iowa choice health care coverage
14 program.

15 NEW SUBSECTION. 21. "Qualified health care
16 coverage" means creditable coverage which meets
17 minimum standards of quality and affordability as
18 determined by the association by rule.

19 Sec.____. Section 514E.2, subsections 1 and 3,
20 Code 2007, are amended to read as follows:

21 1. The Iowa comprehensive health insurance
22 association is established as a nonprofit corporation.
23 The association shall assure that benefit plans as
24 authorized in section 514E.1, subsection 2, for an
25 association policy, are made available to each
26 eligible Iowa resident and each federally eligible
27 individual applying to the association for coverage.
28 The association shall also be responsible for
29 administering the Iowa individual health benefit
30 reinsurance association pursuant to all of the terms
31 and conditions contained in chapter 513C. The
32 association shall also assure that benefit plans as
33 authorized in section 514E.1, subsection 14C, for an
34 Iowa choice health care policy are made available to
35 each eligible individual applying to the association
36 for coverage.

37 a. All carriers and all organized delivery systems
38 licensed by the director of public health providing
39 health insurance or health care services in Iowa,
40 whether on an individual or group basis, and all other
41 insurers designated by the association's board of
42 directors and approved by the commissioner shall be
43 members of the association.

44 b. The association shall operate under a plan of
45 operation established and approved under subsection 3
46 and shall exercise its powers through a board of
47 directors established under this section.

48 3. The association shall submit to the
49 commissioner a plan of operation for the association
50 and any amendments necessary or suitable to assure the

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1 fair, reasonable, and equitable administration of the
2 association. The plan of operation shall include
3 provisions for the issuance of Iowa choice health care
4 policies and shall include provisions for the

5 development of a comprehensive plan to provide health
6 care coverage to all children without such coverage,
7 that utilizes and modifies existing public programs,
8 including the medical assistance program, hawk-i,
9 IowaCare, and hawk-i expansion, and provides for the
10 implementation of the Iowa choice health care coverage
11 program established in section 514E.5. In developing
12 the plan of operation for the comprehensive plan and
13 for the Iowa choice health care coverage program, the
14 association shall give deference to the
15 recommendations made by the advisory council as
16 provided in section 514E.5A, subsection 1. The
17 association shall approve or disapprove but shall not
18 modify recommendations made by the advisory council.
19 Recommendations that are approved shall be included in
20 the plan of operation submitted to the commissioner.
21 Recommendations that are disapproved shall be
22 submitted to the commissioner with reasons for the
23 disapproval. The plan of operation becomes effective
24 upon approval in writing by the commissioner prior to
25 the date on which the coverage under this chapter must
26 be made available. After notice and hearing, the
27 commissioner shall approve the plan of operation if
28 the plan is determined to be suitable to assure the
29 fair, reasonable, and equitable administration of the
30 association, and provides for the sharing of
31 association losses, if any, on an equitable and
32 proportionate basis among the member carriers. If the
33 association fails to submit a suitable plan of
34 operation within one hundred eighty days after the
35 appointment of the board of directors, or if at any
36 later time the association fails to submit suitable
37 amendments to the plan, the commissioner shall adopt,
38 pursuant to chapter 17A, rules necessary to implement
39 this section. The rules shall continue in force until
40 modified by the commissioner or superseded by a plan
41 submitted by the association and approved by the
42 commissioner. In addition to other requirements, the
43 plan of operation shall provide for all of the
44 following:
45 a. The handling and accounting of assets and
46 moneys of the association.
47 b. The amount and method of reimbursing members of
48 the board.
49 c. Regular times and places for meeting of the
50 board of directors.

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1 d. Records to be kept of all financial
2 transactions, and the annual fiscal reporting to the
3 commissioner.

4 e. Procedures for selecting the board of directors
5 and submitting the selections to the commissioner for
6 approval.

7 f. The periodic advertising of the general
8 availability of health insurance coverage from the
9 association.

10 g. Additional provisions necessary or proper for
11 the execution of the powers and duties of the
12 association.

13 Sec.____. NEW SECTION. 514E.5 IOWA CHOICE HEALTH
14 CARE COVERAGE PROGRAM.

15 1. The association, in consultation with the
16 advisory council, shall develop a comprehensive plan
17 to provide health care coverage to all children
18 without such coverage, that utilizes and modifies
19 existing public programs including the medical
20 assistance program, hawk-i program, and hawk-i
21 expansion program, and establishes the Iowa choice
22 health care coverage program to provide access to
23 private unsubsidized, affordable, qualified health
24 care coverage to children who are not otherwise
25 eligible for health care coverage through public
26 programs.

27 2. As part of the comprehensive plan developed by
28 the association and the advisory council, the Iowa
29 choice health care coverage program shall provide
30 access to private unsubsidized, affordable, qualified
31 health care coverage to all Iowa children less than
32 nineteen years of age with a family income that is
33 more three hundred percent of the federal poverty
34 level and to adults and families with a family income
35 that is less than four hundred percent of the federal
36 poverty level and who are not otherwise eligible for
37 coverage under chapter 249A, 249J, or 514I. However,
38 a child, adult, or family shall not be eligible for
39 health care coverage under the Iowa choice health care
40 coverage program if the child, adult, or family is
41 enrolled in group health coverage or has dropped
42 coverage in the previous six months, unless the
43 coverage was involuntarily lost or unless the reason
44 for dropping coverage is allowed by rule of the
45 association, in consultation with the advisory
46 council.

47 3. As part of the comprehensive plan developed,
48 the association, in consultation with the advisory
49 council, shall define what constitutes qualified
50 health care coverage for children less than nineteen

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1 years of age. An Iowa choice health care policy for
2 such children shall provide qualified health care

3 coverage. For the purposes of this definition and for
4 designing Iowa choice health care policies for
5 children, requirements for coverage and benefits shall
6 include but are not limited to all of the following:
7 a. Inpatient hospital services including medical,
8 surgical, intensive care unit, mental health, and
9 substance abuse services.
10 b. Nursing care services including skilled nursing
11 facility services.
12 c. Outpatient hospital services including
13 emergency room, surgery, lab, and x-ray services and
14 other services.
15 d. Physician services, including surgical and
16 medical, office visits, newborn care, well-baby and
17 well-child care, immunizations, urgent care,
18 specialist care, allergy testing and treatment, mental
19 health visits, and substance abuse visits.
20 e. Ambulance services.
21 f. Physical therapy.
22 g. Speech therapy.
23 h. Durable medical equipment.
24 i. Home health care.
25 j. Hospice services.
26 k. Prescription drugs.
27 l. Dental services including preventive services.
28 m. Medically necessary hearing services.
29 n. Vision services including corrective lenses.
30 o. No underwriting requirements and no preexisting
31 condition exclusions.
32 p. Chiropractic services.
33 4. As part of the comprehensive plan developed,
34 the association, in consultation with the advisory
35 council, shall develop Iowa choice health care policy
36 options that are available for purchase for children
37 less than nineteen years of age with a family income
38 that is more than three hundred percent of the federal
39 poverty level. The program shall require a copayment
40 in an amount determined by the association for all
41 services received under such a policy except that the
42 contribution requirement for all cost-sharing expenses
43 of the policy shall be an amount that is no more than
44 two percent of family income per each child covered,
45 up to a maximum of six and one-half percent of family
46 income per family. Policies developed pursuant to
47 this subsection shall be available for purchase no
48 later than January 1, 2010.
49 5. As part of the comprehensive plan, the
50 association, in consultation with the advisory

2 health care coverage for adults and families who are
3 not eligible for a public program and have a family
4 income that is less than four hundred percent of the
5 federal poverty level. Iowa choice health care
6 policies for adults and families shall provide
7 qualified health care coverage. The association, in
8 consultation with the advisory council, shall develop
9 Iowa choice health care policy options that are
10 available for purchase by adults and families who are
11 not eligible for a public program and have a family
12 income that is less than four hundred percent of the
13 federal poverty level. The Iowa choice health care
14 policy options that are offered for purchase by such
15 adults and families shall provide a selection of
16 health benefit plans and standardized benefits with
17 the objective of providing health care coverage for
18 which all cost-sharing expenses do not exceed six and
19 one-half percent of family income. Policies developed
20 pursuant to this subsection shall be available for
21 purchase no later than January 1, 2010.

22 6. As part of the comprehensive plan, the Iowa
23 choice health care coverage program shall provide for
24 health benefits coverage through private health
25 insurance carriers that apply to the association and
26 meet the qualifications described in this section and
27 any additional qualifications established by rules of
28 the association. The Iowa choice health care coverage
29 program shall provide for the sale of Iowa choice
30 health care policies by licensed insurance producers
31 that apply to the association and meet the
32 qualifications established by rules of the
33 association. The association shall collaborate with
34 potential Iowa choice health insurance carriers to do
35 the following, including but not limited to:

36 a. Assure the availability of private qualified
37 health care coverage to all eligible individuals by
38 designing solutions to issues relating to guaranteed
39 issuance of insurance, preexisting condition
40 exclusions, portability, and allowable pooling and
41 rating classifications.

42 b. Formulate principles that ensure fair and
43 appropriate practices relating to issues involving
44 individual Iowa choice health care policies such as
45 rescission and preexisting condition clauses, and that
46 provide for a binding third-party review process to
47 resolve disputes related to such issues.

48 c. Design affordable, portable Iowa choice health
49 care policies that specifically meet the needs of
50 eligible individuals.

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1 7. The association, in developing the
2 comprehensive plan, and in administering the
3 comprehensive plan and the Iowa choice health care
4 coverage program, may do any of the following:
5 a. Seek and receive any grant funding from the
6 federal government, departments, or agencies of this
7 state, and private foundations.
8 b. Contract with professional service firms as may
9 be necessary, and fix their compensation.
10 c. Employ persons necessary to carry out the
11 duties of the program.
12 d. Design a premium schedule to be published by
13 the association by December 1 of each year, which
14 includes the development of rating factors that are
15 consistent with market conditions.

16 8. The association shall submit the comprehensive
17 plan required by this section to the governor and the
18 general assembly by December 15, 2008. The
19 appropriations to cover children under the medical
20 assistance, hawk-i, and hawk-i expansion programs as
21 provided in this Act and to provide related outreach
22 for fiscal year 2009-2010 and fiscal year 2010-2011
23 are contingent upon enactment of a comprehensive plan
24 during the 2009 legislative session that provides
25 health care coverage for all children in the state.
26 Enactment of a comprehensive plan shall include a
27 determination of what the prospects are of federal
28 action which may impact the comprehensive plan and the
29 fiscal impact of the comprehensive plan on the state
30 budget.

31 9. Beginning on January 15, 2010, and on January
32 15 of each year thereafter, the association shall
33 submit an annual report to the governor and the
34 general assembly regarding implementation of the
35 comprehensive plan required by this section, including
36 all activities of the Iowa choice health care coverage
37 program including but not limited to membership in the
38 program, the administrative expenses of the program,
39 the extent of coverage, the effect on premiums, the
40 number of covered lives, the number of Iowa choice
41 health care policies issued or renewed, and Iowa
42 choice health care coverage program premiums earned
43 and claims incurred by Iowa choice health insurance
44 carriers offering Iowa choice health care policies.
45 The association shall also report specifically on the
46 impact of the comprehensive plan and the Iowa choice
47 health care coverage program on the small group and
48 individual health insurance markets and any reduction
49 in the number of uninsured individuals, particularly
50 children less than nineteen years of age, in the

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1 state.

2 10. The association may grant not more than two
3 six-month extensions of the deadlines established in
4 this section as deemed necessary by the association to
5 promote orderly administration of the program and to
6 facilitate public outreach and information concerning
7 the program.

8 11. Any state obligation to provide services
9 pursuant to this section is limited to the extent of
10 the funds appropriated or provided for implementation
11 of this section.

12 12. Section 514E.7 is not applicable to Iowa
13 choice health care policies issued pursuant to this
14 section.

15 Sec. ___. NEW SECTION. 514E.5A ADVISORY COUNCIL

16 1. An advisory council is created for the purpose
17 of assisting the association with developing a
18 comprehensive plan to cover all children without
19 health care coverage that utilizes and modifies
20 existing public programs and provides access to
21 unsubsidized, affordable, qualified private health
22 care coverage through the Iowa choice health care
23 coverage program as provided in section 514E.5. The
24 advisory council shall make recommendations concerning
25 the design and implementation of the comprehensive
26 plan and the Iowa choice health care coverage program
27 including a plan of operation which includes but is
28 not limited to a definition of what constitutes
29 qualified health care coverage, suggestions for the
30 design of Iowa choice health insurance options,
31 implementation of the health care coverage reporting
32 requirement, and plans for implementing the Iowa
33 choice health care coverage program.

34 2. The advisory council consists of the following
35 persons who are voting members unless otherwise
36 provided:

37 a. The two most recent former governors, or if one
38 or both of them are unable or unwilling to serve, a
39 person or persons appointed by the governor.

40 b. Six members appointed by the governor, subject
41 to confirmation by the senate:

42 (1) A representative of the federation of Iowa
43 insurers.

44 (2) A health economist.

45 (3) Two consumers, one of whom shall be a
46 representative of a children's advocacy organization.

47 (4) A representative of organized labor.

48 (5) A representative of an organization of
49 employers.

50 c. The following members shall be ex officio,

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1 nonvoting members of the council:

2 (1) The commissioner of insurance, or a designee.

3 (2) The director of human services, or a designee.

4 (3) The director of public health, or a designee.

5 (4) Four members of the general assembly, one

6 appointed by the speaker of the house of

7 representatives, one appointed by the minority leader

8 of the house of representatives, one appointed by the

9 majority leader of the senate, and one appointed by

10 the minority leader of the senate.

11 3. The members of the council appointed by the

12 governor shall be appointed for terms of six years

13 beginning and ending as provided in section 69.19.

14 Such a member of the board is eligible for

15 reappointment. The governor shall fill a vacancy for

16 the remainder of the unexpired term.

17 4. The members of the council shall annually elect

18 one voting member as chairperson and one as vice

19 chairperson. Meetings of the council shall be held at

20 the call of the chairperson or at the request of a

21 majority of the council's members.

22 5. The members of the council shall not receive

23 compensation for the performance of their duties as

24 members but each member shall be paid necessary

25 expenses while engaged in the performance of duties of

26 the council.

27 6. The members of the council are subject to and

28 are officials within the meaning of chapter 68B.

29 Sec.____. NEW SECTION. 514E.6 IOWA CHOICE HEALTH

30 CARE COVERAGE PROGRAM FUND – APPROPRIATION.

31 The Iowa choice health care coverage program fund

32 is created in the state treasury as a separate fund

33 under the control of the association for deposit of

34 any funds for initial operating expenses of the Iowa

35 choice health care coverage program, payments made by

36 employers and individuals, and any funds received from

37 any public or private source. All moneys credited to

38 the fund are appropriated and available to the

39 association to be used for the purposes of designing

40 and implementing a comprehensive plan and the Iowa

41 choice health care coverage program as provided in

42 section 514E.5. Notwithstanding section 8.33, any

43 balance in the fund on June 30 of each fiscal year

44 shall not revert to the general fund of the state, but

45 shall be available for the purposes set forth for the

46 program in this chapter in subsequent years.

47 Sec.____. IOWA CHOICE HEALTH CARE COVERAGE PROGRAM

48 – APPROPRIATION. There is appropriated from the

49 general fund of the state to the insurance division of

50 the department of commerce for the fiscal year

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1 beginning July 1, 2008, and ending June 30, 2009, the
2 following amount, or so much thereof as is necessary,
3 for the purpose designated:

4 For deposit in the Iowa choice health care coverage
5 program fund existing in section 514E.6, for the
6 activities of the Iowa choice health care coverage
7 program:
8 \$50,00

9 DIVISION _____

10 HEALTH INSURANCE OVERSIGHT

11 Sec.____. Section 505.8, Code Supplement 2007, is
12 amended by adding the following new subsection:

13 NEW SUBSECTION. 5A. The commissioner shall have
14 regulatory authority over health benefit plans and
15 adopt rules under chapter 17A as necessary, to promote
16 the uniformity, cost efficiency, transparency, and
17 fairness of such plans for physicians licensed under
18 chapters 148, 150, and 150A, and hospitals licensed
19 under chapter 135B, for the purpose of maximizing
20 administrative efficiencies and minimizing
21 administrative costs of health care providers and
22 health insurers.

23 Sec.____. HEALTH INSURANCE OVERSIGHT –
24 APPROPRIATION. There is appropriated from the general
25 fund of the state to the insurance division of the
26 department of commerce for the fiscal year beginning
27 July 1, 2008, and ending June 30, 2009, the following
28 amount, or so much thereof as is necessary, for the
29 purpose designated:

30 For identification and regulation of procedures and
31 practices related to health care as provided in
32 section 505.8, subsection 5A:
33 \$80,000"

34 3. Page 2, by striking lines 12 and 13 and
35 inserting the following:

36 "____. "Commission" means the Iowa electronic
37 health information commission."

38 4. By striking page 4, line 35, through page 8,
39 line 34, and inserting the following:

40 "Sec.____. NEW SECTION. 135.156 IOWA ELECTRONIC
41 HEALTH INFORMATION COMMISSION.

42 1. a. An electronic health information commission
43 is created as a public and private collaborative
44 effort to promote the adoption and use of health
45 information technology in this state in order to
46 improve health care quality, increase patient safety,
47 reduce health care costs, enhance public health, and
48 empower individuals and health care professionals with
49 comprehensive, real-time medical information to
50 provide continuity of care and make the best health

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1 care decisions. The commission shall provide
2 oversight for the development, implementation, and
3 coordination of an interoperable electronic health
4 records system, telehealth expansion efforts, the
5 health information technology infrastructure, and
6 other health information technology initiatives in
7 this state.

8 b. All health information technology efforts shall
9 endeavor to represent the interests and meet the needs
10 of consumers and the health care sector, protect the
11 privacy of individuals and the confidentiality of
12 individuals' information, promote physician best
13 practices, and make information easily accessible to
14 the appropriate parties. The system developed shall
15 be consumer-driven, flexible, and expandable.

16 2. The commission shall consist of the following
17 voting members:

18 a. Individuals with broad experience and vision in
19 health care and health information technology and one
20 member representing the health care consumer. The
21 voting members shall be appointed by the governor,
22 subject to confirmation by the senate. The voting
23 members shall include all of the following:

24 (1) The director of the Iowa communications
25 network.

26 (2) Three members who are the chief information
27 officers of the three largest private health care
28 systems.

29 (3) One member who is the chief information
30 officer of a public health care system.

31 (4) A representative of the private
32 telecommunications industry.

33 (5) A representative of a rural hospital that is a
34 member of the Iowa hospital association.

35 (6) A consumer advocate.

36 (7) A representative of the Iowa safety net
37 provider network created in section 135.153.

38 (8) A licensed practicing physician.

39 (9) A licensed health care provider who is not a
40 licensed practicing physician.

41 b. In addition, the director of public health and
42 the director of human services shall be ex officio,
43 nonvoting members of the commission.

44 3. a. The members shall select a chairperson,
45 annually, from among the membership, and shall serve
46 terms of three years beginning and ending as provided
47 in section 69.19. Voting member appointments shall
48 comply with sections 69.16 and 69.16A. Vacancies
49 shall be filled by the original appointing authority
50 and in the manner of the original appointments.

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1 Members shall receive reimbursement for actual
2 expenses incurred while serving in their official
3 capacity and voting members may also be eligible to
4 receive compensation as provided in section 7E.6. A
5 person appointed to fill a vacancy for a member shall
6 serve only for the unexpired portion of the term. A
7 member is eligible for reappointment for two
8 successive terms.

9 b. The commission shall meet at least quarterly
10 and at the call of the chairperson. A majority of the
11 voting members of the commission constitutes a quorum.
12 Any action taken by the commission must be adopted by
13 the affirmative vote of a majority of its voting
14 membership.

15 c. The commission is located for administrative
16 purposes within the department of public health. The
17 department shall provide office space, staff
18 assistance, administrative support, and necessary
19 supplies and equipment for the commission.

20 4. The commission shall do all of the following:

21 a. Establish an advisory council which shall
22 consist of the representatives of entities involved in
23 the electronic health records system task force
24 established pursuant to section 217.41A, Code 2007,
25 and any other members the commission determines
26 necessary to assist in the commission's duties
27 including but not limited to consumers and consumer
28 advocacy organizations; physicians and health care
29 professionals; pharmacists; leadership of community
30 hospitals and major integrated health care delivery
31 networks; state agencies including the department of
32 public health, the department of human services, the
33 department of elder affairs, the division of insurance
34 of the department of commerce, and the office of the
35 attorney general; health plans and health insurers;
36 legal experts; academics and ethicists; business
37 leaders; and professional associations. Public
38 members of the advisory council shall receive
39 reimbursement for actual expenses incurred while
40 serving in their official capacity only if they are
41 not eligible for reimbursement by the organization
42 that they represent. Any legislative member shall be
43 paid the per diem and expenses specified in section
44 2.10.

45 b. Adopt a statewide health information technology
46 plan by July 1, 2009. In developing the plan, the
47 commission shall seek the input of providers, payers,
48 and consumers. Standards and policies developed for
49 the plan shall promote and be consistent with national
50 standards developed by the office of the national

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1 coordinator for health information technology of the
2 United States department of health and human services
3 and shall address or provide for all of the following:

4 (1) The effective, efficient, statewide use of
5 electronic health information in patient care, health
6 care policymaking, clinical research, health care
7 financing, and continuous quality improvement. The
8 commission shall adopt requirements for interoperable
9 electronic health records in this state including a
10 recognized interoperability standard.

11 (2) Education of the public and health care
12 sectors about the value of health information
13 technology in improving patient care, and methods to
14 promote increased support and collaboration of state
15 and local public health agencies, health care
16 professionals, and consumers in health information
17 technology initiatives.

18 (3) Standards for the exchange of health care
19 information.

20 (4) Policies relating to the protection of privacy
21 of patients and the security and confidentiality of
22 patient information.

23 (5) Policies relating to health information
24 ownership.

25 (6) Policies relating to governance of the various
26 facets of the health information technology system.

27 (7) A single patient identifier or alternative
28 mechanism to share secure patient information. If no
29 alternative mechanism is acceptable to the commission,
30 all health care professionals shall utilize the
31 mechanism selected by the commission by July 1, 2010.

32 (8) A standard continuity of care record and other
33 issues related to the content of electronic
34 transmissions. All health care professionals shall
35 utilize the standard continuity of care record by July
36 1, 2010.

37 (9) Requirements for electronic prescribing.

38 (10) Economic incentives and support to facilitate
39 participation in an interoperable system by health
40 care professionals.

41 c. Identify existing and potential health
42 information technology efforts in this state,
43 regionally, and nationally, and integrate existing
44 efforts to avoid incompatibility between efforts and
45 avoid duplication.

46 d. Coordinate public and private efforts to
47 provide the network backbone infrastructure for the
48 health information technology system. In coordinating
49 these efforts, the commission shall do all of the
50 following:

Page 20

1 (1) Adopt policies to effectuate the logical
2 cost-effective usage of and access to the state-owned
3 network, and support of telecommunication carrier
4 products, where applicable.
5 (2) Complete a memorandum of understanding with
6 the Iowa communications network for governmental
7 access usage, with private fiber optic networks for
8 core backbone usage of private fiber optic networks,
9 and with any other communications entity for
10 state-subsidized usage of the communications entity's
11 products to access any backbone network.
12 (3) Establish protocols to ensure compliance with
13 any applicable federal standards.
14 (4) Determine costs for accessing the network at a
15 level that provides sufficient funding for the
16 network.
17 e. Promote the use of telemedicine.
18 (1) Examine existing barriers to the use of
19 telemedicine and make recommendations for eliminating
20 these barriers.
21 (2) Examine the most efficient and effective
22 systems of technology for use and make recommendations
23 based on the findings.
24 f. Address the workforce needs generated by
25 increased use of health information technology.
26 g. Adopt rules in accordance with chapter 17A to
27 implement all aspects of the statewide plan and the
28 network.
29 h. Coordinate, monitor, and evaluate the adoption,
30 use, interoperability, and efficiencies of the various
31 facets of health information technology in this state.
32 i. Seek and apply for any federal or private
33 funding to assist in the implementation and support of
34 the health information technology system and make
35 recommendations for funding mechanisms for the ongoing
36 development and maintenance costs of the health
37 information technology system.
38 j. Identify state laws and rules that present
39 barriers to the development of the health information
40 technology system and recommend any changes to the
41 governor and the general assembly.
42 Sec.____. Section 8D.13, Code 2007, is amended by
43 adding the following new subsection:
44 NEW SUBSECTION. 20. Access shall be offered to
45 the Iowa hospital association only for the purposes of
46 collection, maintenance, and dissemination of health
47 and financial data for hospitals and for hospital
48 education services. The Iowa hospital association
49 shall be responsible for all costs associated with
50 becoming part of the network, as determined by the

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1 commission.

2 Sec.____. Section 217.41A, Code 2007, is repealed.

3 Sec.____. IOWA HEALTH INFORMATION TECHNOLOGY
4 SYSTEM – APPROPRIATION. There is appropriated from
5 the general fund of the state to the department of
6 public health for the fiscal year beginning July 1,
7 2008, and ending June 30, 2009, the following amount,
8 or so much thereof as is necessary, for the purpose
9 designated:

10 For administration of the Iowa health information
11 technology system, and for not more than the following
12 full-time equivalent positions:

13	\$118,800
14	FTEs 2.00"

15 5. Page 9, by striking line 1 and inserting the
16 following:

17 "LONG-TERM LIVING PLANNING AND
18 PATIENT AUTONOMY IN HEALTH CARE"

19 6. Page 9, by inserting after line 14 the
20 following:

21 "Sec.____. END-OF-LIFE CARE DECISION MAKING –
22 APPROPRIATION. There is appropriated from the general
23 fund of the state to the department of elder affairs
24 for the fiscal year beginning July 1, 2008, and ending
25 June 30, 2009, the following amount, or so much
26 thereof as is necessary, for the purpose designated:

27 For activities associated with the end-of-life care 28 decision-making requirements of this division: 29	\$10,000
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30 Sec.____. LONG-TERM LIVING PLANNING TOOLS –
31 PUBLIC EDUCATION CAMPAIGN. The legal services
32 development and substitute decision maker programs of
33 the department of elder affairs, in collaboration with
34 other appropriate agencies and interested parties,
35 shall research existing long-term living planning
36 tools that are designed to increase quality of life
37 and contain health care costs and recommend a public
38 education campaign strategy on long-term living to the
39 general assembly by January 1, 2009.

40 Sec.____. LONG-TERM CARE OPTIONS PUBLIC EDUCATION
41 CAMPAIGN. The department of elder affairs, in
42 collaboration with the insurance division of the
43 department of commerce, shall implement a long-term
44 care options public education campaign. The campaign
45 may utilize such tools as the "Own Your Future
46 Planning Kit" administered by the centers for Medicare
47 and Medicaid services, the administration on aging,
48 and the office of the assistant secretary for planning
49 and evaluation of the United States department of
50 health and human services, and other tools developed

1 through the aging and disability resource center
 2 program of the administration on aging and the centers
 3 for Medicare and Medicaid services designed to promote
 4 health and independence as Iowans age, assist older
 5 Iowans in making informed choices about the
 6 availability of long-term care options, including
 7 alternatives to facility-based care, and to streamline
 8 access to long-term care.

9 Sec.____. LONG-TERM CARE OPTIONS PUBLIC EDUCATION
 10 CAMPAIGN – APPROPRIATION. There is appropriated from
 11 the general fund of the state to the department of
 12 elder affairs for the fiscal year beginning July 1,
 13 2008, and ending June 30, 2009, the following amount,
 14 or so much thereof as is necessary, for the purpose
 15 designated:

16 For activities associated with the long-term care
 17 options public education campaign requirements of this
 18 division:

19 \$75,000

20 Sec.____. HOME AND COMMUNITY-BASED SERVICES PUBLIC
 21 EDUCATION CAMPAIGN. The department of elder affairs
 22 shall work with other public and private agencies to
 23 identify resources that may be used to continue the
 24 work of the aging and disability resource center
 25 established by the department through the aging and
 26 disability resource center grant program efforts of
 27 the administration on aging and the centers for
 28 Medicare and Medicaid services of the United States
 29 department of health and human services, beyond the
 30 federal grant period ending September 30, 2008.

31 Sec.____. PATIENT AUTONOMY IN HEALTH CARE
 32 DECISIONS PILOT PROJECT.

33 1. The department of public health shall establish
 34 a two-year community coalition for patient treatment
 35 wishes across the health care continuum pilot project,
 36 beginning July 1, 2008, and ending June 30, 2010, in a
 37 county with a population of between fifty thousand and
 38 one hundred thousand. The pilot project shall utilize
 39 the process based upon the national physicians orders
 40 for life sustaining treatment program initiative,
 41 including use of a standardized physician order for
 42 scope of treatment form. The pilot project may
 43 include applicability to chronically ill, frail, and
 44 elderly or terminally ill individuals in hospitals
 45 licensed pursuant to chapter 135B, nursing facilities
 46 or residential care facilities licensed pursuant to
 47 chapter 135C, or hospice programs as defined in
 48 section 135J.1.

49 2. The department of public health shall convene
 50 an advisory council, consisting of representatives of

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1 entities with interest in the pilot project, including
2 but not limited to the Iowa hospital association, the
3 Iowa medical society, organizations representing
4 health care facilities, representatives of health care
5 providers, and the Iowa trial lawyers association, to
6 develop recommendations for expanding the pilot
7 project statewide. The advisory council shall hold
8 meetings throughout the state to obtain input
9 regarding the pilot project and its statewide
10 application. Based on information collected regarding
11 the pilot project and information obtained through its
12 meetings, the advisory council shall report its
13 findings and recommendations, including
14 recommendations for legislation, to the governor and
15 the general assembly by January 1, 2010.

16 3. The pilot project shall not alter the rights of
17 individuals who do not execute a physician order for
18 scope of treatment.

19 a. If an individual is a qualified patient as
20 defined in section 144A.2, the individual's
21 declaration executed under chapter 144A shall control
22 health care decision making for the individual in
23 accordance with chapter 144A. A physician order for
24 scope of treatment shall not supersede a declaration
25 executed pursuant to chapter 144A. If an individual
26 has not executed a declaration pursuant to chapter
27 144A, health care decision making relating to
28 life-sustaining procedures for the individual shall be
29 governed by section 144A.7.

30 b. If an individual has executed a durable power
31 of attorney for health care pursuant to chapter 144B,
32 the individual's durable power of attorney for health
33 care shall control health care decision making for the
34 individual in accordance with chapter 144B. A
35 physician order for scope of treatment shall not
36 supersede a durable power of attorney for health care
37 executed pursuant to chapter 144B.

38 c. In the absence of actual notice of the
39 revocation of a physician order for scope of
40 treatment, a physician, health care provider, or any
41 other person who complies with a physician order for
42 scope of treatment shall not be subject to liability,
43 civil or criminal, for actions taken under this
44 section which are in accordance with reasonable
45 medical standards. Any physician, health care
46 provider, or other person against whom criminal or
47 civil liability is asserted because of conduct in
48 compliance with this section may interpose the
49 restriction on liability in this paragraph as an
50 absolute defense.

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1 Sec.____. PATIENT AUTONOMY IN HEALTH CARE
 2 DECISIONS PILOT PROJECT – APPROPRIATION. There is
 3 appropriated from the general fund of the state to the
 4 department of public health for the fiscal year
 5 beginning July 1, 2008, and ending June 30, 2009, the
 6 following amount, or so much thereof as is necessary,
 7 for the purpose designated:

8 For activities associated with the patient autonomy
 9 in health care decisions pilot project requirements of
 10 this division:
 11 \$40,000

12 The department shall procure a sole source contract
 13 to implement the patient autonomy in health care
 14 decisions pilot project and associated activities
 15 under this section."

16 7. Page 9, by inserting after line 34 the
 17 following:

18 "Sec.____. NEW SECTION. 509A.13B CONTINUATION OF
 19 DEPENDENT COVERAGE.

20 If a governing body, a county board of supervisors,
 21 or a city council has procured accident or health care
 22 coverage for its employees under this chapter such
 23 coverage shall permit continuation of existing
 24 coverage for an unmarried dependent child of an
 25 insured or enrollee who so elects, at least through
 26 the age of twenty-five years old or so long as the
 27 dependent child maintains full-time status as a
 28 student in an accredited institution of postsecondary
 29 education, whichever occurs last, at a premium
 30 established in accordance with the rating practices of
 31 the coverage."

32 8. Page 12, by inserting after line 31 the
 33 following:

34 "____. A chiropractor licensed pursuant to chapter
 35 151."

36 9. Page 16, by striking lines 23 through 29 and
 37 inserting the following: "of a statewide medical home
 38 system."

39 10. Page 17, line 17, by inserting after the word
 40 "service." the following: "The plan shall provide
 41 that in sharing information, the priority shall be the
 42 protection of the privacy of individuals and the
 43 security and confidentiality of the individual's
 44 information. Any sharing of information required by
 45 the medical home system shall comply and be consistent
 46 with all existing state and federal laws and
 47 regulations relating to the confidentiality of health
 48 care information and shall be subject to written
 49 consent of the patient."

50 11. Page 20, line 26, by inserting after the

Page 25

1 words "recipients of" the following: "full benefits
2 under".

3 12. Page 20, lines 33 and 34, by striking the
4 words "adult recipients of medical assistance" and
5 inserting the following: "adults who are recipients
6 of full benefits under the medical assistance
7 program".

8 13. Page 21, line 25, by striking the figure "12"
9 and inserting the following: "11".

10 14. Page 22, by inserting after line 1 the
11 following:

12 "Sec.____. MEDICAL HOME SYSTEM – APPROPRIATION.

13 There is appropriated from the general fund of the
14 state to the department of public health for the
15 fiscal year beginning July 1, 2008, and ending June
16 30, 2009, the following amount, or so much thereof as
17 is necessary, for the purpose designated:

18 For activities associated with the medical home
19 system requirements of this division and for not more
20 than the following full-time equivalent positions:

21	\$137,800
22	FTEs 4.00"

23 15. Page 28, by striking lines 2 through 6.

24 16. Page 28, by inserting after line 29 the
25 following:

26 "Sec.____. Section 136.3, Code 2007, is amended by
27 adding the following new subsection:

28 NEW SUBSECTION. 12. Perform those duties
29 authorized pursuant to section 135.161.

30 Sec.____. PREVENTION AND CHRONIC CARE MANAGEMENT

31 – APPROPRIATION. There is appropriated from the
32 general fund of the state to the department of public
33 health for the fiscal year beginning July 1, 2008, and
34 ending June 30, 2009, the following amount, or so much
35 thereof as is necessary, for the purpose designated:

36 For activities associated with the prevention and
37 chronic care management requirements of this division:

38	\$150,500"
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39 17. Page 29, line 25, by inserting after the
40 figure "249J.16." the following: "The council shall
41 also coordinate its efforts with the efforts of the
42 department of public health regarding health care
43 quality, cost containment, and consumer information
44 under section 135.163".

45 18. Page 31, by inserting after line 8, the
46 following:

47 "DIVISION _____
48 HEALTH CARE QUALITY, COST CONTAINMENT, AND
49 CONSUMER INFORMATION
50 DIVISION XXIV

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1 HEALTH CARE QUALITY, COST CONTAINMENT,
2 AND CONSUMER INFORMATION
3 Sec. ____ NEW SECTION. 135.163 HEALTH CARE
4 QUALITY, COST CONTAINMENT, AND CONSUMER INFORMATION.
5 1. The department shall, at a minimum, do all of
6 the following, to improve health care quality, cost
7 containment and consumer information:
8 a. Develop cost-containment measures that help to
9 contain costs while improving quality in the health
10 care system.
11 b. Provide for coordination of public and private
12 cost-containment, quality, and safety efforts in this
13 state, including but not limited to efforts of the
14 Iowa healthcare collaborative, the Iowa health buyers'
15 alliance, the state's Medicare quality improvement
16 organization, the Iowa Medicaid enterprise, and the
17 medical assistance quality improvement council
18 established pursuant to section 249A.36.
19 c. Carry out other health care price, quality, and
20 safety-related research as directed by the governor
21 and the general assembly.
22 d. Develop strategies to contain health care costs
23 which may include:
24 (1) Promoting adoption of health information
25 technology through provider incentives.
26 (2) Considering a four-tier prescription drug
27 copayment system within a prescription drug benefit
28 that includes a zero copayment tier for select
29 medications to improve patient compliance.
30 (3) Providing a standard medication therapy
31 management program as a prescription drug benefit to
32 optimize high-risk patients' medication outcomes.
33 (4) Investigating whether pooled purchasing for
34 prescription drug benefits, such as a common statewide
35 preferred drug list, would decrease costs.
36 e. Develop strategies to increase the public's
37 role and responsibility in personal health care
38 choices and decisions which may include:
39 (1) Creating a public awareness campaign to
40 educate consumers on smart health care choices.
41 (2) Promoting public reporting of quality
42 performance measures.
43 f. Develop implementation strategies which may
44 include piloting the various quality,
45 cost-containment, and public involvement strategies
46 utilizing publicly funded health care coverage groups
47 such as the medical assistance program, state of Iowa
48 employee group health plans, and regents institutions
49 health care plans, consistent with collective
50 bargaining agreements in effect.

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1 g. Develop a method for health care providers to
2 provide a patient, upon request, with a reasonable
3 estimate of charges for the services.

4 h. Identify the process and time frames for
5 implementation of any initiatives, identify any
6 barriers to implementation of initiatives, and
7 recommend any changes in law or rules necessary to
8 eliminate the barriers and to implement the
9 initiatives.

10 Sec.____. HEALTH CARE QUALITY, COST CONTAINMENT,
11 AND CONSUMER INFORMATION – APPROPRIATION. There is
12 appropriated from the general fund of the state to the
13 department of public health for the fiscal year
14 beginning July 1, 2008, and ending June 30, 2009, the
15 following amount, or so much thereof as is necessary,
16 for the purpose designated:

17 For activities associated with the health care	
18 quality, cost containment, and consumer information	
19 requirements of this division and for not more than	
20 the following full-time equivalent positions:	
21	\$135,900
22	FTEs 3.00

23 DIVISION XXV

24 HEALTH AND LONG-TERM CARE ACCESS

25 Sec.____. NEW SECTION. 135.164 HEALTH AND
26 LONG-TERM CARE ACCESS.

27 The department shall coordinate public and private
28 efforts to develop and maintain an appropriate health
29 care delivery infrastructure and a stable,
30 well-qualified, diverse, and sustainable health care
31 workforce in this state. The health care delivery
32 infrastructure and the health care workforce shall
33 address the broad spectrum of health care needs of
34 Iowans throughout their lifespan including long-term
35 care needs. The department shall, at a minimum, do
36 all of the following:

- 37 1. Develop a strategic plan for health care
- 38 delivery infrastructure and health care workforce
- 39 resources in this state.
- 40 2. Provide for the continuous collection of data
- 41 to provide a basis for health care strategic planning
- 42 and health care policymaking.
- 43 3. Make recommendations regarding the health care
- 44 delivery infrastructure and the health care workforce
- 45 that assist in monitoring current needs, predicting
- 46 future trends, and informing policymaking.
- 47 4. Advise and provide support to the health
- 48 facilities council established in section 135.62.

49 Sec.____. NEW SECTION. 135.165 STRATEGIC PLAN.

- 50 1. The strategic plan for health care delivery

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1 infrastructure and health care workforce resources
2 shall describe the existing health care system,
3 describe and provide a rationale for the desired
4 health care system, provide an action plan for
5 implementation, and provide methods to evaluate the
6 system. The plan shall incorporate expenditure
7 control methods and integrate criteria for
8 evidence-based health care. The department shall do
9 all of the following in developing the strategic plan
10 for health care delivery infrastructure and health
11 care workforce resources:
12 a. Conduct strategic health planning activities
13 related to preparation of the strategic plan.
14 b. Develop a computerized system for accessing,
15 analyzing, and disseminating data relevant to
16 strategic health planning. The department may enter
17 into data sharing agreements and contractual
18 arrangements necessary to obtain or disseminate
19 relevant data.
20 c. Conduct research and analysis or arrange for
21 research and analysis projects to be conducted by
22 public or private organizations to further the
23 development of the strategic plan.
24 d. Establish a technical advisory committee to
25 assist in the development of the strategic plan. The
26 members of the committee may include but are not
27 limited to health economists, health planners,
28 representatives of health care purchasers,
29 representatives of state and local agencies that
30 regulate entities involved in health care,
31 representatives of health care providers and health
32 care facilities, and consumers.
33 2. The strategic plan shall include statewide
34 health planning policies and goals related to the
35 availability of health care facilities and services,
36 the quality of care, and the cost of care. The
37 policies and goals shall be based on the following
38 principles:
39 a. That a strategic health planning process,
40 responsive to changing health and social needs and
41 conditions, is essential to the health, safety, and
42 welfare of Iowans. The process shall be reviewed and
43 updated as necessary to ensure that the strategic plan
44 addresses all of the following:
45 (1) Promoting and maintaining the health of all
46 Iowans.
47 (2) Providing accessible health care services
48 through the maintenance of an adequate supply of
49 health facilities and an adequate workforce.
50 (3) Controlling excessive increases in costs.

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- 1 (4) Applying specific quality criteria and
2 population health indicators.
- 3 (5) Recognizing prevention and wellness as
4 priorities in health care programs to improve quality
5 and reduce costs.
- 6 (6) Addressing periodic priority issues including
7 disaster planning, public health threats, and public
8 safety dilemmas.
- 9 (7) Coordinating health care delivery and resource
10 development efforts among state agencies including
11 those tasked with facility, services, and professional;
12 provider licensure; state and federal reimbursement;
13 health service utilization data systems; and others.
- 14 (8) Recognizing long-term care as an integral
15 component of the health care delivery infrastructure
16 and as an essential service provided by the health
17 care workforce.
 - 18 b. That both consumers and providers throughout
19 the state must be involved in the health planning
20 process, outcomes of which shall be clearly
21 articulated and available for public review and use.
 - 22 c. That the supply of a health care service has a
23 substantial impact on utilization of the service,
24 independent of the effectiveness, medical necessity,
25 or appropriateness of the particular health care
26 service for a particular individual.
 - 27 d. That given that health care resources are not
28 unlimited, the impact of any new health care service
29 or facility on overall health expenditures in this
30 state must be considered.
 - 31 e. That excess capacity of health care services
32 and facilities places an increased economic burden on
33 the public.
 - 34 f. That the likelihood that a requested new health
35 care facility, service, or equipment will improve
36 health care quality and outcomes must be considered.
 - 37 g. That development and ongoing maintenance of
38 current and accurate health care information and
39 statistics related to cost and quality of health care
40 and projections of the need for health care facilities
41 and services are necessary to developing an effective
42 health care planning strategy.
 - 43 h. That the certificate of need program as a
44 component of the health care planning regulatory
45 process must balance considerations of access to
46 quality care at a reasonable cost for all Iowans,
47 optimal use of existing health care resources,
48 fostering of expenditure control, and elimination of
49 unnecessary duplication of health care facilities and
50 services, while supporting improved health care

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- 1 outcomes.
- 2 i. That strategic health care planning must be
3 concerned with the stability of the health care
4 system, encompassing health care financing, quality,
5 and the availability of information and services for
6 all residents.
- 7 3. The health care delivery infrastructure and
8 health care workforce resources strategic plan
9 developed by the department shall include all of the
10 following:
- 11 a. A health care system assessment and objectives
12 component that does all of the following:
- 13 (1) Describes state and regional population
14 demographics, health status indicators, and trends in
15 health status and health care needs.
- 16 (2) Identifies key policy objectives for the state
17 health care system related to access to care, health
18 care outcomes, quality, and cost-effectiveness.
- 19 b. A health care facilities and services plan that
20 assesses the demand for health care facilities and
21 services to inform state health care planning efforts
22 and direct certificate of need determinations, for
23 those facilities and services subject to certificate
24 of need. The plan shall include all of the following:
- 25 (1) An inventory of each geographic region's
26 existing health care facilities and services.
- 27 (2) Projections of the need for each category of
28 health care facility and service, including those
29 subject to certificate of need.
- 30 (3) Policies to guide the addition of new or
31 expanded health care facilities and services to
32 promote the use of quality, evidence-based,
33 cost-effective health care delivery options, including
34 any recommendations for criteria, standards, and
35 methods relevant to the certificate of need review
36 process.
- 37 (4) An assessment of the availability of health
38 care providers, public health resources,
39 transportation infrastructure, and other
40 considerations necessary to support the needed health
41 care facilities and services in each region.
- 42 c. A health care data resources plan that
43 identifies data elements necessary to properly conduct
44 planning activities and to review certificate of need
45 applications, including data related to inpatient and
46 outpatient utilization and outcomes information, and
47 financial and utilization information related to
48 charity care, quality, and cost. The plan shall
49 provide all of the following:
- 50 (1) An inventory of existing data resources, both

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1 public and private, that store and disclose
2 information relevant to the health care planning
3 process, including information necessary to conduct
4 certificate of need activities. The plan shall
5 identify any deficiencies in the inventory of existing
6 data resources and the data necessary to conduct
7 comprehensive health care planning activities. The
8 plan may recommend that the department be authorized
9 to access existing data sources and conduct
10 appropriate analyses of such data or that other
11 agencies expand their data collection activities as
12 statutory authority permits. The plan may identify
13 any computing infrastructure deficiencies that impede
14 the proper storage, transmission, and analysis of
15 health care planning data.

16 (2) Recommendations for increasing the
17 availability of data related to health care planning
18 to provide greater community involvement in the health
19 care planning process and consistency in data used for
20 certificate of need applications and determinations.
21 The plan shall also integrate the requirements for
22 annual reports by hospitals and health care facilities
23 pursuant to section 135.75, the provisions relating to
24 analyses and studies by the department pursuant to
25 section 135.76, the data compilation provisions of
26 section 135.78, and the provisions for contracts for
27 assistance with analyses, studies, and data pursuant
28 to section 135.83.

29 d. An assessment of emerging trends in health care
30 delivery and technology as they relate to access to
31 health care facilities and services, quality of care,
32 and costs of care. The assessment shall recommend any
33 changes to the scope of health care facilities and
34 services covered by the certificate of need program
35 that may be warranted by these emerging trends. In
36 addition, the assessment may recommend any changes to
37 criteria used by the department to review certificate
38 of need applications, as necessary.

39 e. A rural health care resources plan to assess
40 the availability of health resources in rural areas of
41 the state, assess the unmet needs of these
42 communities, and evaluate how federal and state
43 reimbursement policies can be modified, if necessary,
44 to more efficiently and effectively meet the health
45 care needs of rural communities. The plan shall
46 consider the unique health care needs of rural
47 communities, the adequacy of the rural health care
48 workforce, and transportation needs for accessing
49 appropriate care.

50 f. A health care workforce resources plan to

1 assure a competent, diverse, and sustainable health
 2 care workforce in Iowa and to improve access to health
 3 care in underserved areas and among underserved
 4 populations. The plan shall include the establishment
 5 of an advisory council to inform and advise the
 6 department and policymakers regarding issues relevant
 7 to the health care workforce in Iowa. The health care
 8 workforce resources plan shall recognize long-term
 9 care as an essential service provided by the health
 10 care workforce.

11 4. The department shall submit the initial
 12 statewide health care delivery infrastructure and
 13 resources strategic plan to the governor and the
 14 general assembly by January 1, 2010, and shall submit
 15 an updated strategic plan to the governor and the
 16 general assembly every two years thereafter.

17 Sec.____. HEALTH CARE ACCESS – APPROPRIATION.

18 There is appropriated from the general fund of the
 19 state to the department of public health for the
 20 fiscal year beginning July 1, 2008, and ending June
 21 30, 2009, the following amount, or so much thereof as
 22 is necessary, for the purpose designated:

23 For activities associated with the health care
 24 access requirements of this division, and for not more
 25 than the following full-time equivalent positions:

26	\$135,900
27	FTEs 3.00"

28 19. Page 33, by inserting after line 22 the
 29 following:

30 "Sec.____. IOWA HEALTHY COMMUNITIES INITIATIVE –
 31 APPROPRIATION. There is appropriated from the general
 32 fund of the state to the department of public health
 33 for the fiscal year beginning July 1, 2008, and ending
 34 June 30, 2009, the following amount, or so much
 35 thereof as is necessary, for the purpose designated:

36 For Iowa healthy communities initiative grants
 37 distributed beginning January 1, 2009, and for not
 38 more than the following full-time equivalent
 39 positions:

40	\$450,000
41	FTEs 3.00

42 Sec.____. NEW SECTION. 135.40A HEALTHCARE
 43 COLLABORATIVE REQUIREMENTS.

44 1. In order for the healthcare collaborative to
 45 receive state funding, the voting membership of the
 46 board of directors of the healthcare collaborative, as
 47 defined in section 135.40, shall include at least a
 48 majority of consumer representatives.

49 2. The healthcare collaborative shall model its
 50 health care indicators including but not limited to

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1 quality indicators and measures, patient safety
 2 indicators and measures, pediatric care indicators,
 3 patient satisfaction measures, and health care
 4 acquired infection measures on nationally recognized
 5 indicators and measures developed by such entity as
 6 the agency for healthcare research and quality of the
 7 United States department of health and human services
 8 and the center for Medicare and Medicaid services of
 9 the United States department of health and human
 10 services, or similar national entities. In addition,
 11 infection validity measures shall be developed in
 12 conjunction with the state epidemiologist and shall
 13 address legal protections for health care providers
 14 who report infection rates based on the measures
 15 developed.

16 Sec. ____ GOVERNOR'S COUNCIL ON PHYSICAL FITNESS
 17 AND NUTRITION – APPROPRIATION. There is appropriated
 18 from the general fund of the state to the department
 19 of public health for the fiscal period beginning July
 20 1, 2008, and ending June 30, 2009, the following
 21 amount, or so much thereof as is necessary, for the
 22 purpose designated:

23 For the governor's council on physical fitness:
 24 \$112,100"

25 20. Page 34, line 7, by striking the word and
 26 figure "DIVISION V" and inserting the following:
 27 "DIVISION XXVI".

28 21. Page 34, by inserting after line 8 the
 29 following:

30 "Sec. ____ Section 135.62, subsection 2,
 31 unnumbered paragraph 1, Code 2007, is amended to read
 32 as follows:

33 There is established a state health facilities
 34 council consisting of ~~five~~ seven persons appointed by
 35 the governor, one of whom shall be a health economist,
 36 one of whom shall be an actuary, and at least one of
 37 whom shall be a health care consumer. The council
 38 shall be within the department for administrative and
 39 budgetary purposes."

40 22. Page 34, line 9, by striking the figure
 41 "135.45" and inserting the following: "135.166".

42 23. Page 34, line 17, by inserting after the word
 43 "validation" the following: "and shall be modeled on
 44 national indicators as specified in section 135.40A".

45 24. Page 34, by inserting after line 23 the
 46 following:

47 " ____ Each hospital in the state that is
 48 recognized by the Internal Revenue Code as a nonprofit
 49 organization or entity shall submit, to the department
 50 of public health and to the legislative services

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1 agency, annually, a copy of the hospital's internal
2 revenue service form 990, including but not limited to
3 schedule J or any successor schedule that provides
4 compensation information for certain officers,
5 directors, trustees, and key employees, and highest
6 compensated employees within ninety days following the
7 due date for filing the hospital's return for the
8 taxable year.

9 DIVISION ____
10 LONG-TERM CARE WORKFORCE
11 Sec. ____ DIRECT CARE WORKER ADVISORY COUNCIL –
12 DUTIES – REPORT.

13 1. As used in this section, unless the context
14 otherwise requires:

15 a. "Assistance with instrumental activities of
16 daily living" means assistance with activities beyond
17 basic needs that assist a consumer in functioning
18 independently within the community. Such services may
19 include but are not limited to food preparation and
20 nutrition, home management, financial management, and
21 infection control, but require no physical contact
22 between the direct care worker and the consumer.

23 b. "Assistance with personal care activities of
24 daily living" means care provided to support a
25 consumer in meeting the consumer's basic needs while
26 acknowledging personal choices and encouraging
27 independence, and generally involves physical contact
28 between a direct care worker and a consumer. Such
29 services include but are not limited to assistance
30 with eating and feeding, bathing, skin care, grooming,
31 and mobility assistance.

32 c. "Department" means the department of public
33 health.

34 d. "Direct care" means environmental or chore
35 services, health monitoring and maintenance,
36 assistance with instrumental activities of daily
37 living, assistance with personal care activities of
38 daily living, personal care support, or specialty
39 skill services.

40 e. "Direct care worker" means an individual who
41 directly provides or assists a consumer in the care of
42 the consumer by providing direct care in a variety of
43 settings which may or may not require oversight of the
44 direct care worker, depending upon the setting.
45 "Direct care worker" does not include a nurse, case
46 manager, or social worker.

47 f. "Director" means the director of public health.

48 g. "Environmental or chore services" means
49 services provided both inside and outside of a
50 consumer's home that are designed to assist a consumer

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1 in living independently in the community and which
2 require no physical contact between the direct care
3 worker and the consumer, and which require no special
4 education or training beyond task-specific
5 orientation. Such services may include but are not
6 limited to heavy household cleaning, lawn care, and
7 home maintenance.

8 h. "Health monitoring and maintenance" means
9 medically oriented care that assists a consumer in
10 maintaining the consumer's health on a daily basis and
11 which generally requires physical contact between a
12 direct care worker and a consumer. Such services may
13 include but are not limited to checking of vital
14 signs, collecting specimens or samples, and assisting
15 with range of motion exercises.

16 i. "Personal care support" means support provided
17 to a consumer as the consumer performs personal and
18 instrumental activities of daily living which require
19 no physical contact between the direct care worker and
20 the consumer. Such support includes testing and
21 training, observation, recording, documenting,
22 coaching, and supervising.

23 j. "Specialty skill services" means services that
24 require the care of a direct care worker with
25 additional education and training, and generally
26 requires physical contact between a direct care worker
27 and a consumer. Such services include dementia or
28 Alzheimer's care, psychiatric care, monitoring and
29 administration of medications, collecting specimens or
30 samples, giving shots, hospice and palliative care,
31 protective services, restorative and strengthening
32 exercises, and mentoring.

33 2. A direct care worker advisory council shall be
34 appointed by the director and shall include
35 representatives of direct care workers, consumers of
36 direct care services, educators of direct care
37 workers, other health professionals, employers of
38 direct care workers, and appropriate state agencies.

39 3. Membership, terms of office, quorum, and
40 expenses shall be determined by the director pursuant
41 to chapter 135.

42 4. The direct care worker advisory council shall
43 advise the director regarding regulation and
44 certification of direct care workers and shall develop
45 recommendations regarding all of the following:

46 a. Direct care worker classifications based on
47 functions and services provided by direct care
48 workers. The classifications shall include those
49 based on environmental and chore services, assistance
50 with instrumental activities of daily living, personal

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1 care support, assistance with personal care activities
2 of daily living, health monitoring and maintenance,
3 and specialty skill services.

4 b. Functions for each direct care worker
5 classification based upon categories of core
6 competencies.

7 c. An education and training orientation to be
8 provided by employers which addresses the components
9 of confidentiality; ethics and legal requirements;
10 consumer and worker rights; person-directed and
11 consumer-centered care; cultural competency; growth,
12 development, and disability-specific competency;
13 observation, referral, and reporting; communication
14 and interpersonal skills; problem solving; safety and
15 emergency procedures; infection control and
16 occupational safety and health administration
17 guidelines; and professional education and training.

18 d. Education and training requirements for each of
19 the direct care worker classifications.

20 e. The standard curriculum required in training of
21 direct care workers for each of the direct care worker
22 classifications, based on training required for the
23 duties specified and related core competencies. The
24 curriculum shall be standard notwithstanding the
25 entity offering the curriculum, and shall meet or
26 exceed federal or state requirements. The curriculum
27 shall include a requirement that any direct care
28 worker who will be assisting with prescribed
29 medications complete a medication aide course.

30 f. Education and training equivalency standards
31 for individuals who have completed higher education in
32 a health care profession based on core competencies
33 for each direct care worker classification and in
34 correlation with specific institutional curricula in
35 health care professions. The standards shall provide
36 that those meeting the equivalency standards may take
37 any prescribed examination for the appropriate direct
38 care worker classification.

39 g. Guidelines that allow individuals who are
40 members of the direct care workforce prior to the date
41 of required certification to be incorporated into the
42 new regulatory system based on education, training,
43 current certifications, or demonstration of core
44 competencies.

45 h. Continuing education requirements and standards
46 to ensure that direct care workers remain competent
47 and adapt to the changing needs of the direct care
48 workforce, employers, and consumers. The requirements
49 and standards shall meet or exceed federal or state
50 continuing education requirements for the applicable

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1 direct care worker classification existing prior to
2 the date of required certification.

3 i. Standards to ensure that direct care worker
4 educators and trainers retain a level of competency
5 and adapt to the changing needs of the direct care
6 workforce, employers, and consumers. The standards
7 shall meet or exceed federal or state continuing
8 education requirements existing prior to the date of
9 required certification.

10 j. Certification requirements for each
11 classification of direct care worker.

12 k. Protections for the title "certified direct
13 care worker".

14 l. (1) Standardized requirements across care
15 settings for supervision, if applicable, for each
16 classification of direct care worker based on the
17 functions being performed.

18 (2) The roles and responsibilities of direct care
19 worker supervisory positions which shall meet or
20 exceed federal and state requirements existing prior
21 to the date of required certification.

22 m. Required responsibility for maintenance of
23 credentialing and continuing education and training by
24 individual direct care workers rather than employers.

25 n. Provision of information to income maintenance
26 workers and case managers under the purview of the
27 department of human services about the education and
28 training requirements for direct care workers to
29 provide the care and services to meet a consumer's
30 needs under the home and community-based services
31 waiver options under the medical assistance program.

32 5. The direct care worker advisory council shall
33 report its recommendations to the director by November
34 30, 2008, including recommendations for any changes in
35 law or rules necessary to implement certification of
36 direct care workers beginning July 1, 2009.

37 Sec.____ DIRECT CARE WORKER COMPENSATION ADVISORY
38 COMMITTEE – REVIEWS.

39 1. a. The general assembly recognizes that direct
40 care workers play a vital role and make a valuable
41 contribution in providing care to Iowans with a
42 variety of needs in both institutional and home and
43 community-based settings. Recruiting and retaining
44 qualified, highly competent direct care workers is a
45 challenge across all employment settings. High rates
46 of employee vacancies and staff turnover threaten the
47 ability of providers to achieve the core mission of
48 providing safe and high quality support to Iowans.
49 However, the general assembly also recognizes that the
50 high turnover rate and its resulting negative impact

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1 on the quality of care provided, is perpetuated and
2 exacerbated by the inadequate wages and other
3 compensation paid to direct care workers.

4 b. It is the intent of the general assembly to
5 reduce the turnover rate of and improve the quality of
6 health care delivered by direct care workers by
7 substantially increasing the wages and other
8 compensation paid to direct care workers in this
9 state.

10 c. It is the intent of the general assembly that
11 the initial review of and recommendations for
12 improving wages and other compensation paid to direct
13 care workers focus on nonlicensed direct care workers
14 in the nursing facility setting. However, following
15 the initial review of wages and other compensation
16 paid to direct care workers in the nursing facility
17 setting, the department of human services shall
18 convene subsequent advisory committees with
19 appropriate representatives of public and private
20 organizations and consumers to review the wages and
21 other compensation paid to and turnover rates of the
22 entire spectrum of direct care workers in the various
23 settings in which they are employed as a means of
24 demonstrating the general assembly's commitment to
25 ensuring a stable and quality direct care workforce in
26 this state.

27 2. The department of human services shall convene
28 an initial direct care worker compensation advisory
29 committee to develop recommendations for consideration
30 by the general assembly during the 2009 legislative
31 session regarding wages and other compensation paid to
32 direct care workers in nursing facilities. The
33 committee shall consist of the following members,
34 selected by their respective organizations:

35 a. The director of human services, or the
36 director's designee.

37 b. The director of public health, or the
38 director's designee.

39 c. The director of the department of elder
40 affairs, or the director's designee.

41 d. The director of the department of inspections
42 and appeals, or the director's designee.

43 e. A representative of the Iowa caregivers
44 association.

45 f. A representative of the Iowa health care
46 association.

47 g. A representative of the Iowa association of
48 homes and services for the aging.

49 h. A representative of the AARP Iowa chapter.

50 3. The advisory committee shall also include two

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1 members of the senate and two members of the house of
2 representatives, with not more than one member from
3 each chamber being from the same political party. The
4 legislative members shall serve in an ex officio,
5 nonvoting capacity. The two senators shall be
6 appointed respectively by the majority leader of the
7 senate and the minority leader of the senate, and the
8 two representatives shall be appointed respectively by
9 the speaker of the house of representatives and the
10 minority leader of the house of representatives.

11 4. Public members of the committee shall receive
12 actual expenses incurred while serving in their
13 official capacity and may also be eligible to receive
14 compensation as provided in section 7E.6. Legislative
15 members of the committee are eligible for per diem and
16 reimbursement of actual expenses as provided in
17 section 2.10.

18 5. The department of human services shall provide
19 administrative support to the committee and the
20 director of human services, or the director's designee
21 shall serve as chairperson of the committee.

22 6. The department shall convene the committee no
23 later than May 15, 2008. Prior to the initial
24 meeting, the department of human services shall
25 provide all members of the committee with a detailed
26 analysis of trends in wages and other compensation
27 paid to direct care workers.

28 7. The committee shall consider options related
29 but not limited to all of the following:

30 a. Revision of the modified price-based case-mix
31 reimbursement system for nursing facilities under the
32 medical assistance program.

33 b. The shortening of the time delay between a
34 nursing facility's submittal of cost reports and
35 receipt of the reimbursement based upon these cost
36 reports.

37 c. The targeting of appropriations to provide
38 increases in direct care worker compensation.

39 d. Creation of a nursing facility provider tax.

40 8. Following its deliberations, the committee
41 shall submit a report of its findings and
42 recommendations regarding improvement in direct care
43 worker wages and compensation in the nursing facility
44 setting to the governor and the general assembly no
45 later than December 12, 2008.

46 9. For the purposes of the initial review, "direct
47 care worker" means nonlicensed nursing facility staff
48 who provide hands-on care including but not limited to
49 certified nurse aides and medication aides.

50 Sec.____. DIRECT CARE WORKER IN NURSING FACILITIES

Page 40

1 – TURNOVER REPORT.

2 The department of human services shall modify the
3 nursing facility cost reports utilized for the medical
4 assistance program to capture data by the distinct
5 categories of nonlicensed direct care workers and
6 other employee categories for the purposes of
7 documenting the turnover rates of direct care workers
8 and other employees of nursing facilities. The
9 department shall submit a report on an annual basis to
10 the governor and the general assembly which provides
11 an analysis of direct care worker and other nursing
12 facility employee turnover by individual nursing
13 facility, a comparison of the turnover rate in each
14 individual nursing facility with the state average,
15 and an analysis of any improvement or decline in
16 meeting any accountability goals or other measures
17 related to turnover rates. The annual reports shall
18 also include any data available regarding turnover
19 rate trends, and other information the department
20 deems appropriate. The initial report shall be
21 submitted no later than December 1, 2008, and
22 subsequent reports shall be submitted no later than
23 December 1, annually, thereafter.

24 Sec.____ EMPLOYER-SPONSORED HEALTH CARE COVERAGE
25 DEMONSTRATION PROJECT – DIRECT CARE WORKERS.

26 1. The department of human services shall
27 implement a three-year demonstration project to
28 provide a health care coverage premium assistance
29 program for nonlicensed direct care workers beginning
30 July 1, 2009. The department of human services shall
31 convene an advisory council consisting of
32 representatives of the Iowa caregivers association,
33 the Iowa child and family policy center, the Iowa
34 association of homes and services for the aging, the
35 Iowa health care association, the AARP Iowa chapter,
36 the senior living coordinating unit, and other public
37 and private entities with interest in the
38 demonstration project to assist in designing the
39 project. The department shall also review the
40 experiences of other states and the medical assistance
41 premium assistance program in designing the
42 demonstration project. The department, in
43 consultation with the advisory council, shall
44 establish criteria to determine which nonlicensed
45 direct care workers shall be eligible to participate
46 in the demonstration project. The project shall allow
47 up to five hundred direct care workers and their
48 dependents to access health care coverage sponsored by
49 the direct care worker's employer subject to all of
50 the following:

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1 a. A participating employer provides health care
2 coverage that meets certain parameters of coverage and
3 cost specified by the department and the health care
4 coverage is available to the employee and the
5 employee's dependents.

6 b. A participating employer contributes payment
7 for at least sixty percent of the total premium cost.

8 c. The family income of the direct care worker is
9 less than four hundred percent of the federal poverty
10 level as defined by the most recently revised poverty
11 income guidelines published by the United States
12 department of health and human services.

13 d. The employee meets any requirement for minimum
14 number of hours of work necessary to be eligible for
15 the employer's health care coverage.

16 e. The premium cost to the employee does not
17 exceed seventy-five dollars per month for individual
18 employee coverage or one hundred ten dollars per month
19 for family coverage, and the employee contributes to
20 the cost of the premium on a sliding fee schedule
21 specified by the department.

22 f. The state may offer additional coverage for
23 health care services not provided or paid for by the
24 employer-sponsored plan that are in addition to the
25 requirements specified by the department. To the
26 extent possible, the demonstration project shall also
27 incorporate a medical home, wellness and prevention
28 services, and chronic care management.

29 2. Six months prior to the completion of the
30 three-year demonstration project, the department of
31 human services, in cooperation with the Iowa
32 caregivers association, the AARP Iowa chapter,
33 representatives of the senior living coordinating
34 unit, the Iowa child and family policy center, and
35 representatives of the participating employers, shall
36 review the project and make recommendations for
37 continuation, termination, modification, or expansion
38 of the project. The review shall also determine the
39 impact that premium and cost-sharing assistance has on
40 employee health care coverage take-up rates, on the
41 recruitment and retention of employees, on the ability
42 of the state to achieve cost savings by utilizing
43 employer contributions to offset the costs of health
44 care coverage, and on the lives of the direct care
45 workers and their dependents who participate in the
46 project. The department shall submit a written
47 summary of the review to the general assembly at least
48 ninety days prior to the scheduled completion of the
49 project.

50 Sec.____. EFFECTIVE DATE. This division of this

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1 Act, being deemed of immediate importance, takes
2 effect upon enactment."

3 25. Title page, line 3, by striking the words
4 "end-of-life care decision making" and inserting the
5 following: "long-term living planning and patient
6 autonomy in health care".

7 26. Title page, by striking line 8 and inserting
8 the following: "transparency, health care quality,
9 cost containment and consumer information, health care
10 access, the long-term care workforce, making
11 appropriations, and providing effective date and
12 applicability provisions".

13 27. By renumbering, relettering, or redesignating
14 and correcting internal references as necessary.

Heddens of Story asked and received unanimous consent to withdraw amendment H-8577, to the Senate amendment H-8439, filed by her on April 21, 2008.

Heddens of Story offered amendment H-8604, to the Senate amendment H-8439, filed by her as follows:

H-8604

1 Amend the Senate amendment, H-8439, to House File
2 2539, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 1, line 3, through page 42,
5 line 14, and inserting the following:
6 "____. By striking everything after the enacting
7 clause and inserting the following:

8 "DIVISION I

9 HEALTH CARE COVERAGE INTENT

10 Section 1. DECLARATION OF INTENT.

11 1. It is the intent of the general assembly to
12 progress toward achievement of the goal that all
13 Iowans have health care coverage with the following
14 priorities:

15 a. The goal that all children in the state have
16 health care coverage which meets certain standards of
17 quality and affordability with the following
18 priorities:

19 (1) Covering all children who are declared
20 eligible for the medical assistance program or the
21 hawk-i program pursuant to chapter 514I no later than
22 January 1, 2011.

23 (2) Building upon the current hawk-i program by
24 creating a hawk-i expansion program to provide

25 coverage to children who meet the hawk-i program's
 26 eligibility criteria but whose income is at or below
 27 three hundred percent of the federal poverty level,
 28 beginning July 1, 2009.

29 (3) If federal reauthorization of the state
 30 children's health insurance program provides
 31 sufficient federal allocations to the state and
 32 authorization to cover such children as an option
 33 under the state children's health insurance program,
 34 requiring the department of human services to expand
 35 coverage under the state children's health insurance
 36 program to cover children with family incomes at or
 37 below three hundred percent of the federal poverty
 38 level, with appropriate cost sharing established for
 39 families with incomes above two hundred percent of the
 40 federal poverty level.

41 b. The goal that the Iowa comprehensive health
 42 insurance association, in consultation with the Iowa
 43 choice health care coverage advisory council
 44 established in section 514E.6, develop a comprehensive
 45 plan to first cover all children without health care
 46 coverage that utilizes and modifies existing public
 47 programs including the medical assistance program, the
 48 hawk-i program, and the hawk-i expansion program, and
 49 then to provide access to private unsubsidized,
 50 affordable, qualified health care coverage for

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1 children, adults, and families, who are not otherwise
 2 eligible for health care coverage through public
 3 programs, that is available for purchase by January 1,
 4 2010.

5 c. The goal of decreasing health care costs and
 6 health care coverage costs by instituting health
 7 insurance reforms that assure the availability of
 8 private health insurance coverage for Iowans by
 9 addressing issues involving guaranteed availability
 10 and issuance to applicants, preexisting condition
 11 exclusions, portability, and allowable or required
 12 pooling and rating classifications.

13 DIVISION II

14 HAWK-I AND MEDICAID EXPANSION

15 Sec. 2. Section 249A.3, subsection 1, paragraph 1,
 16 Code Supplement 2007, is amended to read as follows:

17 1. Is an infant whose income is not more than two
 18 hundred percent of the federal poverty level, as
 19 defined by the most recently revised income guidelines
 20 published by the United States department of health
 21 and human services. Additionally, effective July 1,
 22 2009, medical assistance shall be provided to an
 23 infant whose family income is at or below three

24 hundred percent of the federal poverty level, as
25 defined by the most recently revised poverty income
26 guidelines published by the United States department
27 of health and human services, if otherwise eligible.

28 Sec. 3. Section 249A.3, Code Supplement 2007, is
29 amended by adding the following new subsection:
30 **NEW SUBSECTION.** 14. Once initial eligibility for
31 the family medical assistance program-related medical
32 assistance is determined for a child described under
33 subsection 1, paragraphs "b", "f", "g", "j", "k", "l",
34 or "n" or under subsection 2, paragraphs "e", "f", or
35 "h", the department shall provide continuous
36 eligibility for a period of up to twelve months, until
37 the child's next annual review of eligibility under
38 the medical assistance program, if the child would
39 otherwise be determined ineligible due to excess
40 countable income but otherwise remains eligible.

41 Sec. 4. **NEW SECTION.** 422.12K INCOME TAX FORM –
42 INDICATION OF DEPENDENT CHILD HEALTH CARE COVERAGE.

43 1. The director shall draft the income tax form to
44 allow beginning with the tax returns for tax year
45 2008, a person who files an individual or joint income
46 tax return with the department under section 422.13 to
47 indicate the presence or absence of health care
48 coverage for each dependent child for whom an
49 exemption is claimed.

50 2. Beginning with the income tax return for tax

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1 year 2008, a person who files an individual or joint
2 income tax return with the department under section
3 422.13, may report on the income tax return, in the
4 form required, the presence or absence of health care
5 coverage for each dependent child for whom an
6 exemption is claimed.
7 a. If the taxpayer indicates on the income tax
8 return that a dependent child does not have health
9 care coverage, and the income of the taxpayer's tax
10 return does not exceed the highest level of income
11 eligibility standard for the medical assistance
12 program pursuant to chapter 249A or the hawk-i program
13 pursuant to chapter 514I, the department shall send a
14 notice to the taxpayer indicating that the dependent
15 child may be eligible for the medical assistance
16 program or the hawk-i program and providing
17 information about how to enroll in the programs.
18 b. Notwithstanding any other provision of law to
19 the contrary, a taxpayer shall not be subject to a
20 penalty for not providing the information required
21 under this section.
22 c. The department shall consult with the

23 department of human services in developing the tax
 24 return form and the information to be provided to tax
 25 filers under this section.

26 3. The department, in cooperation with the
 27 department of human services, shall adopt rules
 28 pursuant to chapter 17A to administer this section,
 29 including rules defining "health care coverage" for
 30 the purpose of indicating its presence or absence on
 31 the tax form.

32 4. The department, in cooperation with the
 33 department of human services, shall report, annually,
 34 to the governor and the general assembly all of the
 35 following:

36 a. The number of Iowa families, by income level,
 37 claiming the state income tax exemption for dependent
 38 children.

39 b. The number of Iowa families, by income level,
 40 claiming the state income tax exemption for dependent
 41 children who also indicate the presence or absence of
 42 health care coverage for the dependent children.

43 c. The effect of the reporting requirements and
 44 provision of information requirements under this
 45 section on the number and percentage of children in
 46 the state who are uninsured.

47 Sec. 5. Section 514I.1, subsection 4, Code 2007,
 48 is amended to read as follows:

49 4. It is the intent of the general assembly that
 50 the hawk-i program be an integral part of the

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1 continuum of health insurance coverage and that the
 2 program be developed and implemented in such a manner
 3 as to facilitate movement of families between health
 4 insurance providers and to facilitate the transition
 5 of families to private sector health insurance
 6 coverage. It is the intent of the general assembly in
 7 developing such continuum of health insurance coverage
 8 and in facilitating such transition, that beginning
 9 July 1, 2009, the department implement the hawk-i
 10 expansion program.

11 Sec. 6. Section 514I.1, Code 2007, is amended by
 12 adding the following new subsection:

13 NEW SUBSECTION. 5. It is the intent of the
 14 general assembly that if federal reauthorization of
 15 the state children's health insurance program provides
 16 sufficient federal allocations to the state and
 17 authorization to cover such children as an option
 18 under the state children's health insurance program,
 19 the department shall expand coverage under the state
 20 children's health insurance program to cover children
 21 with family incomes at or below three hundred percent

22 of the federal poverty level.

23 Sec. 7. Section 514I.2, Code 2007, is amended by
24 adding the following new subsection:

25 NEW SUBSECTION. 7A. "Hawk-i expansion program" or
26 "hawk-i expansion" means the healthy and well kids in
27 Iowa expansion program created in section 514I.12 to
28 provide health insurance to children who meet the
29 hawk-i program eligibility criteria pursuant to
30 section 514I.8, with the exception of the family
31 income criteria, and whose family income is at or
32 below three hundred percent of the federal poverty
33 level, as defined by the most recently revised poverty
34 income guidelines published by the United States
35 department of health and human services.

36 Sec. 8. Section 514I.5, subsection 7, paragraph d,
37 Code Supplement 2007, is amended to read as follows:

38 d. Develop, with the assistance of the department,
39 an outreach plan, and provide for periodic assessment
40 of the effectiveness of the outreach plan. The plan
41 shall provide outreach to families of children likely
42 to be eligible for assistance under the program, to
43 inform them of the availability of and to assist the
44 families in enrolling children in the program. The
45 outreach efforts may include, but are not limited to,
46 solicitation of cooperation from programs, agencies,
47 and other persons who are likely to have contact with
48 eligible children, including but not limited to those
49 associated with the educational system, and the
50 development of community plans for outreach and

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1 marketing. Other state agencies shall assist the
2 department in outreach efforts to potentially eligible
3 children and their families.

4 Sec. 9. Section 514I.5, subsection 7, Code
5 Supplement 2007, is amended by adding the following
6 new paragraph:

7 NEW PARAGRAPH. 1. Develop options and
8 recommendations to allow children eligible for the
9 hawk-i or hawk-i expansion program to participate in
10 qualified employer-sponsored health plans through a
11 premium assistance program. The options and
12 recommendations shall ensure reasonable alignment
13 between the benefits and costs of the hawk-i and
14 hawk-i expansion programs and the employer-sponsored
15 health plans consistent with federal law. The options
16 and recommendations shall be completed by January 1,
17 2009, and submitted to the governor and the general
18 assembly for consideration as part of the hawk-i and
19 hawk-i expansion programs.

20 Sec. 10. Section 514I.7, subsection 2, paragraph

21 a, Code 2007, is amended to read as follows:

22 a. Determine individual eligibility for program
 23 enrollment based upon review of completed applications
 24 and supporting documentation. The administrative
 25 contractor shall not enroll a child who has group
 26 health coverage ~~or any child who has dropped coverage~~
 27 ~~in the previous six months, unless the coverage was~~
 28 ~~involuntarily lost or unless the reason for dropping~~
 29 ~~coverage is allowed by rule of the board.~~

30 Sec. 11. Section 514I.8, subsection 1, Code 2007,
 31 is amended to read as follows:

32 1. Effective July 1, 1998, and notwithstanding any
 33 medical assistance program eligibility criteria to the
 34 contrary, medical assistance shall be provided to, or
 35 on behalf of, an eligible child under the age of
 36 nineteen whose family income does not exceed one
 37 hundred thirty-three percent of the federal poverty
 38 level, as defined by the most recently revised poverty
 39 income guidelines published by the United States
 40 department of health and human services.
 41 Additionally, effective July 1, 2000, and
 42 notwithstanding any medical assistance program
 43 eligibility criteria to the contrary, medical
 44 assistance shall be provided to, or on behalf of, an
 45 eligible infant whose family income does not exceed
 46 two hundred percent of the federal poverty level, as
 47 defined by the most recently revised poverty income
 48 guidelines published by the United States department
 49 of health and human services. Effective July 1, 2009,
 50 and notwithstanding any medical assistance program

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1 eligibility criteria to the contrary, medical
 2 assistance shall be provided to, or on behalf of, an
 3 eligible infant whose family income is at or below
 4 three hundred percent of the federal poverty level, as
 5 defined by the most recently revised poverty income
 6 guidelines published by the United States department
 7 of health and human services.

8 Sec. 12. Section 514I.10, subsection 2, Code 2007,
 9 is amended to read as follows:

10 2. Cost sharing for eligible children whose family
 11 income equals ~~or exceeds~~ one hundred fifty percent ~~but~~
 12 ~~does not exceed two hundred percent~~ of the federal
 13 poverty level may include a premium or copayment
 14 amount which does not exceed five percent of the
 15 annual family income. The amount of any premium or
 16 the copayment amount shall be based on family income
 17 and size.

18 Sec. 13. Section 514I.11, subsections 1 and 3,
 19 Code 2007, are amended to read as follows:

20 1. A hawk-i trust fund is created in the state
21 treasury under the authority of the department of
22 human services, in which all appropriations and other
23 revenues of the program and the hawk-i expansion
24 program such as grants, contributions, and participant
25 payments shall be deposited and used for the purposes
26 of the program and the hawk-i expansion program. The
27 moneys in the fund shall not be considered revenue of
28 the state, but rather shall be funds of the program.

29 3. Moneys in the fund are appropriated to the
30 department and shall be used to offset any program and
31 hawk-i expansion program costs.

32 Sec. 14. NEW SECTION. 514I.12 HAWK-I EXPANSION
33 PROGRAM.

34 1. All children less than nineteen years of age
35 who meet the hawk-i program eligibility criteria
36 pursuant to section 514I.8, with the exception of the
37 family income criteria, and whose family income is at
38 or below three hundred percent of the federal poverty
39 level, shall be eligible for the hawk-i expansion
40 program.

41 2. To the greatest extent possible, the provisions
42 of section 514I.4, relating to the director and
43 department duties and powers, section 514I.5 relating
44 to the hawk-i board, section 514I.6 relating to
45 participating insurers, and section 514I.7 relating to
46 the administrative contractor shall apply to the
47 hawk-i expansion program. The department shall adopt
48 any rules necessary, pursuant to chapter 17A, and
49 shall amend any existing contracts to facilitate the
50 application of such sections to the hawk-i expansion

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1 program.

2 3. The hawk-i board shall establish by rule
3 pursuant to chapter 17A, the cost-sharing amounts for
4 children under the hawk-i expansion program. The
5 rules shall include criteria for modification of the
6 cost-sharing amounts by the board.

7 Sec. 15. MAXIMIZATION OF ENROLLMENT AND RETENTION
8 – MEDICAL ASSISTANCE AND HAWK-I PROGRAMS.

9 1. The department of human services, in
10 collaboration with the department of education, the
11 department of public health, the division of insurance
12 of the department of commerce, the hawk-i board,
13 consumers who are not recipients of or advocacy groups
14 representing recipients of the medical assistance or
15 hawk-i program, the covering kids and families
16 coalition, and the covering kids now task force, shall
17 develop a plan to maximize enrollment and retention of
18 eligible children in the hawk-i and medical assistance

19 programs. In developing the plan, the collaborative
20 shall review, at a minimum, all of the following
21 strategies:

22 a. Streamlined enrollment in the hawk-i and
23 medical assistance programs. The collaborative shall
24 identify information and documentation that may be
25 shared across departments and programs to simplify the
26 determination of eligibility or eligibility factors,
27 and any interagency agreements necessary to share
28 information consistent with state and federal
29 confidentiality and other applicable requirements.

30 b. Conditional eligibility for the hawk-i and
31 medical assistance programs.

32 c. Expedited renewal for the hawk-i and medical
33 assistance programs.

34 2. Following completion of the review the
35 department of human services shall compile the plan
36 which shall address all of the following relative to
37 implementation of the strategies specified in
38 subsection 1:

39 a. Federal limitations and quantifying of the risk
40 of federal disallowance.

41 b. Any necessary amendment of state law or rule.

42 c. Budgetary implications and cost-benefit
43 analyses.

44 d. Any medical assistance state plan amendments,
45 waivers, or other federal approval necessary.

46 e. An implementation time frame.

47 3. The department of human services shall submit
48 the plan to the governor and the general assembly no
49 later than December 1, 2008.

50 Sec. 16. MEDICAL ASSISTANCE, HAWK-I, AND HAWK-I

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1 EXPANSION PROGRAMS – COVERING CHILDREN –
2 APPROPRIATION. There is appropriated from the general
3 fund of the state to the department of human services
4 for the designated fiscal years, the following
5 amounts, or so much thereof as is necessary, for the
6 purpose designated:

7 To cover children as provided in this Act under the
8 medical assistance, hawk-i, and hawk-i expansion
9 programs and outreach under the current structure of
10 the programs:
11 FY 2008-2009 \$ 4,800,000
12 FY 2009-2010 \$ 14,800,000
13 FY 2010-2011 \$ 24,800,000

14 DIVISION III
15 IOWA CHOICE HEALTH CARE COVERAGE
16 AND ADVISORY COUNCIL

17 Sec. 17. Section 514E.1, Code 2007, is amended by

18 adding the following new subsections:

19 NEW SUBSECTION. 14A. "Iowa choice health care
20 coverage advisory council" or "advisory council" means
21 the advisory council created in section 514E.6.

22 NEW SUBSECTION. 21. "Qualified health care
23 coverage" means creditable coverage which meets
24 minimum standards of quality and affordability as
25 determined by the association by rule.

26 Sec. 18. Section 514E.2, subsection 3, unnumbered
27 paragraph 1, Code 2007, is amended to read as follows:

28 The association shall submit to the commissioner a
29 plan of operation for the association and any
30 amendments necessary or suitable to assure the fair,
31 reasonable, and equitable administration of the
32 association. The plan of operation shall include
33 provisions for the development of a comprehensive
34 health care coverage plan as provided in section
35 514E.5. In developing the comprehensive plan the
36 association shall give deference to the
37 recommendations made by the advisory council as
38 provided in section 514E.6, subsection 1. The
39 association shall approve or disapprove but shall not
40 modify recommendations made by the advisory council.
41 Recommendations that are approved shall be included in
42 the plan of operation submitted to the commissioner.
43 Recommendations that are disapproved shall be
44 submitted to the commissioner with reasons for the
45 disapproval. The plan of operation becomes effective
46 upon approval in writing by the commissioner prior to
47 the date on which the coverage under this chapter must
48 be made available. After notice and hearing, the
49 commissioner shall approve the plan of operation if
50 the plan is determined to be suitable to assure the

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1 fair, reasonable, and equitable administration of the
2 association, and provides for the sharing of
3 association losses, if any, on an equitable and
4 proportionate basis among the member carriers. If the
5 association fails to submit a suitable plan of
6 operation within one hundred eighty days after the
7 appointment of the board of directors, or if at any
8 later time the association fails to submit suitable
9 amendments to the plan, the commissioner shall adopt,
10 pursuant to chapter 17A, rules necessary to implement
11 this section. The rules shall continue in force until
12 modified by the commissioner or superseded by a plan
13 submitted by the association and approved by the
14 commissioner. In addition to other requirements, the
15 plan of operation shall provide for all of the
16 following:

17 Sec. 19. NEW SECTION. 514E.5 IOWA CHOICE HEALTH
18 CARE COVERAGE.

19 1. The association, in consultation with the Iowa
20 choice health care coverage advisory council, shall
21 develop a comprehensive health care coverage plan to
22 provide health care coverage to all children without
23 such coverage, that utilizes and modifies existing
24 public programs including the medical assistance
25 program, hawk-i program, and hawk-i expansion program,
26 and to provide access to private unsubsidized,
27 affordable, qualified health care coverage to children
28 who are not otherwise eligible for health care
29 coverage through public programs.

30 2. The comprehensive plan developed by the
31 association and the advisory council, shall also
32 develop and recommend options to provide access to
33 private unsubsidized, affordable, qualified health
34 care coverage to all Iowa children less than nineteen
35 years of age with a family income that is more three
36 hundred percent of the federal poverty level and to
37 adults and families who are not otherwise eligible for
38 health care coverage through public programs.

39 3. As part of the comprehensive plan developed,
40 the association, in consultation with the advisory
41 council, shall define what constitutes qualified
42 health care coverage for children less than nineteen
43 years of age. For the purposes of this definition and
44 for designing health care coverage options for
45 children, the association, in consultation with the
46 advisory council, shall recommend the benefits to be
47 included in such coverage and shall explore the value
48 of including coverage for the treatment of mental and
49 behavioral disorders. The association and the
50 advisory council shall perform a cost analysis as part

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1 of their consideration of benefit options. The
2 association and the advisory council shall also
3 consider whether to include coverage of the following
4 benefits:

- 5 a. Inpatient hospital services including medical,
6 surgical, intensive care unit, mental health, and
7 substance abuse services.
- 8 b. Nursing care services including skilled nursing
9 facility services.
- 10 c. Outpatient hospital services including
11 emergency room, surgery, lab, and x-ray services and
12 other services.
- 13 d. Physician services, including surgical and
14 medical, office visits, newborn care, well-baby and
15 well-child care, immunizations, urgent care,

16 specialist care, allergy testing and treatment, mental
17 health visits, and substance abuse visits.
18 e. Ambulance services.
19 f. Physical therapy.
20 g. Speech therapy.
21 h. Durable medical equipment.
22 i. Home health care.
23 j. Hospice services.
24 k. Prescription drugs.
25 l. Dental services including preventive services.
26 m. Medically necessary hearing services.
27 n. Vision services including corrective lenses.
28 o. No underwriting requirements and no preexisting
29 condition exclusions.
30 p. Chiropractic services.
31 4. As part of the comprehensive plan developed,
32 the association, in consultation with the advisory
33 council, shall consider and recommend whether health
34 care coverage options that are developed for purchase
35 for children less than nineteen years of age with a
36 family income that is more than three hundred percent
37 of the federal poverty level should require a
38 copayment for services received in an amount
39 determined by the association.
40 5. As part of the comprehensive plan, the
41 association, in consultation with the advisory
42 council, shall define what constitutes qualified
43 health care coverage for adults and families who are
44 not eligible for a public program. The association,
45 in consultation with the advisory council, shall
46 develop and recommend health care coverage options for
47 purchase by such adults and families that provide a
48 selection of health benefit plans and standardized
49 benefits.
50 6. As part of the comprehensive plan the

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1 association and the advisory council may collaborate
2 with health insurance carriers to do the following,
3 including but not limited to:
4 a. Design solutions to issues relating to
5 guaranteed issuance of insurance, preexisting
6 condition exclusions, portability, and allowable
7 pooling and rating classifications.
8 b. Formulate principles that ensure fair and
9 appropriate practices relating to issues involving
10 individual health care policies such as rescission and
11 preexisting condition clauses, and that provide for a
12 binding third-party review process to resolve disputes
13 related to such issues.
14 c. Design affordable, portable health care

15 coverage options for low-income children, adults, and
16 families.

17 d. Design a proposed premium schedule for health
18 care coverage options that are recommended which
19 include the development of rating factors that are
20 consistent with market conditions.

21 e. Design protocols to limit the transfer from
22 employer-sponsored or other private health care
23 coverage to state-developed health care coverage
24 plans.

25 7. The association shall submit the comprehensive
26 plan required by this section to the governor and the
27 general assembly by December 15, 2008. The
28 appropriations to cover children under the medical
29 assistance, hawk-i, and hawk-i expansion programs as
30 provided in this Act and to provide related outreach
31 for fiscal year 2009-2010 and fiscal year 2010-2011
32 are contingent upon enactment of a comprehensive plan
33 during the 2009 regular session of the Eighty-third
34 General Assembly that provides health care coverage
35 for all children in the state. Enactment of a
36 comprehensive plan shall include a determination of
37 what the prospects are of federal action which may
38 impact the comprehensive plan and the fiscal impact of
39 the comprehensive plan on the state budget.

40 Sec. 20. NEW SECTION. 514E.6 IOWA CHOICE HEALTH
41 CARE COVERAGE ADVISORY COUNCIL.

42 1. The Iowa choice health care coverage advisory
43 council is created for the purpose of assisting the
44 association with developing a comprehensive health
45 care coverage plan as provided in section 514E.5. The
46 advisory council shall make recommendations concerning
47 the design and implementation of the comprehensive
48 plan including but not limited to a definition of what
49 constitutes qualified health care coverage,
50 suggestions for the design of health care coverage

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1 options, and implementation of a health care coverage
2 reporting requirement.

3 2. The advisory council consists of the following
4 persons who are voting members unless otherwise
5 provided:

6 a. The two most recent former governors, or if one
7 or both of them are unable or unwilling to serve, a
8 person or persons appointed by the governor.

9 b. Six members appointed by the director of public
10 health:

11 (1) A representative of the federation of Iowa
12 insurers.

13 (2) A health economist who resides in Iowa.

- 14 (3) Two consumers, one of whom shall be a
15 representative of a children's advocacy organization
16 and one of whom shall be a member of a minority.
17 (4) A representative of organized labor.
18 (5) A representative of an organization of
19 employers.
- 20 c. The following members shall be ex officio,
21 nonvoting members of the council:
- 22 (1) The commissioner of insurance, or a designee.
23 (2) The director of human services, or a designee.
24 (3) The director of public health, or a designee.
25 (4) Four members of the general assembly, one
26 appointed by the speaker of the house of
27 representatives, one appointed by the minority leader
28 of the house of representatives, one appointed by the
29 majority leader of the senate, and one appointed by
30 the minority leader of the senate.
- 31 3. The members of the council appointed by the
32 governor shall be appointed for terms of six years
33 beginning and ending as provided in section 69.19.
34 Such a member of the board is eligible for
35 reappointment. The governor shall fill a vacancy for
36 the remainder of the unexpired term.
- 37 4. The members of the council shall annually elect
38 one voting member as chairperson and one as vice
39 chairperson. Meetings of the council shall be held at
40 the call of the chairperson or at the request of a
41 majority of the council's members.
- 42 5. The members of the council shall not receive
43 compensation for the performance of their duties as
44 members but each member shall be paid necessary
45 expenses while engaged in the performance of duties of
46 the council. Any legislative member shall be paid the
47 per diem and expenses specified in section 2.10.
- 48 6. The members of the council are subject to and
49 are officials within the meaning of chapter 68B.

50 DIVISION IV

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1 HEALTH INSURANCE OVERSIGHT
2 Sec. 21. Section 505.8, Code Supplement 2007, is
3 amended by adding the following new subsection:
4 NEW SUBSECTION. 5A. The commissioner shall have
5 regulatory authority over health benefit plans and
6 adopt rules under chapter 17A as necessary, to promote
7 the uniformity, cost efficiency, transparency, and
8 fairness of such plans for physicians licensed under
9 chapters 148, 150, and 150A, and hospitals licensed
10 under chapter 135B, for the purpose of maximizing
11 administrative efficiencies and minimizing
12 administrative costs of health care providers and

13 health insurers.

14 Sec. 22. HEALTH INSURANCE OVERSIGHT –
15 APPROPRIATION. There is appropriated from the general
16 fund of the state to the insurance division of the
17 department of commerce for the fiscal year beginning
18 July 1, 2008, and ending June 30, 2009, the following
19 amount, or so much thereof as is necessary, for the
20 purpose designated:

21 For identification and regulation of procedures and
22 practices related to health care as provided in
23 section 505.8, subsection 5A:
24 \$ 80,000

25 DIVISION V

26 IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM

27 DIVISION XXI

28 IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM

29 Sec. 23. NEW SECTION. 135.154 DEFINITIONS.

30 As used in this division, unless the context
31 otherwise requires:

32 1. "Board" means the state board of health created
33 pursuant to section 136.1.

34 2. "Department" means the department of public
35 health.

36 3. "Health care professional" means a person who
37 is licensed, certified, or otherwise authorized or
38 permitted by the law of this state to administer
39 health care in the ordinary course of business or in
40 the practice of a profession.

41 4. "Health information technology" means the
42 application of information processing, involving both
43 computer hardware and software, that deals with the
44 storage, retrieval, sharing, and use of health care
45 information, data, and knowledge for communication,
46 decision making, quality, safety, and efficiency of
47 clinical practice, and may include but is not limited
48 to:

49 a. An electronic health record that electronically
50 compiles and maintains health information that may be

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1 derived from multiple sources about the health status
2 of an individual and may include a core subset of each
3 care delivery organization's electronic medical record
4 such as a continuity of care record or a continuity of
5 care document, computerized physician order entry,
6 electronic prescribing, or clinical decision support.

7 b. A personal health record through which an
8 individual and any other person authorized by the
9 individual can maintain and manage the individual's
10 health information.

11 c. An electronic medical record that is used by

12 health care professionals to electronically document,
13 monitor, and manage health care delivery within a care
14 delivery organization, is the legal record of the
15 patient's encounter with the care delivery
16 organization, and is owned by the care delivery
17 organization.

18 d. A computerized provider order entry function
19 that permits the electronic ordering of diagnostic and
20 treatment services, including prescription drugs.

21 e. A decision support function to assist
22 physicians and other health care providers in making
23 clinical decisions by providing electronic alerts and
24 reminders to improve compliance with best practices,
25 promote regular screenings and other preventive
26 practices, and facilitate diagnoses and treatments.

27 f. Tools to allow for the collection, analysis,
28 and reporting of information or data on adverse
29 events, the quality and efficiency of care, patient
30 satisfaction, and other health care-related
31 performance measures.

32 5. "Interoperability" means the ability of two or
33 more systems or components to exchange information or
34 data in an accurate, effective, secure, and consistent
35 manner and to use the information or data that has
36 been exchanged and includes but is not limited to:

37 a. The capacity to connect to a network for the
38 purpose of exchanging information or data with other
39 users.

40 b. The ability of a connected, authenticated user
41 to demonstrate appropriate permissions to participate
42 in the instant transaction over the network.

43 c. The capacity of a connected, authenticated user
44 to access, transmit, receive, and exchange usable
45 information with other users.

46 6. "Recognized interoperability standard" means
47 interoperability standards recognized by the office of
48 the national coordinator for health information
49 technology of the United States department of health
50 and human services.

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1 Sec. 24. NEW SECTION. 135.155 IOWA ELECTRONIC
2 HEALTH – PRINCIPLES – GOALS.

3 1. Health information technology is rapidly
4 evolving so that it can contribute to the goals of
5 improving access to and quality of health care,
6 enhancing efficiency, and reducing costs.

7 2. To be effective, the health information
8 technology system shall comply with all of the
9 following principles:

10 a. Be patient-centered and market-driven.

11 b. Be based on approved standards developed with
12 input from all stakeholders.

13 c. Protect the privacy of consumers and the
14 security and confidentiality of all health
15 information.

16 d. Promote interoperability.

17 e. Ensure the accuracy, completeness, and
18 uniformity of data.

19 3. Widespread adoption of health information
20 technology is critical to a successful health
21 information technology system and is best achieved
22 when all of the following occur:

23 a. The market provides a variety of certified
24 products from which to choose in order to best fit the
25 needs of the user.

26 b. The system provides incentives for health care
27 professionals to utilize the health information
28 technology and provides rewards for any improvement in
29 quality and efficiency resulting from such
30 utilization.

31 c. The system provides protocols to address
32 critical problems.

33 d. The system is financed by all who benefit from
34 the improved quality, efficiency, savings, and other
35 benefits that result from use of health information
36 technology.

37 Sec. 25. NEW SECTION. 135.156 ELECTRONIC HEALTH
38 INFORMATION – DEPARTMENT DUTIES – ADVISORY COUNCIL
39 – EXECUTIVE COMMITTEE.

40 1. a. The department shall direct a public and
41 private collaborative effort to promote the adoption
42 and use of health information technology in this state
43 in order to improve health care quality, increase
44 patient safety, reduce health care costs, enhance
45 public health, and empower individuals and health care
46 professionals with comprehensive, real-time medical
47 information to provide continuity of care and make the
48 best health care decisions. The department shall
49 provide coordination for the development and
50 implementation of an interoperable electronic health

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1 records system, telehealth expansion efforts, the
2 health information technology infrastructure, and
3 other health information technology initiatives in
4 this state. The department shall be guided by the
5 principles and goals specified in section 135.155.

6 b. All health information technology efforts shall
7 endeavor to represent the interests and meet the needs
8 of consumers and the health care sector, protect the
9 privacy of individuals and the confidentiality of

10 individuals' information, promote physician best
11 practices, and make information easily accessible to
12 the appropriate parties. The system developed shall
13 be consumer-driven, flexible, and expandable.

14 2. a. An electronic health information advisory
15 council is established which shall consist of the
16 representatives of entities involved in the electronic
17 health records system task force established pursuant
18 to section 217.41A, Code 2007, a pharmacist, a
19 licensed practicing physician, a consumer who is a
20 member of the state board of health, a representative
21 of the state's Medicare quality improvement
22 organization, the executive director of the Iowa
23 communications network, a representative of the
24 private telecommunications industry, a representative
25 of the Iowa collaborative safety net provider network
26 created in section 135.153, a nurse informaticist from
27 the university of Iowa, and any other members the
28 department or executive committee of the advisory
29 council determine necessary to assist the department
30 or executive committee at various stages of
31 development of the electronic health information
32 system. Executive branch agencies shall also be
33 included as necessary to assist in the duties of the
34 department and the executive committee. Public
35 members of the advisory council shall receive
36 reimbursement for actual expenses incurred while
37 serving in their official capacity only if they are
38 not eligible for reimbursement by the organization
39 that they represent. Any legislative members shall be
40 paid the per diem and expenses specified in section
41 2.10.

42 b. An executive committee of the electronic health
43 information advisory council is established. Members
44 of the executive committee of the advisory council
45 shall receive reimbursement for actual expenses
46 incurred while serving in their official capacity only
47 if they are not eligible for reimbursement by the
48 organization that they represent. The executive
49 committee shall consist of the following members:
50 (1) Three members, each of whom is the chief

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1 information officer of one of the three largest
2 private health care systems in the state.
3 (2) One member who is a representative of the
4 university of Iowa.
5 (3) One member who is a representative of a rural
6 hospital that is a member of the Iowa hospital
7 association.
8 (4) One member who is a consumer member of the

9 state board of health.

10 (5) One member who is a licensed practicing
11 physician.

12 (6) One member who is a health care provider other
13 than a licensed practicing physician.

14 (7) A representative of the federation of Iowa
15 insurers.

16 3. The executive committee, with the technical
17 assistance of the advisory council and the support of
18 the department shall do all of the following:

19 a. Develop a statewide health information
20 technology plan by July 1, 2009. In developing the
21 plan, the executive committee shall seek the input of
22 providers, payers, and consumers. Standards and
23 policies developed for the plan shall promote and be
24 consistent with national standards developed by the
25 office of the national coordinator for health
26 information technology of the United States department
27 of health and human services and shall address or
28 provide for all of the following:

29 (1) The effective, efficient, statewide use of
30 electronic health information in patient care, health
31 care policymaking, clinical research, health care
32 financing, and continuous quality improvement. The
33 executive committee shall recommend requirements for
34 interoperable electronic health records in this state
35 including a recognized interoperability standard.

36 (2) Education of the public and health care sector
37 about the value of health information technology in
38 improving patient care, and methods to promote
39 increased support and collaboration of state and local
40 public health agencies, health care professionals, and
41 consumers in health information technology
42 initiatives.

43 (3) Standards for the exchange of health care
44 information.

45 (4) Policies relating to the protection of privacy
46 of patients and the security and confidentiality of
47 patient information.

48 (5) Policies relating to information ownership.

49 (6) Policies relating to governance of the various
50 facets of the health information technology system.

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1 (7) A single patient identifier or alternative
2 mechanism to share secure patient information. If no
3 alternative mechanism is acceptable to the executive
4 committee, all health care professionals shall utilize
5 the mechanism selected by the executive committee by
6 July 1, 2010.

7 (8) A standard continuity of care record and other

8 issues related to the content of electronic
9 transmissions. All health care professionals shall
10 utilize the standard continuity of care record by July
11 1, 2010.

12 (9) Requirements for electronic prescribing.

13 (10) Economic incentives and support to facilitate
14 participation in an interoperable system by health
15 care professionals.

16 b. Identify existing and potential health
17 information technology efforts in this state,
18 regionally, and nationally, and integrate existing
19 efforts to avoid incompatibility between efforts and
20 avoid duplication.

21 c. Coordinate public and private efforts to
22 provide the network backbone infrastructure for the
23 health information technology system. In coordinating
24 these efforts, the executive committee shall do all of
25 the following:

26 (1) Develop policies to effectuate the logical
27 cost-effective usage of and access to the state-owned
28 network, and support of telecommunication carrier
29 products, where applicable.

30 (2) Consult with the Iowa communications network,
31 private fiberoptic networks, and any other
32 communications entity to seek collaboration, avoid
33 duplication, and leverage opportunities in developing
34 a backbone network.

35 (3) Establish protocols to ensure compliance with
36 any applicable federal standards.

37 (4) Determine costs for accessing the network at a
38 level that provides sufficient funding for the
39 network.

40 d. Promote the use of telemedicine.

41 (1) Examine existing barriers to the use of
42 telemedicine and make recommendations for eliminating
43 these barriers.

44 (2) Examine the most efficient and effective
45 systems of technology for use and make recommendations
46 based on the findings.

47 e. Address the workforce needs generated by
48 increased use of health information technology.

49 f. Recommend rules to be adopted in accordance
50 with chapter 17A to implement all aspects of the

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1 statewide health information technology plan and the
2 network.

3 g. Coordinate, monitor, and evaluate the adoption,
4 use, interoperability, and efficiencies of the various
5 facets of health information technology in this state.

6 h. Seek and apply for any federal or private

7 funding to assist in the implementation and support of
8 the health information technology system and make
9 recommendations for funding mechanisms for the ongoing
10 development and maintenance costs of the health
11 information technology system.

12 i. Identify state laws and rules that present
13 barriers to the development of the health information
14 technology system and recommend any changes to the
15 governor and the general assembly.

16 4. Recommendations and other activities resulting
17 from the work of the executive committee shall be
18 presented to the board for action or implementation.

19 Sec. 26. Section 8D.13, Code 2007, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 20. Access shall be offered to
22 the Iowa hospital association only for the purposes of
23 collection, maintenance, and dissemination of health
24 and financial data for hospitals and for hospital
25 education services. The Iowa hospital association
26 shall be responsible for all costs associated with
27 becoming part of the network, as determined by the
28 commission.

29 Sec. 27. Section 136.3, Code 2007, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 11. Perform those duties
32 authorized pursuant to section 135.156.

33 Sec. 28. Section 217.41A, Code 2007, is repealed.

34 Sec. 29. IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM

35 – APPROPRIATION. There is appropriated from the
36 general fund of the state to the department of public
37 health for the fiscal year beginning July 1, 2008, and
38 ending June 30, 2009, the following amount, or so much
39 thereof as is necessary, for the purpose designated:

40 For administration of the Iowa health information
41 technology system, and for not more than the following
42 full-time equivalent positions:

43 \$ 190,600
44 FTEs 2.00

45 DIVISION VI

46 LONG-TERM LIVING PLANNING AND
47 PATIENT AUTONOMY IN HEALTH CARE

48 Sec. 30. NEW SECTION. 231.62 END-OF-LIFE CARE
49 INFORMATION.

50 1. The department shall consult with the Iowa

1 medical society, the Iowa end-of-life coalition, the
2 Iowa hospice organization, the university of Iowa
3 palliative care program, and other health care
4 professionals whose scope of practice includes
5 end-of-life care to develop educational and

6 patient-centered information on end-of-life care for
7 terminally ill patients and health care professionals.

8 2. For the purposes of this section, "end-of-life
9 care" means care provided to meet the physical,
10 psychological, social, spiritual, and practical needs
11 of terminally ill patients and their caregivers.

12 Sec. 31. END-OF-LIFE CARE INFORMATION –
13 APPROPRIATION. There is appropriated from the general
14 fund of the state to the department of elder affairs
15 for the fiscal year beginning July 1, 2008, and ending
16 June 30, 2009, the following amount, or so much
17 thereof as is necessary, for the purpose designated:

18 For activities associated with the end-of-life care
19 information requirements of this division:
20 \$ 10,000

21 Sec. 32. LONG-TERM LIVING PLANNING TOOLS – PUBLIC
22 EDUCATION CAMPAIGN. The legal services development
23 and substitute decision maker programs of the
24 department of elder affairs, in collaboration with
25 other appropriate agencies and interested parties,
26 shall research existing long-term living planning
27 tools that are designed to increase quality of life
28 and contain health care costs and recommend a public
29 education campaign strategy on long-term living to the
30 general assembly by January 1, 2009.

31 Sec. 33. LONG-TERM CARE OPTIONS PUBLIC EDUCATION
32 CAMPAIGN. The department of elder affairs, in
33 collaboration with the insurance division of the
34 department of commerce, shall implement a long-term
35 care options public education campaign. The campaign
36 may utilize such tools as the "Own Your Future
37 Planning Kit" administered by the centers for Medicare
38 and Medicaid services, the administration on aging,
39 and the office of the assistant secretary for planning
40 and evaluation of the United States department of
41 health and human services, and other tools developed
42 through the aging and disability resource center
43 program of the administration on aging and the centers
44 for Medicare and Medicaid services designed to promote
45 health and independence as Iowans age, assist older
46 Iowans in making informed choices about the
47 availability of long-term care options, including
48 alternatives to facility-based care, and to streamline
49 access to long-term care.

50 Sec. 34. LONG-TERM CARE OPTIONS PUBLIC EDUCATION

1 CAMPAIGN – APPROPRIATION. There is appropriated from
2 the general fund of the state to the department of
3 elder affairs for the fiscal year beginning July 1,
4 2008, and ending June 30, 2009, the following amount,

5 or so much thereof as is necessary, for the purpose
6 designated:

7 For activities associated with the long-term care
8 options public education campaign requirements of this
9 division:

10 \$ 75,000

11 Sec. 35. HOME AND COMMUNITY-BASED SERVICES PUBLIC

12 EDUCATION CAMPAIGN. The department of elder affairs

13 shall work with other public and private agencies to
14 identify resources that may be used to continue the
15 work of the aging and disability resource center
16 established by the department through the aging and
17 disability resource center grant program efforts of
18 the administration on aging and the centers for
19 Medicare and Medicaid services of the United States
20 department of health and human services, beyond the
21 federal grant period ending September 30, 2008.

22 Sec. 36. PATIENT AUTONOMY IN HEALTH CARE DECISIONS
23 PILOT PROJECT.

24 1. The department of public health shall establish
25 a two-year community coalition for patient treatment
26 wishes across the health care continuum pilot project,
27 beginning July 1, 2008, and ending June 30, 2010, in a
28 county with a population of between fifty thousand and
29 one hundred thousand. The pilot project shall utilize
30 the process based upon the national physicians orders
31 for life sustaining treatment program initiative,
32 including use of a standardized physician order for
33 scope of treatment form. The process shall require
34 validation of the physician order for scope of
35 treatment form by the signature of an individual other
36 than the patient or the patient's legal representative
37 who is not an employee of the patient's physician.
38 The pilot project may include applicability to
39 chronically ill, frail, and elderly or terminally ill
40 individuals in hospitals licensed pursuant to chapter
41 135B, nursing facilities or residential care
42 facilities licensed pursuant to chapter 135C, or
43 hospice programs as defined in section 135J.1.

44 2. The department of public health shall convene
45 an advisory council, consisting of representatives of
46 entities with interest in the pilot project, including
47 but not limited to the Iowa hospital association, the
48 Iowa medical society, organizations representing
49 health care facilities, representatives of health care
50 providers, and the Iowa trial lawyers association, to

1 develop recommendations for expanding the pilot
2 project statewide. The advisory council shall report
3 its findings and recommendations, including

4 recommendations for legislation, to the governor and
5 the general assembly by January 1, 2010.

6 3. The pilot project shall not alter the rights of
7 individuals who do not execute a physician order for
8 scope of treatment.

9 a. If an individual is a qualified patient as
10 defined in section 144A.2, the individual's
11 declaration executed under chapter 144A shall control
12 health care decision making for the individual in
13 accordance with chapter 144A. A physician order for
14 scope of treatment shall not supersede a declaration
15 executed pursuant to chapter 144A. If an individual
16 has not executed a declaration pursuant to chapter
17 144A, health care decision making relating to
18 life-sustaining procedures for the individual shall be
19 governed by section 144A.7.

20 b. If an individual has executed a durable power
21 of attorney for health care pursuant to chapter 144B,
22 the individual's durable power of attorney for health
23 care shall control health care decision making for the
24 individual in accordance with chapter 144B. A
25 physician order for scope of treatment shall not
26 supersede a durable power of attorney for health care
27 executed pursuant to chapter 144B.

28 c. In the absence of actual notice of the
29 revocation of a physician order for scope of
30 treatment, a physician, health care provider, or any
31 other person who complies with a physician order for
32 scope of treatment shall not be subject to liability,
33 civil or criminal, for actions taken under this
34 section which are in accordance with reasonable
35 medical standards. Any physician, health care
36 provider, or other person against whom criminal or
37 civil liability is asserted because of conduct in
38 compliance with this section may interpose the
39 restriction on liability in this paragraph as an
40 absolute defense.

41 DIVISION VII

42 HEALTH CARE COVERAGE

43 Sec. 37. NEW SECTION. 505.31 REIMBURSEMENT
44 ACCOUNTS.

45 The commissioner of insurance shall assist
46 employers with twenty-five or fewer employees with
47 implementing and administering plans under section 125
48 of the Internal Revenue Code, including medical
49 expense reimbursement accounts and dependent care
50 accounts. The commissioner shall provide information

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1 about the assistance available to small employers on
2 the insurance division's internet site.

3 Sec. 38. Section 509.3, Code 2007, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 8. A provision that the insurer
6 will permit continuation of existing coverage for an
7 unmarried child of an insured or enrollee who so
8 elects, at least through the policy anniversary date
9 on or after the date the child marries, ceases to be a
10 resident of this state, or attains the age of
11 twenty-five years old, whichever occurs first, or so
12 long as the unmarried child maintains full-time status
13 as a student in an accredited institution of
14 postsecondary education.

15 Sec. 39. NEW SECTION. 509A.13B CONTINUATION OF
16 DEPENDENT COVERAGE.

17 If a governing body, a county board of supervisors,
18 or a city council has procured accident or health care
19 coverage for its employees under this chapter such
20 coverage shall permit continuation of existing
21 coverage for an unmarried child of an insured or
22 enrollee who so elects, at least through the policy
23 anniversary date on or after the date the child
24 marries, ceases to be a resident of this state, or
25 attains the age of twenty-five years old, whichever
26 occurs first, or so long as the unmarried child
27 maintains full-time status as a student in an
28 accredited institution of postsecondary education.

29 Sec. 40. Section 513C.7, subsection 2, paragraph
30 a, Code 2007, is amended to read as follows:

31 ~~a.~~ The individual basic or standard health benefit
32 plan shall not deny, exclude, or limit benefits for a
33 covered individual for losses incurred more than
34 twelve months following the effective date of the
35 individual's coverage due to a preexisting condition.
36 A preexisting condition shall not be defined more
37 restrictively than any of the following:

38 ~~(1)~~ a. A condition that would cause an ordinarily
39 prudent person to seek medical advice, diagnosis,
40 care, or treatment during the twelve months
41 immediately preceding the effective date of coverage.

42 ~~(2)~~ b. A condition for which medical advice,
43 diagnosis, care, or treatment was recommended or
44 received during the twelve months immediately
45 preceding the effective date of coverage.

46 ~~(3)~~ c. A pregnancy existing on the effective date
47 of coverage.

48 Sec. 41. Section 513C.7, subsection 2, paragraph
49 b, Code 2007, is amended by striking the paragraph.

50 Sec. 42. NEW SECTION. 514A.3B ADDITIONAL

2 1. An insurer which accepts an individual for
3 coverage under an individual policy or contract of
4 accident and health insurance shall waive any time
5 period applicable to a preexisting condition exclusion
6 or limitation period requirement of the policy or
7 contract with respect to particular services in an
8 individual health benefit plan for the period of time
9 the individual was previously covered by qualifying
10 previous coverage as defined in section 513C.3 that
11 provided benefits with respect to such services,
12 provided that the qualifying previous coverage was
13 continuous to a date not more than sixty-three days
14 prior to the effective date of the new policy or
15 contract. For purposes of this section, periods of
16 coverage under medical assistance provided pursuant to
17 chapter 249A or 514I, or Medicare coverage provided
18 pursuant to Title XVIII of the federal Social Security
19 Act shall not be counted with respect to the
20 sixty-three-day requirement.

21 2. An insurer issuing an individual policy or
22 contract of accident and health insurance which
23 provides coverage for children of the insured shall
24 permit continuation of existing coverage for an
25 unmarried child of an insured or enrollee who so
26 elects, at least through the policy anniversary date
27 on or after the date the child marries, ceases to be a
28 resident of this state, or attains the age of
29 twenty-five years old, whichever occurs first, or so
30 long as the unmarried child maintains full-time status
31 as a student in an accredited institution of
32 postsecondary education.

33 Sec. 43. APPLICABILITY. This division of this Act
34 applies to policies or contracts of accident and
35 health insurance delivered or issued for delivery or
36 continued or renewed in this state on or after July 1,
37 2008.

38 DIVISION VIII
39 MEDICAL HOME
40 DIVISION XXII
41 MEDICAL HOME

42 Sec. 44. NEW SECTION. 135.157 DEFINITIONS.
43 As used in this chapter, unless the context
44 otherwise requires:

- 45 1. "Board" means the state board of health created
46 pursuant to section 136.1.
- 47 2. "Department" means the department of public
48 health.
- 49 3. "Health care professional" means a person who
50 is licensed, certified, or otherwise authorized or

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1 permitted by the law of this state to administer
2 health care in the ordinary course of business or in
3 the practice of a profession.

4 4. "Medical home" means a team approach to
5 providing health care that originates in a primary
6 care setting; fosters a partnership among the patient,
7 the personal provider, and other health care
8 professionals, and where appropriate, the patient's
9 family; utilizes the partnership to access all medical
10 and nonmedical health-related services needed by the
11 patient and the patient's family to achieve maximum
12 health potential; maintains a centralized,
13 comprehensive record of all health-related services to
14 promote continuity of care; and has all of the
15 characteristics specified in section 135.158.

16 5. "National committee for quality assurance"
17 means the nationally recognized, independent nonprofit
18 organization that measures the quality and performance
19 of health care and health care plans in the United
20 States; provides accreditation, certification, and
21 recognition programs for health care plans and
22 programs; and is recognized in Iowa as an accrediting
23 organization for commercial and Medicaid-managed care
24 organizations.

25 6. "Personal provider" means the patient's first
26 point of contact in the health care system with a
27 primary care provider who identifies the patient's
28 health needs, and, working with a team of health care
29 professionals, provides for and coordinates
30 appropriate care to address the health needs
31 identified.

32 7. "Primary care" means health care which
33 emphasizes providing for a patient's general health
34 needs and utilizes collaboration with other health
35 care professionals and consultation or referral as
36 appropriate to meet the needs identified.

37 8. "Primary care provider" means any of the
38 following who provide primary care and meet
39 certification standards:

- 40 a. A physician who is a family or general
41 practitioner, a pediatrician, an internist, an
42 obstetrician, or a gynecologist.
- 43 b. An advanced registered nurse practitioner.
- 44 c. A physician assistant.
- 45 d. A chiropractor licensed pursuant to chapter
46 151.

47 Sec. 45. NEW SECTION. 135.158 MEDICAL HOME
48 PURPOSES – CHARACTERISTICS.

49 1. The purposes of a medical home are the
50 following:

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- 1 a. To reduce disparities in health care access,
2 delivery, and health care outcomes.
- 3 b. To improve quality of health care and lower
4 health care costs, thereby creating savings to allow
5 more Iowans to have health care coverage and to
6 provide for the sustainability of the health care
7 system.
- 8 c. To provide a tangible method to document if
9 each Iowan has access to health care.
- 10 2. A medical home has all of the following
11 characteristics:
 - 12 a. A personal provider. Each patient has an
13 ongoing relationship with a personal provider trained
14 to provide first contact and continuous and
15 comprehensive care.
 - 16 b. A provider-directed medical practice. The
17 personal provider leads a team of individuals at the
18 practice level who collectively take responsibility
19 for the ongoing health care of patients.
 - 20 c. Whole person orientation. The personal
21 provider is responsible for providing for all of a
22 patient's health care needs or taking responsibility
23 for appropriately arranging health care by other
24 qualified health care professionals. This
25 responsibility includes health care at all stages of
26 life including provision of acute care, chronic care,
27 preventive services, and end-of-life care.
 - 28 d. Coordination and integration of care. Care is
29 coordinated and integrated across all elements of the
30 complex health care system and the patient's
31 community. Care is facilitated by registries,
32 information technology, health information exchanges,
33 and other means to assure that patients receive the
34 indicated care when and where they need and want the
35 care in a culturally and linguistically appropriate
36 manner.
 - 37 e. Quality and safety. The following are quality
38 and safety components of the medical home:
 - 39 (1) Provider-directed medical practices advocate
40 for their patients to support the attainment of
41 optimal, patient-centered outcomes that are defined by
42 a care planning process driven by a compassionate,
43 robust partnership between providers, the patient, and
44 the patient's family.
 - 45 (2) Evidence-based medicine and clinical
46 decision-support tools guide decision making.
 - 47 (3) Providers in the medical practice accept
48 accountability for continuous quality improvement
49 through voluntary engagement in performance
50 measurement and improvement.

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- 1 (4) Patients actively participate in decision
2 making and feedback is sought to ensure that the
3 patients' expectations are being met.
- 4 (5) Information technology is utilized
5 appropriately to support optimal patient care,
6 performance measurement, patient education, and
7 enhanced communication.
- 8 (6) Practices participate in a voluntary
9 recognition process conducted by an appropriate
10 nongovernmental entity to demonstrate that the
11 practice has the capabilities to provide
12 patient-centered services consistent with the medical
13 home model.
- 14 (7) Patients and families participate in quality
15 improvement activities at the practice level.
- 16 f. Enhanced access to health care. Enhanced
17 access to health care is available through systems
18 such as open scheduling, expanded hours, and new
19 options for communication between the patient, the
20 patient's personal provider, and practice staff.
- 21 g. Payment. The payment system appropriately
22 recognizes the added value provided to patients who
23 have a patient-centered medical home. The payment
24 structure framework of the medical home provides all
25 of the following:
- 26 (1) Reflects the value of provider and nonprovider
27 staff and patient-centered care management work that
28 is in addition to the face-to-face visit.
- 29 (2) Pays for services associated with coordination
30 of health care both within a given practice and
31 between consultants, ancillary providers, and
32 community resources.
- 33 (3) Supports adoption and use of health
34 information technology for quality improvement.
- 35 (4) Supports provision of enhanced communication
36 access such as secure electronic mail and telephone
37 consultation.
- 38 (5) Recognizes the value of provider work
39 associated with remote monitoring of clinical data
40 using technology.
- 41 (6) Allows for separate fee-for-service payments
42 for face-to-face visits. Payments for health care
43 management services that are in addition to the
44 face-to-face visit do not result in a reduction in the
45 payments for face-to-face visits.
- 46 (7) Recognizes case mix differences in the patient
47 population being treated within the practice.
- 48 (8) Allows providers to share in savings from
49 reduced hospitalizations associated with
50 provider-guided health care management in the office

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1 setting.

2 (9) Allows for additional payments for achieving
3 measurable and continuous quality improvements.

4 Sec. 46. NEW SECTION. 135.159 MEDICAL HOME
5 SYSTEM – ADVISORY COUNCIL – DEVELOPMENT AND
6 IMPLEMENTATION.

7 1. The department shall administer the medical
8 home system. The department shall adopt rules
9 pursuant to chapter 17A necessary to administer the
10 medical home system.

11 2. a. The department shall establish an advisory
12 council which shall include but is not limited to all
13 of the following members, selected by their respective
14 organizations, and any other members the department
15 determines necessary to assist in the department's
16 duties at various stages of development of the medical
17 home system:

18 (1) The director of human services, or the
19 director's designee.

20 (2) The commissioner of insurance, or the
21 commissioner's designee.

22 (3) A representative of the federation of Iowa
23 insurers.

24 (4) A representative of the Iowa dental
25 association.

26 (5) A representative of the Iowa nurses
27 association.

28 (6) A physician licensed pursuant to chapter 148
29 and a physician licensed pursuant to chapter 150 who
30 are family physicians and members of the Iowa academy
31 of family physicians.

32 (7) A health care consumer.

33 (8) A representative of the Iowa collaborative
34 safety net provider network established pursuant to
35 section 135.153.

36 (9) A representative of the governor's
37 developmental disabilities council.

38 (10) A representative of the Iowa chapter of the
39 American academy of pediatrics.

40 (11) A representative of the child and family
41 policy center.

42 (12) A representative of the Iowa pharmacy
43 association.

44 (13) A representative of the Iowa chiropractic
45 society.

46 (14) A representative of the university of Iowa
47 college of public health.

48 b. Public members of the advisory council shall
49 receive reimbursement for actual expenses incurred
50 while serving in their official capacity only if they

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1 are not eligible for reimbursement by the organization
2 that they represent.

3 3. The department shall develop a plan for
4 implementation of a statewide medical home system.
5 The department, in collaboration with parents,
6 schools, communities, health plans, and providers,
7 shall endeavor to increase healthy outcomes for
8 children and adults by linking the children and adults
9 with a medical home, identifying health improvement
10 goals for children and adults, and linking
11 reimbursement strategies to increasing healthy
12 outcomes for children and adults. The plan shall
13 provide that the medical home system shall do all of
14 the following:

15 a. Coordinate and provide access to evidence-based
16 health care services, emphasizing convenient,
17 comprehensive primary care and including preventive,
18 screening, and well-child health services.

19 b. Provide access to appropriate specialty care
20 and inpatient services.

21 c. Provide quality-driven and cost-effective
22 health care.

23 d. Provide access to pharmacist-delivered
24 medication reconciliation and medication therapy
25 management services, where appropriate.

26 e. Promote strong and effective medical management
27 including but not limited to planning treatment
28 strategies, monitoring health outcomes and resource
29 use, sharing information, and organizing care to avoid
30 duplication of service. The plan shall provide that
31 in sharing information, the priority shall be the
32 protection of the privacy of individuals and the
33 security and confidentiality of the individual's
34 information. Any sharing of information required by
35 the medical home system shall comply and be consistent
36 with all existing state and federal laws and
37 regulations relating to the confidentiality of health
38 care information and shall be subject to written
39 consent of the patient.

40 f. Emphasize patient and provider accountability.

41 g. Prioritize local access to the continuum of
42 health care services in the most appropriate setting.

43 h. Establish a baseline for medical home goals and
44 establish performance measures that indicate a child
45 or adult has an established and effective medical
46 home. For children, these goals and performance
47 measures may include but are not limited to childhood
48 immunizations rates, well-child care utilization
49 rates, care management for children with chronic
50 illnesses, emergency room utilization, and oral health

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1 service utilization.

2 i. For children, coordinate with and integrate
3 guidelines, data, and information from existing
4 newborn and child health programs and entities,
5 including but not limited to the healthy opportunities
6 to experience, success-healthy families Iowa program,
7 the community empowerment program, the center for
8 congenital and inherited disorders screening and
9 health care programs, standards of care for pediatric
10 health guidelines, the office of multicultural health
11 established in section 135.12, the oral health bureau
12 established in section 135.15, and other similar
13 programs and services.

14 4. The department shall develop an organizational
15 structure for the medical home system in this state.
16 The organizational structure plan shall integrate
17 existing resources, provide a strategy to coordinate
18 health care services, provide for monitoring and data
19 collection on medical homes, provide for training and
20 education to health care professionals and families,
21 and provide for transition of children to the adult
22 medical care system. The organizational structure may
23 be based on collaborative teams of stakeholders
24 throughout the state such as local public health
25 agencies, the collaborative safety net provider
26 network established in section 135.153, or a
27 combination of statewide organizations. Care
28 coordination may be provided through regional offices
29 or through individual provider practices. The
30 organizational structure may also include the use of
31 telemedicine resources, and may provide for partnering
32 with pediatric and family practice residency programs
33 to improve access to preventive care for children.
34 The organizational structure shall also address the
35 need to organize and provide health care to increase
36 accessibility for patients including using venues more
37 accessible to patients and having hours of operation
38 that are conducive to the population served.

39 5. The department shall adopt standards and a
40 process to certify medical homes based on the national
41 committee for quality assurance standards. The
42 certification process and standards shall provide
43 mechanisms to monitor performance and to evaluate,
44 promote, and improve the quality of health of and
45 health care delivered to patients through a medical
46 home. The mechanism shall require participating
47 providers to monitor clinical progress and performance
48 in meeting applicable standards and to provide
49 information in a form and manner specified by the
50 department. The evaluation mechanism shall be

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1 developed with input from consumers, providers, and
2 payers. At a minimum the evaluation shall determine
3 any increased quality in health care provided and any
4 decrease in cost resulting from the medical home
5 system compared with other health care delivery
6 systems. The standards and process shall also include
7 a mechanism for other ancillary service providers to
8 become affiliated with a certified medical home.

9 6. The department shall adopt education and
10 training standards for health care professionals
11 participating in the medical home system.

12 7. The department shall provide for system
13 simplification through the use of universal referral
14 forms, internet-based tools for providers, and a
15 central medical home internet site for providers.

16 8. The department shall recommend a reimbursement
17 methodology and incentives for participation in the
18 medical home system to ensure that providers enter and
19 remain participating in the system. In developing the
20 recommendations for incentives, the department shall
21 consider, at a minimum, providing incentives to
22 promote wellness, prevention, chronic care management,
23 immunizations, health care management, and the use of
24 electronic health records. In developing the
25 recommendations for the reimbursement system, the
26 department shall analyze, at a minimum, the
27 feasibility of all of the following:

28 a. Reimbursement under the medical assistance
29 program to promote wellness and prevention, provide
30 care coordination, and provide chronic care
31 management.

32 b. Increasing reimbursement to Medicare levels for
33 certain wellness and prevention services, chronic care
34 management, and immunizations.

35 c. Providing reimbursement for primary care
36 services by addressing the disparities between
37 reimbursement for specialty services and primary care
38 services.

39 d. Increased funding for efforts to transform
40 medical practices into certified medical homes,
41 including emphasizing the implementation of the use of
42 electronic health records.

43 e. Targeted reimbursement to providers linked to
44 health care quality improvement measures established
45 by the department.

46 f. Reimbursement for specified ancillary support
47 services such as transportation for medical
48 appointments and other such services.

49 g. Providing reimbursement for medication
50 reconciliation and medication therapy management

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1 service, where appropriate.

2 9. The department shall coordinate the
3 requirements and activities of the medical home system
4 with the requirements and activities of the dental
5 home for children as described in section 249J.14,
6 subsection 7, and shall recommend financial incentives
7 for dentists and nondental providers to promote oral
8 health care coordination through preventive dental
9 intervention, early identification of oral disease
10 risk, health care coordination and data tracking,
11 treatment, chronic care management, education and
12 training, parental guidance, and oral health
13 promotions for children.

14 10. The department shall integrate the
15 recommendations and policies developed by the
16 prevention and chronic care management advisory
17 council into the medical home system.

18 11. Implementation phases.

19 a. Initial implementation shall require
20 participation in the medical home system of children
21 who are recipients of full benefits under the medical
22 assistance program. The department shall work with
23 the department of human services and shall recommend
24 to the general assembly a reimbursement methodology to
25 compensate providers participating under the medical
26 assistance program for participation in the medical
27 home system.

28 b. The department shall work with the department
29 of human services to expand the medical home system to
30 adults who are recipients of full benefits under the
31 medical assistance program and the expansion
32 population under the IowaCare program. The department
33 shall work with the centers for Medicare and Medicaid
34 services of the United States department of health and
35 human services to allow Medicare recipients to utilize
36 the medical home system.

37 c. The department shall work with the department
38 of administrative services to allow state employees to
39 utilize the medical home system.

40 d. The department shall work with insurers and
41 self-insured companies, if requested, to make the
42 medical home system available to individuals with
43 private health care coverage.

44 12. The department shall provide oversight for all
45 certified medical homes. The department shall review
46 the progress of the medical home system and recommend
47 improvements to the system, as necessary.

48 13. The department shall annually evaluate the
49 medical home system and make recommendations to the
50 governor and the general assembly regarding

1 improvements to and continuation of the system.
2 14. Recommendations and other activities resulting
3 from the duties authorized for the department under
4 this section shall require approval by the board prior
5 to any subsequent action or implementation.

6 Sec. 47. Section 136.3, Code 2007, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 12. Perform those duties
9 authorized pursuant to section 135.159.

10 Sec. 48. Section 249J.14, subsection 7, Code 2007,
11 is amended to read as follows:

12 7. DENTAL HOME FOR CHILDREN. By ~~July 1, 2008~~
13 ~~December 31, 2010~~, every recipient of medical
14 assistance who is a child twelve years of age or
15 younger shall have a designated dental home and shall
16 be provided with the dental screenings, ~~and~~ preventive
17 ~~care identified in the oral health standards services,~~
18 diagnostic services, treatment services, and emergency
19 services as defined under the early and periodic
20 screening, diagnostic, and treatment program.

21 Sec. 49. MEDICAL HOME SYSTEM – APPROPRIATION.

22 There is appropriated from the general fund of the
23 state to the department of public health for the
24 fiscal year beginning July 1, 2008, and ending June
25 30, 2009, the following amount, or so much thereof as
26 is necessary, for the purpose designated:

27 For activities associated with the medical home
28 system requirements of this division and for not more
29 than the following full-time equivalent positions:
30 \$ 165,600
31 FTEs 4.00

32 DIVISION IX

33 PREVENTION AND CHRONIC CARE MANAGEMENT

34 DIVISION XXIII

35 PREVENTION AND CHRONIC CARE MANAGEMENT

36 Sec. 50. NEW SECTION. 135.160 DEFINITIONS.

37 For the purpose of this division, unless the
38 context otherwise requires:

39 1. "Board" means the state board of health created
40 pursuant to section 136.1.

41 2. "Chronic care" means health care services
42 provided by a health care professional for an
43 established clinical condition that is expected to
44 last a year or more and that requires ongoing clinical
45 management attempting to restore the individual to
46 highest function, minimize the negative effects of the
47 chronic condition, and prevent complications related
48 to the chronic condition.

49 3. "Chronic care information system" means
50 approved information technology to enhance the

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- 1 development and communication of information to be
2 used in providing chronic care, including clinical,
3 social, and economic outcomes of chronic care.
- 4 4. "Chronic care management" means a system of
5 coordinated health care interventions and
6 communications for individuals with chronic
7 conditions, including significant patient self-care
8 efforts, systemic supports for the health care
9 professional and patient relationship, and a chronic
10 care plan emphasizing prevention of complications
11 utilizing evidence-based practice guidelines, patient
12 empowerment strategies, and evaluation of clinical,
13 humanistic, and economic outcomes on an ongoing basis
14 with the goal of improving overall health.
- 15 5. "Chronic care plan" means a plan of care
16 between an individual and the individual's principal
17 health care professional that emphasizes prevention of
18 complications through patient empowerment including
19 but not limited to providing incentives to engage the
20 patient in the patient's own care and in clinical,
21 social, or other interventions designed to minimize
22 the negative effects of the chronic condition.
- 23 6. "Chronic care resources" means health care
24 professionals, advocacy groups, health departments,
25 schools of public health and medicine, health plans,
26 and others with expertise in public health, health
27 care delivery, health care financing, and health care
28 research.
- 29 7. "Chronic condition" means an established
30 clinical condition that is expected to last a year or
31 more and that requires ongoing clinical management.
- 32 8. "Department" means the department of public
33 health.
- 34 9. "Director" means the director of public health.
- 35 10. "Eligible individual" means a resident of this
36 state who has been diagnosed with a chronic condition
37 or is at an elevated risk for a chronic condition and
38 who is a recipient of medical assistance, is a member
39 of the expansion population pursuant to chapter 249J,
40 or is an inmate of a correctional institution in this
41 state.
- 42 11. "Health care professional" means health care
43 professional as defined in section 135.157.
- 44 12. "Health risk assessment" means screening by a
45 health care professional for the purpose of assessing
46 an individual's health, including tests or physical
47 examinations and a survey or other tool used to gather
48 information about an individual's health, medical
49 history, and health risk factors during a health
50 screening.

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1 Sec. 51. NEW SECTION. 135.161 PREVENTION AND
2 CHRONIC CARE MANAGEMENT INITIATIVE – ADVISORY
3 COUNCIL.

4 1. The director, in collaboration with the
5 prevention and chronic care management advisory
6 council, shall develop a state initiative for
7 prevention and chronic care management. The state
8 initiative consists of the state's plan for developing
9 a chronic care organizational structure for prevention
10 and chronic care management, including coordinating
11 the efforts of health care professionals and chronic
12 care resources to promote the health of residents and
13 the prevention and management of chronic conditions,
14 developing and implementing arrangements for
15 delivering prevention services and chronic care
16 management, developing significant patient self-care
17 efforts, providing systemic support for the health
18 care professional-patient relationship and options for
19 channeling chronic care resources and support to
20 health care professionals, providing for community
21 development and outreach and education efforts, and
22 coordinating information technology initiatives with
23 the chronic care information system.

24 2. The director may accept grants and donations
25 and shall apply for any federal, state, or private
26 grants available to fund the initiative. Any grants
27 or donations received shall be placed in a separate
28 fund in the state treasury and used exclusively for
29 the initiative or as federal law directs.

30 3. a. The director shall establish and convene an
31 advisory council to provide technical assistance to
32 the director in developing a state initiative that
33 integrates evidence-based prevention and chronic care
34 management strategies into the public and private
35 health care systems, including the medical home
36 system. Public members of the advisory council shall
37 receive their actual and necessary expenses incurred
38 in the performance of their duties and may be eligible
39 to receive compensation as provided in section 7E.6.

40 b. The advisory council shall elicit input from a
41 variety of health care professionals, health care
42 professional organizations, community and nonprofit
43 groups, insurers, consumers, businesses, school
44 districts, and state and local governments in
45 developing the advisory council's recommendations.

46 c. The advisory council shall submit initial
47 recommendations to the director for the state
48 initiative for prevention and chronic care management
49 no later than July 1, 2009. The recommendations shall
50 address all of the following:

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1 (1) The recommended organizational structure for
2 integrating prevention and chronic care management
3 into the private and public health care systems. The
4 organizational structure recommended shall align with
5 the organizational structure established for the
6 medical home system developed pursuant to division
7 XXII. The advisory council shall also review existing
8 prevention and chronic care management strategies used
9 in the health insurance market and in private and
10 public programs and recommend ways to expand the use
11 of such strategies throughout the health insurance
12 market and in the private and public health care
13 systems.

14 (2) A process for identifying leading health care
15 professionals and existing prevention and chronic care
16 management programs in the state, and coordinating
17 care among these health care professionals and
18 programs.

19 (3) A prioritization of the chronic conditions for
20 which prevention and chronic care management services
21 should be provided, taking into consideration the
22 prevalence of specific chronic conditions and the
23 factors that may lead to the development of chronic
24 conditions; the fiscal impact to state health care
25 programs of providing care for the chronic conditions
26 of eligible individuals; the availability of workable,
27 evidence-based approaches to chronic care for the
28 chronic condition; and public input into the selection
29 process. The advisory council shall initially develop
30 consensus guidelines to address the two chronic
31 conditions identified as having the highest priority
32 and shall also specify a timeline for inclusion of
33 additional specific chronic conditions in the
34 initiative.

35 (4) A method to involve health care professionals
36 in identifying eligible patients for prevention and
37 chronic care management services, which includes but
38 is not limited to the use of a health risk assessment.

39 (5) The methods for increasing communication
40 between health care professionals and patients,
41 including patient education, patient self-management,
42 and patient follow-up plans.

43 (6) The educational, wellness, and clinical
44 management protocols and tools to be used by health
45 care professionals, including management guideline
46 materials for health care delivery.

47 (7) The use and development of process and outcome
48 measures and benchmarks, aligned to the greatest
49 extent possible with existing measures and benchmarks
50 such as the best in class estimates utilized in the

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1 national healthcare quality report of the agency for
2 health care research and quality of the United States
3 department of health and human services, to provide
4 performance feedback for health care professionals and
5 information on the quality of health care, including
6 patient satisfaction and health status outcomes.

7 (8) Payment methodologies to align reimbursements
8 and create financial incentives and rewards for health
9 care professionals to utilize prevention services,
10 establish management systems for chronic conditions,
11 improve health outcomes, and improve the quality of
12 health care, including case management fees, payment
13 for technical support and data entry associated with
14 patient registries, and the cost of staff coordination
15 within a medical practice.

16 (9) Methods to involve public and private groups,
17 health care professionals, insurers, third-party
18 administrators, associations, community and consumer
19 groups, and other entities to facilitate and sustain
20 the initiative.

21 (10) Alignment of any chronic care information
22 system or other information technology needs with
23 other health care information technology initiatives.

24 (11) Involvement of appropriate health resources
25 and public health and outcomes researchers to develop
26 and implement a sound basis for collecting data and
27 evaluating the clinical, social, and economic impact
28 of the initiative, including a determination of the
29 impact on expenditures and prevalence and control of
30 chronic conditions.

31 (12) Elements of a marketing campaign that
32 provides for public outreach and consumer education in
33 promoting prevention and chronic care management
34 strategies among health care professionals, health
35 insurers, and the public.

36 (13) A method to periodically determine the
37 percentage of health care professionals who are
38 participating, the success of the
39 empowerment-of-patients approach, and any results of
40 health outcomes of the patients participating.

41 (14) A means of collaborating with the health
42 professional licensing boards pursuant to chapter 147
43 to review prevention and chronic care management
44 education provided to licensees, as appropriate, and
45 recommendations regarding education resources and
46 curricula for integration into existing and new
47 education and training programs.

48 4. Following submission of initial recommendations
49 to the director for the state initiative for
50 prevention and chronic care management by the advisory

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1 council, the director shall submit the state
2 initiative to the board for approval. Subject to
3 approval of the state initiative by the board, the
4 department shall initially implement the state
5 initiative among the population of eligible
6 individuals. Following initial implementation, the
7 director shall work with the department of human
8 services, insurers, health care professional
9 organizations, and consumers in implementing the
10 initiative beyond the population of eligible
11 individuals as an integral part of the health care
12 delivery system in the state. The advisory council
13 shall continue to review and make recommendations to
14 the director regarding improvements to the initiative.
15 Any recommendations are subject to approval by the
16 board.

17 Sec. 52. NEW SECTION. 135.162 CLINICIANS
18 ADVISORY PANEL.

19 1. The director shall convene a clinicians
20 advisory panel to advise and recommend to the
21 department clinically appropriate, evidence-based best
22 practices regarding the implementation of the medical
23 home as defined in section 135.157 and the prevention
24 and chronic care management initiative pursuant to
25 section 135.161. The director shall act as
26 chairperson of the advisory panel.

27 2. The clinicians advisory panel shall consist of
28 nine members representing licensed medical health care
29 providers selected by their respective professional
30 organizations. Terms of members shall begin and end
31 as provided in section 69.19. Any vacancy shall be
32 filled in the same manner as regular appointments are
33 made for the unexpired portion of the regular term.
34 Members shall serve terms of three years. A member is
35 eligible for reappointment for three successive terms.

36 3. The clinicians advisory panel shall meet on a
37 quarterly basis to receive updates from the director
38 regarding strategic planning and implementation
39 progress on the medical home and the prevention and
40 chronic care management initiative and shall provide
41 clinical consultation to the department regarding the
42 medical home and the initiative.

43 Sec. 53. Section 136.3, Code 2007, is amended by
44 adding the following new subsection:

45 NEW SUBSECTION. 13. Perform those duties
46 authorized pursuant to section 135.161.

47 Sec. 54. PREVENTION AND CHRONIC CARE MANAGEMENT –
48 APPROPRIATION. There is appropriated from the general
49 fund of the state to the department of public health
50 for the fiscal year beginning July 1, 2008, and ending

1 June 30, 2009, the following amount, or so much
2 thereof as is necessary, for the purpose designated:

3 For activities associated with the prevention and
4 chronic care management requirements of this division:

5 \$ 190,500

6 DIVISION X
7 FAMILY OPPORTUNITY ACT

8 Sec. 55. 2007 Iowa Acts, chapter 218, section 126,
9 subsection 1, is amended to read as follows:

10 1. The provision in this division of this Act
11 relating to eligibility for certain persons with
12 disabilities under the medical assistance program
13 shall ~~only~~ be implemented if the department of human
14 services determines that funding is available in
15 appropriations made in this Act, in combination with
16 federal allocations to the state, for the state
17 children's health insurance program, in excess of the
18 amount needed to cover the current and projected
19 enrollment under the state children's health insurance
20 program beginning January 1, 2009. If such a
21 determination is made, the department of human
22 services shall transfer funding from the
23 appropriations made in this Act for the state
24 children's health insurance program, not otherwise
25 required for that program, to the appropriations made
26 in this Act for medical assistance, as necessary, to
27 implement such provision of this division of this Act.

28 DIVISION XI
29 MEDICAL ASSISTANCE QUALITY IMPROVEMENT
30 Sec. 56. NEW SECTION. 249A.36 MEDICAL ASSISTANCE
31 QUALITY IMPROVEMENT COUNCIL.

32 1. A medical assistance quality improvement
33 council is established. The council shall evaluate
34 the clinical outcomes and satisfaction of consumers
35 and providers with the medical assistance program.
36 The council shall coordinate efforts with the cost and
37 quality performance evaluation completed pursuant to
38 section 249J.16. The council shall also coordinate
39 its efforts with the efforts of the department of
40 public health regarding health care consumer
41 information under section 135.163.

42 2. a. The council shall consist of seven voting
43 members appointed by the majority leader of the
44 senate, the minority leader of the senate, the speaker
45 of the house, and the minority leader of the house of
46 representatives. At least one member of the council
47 shall be a consumer and at least one member shall be a
48 medical assistance program provider. An individual
49 who is employed by a private or nonprofit organization
50 that receives one million dollars or more in

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1 compensation or reimbursement from the department,
2 annually, is not eligible for appointment to the
3 council. The members shall serve terms of two years
4 beginning and ending as provided in section 69.19, and
5 appointments shall comply with sections 69.16 and
6 69.16A. Members shall receive reimbursement for
7 actual expenses incurred while serving in their
8 official capacity and may also be eligible to receive
9 compensation as provided in section 7E.6. Vacancies
10 shall be filled by the original appointing authority
11 and in the manner of the original appointment. A
12 person appointed to fill a vacancy shall serve only
13 for the unexpired portion of the term.

14 b. The members shall select a chairperson,
15 annually, from among the membership. The council
16 shall meet at least quarterly and at the call of the
17 chairperson. A majority of the members of the council
18 constitutes a quorum. Any action taken by the council
19 must be adopted by the affirmative vote of a majority
20 of its voting membership.

21 c. The department shall provide administrative
22 support and necessary supplies and equipment for the
23 council.

24 3. The council shall consult with and advise the
25 Iowa Medicaid enterprise in establishing a quality
26 assessment and improvement process.

27 a. The process shall be consistent with the health
28 plan employer data and information set developed by
29 the national committee for quality assurance and with
30 the consumer assessment of health care providers and
31 systems developed by the agency for health care
32 research and quality of the United States department
33 of health and human services. The council shall also
34 coordinate efforts with the Iowa healthcare
35 collaborative and the state's Medicare quality
36 improvement organization to create consistent quality
37 measures.

38 b. The process may utilize as a basis the medical
39 assistance and state children's health insurance
40 quality improvement efforts of the centers for
41 Medicare and Medicaid services of the United States
42 department of health and human services.

43 c. The process shall include assessment and
44 evaluation of both managed care and fee-for-service
45 programs, and shall be applicable to services provided
46 to adults and children.

47 d. The initial process shall be developed and
48 implemented by December 31, 2008, with the initial
49 report of results to be made available to the public
50 by June 30, 2009. Following the initial report, the

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1 council shall submit a report of results to the
2 governor and the general assembly, annually, in
3 January.

4 DIVISION XII

5 HEALTH CARE CONSUMER INFORMATION

6 DIVISION XXIV

7 HEALTH CARE CONSUMER INFORMATION

8 Sec. 57. NEW SECTION. 135.163 HEALTH CARE
9 CONSUMER INFORMATION.

10 The department shall do all of the following to
11 improve consumer education about health cost and
12 quality:

13 1. Provide for coordination of efforts to promote
14 public reporting of hospital and physician quality
15 measures, including efforts of the Iowa healthcare
16 collaborative, the state's Medicare quality
17 improvement organization, the Iowa Medicaid
18 enterprise, and the medical assistance quality
19 improvement council established pursuant to section
20 249A.36.

21 2. Provide for the coordination of efforts to
22 promote public reporting of health care costs,
23 including efforts of the Iowa hospital association,
24 Iowa medical society, and the Iowa health buyers'
25 alliance.

26 3. Create a public awareness campaign to educate
27 consumers about enhanced health through lifestyle
28 choices.

29 4. Promote adoption of health information
30 technology through provider incentives.

31 5. Evaluate the efficacy of a standard medication
32 therapy management program.

33 DIVISION XIII

34 HEALTH AND LONG-TERM CARE ACCESS

35 Sec. 58. Section 135.63, subsection 2, paragraph
36 1, Code 2007, is amended to read as follows:

37 1. The replacement or modernization of any
38 institutional health facility if the replacement or
39 modernization does not add new health services or
40 additional bed capacity for existing health services,
41 notwithstanding any provision in this division to the
42 contrary. In addition, with reference to a hospital,
43 "replacement" means establishing a new hospital that
44 demonstrates compliance with all of the following
45 criteria through evidence submitted to the department:

46 (1) Serves at least seventy-five percent of the
47 same service area that was served by the prior
48 hospital to be closed and replaced by the new
49 hospital.

50 (2) Provides at least seventy-five percent of the

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1 same services that were provided by the prior hospital
2 to be closed and replaced by the new hospital.

3 (3) Is staffed by at least seventy-five percent of
4 the same staff, including medical staff, contracted
5 staff, and employees, as constituted the staff of the
6 prior hospital to be closed and replaced by the new
7 hospital.

8 Sec. 59. NEW SECTION. 135.164 HEALTH AND
9 LONG-TERM CARE ACCESS.

10 The department shall coordinate public and private
11 efforts to develop and maintain an appropriate health
12 care delivery infrastructure and a stable,
13 well-qualified, diverse, and sustainable health care
14 workforce in this state. The health care delivery
15 infrastructure and the health care workforce shall
16 address the broad spectrum of health care needs of
17 lowans throughout their lifespan including long-term
18 care needs. The department shall, at a minimum, do
19 all of the following:

- 20 1. Develop a strategic plan for health care
21 delivery infrastructure and health care workforce
22 resources in this state.
- 23 2. Provide for the continuous collection of data
24 to provide a basis for health care strategic planning
25 and health care policymaking.
- 26 3. Make recommendations regarding the health care
27 delivery infrastructure and the health care workforce
28 that assist in monitoring current needs, predicting
29 future trends, and informing policymaking.

30 Sec. 60. NEW SECTION. 135.165 STRATEGIC PLAN.

31 1. The strategic plan for health care delivery
32 infrastructure and health care workforce resources
33 shall describe the existing health care system,
34 describe and provide a rationale for the desired
35 health care system, provide an action plan for
36 implementation, and provide methods to evaluate the
37 system. The plan shall incorporate expenditure
38 control methods and integrate criteria for
39 evidence-based health care. The department shall do
40 all of the following in developing the strategic plan
41 for health care delivery infrastructure and health
42 care workforce resources:

- 43 a. Conduct strategic health planning activities
44 related to preparation of the strategic plan.
- 45 b. Develop a computerized system for accessing,
46 analyzing, and disseminating data relevant to
47 strategic health planning. The department may enter
48 into data sharing agreements and contractual
49 arrangements necessary to obtain or disseminate
50 relevant data.

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1 c. Conduct research and analysis or arrange for
2 research and analysis projects to be conducted by
3 public or private organizations to further the
4 development of the strategic plan.

5 d. Establish a technical advisory committee to
6 assist in the development of the strategic plan. The
7 members of the committee may include but are not
8 limited to health economists, representatives of the
9 university of Iowa college of public health, health
10 planners, representatives of health care purchasers,
11 representatives of state and local agencies that
12 regulate entities involved in health care,
13 representatives of health care providers and health
14 care facilities, and consumers.

15 2. The strategic plan shall include statewide
16 health planning policies and goals related to the
17 availability of health care facilities and services,
18 the quality of care, and the cost of care. The
19 policies and goals shall be based on the following
20 principles:

21 a. That a strategic health planning process,
22 responsive to changing health and social needs and
23 conditions, is essential to the health, safety, and
24 welfare of Iowans. The process shall be reviewed and
25 updated as necessary to ensure that the strategic plan
26 addresses all of the following:

27 (1) Promoting and maintaining the health of all
28 Iowans.

29 (2) Providing accessible health care services
30 through the maintenance of an adequate supply of
31 health facilities and an adequate workforce.

32 (3) Controlling excessive increases in costs.

33 (4) Applying specific quality criteria and
34 population health indicators.

35 (5) Recognizing prevention and wellness as
36 priorities in health care programs to improve quality
37 and reduce costs.

38 (6) Addressing periodic priority issues including
39 disaster planning, public health threats, and public
40 safety dilemmas.

41 (7) Coordinating health care delivery and resource
42 development efforts among state agencies including
43 those tasked with facility, services, and professional
44 provider licensure; state and federal reimbursement;
45 health service utilization data systems; and others.

46 (8) Recognizing long-term care as an integral
47 component of the health care delivery infrastructure
48 and as an essential service provided by the health
49 care workforce.

50 b. That both consumers and providers throughout

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1 the state must be involved in the health planning
2 process, outcomes of which shall be clearly
3 articulated and available for public review and use.

4 c. That the supply of a health care service has a
5 substantial impact on utilization of the service,
6 independent of the effectiveness, medical necessity,
7 or appropriateness of the particular health care
8 service for a particular individual.

9 d. That given that health care resources are not
10 unlimited, the impact of any new health care service
11 or facility on overall health expenditures in this
12 state must be considered.

13 e. That excess capacity of health care services
14 and facilities places an increased economic burden on
15 the public.

16 f. That the likelihood that a requested new health
17 care facility, service, or equipment will improve
18 health care quality and outcomes must be considered.

19 g. That development and ongoing maintenance of
20 current and accurate health care information and
21 statistics related to cost and quality of health care
22 and projections of the need for health care facilities
23 and services are necessary to developing an effective
24 health care planning strategy.

25 h. That the certificate of need program as a
26 component of the health care planning regulatory
27 process must balance considerations of access to
28 quality care at a reasonable cost for all Iowans,
29 optimal use of existing health care resources,
30 fostering of expenditure control, and elimination of
31 unnecessary duplication of health care facilities and
32 services, while supporting improved health care
33 outcomes.

34 i. That strategic health care planning must be
35 concerned with the stability of the health care
36 system, encompassing health care financing, quality,
37 and the availability of information and services for
38 all residents.

39 3. The health care delivery infrastructure and
40 health care workforce resources strategic plan
41 developed by the department shall include all of the
42 following:

43 a. A health care system assessment and objectives
44 component that does all of the following:

45 (1) Describes state and regional population
46 demographics, health status indicators, and trends in
47 health status and health care needs.

48 (2) Identifies key policy objectives for the state
49 health care system related to access to care, health
50 care outcomes, quality, and cost-effectiveness.

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1 b. A health care facilities and services plan that
2 assesses the demand for health care facilities and
3 services to inform state health care planning efforts
4 and direct certificate of need determinations, for
5 those facilities and services subject to certificate
6 of need. The plan shall include all of the following:

7 (1) An inventory of each geographic region's
8 existing health care facilities and services.

9 (2) Projections of the need for each category of
10 health care facility and service, including those
11 subject to certificate of need.

12 (3) Policies to guide the addition of new or
13 expanded health care facilities and services to
14 promote the use of quality, evidence-based,
15 cost-effective health care delivery options, including
16 any recommendations for criteria, standards, and
17 methods relevant to the certificate of need review
18 process.

19 (4) An assessment of the availability of health
20 care providers, public health resources,
21 transportation infrastructure, and other
22 considerations necessary to support the needed health
23 care facilities and services in each region.

24 c. A health care data resources plan that
25 identifies data elements necessary to properly conduct
26 planning activities and to review certificate of need
27 applications, including data related to inpatient and
28 outpatient utilization and outcomes information, and
29 financial and utilization information related to
30 charity care, quality, and cost. The plan shall
31 provide all of the following:

32 (1) An inventory of existing data resources, both
33 public and private, that store and disclose
34 information relevant to the health care planning
35 process, including information necessary to conduct
36 certificate of need activities. The plan shall
37 identify any deficiencies in the inventory of existing
38 data resources and the data necessary to conduct
39 comprehensive health care planning activities. The
40 plan may recommend that the department be authorized
41 to access existing data sources and conduct
42 appropriate analyses of such data or that other
43 agencies expand their data collection activities as
44 statutory authority permits. The plan may identify
45 any computing infrastructure deficiencies that impede
46 the proper storage, transmission, and analysis of
47 health care planning data.

48 (2) Recommendations for increasing the
49 availability of data related to health care planning
50 to provide greater community involvement in the health

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1 care planning process and consistency in data used for
2 certificate of need applications and determinations.
3 The plan shall also integrate the requirements for
4 annual reports by hospitals and health care facilities
5 pursuant to section 135.75, the provisions relating to
6 analyses and studies by the department pursuant to
7 section 135.76, the data compilation provisions of
8 section 135.78, and the provisions for contracts for
9 assistance with analyses, studies, and data pursuant
10 to section 135.83.

11 d. An assessment of emerging trends in health care
12 delivery and technology as they relate to access to
13 health care facilities and services, quality of care,
14 and costs of care. The assessment shall recommend any
15 changes to the scope of health care facilities and
16 services covered by the certificate of need program
17 that may be warranted by these emerging trends. In
18 addition, the assessment may recommend any changes to
19 criteria used by the department to review certificate
20 of need applications, as necessary.

21 e. A rural health care resources plan to assess
22 the availability of health resources in rural areas of
23 the state, assess the unmet needs of these
24 communities, and evaluate how federal and state
25 reimbursement policies can be modified, if necessary,
26 to more efficiently and effectively meet the health
27 care needs of rural communities. The plan shall
28 consider the unique health care needs of rural
29 communities, the adequacy of the rural health care
30 workforce, and transportation needs for accessing
31 appropriate care.

32 f. A health care workforce resources plan to
33 assure a competent, diverse, and sustainable health
34 care workforce in Iowa and to improve access to health
35 care in underserved areas and among underserved
36 populations. The plan shall include the establishment
37 of an advisory council to inform and advise the
38 department and policymakers regarding issues relevant
39 to the health care workforce in Iowa. The health care
40 workforce resources plan shall recognize long-term
41 care as an essential service provided by the health
42 care workforce.

43 4. The department shall submit the initial
44 statewide health care delivery infrastructure and
45 resources strategic plan to the governor and the
46 general assembly by January 1, 2010, and shall submit
47 an updated strategic plan to the governor and the
48 general assembly every two years thereafter.

49 Sec. 61. HEALTH CARE ACCESS – APPROPRIATION.
50 There is appropriated from the general fund of the

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1 state to the department of public health for the
2 fiscal year beginning July 1, 2008, and ending June
3 30, 2009, the following amount, or so much thereof as
4 is necessary, for the purpose designated:

5 For activities associated with the health care
6 access requirements of this division, and for not more
7 than the following full-time equivalent positions:

8 \$ 172,20
9 FTEs 3.0

10 DIVISION XIV
11 PREVENTION AND WELLNESS
12 INITIATIVES

13 Sec. 62. Section 135.27, Code 2007, is amended by
14 striking the section and inserting in lieu thereof the
15 following:

16 135.27 IOWA HEALTHY COMMUNITIES INITIATIVE –
17 GRANT PROGRAM.

18 1. PROGRAM GOALS. The department shall establish
19 a grant program to energize local communities to
20 transform the existing culture into a culture that
21 promotes healthy lifestyles and leads collectively,
22 community by community, to a healthier state. The
23 grant program shall expand an existing healthy
24 communities initiative to assist local boards of
25 health, in collaboration with existing community
26 resources, to build community capacity in addressing
27 the prevention of chronic disease that results from
28 risk factors including overweight and obesity
29 conditions.

30 2. DISTRIBUTION OF GRANTS. The department shall
31 distribute the grants on a competitive basis and shall
32 support the grantee communities in planning and
33 developing wellness strategies and establishing
34 methodologies to sustain the strategies. Grant
35 criteria shall be consistent with the existing
36 statewide initiative between the department and the
37 department's partners that promotes increased
38 opportunities for physical activity and healthy eating
39 for Iowans of all ages, or its successor, and the
40 statewide comprehensive plan developed by the existing
41 statewide initiative to increase physical activity,
42 improve nutrition, and promote healthy behaviors.
43 Grantees shall demonstrate an ability to maximize
44 local, state, and federal resources effectively and
45 efficiently.

46 3. DEPARTMENTAL SUPPORT. The department shall
47 provide support to grantees including
48 capacity-building strategies, technical assistance,
49 consultation, and ongoing evaluation.

50 4. ELIGIBILITY. Local boards of health

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1 representing a coalition of health care providers and
2 community and private organizations are eligible to
3 submit applications.

4 Sec. 63. NEW SECTION. 135.27A GOVERNOR'S COUNCIL
5 ON PHYSICAL FITNESS AND NUTRITION.

6 1. A governor's council on physical fitness and
7 nutrition is established consisting of twelve members
8 appointed by the governor who have expertise in
9 physical activity, physical fitness, nutrition, and
10 promoting healthy behaviors. At least one member
11 shall be a representative of elementary and secondary
12 physical education professionals, at least one member
13 shall be a health care professional, at least one
14 member shall be a registered dietician, at least one
15 member shall be recommended by the department of elder
16 affairs, and at least one member shall be an active
17 nutrition or fitness professional. In addition, at
18 least one member shall be a member of a racial or
19 ethnic minority. The governor shall select a
20 chairperson for the council. Members shall serve
21 terms of three years beginning and ending as provided
22 in section 69.19. Appointments are subject to
23 sections 69.16 and 69.16A. Members are entitled to
24 receive reimbursement for actual expenses incurred
25 while engaged in the performance of official duties.
26 A member of the council may also be eligible to
27 receive compensation as provided in section 7E.6.

28 2. The council shall assist in developing a
29 strategy for implementation of the statewide
30 comprehensive plan developed by the existing statewide
31 initiative to increase physical activity, improve
32 physical fitness, improve nutrition, and promote
33 healthy behaviors. The strategy shall include
34 specific components relating to specific populations
35 and settings including early childhood, educational,
36 local community, worksite wellness, health care, and
37 older Iowans. The initial draft of the implementation
38 plan shall be submitted to the governor and the
39 general assembly by December 1, 2008.

40 3. The council shall assist the department in
41 establishing and promoting a best practices internet
42 site. The internet site shall provide examples of
43 wellness best practices for individuals, communities,
44 workplaces, and schools and shall include successful
45 examples of both evidence-based and nonscientific
46 programs as a resource.

47 4. The council shall provide oversight for the
48 governor's physical fitness challenge. The governor's
49 physical fitness challenge shall be administered by
50 the department and shall provide for the establishment

1 of partnerships with communities or school districts
 2 to offer the physical fitness challenge curriculum to
 3 elementary and secondary school students. The council
 4 shall develop the curriculum, including benchmarks and
 5 rewards, for advancing the school wellness policy
 6 through the challenge.

7 Sec. 64. IOWA HEALTHY COMMUNITIES INITIATIVE –
 8 APPROPRIATION. There is appropriated from the general
 9 fund of the state to the department of public health
 10 for the fiscal year beginning July 1, 2008, and ending
 11 June 30, 2009, the following amount, or so much
 12 thereof as is necessary, for the purpose designated:

13 For Iowa healthy communities initiative grants
 14 distributed beginning January 1, 2009, and for not
 15 more than the following full-time equivalent
 16 positions:
 17 \$ 900,000
 18 FTEs 3.00

19 Sec. 65. GOVERNOR'S COUNCIL ON PHYSICAL FITNESS
 20 AND NUTRITION – APPROPRIATION. There is appropriated
 21 from the general fund of the state to the department
 22 of public health for the fiscal period beginning July
 23 1, 2008, and ending June 30, 2009, the following
 24 amount, or so much thereof as is necessary, for the
 25 purpose designated:

26 For the governor's council on physical fitness:
 27 \$ 112,100

28 Sec. 66. SMALL BUSINESS QUALIFIED WELLNESS PROGRAM
 29 TAX CREDIT – PLAN. The department of public health,
 30 in consultation with the insurance division of the
 31 department of commerce and the department of revenue,
 32 shall develop a plan to provide a tax credit to small
 33 businesses that provide qualified wellness programs to
 34 improve the health of their employees. The plan shall
 35 include specification of what constitutes a small
 36 business for the purposes of the qualified wellness
 37 program, the minimum standards for use by a small
 38 business in establishing a qualified wellness program,
 39 the criteria and a process for certification of a
 40 small business qualified wellness program, and the
 41 process for claiming a small business qualified
 42 wellness program tax credit. The department of public
 43 health shall submit the plan including any
 44 recommendations for changes in law to implement a
 45 small business qualified wellness program tax credit
 46 to the governor and the general assembly by December
 47 15, 2008.

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1 HEALTH CARE TRANSPARENCY
2 Sec. 67. NEW SECTION. 135.166 HEALTH CARE
3 TRANSPARENCY – REPORTING REQUIREMENTS.

4 1. A hospital licensed pursuant to chapter 135B a
5 physician licensed pursuant to chapter 148, 150, or
6 150A, and a chiropractor licensed pursuant to chapter
7 151 shall report quality indicators, annually, to the
8 Iowa healthcare collaborative as defined in section
9 135.40. The indicators shall be developed by the Iowa
10 healthcare collaborative in accordance with
11 evidence-based practice parameters and appropriate
12 sample size for statistical validation and shall be
13 modeled on national indicators as specified in this
14 section.

15 2. A manufacturer or supplier of durable medical
16 equipment or medical supplies doing business in the
17 state shall submit a price list to the department of
18 human services, annually, for use in comparing prices
19 for such equipment and supplies with rates paid under
20 the medical assistance program. The price lists
21 submitted shall be made available to the public.

22 3. Each hospital in the state that is recognized
23 by the Internal Revenue Code as a nonprofit
24 organization or entity shall submit, to the department
25 of public health and to the legislative services
26 agency, annually, a copy of the hospital's internal
27 revenue service form 990, including but not limited to
28 schedule J or any successor schedule that provides
29 compensation information for certain officers,
30 directors, trustees, and key employees, and highest
31 compensated employees within ninety days following the
32 due date for filing the hospital's return for the
33 taxable year.

34 4. a. The Iowa healthcare collaborative shall
35 publicly report indicators and measures including but
36 not limited to quality, patient safety, pediatric
37 care, patient safety indicators and measures as
38 developed by such nationally recognized entities as
39 the agency for healthcare research and quality of the
40 United States department of health and human services
41 and the centers for Medicare and Medicaid services of
42 the United States department of health and human
43 services and similar national entities.

44 b. The Iowa healthcare collaborative shall also
45 report health care acquired infection measures and
46 indicators after validity measures have been developed
47 in conjunction with the state epidemiologist and after
48 legal protections for health care providers subject to
49 reporting such data have been established.

50 Sec. 68. Section 136.3, Code 2007, is amended by

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1 adding the following new subsection:
2 NEW SUBSECTION. 14. To the greatest extent
3 possible integrate the efforts of the governing
4 entities of the Iowa health information technology
5 system pursuant to division XXI, the medical home
6 pursuant to division XXII, the prevention and chronic
7 care management initiative pursuant to division XXIII,
8 consumer information provisions pursuant to division
9 XXIV, and health and long-term care access pursuant to
10 division XXV.

11 DIVISION XVI
12 DIRECT CARE WORKFORCE

13 Sec. 69. DIRECT CARE WORKER ADVISORY COUNCIL –
14 DUTIES – REPORT.

- 15 1. As used in this section, unless the context
16 otherwise requires:
- 17 a. "Department" means the department of public
18 health.
 - 19 b. "Direct care" means environmental or chore
20 services, health monitoring and maintenance,
21 assistance with instrumental activities of daily
22 living, assistance with personal care activities of
23 daily living, personal care support, or specialty
24 skill services.
 - 25 c. "Direct care worker" means an individual who
26 directly provides or assists a consumer in the care of
27 the consumer by providing direct care in a variety of
28 settings which may or may not require supervision of
29 the direct care worker, depending on the setting and
30 the skills that the direct care workers possess, based
31 on education or certification.
 - 32 d. "Director" means the director of public health.
- 33 2. A direct care worker advisory council shall be
34 appointed by the director and shall include
35 representatives of direct care workers, consumers of
36 direct care services, educators of direct care
37 workers, other health professionals, employers of
38 direct care workers, and appropriate state agencies.
- 39 3. Membership, terms of office, quorum, and
40 expenses shall be determined by the director in
41 accordance with the applicable provisions of section
42 135.11.
- 43 4. The direct care worker advisory council shall
44 advise the director regarding regulation and
45 certification of direct care workers, based on the
46 work of the direct care workers task force established
47 pursuant to 2005 Iowa Acts, chapter 88, and shall
48 develop recommendations regarding but not limited to
49 all of the following:
- 50 a. Direct care worker classifications based on

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- 1 functions and services provided by direct care
2 workers.
- 3 b. Functions for each direct care worker
4 classification.
- 5 c. An education and training orientation to be
6 provided by employers.
- 7 d. Education and training requirements for each
8 direct care worker classification.
- 9 e. The standard curriculum required for each
10 direct care worker classification.
- 11 f. Education and training equivalency standards
12 for each direct care worker classification.
- 13 g. Guidelines that allow individuals who are
14 members of the direct care workforce prior to the date
15 of required certification to be incorporated into the
16 new regulatory system.
- 17 h. Continuing education requirements for each
18 direct care worker classification.
- 19 i. Standards for direct care worker educators and
20 trainers.
- 21 j. Certification requirements for each direct care
22 worker classification.
- 23 k. Protections for the title "certified direct
24 care worker".
- 25 l. Standardized requirements for supervision of
26 each direct care worker classification, as applicable,
27 and the roles and responsibilities of supervisory
28 positions.
- 29 m. Responsibility for maintenance of credentialing
30 and continuing education and training.
- 31 n. Provision of information to income maintenance
32 workers and case managers under the purview of the
33 department of human services about the education and
34 training requirements for direct care workers to
35 provide the care and services to meet consumer needs.
- 36 5. The direct care worker advisory council shall
37 report its recommendations to the director by November
38 30, 2008, including recommendations for any changes in
39 law or rules necessary.
- 40 6. Implementation of certification of direct care
41 workers shall begin July 1, 2009.
- 42 Sec. 70. DIRECT CARE WORKER COMPENSATION ADVISORY
43 COMMITTEE – REVIEWS.
- 44 1. a. The general assembly recognizes that direct
45 care workers play a vital role and make a valuable
46 contribution in providing care to Iowans with a
47 variety of needs in both institutional and home and
48 community-based settings. Recruiting and retaining
49 qualified, highly competent direct care workers is a
50 challenge across all employment settings. High rates

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1 of employee vacancies and staff turnover threaten the
2 ability of providers to achieve the core mission of
3 providing safe and high quality support to Iowans.

4 b. It is the intent of the general assembly to
5 address the long-term care workforce shortage and
6 turnover rates in order to improve the quality of
7 health care delivered in the long-term care continuum
8 by reviewing wages and other compensation paid to
9 direct care workers in the state.

10 c. It is the intent of the general assembly that
11 the initial review of and recommendations for
12 improving wages and other compensation paid to direct
13 care workers focus on nonlicensed direct care workers
14 in the nursing facility setting. However, following
15 the initial review of wages and other compensation
16 paid to direct care workers in the nursing facility
17 setting, the department of human services shall
18 convene subsequent advisory committees with
19 appropriate representatives of public and private
20 organizations and consumers to review the wages and
21 other compensation paid to and turnover rates of the
22 entire spectrum of direct care workers in the various
23 settings in which they are employed as a means of
24 demonstrating the general assembly's commitment to
25 ensuring a stable and quality direct care workforce in
26 this state.

27 2. The department of human services shall convene
28 an initial direct care worker compensation advisory
29 committee to develop recommendations for consideration
30 by the general assembly during the 2009 legislative
31 session regarding wages and other compensation paid to
32 direct care workers in nursing facilities. The
33 committee shall consist of the following members,
34 selected by their respective organizations:

35 a. The director of human services, or the
36 director's designee.

37 b. The director of public health, or the
38 director's designee.

39 c. The director of the department of elder
40 affairs, or the director's designee.

41 d. The director of the department of inspections
42 and appeals, or the director's designee.

43 e. A representative of the Iowa caregivers
44 association.

45 f. A representative of the Iowa health care
46 association.

47 g. A representative of the Iowa association of
48 homes and services for the aging.

49 h. A representative of the AARP Iowa chapter.

50 3. The advisory committee shall also include two

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1 members of the senate and two members of the house of
2 representatives, with not more than one member from
3 each chamber being from the same political party. The
4 legislative members shall serve in an ex officio,
5 nonvoting capacity. The two senators shall be
6 appointed respectively by the majority leader of the
7 senate and the minority leader of the senate, and the
8 two representatives shall be appointed respectively by
9 the speaker of the house of representatives and the
10 minority leader of the house of representatives.

11 4. Public members of the committee shall receive
12 actual expenses incurred while serving in their
13 official capacity and may also be eligible to receive
14 compensation as provided in section 7E.6. Legislative
15 members of the committee are eligible for per diem and
16 reimbursement of actual expenses as provided in
17 section 2.10.

18 5. The department of human services shall provide
19 administrative support to the committee and the
20 director of human services or the director's designee
21 shall serve as chairperson of the committee.

22 6. The department shall convene the committee no
23 later than July 1, 2008. Prior to the initial
24 meeting, the department of human services shall
25 provide all members of the committee with a detailed
26 analysis of trends in wages and other compensation
27 paid to direct care workers.

28 7. The committee shall consider options related
29 but not limited to all of the following:

30 a. The shortening of the time delay between a
31 nursing facility's submittal of cost reports and
32 receipt of the reimbursement based upon these cost
33 reports.

34 b. The targeting of appropriations to provide
35 increases in direct care worker compensation.

36 c. Creation of a nursing facility provider tax.

37 8. Any option considered by the committee shall be
38 consistent with federal law and regulations.

39 9. Following its deliberations, the committee
40 shall submit a report of its findings and
41 recommendations regarding improvement in direct care
42 worker wages and other compensation in the nursing
43 facility setting to the governor and the general
44 assembly no later than December 12, 2008.

45 10. For the purposes of the initial review,
46 "direct care worker" means nonlicensed nursing
47 facility staff who provide hands-on care including but
48 not limited to certified nurse aides and medication
49 aides.

50 Sec. 71. DIRECT CARE WORKER IN NURSING FACILITIES

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1 – TURNOVER REPORT. The department of human services
 2 shall modify the nursing facility cost reports
 3 utilized for the medical assistance program to capture
 4 data by the distinct categories of nonlicensed direct
 5 care workers and other employee categories for the
 6 purposes of documenting the turnover rates of direct
 7 care workers and other employees of nursing
 8 facilities. The department shall submit a report on
 9 an annual basis to the governor and the general
 10 assembly which provides an analysis of direct care
 11 worker and other nursing facility employee turnover by
 12 individual nursing facility, a comparison of the
 13 turnover rate in each individual nursing facility with
 14 the state average, and an analysis of any improvement
 15 or decline in meeting any accountability goals or
 16 other measures related to turnover rates. The annual
 17 reports shall also include any data available
 18 regarding turnover rate trends, and other information
 19 the department deems appropriate. The initial report
 20 shall be submitted no later than December 1, 2008, and
 21 subsequent reports shall be submitted no later than
 22 December 1, annually, thereafter.

23 Sec. 72. EFFECTIVE DATE. This division of this
 24 Act, being deemed of immediate importance, takes
 25 effect upon enactment."

26 _____. Title page, line 3, by striking the words
 27 "end-of-life care decision making" and inserting the
 28 following: "long-term living planning and patient
 29 autonomy in health care".

30 _____. Title page, by striking line 8 and inserting
 31 the following: "transparency, health care consumer
 32 information, health care access, the direct care
 33 workforce, making appropriations, and including
 34 effective date and applicability provisions.""

Heddens of Story offered the following amendment H-8631, to amendment H-8604 to the Senate amendment H-8439 filed by her and Upmeyer of Hancock from the floor and moved its adoption:

H-8631

1 Amend the amendment, H-8604, to the Senate
 2 amendment, H-8439, to House File 2539, as amended,
 3 passed, and reprinted by the House, as follows:

4 1. Page 5, line 2, by inserting after the word
 5 "in" the following: "data collection related to".
 6 2. Page 7, by striking lines 3 through 6 and
 7 inserting the following: "pursuant to chapter 17A,
 8 the cost-sharing amounts, criteria for modification of

- 9 the cost-sharing amounts, and graduated premiums for
10 children under the hawk-I expansion program."
11 3. Page 12, line 9, by striking the word "Six"
12 and inserting the following: "Seven".
13 4. Page 12, by inserting after line 19 the
14 following:
15 "(6) A representative of the Iowa association of
16 health underwriters."
17 5. Page 12, line 32, by striking the word
18 "governor" and inserting the following: "director of
19 public health".
20 6. Page 12, line 35, by striking the word
21 "governor" and inserting the following: "director".
22 7. Page 41, by striking line 42 and inserting the
23 following: "contrary. With reference to a
24 hospital".
25 8. Page 41, by inserting after line 45 the
26 following:
27 "(1) Is designated as a critical access hospital
28 pursuant to 42 U.S.C. § 1395i-4."
29 9. Page 41, line 46, by striking the figure and
30 word "(1) Serves" and inserting the following: "(2)
31 Serves".
32 10. Page 41, line 50, by striking the figure and
33 word "(2) Provides" and inserting the following:
34 "(3) Provides".
35 11. Page 42, line 3, by striking the figure and
36 word "(3) Is" and inserting the following: "(4) Is".

Amendment H-8631 was adopted.

On motion by Heddens of Story, amendment H-8604 to the Senate amendment H-8439, as amended, was adopted.

On motion by Heddens of Story the House concurred in the Senate amendment H-8439, as amended.

Heddens of Story moved that the bill, as amended by the Senate further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2539)

The ayes were, 96:

Abdul-Samad
Bailey

Alons
Baudler

Anderson
Bell

Arnold
Berry

Boal	Bukta	Chambers	Cphoon
Dandekar	Davitt	Deyoe	Dolecheck
Drake	Foege	Ford	Frevert
Gaskill	Gayman	Gipp	Granzow
Grassley	Greiner	Heaton	Heddens
Hoffman	Horbach	Hunter	Huseman
Huser	Jacobs	Jacoby	Jochum
Kaufmann	Kelley	Kressig	Kuhn
Lensing	Lukan	Lykam	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, 4:

Clute	De Boef	Forristall	Roberts
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2539** and **Senate File 2425**.

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that the Legal Counsels office made the following corrections:

House Amendment to Senate Amendment to House File 2539

1. Page 7, Line 6 – Change hawk-I to hawk-i.

MARK W. BRANDSGARD
Chief Clerk of the House

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\2932 William and Patricia Sweeney, Dubuque – For celebrating their 50th wedding anniversary.
- 2008\2933 Lloyd and Barbara Auderer, Dubuque – For celebrating their 50th wedding anniversary.
- 2008\2834 Allen and Rita Barry, Dubuque – For celebrating their 61st wedding anniversary.
- 2008\2935 Tom and Donna May, Dubuque – For celebrating their 50th wedding anniversary.
- 2008\2936 Ed and Linda Ehlers, Dubuque – For celebrating their 50th wedding anniversary.
- 2008\2937 Roy and Dorothy Gabrenja, Dubuque – For celebrating their 60th wedding anniversary.
- 2008\2938 Larry, Carey – For his 34 years of dedicated service to MidWestOne Bank.
- 2008\2939 Jack and Wanda Greene – For celebrating their 50th wedding anniversary.
- 2008\2940 Mary Ann Roth, Brooklyn – For celebrating her 80th birthday.
- 2008\2941 Jim and Mary Johannsen, La Porte City – For celebrating their 53rd wedding anniversary.
- 2008\2942 Richard and Lenora Steimel, Jesup – For celebrating their 50th wedding anniversary.
- 2008\2943 Delbert and Lois Walter, Lenox – For celebrating their 60th wedding anniversary.
- 2008\2944 John and Charlene Dufffy, Cedar Rapids – For celebrating their 60th wedding anniversary.
- 2008\2945 Clyde M. Deal, Hiawatha – For celebrating his 80th birthday.
- 2008\2946 Raymond Grulkey, Hiawatha – For celebrating his 80th birthday.

- 2008\2947 Robert Hagerman, Cedar Rapids – For celebrating his 80th birthday.
- 2008\2948 Lucille Bonar, Yarmouth – For celebrating her 90th birthday.
- 2008\2949 John Vander Zwaag, Hull – For celebrating his 90th birthday.
- 2008\2950 Roy Kelley, Sioux Center – For celebrating his 90th birthday.
- 2008\2951 Marie Morrissey, Muscatine – For celebrating her 96th birthday.
- 2008\2952 Curtis Worthy, Burlington – For celebrating his 80th birthday.
- 2008\2953 Madge Orr, Burlington – For celebrating her 90th birthday.
- 2008\2954 Melbourne and Mildred Murphy, Burlington – For celebrating their 65th wedding anniversary.
- 2008\2955 Janette Schulze, Burlington – For celebrating her 100th birthday.
- 2008\2956 Dennis and Patricia Brown, Burlington – For celebrating their 50th wedding anniversary.
- 2008\2957 Ray and Ruby Cunningham, Columbus Junction – For celebrating their 63rd wedding anniversary.
- 2008\2958 Clarence and Arlene Spellerberg, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 2008\2959 Doris Clubb, What Cheer – For celebrating her 90th birthday.
- 2008\2960 Sylvia Adams, Sigourney – For celebrating her 90th birthday.
- 2008\2961 Helen Brooks, Brooklyn – For celebrating her 90th birthday.
- 2008\2962 Dorothy Bell, Sigourney – For celebrating her 80th birthday.
- 2008\2963 Theresa Greene, Keswick – For celebrating her 80th birthday.
- 2008\2964 Dean Lippincott, Brooklyn – For celebrating his 80th birthday.
- 2008\2965 William Fogwell, Williamsburg – For celebrating his 80th birthday.
- 2008\2966 Duane Popenhagen, Brooklyn – For celebrating his 80th birthday.
- 2008\2967 William Wiley, Keota – For celebrating his 80th birthday.
- 2008\2968 Gilbert Leathers, Ollie – For celebrating his 80th birthday.
- 2008\2969 Richard Danner, What Cheer – For celebrating his 80th birthday.
- 2008\2970 Marvin Read, Victor – For celebrating his 80th birthday.

- 2008\2971 Walter Portwood, Homestead – For celebrating his 80th birthday.
- 2008\2972 Earl Gropper, Chelsea – For celebrating his 80th birthday.
- 2008\2973 Lloyd Schropp, Marengo – For celebrating his 80th birthday.
- 2008\2974 Donald Rohrer, Victor – For celebrating his 80th birthday.
- 2008\2975 Forrest Hollopeter, Ladora – For celebrating his 80th birthday.
- 2008\2976 Maxine Maynard, Independence – For celebrating her 80th birthday.
- 2008\2977 June Soland, Sigourney – For celebrating her 80th birthday.
- 2008\2978 Vivian Trogu, Chelsea – For celebrating her 90th birthday.
- 2008\2979 Ruth Boyse, Central City – For celebrating her 90th birthday.
- 2008\2980 Robert Flockhart, Stanwood – For celebrating his 80th birthday.
- 2008\2981 Frank Ciringione, West Liberty – For celebrating his 80th birthday.
- 2008\2982 Lawrence Sexton, Downey – For celebrating his 80th birthday.
- 2008\2983 Laura Slach, West Branch – For celebrating her 80th birthday.
- 2008\2984 Dorothy Frauenholtz, West Branch – For celebrating her 80th birthday.
- 2008\2985 Lucille Schultz, Stanwood – For celebrating her 80th birthday.
- 2008\2986 Ila Feuerbach, Wilton – For celebrating her 80th birthday.
- 2008\2987 Genevieve Platner, Mechanicsville – For celebrating her 80th birthday.
- 2008\2988 LaVonne Tegler, Iowa City – For celebrating her 80th birthday.
- 2008\2989 Margery Norton, Lowden – For celebrating her 80th birthday.
- 2008\2990 Marvin Evers, Tipton – For celebrating his 80th birthday.
- 2008\2991 Vernon Stuhr, Tipton – For celebrating his 80th birthday.
- 2008\2992 Patricia Arganbright, Wilton – For celebrating her 80th birthday.
- 2008\2993 Keith Fields, Tipton – For celebrating his 80th birthday.
- 2008\2994 Bernard Freese, Stanwood – For celebrating his 80th birthday.
- 2008\2995 Doreen Hamdorf, Lowden – For celebrating her 80th birthday.

- 2008\2996 Clara Millett, West Branch – For celebrating her 80th birthday.
- 2008\2997 Charles Hubler, Lisbon – For celebrating his 80th birthday.
- 2008\2998 Melvin Steen, West Liberty – For celebrating his 80th birthday.
- 2008\2999 Shirley Fell, Tipton – For celebrating her 80th birthday.
- 2008\3000 Rosemary Wertzbaugher, Atalissa – For celebrating her 80th birthday.
- 2008\3001 Dorothy Bland, Durant – For celebrating her 80th birthday.
- 2008\3002 Catharine Licht, Lowden – For celebrating her 80th birthday.
- 2008\3003 Lucille Horman, Lowden – For celebrating her 80th birthday.
- 2008\3004 Rosemary Johnson, West Branch – For celebrating her 80th birthday.
- 2008\3005 Joyce Pedersen, West Branch – For celebrating her 80th birthday.
- 2008\3006 G. Morrison, West Branch – For celebrating his 80th birthday.
- 2008\3007 Mary Johanssen, Durant – For celebrating her 80th birthday.
- 2008\3008 Richard Duncan, Iowa City – For celebrating his 80th birthday.
- 2008\3009 Darlene Buttolph, Lowden – For celebrating her 80th birthday.
- 2008\3010 Duane Palmer, Stanwood – For celebrating his 80th birthday.
- 2008\3011 Robert Sauer, Bennett – For celebrating his 80th birthday.
- 2008\3012 Wayne Noring, West Liberty – For celebrating his 80th birthday.
- 2008\3013 Margaret Suchomel, Tipton – For celebrating her 80th birthday.
- 2008\3014 Dorothy Wolfe, Stanwood – For celebrating her 80th birthday.
- 2008\3015 Faith Stackbein, Lowden – For celebrating her 80th birthday.
- 2008\3016 Jacqueline Cole, Durant – For celebrating her 80th birthday.
- 2008\3017 Henrietta Fields, Tipton – For celebrating her 80th birthday.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2422, a bill for an act relating to energy independence initiatives, specifying procedures applicable to Iowa power fund applications, authorizing allocations from the fund, directing that specified payments, repayments, or recaptures made to or received by the board shall be deposited in the fund, authorizing increased allocations for administrative costs, authorizing repayment of audit expenses to the auditor of the state, and providing an effective date and applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** April 22, 2008.

Committee Bill (Formerly House Study Bill 796), relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to county attorney collections, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** April 22, 2008.

Committee Bill (Formerly LSB 6676YA), relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 22, 2008.

COMMITTEE ON STATE GOVERNMENT

Senate File 2427, a bill for an act prohibiting certain lobbying activities of state agencies and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** April 22, 2008.

AMENDMENTS FILED

H—8624	S.F.	2424	Frevert of Palo Alto
H—8625	S.F.	2424	Jacobs of Polk
H—8626	S.F.	2424	Boal of Polk
			Jacobs of Polk
			Drake of Pottawattamie
			Pettengill of Benton
H—8627	H.F.	2177	Senate Amendment
H—8628	S.F.	2424	Jochum of Dubuque
H—8630	S.F.	2427	Raecker of Polk
			Boal of Polk
			Drake of Pottawattamie
			Greiner of Washington
			Jacobs of Polk
			L. Miller of Scott
			Pettengill of Benton
			Kaufmann of Cedar

On motion by McCarthy of Polk the House adjourned at 7:09 p.m., until 8:00 a.m., Wednesday, April 23, 2008.

JOURNAL OF THE HOUSE

One Hundred First Calendar Day - Sixty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 23, 2008

The House met pursuant to adjournment at 8:15 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Joseph Baring, pastor of the Payne AME Church, Waterloo. He was the guest of Representative Deborah Berry of Black Hawk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Matthew Sexton, Page to Minority Leader Rants.

The Journal of Tuesday, April 22, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Forristall of Pottawattamie, Roberts of Carroll and Upmeyer of Hancock on request of Soderberg of Plymouth.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2660, a bill for an act relating to and making appropriations to the justice system.

Also: That the Senate has on April 22, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2673, a bill for an act relating to the inheritance tax on any interest in a qualified tuition plan.

Also: That the Senate has on April 22, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2685, a bill for an act relating to rules for the discharge of wastewater from water well drilling sites and providing for a fee.

Also: That the Senate has on April 22, 2008, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2417, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing for the repeal of the healthy Iowans tobacco trust, and providing effective dates.

Also: That the Senate has on April 22, 2008, appointed the conference committee to Senate File 2425, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions. (Formerly SSB 3297.), and the members of the Conference Committee on the part of the Senate are: The Senator from Polk, Senator Hatch, Chair; the Senator from Johnson, Senator Bolkom; the Senator from Cerro Gordo, Senator Ragan; the Senator from Osceola, Senator Johnson; the Senator from Harrison, Senator Seymour.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2698, by committee on appropriations, a bill for an act relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to county attorney collections, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable.

Read first time and placed on the **appropriations calendar**.

House File 2699, by committee on appropriations, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters and providing effective dates.

Read first time and placed on the **appropriations calendar**.

SENATE MESSAGE CONSIDERED

Senate File 2428, by committee on appropriations a bill for an act relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to county attorney collections, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable.

Read first time and **passed on file**.

ADOPTION OF HOUSE RESOLUTION 147

Granzow of Hardin called up for consideration **House Resolution 147**, a resolution recognizing the 50th anniversary of the Iowa Rose Festival in State Center, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 8:30 a.m., until the fall of the gavel.

The House resumed session at 9:32 a.m., Petersen of Polk in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 2008, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2539, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, health care transparency, and including an applicability provision.

MICHAEL E. MARSHALL, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-four members present, twenty-six absent.

SPECIAL PRESENTATION

Bailey of Hamilton introduced to the House a delegation of government officials from Nigeria.

The House rose and expressed its welcome.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of Senate File 2422.

CONSIDERATION OF BILLS

Appropriations Calendar

Senate File 2422, a bill for an act relating to energy independence initiatives, specifying procedures applicable to Iowa power fund applications, authorizing allocations from the fund, directing that specified payments, repayments, or recaptures made to or received by the board shall be deposited in the fund, authorizing increased allocations for administrative costs, authorizing repayment of audit expenses to the auditor of state, and providing an effective date and applicability provision, with report of committee recommending passage, was taken up for consideration.

Watts of Dallas offered amendment H-8634 filed by him from the floor as follows:

H-8634

- 1 Amend Senate File 2422, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 31 the
- 4 following:
- 5 "Sec.____. Section 469.3, subsection 2, Code
- 6 Supplement 2007, is amended by adding the following
- 7 new paragraph:
- 8 NEW PARAGRAPH. 1. Establish requirements,
- 9 notwithstanding any other provision of law to the
- 10 contrary, directing gas and electric public utilities
- 11 in this state to disclose on a customer's utility bill

- 12 or otherwise inform a customer of any costs or charges
 13 attributable to or associated with energy efficiency
 14 programs offered by the utility or otherwise imposed
 15 upon the customer."
 16 2. By renumbering as necessary.

Reichert of Muscatine rose on a point of order that amendment H-8634 was not germane.

The Speaker ruled the point well taken and amendment H-8634 not germane.

Watts of Dallas asked for unanimous consent to suspend the rules to consider amendment H-8634.

Objection was raised.

Watts of Dallas moved to suspend the rules to consider amendment H-8634.

Roll call was requested by Watts of Dallas and Paulsen of Linn.

On the question "Shall the rules be suspended to consider amendment H-8634?" (S. F. 2422)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tymeson
Van Engelenhoven	Van Fossen	Watts	Wiencek
Windschitl	Worthan		

The nays were, 50:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy

Mertz	Miller, H.	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Reasoner
Reichert	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, T.	Thomas
Tomenga	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Murphy		

Absent or not voting, 8:

Forristall	Hunter	Oldson	Quirk
Raecker	Roberts	Taylor, D.	Umpeyer

The motion to suspend the rules lost.

Kressig of Black Hawk in the chair at 10:15 a.m.

Reichert of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2422)

The ayes were, 76:

Abdul-Samad	Anderson	Arnold	Bailey
Bell	Berry	Bukta	Clute
Cohoon	Dandekar	Davitt	Dolecheck
Drake	Foege	Ford	Frevert
Gaskill	Gayman	Gipp	Granzow
Heaton	Heddens	Hoffman	Horbach
Hunter	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kuhn
Lensing	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Rasmussen	Reasoner	Reichert
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Van Engelenhoven	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencck	Winckler
Wise	Worthan	Zirkelbach	Kressig,
			Presiding

The nays were, 20:

Alons	Baudler	Boal	Chambers
De Boef	Deyoe	Grassley	Greiner
Huseman	Lukan	Miller, L.	Raecker
Rants	Rayhons	Sands	Schickel
Tymeson	Van Fossen	Watts	Windschitl

Absent or not voting, 4:

Forristall	Quirk	Roberts	Upmeyer
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2429, a bill for an act relating to budget requirements by certain small cities and providing an effective date.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2422** be immediately messaged to the Senate.

Unfinished Business Calendar

House File 2463, a bill for an act relating to the payment of wages, was taken up for consideration.

SENATE FILE 2222 SUBSTITUTED FOR HOUSE FILE 2463

Hunter of Polk asked and received unanimous consent to substitute Senate File 2222 for House File 2463.

Senate File 2222, a bill for an act relating to payment of wages, was taken up for consideration.

Hunter of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2222)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Kressig, Presiding	

The nays were, none.

Absent or not voting, 5:

Forristall	Quirk	Roberts	Upmeyer
Van Engelenhoven			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2222** be immediately messaged to the Senate.

The House stood at ease at 10:46 a.m., until the fall of the gavel.

The House resumed session at 10:57 a.m., Kressig of Black Hawk in the chair.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House File 2699.

Appropriation Calendar

House File 2699, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters and providing effective dates, was taken up for consideration.

Raecker of Polk asked and received unanimous consent that amendment H-8637 be deferred.

Van Fossen of Scott offered the following amendment H-8637, previously deferred, filed by him and Lukan of Dubuque from the floor and moved its adoption:

H-8637

1 Amend House File 2699 as follows:
2 1. Page 17, by inserting after line 28 the
3 following:
4 "Sec. _____. Section 404A.4, subsection 4, Code
5 Supplement 2007, is amended to read as follows:
6 4. The total amount of tax credits that may be
7 approved for a fiscal year under this chapter shall
8 not exceed ten million dollars in the fiscal year
9 beginning July 1, 2007, fifteen million dollars in the
10 fiscal year beginning July 1, 2008, and twenty million
11 dollars in the fiscal year beginning July 1, 2009, and
12 each fiscal year thereafter. Of the tax credits
13 approved for a fiscal year under this chapter, ten
14 percent of the dollar amount of tax credits shall be
15 allocated for purposes of new projects with qualified
16 costs of five hundred thousand dollars or less, and
17 forty percent of the dollar amount of tax credits
18 shall be allocated for purposes of new projects
19 located in cultural and entertainment districts
20 certified pursuant to section 303.3B or identified in

21 Iowa great places agreements developed pursuant to
 22 section 303.3C. Any of the tax credits allocated for
 23 projects located in certified cultural and
 24 entertainment districts or identified in Iowa great
 25 places agreements and for projects with a cost of five
 26 hundred thousand dollars or less that are not reserved
 27 during a fiscal year shall be applied to reserved tax
 28 credits issued in accordance with section 404A.3 in
 29 order of original reservation. The department of
 30 cultural affairs shall establish by rule the
 31 procedures for the application, review, selection, and
 32 awarding of certifications of completion. The
 33 departments of cultural affairs and revenue shall each
 34 adopt rules to jointly administer this subsection and
 35 shall provide by rule for the method to be used to
 36 determine for which fiscal year the tax credits are
 37 available. With the exception of tax credits issued
 38 pursuant to contracts entered into prior to July 1,
 39 2007, tax credits shall not be reserved for more than
 40 ~~three~~ five years."
 41 2. By renumbering as necessary.

Amendment H-8637 lost.

The House stood at ease at 11:15 a.m., until the fall of the gavel.

The House resumed session at 11:48 a.m., Kressig of Black Hawk in the chair.

Jacoby of Johnson offered the following amendment H-8638 filed by him from the floor and moved its adoption:

H-8638

1 Amend House File 2699 as follows:
 2 1. Page 6, line 26, by striking the figure
 3 "450,000" and inserting the following: "1,000,000".
 4 2. Page 13, by inserting after line 2 the
 5 following:
 6 "4. INTEGRATED BASIC EDUCATION AND SKILLS TRAINING
 7 (I-BEST)
 8 For purposes of conducting integrated basic
 9 education and skills training demonstration projects
 10 with eligible community colleges to bring English as a
 11 second language and adult basic education instructors
 12 together with professional-technical instructors in
 13 the same classroom to provide students with
 14 contextualized remediation and English language
 15 services and occupational training at the same time,

16 including salaries, support, maintenance,
17 miscellaneous purposes, and for not more than the
18 following full-time equivalent position:

19 \$ 500,000
20 FTEs 1.00

21 The full-time equivalent position authorized in
22 this subsection is allocated for purposes of employing
23 one coordinator who, with the support of the
24 department of education and other interested agencies,
25 awards grants to five of Iowa's eligible community
26 colleges in approved programs in career tracks that
27 assist in solving the workforce shortage.

28 5. OFFENDER REENTRY PROGRAM

29 For the development and administration of an
30 offender reentry program to provide offenders with
31 employment skills, and for not more than the following
32 full-time equivalent positions:

33 \$ 375,000
34 FTEs 2.00

35 The department shall partner with the department of
36 corrections to provide staff within the correctional
37 facilities to improve offenders' abilities to find and
38 retain productive employment.

39 6. For purposes of administration of a security
40 employee pilot project training program, if enacted by
41 the 2008 session of the eighty-second general
42 assembly:

43 \$ 15,000"

44 3. By renumbering as necessary.

Amendment H-8638 was adopted.

Jacoby of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2699)

The ayes were, 52:

- | | | | |
|-------------|------------|---------------|-----------|
| Abdul-Samad | Bailey | Bell | Berry |
| Bukta | Cohoon | Dandekar | Davitt |
| Foege | Ford | Frevort | Gaskill |
| Gayman | Heddens | Hunter | Huser |
| Jacoby | Jochum | Kelley | Kuhn |
| Lensing | Lykam | Mascher | McCarthy |
| Mertz | Miller, H. | Murphy, Spkr. | Oldson |
| Olson, D. | Olson, R. | Olson, T. | Palmer |
| Petersen | Reasoner | Reichert | Schueller |
| Shomshor | Smith | Staed | Swaim |

Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	Kressig, Presiding

The nays were, 43:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Gipp
Granzow	Grassley	Greiner	Heaton
Horbach	Huseman	Jacobs	Kaufmann
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

Absent or not voting, 5:

Forristall	Hoffman	Quirk	Roberts
Upmeyer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2699** be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 12:27 p.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:13 p.m., Speaker Murphy in the chair.

SENATE MESSAGE CONSIDERED

Senate File 2429, by committee on appropriations, a bill for an act relating to budget requirements by certain small cities and providing an effective date.

Read first time and referred to committee on **appropriations**.

HOUSE INSISTS

McCarthy of Polk called up for consideration **House File 2539**, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, health care transparency, and including an applicability provision and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED (House File 2539)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2539: Heddens of Story, Chair; Smith of Marshall, Upmeyer of Hancock, Abdul-Samad of Polk and Heaton of Henry.

The House stood at ease at 2:25 p.m., until the fall of the gavel.

The House resumed session at 3:37 p.m., Speaker Murphy in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 2008, appointed the conference committee to House File 2539, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, health care transparency, and including an applicability provision, and the members of the conference committee on the part of the Senate are: The Senator from Polk, Senator Hatch, Chair; the Senator from Johnson, Senator Bolkom; the Senator from Cerro Gordo, Senator Ragan; the Senator from Osceola, Senator Johnson; the Senator from Harrison, Senator Seymour.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Heddens of Story on request of Quirk of Chickasaw.

Appropriations Calendar

House File 2672, a bill for an act relating to water use permit fees, creating a new water use permit fund, and making appropriations, was taken up for consideration.

Kaufmann of Cedar asked and received unanimous consent to withdraw amendment H-8528 filed by him on April 14, 2008.

Quirk of Chickasaw in the chair at 3:40 p.m.

Kuhn of Floyd moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2672)

The ayes were, 87:

Abdul-Samad	Anderson	Arnold	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Frevert	Gaskill	Gayman	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Van Fossen	Watts	Wendt	Wenthe

Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Quirk, Presiding	

The nays were, 9:

Alons	Horbach	Kaufmann	Sands
Schickel	Van Engelenhoven	Wiencek	Windschitl
Worthan			

Absent or not voting, 4:

Forristall	Heddens	Roberts	Upmeyer
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of Senate File 2413.

Unfinished Business Calendar

Senate File 2413, a bill for an act providing extensions for school districts applying to the school budget review committee concerning school district finances, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Wendt of Woodbury offered the following amendment H-8635 filed by him from the floor and moved its adoption:

H-8635

1 Amend Senate File 2413, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 10 the
 4 following:
 5 "Sec. _____. Section 257.14, subsection 2, Code
 6 2007, is amended to read as follows:
 7 2. For the budget years commencing July 1, 2002,
 8 and July 1, 2003, if the department of management
 9 determines that the regular program district cost of a
 10 school district for a budget year is less than the
 11 total of the regular program district cost plus any
 12 adjustment added under this section for the base year
 13 for that school district, the school district shall be
 14 eligible to receive a budget adjustment for that
 15 district for that budget year up to an amount equal to
 16 the difference. The board of directors of a school

17 district that wishes to receive a budget adjustment
 18 pursuant to this subsection shall adopt a resolution
 19 to receive the budget adjustment by ~~April~~ May 15,
 20 annually, and shall notify the department of
 21 management of the adoption of the resolution and the
 22 amount of the budget adjustment to be received.
 23 Sec.____. Section 257.14, subsection 3, unnumbered
 24 paragraph 2, Code 2007, is amended to read as follows:
 25 The board of directors of a school district that
 26 wishes to receive a budget adjustment pursuant to this
 27 subsection shall adopt a resolution to receive the
 28 budget adjustment by ~~April~~ May 15, annually, and shall
 29 notify the department of management of the adoption of
 30 the resolution and the amount of the budget adjustment
 31 to be received."
 32 2. Page 3, by inserting after line 19, the
 33 following:
 34 "Sec.____. EFFECTIVE DATE. This Act, being deemed
 35 of immediate importance, takes effect upon enactment."
 36 3. Title page, line 1, by inserting before the
 37 word "requests" the following: "school budgets,
 38 including by providing for".
 39 4. Title page, line 2, by inserting after the
 40 word "committee" the following: "and documents
 41 submitted to other state agencies".
 42 5. Title page, line 3, by inserting after the
 43 word "finances" the following: ", and providing an
 44 effective date".
 45 6. By renumbering as necessary.

Amendment H-8635 was adopted.

Wendt of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2413)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig

Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Quirk, Presiding

The nays were, none.

Absent or not voting, 4:

Forristall	Heddens	Roberts	Upmeyer
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 2463 WITHDRAWN

Hunter of Polk asked and received unanimous consent to withdraw House File 2463 from further consideration by the House.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of Senate File 2415.

Ways and Means Calendar

Senate File 2415, a bill for an act allowing certain counties to participate in a pilot project for emergency response districts and providing for a district tax levy, with report of committee recommending passage, was taken up for consideration.

Huser of Polk offered the following amendment H-8567 filed by her and moved its adoption:

H-8567

- 1 Amend Senate File 2415, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 16, by inserting after the word
 4 "district." the following: "A member of the
 5 commission shall not appoint a designee to serve on
 6 the commission in the member's capacity."
 7 2. Page 4, line 32, by inserting after the word
 8 "district." the following: "A proposed property tax
 9 levy rate shall not be approved by the commission
 10 unless two-thirds of the commission's members are
 11 present when the proposed property tax levy rate is
 12 approved."
 13 3. Page 5, line 11, by inserting after the word
 14 "needed." the following: "The commission shall have
 15 exclusive tax-levying authority for the district."

Amendment H-8567 was adopted.

Schueller of Jackson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2415)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Quirk, Presiding

The nays were, none.

Absent or not voting, 4:

Forristall Heddens Roberts Upmeyer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2672, Senate Files 2413 and 2415.**

McCarthy of Polk asked and received unanimous consent for the consideration of Senate Files 2418 and 2419.

Senate File 2418, a bill for an act relating to notice provided to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits, was taken up for consideration.

T. Olson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2418)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill

Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencak	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Quirk, Presiding	

The nays were, none.

Absent or not voting, 5:

Forristall	Heddens	Roberts	Tomenga
Upmeyer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2419, a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Thomas of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2419)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.

Palmer	Paulsen	Petersen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Quirk, Presiding

The nays were, none.

Absent or not voting, 4:

Forristall	Heddens	Roberts	Upmeyer
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2418 and 2419.**

SENATE AMENDMENT CONSIDERED

Foege of Linn called up for consideration **Senate File 2417**, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing for the repeal of the healthy Iowans tobacco trust, and providing effective dates, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8632 to the House amendment:

H-8632

- 1 Amend the House amendment, S-5362, to Senate File
- 2 2417, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 8 through 13 and
- 4 inserting the following: "\$25,000 is allocated for a
- 5 grant to a child welfare services provider
- 6 headquartered in a county with a population between
- 7 189,000 and 196,000 in the latest preceding certified
- 8 federal census that provides multiple services

- 9 including but not limited to a psychiatric medical
 10 institution for children, shelter, residential
 11 treatment, after school programs, school-based
 12 programming, and an Asperger's syndrome program, to be
 13 used for support services for children with autism
 14 spectrum disorder and their families."

The motion prevailed and the House concurred in the Senate amendment H-8632, to the House amendment.

Foege of Linn moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2417)

The ayes were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	Quirk, Presiding

The nays were, 44:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rasmussen	Rayhons	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tomenga	Tymeson	Van Engelenhoven	Van Fossen
Watts	Wienczek	Windschitl	Worthan

Absent or not voting, 4:

Forristall

Heddens

Roberts

Upmeyer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

T. Taylor of Linn called up for consideration **House File 2660**, a bill for an act relating to and making appropriations to the justice system, amended by the Senate, and moved that the House concur in the following Senate amendment H-8633:

H-8633

- 1 Amend House File 2660, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 26 the
- 4 following:
- 5 "It is the intent of the general assembly to
- 6 appropriate from the general fund of the state to the
- 7 department of justice for victim assistance grants the
- 8 following amount: \$1,000,000 for the fiscal year
- 9 beginning July 1, 2009, and ending June 30, 2010."
- 10 2. Page 2, line 3, by striking the figure
- 11 "600,000" and inserting the following: "850,000".
- 12 3. Page 3, line 22, by striking the figure
- 13 "44,512,509" and inserting the following:
- 14 "44,756,586".
- 15 4. Page 3, line 26, by striking the figure
- 16 "30,894,866" and inserting the following:
- 17 "31,428,054".
- 18 5. Page 4, line 6, by striking the figure
- 19 "56,204,468" and inserting the following:
- 20 "58,128,271".
- 21 6. Page 4, line 10, by striking the figure
- 22 "27,841,158" and inserting the following:
- 23 "27,978,941".
- 24 7. Page 4, line 14, by striking the figure
- 25 "26,331,092" and inserting the following:
- 26 "27,290,452".
- 27 8. Page 4, line 18, by striking the figure
- 28 "9,166,484" and inserting the following: "9,262,685".
- 29 9. Page 4, line 22, by striking the figure
- 30 "25,078,365" and inserting the following:
- 31 "25,207,465".
- 32 10. Page 4, line 31, by striking the figure
- 33 "15,878,663" and inserting the following:
- 34 "15,935,768".
- 35 11. Page 4, line 35, by striking the figure

36 "29,715,121" and inserting the following:

37 "29,823,711".

38 12. Page 5, by striking lines 12 through 16.

39 13. Page 8, by inserting after line 25 the

40 following:

41 "4. As a condition of receiving the appropriations
42 made in this section, the department of corrections
43 shall develop and implement offender reentry centers
44 in Black Hawk and Polk counties to provide
45 transitional planning and release primarily for
46 offenders released from the Iowa correctional
47 institution for women at Mitchellville and the Fort
48 Dodge correctional facility. Programming shall
49 include minority and gender-specific responsivity,
50 employment, substance abuse treatment, mental health

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1 services, housing, and family reintegration. The
2 department of corrections shall collaborate with the
3 first and fifth judicial district departments of
4 correctional services, Iowa department of workforce
5 development, department of human services,
6 community-based providers and faith-based
7 organizations, and local law enforcement."

8 14. Page 9, line 2, by striking the figure

9 "12,912,033" and inserting the following:

10 "13,103,903".

11 15. Page 9, line 10, by striking the figure

12 "10,669,139" and inserting the following:

13 "10,835,021".

14 16. Page 9, line 13, by striking the figure

15 "5,903,401" and inserting the following: "5,914,624".

16 17. Page 9, line 16, by striking the figure

17 "5,419,406" and inserting the following: "5,435,240".

18 18. Page 9, line 20, by striking the figure

19 "18,276,003" and inserting the following:

20 "18,813,816".

21 19. Page 9, line 23, by striking the figure

22 "12,475,246" and inserting the following:

23 "13,991,982".

24 20. Page 10, line 2, by striking the figure

25 "7,020,794" and inserting the following: "7,053,660".

26 21. Page 10, line 5, by striking the figure

27 "6,998,544" and inserting the following: "7,066,926".

28 22. Page 15, line 21, by striking the words and

29 figure "17 percent of" and inserting the following:

30 "the state's normal contribution rate, as defined in
31 section 97A.8, multiplied by".

32 23. Page 16, line 30, by striking the words and

33 figure "17 percent of" and inserting the following:

34 "the state's normal contribution rate, as defined in

35 section 97A.8, multiplied by".
 36 24. Page 17, line 9, by striking the words and
 37 figure "17 percent of" and inserting the following:
 38 "the state's normal contribution rate, as defined in
 39 section 97A.8, multiplied by".
 40 25. Page 17, line 18, by striking the words and
 41 figure "17 percent of" and inserting the following:
 42 "the state's normal contribution rate, as defined in
 43 section 97A.8, multiplied by".
 44 26. Page 17, line 21, by striking the figure
 45 "49,688,777" and inserting the following:
 46 "50,353,777".
 47 27. Page 17, line 22, by striking the figure
 48 "535.00" and inserting the following: "536.00".
 49 28. Page 17, by inserting after line 22 the
 50 following:

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1 "As a condition of receiving the appropriation made
 2 in this subsection, the department of public safety
 3 shall increase expenditures for overtime paid to peace
 4 officer members of the state patrol by \$350,000 and
 5 increase expenditures for fuel used by the motor
 6 vehicles of such members by \$227,000. In addition as
 7 a condition of receiving the appropriation made in
 8 this subsection, the department shall hire and employ
 9 one additional peace officer member of the state
 10 patrol."
 11 29. By renumbering, relettering, or redesignating
 12 and correcting internal references as necessary.

T. Taylor of Linn moved that the House concur in the Senate amendment H-8633.

On the question "Shall the Senate amendment H-8633 be adopted?" (H.F. 2660)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig

Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Quirk, Presiding

The nays were, none.

Absent or not voting, 4:

Forristall	Heddens	Roberts	Upmeyer
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The House concurred in the Senate amendment H-8633.

T. Taylor of Linn moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2660)

The ayes were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	Quirk, Presiding

The nays were, 43:

Alons	Anderson	Arnold	Boal
Chambers	Clute	De Boef	Deyoe
Dolecheck	Drake	Gipp	Granzow
Grassley	Greiner	Heaton	Hoffman
Horbach	Huseman	Jacobs	Kaufmann
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

Absent or not voting, 5:

Baudler	Forristall	Heddens	Roberts
Upmeyer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN (Senate File 2216)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider **Senate File 2216**, a bill for an act concerning state and local measures for preparing a student for a career or for postsecondary education, including a statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system, filed by him on April 14, 2008.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2216** be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 5:11 p.m., until 7:00 p.m.

EVENING SESSION

The House reconvened at 7:40 p.m., Speaker Murphy in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-two members present, eight absent.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 901, a bill for an act concerning the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit.

Also: That the Senate has on April 23, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2694, a bill for an act relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation and providing an effective date.

Also: That the Senate has on April 23, 2008, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2400, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective date.

Also: That the Senate has on April 23, 2008, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2406, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions.

Also: That the Senate has on April 23, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2430, a bill for an act relating to economic development by creating a community microenterprise development organization grant program, a microenterprise development advisory committee, and a river enhancement community attraction and tourism fund, and by making changes to the requirements for individual

development accounts and making appropriations, and including effective and retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2430, by committee on appropriations, a bill for an act relating to economic development by creating a community microenterprise development organization grant program, a microenterprise development advisory committee, and a river enhancement community attraction and tourism fund, and by making changes to the requirements for individual development accounts and making appropriations, and including effective and retroactive applicability provisions.

Read first time and referred to committee on **appropriations**.

Regular Calendar

House File 2690, a bill for an act relating to student loans, including the protection of students and parents from certain lenders and institutions of higher education with conflicts of interest, establishing a student lending education fund, establishing penalties, and providing for related matters, was taken up for consideration.

Lensing of Johnson offered amendment H-8640 filed by her from the floor as follows:

H-8640

1 Amend House File 2690 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 7C.12, subsection 2, Code
5 2007, is amended by adding the following new
6 paragraph:
7 NEW PARAGRAPH. c. Shall report quarterly any
8 reallocation of the amount of the state ceiling by the
9 governor's designee in accordance with this chapter to
10 the legislative government oversight committee and the
11 auditor of state. The report shall contain, at a
12 minimum, the amount of each reallocation, the date of
13 each reallocation, the name of the political
14 subdivision and a description of all bonds issued
15 pursuant to a reallocation, a brief explanation of the

16 reason for the reallocation, and such other
17 information as may be required by the committee.
18 Sec. 2. NEW SECTION. 7C.13 QUALIFIED STUDENT
19 LOAN BOND ISSUER – OPEN RECORDS AND MEETINGS –
20 OVERSIGHT.

21 1. CONDITION OF ALLOCATION. As a condition of
22 receiving the allocation of the state ceiling as
23 provided in section 7C.4A, subsection 3, the qualified
24 student loan bond issuer shall comply with the
25 provisions of this section.

26 2. ANNUAL REPORT AND AUDIT. The qualified student
27 loan bond issuer shall submit an annual report to the
28 governor, general assembly, and the auditor of state
29 by January 15 setting forth its operations and
30 activities conducted and newly implemented in the
31 previous fiscal year related to use of the allocation
32 of the state ceiling in accordance with this chapter
33 and the outlook for the future. The report shall
34 describe how the operations and activities serve
35 students and parents. The annual audit of the
36 qualified student loan bond issuer shall be filed with
37 the office of auditor.

38 3. OPEN MEETINGS FOR CONSIDERATION OF TAX-EXEMPT
39 ISSUANCE. The deliberations or meetings of the board
40 of directors of the qualified student loan bond issuer
41 that relate to the issuance of bonds in accordance
42 with this chapter shall be conducted in accordance
43 with chapter 21.

44 4. PUBLIC HEARING PRIOR TO ISSUANCE OF TAX-EXEMPT
45 BONDS. Prior to the issuance of tax-exempt bonds in
46 accordance with this chapter, the board of directors
47 of the qualified student loan bond issuer shall hold a
48 public meeting after reasonable notice. The board
49 shall give notice of the time, date, and place of the
50 meeting, and its tentative agenda, in a manner

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1 reasonably calculated to apprise the public of that
2 information and provide interested parties with an
3 opportunity to submit or present data, views, or
4 arguments related to the issuance of the bonds.

5 5. OPEN RECORDS FOR CONSIDERATION OF TAX-EXEMPT
6 BONDS. All of the following shall be subject to
7 chapter 22:

8 a. Minutes of the meetings conducted in accordance
9 with subsection 3.

10 b. The data and written views or arguments
11 submitted in accordance with subsection 4.

12 c. Letters seeking approval from the governor for
13 issuance of tax-exempt bonds in accordance with this
14 chapter.

15 d. The published official statement of each
16 tax-exempt bond issue authorized in accordance with
17 this chapter.

18 6. STATE SUPERINTENDENT OF BANKING REVIEW. The
19 superintendent of banking shall annually review the
20 qualified student loan bond issuer's total assets,
21 loan volume, and reserves. Additionally, the
22 superintendent shall review the qualified student loan
23 bond issuer's procedures to inform students, prior to
24 the submission of an application to the qualified
25 student loan bond issuer for a loan made by the
26 qualified student loan bond issuer, about the
27 advantages of loans available under Title IV of the
28 federal Higher Education Act of 1965, as amended, for
29 which the students may be eligible. The review shall
30 verify that the qualified student loan bond issuer
31 issued bonds in accordance with this chapter in
32 conformance to the letter requesting approval of the
33 governor as set forth in subsection 5. The
34 superintendent shall submit the review to the general
35 assembly by January 15.

36 7. NO STATE OBLIGATION FOR BONDS. The obligations
37 of the qualified student loan bond issuer are not the
38 obligations of the state or any political subdivision
39 of the state within the meaning of any constitutional
40 or statutory debt limitations, but are obligations of
41 the qualified student loan bond issuer payable solely
42 and only from the qualified student loan bond issuer's
43 funds. The qualified student loan bond issuer shall
44 not and cannot pledge the credit or taxing power of
45 this state or any political subdivision of this state
46 or make its debts payable out of any moneys except
47 those of the qualified student loan bond issuer.

48 Sec. 3. NEW SECTION. 261E.1 DEFINITIONS.
49 As used in this chapter, unless otherwise
50 specified:

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1 1. "Borrower" means a student attending a covered
2 institution in this state, or a parent or person in
3 parental relation to such student, who obtains an
4 educational loan from a lending institution to pay for
5 or finance a student's higher education expenses.

6 2. "Covered institution" means any educational
7 institution that offers a postsecondary educational
8 degree, certificate, or program of study and receives
9 any Title IV funds under the federal Higher Education
10 Act of 1965, as amended, or state funding or
11 assistance. "Covered institution" includes an
12 authorized agent of the educational institution,
13 including an alumni association, booster club, or

14 other organization directly or indirectly associated
15 with or authorized by the institution or an employee
16 of the institution.

17 3. "Covered institution employee" means any
18 employee, agent, contract employee, director, officer,
19 or trustee of a covered institution.

20 4. "Educational loan" means any loan that is made,
21 insured, or guaranteed under Title IV of the federal
22 Higher Education Act of 1965, as amended, directly to
23 a borrower solely for educational purposes, or any
24 private educational loan.

25 5. "Gift" means any gratuity, favor, discount,
26 entertainment, hospitality, loan, or other item having
27 a monetary value of more than a de minimus amount.

28 "Gift" includes a gift of services, transportation,
29 lodging, or meals, whether provided in kind, by
30 purchase of a ticket, payment in advance, or
31 reimbursement after the expense has been incurred.
32 "Gift" does not include any of the following:

33 a. Standard material, activities, or programs on
34 issues related to a loan, default aversion, default
35 prevention, or financial literacy.

36 b. Food or refreshments furnished to an officer,
37 employee, or agent of an institution as an integral
38 part of a training session or conference that is
39 designed to contribute to the professional development
40 of the officer, employee, or agent of the institution.

41 c. Favorable terms, conditions, and borrower
42 benefits on an educational loan provided to a borrower
43 employed by the covered institution if such terms,
44 conditions, or benefits are comparable to those
45 provided to all students of the institution.

46 d. Philanthropic contributions to a covered
47 institution from a lender, guarantor, or servicer of
48 educational loans that are unrelated to educational
49 loans provided, as applicable, that the contributions
50 are disclosed pursuant to section 261E.4, subsection

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1 6.

2 e. State education grants, scholarships, or
3 financial aid funds administered under chapter 261.

4 f. Toll-free telephone numbers for use by covered
5 institutions or other toll-free telephone numbers open
6 to the public to obtain information about loans
7 available under Title IV of the federal Higher
8 Education Act of 1965, as amended, or private
9 educational loans, or free data transmission service
10 for use by a covered institution to electronically
11 submit applicant loan processing information or
12 student status confirmation data for loans available

13 under Title IV of the federal Higher Education Act of
14 1965.

15 g. A reduced origination fee.

16 h. A reduced interest rate.

17 i. Payment of federal default fees.

18 j. Purchase of a loan made by another lender at a
19 premium.

20 k. Other benefits to a borrower under a repayment
21 incentive program that requires, at a minimum, one or
22 more scheduled payments to receive or retain the
23 benefit or under a loan forgiveness program for public
24 service or other targeted purposes approved by the
25 attorney general, provided these benefits are not
26 marketed to secure loan applications or loan
27 guarantees.

28 l. Items of nominal value to a covered
29 institution, covered institution employee, covered
30 institution-affiliated organization, or borrower that
31 are offered as a form of generalized marketing or
32 advertising, or to create goodwill.

33 m. Items of value which are offered to a borrower
34 or to a covered institution employee that are also
35 offered to the general public.

36 n. Other services as identified and approved by
37 the attorney general through a public announcement,
38 such as a notice on the attorney general's web site.

39 6. "Lender" or "lending institution" means a
40 creditor as defined in section 103 of the federal
41 Truth in Lending Act, 15 U.S.C. § 1602.

42 7. "Postsecondary educational expenses" means any
43 of the expenses that are included as part of a
44 student's cost of attendance as defined in Title IV,
45 part F, of the federal Higher Education Act of 1965,
46 as amended.

47 8. "Preferred lender arrangement" means an
48 arrangement or agreement between a lender and a
49 covered institution under which the lender provides or
50 otherwise issues educational loans to borrowers and

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1 which relates to the covered institution recommending,
2 promoting, or endorsing the educational loan product
3 of the lender. "Preferred lender arrangement" does
4 not include arrangements or agreements with respect to
5 loans under part D or E of Title IV of the federal
6 Higher Education Act of 1965, as amended.

7 9. "Preferred lender list" means a list of at
8 least three recommended or suggested, unaffiliated
9 lending institutions that a covered institution makes
10 available for use, in print or any other medium or
11 form, by borrowers, prospective borrowers, or others.

12 10. "Private educational loan" means a private
13 loan provided by a lender that is not made, insured,
14 or guaranteed under Title IV of the federal Higher
15 Education Act of 1965, as amended, and is issued by a
16 lender solely for postsecondary educational expenses
17 to a borrower, regardless of whether the loan involves
18 enrollment certification by the educational
19 institution that the student for which the loan is
20 made attends. "Private educational loan" does not
21 include a private educational loan secured by a
22 dwelling or under an open-end credit plan. For
23 purposes of this subsection, "dwelling" and "open-end
24 credit plan" have the meanings given such terms in
25 section 103 of the federal Truth in Lending Act, 15
26 U.S.C. § 1602.

27 11. "Revenue sharing arrangement" means an
28 arrangement between a covered institution and a lender
29 in which the lender provides or issues educational
30 loans to persons attending the institution or on
31 behalf of persons attending the institution and the
32 covered institution recommends the lender or the
33 educational loan products of the lender, in exchange
34 for which the lender pays a fee or provides other
35 material benefits, including revenue or profit
36 sharing, to the institution or officers, employees, or
37 agents of the institution. "Revenue sharing
38 arrangement" does not include arrangements related
39 solely to products which are not educational loans.

40 Sec. 4. NEW SECTION. 261E.2 CODE OF CONDUCT.

- 41 1. A covered institution shall do the following:
42 a. Develop, in consultation with the college
43 student aid commission, a code of conduct governing
44 educational loan activities with which the covered
45 institution's officers, employees, and agents shall
46 comply.
47 b. Publish the code of conduct developed in
48 accordance with paragraph "a" prominently on its
49 internet site.
50 c. Administer and enforce the code of conduct

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- 1 developed in accordance with paragraph "a".
2 2. The college student aid commission shall
3 provide to covered institutions assistance and
4 guidance relating to the development, administration,
5 and monitoring of a code of conduct governing
6 educational loan activities.
7 3. Except as provided in this section, the college
8 student aid commission is not subject to the duties,
9 restrictions, prohibitions, and penalties of this
10 chapter.

11 Sec. 5. NEW SECTION. 261E.3 PROHIBITIONS –
12 REPORT.

13 1. GIFT BAN. No officer, employee, or agent of a
14 covered institution who is employed in the financial
15 aid office of the institution, or who otherwise has
16 direct responsibilities with respect to educational
17 loans, shall solicit or accept any gift from a lender,
18 guarantor, or servicer of educational loans. The
19 attorney general shall investigate any reported
20 violation of this subsection and shall annually submit
21 a report to the general assembly by January 15
22 identifying all substantiated violations of this
23 subsection, including the lenders and covered
24 institutions involved in each such violation, for the
25 preceding year.

26 2. GIFTS TO FAMILY MEMBERS OR OTHERS. For
27 purposes of this section, a gift to a family member of
28 an officer, employee, or agent of a covered
29 institution, or a gift to any other individual based
30 on that individual's relationship with the officer,
31 employee, or agent, shall be considered a gift to the
32 officer, employee, or agent if either of the following
33 applies:

34 a. The gift is given with the knowledge and
35 acquiescence of the officer, employee, or agent.

36 b. The officer, employee, or agent has reason to
37 believe the gift was given because of the official
38 position of the officer, employee, or agent.

39 3. CONTRACTING ARRANGEMENTS. An officer,
40 employee, or agent who is employed in the financial
41 aid office of a covered institution, or who otherwise
42 has direct responsibilities with respect to
43 educational loans, shall not accept from any lender or
44 affiliate of any lender any fee, payment, or other
45 financial benefit including but not limited to the
46 opportunity to purchase stock on other than free
47 market terms, as compensation for any type of
48 consulting arrangement or other contract to provide
49 services to a lender or on behalf of a lender.

50 4. REVENUE SHARING ARRANGEMENTS. A covered

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1 institution shall not enter into any revenue sharing
2 arrangement with any lender.

3 5. PROHIBITION ON OFFERS OF FUNDS FOR PRIVATE
4 LOANS. A covered institution shall not request or
5 accept from any lender any offer of funds, including
6 any opportunity pool, to be used for private
7 educational loans to borrowers in exchange for the
8 covered institution providing concessions or promises
9 to the lender with respect to such institution

10 providing the lender with a specified number of loans,
11 a specified loan volume, or a preferred lender
12 arrangement for any loan made, insured, or guaranteed
13 under Title IV of the federal Higher Education Act of
14 1965, as amended, and a lender shall not make any such
15 offer. For purposes of this subsection, "opportunity
16 pool" means an educational loan made by a private
17 lender to a borrower that is in any manner guaranteed
18 by a covered institution, or that involves a payment,
19 directly or indirectly, by such an institution of
20 points, premiums, payments, additional interest, or
21 other financial support to the lender for the purpose
22 of that lender extending credit to the borrower.

23 6. PARTICIPATION ON ADVISORY COUNCILS. An
24 officer, employee, or agent who is employed in the
25 financial aid office of a covered institution, or who
26 otherwise has direct responsibilities with respect to
27 educational loans, shall not serve on or otherwise
28 participate with advisory councils of lenders or
29 affiliates of lenders. Nothing in this subsection
30 shall prohibit lenders from seeking advice from
31 covered institutions or groups of covered
32 institutions, including through telephonic or
33 electronic means, or a meeting, in order to improve
34 products and services for borrowers, provided there
35 are no gifts or compensation including but not limited
36 to transportation, lodging, or related expenses,
37 provided by lenders in connection with seeking such
38 advice from the institutions. Nothing in this
39 subsection shall prohibit an officer, employee, or
40 agent of a covered institution from serving on the
41 board of directors of a lender if required by law.

42 7. EXCEPTIONS.

43 a. Nothing in this section shall be construed as
44 prohibiting any of the following:

45 (1) An officer, employee, or agent of a covered
46 institution who is not employed in the institution's
47 financial aid office, or who does not otherwise have
48 direct responsibilities with respect to educational
49 loans, from paid or unpaid service on a board of
50 directors of a lender, guarantor, or servicer of

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1 educational loans.

2 (2) An officer, employee, or agent of a covered
3 institution who is not employed in the financial aid
4 office but who has direct responsibility with respect
5 to educational loans as a result of a position held at
6 the covered institution, from paid or unpaid service
7 on a board of directors of a lender, guarantor, or
8 servicer of educational loans, provided that the

9 covered institution has a written conflict of interest
10 policy that clearly sets forth that such an officer,
11 employee, or agent must be recused from participating
12 in any decision of the board with respect to any
13 transaction regarding educational loans.

14 (3) An officer, employee, or agent of a lender,
15 guarantor, or servicer of educational loans from
16 serving on a board of directors or serving as a
17 trustee of a covered institution, provided that the
18 covered institution has a written conflict of interest
19 policy that clearly sets forth the procedures to be
20 followed in instances where such a board member's or
21 trustee's personal or business interests with respect
22 to educational loans may be advanced by an action of
23 the board of directors or trustees, including a
24 provision that such a board member or trustee may not
25 participate in any decision to approve any transaction
26 where such conflicting interests may be advanced.

27 b. Nothing in this chapter shall be construed to
28 prohibit a covered institution from lowering
29 educational loan costs for borrowers, including
30 payments made by the covered institution to lending
31 institutions on behalf of borrowers.

32 Sec. 6. NEW SECTION. 261E.4 MISLEADING
33 IDENTIFICATION – COVERED INSTITUTION – LENDING
34 INSTITUTIONS' EMPLOYEES.

35 1. A lending institution shall prohibit an
36 employee or agent of the lending institution from
37 being identified to borrowers or prospective borrowers
38 of a covered institution as an employee,
39 representative, or agent of the covered institution.

40 2. A covered institution shall prohibit an
41 employee or agent of a lending institution from being
42 identified as an employee, representative, or agent of
43 the covered institution.

44 3. An employee, representative, or agent of a
45 lending institution included on a covered
46 institution's preferred lending list shall not staff a
47 covered institution's financial aid offices or call
48 center and shall not prepare any of the covered
49 institution's materials related to educational loans.

50 4. A covered institution that has entered into a

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1 preferred lender arrangement with a lender regarding
2 private educational loans shall not agree to the
3 lender's use of the name, emblem, mascot, or logo of
4 the institution, or other words, pictures, or symbols
5 readily identified with the institution, in the
6 marketing of private educational loans to the students
7 attending the institution in any way that implies that

8 the institution endorses the private educational loans
9 offered by the lender. However, the covered
10 institution may allow the use of its name if it is
11 part of the lending institution's legal name.

12 5. Nothing in this section shall prohibit a
13 covered institution from requesting or accepting the
14 following assistance from a lender related to any of
15 the following:

16 a. Providing educational counseling materials,
17 financial literacy materials, or debt management
18 materials to borrowers, provided that such materials
19 disclose to borrowers the identification of any lender
20 that assisted in preparing or providing such
21 materials.

22 b. Staffing services on a short-term, nonrecurring
23 basis to assist the institution with financial
24 aid-related functions during emergencies, including
25 state-declared or federally declared natural
26 disasters, federally declared national disasters, and
27 other localized disasters and emergencies identified
28 by the attorney general.

29 6. The attorney general shall adopt rules
30 providing for the disclosure, for lenders with a
31 preferred lender arrangement, of philanthropic
32 contributions made as specified in section 261E.1,
33 subsection 5, paragraph "d".

34 Sec. 7. NEW SECTION. 261E.5 LOAN DISCLOSURE –
35 LOAN BUNDLING – PROHIBITIONS.

36 1. A covered institution that has entered into a
37 preferred lender arrangement with a lender regarding
38 private educational loans shall inform the borrower or
39 prospective borrower of all available state education
40 financing options, and financing options under Title
41 IV of the federal Higher Education Act of 1965, as
42 amended, including information on any terms and
43 conditions of available loans under such title that
44 are more favorable to the borrower.

45 2. A covered institution shall prohibit the
46 bundling of private educational loans in financial aid
47 packages, unless the borrower is ineligible for
48 financing, is not eligible for any additional funding,
49 or has exhausted the limits of loan eligibility, under
50 Title IV of the federal Higher Education Act of 1965,

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1 as amended, or has not filled out a free application
2 for federal student aid, and the bundling of the
3 private educational loans is clearly and conspicuously
4 disclosed to the borrower prior to acceptance of the
5 package by the borrower. The provisions of this
6 subsection shall not apply if the borrower does not

7 desire or refuses to apply for a loan under Title IV
8 of the federal Higher Education Act of 1965.

9 3. A lending institution included on a covered
10 institution's preferred lender list shall disclose,
11 clearly and conspicuously, in any application for a
12 private educational loan, all of the following:

13 a. The rate of interest or the potential range of
14 rates of interest applicable to the loan and whether
15 such rates are fixed or variable.

16 b. Limitations, if any, on interest rate
17 adjustments, both in terms of frequency and amount, or
18 lack thereof.

19 c. Coborrower requirements, including changes in
20 interest rates.

21 d. Any fees associated with the loan.

22 e. The repayment terms available on the loan.

23 f. The opportunity for deferment or forbearance in
24 repayment of the loan, including whether the loan
25 payments can be deferred if the borrower is in school.

26 g. Any additional terms and conditions applied to
27 the loan, including any benefits that are contingent
28 on the repayment behavior of the borrower.

29 h. Information comparing federal and private
30 educational loans.

31 i. An example of the total cost of the educational
32 loan over the life of the loan which shall be
33 calculated using the following:

34 (1) A principal amount and the maximum rate of
35 interest actually offered by the lender, or, if there
36 is no maximum rate provided under the terms of the
37 loan agreement or applicable state or federal law, a
38 statement to that effect.

39 (2) Both with and without capitalization of
40 interest, if that is an option for postponing interest
41 payments.

42 j. The consequences for the borrower of defaulting
43 on a loan, including any limitations on the discharge
44 of an educational loan in bankruptcy.

45 k. Contact information for the lender.

46 4. Not later than January 31, 2009, the attorney
47 general shall develop and make available to lenders a
48 model disclosure form that is based on the
49 requirements of subsection 3. Use of the model
50 disclosure form by a lending institution in a manner

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1 consistent with this chapter shall constitute
2 compliance with subsection 3.
3 Sec. 8. **NEW SECTION.** 261E.6 STANDARDS FOR
4 PREFERRED LENDER LISTS.
5 1. A covered institution may make available a list

6 of preferred lenders, in print or any other medium or
7 form, for use by the covered institution's students or
8 their parents, provided the list meets the following
9 conditions:

10 a. The list is not used to deny or otherwise
11 impede a borrower's choice of lender.

12 b. The list contains at least three lenders that
13 are not affiliated and will make loans to borrowers or
14 students attending the school. For the purposes of
15 this paragraph, a lender is affiliated with another
16 lender if any of the following applies:

17 (1) The lenders are under the ownership or control
18 of the same entity or individuals.

19 (2) The lenders are wholly or partly owned
20 subsidiaries of the same parent company.

21 (3) The directors, trustees, or general partners,
22 or individuals exercising similar functions, of one of
23 the lenders constitute a majority of the persons
24 holding similar positions with the other lender.

25 c. The list does not include lenders that have
26 offered, or have offered in response to a solicitation
27 by the covered institution, financial or other
28 benefits to the covered institution in exchange for
29 inclusion on the list or any promise that a certain
30 number of loan applications will be sent to the lender
31 by the covered institution or its students.

32 2. A covered institution that provides or makes
33 available a preferred lender list shall do the
34 following:

35 a. Disclose to prospective borrowers, as part of
36 the list, the method and criteria used by the covered
37 institution in selecting any lender that it recommends
38 or suggests.

39 b. Provide comparative information to prospective
40 borrowers about interest rates and other benefits
41 offered by the lenders.

42 c. Include a prominent statement in any
43 information related to its preferred lender list
44 advising prospective borrowers that the borrowers are
45 not required to use one of the covered institution's
46 recommended or suggested lenders.

47 d. For first-time borrowers, refrain from
48 assigning, through award packaging or other methods, a
49 borrower's loan to a particular lender.

50 e. Not cause unnecessary certification delays for

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1 borrowers who use a lender that is not included on the
2 covered institution's preferred lender list.

3 f. Update the preferred lender list and any
4 information accompanying the list at least annually.

5 3. If the servicer of a private educational loan
6 is changed by a lending institution, the lending
7 institution shall disclose the change to the affected
8 borrower.

9 4. A lending institution shall not be placed on a
10 covered institution's preferred lender list or in
11 favored placement on a covered institution's preferred
12 lender list for a particular type of loan, in exchange
13 for benefits provided to the covered institution or to
14 the covered institution's students in connection with
15 a different type of loan.

16 Sec. 9. NEW SECTION. 261E.7 DISCLOSURE
17 REQUIREMENTS.

18 Except for educational loans made, insured, or
19 guaranteed by the federal government, a lending
20 institution included on a covered institution's
21 preferred lender list shall, upon receiving a request
22 from a borrower, covered institution, or government
23 entity, disclose to the requester in reasonable detail
24 and form, the terms of private educational loans made
25 to borrowers by that lending institution and the rates
26 of interest charged to borrowers for private
27 educational loans in the year preceding the
28 disclosures.

29 Sec. 10. NEW SECTION. 261E.8 PENALTIES.

30 1. If after providing notice and an opportunity
31 for a hearing the attorney general determines that a
32 covered institution or lending institution has
33 violated a provision of this chapter, the covered
34 institution or lending institution may be liable for a
35 civil penalty of up to five thousand dollars per
36 violation. In taking action against a covered
37 institution or lending institution, consideration
38 shall be given to the nature and severity of a
39 violation of this chapter.

40 2. If after providing notice and an opportunity
41 for a hearing the attorney general determines that a
42 covered institution employee has violated a provision
43 of this chapter, the covered institution employee may
44 be liable for a civil penalty of up to two thousand
45 five hundred dollars per violation. In taking action
46 against a covered institution employee, consideration
47 shall be given to the nature and severity of a
48 violation of this chapter.

49 3. If after providing notice and an opportunity
50 for a hearing the attorney general determines that a

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1 lending institution has violated a provision of this
2 chapter, such lending institution shall not be placed
3 or remain on any covered institution's preferred

4 lender list unless notice of such violation is
5 provided to all potential borrowers of the covered
6 institution. However, consideration shall be given to
7 the nature and severity of a violation of this chapter
8 in determining whether and for how long to ban a
9 lender from a preferred lender list.

10 4. Nothing in this section shall prohibit the
11 attorney general from reaching a settlement agreement
12 with a covered institution, covered institution
13 employee, or lending institution in order to
14 effectuate the purposes of this section. Provided,
15 however, if such settlement agreement is reached with
16 a covered institution or lending institution, the
17 attorney general shall provide notice of such action
18 to the borrowers in a form and manner prescribed by
19 the attorney general.

20 5. The attorney general shall deposit the funds
21 generated pursuant to this section into the student
22 lending education fund, created in section 261E.10.

23 6. Each individual incident of a violation of this
24 chapter shall be considered a separate violation for
25 the purpose of imposing civil penalties.

26 Sec. 11. NEW SECTION. 261E.9 RULES –
27 INVESTIGATION AUTHORITY – ENFORCEMENT.

28 1. The attorney general shall administer this
29 chapter and promulgate rules, pursuant to chapter 17A,
30 necessary for the implementation of this chapter.
31 Unless otherwise provided, all actions by the attorney
32 general pursuant to this chapter shall be subject to
33 the provisions of chapter 17A.

34 2. The attorney general is authorized to conduct
35 an investigation to determine whether to initiate
36 proceedings pursuant to this chapter to the same
37 extent as the investigation authority granted the
38 attorney general under section 714.16.

39 Sec. 12. NEW SECTION. 261E.10 STUDENT LENDING
40 EDUCATION FUND.

41 1. There is established in the state treasury a
42 student lending education fund.

43 2. The fund shall consist of all revenues
44 generated pursuant to section 261E.8 and all other
45 moneys credited or transferred to the fund from any
46 other fund or source pursuant to law.

47 3. Moneys in the fund shall be made available to
48 the attorney general for the purpose of enforcing this
49 chapter.

50 Sec. 13. NEW SECTION. 261E.11 EFFECT ON OTHER

- 3 liability of any person, covered institution, or
4 lending institution under any other state statute or
5 rule.
6 Sec. 14. STUDENT LOAN SECONDARY MARKET
7 INVESTIGATION REPORT.
8 1. The attorney general shall submit the findings
9 and recommendations resulting from the investigation
10 of the student loan secondary market and the Iowa
11 student loan liquidity corporation to the general
12 assembly by January 15, 2009.
13 2. The attorney general shall present the findings
14 and recommendations resulting from the investigation
15 of the student loan secondary market and the Iowa
16 student loan liquidity corporation to the legislative
17 government oversight committee at the committee's
18 October 2008 meeting.
19 Sec. 15. EFFECTIVE DATE. The sections of this Act
20 enacting sections 261E.3, 261E.5, 261E.6, and 261E.7,
21 take effect January 31, 2009."
22 2. Title page, by striking line 5 and inserting
23 the following: "providing for properly related
24 matters, and including an effective date."
25 3. By renumbering as necessary.

Tymeson of Madison offered the following amendment H-8644, to amendment H-8640, filed by her from the floor and moved its adoption:

H-8644

- 1 Amend the amendment, H-8640, to House File 2690 as
2 follows:
3 1. Page 2, line 18, by striking the words
4 "REVIEW. The" and inserting the following: "-
5 REVIEW.
6 1. The state superintendent of banking shall not
7 serve on the board of directors of the qualified
8 student loan bond issuer.
9 2. The".
10 2. By renumbering as necessary.

Amendment H-8644 was adopted.

On motion by Lensing of Johnson, amendment H-8640, as amended, was adopted.

Lensing of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2690)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, 4:

Forristall	Heddens	Roberts	Upmeyer
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2690** be immediately messaged to the Senate.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of Senate File 2427.

TEMPORARY APPOINTMENT

The Speaker announced that Smith of Marshall will be the temporary chair and Wessel-Kroeschell temporarily appointed to the conference committee on House File 2539.

Senate File 2427, a bill for an act prohibiting certain lobbying activities of state agencies and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Raecker of Polk offered the following amendment H-8630 filed by Raecker et al., and moved its adoption:

H-8630

1 Amend Senate File 2427, as passed by the Senate, as
2 follows:

3 1. Page 1, lines 5 and 6, by striking the words
4 "thirty days prior to or during a legislative
5 session".

6 2. Page 1, lines 8 and 9, by striking the words
7 "was considered during the previous" and inserting the
8 following: "could be considered during a".

Roll call was requested by Raecker of Polk and Jacobs of Polk.

On the question "Shall amendment H-8630 be adopted?" (S.F. 2427)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rasmussen	Rayhons	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tomenga	Tymeson	Van Engelenhoven	Van Fossen
Watts	Wienczek	Windschitl	Worthan

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Hunter	Huser	Jacoby
Kelley	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker Murphy	

Absent or not voting, 5:

Forristall	Heddens	Jochum	Roberts
Upmeyer			

Amendment H-8630 lost.

Mascher of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2427)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed

Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 1:

Raecker

Absent or not voting, 4:

Forristall	Heddens	Roberts	Upmeyer
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2427** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Anderson of Page called up for consideration **House File 2669**, a bill for an act relating to the collection and recycling of mercury-added thermostats, amended by the Senate, and moved that the House concur in the following Senate amendment H-8571:

H-8571

1 Amend House File 2669, as passed by the House, as
 2 follows:
 3 1. Page 5, by striking lines 12 through 33 and
 4 inserting the following:
 5 "8. The goal of the collection and recycling
 6 efforts under this section is to collect and recycle
 7 as many mercury-added thermostats as reasonably
 8 practicable. By January 1, 2009, the department shall
 9 determine collection goals for the program in
 10 consultation with interested persons, including the
 11 national electrical manufacturers association and
 12 representatives of thermostat manufacturers,
 13 thermostat wholesalers, thermostat retailers,
 14 contractors, environmental groups, and local
 15 government. If collection efforts fail to meet the

16 collection goals described in this subsection, the
 17 department shall, in consultation with the national
 18 electrical manufacturers association and other
 19 interested persons, consider modifications to
 20 collection programs in an attempt to improve
 21 collection rates in accordance with these goals."
 22 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8571.

Anderson of Page moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2669)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, 4:

Forristall

Heddens

Roberts

Upmeyer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2669** be immediately messaged to the Senate.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House File 2698.

Appropriations Calendar

House File 2698, a bill for an act relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to county attorney collections, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable, was taken up for consideration.

T. Taylor of Linn offered the following amendment H-8636 filed by him from the floor and moved its adoption:

H-8636

- 1 Amend House File 2698 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "DIVISION I
- 5 GAMBLING SETOFF
- 6 Section 1. Section 99D.2, Code 2007, is amended by
- 7 adding the following new subsection:
- 8 NEW SUBSECTION. 2A. "Claimant agency" means a
- 9 state agency as defined in section 8A.504, subsection
- 10 1, or the state court administrator as defined in
- 11 section 602.1101.
- 12 Sec. 2. Section 99D.7, Code 2007, is amended by
- 13 adding the following new subsection:
- 14 NEW SUBSECTION. 22A. To require licensees to
- 15 establish a process with the state for licensees to

16 have electronic access to names and social security
17 numbers of debtors of claimant agencies through a
18 secured interactive web site maintained by the state.
19 Sec. 3. NEW SECTION. 99D.28 SETOFF.

20 1. A licensee or a person acting on behalf of a
21 licensee shall be provided electronic access to the
22 names of the persons indebted to a claimant agency
23 pursuant to the process established pursuant to
24 section 99D.7, subsection 22A. The electronic access
25 provided by the claimant agency shall include access
26 to the names of the debtors, their social security
27 numbers, and any other information that assists the
28 licensee in identifying the debtors. If the name of a
29 debtor provided to the licensee through electronic
30 access is retrieved by the licensee, and the winnings
31 are equal to or greater than ten thousand dollars per
32 occurrence, the retrieval of such a name shall
33 constitute a valid lien upon and claim of lien against
34 the winnings of the debtor whose name is
35 electronically retrieved from the claimant agency. If
36 a debtor's winnings are equal to or greater than ten
37 thousand dollars per occurrence, the full amount of
38 the debt shall be collectible from any winnings due
39 the debtor without regard to limitations on the
40 amounts that may be collectible in increments through
41 setoff or other proceedings.

42 2. The licensee is authorized and directed to
43 withhold any winnings of a debtor which are paid out
44 directly by the licensee subject to the lien created
45 by this section and provide notice of such withholding
46 to the winner when the winner appears and claims
47 winnings in person. The licensee shall pay the funds
48 over to the collection entity which administers the
49 setoff program pursuant to section 8A.504.

50 3. Notwithstanding any other provision of law to

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1 the contrary, the licensee may provide to a claimant
2 agency all information necessary to accomplish and
3 effectuate the intent of this section, and likewise
4 the claimant agency may provide all information
5 necessary to accomplish and effectuate the intent of
6 this section.

7 4. The information obtained by a claimant agency
8 from the licensee in accordance with this section
9 shall retain its confidentiality and shall only be
10 used by a claimant agency in the pursuit of its debt
11 collection duties and practices. An employee or prior
12 employee of a claimant agency who unlawfully discloses
13 any such information for any other purpose, except as
14 otherwise specifically authorized by law, shall be

15 subject to the penalties specified by law for
16 unauthorized disclosure of confidential information by
17 an agent or employee of the claimant agency.

18 5. The information obtained by a licensee from a
19 claimant agency in accordance with this section shall
20 retain its confidentiality and only be used by the
21 licensee in the pursuit of debt collection duties and
22 practices. An employee or prior employee of a
23 licensee who unlawfully discloses any such information
24 for any other purpose, except as otherwise
25 specifically authorized by law, shall be subject to
26 the same penalties specified by law for unauthorized
27 disclosure of confidential information by an agent or
28 employee of the licensee.

29 6. Except as otherwise provided in this chapter,
30 attachments, setoffs, or executions authorized and
31 issued pursuant to law shall be withheld if timely
32 served upon the licensee.

33 7. A claimant agency or licensee, acting in good
34 faith, shall not be liable for actions taken to comply
35 with this section.

36 Sec. 4. Section 99F.1, Code Supplement 2007, is
37 amended by adding the following new subsection:
38 NEW SUBSECTION. 3A. "Claimant agency" means a
39 state agency as defined in section 8A.504, subsection
40 1, or the state court administrator as defined in
41 section 602.1101.

42 Sec. 5. Section 99F.4, Code Supplement 2007, is
43 amended by adding the following new subsection:
44 NEW SUBSECTION. 26. To require licensees to
45 establish a process with the state for licensees to
46 have electronic access to names and social security
47 numbers of debtors of claimant agencies through a
48 secured interactive web site maintained by the state.

49 Sec. 6. NEW SECTION. 99F.19 SETOFF.

50 1. A licensee or a person acting on behalf of a

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1 licensee shall be provided electronic access to the
2 names of the persons indebted to a claimant agency
3 pursuant to the process established pursuant to
4 section 99F.4, subsection 26. The electronic access
5 provided by the claimant agency shall include access
6 to the names of the debtors, their social security
7 numbers, and any other information that assists the
8 licensee in identifying the debtors. If the name of a
9 debtor provided to the licensee through electronic
10 access is retrieved by the licensee, and the winnings
11 are equal to or greater than ten thousand dollars per
12 occurrence, the retrieval of such a name shall
13 constitute a valid lien upon and claim of lien against

14 the winnings of the debtor whose name is
15 electronically retrieved from the claimant agency. If
16 a debtor's winnings are equal to or greater than ten
17 thousand dollars per occurrence, the full amount of
18 the debt shall be collectible from any winnings due
19 the debtor without regard to limitations on the
20 amounts that may be collectible in increments through
21 setoff or other proceedings.

22 2. The licensee is authorized and directed to
23 withhold any winnings of a debtor which are paid out
24 directly by the licensee subject to the lien created
25 by this section and provide notice of such withholding
26 to the winner when the winner appears and claims
27 winnings in person. The licensee shall pay the funds
28 over to the collection entity which administers the
29 setoff program pursuant to section 8A.504.

30 3. Notwithstanding any other provision of law to
31 the contrary, the licensee may provide to a claimant
32 agency all information necessary to accomplish and
33 effectuate the intent of this section, and likewise
34 the claimant agency may provide all information
35 necessary to accomplish and effectuate the intent of
36 this section.

37 4. The information obtained by a claimant agency
38 from the licensee in accordance with this section
39 shall retain its confidentiality and shall only be
40 used by a claimant agency in the pursuit of its debt
41 collection duties and practices. An employee or prior
42 employee of a claimant agency who unlawfully discloses
43 any such information for any other purpose, except as
44 otherwise specifically authorized by law, shall be
45 subject to the penalties specified by law for
46 unauthorized disclosure of confidential information by
47 an agent or employee of the claimant agency.

48 5. The information obtained by a licensee from a
49 claimant agency in accordance with this section shall
50 retain its confidentiality and only be used by the

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1 licensee in the pursuit of debt collection duties and
2 practices. An employee or prior employee of a
3 licensee who unlawfully discloses any such information
4 for any other purpose, except as otherwise
5 specifically authorized by law, shall be subject to
6 the same penalties specified by law for unauthorized
7 disclosure of confidential information by an agent or
8 employee of the licensee.

9 6. Except as otherwise provided in this chapter,
10 attachments, setoffs, or executions authorized and
11 issued pursuant to law shall be withheld if timely
12 served upon the licensee.

13 7. A claimant agency or licensee, acting in good
14 faith, shall not be liable for actions taken to comply
15 with this section.

16 DIVISION II

17 LICENSING SANCTIONS

18 Sec. 7. NEW SECTION. 272D.1 DEFINITIONS.

19 As used in this chapter, unless the context
20 otherwise requires:

21 1. "Certificate of noncompliance" means a document
22 provided by the unit certifying the named person has
23 outstanding liability placed with the unit and has not
24 entered into an approved payment plan to pay the
25 liability.

26 2. "Liability" means a debt or obligation placed
27 with the unit for collection that is greater than one
28 thousand dollars. For purposes of this chapter
29 "liability" does not include support payments
30 collected pursuant to chapter 252J.

31 3. "License" means a license, certification,
32 registration, permit, approval, renewal, or other
33 similar authorization issued to a person by a
34 licensing authority which evidences the admission to,
35 or granting of authority to engage in, a profession,
36 occupation, business, industry, or recreation.
37 "License" includes licenses for hunting and fishing,
38 or other recreational activity.

39 4. "Licensee" means a person to whom a license has
40 been issued, or who is seeking the issuance of a
41 license.

42 5. "Licensing authority" means the supreme court,
43 or an instrumentality, agency, board, commission,
44 department, officer, organization, or any other entity
45 of the state, which has authority within this state to
46 suspend or revoke a license or to deny the renewal or
47 issuance of a license authorizing a person to engage
48 in a business, occupation, profession, recreation, or
49 industry.

50 6. "Obligor" means a person with a liability

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1 placed with the unit.

2 7. "Person" means a licensee.

3 8. "Unit" means the centralized collection unit of
4 the department of revenue.

5 9. "Withdrawal of a certificate of noncompliance"
6 means a document provided by the unit certifying that
7 the certificate of noncompliance is withdrawn and that
8 the licensing authority may proceed with issuance,
9 reinstatement, or renewal of the person's license.

10 Sec. 8. NEW SECTION. 272D.2 PURPOSE AND USE.

11 1. Notwithstanding other statutory provisions to

12 the contrary, the unit may utilize the process
13 established in this chapter to collect liabilities
14 placed with the unit.

15 2. Actions initiated by the unit under this
16 chapter shall not be subject to contested case
17 proceedings or further review pursuant to chapter 17A
18 and any resulting court hearing shall be an original
19 hearing before the district court.

20 3. Notwithstanding chapter 22, all of the
21 following apply:

22 a. Information obtained by the unit under this
23 chapter shall be used solely for the purposes of this
24 chapter.

25 b. Information obtained by a licensing authority
26 under this chapter shall be used solely for the
27 purposes of this chapter.

28 4. Notwithstanding any other law to the contrary,
29 information shall be exchanged by a licensing
30 authority and the unit to effectuate this chapter.

31 Sec. 9. NEW SECTION. 272D.3 NOTICE TO PERSON OF
32 POTENTIAL SANCTION OF LICENSE.

33 The unit shall proceed in accordance with this
34 chapter only if the unit sends a notice to the person
35 by regular mail to the last known address of the
36 person. The notice shall include all of the
37 following:

38 1. The address and telephone number of the unit
39 and the person's unit account number.

40 2. A statement that the person may request a
41 conference with the unit to contest the action.

42 3. A statement that if, within twenty days of
43 mailing of the notice to the person, the person fails
44 to contact the unit to schedule a conference, the unit
45 shall issue a certificate of noncompliance, bearing
46 the person's name, social security number, and unit
47 account number, to any appropriate licensing
48 authority, certifying that the obligor has an
49 outstanding liability placed with the unit.

50 4. A statement that in order to stay the issuance

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1 of a certificate of noncompliance the request for a
2 conference shall be in writing and shall be received
3 by the unit within twenty days of mailing of the
4 notice to the person.

5 5. The names of the licensing authorities to which
6 the unit intends to issue a certificate of
7 noncompliance.

8 6. A statement that if the unit issues a
9 certificate of noncompliance to an appropriate
10 licensing authority, the licensing authority shall

11 initiate proceedings to refuse to issue or renew, or
12 to suspend or revoke the person's license, unless the
13 unit provides the licensing authority with a
14 withdrawal of a certificate of noncompliance.
15 Sec. 10. NEW SECTION. 272D.4 CONFERENCE.
16 1. The person may schedule a conference with the
17 unit following mailing of the notice pursuant to
18 section 272D.3, or at any time after service of notice
19 of suspension, revocation, denial of issuance, or
20 nonrenewal of a license from a licensing authority, to
21 challenge the unit's actions under this chapter.
22 2. The request for a conference shall be made to
23 the unit, in writing, and, if requested after mailing
24 of the notice pursuant to section 272D.3, shall be
25 received by the unit within twenty days following
26 mailing of the notice.
27 3. The unit shall notify the person of the date,
28 time, and location of the conference by regular mail,
29 with the date of the conference to be no earlier than
30 ten days following issuance of notice of the
31 conference by the unit. If the person fails to appear
32 at the conference, the unit shall issue a certificate
33 of noncompliance.
34 4. Following the conference, the unit shall issue
35 a certificate of noncompliance unless any of the
36 following applies:
37 a. The unit finds a mistake in the identity of the
38 person.
39 b. The unit finds a mistake in determining the
40 amount of the liability.
41 c. The unit determines the amount of the liability
42 is not greater than one thousand dollars.
43 d. The obligor enters into an acceptable payment
44 plan.
45 e. Issuance of a certificate of noncompliance is
46 not appropriate under other criteria established in
47 accordance with rules adopted by the department of
48 revenue pursuant to chapter 17A.
49 5. The unit shall grant the person a stay of the
50 issuance of a certificate of noncompliance upon

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1 receiving a timely written request for a conference,
2 and if a certificate of noncompliance has previously
3 been issued, shall issue a withdrawal of a certificate
4 of noncompliance if the obligor enters into a written
5 agreement with the unit to pay the liability.
6 6. If the person does not timely request a
7 conference or does not pay the total amount of
8 liability owed within twenty days of mailing of the
9 notice pursuant to section 272D.3, the unit shall

10 issue a certificate of noncompliance.

11 Sec. 11. NEW SECTION. 272D.5 WRITTEN AGREEMENT.

12 1. The obligor and the unit may enter into a
13 written agreement for payment of the liability owed
14 which takes into consideration the obligor's ability
15 to pay and other criteria established by rule of the
16 department of revenue. The written agreement shall
17 include all of the following:

18 a. The method, amount, and dates of payments by
19 the obligor.

20 b. A statement that upon breach of the written
21 agreement by the obligor, the unit shall issue a
22 certificate of noncompliance to any appropriate
23 licensing authority.

24 2. A written agreement entered into pursuant to
25 this section does not preclude any other remedy
26 provided by law.

27 3. Following issuance of a certificate of
28 noncompliance, if the obligor enters into a written
29 agreement with the unit, the unit shall issue a
30 withdrawal of the certificate of noncompliance to any
31 appropriate licensing authority and shall forward a
32 copy of the withdrawal by regular mail to the obligor.

33 Sec. 12. NEW SECTION. 272D.6 DECISION OF THE
34 UNIT.

35 1. If the unit mails a notice to a person pursuant
36 to section 272D.3, and the person requests a
37 conference pursuant to section 272D.4, the unit shall
38 issue a written decision if any of the following
39 conditions exist:

40 a. The person fails to appear at a scheduled
41 conference under section 272D.4.

42 b. A conference is held under section 272D.4.

43 c. The obligor fails to comply with a written
44 agreement entered into by the obligor and the unit
45 under section 272D.5.

46 2. The unit shall send a copy of the written
47 decision to the person by regular mail at the person's
48 most recent address of record. If the decision is
49 made to issue a certificate of noncompliance or to
50 withdraw the certificate of noncompliance, a copy of

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1 the certificate of noncompliance or of the withdrawal
2 of the certificate of noncompliance shall be attached
3 to the written decision. The written decision shall
4 state all of the following:

5 a. That the certificate of noncompliance or
6 withdrawal of the certificate of noncompliance has
7 been provided to the licensing authorities named in
8 the notice provided pursuant to section 272D.3.

9 b. That upon receipt of a certificate of
10 noncompliance, the licensing authority shall initiate
11 proceedings to suspend, revoke, deny issuance, or deny
12 renewal of a license, unless the licensing authority
13 is provided with a withdrawal of a certificate of
14 noncompliance from the unit.

15 c. That in order to obtain a withdrawal of a
16 certificate of noncompliance from the unit, the
17 obligor shall enter into a written agreement with the
18 unit, comply with an existing written agreement with
19 the unit, or pay the total amount of liability owed.

20 d. That if the unit issues a written decision
21 which includes a certificate of noncompliance, the
22 person may request a hearing as provided in section
23 272D.9, before the district court. The person may
24 retain an attorney at the person's own expense to
25 represent the person at the hearing. The review of
26 the district court shall be limited to demonstration
27 of a mistake of fact related to the amount of the
28 liability owed or the identity of the person.

29 3. If the unit issues a certificate of
30 noncompliance, the unit shall only issue a withdrawal
31 of the certificate of noncompliance if any of the
32 following applies:

33 a. The unit or the court finds a mistake in the
34 identity of the person.

35 b. The unit or the court finds a mistake in the
36 amount owed.

37 c. The obligor enters into a written agreement
38 with the unit to pay the liability owed, the obligor
39 complies with an existing written agreement, or the
40 obligor pays the total amount of liability owed.

41 d. Issuance of a withdrawal of the certificate of
42 noncompliance is appropriate under other criteria in
43 accordance with rules adopted by the department of
44 revenue pursuant to chapter 17A.

45 Sec. 13. NEW SECTION. 272D.7 CERTIFICATE OF
46 NONCOMPLIANCE – CERTIFICATION TO LICENSING AUTHORITY.

47 1. If a person fails to respond to a notice of
48 potential license sanction provided pursuant to
49 section 272D.3 or the unit issues a written decision
50 under section 272D.6 which states that the person is

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1 not in compliance, the unit shall issue a certificate
2 of noncompliance to any appropriate licensing
3 authority.

4 2. The certificate of noncompliance shall contain
5 the person's name and social security number.

6 3. The certificate of noncompliance shall require
7 all of the following:

8 a. That the licensing authority initiate
 9 procedures for the revocation or suspension of the
 10 person's license, or for the denial of the issuance or
 11 renewal of a license using the licensing authority's
 12 procedures.

13 b. That the licensing authority provide notice to
 14 the person, as provided in section 272D.8, of the
 15 intent to suspend, revoke, deny issuance, or deny
 16 renewal of a license including the effective date of
 17 the action. The suspension, revocation, or denial
 18 shall be effective no sooner than thirty days
 19 following provision of notice to the person.

20 Sec. 14. NEW SECTION. 272D.8 REQUIREMENTS AND
 21 PROCEDURES OF LICENSING AUTHORITY.

22 1. A licensing authority shall maintain records of
 23 licensees by name, current known address, and social
 24 security number. The records shall be made available
 25 to the unit in an electronic format in order for the
 26 unit to match the names of the persons with any
 27 liability placed with the unit for collection.

28 2. In addition to other grounds for suspension,
 29 revocation, or denial of issuance or renewal of a
 30 license, a licensing authority shall include in rules
 31 adopted by the licensing authority as grounds for
 32 suspension, revocation, or denial of issuance or
 33 renewal of a license, the receipt of a certificate of
 34 noncompliance from the unit.

35 3. The supreme court shall prescribe rules for
 36 admission of persons to practice as attorneys and
 37 counselors pursuant to chapter 602, article 10, which
 38 include provisions, as specified in this chapter, for
 39 the denial, suspension, or revocation of the admission
 40 for failure to pay a liability placed with the unit.

41 4. a. A licensing authority that is issued a
 42 certificate of noncompliance shall initiate procedures
 43 for the suspension, revocation, or denial of issuance
 44 or renewal of licensure to a person. The licensing
 45 authority shall utilize existing rules and procedures
 46 for suspension, revocation, or denial of the issuance
 47 or renewal of a license.

48 b. In addition, the licensing authority shall
 49 provide notice to the person of the licensing
 50 authority's intent to suspend, revoke, or deny

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1 issuance or renewal of a license under this chapter.
 2 The suspension, revocation, or denial shall be
 3 effective no sooner than thirty days following
 4 provision of notice to the person. The notice shall
 5 state all of the following:

6 (1) The licensing authority intends to suspend,

7 revoke, or deny issuance or renewal of a person's
8 license due to the receipt of a certificate of
9 noncompliance from the unit.

10 (2) The person must contact the unit to schedule a
11 conference or to otherwise obtain a withdrawal of a
12 certificate of noncompliance.

13 (3) Unless the unit furnishes a withdrawal of a
14 certificate of noncompliance to the licensing
15 authority within thirty days of the issuance of the
16 notice under this section, the person's license will
17 be revoked, suspended, or denied.

18 (4) If the licensing authority's rules and
19 procedures conflict with the additional requirements
20 of this section, the requirements of this section
21 shall apply. Notwithstanding section 17A.18, the
22 person does not have a right to a hearing before the
23 licensing authority to contest the authority's actions
24 under this chapter but may request a court hearing
25 pursuant to section 272D.9 within thirty days of the
26 provision of notice under this section.

27 5. If the licensing authority receives a
28 withdrawal of a certificate of noncompliance from the
29 unit, the licensing authority shall immediately
30 reinstate, renew, or issue a license if the person is
31 otherwise in compliance with licensing requirements
32 established by the licensing authority.

33 Sec. 15. NEW SECTION. 272D.9 DISTRICT COURT
34 HEARING.

35 1. Following the issuance of a written decision by
36 the unit under section 272D.6 which includes the
37 issuance of a certificate of noncompliance, or
38 following provision of notice to the person by a
39 licensing authority pursuant to section 272D.8, a
40 person may seek review of the decision and request a
41 hearing before the district court by filing an
42 application with the district court in the county
43 where the majority of the liability was incurred, and
44 sending a copy of the application to the unit by
45 regular mail.

46 2. An application shall be filed to seek review of
47 the decision by the unit or following issuance of
48 notice by the licensing authority no later than within
49 thirty days after the issuance of the notice pursuant
50 to section 272D.8. The clerk of the district court

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1 shall schedule a hearing and mail a copy of the order
2 scheduling the hearing to the person and the unit and
3 shall also mail a copy of the order to the licensing
4 authority, if applicable. The unit shall certify a
5 copy of its written decision and certificate of

6 noncompliance, indicating the date of issuance, and
7 the licensing authority shall certify a copy of a
8 notice issued pursuant to section 272D.8, to the court
9 prior to the hearing.

10 3. The filing of an application pursuant to this
11 section shall automatically stay the actions of a
12 licensing authority pursuant to section 272D.8. The
13 hearing on the application shall be scheduled and held
14 within thirty days of the filing of the application.
15 However, if the person fails to appear at the
16 scheduled hearing, the stay shall be lifted and the
17 licensing authority shall continue procedures pursuant
18 to section 272D.8.

19 4. The scope of review by the district court shall
20 be limited to demonstration of the amount of the
21 liability owed or the identity of the person.

22 5. If the court finds that the unit was in error
23 in issuing a certificate of noncompliance, or in
24 failing to issue a withdrawal of a certificate of
25 noncompliance, the unit shall issue a withdrawal of a
26 certificate of noncompliance to the appropriate
27 licensing authority.

28 DIVISION III

29 COLLECTION OF DEBT

30 Sec. 16. Section 96.11, subsection 6, paragraph b,
31 subparagraph (3), Code Supplement 2007, is amended to
32 read as follows:

33 (3) Information obtained from an employing unit or
34 individual in the course of administering this chapter
35 and an initial determination made by a representative
36 of the department under section 96.6, subsection 2, as
37 to benefit rights of an individual shall not be used
38 in any action or proceeding, except in a contested
39 case proceeding or judicial review under chapter 17A.
40 However, the department shall make information, which
41 is obtained from an employing unit or individual in
42 the course of administering this chapter and which
43 relates to the employment and wage history of the
44 individual, available to a county attorney for the
45 county attorney's use in the performance of duties
46 under section 331.756, subsection 5, or section
47 602.8107. The department shall make such information
48 electronically accessible to the county attorney at
49 the county attorney's office, if requested, provided
50 the county attorney's office pays the cost of the

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1 installation of the equipment to provide such access.
2 Information in the department's possession which may
3 affect a claim for benefits or a change in an
4 employer's rating account shall be made available to

5 the interested parties. The information may be used
6 by the interested parties in a proceeding under this
7 chapter to the extent necessary for the proper
8 presentation or defense of a claim.

9 Sec. 17. NEW SECTION. 321.11A PERSONAL
10 INFORMATION DISCLOSURE – EXCEPTION.

11 1. Notwithstanding section 321.11, the department,
12 upon request, shall provide personal information that
13 identifies a person by the social security number of
14 the person to the following:

15 a. The department of revenue for the purpose of
16 collecting debt.

17 b. The judicial branch for the purpose of
18 collecting court debt pursuant to section 602.8107.

19 c. The department of administrative services for
20 the purpose of administering the setoff program
21 pursuant to section 8A.504.

22 2. The social security number obtained by the
23 department of revenue or the judicial branch shall
24 retain its confidentiality and shall only be used for
25 the purposes provided in this section.

26 Sec. 18. Section 321.40, Code Supplement 2007, is
27 amended by adding the following new subsection:

28 NEW SUBSECTION. 9. a. The clerk of the district
29 court shall notify the county treasurer of any
30 delinquent court debt, as defined in section 602.8107,
31 which is being collected by the county attorney
32 pursuant to section 602.8107, subsection 4. The
33 county treasurer shall refuse to renew the vehicle
34 registration of the applicant upon such notification
35 from the clerk of the district court in regard to such
36 applicant.

37 b. If the applicant enters into or renews a
38 payment plan that is satisfactory to the county
39 attorney or the county attorney's designee, the county
40 attorney shall provide the county treasurer with
41 written or electronic notice of the payment plan
42 within five days of entering into such a plan. The
43 county treasurer shall temporarily lift the
44 registration hold on an applicant for a period of ten
45 days if the treasurer receives such notice in order to
46 allow the applicant to register a vehicle for the
47 year. If the applicant remains current with the
48 payment plan entered into with the county attorney or
49 the county attorney's designee, subsequent lifts of
50 registration holds shall be granted without additional

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1 restrictions.

2 Sec. 19. Section 321.210A, subsection 2, Code
3 Supplement 2007, is amended to read as follows:

4 2. If after suspension, the person enters into an
 5 installment agreement with the county attorney, the
 6 county attorney's designee, or the centralized
 7 collection unit of the department of revenue in
 8 accordance with section 321.210B to pay the fine,
 9 penalty, court cost, or surcharge, the person's
 10 license shall be reinstated by the department upon
 11 receipt of a report of an executed installment
 12 agreement.

13 Sec. 20. Section 321.210A, Code Supplement 2007,
 14 is amended by adding the following new subsection:
 15 NEW SUBSECTION. 3. If the county attorney or the
 16 county attorney's designee, while collecting
 17 delinquent court debt pursuant to section 602.8107,
 18 determines that the person has been convicted of an
 19 additional violation of a law regulating the operation
 20 of a motor vehicle, the county attorney or the county
 21 attorney's designee shall notify the clerk of the
 22 district court of the appropriate case numbers, and
 23 the clerk of the district court shall notify the
 24 department for the purpose of instituting suspension
 25 procedures pursuant to this section.

26 Sec. 21. Section 321.210B, Code Supplement 2007,
 27 is amended to read as follows:

28 321.210B INSTALLMENT AGREEMENT.

29 1. If a person's fine, penalty, surcharge, or
 30 court cost is deemed delinquent as provided in section
 31 602.8107, subsection ~~3~~ 2, and the person's driver's
 32 license has been suspended pursuant to section
 33 321.210A, the person may execute an installment
 34 agreement with the county attorney, ~~or~~ the county
 35 attorney's designee, or the centralized collection
 36 unit of the department of revenue to pay the
 37 delinquent amount and the fee assessed in subsection 7
 38 in installments. Prior to execution of the
 39 installment agreement, the person shall provide the
 40 county attorney, ~~or~~ the county attorney's designee, or
 41 the centralized collection unit of the department of
 42 revenue with a financial statement in order for the
 43 parties to the agreement to determine the amount of
 44 the installment payments.

45 2. ~~A~~ If the person enters into an installment
 46 agreement with the county attorney or the county
 47 attorney's designee, the person shall execute an
 48 installment agreement in the county where the fine,
 49 penalty, surcharge, or court cost was imposed. If the
 50 county where the fine, penalty, surcharge, or court

1 cost was imposed does not have an installment
 2 agreement program, the person shall execute an

3 installment agreement in the person's county of
4 residence. If the county of residence does not have
5 an installment agreement program, the person may
6 execute an installment agreement with any county
7 attorney or county attorney's designee.

8 3. The county attorney, ~~or~~ the county attorney's
9 designee, or the centralized collection unit of the
10 department of revenue shall file the installment
11 agreement with the clerk of the district court in the
12 county where the fine, penalty, surcharge, or court
13 cost was imposed, within five days of execution of the
14 agreement.

15 4. Upon receipt of an executed installment
16 agreement and after the first installment payment, the
17 clerk of the district court shall report the receipt
18 of the executed installment agreement to the
19 department of transportation.

20 5. Upon receipt of the report from the clerk of
21 the district court and payment of the reinstatement
22 fee as provided in section 321.191, the department
23 shall immediately reinstate the driver's license of
24 the person unless the driver's license of the person
25 is otherwise suspended, revoked, denied, or barred
26 under another provision of law.

27 6. If a driver's license is reinstated upon
28 receipt of a report of an executed installment
29 agreement the driver shall provide proof of financial
30 responsibility pursuant to section 321A.17, if
31 otherwise required by law.

32 7. The civil penalty, if assessed pursuant to
33 section 321.218A, shall be added to the amount owing
34 under the installment agreement. The clerk of the
35 district court shall transmit to the department, from
36 the first moneys collected, an amount equal to the
37 amount of any civil penalty assessed and added to the
38 installment agreement. The department shall transmit
39 the money received from the clerk of the district
40 court pursuant to this subsection to the treasurer of
41 state for deposit in the juvenile detention home fund
42 created in section 232.142.

43 8. Upon determination by the county attorney, ~~or~~
44 the county attorney's designee, or the centralized
45 collection unit of the department of revenue that the
46 person is in default, the county attorney, ~~or~~ the
47 county attorney's designee, or the centralized
48 collection unit shall notify the clerk of the district
49 court.

50 9. The clerk of the district court, upon receipt

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1 of a notification of a default from the county
2 attorney, ~~or~~ the county attorney's designee, or the
3 centralized collection unit of the department of
4 revenue shall report the default to the department of
5 transportation.

6 10. Upon receipt of a report of a default from the
7 clerk of the district court, the department shall
8 suspend the driver's license of a person as provided
9 in section 321.210A. For purposes of suspension and
10 reinstatement of the driver's license of a person in
11 default, the suspension and any subsequent
12 reinstatement shall be considered a suspension
13 pursuant to section 321.210A.

14 11. If a new fine, penalty, surcharge, or court
15 cost is imposed on a person after the person has
16 executed an installment agreement with the county
17 attorney, ~~or~~ the county attorney's designee, the
18 centralized collection unit of the department of
19 revenue, and the new fine, penalty, surcharge, or
20 court cost is deemed delinquent as provided in section
21 602.8107, subsection ~~3~~ 2, and the person's driver's
22 license has been suspended pursuant to section
23 321.210A, the person may enter into a second
24 installment agreement with the county attorney, ~~or~~
25 county attorney's designee, or the centralized
26 collection unit of the department of revenue to pay
27 the delinquent amount and the fee, if assessed, in
28 subsection 7 in installments.

29 12. If an installment agreement is in default, the
30 fine, penalty, surcharge, or court cost covered under
31 the agreement shall not become part of any new
32 installment agreement.

33 13. A person is eligible to enter into five
34 installment agreements in the person's lifetime.

35 14. Except for the civil penalty if assessed and
36 collected pursuant to subsection 7, any amount
37 collected under the installment agreement by the
38 county attorney or the county attorney's designee
39 shall be distributed as provided in section 602.8107,
40 subsection 4, and any amount collected by the
41 centralized collection unit of the department of
42 revenue shall be deposited with the clerk of the
43 district court for distribution under section
44 602.8108.

45 Sec. 22. Section 331.756, subsection 5, paragraph
46 e, Code Supplement 2007, is amended by striking the
47 paragraph.

48 Sec. 23. Section 602.8102, Code Supplement 2007,
49 is amended by adding the following new subsection:

50 NEW SUBSECTION. 105B. Facilitate the collection

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1 of court debt pursuant to section 602.8107.

2 Sec. 24. Section 602.8107, Code Supplement 2007,
3 is amended by striking the section and inserting in
4 lieu thereof the following:

5 602.8107 COLLECTION OF COURT DEBT.

6 1. As used in this section, "court debt" means all
7 fines, penalties, court costs, fees, forfeited bail,
8 surcharges under chapter 911, victim restitution,
9 restitution for court-appointed attorney fees or for
10 expenses of a public defender, or fees charged
11 pursuant to section 356.7 or 904.108.

12 2. CLERK OF THE DISTRICT COURT COLLECTION. Court
13 debt shall be owed and payable to the clerk of the
14 district court. All amounts collected shall be
15 distributed pursuant to sections 602.8106 and 602.8108
16 or as otherwise provided by this Code. The clerk may
17 accept payment of an obligation or a portion thereof
18 by credit card. Any fees charged to the clerk with
19 respect to payment by credit card may be paid from
20 receipts collected by credit card.

21 a. If the clerk receives payment from a person who
22 is an inmate at a correctional institution or who is
23 under the supervision of a judicial district
24 department of correctional services, the payment shall
25 be applied to the balance owed under the identified
26 case number of the case which has resulted in the
27 placement of the person at a correctional institution
28 or under the supervision of the judicial district
29 department of correctional services.

30 b. If a case number is not identified, the clerk
31 shall apply the payment to the balance owed in the
32 criminal case with the oldest judgment against the
33 person.

34 c. Payments received under this section shall be
35 applied in the following priority order:

36 (1) Pecuniary damages as defined in section 910.1,
37 subsection 3.

38 (2) Fines or penalties and criminal penalty and
39 law enforcement initiative surcharges.

40 (3) Crime victim compensation program
41 reimbursement.

42 (4) Court costs, including correctional fees
43 assessed pursuant to sections 356.7 and 904.108,
44 court-appointed attorney fees, or public defender
45 expenses.

46 d. The court debt is deemed delinquent if it is
47 not paid within thirty days after the date it is
48 assessed. An amount which was ordered by the court to
49 be paid on a date fixed in the future pursuant to
50 section 909.3 is deemed delinquent if it is not

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1 received by the clerk within thirty days after the
2 fixed future date set out in the court order. If an
3 amount was ordered to be paid by installments, and an
4 installment is not received within thirty days after
5 the date it is due, the entire amount of the court
6 debt is deemed delinquent.

7 3. COLLECTION BY CENTRALIZED COLLECTION UNIT OF
8 DEPARTMENT OF REVENUE. Thirty days after court debt
9 has been assessed, or if an installment payment is not
10 received within thirty days after the date it is due,
11 the judicial branch may assign a case to the
12 centralized collection unit of the department of
13 revenue or its designee to collect debts owed to the
14 clerk of the district court for a period of sixty
15 days. In addition, court debt which is being
16 collected under an installment agreement pursuant to
17 section 321.210B which is in default that remains
18 delinquent may also be assigned to the centralized
19 collection unit of the department of revenue or its
20 designee.

21 a. The department of revenue may impose a fee
22 established by rule to reflect the cost of processing
23 which shall be added to the debt owed to the clerk of
24 the district court. Any amounts collected by the unit
25 shall first be applied to the processing fee. The
26 remaining amounts shall be remitted to the clerk of
27 the district court for the county in which the debt is
28 owed. The judicial branch may prescribe rules to
29 implement this subsection. These rules may provide
30 for remittance of processing fees to the department of
31 revenue or its designee.

32 b. Satisfaction of the outstanding court debt
33 occurs only when all fees or charges and the
34 outstanding court debt is paid in full. Payment of
35 the outstanding court debt only shall not be
36 considered payment in full for satisfaction purposes.

37 c. The department of revenue or its collection
38 designee shall file with the clerk of the district
39 court a notice of the satisfaction of each portion of
40 the court debt to the full extent of the moneys
41 collected in satisfaction of the court debt. The
42 clerk of the district court shall record the notice
43 and enter a satisfaction for the amounts collected.

44 4. COUNTY ATTORNEY COLLECTION. The county
45 attorney or the county attorney's designee may collect
46 court debt sixty days after the court debt is deemed
47 delinquent pursuant to subsection 2. In order to
48 receive a percentage of the amounts collected pursuant
49 to this subsection, the county attorney must file
50 annually with the clerk of the district court on or

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1 before July 1 a notice of full commitment to collect
2 delinquent court debt and must file on the first day
3 of each month a list of the cases in which the county
4 attorney or the county attorney's designee is pursuing
5 the collection of delinquent court debt. The list
6 shall include a list of cases where delinquent court
7 debt is being collected under an installment agreement
8 pursuant to section 321.210B, and a list of cases in
9 default which are no longer being collected under an
10 installment agreement but remain delinquent. The
11 annual notice shall contain a list of procedures which
12 will be initiated by the county attorney.

13 a. This subsection does not apply to amounts
14 collected for victim restitution, the victim
15 compensation fund, the criminal penalty surcharge,
16 drug abuse resistance education surcharge, the law
17 enforcement initiative surcharge, county enforcement
18 surcharge, amounts collected as a result of procedures
19 initiated under subsection 5 or under section 8A.504,
20 or fees charged pursuant to section 356.7.

21 b. Amounts collected by the county attorney or the
22 county attorney's designee shall be distributed in
23 accordance with paragraphs "c" and "d".

24 c. (1) Forty percent of the amounts collected by
25 the county attorney or the person procured or
26 designated by the county attorney shall be deposited
27 in the general fund of the county if the county
28 attorney has filed the notice required by this
29 subsection, unless the county attorney has
30 discontinued collection efforts on a particular
31 delinquent amount.

32 (2) Of the remaining sixty percent, the following
33 amounts shall be paid each fiscal year to the clerk of
34 the district court for distribution under section
35 602.8108:

36 (a) For a county with a population greater than
37 one hundred fifty thousand, an amount up to five
38 hundred thousand dollars.

39 (b) For a county with a population greater than
40 one hundred thousand but not more than one hundred
41 fifty thousand, an amount up to four hundred thousand
42 dollars.

43 (c) For a county with a population greater than
44 fifty thousand but not more than one hundred thousand,
45 an amount up to two hundred fifty thousand dollars.

46 (d) For a county with a population greater than
47 twenty-six thousand but not more than fifty thousand,
48 an amount up to one hundred thousand dollars.

49 (e) For a county with a population greater than
50 fifteen thousand but not more than twenty-six

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1 thousand, an amount up to fifty thousand dollars.

2 (f) For a county with a population equal to or
3 less than fifteen thousand, an amount up to
4 twenty-five thousand dollars.

5 (3) After the threshold amount has been
6 distributed pursuant to subparagraph (2), any
7 additional moneys collected shall be distributed to
8 the individual county as provided in paragraph "d".

9 d. Any additional moneys collected by an
10 individual county after the threshold amount in
11 paragraph "c" has been distributed shall be
12 distributed by the state court administrator as
13 follows: forty percent of any additional moneys
14 collected by the county attorney or the person
15 procured or designated by the county attorney shall be
16 deposited in the general fund of the county where the
17 moneys were collected; twenty percent of the remaining
18 sixty percent collected by the county attorney or the
19 person procured or designated by the county attorney
20 shall be deposited with the office of the county
21 attorney that collected the moneys; and the remainder
22 shall be paid to the clerk of the district court for
23 distribution under section 602.8108 or the state court
24 administrator may distribute the remainder under
25 section 602.8108 if the additional moneys have already
26 been received by the state court administrator.

27 e. (1) A county may enter into an agreement
28 pursuant to chapter 28E with one or more other
29 counties for the purpose of collecting delinquent
30 court debt pursuant to this subsection.

31 (2) Notwithstanding paragraph "c", if a county
32 subject to the threshold amount in paragraph "c",
33 subparagraph (2), subparagraph subdivision (e) or (f)
34 enters into such an agreement exclusively with a
35 county or counties subject to the threshold amount in
36 paragraph "c", subparagraph (2), subparagraph
37 subdivision (e) or (f), the threshold amount
38 applicable to all of the counties combined shall be a
39 single threshold amount, equal to the threshold amount
40 attributable to the county with the largest
41 population.

42 f. The county attorney shall file with the clerk
43 of the district court a notice of the satisfaction of
44 each portion of the court debt to the full extent of
45 the moneys collected in satisfaction of the court
46 debt. The clerk of the district court shall record
47 the notice and enter a satisfaction for the amounts
48 collected.

49 5. ASSIGNMENT TO PRIVATE COLLECTION DESIGNEE.

50 a. The judicial branch may contract with a private

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1 collection designee for the collection of court debt
2 sixty days after the court debt in a case is deemed
3 delinquent pursuant to subsection 2 if the county
4 attorney is not collecting the court debt in a case
5 pursuant to subsection 4. The judicial branch shall
6 solicit requests for proposals prior to entering into
7 any contract pursuant to this subsection.

8 b. The contract shall provide for a collection fee
9 equal to twenty-five percent of the amount of the
10 court debt in a case deemed delinquent. The
11 collection fee as calculated shall be added to the
12 amount of the court debt deemed delinquent. The
13 amount of the court debt deemed delinquent and the
14 collection fee shall be owed by and collected from the
15 defendant. The collection fee shall be used to
16 compensate the private collection designee. The
17 contract may also assess the private collection
18 designee an initial fee for entering into the
19 contract.

20 c. The judicial branch may consult with the
21 department of revenue and the department of
22 administrative services when entering into the
23 contract with the private collection designee.

24 d. Subject to the provisions of paragraph "b", the
25 amounts collected pursuant to this subsection shall be
26 distributed as provided in subsection 2. Any initial
27 fee collected by the judicial branch shall be
28 deposited into the general fund of the state.

29 e. The judicial branch or the private collection
30 designee shall file with the clerk of the district
31 court a notice of the satisfaction of each portion of
32 the court debt to the full extent of the moneys
33 collected in satisfaction of the court debt. The
34 clerk of the district court shall record the notice
35 and enter a satisfaction for the amounts collected.

36 6. **WRITE OFF OF OLD DEBT.** If any portion of the
37 court debt in a case remains uncollected after
38 sixty-five years from the date of imposition, the
39 judicial branch shall write off the debt as
40 uncollectible and close the case file for the purposes
41 of collection pursuant to this section.

42 7. **REPORTS.** The judicial branch shall prepare a
43 report aging the court debt. The report shall include
44 the amounts collected by the private collection
45 designee, the distribution of these amounts, and the
46 amount of the fee collected by the private collection
47 designee. In addition, the report shall include the
48 amounts written off pursuant to subsection 6. The
49 judicial branch shall provide the report to the
50 co-chairpersons and ranking members of the joint

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1 appropriations subcommittee on the justice system, the
2 legislative services agency, and the department of
3 management by December 15 of each year.

4 Sec. 25. NEW SECTION. 901.5C PRONOUNCEMENT OF
5 JUDGMENT AND SENTENCE – SOCIAL SECURITY NUMBER.

6 1. Prior to pronouncement of judgment and sentence
7 pursuant to section 901.5, or prior to pleading guilty
8 for an offense that does not require a court
9 appearance, the defendant shall provide the
10 defendant's social security number to the clerk of the
11 district court or the court.

12 2. The clerk of the district court shall duly note
13 the social security number in the case file.

14 3. The defendant's social security number shall be
15 considered a confidential record exempted from public
16 access under section 22.7, but shall be disclosed by
17 the clerk of the district court for the limited
18 purpose of collecting court debt pursuant to section
19 602.8107.

20 4. Failure or refusal to provide a social security
21 number pursuant to this section shall not delay the
22 pronouncement of judgment and sentence pursuant to
23 section 901.5.

24 Sec. 26. Section 907.7, Code 2007, is amended to
25 read as follows:

26 907.7 LENGTH OF PROBATION.

27 1. The length of the probation shall be for a term
28 as the court shall fix but not to exceed five years if
29 the offense is a felony or not to exceed two years if
30 the offense is a misdemeanor.

31 2. The length of the probation shall not be less
32 than one year if the offense is a misdemeanor and
33 shall not be less than two years if the offense is a
34 felony.

35 3. ~~However, the~~ The court may subsequently reduce
36 the length of the probation if the court determines
37 that the purposes of probation have been fulfilled and
38 the fees imposed under section 905.14 have been paid
39 to or waived by the judicial district department of
40 correctional services and that court debt collected
41 pursuant to section 602.8107 has been paid. The
42 purposes of probation are to provide maximum
43 opportunity for the rehabilitation of the defendant
44 and to protect the community from further offenses by
45 the defendant and others.

46 4. In determining the length of the probation, the
47 court shall determine what period is most likely to
48 provide maximum opportunity for the rehabilitation of
49 the defendant, to allow enough time to determine
50 whether or not rehabilitation has been successful, and

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1 to protect the community from further offenses by the
2 defendant and others.

3 Sec. 27. Section 907.9, subsections 1, 2, and 4,
4 Code 2007, are amended to read as follows:

5 1. At any time that the court determines that the
6 purposes of probation have been fulfilled and ~~any fees~~
7 imposed under ~~sections 815.9 and section 905.14 and~~
8 court debt collected pursuant to section 602.8107 have
9 been paid, the court may order the discharge of a
10 person from probation.

11 2. At any time that a probation officer determines
12 that the purposes of probation have been fulfilled and
13 ~~any fees imposed under sections 815.9 and section~~
14 905.14 and court debt collected pursuant to section
15 602.8107 have been paid, the officer may order the
16 discharge of a person from probation after approval of
17 the district director and notification of the
18 sentencing court and the county attorney who
19 prosecuted the case.

20 4. At the expiration of the period of probation
21 ~~and if the fees imposed under sections 815.9 and~~
22 section 905.14 and court debt collected pursuant to
23 section 602.8107 have been ~~paid or on condition that~~
24 ~~unpaid supervision fees be paid~~, the court shall order
25 the discharge of the person from probation, ~~and the~~
26 If portions of the court debt remain unpaid, the
27 person shall establish a payment plan with the clerk
28 of the district court prior to the discharge. The
29 court shall forward to the governor a recommendation
30 for or against restoration of citizenship rights to
31 that person upon discharge. A person who has been
32 discharged from probation shall no longer be held to
33 answer for the person's offense. Upon discharge from
34 probation, if judgment has been deferred under section
35 907.3, the court's criminal record with reference to
36 the deferred judgment shall be expunged. The record
37 maintained by the state court administrator as
38 required by section 907.4 shall not be expunged. The
39 court's record shall not be expunged in any other
40 circumstances.

41 Sec. 28. Section 909.8, Code 2007, is amended to
42 read as follows:

43 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO
44 SURCHARGE.

45 The provisions of this chapter governing the
46 payment and collection of a fine, except section
47 909.3A, also apply to the payment and collection of
48 surcharges imposed pursuant to chapter 911. ~~However,~~
49 ~~section 909.10 shall not apply to surcharges assessed~~
50 ~~under sections 911.3 and 911.4.~~

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1 Sec. 29. Section 909.10, Code 2007, is repealed.
2 Sec. 30. DEPARTMENT OF REVENUE – COLLECTION
3 SYSTEM UPGRADE. The director of the department of
4 revenue shall enhance the computer assisted
5 collections system of the department to the current
6 web-based technical version and implement related
7 process and procedure improvements that will generate
8 revenue and cost benefits. The director shall procure
9 the enhancements from the current vendor, and such
10 enhancements shall be considered as an upgrade to that
11 vendor's contract with the department.
12 Sec. 31. COLLECTION OF DELINQUENT DEBT –
13 PROCESSING OR COLLECTION FEE. If court debt is being
14 collected pursuant to section 602.8107, as amended by
15 this Act, for court debt imposed, assessed, or deemed
16 delinquent prior to the effective date of this Act, a
17 processing fee or collection fee shall be added to the
18 court debt as provided in this Act.
19 Sec. 32. LEGISLATIVE INTENT. It is the intent of
20 the general assembly that the judicial branch enter
21 into a contract with a private collection designee by
22 August 1, 2008, and begin collection efforts pursuant
23 to section 602.8107, as amended by this Act, on August
24 1, 2008."

Amendment H-8636 was adopted.

SENATE FILE 2428 SUBSTITUTED FOR HOUSE FILE 2698

T. Taylor of Linn asked and received unanimous consent to substitute Senate File 2428 for House File 2698.

Senate File 2428, a bill for an act relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to county attorney collections, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable, was taken up for consideration.

Hunter of Polk offered amendment H-8647 filed by him from the floor as follows:

H-8647

1 Amend Senate File 2428, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 14, by inserting after line 9 the
4 following:

5 "Sec. _____. Section 15.329, subsection 1, Code
6 2007, is amended by adding the following new
7 paragraph:

8 NEW PARAGRAPH. d. The business does not have
9 delinquent civil penalties or fines pursuant to
10 section 91A.12, 94A.6, 455B.109, or 455D.22."

11 2. Title page, line 4, by inserting after the
12 word "licenses," the following: "denying certain tax
13 credits,".

14 3. By renumbering as necessary.

T. Taylor of Linn rose on a point of order that amendment H-8647 was not germane.

The Speaker ruled the point well taken and amendment H-8647 not germane.

Heaton of Henry offered amendment H-8645 filed by him from the floor as follows:

H-8645

1 Amend Senate File 2428, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 19, by inserting after line 25 the
4 following:

5 "Sec. _____. Section 423.31, Code 2007, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 7. Notwithstanding any other
8 provision of the Code to the contrary, the department
9 shall not attempt to collect delinquent sales tax on a
10 transaction that occurred more than five years from
11 the date of any audit."

12 2. By renumbering as necessary.

T. Taylor of Linn rose on a point of order that amendment H-8645 was not germane.

The Speaker ruled the point not well taken and amendment H-8645 germane.

Heaton of Henry moved the adoption of amendment H-8645.

Amendment H-8645 was adopted.

T. Taylor of Linn offered the following amendment H-8649 filed by him and Kressig of Black Hawk from the floor and moved its adoption:

H-8649

- 1 Amend Senate File 2428, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 23, by striking lines 4 through 6 and
- 4 inserting the following:
- 5 "(2) The remaining sixty percent shall be paid to
- 6 the clerk of the district court each fiscal year for
- 7 distribution under section 602.8108. However, if such
- 8 amount, when added to the amount deposited into the
- 9 general fund of the county pursuant to subparagraph
- 10 (1), exceeds the following applicable threshold
- 11 amount, the excess shall be distributed as provided in
- 12 paragraph "d":
- 13 2. Page 23, by striking lines 25 through 28.
- 14 3. Page 23, line 30, by striking the words
- 15 "threshold amount" and inserting the following:
- 16 "distributions".
- 17 4. Page 23, lines 30 and 31, by striking the
- 18 words "has been distributed".
- 19 5. Page 28, line 2, by inserting after the word
- 20 "court" the following: "or the county attorney".
- 21 6. Title page, lines 4 and 5, by striking the
- 22 words "county attorney collections" and inserting the
- 23 following: "collection practices and costs".

Amendment H-8649 was adopted.

T. Taylor of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2428)

The ayes were, 72:

Abdul-Samad	Anderson	Bailey	Baudler
Bell	Berry	Boal	Bukta
Clute	Cohoon	Dandekar	Davitt
Deyoe	Dolecheck	Drake	Foege

Frevert	Gaskill	Gayman	Gipp
Grassley	Heaton	Hunter	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Paulsen	Petersen
Pettengill	Quirk	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Schickel
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Wise	Zirkelbach	Mr. Speaker Murphy

The nays were, 24:

Alons	Arnold	Chambers	De Boef
Ford	Granzow	Greiner	Hoffman
Horbach	Huseman	Huser	Lukan
May	Palmer	Raecker	Sands
Soderberg	Struyk	Tomenga	Van Engelenhoven
Van Fossen	Watts	Windschitl	Worthan

Absent or not voting, 4:

Forristall	Heddens	Roberts	Upmeyer
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 2698 WITHDRAWN

T. Taylor of Linn asked and received unanimous consent to withdraw House File 2698 from further consideration by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2428** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2679, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 22, 2008, he approved and transmitted to the Secretary of State the following bills:

House File 2338, an Act relating to attendance at child in need of assistance proceedings.

House File 2620, an Act relating to the conduct of elections and voter registration, making penalties applicable, and including effective date, applicability date, and transition provisions.

Senate File 2246, an Act relating to required disclosures in real estate transactions.

Senate File 2269, an Act revising family investment program requirements for limited benefit plans.

Senate File 2286, an Act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Senate File 2340, an Act requiring certain identity documents to be provided to children subject to a court order for out-of-home placement.

Senate File 2420, an Act relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, requiring the department of transportation to conduct an analysis of TIME-21 funding and a study of public transit funding, increasing the motorcycle operator's license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, providing penalties, and providing effective and applicability dates.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

High school civics class students from BCLUW schools, Conrad, Iowa, accompanied by their teacher Josh Ehn. By Granzow of Hardin and Horbach of Tama.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\3018 Don McKale, Toledo – For celebrating his 94th birthday.
- 2008\3019 Ed Krezek, Clutier – For celebrating his 80th birthday.
- 2008\3020 Don Hanus, Dysart – For celebrating his 80th birthday.
- 2008\3021 Chuck Van Horn, Traer – For celebrating his 80th birthday.
- 2008\3022 Ronald and Betty Schmidt, Gladbrook – For celebrating their 50th wedding anniversary.
- 2008\3023 Beverly Goebel, Reinbeck – For her 28 years of service to the Covenant Medical Center.
- 2008\3024 Andrew Nase, Milford – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\3025 Erik Vaage, Milford – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\3026 James and Carol Holtkamp, Mt. Pleasant – For celebrating their 50th wedding anniversary.
- 2008\3027 Andrew Overlin, Colfax – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\3028 Nicholas Callahan, Mingo – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America

SUBCOMMITTEE ASSIGNMENT

Senate File 2411

Appropriations: Cohoon, Chair; Schickel and T. Taylor.

RESOLUTION FILED

HR 159, by Bell, Bailey, L. Miller and Roberts, a resolution requesting the Congress of the United States to give due consideration to the readiness of the Republic of China on Taiwan for membership in the United Nations.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8639	S.F.	2411	Mascher of Johnson Boal of Polk
H—8641	S.F.	2160	T. Taylor of Linn
H—8642	H.F.	2675	T. Taylor of Linn
H—8643	S.F.	2377	T. Taylor of Linn
H—8646	H.F.	901	Senate Amendment
H—8648	S.F.	2160	T. Taylor of Linn
H—8650	S. F.	2400	Senate Amendment
H—8651	S.F.	2406	Senate Amendment
H—8652	H.F.	2679	Senate Amendment

On motion by McCarthy of Polk the House adjourned at 10:06 p.m., until 8:00 a.m., Thursday, April 24, 2008.

JOURNAL OF THE HOUSE

One Hundred Second Calendar Day - Seventieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 24, 2008

The House met pursuant to adjournment at 8:15 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Mary Mascher, state representative from Johnson County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nathan Huss, Legislative Secretary to Representative Dave Jacoby of Johnson County.

The Journal of Wednesday, April 23, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Forristall of Pottawattamie and Roberts of Carroll on request of Soderberg of Plymouth.

The House stood at ease at 8:17 a.m., until the fall of the gavel.

The House resumed session at 9:37 a.m., Speaker Murphy in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2688, a bill for an act providing for efforts to mitigate odor emitted from a livestock operation including by providing for basic and applied research and evaluations, providing for implementation, and including applicability and effective date provisions.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF HOUSE RESOLUTION 156

Jacobs of Polk called up for consideration **House Resolution 156**, a resolution supporting a free trade agreement between the Republic of China on Taiwan and the United States, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 157

Bell of Jasper called up for consideration **House Resolution 157**, a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer, and moved its adoption.

The motion prevailed and the resolution was adopted.

Bukta of Clinton in the chair at 9:43 a.m.

ADOPTION OF HOUSE RESOLUTION 159

Bailey of Hamilton called up for consideration **House Resolution 159**, a resolution requesting the Congress of the United States to give due consideration to the readiness of the Republic of China on Taiwan for membership in the United Nations, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Abdul-Samad of Polk called up for consideration **House File 901**, a bill for an act concerning the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit, amended by the Senate, and moved that the House concur in the following Senate amendment H-8646:

H-8646

- 1 Amend House File 901, as passed by the House, as
- 2 follows:
- 3 1. By striking everything after the enacting

4 clause and inserting the following:

5 "Section 1. Section 123.32, subsection 4, Code
6 2007, is amended to read as follows:

7 4. SECURITY EMPLOYEE TRAINING. A local authority,
8 as a condition of obtaining and holding a license or
9 permit for on-premises consumption, may require a
10 designated security employee as defined in section
11 123.3 to be trained and certified in security methods.
12 The training shall include but is not limited to
13 mediation de-escalation techniques, anger management
14 techniques, civil rights or unfair practices awareness
15 as provided in section 216.7, recognition of fake or
16 altered identification, information on laws applicable
17 to the serving of alcohol at a licensed premises, use
18 of force and techniques for safely removing patrons,
19 and ~~providing~~ instruction on the proper physical
20 restraint methods used against a person who has become
21 combative.

22 Sec. 2. PILOT PROJECT – ALCOHOLIC BEVERAGE
23 CONTROL – SECURITY EMPLOYEE TRAINING – FEES –
24 REPORT.

25 1. On and after January 1, 2009, and
26 notwithstanding any other provision of law to the
27 contrary, a local authority located in a county with a
28 population as of the most recent decennial census in
29 excess of three hundred thousand persons, shall
30 require a licensee or permittee, as provided in
31 chapter 123, of a premises with an occupancy of at
32 least two hundred persons to have at least one
33 designated security employee, as defined in section
34 123.3, who shall be designated as the supervising
35 security person, who is trained and certified in
36 security methods as provided in this section, on the
37 premises during an event for which an admission or a
38 cover charge of at least five dollars is charged or
39 collected to enter the premises or attend a
40 performance or program on the premises while alcoholic
41 beverages are served or made available to patrons.
42 However, a designated security employee who is a
43 certified peace officer shall be exempt from the
44 requirement to be trained and certified through a
45 program conducted by the division of labor services as
46 provided in this section.

47 2. a. The labor commissioner of the division of
48 labor services of the department of workforce
49 development shall establish and conduct an eight-hour
50 security and safety certification training program for

Page 2

1 designated security employees. The commissioner shall
2 assess a fee of not more than fifty dollars to a

- 3 person participating in the training and issue a
4 certificate to the designated security employee upon
5 successful completion of the training program.
- 6 b. The training program shall include but is not
7 limited to the following:
- 8 (1) De-escalation techniques.
 - 9 (2) Anger management techniques.
 - 10 (3) Use of force and techniques for safely
11 removing patrons.
 - 12 (4) Recognition of fake or altered identification.
 - 13 (5) Information on laws applicable to the serving
14 of alcohol at a licensed premises.
 - 15 (6) Disaster preparedness.
 - 16 (7) Communications skills and report writing.
 - 17 (8) Civil rights or unfair practices awareness as
18 provided in section 216.7.
 - 19 (9) Instruction on the proper physical restraint
20 methods used against a person who has become
21 combative.
- 22 3. Fees assessed pursuant to this section of this
23 Act shall be retained by the commissioner and shall be
24 considered repayment receipts as defined in section
25 8.2, and shall be used to offset the cost of
26 conducting the training. Notwithstanding section
27 8.33, repayment receipts collected by the commissioner
28 for security employee training that remain
29 unencumbered or unobligated at the close of the fiscal
30 year shall not revert but shall remain available for
31 expenditure for the purpose designated until the close
32 of the succeeding fiscal year.
- 33 4. The labor commissioner of the division of labor
34 services of the department of workforce development
35 and the administrator of the alcoholic beverages
36 division of the department of commerce shall jointly
37 submit a written report to the general assembly by
38 January 1, 2011, concerning the effectiveness of the
39 pilot project and any recommendations for legislative
40 action to expand or modify the pilot project.
- 41 5. This section of this Act is repealed June 30,
42 2011."
- 43 2. Title page, line 3, by inserting after the
44 word "permit" the following: "and providing for
45 fees".
- 46 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8646.

Abdul-Samad of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and

placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 901)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Frevert	Gaskill	Gayman	Gipp
Granzow	Grassley	Greiner	Heaton
Heddens	Hoffman	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Bukta,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Forristall Roberts

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 901** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Quirk of Chickasaw called up for consideration **Senate File 2406**, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8651 to the House amendment:

H-8651

1 Amend the House amendment, S-5410, to Senate File
 2 2406, as passed by the Senate, as follows:
 3 1. Page 1, by inserting after line 20 the
 4 following:
 5 "____. Page 13, by inserting after line 24 the
 6 following:
 7 "Sec.____. NEW SECTION. 69.16C MINORITY
 8 REPRESENTATION.
 9 All appointive boards, commissions, committees, and
 10 councils of the state established by the Code if not
 11 otherwise provided by law should provide, to the
 12 extent practicable, for minority representation. All
 13 appointing authorities of boards, commissions,
 14 committees, and councils subject to this section
 15 should consider qualified minority persons for
 16 appointment to boards, commissions, committees, and
 17 councils. For purposes of this section, "minority"
 18 means a minority person as defined in section
 19 15.102."
 20 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8651, to the House amendment.

Quirk of Chickasaw moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2406)

The ayes were, 96:

Abdul-Samad
 Bailey

Alons
 Baudler

Anderson
 Bell

Arnold
 Berry

Boal	Chambers	Clute	Cphoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Frevert	Gaskill	Gayman	Gipp
Granzow	Grassley	Greiner	Heaton
Heddens	Hoffman	Horbach	Hunter
Huseman	Jacobs	Jacoby	Jochum
Kaufmann	Kelley	Kressig	Kuhn
Lensing	Lukan	Lykam	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Bukta, Presiding

The nays were, 2:

Huser Rants

Absent or not voting, 2:

Forristall Roberts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2406** be immediately messaged to the Senate.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House File 2693.

The House stood at ease at 10:09 a.m., until the fall of the gavel.

The House resumed session at 10:53 a.m., Whitead of Woodbury in the chair.

Speaker Murphy in the chair at 11:08 a.m.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-seven members present, thirteen absent.

CONSIDERATION OF BILLS Regular Calendar

House File 2693, a bill for an act pertaining to employers' participation in unemployment insurance adjudications, with report of committee recommending passage, was taken up for consideration.

T. Taylor of Linn asked and received unanimous consent to withdraw amendment H-8574 filed by the committee on labor on April 21, 2008, placing out of order amendment H-8579 filed by Horbach of Tama on April 21, 2008.

SENATE FILE 2160 SUBSTITUTED FOR HOUSE FILE 2693

T. Taylor of Linn asked and received unanimous consent to substitute Senate File 2160 for House File 2693.

Senate File 2160, a bill for an act relating to employers' participation in unemployment insurance adjudications, was taken up for consideration.

T. Taylor of Linn offered amendment H-8641 filed by him as follows:

H-8641

- 1 Amend Senate File 2160, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "b." the following: "(1)".
- 5 2. Page 1, line 27, by striking the words "not
- 6 participating in the initial determination".
- 7 3. Page 1, line 27, by inserting after the word
- 8 "shall" the following: "not".
- 9 4. Page 1, by inserting after line 28 the
- 10 following:

11 "(2) An accounting firm, agent, unemployment
 12 insurance accounting firm, or other entity that
 13 represents an employer in unemployment claim matters
 14 and demonstrates a continuous pattern of failing to
 15 participate in the initial determinations to award
 16 benefits, as determined and defined by rule by the
 17 department, shall be denied permission by the
 18 department to represent any employers in unemployment
 19 insurance matters."

20 5. Page 1, by inserting before line 29 the
 21 following:

22 "Sec. ____ Section 96.14, subsection 2, paragraph
 23 d, Code Supplement 2007, is amended to read as
 24 follows:

25 d. A penalty shall not be less than ~~ten dollars~~
 26 ~~for the first delinquent report or the first~~
 27 ~~insufficient report not made sufficient within thirty~~
 28 ~~days after a request to do so. The penalty shall not~~
 29 ~~be less than twenty five dollars for the second~~
 30 ~~delinquent or insufficient report, and not less than~~
 31 ~~fifty thirty-five dollars for each delinquent or~~
 32 ~~insufficient report thereafter, until four consecutive~~
 33 ~~calendar quarters of reports are timely and~~
 34 ~~sufficiently filed. Interest, penalties, and cost~~
 35 shall be collected by the department in the same
 36 manner as provided by this chapter for contributions.

37 Sec. ____ Section 96.14, subsection 2, Code
 38 Supplement 2007, is amended by adding the following
 39 new paragraph:

40 NEW PARAGRAPH. ee. If any tendered payment of any
 41 amount due in the form of a check, draft, or money
 42 order is not honored when presented to a financial
 43 institution, any costs assessed to the department by
 44 the financial institution and a fee of thirty dollars
 45 shall be assessed to the employer.

46 Sec. ____ Section 96.14, Code Supplement 2007, is
 47 amended by adding the following new subsection:
 48 NEW SUBSECTION. 17. EMPLOYER SUBPOENA COST AND
 49 PENALTY. An employer who is served with a subpoena
 50 pursuant to section 96.11, subsection 7, for the

Page 2

1 investigation of an employer liability issue, to
 2 complete audits, to secure reports, or to assess
 3 contributions shall pay all costs associated with the
 4 subpoena, including service fees and court costs. The
 5 department shall penalize an employer in the amount of
 6 two hundred fifty dollars if that employer refused to
 7 honor a subpoena or negligently failed to honor a
 8 subpoena. The cost of the subpoena and any penalty
 9 shall be collected in the manner provided in section

10 96.14, subsection 3.

11 Sec.____. EFFECTIVE DATE. The sections of this
12 Act amending section 96.14 take effect January 1,
13 2009."

14 6. Title page, line 2, by inserting after the
15 word "adjudications" the following: "and unemployment
16 insurance tax penalties, and providing an effective
17 date".

T. Taylor of Linn offered the following amendment H-8648, to amendment H-8641, filed by him and moved its adoption:

H-8648

1 Amend the amendment, H-8641, to Senate File 2160,
2 as passed by the Senate, as follows:

3 1. Page 1, line 19, by inserting after the word
4 "matters." the following: "This subparagraph does not
5 apply to attorneys or counselors admitted to practice
6 in the courts of this state pursuant to section
7 602.10101."

Amendment H-8648 was adopted.

On motion by T. Taylor of Linn, amendment H-8641, as amended, was adopted.

T. Taylor of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2160)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson

Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 2:

Forristall Roberts

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2160** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Hunter of Polk called up for consideration **Senate File 2400**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8650 to the House amendment:

H-8650

- 1 Amend the House Amendment, S-5330, to Senate File
- 2 2400, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 "____. Page 1, by inserting before line 1 the
- 7 following:

8 "DIVISION I
9 ADMINISTRATION AND REGULATION APPROPRIATIONS"
10 2. Page 1, by inserting after line 6 the
11 following:
12 "____. Page 7, by striking lines 3 and 4 and
13 inserting the following:
14 "..... \$ 2,524,462
15 FTEs 26.25"
16 ____ Page 7, by striking line 9 and inserting the
17 following:
18 "..... \$ 492,593"
19 3. Page 1, by inserting after line 18 the
20 following:
21 "____. Page 8, by striking line 32 and inserting
22 the following:
23 "..... \$ 356,535"
24 ____ Page 9, by striking line 3 and inserting the
25 following:
26 "..... \$ 421,700"
27 ____ Page 9, by striking line 10 and inserting
28 the following:
29 "..... \$ 153,093"
30 ____ Page 9, by striking line 16 and inserting
31 the following:
32 "..... \$ 217,221"
33 ____ Page 9, by striking line 22 and inserting
34 the following:
35 "..... \$ 207,035"
36 ____ Page 9, by striking line 29 and inserting
37 the following:
38 "..... \$ 367,203"
39 ____ Page 10, by inserting after line 1 the
40 following:
41 "7A. NATIVE AMERICAN AFFAIRS DIVISION
42 For travel reimbursement for members of the
43 commission on Native American affairs:
44 \$ 6,000"
45 7B. DEVELOPMENT ASSESSMENT AND RESOLUTION PROGRAM
46 For support, maintenance, and miscellaneous
47 purposes:
48 \$ 10,000
49 ____ Page 13, line 19, by striking the words "USE
50 TAX APPROPRIATION" and inserting the following: "ROAD

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1 USE TAX FUND APPROPRIATION – DEPARTMENT OF
2 INSPECTIONS AND APPEALS".
3 ____ Page 13, by striking lines 20 through 22 and
4 inserting the following: "from the road use tax fund
5 to the administrative hearings".
6 4. Page 1, by inserting after line 26 the

7 following:

8 "____. Page 15, by striking line 29 and inserting
9 the following:

10 "..... \$ 1,499,063"

11 5. Page 1, by inserting after line 45 the
12 following:

13 "____. Page 18, line 20, by inserting after the
14 word "this" the following: "division of this".

15 ____ Page 18, line 26, by inserting after the
16 word "this" the following: "division of this".

17 6. Page 1, line 48, by inserting after the word
18 "this" the following: "division of this".

19 7. Page 1, by inserting after line 50 the
20 following:

21 "DIVISION II

22 DEPARTMENT OF ADMINISTRATIVE SERVICES OPERATIONS

23 Sec.____. Section 8.6, Code Supplement 2007, is

24 amended by adding the following new subsection:

25 NEW SUBSECTION. 16. DESIGNATION OF SERVICES –
26 FUNDING – CUSTOMER COUNCILS.

27 a. Establish a process by which the department, in
28 consultation with the department of administrative
29 services, shall determine which services provided by
30 the department of administrative services shall be
31 funded by an appropriation and which services shall be
32 funded by the governmental entity receiving the
33 service.

34 b. Establish a process for determining whether the
35 department of administrative services shall be the
36 sole provider of a service for purposes of those
37 services which the department determines under
38 paragraph "a" are to be funded by the governmental
39 entities receiving the service.

40 c. Establish, by rule, a customer council
41 responsible for overseeing the services provided
42 solely by the department of administrative services.
43 The rules adopted shall provide for all of the
44 following:

45 (1) The method of appointment of members to the
46 council by the governmental entities required to
47 receive the services.

48 (2) The duties of the customer council which shall
49 be as follows:

50 (a) Annual review and approval of the department

Page 3

1 of administrative services' business plan regarding
2 services provided solely by the department of
3 administrative services.

4 (b) Annual review and approval of the procedure
5 for resolving complaints concerning services provided

6 by the department of administrative services.

7 (c) Annual review and approval of the procedure
8 for setting rates for the services provided solely by
9 the department of administrative services.

10 (3) A process for receiving input from affected
11 governmental entities as well as for a biennial review
12 by the customer council of the determinations made by
13 the department of which services are funded by an
14 appropriation to the department of administrative
15 services and which services are funded by the
16 governmental entities receiving the service, including
17 any recommendations as to whether the department of
18 administrative services shall be the sole provider of
19 a service funded by the governmental entities
20 receiving the service. The department, in
21 consultation with the department of administrative
22 services, may change the determination of a service if
23 it is determined that the change is in the best
24 interests of those governmental entities receiving the
25 service.

26 d. If a service to be provided may also be
27 provided to the judicial branch and legislative
28 branch, then the rules shall provide that the chief
29 justice of the supreme court may appoint a member to
30 the customer council, and the legislative council may
31 appoint a member from the Senate and a member from the
32 House of Representatives to the customer council, in
33 their discretion.

34 Sec. ____ NEW SECTION. 8A.111 REPORTS REQUIRED.

35 The department shall provide all of the following
36 reports:

37 1. An annual report of the department as required
38 under section 7E.3, subsection 4.

39 2. Internal service fund service business plans
40 and financial reports as required under section
41 8A.123, subsection 5, paragraph "a", and an annual
42 internal service fund expenditure report as required
43 under section 8A.123, subsection 5, paragraph "b".

44 3. An annual report regarding total spending on
45 technology as required under section 8A.204,
46 subsection 3, paragraph "a".

47 4. An annual report of expenditures from the
48 IowaAccess revolving fund as provided in section
49 8A.224.

50 5. A technology audit of the electronic

Page 4

1 transmission system as required under section 8A.223.

2 6. An annual report on state purchases of recycled
3 and soybean-based products as required under section
4 8A.315, subsection 1, paragraph "d".

5 7. An annual report on the status of capital
6 projects as required under section 8A.321, subsection
7 11.

8 8. An annual salary report as required under
9 section 8A.341, subsection 2.

10 9. An annual average fuel economy standards
11 compliance report as required under section 8A.362,
12 subsection 4, paragraph "c".

13 10. An annual report of the capitol planning
14 commission as required under section 8A.373.

15 11. A comprehensive annual financial report as
16 required under section 8A.502, subsection 8.

17 11A. An annual report regarding the Iowa targeted
18 small business procurement Act activities of the
19 department as required under section 15.108,
20 subsection 7, paragraph "c", and quarterly reports
21 regarding the total dollar amount of certified
22 purchases for certified targeted small businesses
23 during the previous quarter as required in section
24 73.16, subsection 2. The department shall keep any
25 vendor identification information received from the
26 department of inspections and appeals as provided in
27 section 10A.104, subsection 8, and necessary for the
28 quarterly reports, confidential to the same extent as
29 the department of inspection and appeals is required
30 to keep such information. Confidential information
31 received by the department from the department of
32 inspections and appeals shall not be disclosed except
33 pursuant to court order or with the approval of the
34 department of inspections and appeals.

35 12. An annual report on the condition of
36 affirmative action, diversity, and multicultural
37 programs as provided under section 19B.5, subsection
38 2.

39 13. An unpaid warrants report as required under
40 section 25.2, subsection 3, paragraph "b".

41 14. A report on educational leave as provided
42 under section 70A.25.

43 15. A monthly report regarding the revitalize
44 Iowa's sound economy fund as required under section
45 315.7.

46 Sec.____. Section 8A.202, subsection 2, paragraph
47 e, Code 2007, is amended by striking the paragraph.

48 Sec.____. Section 8A.221, subsection 2, paragraph
49 a, subparagraph (2), Code 2007, is amended to read as
50 follows:

Page 5

1 (2) Recommend to the director the priority of
2 projects associated with IowAccess. The
3 recommendation may also include a recommendation

4 concerning funding for a project proposed by a
 5 political subdivision of the state or an association,
 6 the membership of which is comprised solely of
 7 political subdivisions of the state. Prior to
 8 recommending a project proposed by a political
 9 subdivision, the advisory council shall verify that
 10 all of the following conditions are met:

11 (a) The proposed project provides a benefit to the
 12 state.

13 (b) The proposed project, once completed, can be
 14 shared with and used by other political subdivisions
 15 or the state, as appropriate.

16 (c) The state retains ownership of any final
 17 product or is granted a permanent license to the use
 18 of the product.

19 Sec.____. Section 8A.402, subsection 2, Code 2007,
 20 is amended by adding the following new paragraph:

21 NEW PARAGRAPH. f. Develop, in consultation with
 22 the department of veterans affairs, programs to inform
 23 members of the national guard or organized reserves of
 24 the armed forces of the United States returning to
 25 Iowa following active federal service about job
 26 opportunities in state government.

27 Sec.____. Section 10A.104, subsection 8, Code
 28 2007, is amended to read as follows:

29 8. Establish by rule standards and procedures for
 30 certifying that targeted small businesses are eligible
 31 to participate in the procurement program established
 32 in sections 73.15 through 73.21. The procedure for
 33 determination of eligibility shall not include
 34 self-certification by a business. The director shall
 35 maintain a current directory of targeted small
 36 businesses that have been certified pursuant to this
 37 subsection. The director shall also provide
 38 information to the department of administrative
 39 services necessary for the identification of targeted
 40 small businesses as provided under section 8A.111,
 41 subsection 11A.

42 Sec.____. Section 305.10, subsection 1, paragraph
 43 h, Code 2007, is amended to read as follows:

44 h. Prepare all mandated reports, newsletters, and
 45 publications for electronic distribution in accordance
 46 with government information policies, standards, and
 47 guidelines. A reference copy of all mandated reports,
 48 newsletters, and publications shall be located at an
 49 electronic repository for public access ~~to be~~
 50 ~~developed and maintained by the department of~~

Page 6

1 ~~administrative services in consultation with the state~~
 2 ~~librarian and the state archivist.~~

3 Sec.____. Section 8A.121, Code 2007, is repealed.

4 DIVISION III

5 COMMISSION ON NATIVE AMERICAN AFFAIRS

6 Sec.____. Section 7E.5, subsection 1, paragraph s,
7 Code 2007, is amended to read as follows:

8 s. The department of human rights, created in
9 section 216A.1, which has primary responsibility for
10 services relating to Latino persons, women, persons
11 with disabilities, community action agencies, criminal
12 and juvenile justice planning, the status of
13 African-Americans, ~~and~~ deaf and hard-of-hearing
14 persons, and Native-Americans.

15 Sec.____. Section 216A.1, Code 2007, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 9. Division on Native American
18 affairs.

19 Sec.____. NEW SECTION. 216A.161 DEFINITIONS.

20 For purposes of this subchapter, unless the context
21 otherwise requires:

22 1. "Administrator" means the administrator of the
23 division on Native American affairs.

24 2. "Commission" means the commission on Native
25 American affairs.

26 3. "Division" means the division on Native
27 American affairs of the department of human rights.

28 4. "Tribal government" means the governing body of
29 a federally recognized Indian tribe.

30 Sec.____. NEW SECTION. 216A.162 ESTABLISHMENT --
31 PURPOSE.

32 1. A commission on Native American affairs is
33 established consisting of eleven voting members
34 appointed by the governor, subject to confirmation by
35 the senate. The members of the commission shall
36 appoint one of the members to serve as chairperson of
37 the commission.

38 2. The purpose of the commission shall be to work
39 in concert with tribal governments, Native American
40 groups, and Native American persons in this state to
41 advance the interests of tribal governments and Native
42 American persons in the areas of human rights, access
43 to justice, economic equality, and the elimination of
44 discrimination.

45 3. The members of the commission shall be as
46 follows:

47 a. Seven public members appointed in compliance
48 with sections 69.16 and 69.16A who shall be appointed
49 with consideration given to the geographic residence
50 of the member and the population density of Native

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1 Americans within the vicinity of the geographic
2 residence of a member. Of the seven public members
3 appointed, at least one shall be a Native American who
4 is an enrolled tribal member living on a tribal
5 settlement or reservation in Iowa and whose tribal
6 government is located in Iowa and one shall be a
7 Native American who is primarily descended from a
8 tribe other than those specified in paragraph "b".

9 b. Four members selected by and representing
10 tribal governments.

11 c. All members of the commission shall be
12 residents of Iowa.

13 Sec.____. NEW SECTION. 216A.163 TERM OF OFFICE.

14 Five of the members appointed to the initial
15 commission shall be designated by the governor to
16 serve two-year terms, and six shall be designated by
17 the governor to serve four-year terms. Succeeding
18 appointments shall be for a term of four years.

19 Vacancies in the membership shall be filled for the
20 remainder of the term of the original appointment.

21 Sec.____. NEW SECTION. 216A.164 MEETINGS OF THE
22 COMMISSION.

23 The commission shall meet at least four times each
24 year, and shall hold special meetings on the call of
25 the chairperson. The commission shall adopt rules
26 pursuant to chapter 17A as it deems necessary for the
27 conduct of its business. The members of the
28 commission shall be reimbursed for actual expenses
29 while engaged in their official duties. A member may
30 also be eligible to receive compensation as provided
31 in section 7E.6.

32 Sec.____. NEW SECTION. 216A.165 DUTIES.

33 The commission shall have all powers necessary to
34 carry out the functions and duties specified in this
35 subchapter and shall do all of the following:

36 1. Advise the governor and the general assembly on
37 issues confronting tribal governments and Native
38 American persons in this state.

39 2. Promote legislation beneficial to tribal
40 governments and Native American persons in this state.

41 3. Recommend to the governor and the general
42 assembly any revisions in the state's affirmative
43 action program and other steps necessary to eliminate
44 discrimination against and the underutilization of
45 Native American persons in the state's workforce.

46 4. Serve as a conduit to state government for
47 Native American persons in this state.

48 5. Serve as an advocate for Native American
49 persons and a referral agency to assist Native
50 American persons in securing access to justice and

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1 state agencies and programs.

2 6. Serve as a liaison with federal, state, and
3 local governmental units, and private organizations on
4 matters relating to Native American persons in this
5 state.

6 7. Conduct studies, make recommendations, and
7 implement programs designed to solve the problems of
8 Native American persons in this state in the areas of
9 human rights, housing, education, welfare, employment,
10 health care, access to justice, and any other related
11 problems.

12 8. Publicize the accomplishments of Native
13 American persons and their contributions to this
14 state.

15 9. Work with other state, tribal, and federal
16 agencies and organizations to develop small business
17 opportunities and promote economic development for
18 Native American persons.

19 Sec.____. NEW SECTION. 216A.166 REVIEW OF GRANT
20 APPLICATIONS AND BUDGET REQUESTS.

21 Before the submission of an application, a state
22 department or agency shall consult with the commission
23 concerning an application for federal funding that
24 will have its primary effect on tribal governments or
25 Native American persons. The commission shall advise
26 the governor, the director of the department of human
27 rights, and the director of revenue concerning any
28 state agency budget request that will have its primary
29 effect on tribal governments or Native American
30 persons.

31 Sec.____. NEW SECTION. 216A.167 ADDITIONAL
32 DUTIES AND AUTHORITY – LIMITATIONS.

33 1. The commission shall have responsibility for
34 the budget of the commission and the division and
35 shall submit the budget to the director of the
36 department of human rights as provided in section
37 216A.2, subsection 2.

38 2. The commission may do any of the following:

39 a. Enter into contracts, within the limit of funds
40 made available, with individuals, organizations, and
41 institutions for services.

42 b. Accept gifts, grants, devises, or bequests of
43 real or personal property from the federal government
44 or any other source for the use and purposes of the
45 commission.

46 3. The commission shall not have the authority to
47 do any of the following:

48 a. Implement or administer the duties of the state
49 of Iowa under the federal Indian Gaming Regulatory
50 Act, shall not have any authority to recommend,

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1 negotiate, administer, or enforce any agreement or
2 compact entered into between the state of Iowa and
3 Indian tribes located in the state pursuant to section
4 10A.104, and shall not have any authority relative to
5 Indian gaming issues.

6 b. Administer the duties of the state under the
7 federal National Historic Preservation Act, the
8 federal Native American Graves Protection and
9 Repatriation Act, and chapter 263B. The commission
10 shall also not interfere with the advisory role of a
11 separate Indian advisory council or committee
12 established by the state archeologist by rule for the
13 purpose of consultation on matters related to ancient
14 human skeletal remains and associated artifacts.

15 4. This subchapter shall not diminish or inhibit
16 the right of any tribal government to interact
17 directly with the state or any of its departments or
18 agencies for any purpose which a tribal government
19 desires to conduct its business or affairs as a
20 sovereign governmental entity.

21 Sec.____. NEW SECTION. 216A.168 ADMINISTRATOR.

22 The commission shall designate the duties and
23 obligations of the position of administrator. The
24 administrator shall carry out programs and policies as
25 determined by the commission. The administrator may
26 employ other persons necessary to carry out the
27 programs of the division.

28 Sec.____. NEW SECTION. 216A.169 STATE AGENCY
29 ASSISTANCE.

30 On the request of the commission, state departments
31 and agencies may supply the commission with advisory
32 staff services on matters relating to the jurisdiction
33 of the commission. The commission shall cooperate and
34 coordinate its activities with other state agencies to
35 the highest possible degree.

36 Sec.____. NEW SECTION. 216A.170 ANNUAL REPORT.

37 Not later than February 1 of each year, the
38 commission shall file a report in an electronic format
39 with the governor and the general assembly of its
40 activities for the previous calendar year. With the
41 report, the commission may submit any recommendations
42 pertaining to its activities and shall submit
43 recommendations for legislative consideration and
44 other action it deems necessary.

45 Sec.____. COMMISSION ON NATIVE AMERICAN AFFAIRS –
46 TRANSITION PROVISIONS.

47 1. The initial members of the commission
48 established pursuant to this Act shall be appointed by
49 September 1, 2008.

50 2. Notwithstanding any provision of this Act to

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1 the contrary, an administrator of the division on
2 Native American affairs and employees of the division
3 shall not be appointed or hired prior to July 1, 2009.

4 3. Prior to June 1, 2009, the commission shall
5 submit a report to the director of human rights. The
6 report shall include a job description for the
7 administrator of the division, goals for division
8 operations, and performance measures to measure
9 achievement of division goals.

10 DIVISION IV

11 DEPARTMENT OF REVENUE ADMINISTRATION

12 Sec. ____ Section 99B.10B, subsection 2, Code
13 Supplement 2007, is amended to read as follows:

14 2. a. The department shall revoke a registration
15 issued pursuant to section 99B.10 or 99B.10A, for a
16 period of ten years if a person commits an offense of
17 awarding a cash prize in violation of section 99B.10,
18 subsection 1, paragraph "b", pursuant to rules adopted
19 by the department. A person whose registration is
20 revoked under this subsection who is a person for
21 which a class "A", class "B", class "C", special class
22 "C", or class "D" liquor control license has been
23 issued pursuant to chapter 123 shall have the person's
24 liquor control license suspended for a period of
25 fourteen days in the same manner as provided in
26 section 123.50, subsection 3, paragraph "a". A person
27 whose registration is revoked under this subsection
28 who is a person for which only a class "B" or class
29 "C" beer permit has been issued pursuant to chapter
30 123 shall have the person's class "B" or class "C"
31 beer permit suspended ~~and that person's sales tax~~
32 ~~permit suspended~~ for a period of fourteen days in the
33 same manner as provided in section 123.50, subsection
34 3, paragraph "a".

35 b. If a person owning or employed by an
36 establishment having a class "A", class "B", class
37 "C", special class "C", or class "D" liquor control
38 license issued pursuant to chapter 123 commits an
39 offense of awarding a cash prize in violation of
40 section 99B.10, subsection 1, paragraph "b", pursuant
41 to rules adopted by the department, the liquor control
42 license of the establishment shall be suspended for a
43 period of fourteen days in the same manner as provided
44 in section 123.50, subsection 3, paragraph "a". If a
45 person owning or employed by an establishment having a
46 class "B" or class "C" beer permit issued pursuant to
47 chapter 123 awards a cash prize in violation of
48 section 99B.10, subsection 1, paragraph "b", pursuant
49 to rules adopted by the department, the beer permit of
50 the establishment ~~and the establishment's sales tax~~

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1 ~~permit~~ shall be suspended for a period of fourteen
2 days in the same manner as provided in section 123.50,
3 subsection 3, paragraph "a".

4 Sec.____. Section 99B.14, subsection 1, Code 2007,
5 is amended to read as follows:

6 1. The department may deny, suspend, or revoke a
7 license if the department finds that an applicant,
8 licensee, or an agent of the licensee violated or
9 permitted a violation of a provision of this chapter
10 or a departmental rule adopted pursuant to chapter
11 17A, or for any other cause for which the director of
12 the department would be or would have been justified
13 in refusing to issue a license, or upon the conviction
14 of a person of a violation of this chapter or a rule
15 adopted under this chapter which occurred on the
16 licensed premises. However, the denial, suspension,
17 or revocation of one type of gambling license does not
18 require, but may result in, the denial, suspension, or
19 revocation of a different type of gambling license
20 held by the same licensee. In addition, a person
21 whose license is revoked under this section who is a
22 person for which a class "A", class "B", class "C", or
23 class "D" liquor control license has been issued
24 pursuant to chapter 123 shall have the person's liquor
25 control license suspended for a period of fourteen
26 days in the same manner as provided in section 123.50,
27 subsection 3, paragraph "a". In addition, a person
28 whose license is revoked under this section who is a
29 person for which only a class "B" or class "C" beer
30 permit has been issued pursuant to chapter 123 shall
31 have the person's class "B" or class "C" beer permit
32 suspended ~~and that person's sales tax permit suspended~~
33 for a period of fourteen days in the same manner as
34 provided in section 123.50, subsection 3, paragraph
35 "a".

36 Sec.____. Section 421.17, Code 2007, is amended by
37 adding the following new subsection:

38 **NEW SUBSECTION.** 30. If a natural disaster is
39 declared by the governor in any area of the state, the
40 director may extend for a period of up to one year the
41 due date for the filing of any tax return and may
42 suspend any associated penalty or interest that would
43 accrue during that period of time for any affected
44 taxpayer whose principal residence or business is
45 located in the covered area if the director determines
46 it necessary for the efficient administration of the
47 tax laws of this state.

48 Sec.____. Section 421.60, subsection 8, Code 2007,
49 is amended to read as follows:

50 8. REFUND OF UNTIMELY ASSESSED TAXES.

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1 Notwithstanding any other refund statute, if it
2 appears that an amount of tax, penalty, or interest
3 has been paid to the department after the expiration
4 of the statute of limitations for the department to
5 determine and assess or collect the amount of such tax
6 due, then the amount paid shall be credited against
7 another tax liability of the taxpayer which is
8 outstanding, if the statute of limitations for
9 assessment or collection of that other tax has not
10 expired or the amount paid shall be refunded to the
11 person or, with the person's approval, credited to tax
12 to become due. An application for refund or credit
13 under this subsection must be filed within one year of
14 payment. This subsection shall not be construed to
15 prohibit the department from offsetting the refund
16 claim against any tax due, if the statute of
17 limitations for that other tax has not expired.
18 However, any tax, penalty, or interest due for which a
19 notice of assessment was not issued by the department
20 but which was voluntarily paid by a taxpayer after the
21 expiration of the statute of limitations for
22 assessment shall not be refunded.

23 Sec. ____ Section 422.16, subsection 1, paragraph
24 a, Code Supplement 2007, is amended to read as
25 follows:

26 a. Every withholding agent and every employer as
27 defined in this chapter and further defined in the
28 Internal Revenue Code, with respect to income tax
29 collected at source, making payment of wages to a
30 nonresident employee working in Iowa, or to a resident
31 employee, shall deduct and withhold from the wages an
32 amount which will approximate the employee's annual
33 tax liability on a calendar year basis, calculated on
34 the basis of tables to be prepared by the department
35 and schedules or percentage rates, based on the wages,
36 to be prescribed by the department. Every employee or
37 other person shall declare to the employer or
38 withholding agent the number of the employee's or
39 other person's personal ~~exemptions and dependency~~
40 ~~exemptions or credits allowances~~ to be used in
41 applying the tables and schedules or percentage rates.
42 However, no greater number of ~~personal or dependency~~
43 ~~exemptions or credits allowances~~ may be declared by
44 the employee or other person than the number to which
45 the employee or other person is entitled except as
46 allowed under sections 3402(m)(1) and 3402(m)(3) of
47 the Internal Revenue Code and as allowed for the child
48 and dependent care credit provided in section 422.12C.
49 The claiming of ~~exemptions or credits allowances~~ in
50 excess of entitlement is a serious misdemeanor.

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1 Sec.____. Section 423.3, subsection 8, paragraph
2 c, unnumbered paragraph 1, Code Supplement 2007, is
3 amended to read as follows:

4 The replacement part is ~~essential to~~ used in any
5 repair or reconstruction necessary to the farm
6 machinery's or equipment's exempt use in the
7 production of agricultural products.

8 Sec.____. Section 423.3, subsection 11, paragraph
9 c, Code Supplement 2007, is amended to read as
10 follows:

11 c. The replacement part is ~~essential to~~ used in
12 any repair or reconstruction necessary to the farm
13 machinery's or equipment's exempt use in livestock or
14 dairy production, aquaculture production, or the
15 production of flowering, ornamental, or vegetable
16 plants.

17 Sec.____. Section 423.36, subsection 2, Code 2007,
18 is amended to read as follows:

19 2. To collect sales or use tax, the applicant must
20 have a permit for each place of business in the state
21 of Iowa. The department may deny a permit to an
22 applicant who is substantially delinquent in paying a
23 tax due, or the interest or penalty on the tax,
24 administered by the department at the time of
25 application or if the applicant had a previous
26 delinquent liability with the department. If the
27 applicant is a partnership, a permit may be denied if
28 a partner is substantially delinquent in paying any
29 delinquent tax, penalty, or interest or if a partner
30 had a previous delinquent liability with the
31 department. If the applicant is a corporation, a
32 permit may be denied if any officer having a
33 substantial legal or equitable interest in the
34 ownership of the corporation owes any delinquent tax,
35 penalty, or interest or if any officer having a
36 substantial legal or equitable interest in the
37 ownership of the corporation had a previous delinquent
38 liability with the department.

39 Sec.____. Section 423A.5, subsection 1, Code 2007,
40 is amended by adding the following new paragraph:

41 NEW PARAGRAPH. c. The sales price from
42 transactions exempt from state sales tax under section
43 423.3.

44 Sec.____. Section 423A.5, subsection 2, Code 2007,
45 is amended by adding the following new paragraph:

46 NEW PARAGRAPH. c. The sales price from
47 transactions exempt from state sales tax under section
48 423.3.

49 Sec.____. Section 423D.3, Code 2007, is amended to
50 read as follows:

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1 423D.3 EXEMPTION.

2 The sales price on the lease or rental of equipment
3 to contractors for direct and primary use in
4 construction is exempt from the tax imposed by this
5 chapter. The sales price from transactions exempt
6 from state sales tax under section 423.3 is also
7 exempt from the tax imposed by this chapter.

8 Sec.____. Section 427.1, subsection 7, Code
9 Supplement 2007, is amended to read as follows:

10 7. LIBRARIES AND ART GALLERIES. All grounds and
11 buildings used for public libraries, public art
12 galleries, and libraries and art galleries owned and
13 kept by private individuals, associations, or
14 corporations, for public use and not for private
15 profit. Claims for exemption for libraries and art
16 galleries owned and kept by private individuals,
17 associations, or corporations for public use and not
18 for private profit must be filed with the local
19 assessor by February 1 of the first year the exemption
20 is requested. Once the exemption is granted, the
21 exemption shall continue to be granted for subsequent
22 assessment years without further filing of claims as
23 long as the property continues to be used as a library
24 or art gallery for public use and not for private
25 profit.

26 Sec.____. Section 452A.2, subsection 35, Code
27 2007, is amended to read as follows:

28 35. "Supplier" means a person who acquires motor
29 fuel or special fuel by pipeline or marine vessel from
30 a state, territory, or possession of the United
31 States, or from a foreign country for storage at and
32 distribution from a terminal and who is registered
33 under 26 U.S.C. §4101 for tax-free transactions in
34 gasoline, a person who produces in this state or
35 acquires by truck, railcar, or barge for storage at
36 and distribution from a terminal, biofuel, biodiesel,
37 alcohol, or alcohol derivative substances, or a person
38 who produces, manufactures, or refines motor fuel or
39 special fuel in this state. "Supplier" includes a
40 person who does not meet the jurisdictional connection
41 to this state but voluntarily agrees to act as a
42 supplier for purposes of collecting and reporting the
43 motor fuel or special fuel tax. "Supplier" does not
44 include a retail dealer or wholesaler who merely
45 blends alcohol with gasoline or biofuel with diesel
46 before the sale or distribution of the product or a
47 terminal operator who merely handles, in a terminal,
48 motor fuel or special fuel consigned to the terminal
49 operator.

50 Sec.____. Section 452A.33, subsection 2,

Page 15

1 unnumbered paragraph 1, Code 2007, is amended to read
2 as follows:

3 On or before ~~February~~ April 1 the department shall
4 deliver a report to the governor and the legislative
5 services agency. The report shall compile information
6 reported by retail dealers to the department as
7 provided in this section and shall at least include
8 all of the following:

9 Sec.____. Section 452A.59, Code 2007, is amended
10 to read as follows:

11 452A.59 ADMINISTRATIVE RULES.

12 The department of revenue and the state department
13 of transportation are authorized and empowered to
14 adopt rules under chapter 17A, relating to the
15 administration and enforcement of this chapter as
16 deemed necessary by the departments. However, when in
17 the opinion of the director it is necessary for the
18 efficient administration of this chapter, the director
19 may regard persons in possession of motor fuel,
20 special fuel, biofuel, alcohol, or alcohol derivative
21 substances as blenders, dealers, eligible purchasers,
22 exporters, importers, restrictive suppliers,
23 suppliers, terminal operators, or nonterminal storage
24 facility operators.

25 Sec.____. Section 453A.46, subsection 7, Code
26 Supplement 2007, is amended to read as follows:

27 7. The director may require by rule that ~~reports~~
28 returns be filed by electronic transmission.

29 Sec.____. Section 422.24A, Code 2007, is repealed.

30 Sec.____. RETROACTIVE APPLICABILITY DATE. The
31 section of this division of this Act repealing section
32 422.24A applies retroactively to January 1, 2008, for
33 tax years beginning on or after that date.

34 DIVISION V

35 DEPUTY SHERIFF POSITIONS

36 Sec.____. Section 341A.7, Code 2007, is amended to
37 read as follows:

38 341A.7 CLASSIFICATIONS.

39 1. The classified civil service positions covered
40 by this chapter include persons actually serving as
41 deputy sheriffs who are salaried pursuant to section
42 331.904, subsection 2, but do not include a chief
43 deputy sheriff, two second deputy sheriffs in counties
44 with a population of more than one hundred thousand,
45 three second deputy sheriffs in counties with a
46 population of more than one hundred fifty thousand,
47 and four second deputy sheriffs in counties with a
48 population of more than two hundred thousand.
49 However, a chief deputy sheriff or second deputy
50 sheriff who becomes a candidate for a partisan

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1 elective office for remuneration is subject to section
2 341A.18. A deputy sheriff serving with permanent rank
3 under this chapter may be designated chief deputy
4 sheriff or second deputy sheriff and retain that rank
5 during the period of service as chief deputy sheriff
6 or second deputy sheriff and shall, upon termination
7 of the duties as chief deputy sheriff or second deputy
8 sheriff, revert to the permanent rank.

9 2. If the positions of two second deputy sheriffs
10 of a county were exempt from classified civil service
11 coverage under this chapter based on the 1980
12 decennial census, the two second deputy positions
13 shall remain exempt from classified civil service
14 coverage under this chapter.

15 Sec.____. IMPLEMENTATION OF ACT. Section 25B.2,
16 subsection 3, shall not apply to this division of this
17 Act.

18 DIVISION VI

19 MISCELLANEOUS PROVISIONS

20 Sec.____. Section 8.64, subsection 2, Code
21 Supplement 2007, is amended to read as follows:

22 2. "Community-wide area" means a distinct
23 geographical area voluntarily formed by and comprised
24 of counties, cities, or townships, or any combination
25 thereof, all of which possess a degree of autonomy in
26 a varying number of matters. State agencies,
27 community colleges, and school districts may also
28 participate in a community-wide area if joined by a
29 county, city, or township.

30 Sec.____. Section 331.907, subsection 3, Code
31 2007, is amended to read as follows:

32 3. The elected county officers are also entitled
33 to receive their actual and necessary expenses
34 incurred in performance of official duties of their
35 respective offices. The board of supervisors may
36 authorize the reimbursement of expenses related to an
37 educational course, seminar, or school which is
38 attended by a county officer after the county officer
39 is elected, but prior to the county officer taking
40 office.

41 Sec.____. NEW SECTION. 504.132 SECRETARY OF
42 STATE – INTERNET SITE.

43 The secretary of state shall place on the secretary
44 of state's internet site a link to a free internet
45 site with completed internal revenue service forms 990
46 and 990EZ."

47 8. Title page, line 4, by inserting after the
48 word "effective" the following: "and retroactive
49 applicability".

50 9. By renumbering as necessary.

Hunter of Polk moved that the House concur in the Senate amendment H-8650.

The House concurred in the Senate amendment H-8650.

Hunter of Polk moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2400)

The ayes were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 45:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rasmussen	Rayhons	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wienczek	Windschitl
Worthan			

Absent or not voting, 2:

Forristall	Roberts
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Unfinished Business Calendar

Senate File 2132, a bill for an act relating to notices regarding the disposition of seized property and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Baudler of Adair offered amendment H-8325 filed by the committee on public safety as follows:

H-8325

1 Amend Senate File 2132, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 28, by inserting after the word
4 "~~firearms~~" the following: "~~and ammunition, if not~~
5 ~~forfeited pursuant to chapter 809A, shall be disposed~~
6 ~~of by the department of public safety or the~~
7 ~~department of natural resources pursuant to section~~
8 ~~809.21."~~

9 2. By striking page 2, line 33, through page 3,
10 line 1, and inserting the following:

11 "(3) Notwithstanding subparagraph (2), firearms or
12 ammunition with a value equal to or less than five
13 hundred dollars shall be deposited with the department
14 of public safety. The firearms or ammunition may be
15 held by the department of public safety and be used
16 for law enforcement, testing, or comparisons by the
17 criminalistics laboratory, or may be destroyed or
18 disposed of by the department of public safety in
19 accordance with section 809.21."

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-8332, to the committee amendment H-8325, filed by him on March 26, 2008.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-8351, to the committee amendment H-8325, filed by him on March 31, 2008.

R. Olson of Polk offered the following amendment H-8467, to the committee amendment H-8325, filed by him and moved its adoption:

H-8467

1 Amend the amendment, H-8325, to Senate File 2132,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 2 the
5 following:

6 " . Page 1, by striking lines 3 through 7 and
7 inserting the following:

8 1. Seized property ~~which is no longer required as~~
9 ~~evidence or for use in an investigation~~ shall be
10 returned to the owner, ~~provided that the person's~~
11 ~~possession of the property is not prohibited by law~~
12 ~~and there is no forfeiture claim filed on behalf of~~
13 ~~the state if the property is no longer required as~~
14 ~~evidence or the property has been photographed and the~~
15 ~~photograph will be used as evidence in lieu of the~~
16 ~~property, if the property is no longer required for~~
17 ~~use in an investigation, if the owner's possession is~~
18 ~~not prohibited by law, and if a forfeiture claim has~~
19 ~~not been filed on behalf of the state."~~

20 . Page 1, line 8, by inserting before the word
21 "value" the following: "aggregate fair market".

22 . Page 1, line 21, by inserting before the
23 word "value" the following: "aggregate fair market".

24 . Page 2, line 22, by inserting before the
25 word "value" the following: "aggregate fair market".

26 2. Page 1, by inserting after line 8 the
27 following:

28 " . Page 2, line 29, by inserting before the
29 word "value" the following: "aggregate fair market".

30 3. Page 1, line 12, by striking the words "with
31 a" and inserting the following: "with an aggregate
32 fair market".

Amendment H-8467 was adopted.

On motion by Hunter of Polk, the committee amendment H-8325,
as amended, was adopted.

Kaufmann of Cedar asked and received unanimous consent to
withdraw amendment H-8406 filed by Kaufmann of Cedar et al., on
April 3, 2008.

Hunter of Polk moved that the bill be read a last time now and
placed upon its passage which motion prevailed and the bill was read
a last time.

On the question "Shall the bill pass?" (S.F. 2132)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Mr. Speaker Murphy		

The nays were, none.

Absent or not voting, 2:

Forristall Roberts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2132** and **2400**.

HOUSE REFUSED TO CONCUR

Whitaker of Van Buren called up for consideration **House File 2177**, a bill for an act relating to the placement of deer transportation tags on antlered deer that have been taken pursuant to a deer hunting license, amended by the Senate, and moved that the House concur in the following Senate amendment H-8627:

H-8627

- 1 Amend House File 2177, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 3, by striking the word "The" and
- 4 inserting the following: "The An antlerless deer
- 5 only".
- 6 2. Page 1, line 4, by striking the word "a" and
- 7 inserting the following: "a an antlerless".
- 8 3. Page 1, line 5, by inserting after the word
- 9 "dated." the following: "An antlered or any sex deer
- 10 hunting license shall be accompanied by two tags
- 11 designed to be used only once."
- 12 4. Page 1, line 6, by striking the words "the
- 13 tag" and inserting the following: "one of the tags".
- 14 5. Page 1, line 6, by inserting after the word
- 15 "antlers" the following: "and one of the tags shall
- 16 be affixed to the deer as provided by the commission
- 17 by rule".
- 18 6. Title page, line 2, by striking the word
- 19 "antlered".

The motion lost and the House refused to concur in the Senate amendment H-8627.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2177** be immediately messaged to the Senate.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House File 2381.

House File 2381, a bill for an act relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators, was taken up for consideration.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-8105 filed by him and Tomenga of Polk on March 13, 2008.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-8543 filed by him on April 16, 2008.

SENATE FILE 2203 SUBSTITUTED FOR HOUSE FILE 2381

Lykam of Scott asked and received unanimous consent to substitute Senate File 2203 for House File 2381.

Senate File 2203, a bill for an act relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators, was taken up for consideration.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-8106 filed by him and Tomenga of Polk on March 13, 2008.

Kelley of Black Hawk asked and received unanimous consent to withdraw amendment H-8536 filed by her on April 15, 2008.

R. Olson of Polk offered the following amendment H-8540 filed by him and moved its adoption:

H-8540

1 Amend Senate File 2203, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 1 through 9 and
4 inserting the following:

5 "Sec.____. Section 717D.1, subsection 8, Code
6 2007, is amended to read as follows:

7 8. "Spectator" means a person who attends an
8 establishment ~~for purposes of witnessing~~ knowingly to
9 watch or observe a contest event.

10 Sec.____. Section 717D.2, subsection 9, Code 2007,
11 is amended to read as follows:

12 9. Gambling at a contest event conducted in this
13 state, including but not limited to wagering on the
14 outcome of a contest involving animals.

15 10. Act as a spectator of a contest event
16 conducted in this state, regardless of whether the
17 person paid admission to witness the contest event.

18 Sec. ____ Section 717D.4, Code 2007, is amended to
19 read as follows:

20 717D.4 PENALTIES.

21 1. Except as provided in ~~subsection 2~~ section
22 717D.2, subsection 10, a person who violates a
23 provision of this chapter ~~is guilty of~~ commits a class
24 "D" felony.

25 2. A person who violates section 717D.2,
26 subsection 10, by acting as a spectator of a contest
27 event conducted in this state ~~is guilty of an~~ commits
28 the following:

29 a. An aggravated misdemeanor for the first
30 offense.

31 b. A class "D" felony for a second or subsequent
32 offense."

33 2. By renumbering as necessary.

Amendment H-8540 was adopted.

Lykam of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2203)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek

Winckler
Zirkelbach

Windschitl
Mr. Speaker
Murphy

Wise

Worthan

The nays were, none.

Absent or not voting and 2:

Forristall

Roberts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2381 WITHDRAWN

Lykam of Scott asked and received unanimous consent to withdraw House File 2381 from further consideration by the House.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2413, a bill for an act relating to requests and applications submitted by school districts to the school budget review committee concerning school district finances.

Also: That the Senate has on April 24, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2415, a bill for an act allowing certain counties to participate in a pilot project for emergency response districts and providing for a district tax levy.

MICHAEL E. MARSHALL, Secretary

On motion by McCarthy of Polk, the House was recessed at 12:29 p.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened at 3:15 p.m., Speaker Murphy in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2367, a bill for an act relating to the tally of absentee votes by precinct at certain elections.

Also: That the Senate has on April 24, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2689, a bill for an act relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, providing for tax credits, providing for the reporting of biofuels, providing for the purchase of renewable fuels by governmental entities, providing for renewable fuel marketing efforts, and providing an effective dates and applicability; including retroactive applicability.

Also: That the Senate has on April 24, 2008, refused to concur in the House amendment and pass the following bill in which the concurrence of the House is asked:

Senate File 2216, a bill for an act concerning state and local measures for preparing a student for a career or for postsecondary education, including a statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system.

MICHAEL E. MARSHALL, Secretary

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Murphy invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Eighty-second General Assembly were presented to the following Pages by Speaker Murphy, Majority Leader McCarthy and Minority Leader Rants.

Sabrina Ahmed
Ryan Alfred
Bonnie Brown
Michael Du'pre

Laura Schneider
Christina Schueth
Matthew Sexton
Gloria Steinke

Jordan Durham
 Allie Ford
 Jana Guy
 Megan Lacey
 Nicole Martin
 Reggie Netz
 Kaytlin Peine

Tyler Strable
 Jonathan Sukup
 Sara Thoma
 Bryce Williams
 Mickey Belding
 Caitlin Forrester

SENATE AMENDMENT CONSIDERED

Winckler of Scott called up for consideration **House File 2679**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters and including effective date provisions, amended by the following Senate amendment H-8652:

H-8652

1 Amend House File 2679, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by striking line 29 and inserting the
 4 following:
 5 "..... \$ 4,000,00"
 6 2. Page 3, by inserting after line 32 the
 7 following:
 8 "____. WASHINGTON, D.C., INTERNSHIP GRANT
 9 For a grant to a national nonprofit organization
 10 with over 30 years experience of assisting college
 11 students to serve internships in Washington, D.C.,
 12 helping place during the 2006-2007 academic year over
 13 1,400 students from across the world in internships,
 14 including over 40 students from Iowa colleges and
 15 universities, in order to provide students enrolled in
 16 Iowa accredited higher education institutions, as
 17 defined in section 261.92, subsection 1, and is
 18 participating in a one-semester internship opportunity
 19 in Washington, D.C., with financial aid to offset
 20 costs related to the internship:
 21 \$ 100,000
 22 Up to 50 percent of the funds shall be dedicated to
 23 students participating in the two-to-one federal and
 24 state matching agricultural biofuels from biomass
 25 internship pilot program if the program is contained
 26 in federal legislation enacted and funded by Congress
 27 during the 2008-2009 fiscal year."

28 3. Page 4, line 3, by striking the figure
29 "698,923" and inserting the following: "995,000".

30 4. Page 4, line 4, by striking the figure
31 "338,958" and inserting the following: "484,972".

32 5. Page 7, by inserting after line 13 the
33 following:

34 "____. For a grant to a center for independent
35 living established in accordance with the federal
36 Rehabilitation Act of 1973, that is designed and
37 operated within a local community by individuals with
38 disabilities and provides an array of independent
39 living services, and which adheres to the state plan
40 for independent living required in order to receive
41 federal Part B dollars for independent living services
42 for Iowans with disabilities:

43 \$ 250,000

44 By October 1, 2009, the grant recipient shall
45 submit a written report to the division and the state
46 board of education regarding the expenditure of moneys
47 received from the state under this lettered
48 paragraph."

49 6. Page 12, by inserting after line 9 the
50 following:

Page 2

1 "g. Grant amount award reductions for the
2 2008-2009 fiscal year resulting from the Iowa
3 empowerment board's restriction on carryforward of
4 grant funding may be applied to categorical funding
5 requirements at the discretion of each community
6 empowerment area, regardless of the categorical
7 sources of the area's fiscal year 2006-2007 ending
8 balance.

9 h. The Iowa empowerment board shall develop and
10 implement a plan to strengthen the fiscal
11 accountability of local areas. The plan shall not
12 include hiring additional staff. The plan shall
13 address fiscal accountability for community
14 empowerment area boards, including but not limited to
15 training for board members and coordinators, and shall
16 address contractual arrangements with and fiscal
17 oversight of program providers. The plan shall
18 provide for assistance to the community empowerment
19 office and the community empowerment assistance team
20 to improve state fiscal oversight of local boards and
21 ongoing training for community empowerment area boards
22 and coordinators. The Iowa empowerment board and the
23 community empowerment office shall submit a report to
24 the general assembly and the legislative services
25 agency by January 1, 2009."

26 7. Page 13, by inserting before line 24 the

27 following:

28 "____. IOWA SENIOR YEAR PLUS PROGRAM

29 For purposes of implementing the senior year plus
30 program established pursuant to section 261E.1, if
31 enacted by this Act:

32 \$ 1,900,000"

33 8. By striking page 13, line 27, through page 14,
34 line 10, and inserting the following:

35 "..... \$183,062,414

36 Notwithstanding the allocation formula in section
37 260C.18C, the funds appropriated in this subsection
38 shall be allocated as follows:

39 a. Merged Area I \$ 9,074,424

40 b. Merged Area II \$ 9,840,581

41 c. Merged Area III \$ 9,045,521

42 d. Merged Area IV \$ 4,449,263

43 e. Merged Area V \$ 9,992,314

44 f. Merged Area VI \$ 8,656,370

45 g. Merged Area VII \$ 12,826,359

46 h. Merged Area IX \$15,963,828

47 i. Merged Area X \$ 27,662,970

48 j. Merged Area XI 27,602,009

49 k. Merged Area XII \$10,522,547

50 l. Merged Area XIII \$ 10,685,790

Page 3

1 m. Merged Area XIV \$ 4,505,37

2 n. Merged Area XV \$ 14,147,60

3 o. Merged Area XVI \$ 8,087,45"

4 9. Page 14, by striking line 18 and inserting the
5 following:

6 "..... 1,500,000"

7 10. Page 14, by striking lines 26 through 33.

8 11. Page 16, by striking lines 18 through 23.

9 12. Page 17, by inserting after line 21 the

10 following:

11 "f. For funds to be distributed to Iowa public
12 radio for public radio operations:

13 \$ 500,000"

14 13. Page 22, by inserting after line 7 the

15 following:

16 "c. Science, technology, engineering, and
17 mathematics (STEM) collaborative initiative

18 For purposes of establishing a science, technology,
19 engineering, and mathematics (STEM) collaborative
20 initiative:

21 \$ 4,000,000

22 14. Page 22, by striking line 12 and inserting
23 the following:

24 "..... \$10,077,191"

25 15. Page 22, by striking line 18 and inserting

26 the following:

27 "..... \$ 5,674,351"

28 16. Page 22, line 28, by striking the word
29 "UNIVERSITY" and inserting the following:
30 "MATHEMATICS AND SCIENCE COLLABORATIVE".

31 17. Page 22, line 29, by striking the words "AND
32 COLLEGES".

33 18. Page 22, lines 30 and 31, by striking the
34 words "require the universities it governs" and
35 inserting the following: "conduct a mathematics and
36 science collaborative study. The purpose of the study
37 shall be".

38 19. Page 22, line 32, by inserting before the
39 word "proportion" the following: "number and".

40 20. Page 22, lines 33 and 34, by striking the
41 words "and colleges".

42 21. Page 22, line 35, by inserting after the word
43 "way." the following: "The study shall develop and
44 submit to the board recommendations for science,
45 technology, engineering, and technology-related
46 programming measures for improving the number and
47 proportion of women and minorities in science,
48 technology, engineering, and mathematics university
49 programs."

50 22. Page 23, line 5, by inserting after the word

Page 4

1 "the" the following: "number and".

2 23. Page 24, by striking lines 10 through 23.

3 24. Page 25, by inserting after line 28 the
4 following:

5 "Sec.____. Section 28.8, Code 2007, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 7. It is the intent of the
8 general assembly that community empowerment areas
9 consider whether support services to prevent the
10 spread of infectious diseases, prevent child injuries,
11 develop health emergency protocols, help with
12 medication, and care for children with special health
13 needs are being provided to child care facilities
14 registered or licensed under chapter 237A."

15 25. By striking page 26, line 20, through page
16 27, line 23.

17 26. By striking page 30, line 33, through page
18 31, line 14.

19 27. Page 37, by striking lines 10 through 16.

20 28. Page 40, by striking lines 10 and 11.

21 29. Page 40, line 14, by striking the word
22 "DATES." and inserting the following: "DATE. The".

23 30. Page 40, line 15, by striking the figure and
24 words "1. The section" and inserting the following:

25 "section".

26 31. Page 40, by striking lines 19 through 21.

27 32. Page 48, line 1, by striking the word "of"

28 and inserting the following: "established by".

29 33. Page 49, line 2, by inserting after the word

30 "collaborate" the following: ", as appropriate,".

31 34. Page 49, line 4, by striking the words

32 "teacher or instructor" and inserting the following:

33 "district, in collaboration with the teacher or

34 instructor,".

35 35. Page 50, line 10, by striking the word "and,"

36 and inserting the following: "or".

37 36. Page 50, line 31, by striking the words "an

38 annual" and inserting the following: "a regular".

39 37. Page 52, lines 13 and 14, by striking the

40 words "hold a master's degree from an accredited

41 college or university,".

42 38. Page 52, line 16, by striking the figure

43 "272," and inserting the following: "272".

44 39. Page 52, by inserting after line 24 the

45 following:

46 "Sec. ____ NEW SECTION. 261E.4A ADVANCED

47 PLACEMENT COURSES – ACCESS – EXAMINATION FEE

48 PAYMENT.

49 1. A student enrolled in a school district or

50 accredited nonpublic school shall be provided access

Page 5

1 to advanced placement examinations at a rate of

2 one-half of the cost of the regular examination fee

3 the student or the student's parents or guardians

4 would normally pay for the examination.

5 2. The board of directors of a school district and

6 the authorities in charge of an accredited nonpublic

7 school shall ensure that any student enrolled who is

8 interested in taking an advanced placement examination

9 is properly registered for the examination. An

10 accredited nonpublic school shall provide a list of

11 students registered for advanced placement

12 examinations to the school district in which the

13 accredited nonpublic school is located. The school

14 district and the accredited nonpublic school shall

15 also ensure that any student enrolled in the school

16 district or school, as applicable, who is interested

17 in taking an advanced placement examination and

18 qualifies for a reduced fee for the examination is

19 properly registered for the fee reduction. The school

20 district shall provide the college board with a list

21 of all students enrolled in the school district and

22 the accredited nonpublic schools located in the school

23 district who are properly registered for advanced

24 placement examinations administered by the college
25 board.
26 3. From the funds allocated pursuant to section
27 261E.12, subsection 1, paragraph "d", the department
28 shall remit amounts to the college board for advanced
29 placement examinations administered by the college
30 board for students enrolled in school districts and
31 accredited nonpublic schools pursuant to subsection 2
32 and shall distribute an amount per student to a school
33 district submitting a list of students properly
34 registered for the advanced placement examinations
35 pursuant to subsection 2. The remittance rates to the
36 college board and distribution amounts to the school
37 districts in accordance with this subsection for the
38 fiscal year beginning July 1, 2008, are as follows:
39 thirty-eight dollars for each school district or
40 accredited nonpublic school student who does not
41 qualify for fee reduction; twenty-seven dollars for
42 each school district or accredited nonpublic school
43 student who qualifies for fee reduction; and eight
44 dollars to the school district for each school
45 district or accredited nonpublic school student who
46 was listed by the school district and who takes an
47 advanced placement examination in accordance with this
48 section."
49 40. Page 58, by inserting after line 26 the
50 following:

Page 6

1 "d. Degree, certifications, and other
2 qualifications to meet the minimum hiring standards.
3 e. Salary information including regular contracted
4 salary and total salary.
5 f. Credit hours and laboratory contact hours and
6 other data on instructional time.
7 g. Other information comparable to the data
8 regarding teachers collected in the basic education
9 data survey."
10 41. Page 61, by inserting after line 10 the
11 following:
12 "d. For the fiscal year beginning July 1, 2008,
13 and succeeding fiscal years, an amount up to five
14 hundred thousand dollars to the department to provide
15 advanced placement course examination fee remittance
16 pursuant to section 261E.4A. If the funds
17 appropriated for purposes of section 261E.5 are
18 insufficient to distribute the amounts set out in
19 section 261E.5, subsection 3, to school districts, the
20 department shall prorate the amount distributed to
21 school districts based on the amount appropriated."
22 42. Page 62, by inserting after line 19 the

23 following:

24 "DIVISION III
25 STATEWIDE PRESCHOOL PROGRAM

26 Sec.____. Section 256C.3, subsection 1, Code
27 Supplement 2007, is amended to read as follows:

28 1. ELIGIBLE CHILDREN. A child who is a resident
29 of Iowa and is four years of age ~~by~~ on or before
30 September 15 of a school year shall be eligible to
31 enroll in the preschool program under this chapter.
32 If space and funding are available, a school district
33 approved to participate in the preschool program may
34 enroll a younger or older child in the preschool
35 program; however, the child shall not be counted for
36 state funding purposes.

37 Sec.____. Section 256C.4, subsection 1, Code
38 Supplement 2007, is amended by adding the following
39 new paragraph:

40 NEW PARAGRAPH. f. The receipt of funding by a
41 school district for the purposes of this chapter, the
42 need for additional funding for the purposes of this
43 chapter, or the enrollment count of eligible students
44 under this chapter, shall not be considered to be
45 unusual circumstances, create an unusual need for
46 additional funds, or qualify under any other
47 circumstances that may be used by the school budget
48 review committee to grant supplemental aid to or
49 establish modified allowable growth for a school
50 district under section 257.31.

Page 7

1 Sec.____. Section 256C.5, subsection 2, paragraph
2 b, Code Supplement 2007, is amended to read as
3 follows:

4 b. For budget years subsequent to the initial
5 school year for which a school district approved to
6 participate in the preschool program receives that
7 initial approval and implements the preschool program,
8 the funding for the preschool foundation aid payable
9 to that school district shall be paid from the
10 appropriation made in section 257.16. Continuation of
11 a school district's participation in the preschool
12 program for a second or subsequent budget year is
13 subject to the approval of the department based upon
14 the school district's compliance with accountability
15 provisions and the department's on-site review of the
16 school district's implementation of the preschool
17 program.

18 Sec.____. Section 256C.6, subsection 1, Code
19 Supplement 2007, is amended to read as follows:

20 1. PHASE-IN. For the initial fiscal year in which
21 a school district participates in the preschool

22 program pursuant to an appropriation provided in
 23 subsection 2, the department shall apply a modified
 24 set of the requirements of the provisions of this
 25 chapter relating to preschool program implementation,
 26 preschool enrollment reporting, and distribution of
 27 funding as necessary to begin the distribution in that
 28 fiscal year and additional program implementation in
 29 the next fiscal year. ~~For each month after September~~
 30 ~~1, in the initial fiscal year that a school district~~
 31 ~~approved to participate in the preschool program~~
 32 ~~begins programming, the department shall reduce the~~
 33 ~~preschool foundation aid payable to the school~~
 34 ~~district by one tenth of the amount that would~~
 35 ~~otherwise have been payable to the school district for~~
 36 ~~the full school year.~~

37 Sec.____. Section 256C.6, subsection 2, Code
 38 Supplement 2007, is amended by adding the following
 39 new unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 41 8.33, moneys appropriated in this subsection that
 42 remain unencumbered or unobligated at the close of the
 43 fiscal year shall not revert but shall remain
 44 available for expenditure for the purposes designated
 45 until the close of the succeeding fiscal year.

46 Sec.____. 2007 Iowa Acts, chapter 214, section 6,
 47 subsection 13, is amended by adding the following new
 48 unnumbered paragraph:

49 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 50 8.33, moneys appropriated in this subsection that

Page 8

1 remain unencumbered or unobligated at the close of the
 2 fiscal year shall not revert but shall remain
 3 available for expenditure for the purposes designated
 4 until the close of the succeeding fiscal year.

5 Sec.____. STATEWIDE EARLY CHILDHOOD PROFESSIONAL
 6 DEVELOPMENT SYSTEM. It is the intent of the general
 7 assembly that if funding is designated or is otherwise
 8 made available for purposes of implementing a
 9 statewide early childhood professional development
 10 system during the fiscal year beginning July 1, 2007,
 11 or the succeeding fiscal year, that the system shall
 12 be implemented by the department of education through
 13 the area education agencies and shall be designed to
 14 support the statewide preschool program for
 15 four-year-old children offered in accordance with
 16 chapter 256C. The department of education shall
 17 collaborate with early childhood Iowa and its public
 18 and private member agencies to ensure that the system
 19 complements existing programs and resources committed
 20 by the agencies to professional development. To the

21 extent possible, the system shall support
 22 professionals engaged in other early childhood
 23 programs.

24 Sec.____. EFFECTIVE DATE. This division of this
 25 Act, being deemed of immediate importance, takes
 26 effect upon enactment.

27 DIVISION IV

28 STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

29 Sec.____. Section 282.10, subsection 4, Code 2007,
 30 is amended to read as follows:

31 4. A whole grade sharing agreement shall be signed
 32 by the boards of the districts involved in the
 33 agreement not later than February 1 of the school year
 34 preceding the school year for which the agreement is
 35 to take effect. The boards of the districts shall
 36 negotiate as part of the new or existing agreement the
 37 disposition of teacher quality funding provided under
 38 chapter 284.

39 Sec.____. Section 284.2, subsection 11, Code
 40 Supplement 2007, is amended to read as follows:

41 11. "Teacher" means an individual who holds a
 42 practitioner's license issued under chapter 272, or a
 43 statement of professional recognition issued under
 44 chapter 272 who is employed in a nonadministrative
 45 position by a school district or area education agency
 46 pursuant to a contract issued by a board of directors
 47 under section 279.13. A teacher may be employed in
 48 both an administrative and a nonadministrative
 49 position by a board of directors and shall be
 50 considered a part-time teacher for the portion of time

Page 9

1 that the teacher is employed in a nonadministrative
 2 position. ~~"Teacher" includes a licensed individual~~
 3 ~~employed on a less than full time basis by a school~~
 4 ~~district through a contract between the school~~
 5 ~~district and an institution of higher education with a~~
 6 ~~practitioner preparation program in which the licensed~~
 7 ~~teacher is enrolled.~~

8 Sec.____. Section 284.7, subsection 1, paragraph
 9 a, subparagraph (2), Code Supplement 2007, is amended
 10 to read as follows:

11 (2) Beginning July 1, ~~2007~~ 2008, the minimum
 12 salary for a beginning teacher shall be ~~twenty six~~
 13 twenty-eight thousand ~~five hundred~~ dollars.

14 Sec.____. Section 284.7, subsection 1, paragraph
 15 b, subparagraph (2), Code Supplement 2007, is amended
 16 to read as follows:

17 (2) Beginning July 1, ~~2007~~ 2008, the minimum
 18 salary for a first-year career teacher shall be
 19 ~~twenty seven~~ thirty thousand ~~five hundred~~ dollars ~~and~~

20 ~~the minimum salary for all other career teachers shall~~
 21 ~~be twenty eight thousand five hundred dollars.~~

22 Sec.____. Section 284.7, subsection 5, paragraph
 23 b, Code Supplement 2007, is amended to read as
 24 follows:

25 b. If, once the minimum salary requirements of
 26 this section have been met by the school district or
 27 area education agency, and the school district or area
 28 education agency receiving funds pursuant to section
 29 284.13, subsection 1, paragraph "h" or "i", for
 30 purposes of this section, and the certified bargaining
 31 representative for the licensed employees have not
 32 reached an agreement for distribution of the funds
 33 remaining, in accordance with paragraph "a", the board
 34 of directors shall divide the funds remaining among
 35 full-time teachers employed by the district or area
 36 education agency whose regular compensation is equal
 37 to or greater than the minimum salary specified in
 38 this section. The payment amount for teachers
 39 employed on less than a full-time basis shall be
 40 prorated. For purposes of this paragraph, regular
 41 compensation means base salary plus any salary
 42 provided under chapter 294A.

43 Sec.____. Section 284.7, subsection 5, Code
 44 Supplement 2007, is amended by adding the following
 45 new paragraph:

46 **NEW PARAGRAPH.** e. A school district or area
 47 education agency receiving funds pursuant to section
 48 284.13, subsection 1, paragraph "h" or "i", shall
 49 determine the amount to be paid to teachers in
 50 accordance with this subsection and the amount

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1 determined to be paid to an individual teacher shall
 2 be divided evenly and paid in each pay period of the
 3 fiscal year beginning with the October payroll.

4 Sec.____. Section 284.8, subsection 1, Code
 5 Supplement 2007, is amended to read as follows:

6 1. A school district shall review a teacher's
 7 performance at least once every three years for
 8 purposes of assisting teachers in making continuous
 9 improvement, documenting continued competence in the
 10 Iowa teaching standards, identifying teachers in need
 11 of improvement, or to determine whether the teacher's
 12 practice meets school district expectations for career
 13 advancement in accordance with section 284.7. The
 14 review shall include, at minimum, classroom
 15 observation of the teacher, the teacher's progress,
 16 and implementation of the teacher's individual
 17 professional development plan, subject to the level of
 18 funding resources provided to implement the plan; and

19 shall include supporting documentation from parents,
20 students, and other ~~evaluators, teachers, parents, and~~
21 ~~students.~~

22 Sec. ____ Section 284.13, subsection 1, paragraph
23 a, Code Supplement 2007, is amended to read as
24 follows:

25 a. For ~~each the~~ fiscal year ~~of the fiscal period~~
26 beginning July 1, ~~2007~~ 2008, and ending June 30, 2009,
27 to the department of education, the amount of one
28 million ~~eighty-seven~~ seven hundred seven thousand five
29 hundred dollars for the issuance of national board
30 certification awards in accordance with section
31 256.44.

32 ~~(1)~~ Of the amount allocated under this paragraph
33 "~~a~~", not less than eighty-five thousand dollars shall
34 be used to administer the ambassador to education
35 position in accordance with section 256.45.

36 ~~(2) Of the amount allocated under this paragraph~~
37 "~~a~~", for the fiscal year beginning July 1, 2007, and
38 ending June 30, 2008, not less than one million
39 dollars shall be used to supplement the allocation of
40 funds for market factor teacher incentives made
41 pursuant to paragraph "~~f~~", subparagraph (1).

42 Sec. ____ Section 284.13, subsection 1, paragraphs
43 d and e, Code Supplement 2007, are amended to read as
44 follows:

45 d. (1) For the fiscal year beginning July 1, ~~2007~~
46 2008, and ending June 30, ~~2008~~ 2009, up to ~~twenty~~
47 twenty-eight million five hundred thousand dollars to
48 the department for use by school districts for
49 professional development as provided in section 284.6.
50 Of the amount allocated under this paragraph, up to

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1 eight million five hundred thousand dollars shall be
2 provided to school districts for professional
3 development related to the infusion and implementation
4 of the model core curriculum prescribed in section
5 256.7, subsection 26. The department shall distribute
6 funds allocated for the purpose of this paragraph
7 based on the average per diem contract salary for each
8 district as reported to the department for the school
9 year beginning July 1, ~~2006~~ 2007, multiplied by the
10 total number of full-time equivalent teachers in the
11 base year. The department shall adjust each
12 district's average per diem salary by the allowable
13 growth rate established under section 257.8 for the
14 fiscal year beginning July 1, ~~2007~~ 2008. The contract
15 salary amount shall be the amount paid for their
16 regular responsibilities but shall not include pay for
17 extracurricular activities. These funds shall not

18 supplant existing funding for professional development
 19 activities. Notwithstanding any provision to the
 20 contrary, moneys received by a school district under
 21 this paragraph shall not revert but shall remain
 22 available for the same purpose in the succeeding
 23 fiscal year. A school district shall submit a report
 24 to the department in a manner determined by the
 25 department describing its use of the funds received
 26 under this paragraph. The department shall submit a
 27 report on school district use of the moneys
 28 distributed pursuant to this paragraph to the general
 29 assembly and the legislative services agency not later
 30 than January 15 of the fiscal year for which moneys
 31 are allocated for purposes of this paragraph.

32 (2) From moneys available under subparagraph (1)
 33 for the fiscal year beginning July 1, ~~2007~~ 2008, and
 34 ending June 30, ~~2008~~ 2009, the department shall
 35 allocate to area education agencies an amount per
 36 teacher employed by an area education agency that is
 37 approximately equivalent to the average per teacher
 38 amount allocated to the districts. The average per
 39 teacher amount shall be calculated by dividing the
 40 total number of teachers employed by school districts
 41 and the teachers employed by area education agencies
 42 into the total amount of moneys available under
 43 subparagraph (1).

44 (3) For the fiscal year beginning July 1, 2008,
 45 and ending June 30, 2009, up to nine hundred fifteen
 46 thousand dollars to the department for implementation
 47 of a statewide early childhood professional
 48 development system through the area education agencies
 49 that is designed to support the statewide preschool
 50 program for four-year-old children under chapter 256C

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1 and to the extent possible, other early childhood
 2 programs.

3 e. For ~~the each~~ fiscal year beginning July 1,
 4 ~~2007, and ending June 30, 2008~~ in which funds are
 5 ~~appropriated for purposes of this chapter~~, an amount
 6 up to one million eight hundred forty-five thousand
 7 dollars to the department for the establishment of
 8 teacher development academies in accordance with
 9 section 284.6, subsection 10. A portion of the funds
 10 allocated to the department for purposes of this
 11 paragraph may be used for administrative purposes.

12 Sec. ____ Section 284.13, subsection 1, paragraph
 13 f, Code Supplement 2007, is amended by striking the
 14 paragraph and inserting in lieu thereof the following:
 15 f. For the fiscal year beginning July 1, 2008, and
 16 ending June 30, 2009, to the department of education,

17 the amount of two hundred fifty thousand dollars for
18 distribution to the institute for tomorrow's workforce
19 created pursuant to section 7K.1.

20 Sec.____. Section 284.13, subsection 1, paragraph
21 g, subparagraph (3), Code Supplement 2007, is amended
22 to read as follows:

23 (3) For the fiscal year beginning July 1, 2008,
24 and ending June 30, 2009, the sum of ~~two million five~~
25 three hundred thirty-five thousand dollars. From the
26 amount allocated for the fiscal year under this
27 subparagraph, an amount up to ten thousand dollars
28 shall be used for purposes of the pay-for-performance
29 commission's expenses, an amount up to one hundred
30 thousand dollars shall be used by the department for
31 oversight and administration of the implementation
32 pilots as provided in sections 284.14 and 284.14A, and
33 an amount up to two hundred thousand dollars shall be
34 used for the employment of an external evaluator.

35 Sec.____. Section 284.11, Code Supplement 2007, is
36 repealed.

37 DIVISION V

38 STATE SCHOOL AID FORMULA CHANGES

39 Sec.____. Section 256D.2, Code 2007, is amended to
40 read as follows:

41 256D.2 PROGRAM EXPENDITURES.

42 1. A school district shall expend funds received
43 pursuant to section 256D.4 at the kindergarten through
44 grade three levels to reduce class sizes to the state
45 goal of seventeen students for every one teacher and
46 to achieve a higher level of student success in the
47 basic skills, especially reading. In order to support
48 these efforts, school districts may expend funds
49 received pursuant to section 256D.4 at the
50 kindergarten through grade three level on programs,

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1 instructional support, and materials that include, but
2 are not limited to, the following: additional
3 licensed instructional staff; additional support for
4 students, such as before and after school programs,
5 tutoring, and intensive summer programs; the
6 acquisition and administration of diagnostic reading
7 assessments; the implementation of research-based
8 instructional intervention programs for students
9 needing additional support; the implementation of
10 all-day, everyday kindergarten programs; and the
11 provision of classroom teachers with intensive
12 training programs to improve reading instruction and
13 professional development in best practices, including
14 but not limited to training programs related to
15 instruction to increase students' phonemic awareness,

16 reading abilities, and comprehension skills.

17 2. This section is repealed June 30, 2009.

18 Sec. ____. NEW SECTION. 256D.2A PROGRAM FUNDING.

19 Beginning July 1, 2009, and each succeeding year, a
 20 school district shall expend funds received pursuant
 21 to section 257.10, subsection 11, at the kindergarten
 22 through grade three levels to reduce class sizes to
 23 the state goal of seventeen students for every one
 24 teacher and to achieve a higher level of student
 25 success in the basic skills, especially reading. In
 26 order to support these efforts, school districts may
 27 expend funds received pursuant to section 257.10,
 28 subsection 11, at the kindergarten through grade three
 29 level on programs, instructional support, and
 30 materials that include but are not limited to the
 31 following: additional licensed instructional staff;
 32 additional support for students, such as before and
 33 after school programs, tutoring, and intensive summer
 34 programs; the acquisition and administration of
 35 diagnostic reading assessments; the implementation of
 36 research-based instructional intervention programs for
 37 students needing additional support; the
 38 implementation of all-day, everyday kindergarten
 39 programs; and the provision of classroom teachers with
 40 intensive training programs to improve reading
 41 instruction and professional development in best
 42 practices including but not limited to training
 43 programs related to instruction to increase students'
 44 phonemic awareness, reading abilities, and
 45 comprehension skills.

46 Sec. ____. Section 256D.4, subsection 3, Code 2007,
 47 is amended to read as follows:

48 3. For each year in which an appropriation is made
 49 to the Iowa early intervention block grant program,
 50 the department of education shall notify the

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1 department of administrative services of the amount of
 2 the allocation to be paid to each school district as
 3 provided in subsections 1 and 2. The allocation to
 4 each school district shall be made in one payment on
 5 or about October 15 of the fiscal year for which the
 6 appropriation is made, taking into consideration the
 7 relative budget and cash position of the state
 8 resources. Moneys received under this section shall
 9 not be commingled with state aid payments made under
 10 section 257.16 to a school district and shall be
 11 accounted for by the local school district separately
 12 from state aid payments. Payments made to school
 13 districts under this section are miscellaneous income
 14 for purposes of chapter 257. ~~A school district shall~~

15 ~~maintain a separate listing within its budget for~~
 16 ~~payments received and expenditures made pursuant to~~
 17 ~~this section. A school district shall certify to the~~
 18 ~~department of education that moneys received under~~
 19 ~~this section were used to supplement, not supplant,~~
 20 ~~moneys otherwise received and used by the school~~
 21 ~~district.~~

22 Sec.____. Section 256D.4, subsection 4, Code 2007,
 23 is amended by striking the subsection and inserting in
 24 lieu thereof the following:

25 4. This section is repealed June 30, 2009.

26 Sec.____. NEW SECTION. 256D.4A PROGRAM
 27 REQUIREMENTS.

28 A school district shall maintain a separate listing
 29 within its budget for payments received and
 30 expenditures made pursuant to this section. A school
 31 district shall certify to the department of education
 32 that moneys received under this section were used to
 33 supplement, not supplant, moneys otherwise received
 34 and used by the school district.

35 Sec.____. Section 256D.5, subsection 4, Code
 36 Supplement 2007, is amended to read as follows:

37 4. For each fiscal year of the fiscal period
 38 beginning July 1, 2004, and ending June 30, ~~2012~~ 2009,
 39 the sum of twenty-nine million two hundred fifty
 40 thousand dollars.

41 Sec.____. Section 257.1, subsection 2, unnumbered
 42 paragraph 2, Code 2007, is amended to read as follows:

43 For the budget year commencing July 1, 1999, and
 44 for each succeeding budget year the regular program
 45 foundation base per pupil is eighty-seven and
 46 five-tenths percent of the regular program state cost
 47 per pupil. For the budget year commencing July 1,
 48 1991, and for each succeeding budget year the special
 49 education support services foundation base is
 50 seventy-nine percent of the special education support

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1 services state cost per pupil. The combined
 2 foundation base is the sum of the regular program
 3 foundation base, ~~and~~ the special education support
 4 services foundation base, the total teacher salary
 5 supplement district cost, the total professional
 6 development supplement district cost, the total early
 7 intervention supplement district cost, the total area
 8 education agency teacher salary supplement district
 9 cost, and the total area education agency professional
 10 development supplement district cost.

11 Sec.____. Section 257.1, subsection 3, Code 2007,
 12 is amended to read as follows:

13 3. COMPUTATIONS ROUNDED. In making computations

14 and payments under this chapter, except in the case of
 15 computations relating to funding of special education
 16 support services, media services, and educational
 17 services provided through the area education agencies,
 18 and the teacher salary supplement, the professional
 19 development supplement, and the early intervention
 20 supplement, the department of management shall round
 21 amounts to the nearest whole dollar.

22 Sec.____. Section 257.4, subsection 1, paragraph

23 a, Code 2007, is amended to read as follows:

24 a. A school district shall cause an additional
 25 property tax to be levied each year. The rate of the
 26 additional property tax levy in a school district
 27 shall be determined by the department of management
 28 and shall be calculated to raise the difference
 29 between the combined district cost for the budget year
 30 and the sum of ~~the products~~ the following:

31 (1) The product of the regular program foundation
 32 base per pupil times the weighted enrollment in the
 33 district, ~~and the~~

34 (2) The product of special education support
 35 services foundation base per pupil times the special
 36 education support services weighted enrollment in the
 37 district.

38 (3) The total teacher salary supplement district
 39 cost.

40 (4) The total professional development supplement
 41 district cost.

42 (5) The total early intervention supplement
 43 district cost.

44 (6) The total area education agency teacher salary
 45 supplement district cost.

46 (7) The total area education agency professional
 47 development supplement district cost.

48 Sec.____. Section 257.8, Code Supplement 2007, is
 49 amended by adding the following new subsection:

50 NEW SUBSECTION. 1A. CATEGORICAL STATE PERCENT OF

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1 GROWTH. The categorical state percent of growth for
 2 each budget year shall be established by statute which
 3 shall be enacted within thirty days of the submission
 4 in the year preceding the base year of the governor's
 5 budget under section 8.21. The establishment of the
 6 categorical state percent of growth for a budget year
 7 shall be the only subject matter of the bill which
 8 enacts the categorical state percent of growth for a
 9 budget year. The categorical state percent of growth
 10 may include state percents of growth for the teacher
 11 salary supplement, the professional development
 12 supplement, and the early intervention supplement.

13 Sec. ____ Section 257.9, Code 2007, is amended by
14 adding the following new subsections:
15 NEW SUBSECTION. 6. TEACHER SALARY SUPPLEMENT
16 STATE COST PER PUPIL. For the budget year beginning
17 July 1, 2009, for the teacher salary supplement state
18 cost per pupil, the department of management shall add
19 together the teacher compensation allocation made to
20 each district for the fiscal year beginning July 1,
21 2008, pursuant to section 284.13, subsection 1,
22 paragraph "h", and the phase II allocation made to
23 each district for the fiscal year beginning July 1,
24 2008, pursuant to section 294A.9, and divide that sum
25 by the statewide total budget enrollment for the
26 fiscal year beginning July 1, 2009. The teacher
27 salary supplement state cost per pupil for the budget
28 year beginning July 1, 2010, and succeeding budget
29 years, shall be the amount calculated by the
30 department of management under this subsection for the
31 base year plus an allowable growth amount that is
32 equal to the teacher salary supplement categorical
33 state percent of growth, pursuant to section 257.8,
34 subsection 1A, for the budget year, multiplied by the
35 amount calculated by the department of management
36 under this subsection for the base year.
37 NEW SUBSECTION. 7. PROFESSIONAL DEVELOPMENT
38 SUPPLEMENT STATE COST PER PUPIL. For the budget year
39 beginning July 1, 2009, for the professional
40 development supplement state cost per pupil, the
41 department of management shall add together the
42 professional development allocation made to each
43 district for the fiscal year beginning July 1, 2008,
44 pursuant to section 284.13, subsection 1, paragraph
45 "d", and divide that sum by the statewide total budget
46 enrollment for the fiscal year beginning July 1, 2009.
47 The professional development supplement state cost per
48 pupil for the budget year beginning July 1, 2010, and
49 succeeding budget years, shall be the amount
50 calculated by the department of management under this

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1 subsection for the base year plus an allowable growth
2 amount that is equal to the professional development
3 supplement categorical state percent of growth,
4 pursuant to section 257.8, subsection 1A, for the
5 budget year, multiplied by the amount calculated by
6 the department of management under this subsection for
7 the base year.
8 NEW SUBSECTION. 8. EARLY INTERVENTION SUPPLEMENT
9 STATE COST PER PUPIL. For the budget year beginning
10 July 1, 2009, for the early intervention supplement
11 state cost per pupil, the department of management

12 shall add together the early intervention allocation
13 made to each district for the fiscal year beginning
14 July 1, 2008, pursuant to section 256D.4, and divide
15 that sum by the statewide total budget enrollment for
16 the fiscal year beginning July 1, 2009. The early
17 intervention supplement state cost per pupil for the
18 budget year beginning July 1, 2010, and succeeding
19 budget years, shall be the amount calculated by the
20 department of management under this subsection for the
21 base year plus an allowable growth amount that is
22 equal to the early intervention supplement categorical
23 state percent of growth, pursuant to section 257.8,
24 subsection 1A, for the budget year, multiplied by the
25 amount calculated by the department of management
26 under this subsection for the base year.

27 NEW SUBSECTION. 9. AREA EDUCATION AGENCY TEACHER
28 SALARY SUPPLEMENT STATE COST PER PUPIL. For the
29 budget year beginning July 1, 2009, for the area
30 education agency teacher salary supplement state cost
31 per pupil, the department of management shall add
32 together the teacher compensation allocation made to
33 each area education agency for the fiscal year
34 beginning July 1, 2008, pursuant to section 284.13,
35 subsection 1, paragraph "i", and the phase II
36 allocation made to each area education agency for the
37 fiscal year beginning July 1, 2008, pursuant to
38 section 294A.9, and divide that sum by the statewide
39 special education support services weighted enrollment
40 for the fiscal year beginning July 1, 2009. The area
41 education agency teacher salary supplement state cost
42 per pupil for the budget year beginning July 1, 2010,
43 and succeeding budget years, shall be the amount
44 calculated by the department of management under this
45 subsection for the base year plus an allowable growth
46 amount that is equal to the teacher salary supplement
47 categorical state percent of growth, pursuant to
48 section 257.8, subsection 1A, for the budget year,
49 multiplied by the amount calculated by the department
50 of management under this subsection for the base year.

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1 NEW SUBSECTION. 10. AREA EDUCATION AGENCY
2 PROFESSIONAL DEVELOPMENT SUPPLEMENT STATE COST PER
3 PUPIL. For the budget year beginning July 1, 2009,
4 for the area education agency professional development
5 supplement state cost per pupil, the department of
6 management shall add together the professional
7 development allocation made to each area education
8 agency for the fiscal year beginning July 1, 2008,
9 pursuant to section 284.13, subsection 1, paragraph
10 "d", and divide that sum by the statewide special

11 education support services weighted enrollment for the
 12 fiscal year beginning July 1, 2009. The area
 13 education agency professional development supplement
 14 state cost per pupil for the budget year beginning
 15 July 1, 2010, and succeeding budget years, shall be
 16 the amount calculated by the department of management
 17 under this subsection for the base year plus an
 18 allowable growth amount that is equal to the
 19 professional development supplement categorical state
 20 percent of growth, pursuant to section 257.8,
 21 subsection 1A, for the budget year, multiplied by the
 22 amount calculated by the department of management
 23 under this subsection for the base year.

24 Sec.____. Section 257.10, subsection 8, unnumbered
 25 paragraph 1, Code 2007, is amended to read as follows:

26 Combined district cost is the sum of the regular
 27 program district cost per pupil multiplied by the
 28 weighted enrollment, ~~and~~ the special education support
 29 services district cost, the total teacher salary
 30 supplement district cost, the total professional
 31 development supplement district cost, and the total
 32 early intervention supplement district cost, plus the
 33 sum of the additional district cost allocated to the
 34 district to fund media services and educational
 35 services provided through the area education agency,
 36 the area education agency total teacher salary
 37 supplement district cost and the area education agency
 38 total professional development supplement district
 39 cost.

40 Sec.____. Section 257.10, Code 2007, is amended by
 41 adding the following new subsections:

42 **NEW SUBSECTION. 9. TEACHER SALARY SUPPLEMENT COST**
 43 **PER PUPIL AND DISTRICT COST.**

44 a. For the budget year beginning July 1, 2009, the
 45 department of management shall add together the
 46 teacher compensation allocation made to each district
 47 for the fiscal year beginning July 1, 2008, pursuant
 48 to section 284.13, subsection 1, paragraph "h", and
 49 the phase II allocation made to each district for the
 50 fiscal year beginning July 1, 2008, pursuant to

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1 section 294A.9, and divide that sum by the district's
 2 budget enrollment in the fiscal year beginning July 1,
 3 2009, to determine the teacher salary supplement
 4 district cost per pupil. For the budget year
 5 beginning July 1, 2010, and succeeding budget years,
 6 the teacher salary supplement district cost per pupil
 7 for each school district for a budget year is the
 8 teacher salary supplement program district cost per
 9 pupil for the base year plus the teacher salary

10 supplement state allowable growth amount for the
11 budget year.

12 b. For the budget year beginning July 1, 2010, and
13 succeeding budget years, if the department of
14 management determines that the unadjusted teacher
15 salary supplement district cost of a school district
16 for a budget year is less than one hundred percent of
17 the unadjusted teacher salary supplement district cost
18 for the base year for the school district, the school
19 district shall receive a budget adjustment for that
20 budget year equal to the difference.

21 c. (1) The unadjusted teacher salary supplement
22 district cost is the teacher salary supplement
23 district cost per pupil for each school district for a
24 budget year multiplied by the budget enrollment for
25 that school district.

26 (2) The total teacher salary supplement district
27 cost is the sum of the unadjusted teacher salary
28 supplement district cost plus the budget adjustment
29 for that budget year.

30 d. The use of the funds calculated under this
31 subsection shall comply with the requirements of
32 chapters 284 and 294A and shall be distributed to
33 teachers pursuant to section 284.7.

34 NEW SUBSECTION. 10. PROFESSIONAL DEVELOPMENT
35 SUPPLEMENT COST PER PUPIL AND DISTRICT COST.

36 a. For the budget year beginning July 1, 2009, the
37 department of management shall divide the professional
38 development allocation made to each district for the
39 fiscal year beginning July 1, 2008, pursuant to
40 section 284.13, by the district's budget enrollment in
41 the fiscal year beginning July 1, 2009, to determine
42 the professional development supplement cost per
43 pupil. For the budget year beginning July 1, 2010,
44 and succeeding budget years, the professional
45 development supplement district cost per pupil for
46 each school district for a budget year is the
47 professional development supplement district cost per
48 pupil for the base year plus the professional
49 development supplement state allowable growth amount
50 for the budget year.

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1 b. For the budget year beginning July 1, 2010, and
2 succeeding budget years, if the department of
3 management determines that the unadjusted professional
4 development supplement district cost of a school
5 district for a budget year is less than one hundred
6 percent of the unadjusted professional development
7 supplement district cost for the base year for the
8 school district, the school district shall receive a

9 budget adjustment for that budget year equal to the
10 difference.

11 c. (1) The unadjusted professional development
12 supplement district cost is the professional
13 development supplement district cost per pupil for
14 each school district for a budget year multiplied by
15 the budget enrollment for that school district.

16 (2) The total professional development supplement
17 district cost is the sum of the unadjusted
18 professional development supplement district cost plus
19 the budget adjustment for that budget year.

20 d. The use of the funds calculated under this
21 subsection shall comply with the requirements of
22 chapter 284.

23 NEW SUBSECTION. 11. EARLY INTERVENTION SUPPLEMENT
24 COST PER PUPIL AND DISTRICT COST.

25 a. For the budget year beginning July 1, 2009, the
26 department of management shall divide the early
27 intervention allocation made to each district for the
28 fiscal year beginning July 1, 2008, pursuant to
29 section 256D.4, by the district's budget enrollment in
30 the fiscal year beginning July 1, 2009, to determine
31 the early intervention supplement cost per pupil. For
32 the budget year beginning July 1, 2010, and succeeding
33 budget years, the early intervention supplement
34 district cost per pupil for each school district for a
35 budget year is the early intervention supplement
36 district cost per pupil for the base year plus the
37 early development supplement state allowable growth
38 amount for the budget year.

39 b. For the budget year beginning July 1, 2010, and
40 succeeding budget years, if the department of
41 management determines that the unadjusted early
42 intervention supplement district cost of a school
43 district for a budget year is less than one hundred
44 percent of the unadjusted early intervention
45 supplement district cost for the base year for the
46 school district, the school district shall receive a
47 budget adjustment for that budget year equal to the
48 difference.

49 c. (1) The unadjusted early intervention
50 supplement district cost is the early intervention

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1 supplement district cost per pupil for each school
2 district for a budget year multiplied by the budget
3 enrollment for that school district.

4 (2) The total early intervention supplement
5 district cost is the sum of the unadjusted early
6 intervention supplement district cost plus the budget
7 adjustment for that budget year.

8 d. The use of the funds calculated under this
9 subsection shall comply with the requirements of
10 chapter 256D.

11 Sec.____. Section 257.35, subsection 1, Code
12 Supplement 2007, is amended to read as follows:

13 1. The department of management shall deduct the
14 amounts calculated for special education support
15 services, media services, area education agency
16 teacher salary supplement district cost, area
17 education agency professional development supplement
18 district cost, and educational services for each
19 school district from the state aid due to the district
20 pursuant to this chapter and shall pay the amounts to
21 the respective area education agencies on a monthly
22 basis from September 15 through June 15 during each
23 school year. The department of management shall
24 notify each school district of the amount of state aid
25 deducted for these purposes and the balance of state
26 aid shall be paid to the district. If a district does
27 not qualify for state aid under this chapter in an
28 amount sufficient to cover its amount due to the area
29 education agency as calculated by the department of
30 management, the school district shall pay the
31 deficiency to the area education agency from other
32 moneys received by the district, on a quarterly basis
33 during each school year.

34 Sec.____. **NEW SECTION. 257.37A AREA EDUCATION**
35 **AGENCY SALARY SUPPLEMENT FUNDING.**

36 1. **AREA EDUCATION AGENCY TEACHER SALARY SUPPLEMENT**
37 **COST PER PUPIL AND DISTRICT COST.**

38 a. For the budget year beginning July 1, 2009, the
39 department of management shall add together the
40 teacher compensation allocation made to each area
41 education agency for the fiscal year beginning July 1,
42 2008, pursuant to section 284.13, subsection 1,
43 paragraph "i", and the phase II allocation made to
44 each area education agency for the fiscal year
45 beginning July 1, 2008, pursuant to section 294A.9,
46 and divide that sum by the special education support
47 services weighted enrollment in the fiscal year
48 beginning July 1, 2009, to determine the area
49 education agency teacher salary supplement cost per
50 pupil. For the budget year beginning July 1, 2010,

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1 and succeeding budget years, the area education agency
2 teacher salary supplement district cost per pupil for
3 each area education agency for a budget year is the
4 area education agency teacher salary supplement
5 district cost per pupil for the base year plus the
6 area education agency teacher salary supplement state

7 allowable growth amount for the budget year.
8 b. For the budget year beginning July 1, 2010, and
9 succeeding budget years, if the department of
10 management determines that the unadjusted area
11 education agency teacher salary supplement district
12 cost of an area education agency for a budget year is
13 less than one hundred percent of the unadjusted area
14 education agency teacher salary supplement district
15 cost for the base year for the area education agency,
16 the area education agency shall receive a budget
17 adjustment for that budget year equal to the
18 difference.

19 c. (1) The unadjusted area education agency
20 teacher salary supplement district cost is the area
21 education agency teacher salary supplement district
22 cost per pupil for each area education agency for a
23 budget year multiplied by the special education
24 support services weighted enrollment for that area
25 education agency.

26 (2) The total area education agency teacher salary
27 supplement district cost is the sum of the unadjusted
28 area education agency teacher salary supplement
29 district cost plus the budget adjustment for that
30 budget year.

31 d. The use of the funds calculated under this
32 subsection shall comply with requirements of chapters
33 284 and 294A and shall be distributed to teachers
34 pursuant to section 284.7.

35 2. AREA EDUCATION AGENCY PROFESSIONAL DEVELOPMENT 36 SUPPLEMENT COST PER PUPIL AND DISTRICT COST.

37 a. For the budget year beginning July 1, 2009, the
38 department of management shall divide the area
39 education agency professional development supplement
40 made to each area education agency for the fiscal year
41 beginning July 1, 2008, pursuant to section 284.13, by
42 the special education support services weighted
43 enrollment in the fiscal year beginning July 1, 2009,
44 to determine the professional development supplement
45 cost per pupil. For the budget year beginning July 1,
46 2010, and succeeding budget years, the area education
47 agency professional development supplement district
48 cost per pupil for each area education agency for a
49 budget year is the area education agency professional
50 development supplement district cost per pupil for the

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1 base year plus the area education agency professional
2 development supplement state allowable growth amount
3 for the budget year.

4 b. For the budget year beginning July 1, 2010, and
5 succeeding budget years, if the department of

6 management determines that the unadjusted area
 7 education agency professional development supplement
 8 district cost of an area education agency for a budget
 9 year is less than one hundred percent of the
 10 unadjusted area education agency professional
 11 development supplement district cost for the base year
 12 for the area education agency, the area education
 13 agency shall receive a budget adjustment for that
 14 budget year equal to the difference.

15 c. (1) The unadjusted area education agency
 16 professional development supplement district cost is
 17 the area education agency professional development
 18 supplement district cost per pupil for each area
 19 education agency for a budget year multiplied by the
 20 special education support services weighted enrollment
 21 for that area education agency.

22 (2) The total area education agency professional
 23 development supplement district cost is the sum of the
 24 unadjusted area education agency professional
 25 development supplement district cost plus the budget
 26 adjustment for that budget year.

27 d. The use of the funds calculated under this
 28 subsection shall comply with requirements of chapter
 29 284.

30 Sec. ____ NEW SECTION. 257.51 CATEGORICAL STATE
 31 APPROPRIATIONS.

32 For the budget year beginning July 1, 2009, and
 33 succeeding budget years, if the general assembly makes
 34 an appropriation pursuant to section 284.13,
 35 subsection 1, paragraph "h" or "i", or for the phase
 36 II allocation pursuant to section 294A.9, or for
 37 professional development pursuant to section 284.13,
 38 subsection 1, paragraph "d", or for early intervention
 39 pursuant to section 256D.4, the department of
 40 management shall recalculate the formulas in section
 41 257.9, subsections 6 through 10; section 257.10,
 42 subsections 9, 10, and 11; and section 257.37A.

43 Sec. ____ Section 294A.9, Code 2007, is amended to
 44 read as follows:

45 294A.9 PHASE II PROGRAM.

46 1. Phase II is established to improve the salaries
 47 of teachers.

48 2. For each fiscal year beginning on or after July
 49 1, 1992, the per pupil amount upon which the phase II
 50 moneys are based is equal to the per pupil allocation

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1 plus supplemental allocations for the immediately
 2 preceding fiscal year.

3 3. The department of education shall certify the
 4 amounts of the allocations for each school district

5 and area education agency to the department of
6 administrative services and the department of
7 administrative services shall make the payments to
8 school districts and area education agencies.

9 4. If a school district has discontinued grades
10 under section 282.7, subsection 1, or students attend
11 school in another school district, under an agreement
12 with the board of the other school district, the board
13 of directors of the district of residence either shall
14 transmit the phase II moneys allocated to the district
15 for those students based upon the full-time equivalent
16 attendance of those students to the board of the
17 school district of attendance of the students or shall
18 transmit to the board of the school district of
19 attendance of the students a portion of the phase II
20 moneys allocated to the district of residence based
21 upon an agreement between the board of the resident
22 district and the board of the district of attendance.

23 5. If a school district uses teachers under a
24 contract between the district and the area education
25 agency in which the district is located, the school
26 district shall transmit to the employing area
27 education agency a portion of its phase II allocation
28 based upon the portion that the salaries of teachers
29 employed by the area education agency and assigned to
30 the school district for a school year bears to the
31 total teacher salaries paid in the district for that
32 school year, including the salaries of the teachers
33 employed by the area education agency.

34 6. If the school district or area education agency
35 is organized under chapter 20 for collective
36 bargaining purposes, the board of directors and
37 certified bargaining representative for the licensed
38 employees shall mutually agree upon a formula for
39 distributing the phase II allocation among the
40 teachers.

41 7. For the school year beginning July 1, 1987,
42 only, the parties shall follow the procedures
43 specified in chapter 20 except that if the parties
44 reach an impasse, neither impasse procedures agreed to
45 by the parties nor sections 20.20 through 20.22 shall
46 apply and the phase II allocation shall be divided as
47 provided in section 294A.10. Negotiations under this
48 section are subject to the scope of negotiations
49 specified in section 20.9. If a board of directors
50 and certified bargaining representative for licensed

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1 employees have not reached mutual agreement by July
2 15, 1987, for the distribution of the phase II
3 payment, section 294A.10 will apply.

4 8. If the school district or area education agency
 5 is not organized for collective bargaining purposes,
 6 the board of directors shall determine the method of
 7 distribution.

8 9. Subsections 2, 3, 4, and 7 are repealed June
 9 30, 2009.

10 Sec.____. Section 294A.10, Code 2007, is amended
 11 by adding the following new subsection:

12 NEW SUBSECTION. 5. This section is repealed June
 13 30, 2009.

14 Sec.____. Section 294A.22, Code 2007, is amended
 15 to read as follows:

16 294A.22 PAYMENTS.

17 1. Payments for each phase of the educational
 18 excellence program shall be made by the department of
 19 administrative services on a monthly basis commencing
 20 on October 15 and ending on June 15 of each fiscal
 21 year, taking into consideration the relative budget
 22 and cash position of the state resources. The
 23 payments shall be separate from state aid payments
 24 made pursuant to sections 257.16 and 257.35. The
 25 payments made under this section to a school district
 26 or area education agency may be combined and a
 27 separate accounting of the amount paid for each
 28 program shall be included.

29 2. Any payments made to school districts or area
 30 education agencies under this chapter are
 31 miscellaneous income for purposes of chapter 257.

32 3. Payments made to a teacher by a school district
 33 or area education agency under this chapter are wages
 34 for the purposes of chapter 91A.

35 4. If funds appropriated are insufficient to pay
 36 phase II allocations in full, the department of
 37 administrative services shall prorate payments to
 38 school districts and area education agencies.

39 This subsection is repealed June 30, 2009.

40 Sec.____. Section 294A.25, subsection 1, Code
 41 2007, is amended to read as follows:

42 1. For the fiscal ~~year~~ period beginning July 1,
 43 2003, and ~~for each succeeding year ending June 30,~~
 44 2009, there is appropriated each fiscal year from the
 45 general fund of the state to the department of
 46 education the amount of fifty-six million eight
 47 hundred ninety-one thousand three hundred thirty-six
 48 dollars to be used to improve teacher salaries. The
 49 moneys shall be distributed as provided in this
 50 section.

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1 Sec.____. Section 294A.25, Code 2007, is amended
 2 by adding the following new subsection:

3 NEW SUBSECTION. 1A. For the fiscal year beginning
4 July 1, 2009, and for each succeeding year, there is
5 appropriated from the general fund of the state to the
6 department of education an amount not to exceed
7 fifteen million six hundred thirty-three thousand two
8 hundred forty-five dollars. The moneys shall be
9 distributed as provided in this section.

10 Sec.____. Section 294A.25, subsection 6, Code
11 2007, is amended to read as follows:

12 6. Except as otherwise provided in this section,
13 for the fiscal ~~year~~ period beginning July 1, 2003, and
14 ~~succeeding fiscal years ending June 30, 2009~~, the
15 remainder of moneys appropriated in subsection 1 to
16 the department of education shall be deposited each
17 fiscal year in the educational excellence fund to be
18 allocated in an amount to meet the requirements of
19 this chapter for phase I and phase II.

20 Sec.____. Section 294A.25, Code 2007, is amended
21 by adding the following new subsection:

22 NEW SUBSECTION. 6A. Except as otherwise provided
23 in this section, for the fiscal year beginning July 1,
24 2009, and succeeding fiscal years, the remainder of
25 moneys appropriated in subsection 1 to the department
26 of education shall be deposited in the educational
27 excellence fund to be allocated in an amount to meet
28 the requirements of this chapter for phase I."

29 43. By renumbering, redesignating, and correcting
30 internal references as necessary.

Tymeson of Madison offered the following amendment H-8654, to the Senate amendment H-8652, filed by her from the floor and moved its adoption:

H-8654

1 Amend the Senate amendment, H-8652, to House File
2 2679, as amended, passed, and reprinted by the House,
3 as follows:

- 4 1. Page 3, by striking line 7.
- 5 2. Page 4, by striking line 19.
- 6 3. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Greiner of Washington.

Rule 75 was invoked.

On the question "Shall amendment H-8654 be adopted?" (H.F. 2679)

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wiencek
Windschitl	Worthan		

The nays were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Mr. Speaker			
Murphy			

Absent or not voting, 1:

Roberts

Amendment H-8654 lost.

Kaufmann of Cedar offered the following amendment H-8662, to the Senate amendment H-8652, filed by him from the floor and moved its adoption:

H-8662

- 1 Amend the Senate amendment, H-8652, to House File
- 2 2679, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 3, by inserting after line 7 the
- 5 following:

6 "____. Page 16, line 8, by striking the words "
7 the state board of regents," "
8 2. By renumbering as necessary.

Rants of Woodbury asked and received unanimous consent to temporarily defer on House File 2679. (Amendment H-8662 pending)

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2203** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 2008, receded from the Senate amendment to, and passed the following bill in which the concurrence of the Senate was asked:

House File 2177, a bill for an act relating to the placement of deer transportation tags on antlered deer that have been taken pursuant to a deer hunting license.

Also: That the Senate has on April 24, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2687, a bill for an act relating to certain economic development programs by providing tax credits for the redevelopment of underutilized properties, and including effective date and retroactive applicability date provisions.

Also: That the Senate has on April 24, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2690, a bill for an act relating to student loans, including the protection of students and parents from certain lenders and institutions of higher education with conflicts of interest, establishing a student lending education fund, establishing penalties, and providing for properly related matters and including an effective date.

Also: That the Senate has on April 24, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2132, a bill for an act relating to notices regarding the disposition of seized property and providing an effective date.

Also: That the Senate has on April 24, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2160, a bill for an act relating to employers' participation in unemployment insurance adjudications.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Reasoner of Union called up for consideration **House File 2689**, a bill for an act relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, providing for the purchase of renewable fuels by governmental entities, providing for renewable fuel marketing efforts, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-8660:

H-8660

1 Amend House File 2689, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 16 through 20.

4 2. Page 5, line 5, by striking the word
5 "thirty-five" and inserting the following:

6 "twenty-four".

7 3. Page 5, line 10, by striking the word "five"
8 and inserting the following: "six".

9 4. Page 5, lines 12 and 13, by striking the words
10 "seven thousand five hundred" and inserting the
11 following: "six thousand".

12 5. Page 5, line 14, by striking the word "ten"
13 and inserting the following: "six".

14 6. Page 5, lines 16 and 17, by striking the words
15 "twelve thousand five hundred" and inserting the
16 following: "six thousand".

17 7. Page 5, line 34, by striking the words "or"
18 "dispense" and inserting the following: "and"
19 "dispense".

20 8. Page 6, line 1, by striking the word "fifty".

21 9. Page 6, line 2, by inserting after the word
22 "less." the following: "However, a person shall not
23 be awarded moneys under this subparagraph if the
24 person has been awarded a total of eight hundred
25 thousand dollars under this subparagraph during any
26 period of time and pursuant to all cost-share
27 agreements in which the person participates."

28 10. Page 7, line 21, by striking the word
29 "subsection" and inserting the following:
30 "subsections".

31 11. Page 7, by inserting after line 21 the
32 following:

33 "NEW SUBSECTION. 21A. "Standard ethanol blended
34 gasoline" means ethanol blended gasoline for use in
35 gasoline-powered vehicles other than flexible fuel
36 vehicles, that meets the requirements of section
37 214A.2."

38 12. Page 7, line 22, by striking the figure
39 "21A." and inserting the following: "21B."
40 13. Page 8, by inserting after line 34 the
41 following:
42 "(4) For standard ethanol blended gasoline, it
43 must be ethanol blended gasoline classified as any of
44 the following:
45 (a) E-9 or E-10, if the ethanol blended gasoline
46 meets the standards for that classification as
47 otherwise provided in this paragraph "b".
48 (b) Higher than E-10, if authorized by the
49 department pursuant to approval for the use of that
50 classification of ethanol blended gasoline in this

Page 2

1 state by the United States environmental protection
2 agency, by granting a waiver or the adoption of
3 regulations."
4 14. Page 8, line 35, by striking the figure "(4)"
5 and inserting the following: "(5)".
6 15. Page 10, line 16, by striking the word "E-10"
7 and inserting the following: "standard ethanol
8 blended gasoline".
9 16. Page 13, by striking lines 25 through 28.
10 17. Page 14, by inserting after line 2 the
11 following:
12 "Sec. . Section 422.11P, subsection 2,
13 paragraph a, subparagraphs (1) and (2), Code
14 Supplement 2007, are amended to read as follows:
15 (1) The taxpayer is a retail dealer who sells and
16 dispenses biodiesel blended fuel through a motor fuel
17 pump located at a motor fuel site operated by the
18 retail dealer in the tax year in which the tax credit
19 is claimed.
20 (2) Of the total gallons of diesel fuel that the
21 retail dealer sells and dispenses through all motor
22 fuel pumps located at a motor fuel site operated by
23 the retail dealer during the retail dealer's tax year,
24 fifty percent or more is biodiesel blended fuel which
25 meets the requirements of this section."
26 18. Page 14, line 6, by striking the word
27 "taxpayer" and inserting the following: "retail
28 dealer".
29 19. Page 14, line 10, by inserting after the word
30 "pumps" the following: "located at a retail motor
31 fuel site".
32 20. Page 14, line 15, by inserting after the word
33 "taxpayer" the following: "in the same manner as
34 provided in section 422.11P".
35 21. Page 14, line 17, by striking the word
36 "RETROACTIVE" and inserting the following: "FUTURE".

- 37 22. Page 14, line 20, by striking the word
 38 "retroactively".
 39 23. Page 14, line 21, by striking the figure
 40 "2008" and inserting the following: "2009".
 41 24. By striking page 14, line 24, through page
 42 16, line 9.
 43 25. Page 19, line 18, by striking the word
 44 "blended".
 45 26. Page 19, line 20, by striking the word
 46 "blended".
 47 27. Page 20, line 6, by striking the word and
 48 figures "January 30, 2009" and inserting the
 49 following: "March 15, 2009".
 50 28. Page 20, line 18, by striking the word

Page 3

- 1 "blended".
 2 29. Page 20, line 21, by striking the word
 3 "blended".
 4 30. Page 20, line 22, by striking the word
 5 "blended".
 6 31. Page 20, line 24, by striking the word
 7 "blended".
 8 32. Page 20, lines 24 and 25, by striking the
 9 words "and terminals storing biodiesel".
 10 33. Page 20, line 28, by inserting after the
 11 words "fuel vehicles" the following: "and diesel
 12 powered vehicles".
 13 34. Page 20, line 31, by striking the word and
 14 figures "October 1, 2008" and inserting the following:
 15 "December 15, 2008".
 16 35. Title page, line 4, by striking the words
 17 "providing for the reporting of biofuels,".
 18 36. Title page, lines 7 and 8, by striking the
 19 words "; including retroactive applicability".
 20 37. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8660.

Reasoner of Union moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2689)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Mr. Speaker Murphy		

The nays were, none.

Absent or not voting, 2:

Foege Roberts

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

INTRODUCTION OF BILL

House File 2700, by committee on appropriations, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related

matters, and including effective and retroactive applicability date provisions.

Read first time and placed on the **appropriations calendar**.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2689** be immediately messaged to the Senate.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2429, a bill for an act relating to budget requirements by certain small cities and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 2008

Appropriations Calendar

Senate File 2429, a bill for an act relating to budget requirements by certain small cities and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Lukan of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2429)

The ayes were, 97:

Abdul-Samad
Bailey

Alons
Baudler

Anderson
Bell

Arnold
Berry

Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevrt	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Windschitl	Wise	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

Kuhn	Roberts	Winckler
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2429** be immediately messaged to the Senate.

Reasoner of Union in the chair at 5:13 p.m.

SENATE AMENDMENT CONSIDERED

The House resumed consideration of **House File 2679**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters and including effective date

provisions, amended by the Senate amendment H-8652, previously deferred. (Amendment H-8662 pending)

Kaufmann of Cedar asked and received unanimous consent that amendment H-8662 be deferred.

Tymeson of Madison offered the following amendment H-8661, to the Senate amendment H-8652, filed by her from the floor and moved its adoption:

H-8661

1 Amend the Senate amendment, H-8652, to House File
2 2679 as follows:

3 1. Page 4, by inserting after line 14 the
4 following:

5 "Sec. ____ Section 256.11, subsection 10,
6 paragraph b, subparagraph (1), Code Supplement 2007,
7 is amended by adding the following new subparagraph
8 subdivision:

9 NEW SUBPARAGRAPH SUBDIVISION. (f) In response to
10 notification from the board of educational examiners
11 or a principal that an arrest of a school employee has
12 been reported pursuant to section 280.29."

13 2. Page 4, by inserting before line 20 the
14 following:

15 " ____ Page 37, by inserting before line 17 the
16 following:

17 "Sec. ____ Section 272.2, subsection 14, paragraph
18 a, Code Supplement 2007, is amended to read as
19 follows:

20 a. The board may deny a license to or revoke the
21 license of a person upon the board's finding by a
22 preponderance of evidence that either the person has
23 been convicted of a crime or that there has been a
24 founded report of child abuse against the person.
25 Rules adopted in accordance with this paragraph shall
26 provide that in determining whether a person should be
27 denied a license or that a practitioner's license
28 should be revoked, the board shall consider the nature
29 and seriousness of the founded abuse or crime in
30 relation to the position sought, the time elapsed
31 since the crime was committed, the degree of
32 rehabilitation which has taken place since the
33 incidence of founded abuse or the commission of the
34 crime, the likelihood that the person will commit the
35 same abuse or crime again, and the number of founded
36 abuses committed by or criminal convictions of the
37 person involved. In addition, the board may revoke
38 the license of a person upon the board's finding by a

39 preponderance of the evidence that the person failed
 40 to report an arrest as provided in section 280.29."

41 _____. Page 38, by inserting after line 5 the
 42 following:

43 "Sec. _____. NEW SECTION. 280.29 REPORTING –
 44 ARREST.

45 1. A school employee who has been arrested for a
 46 criminal offense shall report the arrest to the board
 47 of educational examiners within seven days of the
 48 arrest. A school employee who is not licensed or
 49 certified by the board of educational examiners, or
 50 who does not have a statement of professional

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1 recognition issued by the board of educational
 2 examiners, shall report the arrest to the principal of
 3 the school within seven days of the arrest.

4 2. When an arrest is reported pursuant to
 5 subsection 1, the board of educational examiners or
 6 the principal of the school who received the report
 7 shall notify the department of education and the
 8 department shall proceed as provided in section
 9 256.11, subsection 10, paragraph b, subparagraph (1),
 10 subparagraph subdivision (f).

11 3. The school employee may be subject to
 12 disciplinary action pursuant to section 272.2,
 13 subsection 14, paragraph "a"."

14 3. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment H-8661 be adopted?" (H.F. 2679)

The ayes were, 48:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Chambers	Clute
De Boef	Deyoe	Dolecheck	Drake
Forristall	Gipp	Granzow	Grassley
Greiner	Heaton	Hoffman	Horbach
Huseman	Jacobs	Kaufmann	Lukan
May	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wienczek	Windschitl	Worthan

The nays were, 51:

Abdul-Samad	Bailey	Berry	Bukta
Cohoon	Dandekar	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reichert	Schueller	Shomshor
Smith	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Reasoner, Presiding	

Absent or not voting, 1:

Roberts

Amendment H-8661 lost.

Paulsen of Linn asked and received unanimous consent that amendment H-8663 be deferred.

Worthan of Buena Vista offered the following amendment H-8657, to the Senate amendment H-8652, filed by him from the floor and moved its adoption:

H-8657

1 Amend the Senate amendment, H-8652, to House File
 2 2679, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 4, by inserting before line 20 the
 5 following:
 6 "____. Page 38, by inserting after line 5 the
 7 following:
 8 "Sec.____. Section 282.18, subsection 7, Code
 9 2007, is amended to read as follows:
 10 7. A pupil participating in open enrollment shall
 11 be counted, for state school foundation aid purposes,
 12 in the pupil's district of residence. A pupil's
 13 residence, for purposes of this section, means a
 14 residence under section 282.1. The board of directors
 15 of the district of residence shall pay to the
 16 receiving district the state cost per pupil for the
 17 previous school year, plus any moneys received for the
 18 pupil as a result of the non-English speaking
 19 weighting under section 280.4, subsection 3, for the

20 previous school year multiplied by the state cost per
 21 pupil for the previous year. If the pupil
 22 participating in open enrollment is also an eligible
 23 pupil under chapter 261C, the receiving district shall
 24 pay the tuition reimbursement amount to an eligible
 25 postsecondary institution as provided in section
 26 261C.6. If four percent or more of the pupils
 27 residing in a school district participate in open
 28 enrollment and enroll in the same receiving district,
 29 the district of residence shall pay to the receiving
 30 district the percentage of the amount the district of
 31 residence receives under 284.13, subsection 1,
 32 paragraph "h", equal to the proportion that the number
 33 of students enrolled in the receiving district under
 34 this section bears to the basic enrollment of the
 35 district of residence."

36 2. Page 4, by striking lines 21 through 25.
 37 3. Page 4, by striking line 26 and inserting the
 38 following:
 39 "____. Page 40, by striking line 20 and inserting
 40 the following: "section 282.18, subsection 7,
 41 takes"."
 42 4. By renumbering as necessary.

Amendment H-8657 lost.

Tymeson of Madison offered the following amendment H-8658, to the Senate amendment H-8652, filed by her from the floor and moved its adoption:

H-8658

1 Amend the Senate amendment, H-8652, to House File
 2 2679, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 4, by inserting before line 20 the
 5 following:
 6 "____. Page 37, by inserting before line 17 the
 7 following:
 8 "Sec.____. Section 279.13, subsection 1, paragraph
 9 a, Code Supplement 2007, is amended to read as
 10 follows:
 11 a. Contracts with teachers, which for the purpose
 12 of this section means all licensed employees of a
 13 school district and nurses employed by the board,
 14 excluding superintendents, assistant superintendents,
 15 principals, and assistant principals, shall be in
 16 writing and shall state the number of contract days,
 17 the annual compensation to be paid, and any other
 18 matters as may be mutually agreed upon. However, the
 19 contract shall not provide for reimbursement by the

20 school district or board for a discounted or free
 21 membership or admission to a private business. The
 22 contract may include employment for a term not
 23 exceeding the ensuing school year, except as otherwise
 24 authorized."

25 _____. Page 38, by inserting after line 5 the
 26 following:

27 "Sec.____. Section 279.13, subsection 3, Code
 28 Supplement 2007, is amended to read as follows:

29 3. If the provisions of a contract executed or
 30 automatically renewed under this section conflict with
 31 a collective bargaining agreement negotiated under
 32 chapter 20 and effective when the contract is executed
 33 or renewed, the provisions of the collective
 34 bargaining agreement shall prevail. However, a
 35 collective bargaining agreement shall not provide for
 36 reimbursement by the school district or board for a
 37 discounted or free membership or admission to a

38 private business."

39 2. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Struyk of Pottawattamie.

On the question "Shall amendment H-8658 to the Senate amendment be adopted?" (H.F. 2679)

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Mertz
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wiencek	Windschitl
Worthan			

The nays were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Murphy, Spkr.	Oldson

Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Tomenga
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Reasoner, Presiding			

Absent or not voting, 2:

Hoffman Roberts

Amendment H-8658 lost.

Paulsen of Linn offered the following amendment H-8677, to the Senate amendment H-8652, filed by him from the floor and moved its adoption:

H-8677

1 Amend the Senate amendment, H-8652, to House File
 2 2679, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 4, by inserting before line 20 the
 5 following:
 6 "____. Page 38, by inserting after line 5 the
 7 following:
 8 "Sec.____. NEW SECTION. 279.61A PROFICIENCY
 9 NOTIFICATION.
 10 If a student is not proficient in reading,
 11 mathematics, or science, the board of directors of a
 12 school district shall notify, in writing, the
 13 student's parent or guardian, no later than the end of
 14 the semester in which the student failed to reach
 15 proficiency, that the student is functioning at less
 16 than proficiency in one or more of the areas
 17 specified."
 18 2. By renumbering as necessary.

Roll call was requested by Paulsen of Linn and Greiner of Washington.

On the question "Shall amendment H-8677 be adopted?" (H.F. 2679)

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall

Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Mertz	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Reasoner, Presiding	

Absent or not voting, 2:

Roberts Zirkelbach

Amendment H-8677 lost.

Chambers of O'Brien offered the following amendment H-8655, to the Senate amendment H-8652, filed by him from the floor and moved its adoption:

H-8655

- 1 Amend the Senate amendment, H-8652, to House File
- 2 2679, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 12, by striking lines 12 through 14.
- 5 2. Page 12, line 15, by striking the figure "f."
- 6 and inserting the following:
- 7 "Sec.____. Section 284.13, subsection 1, Code
- 8 Supplement 2007, is amended by adding the following
- 9 new paragraph:
- 10 NEW PARAGRAPH. k.
- 11 3. Page 12, by striking lines 35 and 36.
- 12 4. By renumbering as necessary.

Amendment H-8655 lost.

Rants of Woodbury offered the following amendment H-8656, to the Senate amendment H-8652, filed by him from the floor and moved its adoption:

H-8656

- 1 Amend the Senate amendment, H-8652, to House File
- 2 2679, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 16, line 4, by striking the word "base"
- 5 and inserting the following: "budget".
- 6 2. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Tymeson of Madison.

On the question "Shall amendment H-8656 be adopted?" (H.F. 2679)

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Mertz	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wiencek	Windschitl	Worthan	

The nays were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	Reasoner, Presiding

Absent or not voting, 1:

Roberts

Amendment H-8656 lost.

The House resumed consideration of amendment H-8662, to the Senate amendment, previously deferred and found on pages 1826 through 1827 of the House Journal.

Winckler of Scott offered the following amendment H-8683, to amendment H-8662 to the Senate amendment H-8652 filed by her and Kaufmann of Cedar from the floor and moved its adoption:

H-8683

1 Amend the amendment, H-8662, to the Senate
2 amendment, H-8652, to House File 2679, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 1, by inserting after line 7 the
5 following:
6 "____. Page 3, by inserting before line 8 the
7 following:
8 ____ Page 16, by inserting after line 17 the
9 following:
10 "Sec.____. DEPARTMENT OF EDUCATION – LIAISON
11 ADVISORY COMMITTEE ON TRANSFER STUDENTS. The
12 department of education shall convene a liaison
13 advisory committee on transfer students to study
14 articulation and transferability issues, measures, and
15 agreements. The advisory committee shall be comprised
16 of three persons representing the community colleges
17 and a representative from each of the institutions of
18 higher learning governed by the state board of
19 regents. The department shall provide staffing
20 assistance to the committee. The advisory committee
21 shall submit a progress report to the general assembly
22 by January 15, 2009. The progress report shall
23 include a history of articulation between the
24 community college and regents universities, the number
25 of statewide and institution-to-institution
26 articulation agreements in place currently, and the
27 advisory committee's recommendations.""
28 2. By renumbering as necessary.

Amendment H-8683 was adopted.

On motion by Kaufmann of Cedar, amendment H-8662, as amended was adopted.

Paulsen of Linn asked and received unanimous consent to withdraw amendment H-8663, previously deferred, to amendment H-8652, filed by him from the floor.

Winckler of Scott moved that the House concur in the Senate amendment H-8652, as amended.

Roll call was requested by Paulsen of Linn and Rants of Woodbury.

On the question "Shall the Senate amendment H-8652, as amended, be adopted?" (H.F. 2679)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reichert
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wienczek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Reasoner, Presiding	

The nays were, none.

Absent or not voting, 1:

Roberts

The House concurred in the Senate amendment H-8652, as amended.

Winckler of Scott moved that the bill, as amended by the Senate further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2679)

The ayes were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevort	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Reasoner, Presiding			

The nays were, 45:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wiencck	Windschitl
Worthan			

Absent or not voting, 2:

Roberts	Tomenga
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2679** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 2008, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2428, A bill for an act relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to county attorney collections, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable.

MICHAEL E. MARSHALL, Secretary

On motion by McCarthy of Polk, the House was recessed at 6:39 p.m., until 7:30 p.m.

EVENING SESSION

The House reconvened at 8:15 p.m., Petersen of Polk in the chair.

Speaker Murphy in the chair at 8:41 p.m.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-one members present, nine absent.

CONFERENCE COMMITTEE REPORT RECEIVED

(Senate File 2425)

A conference committee report signed by the following Senate and House members was filed April 24, 2008, on Senate File 2425, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions:

ON THE PART OF THE SENATE:
HATCH, Chair
BOLKOM
AMANDA

ON THE PART OF THE HOUSE:
FOEGE, Chair
GAYMAN
SMITH

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 2008, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 2679, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters and including effective date provisions.

Also: That the Senate has on April 24, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2203, a bill for an act relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators.

Also That the Senate has on April 24, 2008, failed to adopt the conference committee report on Senate File 2425, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Also: That the Senate has on April 24, 2008, appointed a second conference committee on Senate File 2425, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions. (Formerly SSB 3297.), and the members of the conference committee on the part of the Senate are: The Senator from Polk, Senator Hatch, Chair; the Senator from Johnson, Senator Bolcom; the Senator from Cerro Gordo, Senator Ragan; the Senator from Osceola, Senator Johnson; the Senator from Harrison, Senator Seymour.

MICHAEL E. MARSHALL, Secretary

SECOND CONFERENCE COMMITTEE APPOINTED (Senate File 2425)

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning Senate File 2425: Foege of Linn, Chair; Smith of Marshall, Gayman of Scott, Heaton of Henry and Raecker of Polk.

SENATE AMENDMENT CONSIDERED

T. Taylor of Linn called up for consideration **Senate File 2428**, a bill for an act relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of

gambling winnings, sanctioning of professional licenses, modifying provisions related to county attorney collections, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8684 to the House amendment:

H-8684

1 Amend the House amendment, S-5439, to Senate File
 2 2428, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 10 and 11 and
 5 inserting the following: "transaction involving the
 6 furnishing of lawn care, landscaping, or tree trimming
 7 and removal services which occurred more than five
 8 years from the date of an audit."
 9 2. Page 1, line 32, by striking the words
 10 ""collection practices and costs"" and inserting the
 11 following: ""debt and tax collection practices and
 12 fees"".

The motion prevailed and the House concurred in the Senate amendment H-8684, to the House amendment.

T. Taylor of Linn moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2428)

The ayes were, 76:

Abdul-Samad	Anderson	Baudler	Bell
Berry	Boal	Bukta	Clute
Cohoon	Dandekar	Davitt	Deyoe
Foege	Ford	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Heaton	Heddens	Horbach	Hunter
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rants	Rasmussen	Reasoner	Reichert
Schickel	Schueller	Shomshor	Smith

Soderberg	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Fossen	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wienczek	Winckler	Wise	Mr. Speaker Murphy

The nays were, 20:

Alons	Arnold	Chambers	De Boef
Dolecheck	Drake	Greiner	Hoffman
Huseman	Huser	Lukan	May
Raecker	Rayhons	Sands	Struyk
Van Engelenhoven	Watts	Windschitl	Worthan

Absent or not voting, 4:

Bailey	Forristall	Roberts	Zirkelbach
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2425** be immediately messaged to the Senate.

The House stood at ease at 8:40 p.m., till the fall of the gavel.

The House resumed session at 11:03 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILL

House File 2701, by committee on appropriations, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bonding fund, and related matters, and providing effective and retroactive applicability date provisions.

Read first time and placed on the **appropriations calendar**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Forristall of Pottawattamie and Upmeyer of Hancock on request of Soderberg of Plymouth.

SENATE AMENDMENT CONSIDERED

Reichert of Muscatine called up for consideration **House File 2688**, a bill for an act providing for efforts to mitigate odor emitted from a livestock operation including by providing for basic and applied research and evaluations, and including applicability and effective date provisions, amended by the Senate, and moved that the House concur in the following Senate amendment H-8653:

H-8653

1 Amend House File 2688, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 35, by striking the figure
4 "266.48" and inserting the following: "266.49".
5 2. Page 2, line 24, by striking the figure
6 "266.48" and inserting the following: "266.49".
7 3. Page 4, by striking lines 15 through 25 and
8 inserting the following: "provided in this division,
9 and all information submitted by or gathered from or
10 deduced from a livestock producer or livestock
11 operation pursuant to a livestock odor mitigation
12 evaluation under section 266.49 or section 459.303,
13 subsection 3. The public shall have a right to
14 examine and copy the information as provided in
15 chapter 22, subject to the exceptions of section 22.7.
16 In addition, the university or an agent or employee of
17 the university shall not release the name or location,
18 or any other information sufficient to identify the
19 name or location of any livestock producer or
20 livestock operation participating in a research
21 project or participating in a livestock odor
22 mitigation evaluation pursuant to section 266.49 or
23 section 459.303, subsection 3, and such information
24 shall not be subject to release pursuant to subpoena
25 or discovery in any civil proceeding, unless such
26 confidentiality is waived in writing by the livestock
27 producer. In addition, the university or an employee
28 or agent of the university shall release no other
29 information submitted by or gathered from or deduced
30 from a livestock producer or livestock operation
31 pursuant to a livestock odor mitigation evaluation
32 under section 266.49 or section 459.303, subsection 3,

33 unless such information is used in a research project,
 34 which in turn shall not occur without the written
 35 consent of the livestock producer. Any information
 36 provided by, gathered from, or deduced from a
 37 livestock producer or livestock operation in
 38 connection with a research project or odor mitigation
 39 evaluation that is in the possession of the livestock
 40 producer or livestock operation shall not be subject
 41 to subpoena or discovery in any civil action against
 42 the producer."

43 4. Page 5, line 16, by inserting after the word
 44 "university" the following: ", or any individual
 45 researcher employed by or affiliated with the
 46 university,".

47 5. Page 5, by striking lines 24 through 27 and
 48 inserting the following:

49 "____. All information obtained by the university
 50 in connection with a research project shall be

Page 2

1 available for public examination and copying as
 2 provided in chapter 22, subject to the exceptions of
 3 section 22.7, so long as the".

4 6. Page 5, by inserting after line 29 the
 5 following:

6 "Sec.____. NEW SECTION. 266.48 COST-SHARE
 7 PROGRAM FOR LIVESTOCK MITIGATION EFFORTS.

8 1. a. Iowa state university, in cooperation with
 9 the department of agriculture and land stewardship and
 10 the department of natural resources, shall establish a
 11 cost-share program for the livestock odor mitigation
 12 research efforts as established in sections 266.43
 13 through 266.45 that maximizes participation in the
 14 livestock mitigation research efforts so as to
 15 accomplish the purposes in section 266.42, subsection
 16 1.

17 b. The cost-share program shall allow for monetary
 18 contributions from livestock producers and other
 19 persons with an interest in livestock production. In
 20 addition, a livestock producer participating in a
 21 livestock odor mitigation research effort as provided
 22 in sections 266.43 through 266.45 shall provide
 23 in-kind contributions to participate in a research
 24 effort which may include but are not limited to
 25 furnishing the livestock producer's own labor,
 26 construction equipment, electricity and other utility
 27 costs, insurance, real property tax payments, and
 28 basic construction materials that may be reused or
 29 continued to be used by the livestock producer after
 30 the completion of the research effort.

31 2. This section does not apply to a livestock

32 producer who is required to contribute one hundred
 33 percent of the total costs of conducting a research
 34 project."
 35 7. Page 5, line 30, by striking the figure
 36 "266.48" and inserting the following: "266.49".
 37 8. Page 7, line 29, by striking the figure
 38 "266.48" and inserting the following: "266.49".
 39 9. Page 8, line 10, by striking the word "thirty"
 40 and inserting the following: "forty-five".
 41 10. Page 8, line 12, by striking the figure
 42 "266.48" and inserting the following: "266.49".
 43 11. Page 8, line 13, by inserting after the word
 44 "application" the following: "is".
 45 12. Page 8, line 19, by striking the figure
 46 "266.48" and inserting the following: "266.49".
 47 13. Page 8, line 32, by striking the words
 48 "appropriated by the general assembly".
 49 14. By renumbering, relettering, or redesignating
 50 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8653.

Reichert of Muscatine moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2688)

The ayes were, 69:

Alons	Anderson	Arnold	Bailey
Baudler	Bell	Boal	Chambers
Clute	Cohoon	Dandekar	Davitt
De Boef	Deyoe	Dolecheck	Drake
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Huseman	Jacobs	Kaufmann
Kelley	Lukan	Lykam	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, S.	Palmer	Paulsen	Pettengill
Quirk	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Soderberg	Staed
Struyk	Swaim	Thomas	Tomenga
Tymeson	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Whitead	Wiencsek
Windschitl	Wise	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 28:

Abdul-Samad	Berry	Bukta	Foege
Ford	Frevert	Gaskill	Hunter
Huser	Jacoby	Jochum	Kressig
Kuhn	Lensing	Mascher	May
Olson, D.	Olson, R.	Olson, T.	Petersen
Raecker	Smith	Taylor, D.	Taylor, T.
Tjepkes	Wessel-Kroeschell	Whitaker	Winckler

Absent or not voting, 3:

Forristall	Roberts	Upmeyer
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2688** be immediately messaged to the Senate.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2430, a bill for an act relating to economic development by creating a community microenterprise development advisory committee, and a river enhancement community attraction and tourism fund, and by making changes to the requirements for individual development accounts and making appropriations, and including effective and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 2008.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of Senate File 2430.

Appropriations Calendar

Senate File 2430, a bill for an act relating to economic development by creating a community microenterprise development organization grant program, a microenterprise development advisory committee, and a river enhancement community attraction and tourism fund, and by making changes to the requirements for individual development accounts and making appropriations, and including effective and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Jacoby of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 2430)

The ayes were, 71:

Abdul-Samad	Anderson	Bailey	Baudler
Bell	Berry	Bukta	Clute
Cohoon	Dandekar	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Heaton	Heddens
Hoffman	Hunter	Huser	Jacobs
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schickel
Schueller	Shomshor	Smith	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tomenga	Tymeson	Van Fossen
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Wise
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 26:

Alons	Arnold	Boal	Chambers
De Boef	Deyoe	Dolecheck	Drake
Grassley	Greiner	Horbach	Huseman
Kaufmann	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Sands	Soderberg	Tjepkes	Van Engelenhoven
Watts	Windschitl		

Absent or not voting, 3:

Forristall

Roberts

Upmeyer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that the following bill be immediately messaged to the **Senate File 2430**.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House File 2700.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 797 Appropriations

Relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 797), relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 2008.

House File 2700, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions, was taken up for consideration.

Rants of Woodbury offered the following amendment H-8673 filed by him from the floor and moved its adoption:

H-8673

- 1 Amend House File 2700 as follows:
- 2 1. Page 6, by striking lines 1 through 17.
- 3 2. Page 7, line 1, by striking the words "AND
- 4 APPLICABILITY DATES" and inserting the following:
- 5 "DATE".
- 6 3. Page 7, line 2, by striking the figure "1."
- 7 4. Page 7, by striking lines 5 through 8.

Roll call was requested by Rants of Woodbury and Greiner of Washington.

On the question "Shall amendment H-8673 be adopted?" (H.F. 2700)

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Foege
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Mertz	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Van Engelenhoven	Van Fossen	Watts	Wiencek
Windschitl	Worthan		

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Ford	Frevert	Gaskill	Gayman

Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 3:

Forristall	Roberts	Upmeyer
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Amendment H-8673 lost.

Wiencek of Black Hawk offered the following amendment H-8666 filed by her from the floor and moved its adoption:

H-8666

- 1 Amend House File 2700 as follows:
- 2 1. Page 15, line 10, by inserting after the word
- 3 "allocated" the following: "in an amount of not less
- 4 than forty-one million dollars".

Roll call was requested by Wiencek of Black Hawk and Boal of Polk.

On the question "Shall amendment H-8666 be adopted?" (H.F. 2700)

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Berry	Boal	Chambers	Clute
De Boef	Deyoe	Dolecheck	Drake
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Kelley	Kressig
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Van Engelenhoven	Van Fossen	Watts
Wiencek	Windschitl	Worthan	

The nays were, 50:

Abdul-Samad	Bailey	Bell	Bukta
Cohoon	Dandekar	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Murphy		

Absent or not voting, 3:

Forristall	Roberts	Upmeyer
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Amendment H-8666 lost.

Thomas of Clayton offered the following amendment H-8687 filed by him from the floor and moved its adoption:

H-8687

1 Amend House File 2700 as follows:
 2 1. Page 18, by inserting after line 4 the
 3 following:
 4 "Sec. ___. Section 15F.204, subsection 5,
 5 unnumbered paragraph 1, Code 2007, is amended to read
 6 as follows:
 7 At the beginning of each fiscal year, the board
 8 shall allocate one hundred thousand dollars for
 9 purposes of marketing those projects that are
 10 receiving moneys from the fund. After the marketing
 11 allocation, the board shall allocate all remaining
 12 moneys in the fund in the following manner:"
 13 2. By renumbering as necessary.

Amendment H-8687 was adopted.

Raecker of Polk asked and received unanimous consent that amendment H-8679 be deferred.

Gayman of Scott offered the following amendment H-8697 filed by her from the floor and moved its adoption:

H-8697

1 Amend House File 2700 as follows:

2 1. Page 20, by inserting after line 12 the
3 following:

4 "Sec.____. Section 39A.5, subsection 1, paragraph
5 b, Code Supplement 2007, is amended by adding the
6 following new subparagraph:

7 NEW SUBPARAGRAPH. (4) As an employer, denying an
8 employee the privilege conferred by section 43.4A to
9 attend a precinct caucus, or subjecting an employee to
10 a penalty because of the exercise of that privilege.

11 Sec.____. NEW SECTION. 43.4A EMPLOYEES ENTITLED
12 TO TIME TO PARTICIPATE IN PRESIDENTIAL PRECINCT
13 CAUCUSES.

14 1. Any person entitled to participate in a
15 precinct caucus held as part of the presidential
16 nominating process in this state who is required to be
17 present at work for an employer during the four-hour
18 period starting one hour prior to the time the
19 precinct caucus starts is entitled to take unpaid
20 leave for as much of that four-hour period as is
21 necessary to participate in the precinct caucus except
22 as provided by this section. Application by any
23 employee for such absence shall be made to the
24 employee's employer individually and in writing at
25 least fourteen days prior to the time the precinct
26 caucus is scheduled to start. The employee shall not
27 be liable for any loss of wages or salary or any other
28 penalty except for the loss of wages or salary for the
29 hours of unpaid leave actually used.

30 2. a. An application for an absence by an
31 employee may be denied by an employer if all the
32 following circumstances exist:

33 (1) The person is employed in an emergency
34 services position which shall include peace officer,
35 fire fighter, emergency medical personnel, and any
36 other position that seriously affects public health or
37 safety, or is employed by an entity that would
38 experience severe economic or operational disruption
39 due to the person's absence.

40 (2) The employer filed a written notice with the
41 commissioner at least seven days prior to the date of
42 the precinct caucus specifying exigent circumstances
43 justifying the denial of such leave for personnel
44 described in subparagraph (1) and declaring the
45 minimum number of such personnel, by position, needed
46 to protect public health and safety or maintain
47 minimum operational capacity, as applicable. A copy
48 of this written notice shall be provided to employees
49 of the employer.

50 (3) The number of persons employed in a position
Page 2

1 that did not apply for an absence is less than the
2 minimum number of persons in that position needed by
3 the employer to protect public health and safety or
4 maintain minimum operational capacity, as applicable.

5 b. If the circumstances in paragraph "a" exist as
6 to a particular position of the employer, then the
7 employer may deny the minimum number of employees
8 applying for an absence in that position needed to
9 yield the minimum staffing level for that position as
10 specified in the written notice to the commissioner.
11 The selection of which employees applying for an
12 absence shall be denied shall be made without regard
13 to political party affiliation, political belief, or
14 affiliation with or support for any candidate, or for
15 any of the grounds for which employment discrimination
16 is prohibited in this state.

17 3. An employer may, in lieu of providing unpaid
18 leave to affected employees to attend a presidential
19 precinct caucus, do any of the following:

20 a. Authorize paid leave to all affected employees.
21 b. Allow all affected employees the option to work
22 additional compensatory hours, at a time designated by
23 the employer not in conflict with the time needed for
24 caucus participation, equal in number to the number of
25 hours taken to participate in the presidential
26 precinct caucus. The option of working compensatory
27 hours may be exercised individually by each employee.
28 Work done during the compensatory hours shall be
29 compensated in the same manner as work during regular
30 hours."

Paulsen of Linn rose on a point of order that amendment H-8697 was not germane.

The Speaker ruled the point well taken and amendment H-8697 not germane.

McCarthy of Polk asked for unanimous consent to suspend the rules to consider amendment H-8697.

Objection was raised.

McCarthy of Polk moved to suspend the rules to consider amendment H-8697.

A non-record roll call was requested.

The ayes were 51, nays 44.

The motion prevailed and the rules were suspended.

The House stood at ease at 12:30 a.m., until the fall of the gavel.

The House resumed session at 1:43 a.m., Speaker Murphy in the chair.

McCarthy of Polk asked and received unanimous consent to withdraw amendment H-8697 filed by Gayman of Scott from the floor.

McCarthy of Polk asked and received unanimous consent that House File 2700 be deferred and that the bill retain its place on the calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 2008, adopted the second conference committee report and passed Senate File 2425, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Also: That the Senate has on April 24, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2432, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bonding fund, and related matters, and providing effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2432, by committee on appropriations, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment

for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bonding fund, and related matters, and providing effective and retroactive applicability date provisions.

Read first time and **passed on file.**

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 2425)

The second conference committee report signed by the following Senate and House members was filed April 24, 2008, on Senate File 2425, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

ON THE PART OF THE SENATE:

HATCH, Chair
BOLKCOM
RAGAN

ON THE PART OF THE HOUSE:

FOEGE, Chair
GAYMAN
SMITH

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 24th day of April 2008: House Files 2310, 2450, 2555, 2651 and 2653.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 24, 2008, he approved and transmitted to the Secretary of State the following bill:

Senate File 2427, an Act prohibiting certain lobbying activities of state agencies and providing a penalty.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\3029 Elsie Schnoor, Denison – For celebrating her 90th birthday
- 2008\3030 Roger Albert, Vinton – For celebrating his 80th birthday.
- 2008\3031 Dorothy Woodhouse, Vinton – For celebrating her 90th birthday.
- 2008\3032 Kenneth and Elmira Bevins, Belle Plaine – For celebrating their 50th wedding anniversary.
- 2008\3033 Delmer and Kathryn Brunssen, Elberon – For celebrating their 60th wedding anniversary.
- 2008\3034 Rex and Eleanor Strait, Keosauqua – For celebrating their 67th anniversary.
- 2008\3035 Carl and Margaret Berg, Fairfield – For celebrating their 50th anniversary.
- 2008\3036 Lorna Wesley, Lockridge– For celebrating her 80th birthday.
- 2008\3037 George and Lorna Wesley, Lockridge – For celebrating their 60th wedding anniversary.
- 2008\3038 Carolyn Paustian, Walcott – For celebrating her 80th birthday.
- 2008\3039 Donna Wilson, Independence – For celebrating her 80th birthday.
- 2008\3040 Patricia and Larry Cirkl, Robins – For celebrating their 50th wedding anniversary.
- 2008\3041 Dot Chmelik, Tama – For her 29 years of service to Carrington Place.
- 2008\3042 Kenneth and Elli Bevins, Belle Plaine – For celebrating their 50th wedding anniversary.
- 2008\3043 Joe Mueting, Spencer High School – For being named the 2008 Iowa Secondary Principal of the Year by the School Administrators of Iowa.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2426, a bill for an act relating to the judicial branch including the assessment and collection of fees and fines, filings and records kept by the clerk of the district court, the regulation and certification of shorthand reporters, making appropriations to offset costs, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 2008.

Committee Bill (Formerly LSB 5009HC), relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bonding fund, and related matters, and providing effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 2008.

RESOLUTION FILED

HR 160, by Wessel-Kroeschell, Wendt, Gaskill, Hunter, Smith, Winckler, Lensing, Ford, Reasoner, Wise, T. Olson, Zirkelbach, Staed, Palmer, Abdul-Samad, Wenthe, Bailey, Kelley, Thomas, Schueller, Davitt, Reichert, Petersen, Cohoon, Bell, T. Taylor, Jochum, Heddens, Kressig, D. Olson and Mertz, a resolution honoring the accomplishments of Iowa State University women's basketball head coach Bill Fennelly, associate head coach Jack Easley, assistant coaches Latoja Schaben and Jodi Steyer, director of basketball operations Michele Roberts, graduate assistant coach Molly Parrott, and the 2007-2008 Cyclones.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8659	S.F.	2421	Winckler of Scott Lykam of Scott Gayman of Scott
H—8664	H.F.	2687	Senate Amendment
H—8665	H.F.	2700	Van Fossen of Scott
H—8667	H.F.	2700	May of Dickinson
H—8668	H.F.	2700	Van Fossen of Scott
H—8669	H.F.	2700	Watts of Dallas
H—8670	H.F.	2700	Sands of Louisa
H—8671	H.F.	2700	Gipp of Winneshiek
H—8672	H.F.	2700	Rants of Woodbury
H—8674	H.F.	2700	Baudler of Adair
H—8675	H.F.	2700	Alons of Sioux
H—8676	H.F.	2700	Wise of Lee
H—8678	H.F.	2700	Wenthe of Fayette
H—8679	H.F.	2700	Rants of Woodbury
H—8680	H.F.	2700	Tymeson of Madison Paulsen of Linn Windschitl of Harrison
H—8681	H.F.	2700	Frevert of Palo Alto
H—8682	H.F.	2700	Horbach of Tama
H—8685	H.F.	2700	Thomas of Clayton
H—8686	H.F.	2700	Frevert of Palo Alto
H—8688	H.F.	2700	Chambers of O'Brien
H—8689	H.F.	2700	Reichert of Muscatine
H—8690	H.F.	2700	Thomas of Clayton
H—8691	H.F.	2700	Hoffman of Crawford
H—8692	H.F.	2700	Bell of Jasper
H—8693	H.F.	2700	Bell of Jasper
H—8694	H.F.	2700	Dolecheck of Ringgold Wendt of Woodbury
H—8695	H.F.	2700	Gayman of Scott Staed of Linn Bailey of Hamilton Wenthe of Fayette Palmer of Mahaska Kelley of Black Hawk Reichert of Muscatine Kressig of Black Hawk
H—8696	H.F.	2700	Quirk of Chickasaw
H—8698	H.F.	2700	Baudler of Adair
H—8699	H.F.	2700	Shomshor of Pottawattamie

			Huser of Polk
			Swaim of Davis
H—8700	H.F.	2700	Arnold of Lucas
H—8701	H.F.	2700	R. Olson of Polk
H—8702	H.F.	2700	Wendt of Woodbury
H—8703	H.F.	2700	Baudler of Adair
H—8704	H.F.	2700	Rants of Woodbury
H—8705	H.F.	2700	Paulsen of Linn
H—8706	H.F.	2700	Smith of Marshall
H—8707	H.F.	2700	Struyk of Pottawattamie
H—8708	H.F.	2700	Oldson of Polk
H—8709	H.F.	2700	Mascher of Johnson
			Rants of Woodbury
H—8710	H.F.	2700	Shomshor of Pottawattamie
			Huser of Polk
H—8711	H.F.	2700	Huser of Polk
H—8712	H.F.	2700	Baudler of Adair
			R. Olson of Polk

On motion by McCarthy of Polk the House adjourned at 1:45 a.m., until 9:00 a.m., Friday, April 25, 2008.

JOURNAL OF THE HOUSE

One Hundred Third Calendar Day - Seventy-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 25, 2008

The House met pursuant to adjournment at 9:05 a.m., Reasoner of Union in the chair.

Prayer was offered by the honorable Vicki Lensing, state representative from Johnson County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Coleen McRae, legislative secretary to Representative Vicki Lensing of Johnson County.

The Journal of Thursday, April 24, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence were granted as follows:

Arnold of Lucas and Horbach of Tama, until their arrival on request of Gipp of Winneshiek; Roberts of Carroll, Upmeyer of Hancock and Tomenga of Polk on request of Kaufmann of Cedar.

CONSIDERATION OF BILLS

Appropriations Calendar

The House resumed consideration of **House File 2700**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive, applicability date provisions, previously deferred. Found on pages 1853 through 1860 of the April 24, 2008 House Journal.

Frevert of Palo Alto offered the following amendment H-8686 filed by her and moved its adoption:

H-8686

1 Amend House File 2700 as follows:

2 1. Page 21, by inserting after line 14 the
3 following:

4 "Sec.____. Section 97A.10, Code 2007, is amended
5 to read as follows:

6 97A.10 PURCHASE OF ELIGIBLE SERVICE CREDIT.

7 1. For purposes of this section:

8 a. "Eligible qualified service" means ~~as follows:~~

9 ~~(1) Service with the department prior to July 1,~~
10 ~~1994, in a position as a gaming enforcement officer,~~
11 ~~fire prevention inspector peace officer, or as an~~
12 ~~employee of the division of capitol police except~~
13 ~~clerical workers.~~

14 ~~(2) Service~~ service as a member of a city fire
15 retirement system or police retirement system
16 operating under chapter 411 prior to January 1, 1992,
17 for which service was not eligible to be transferred
18 to this system pursuant to section 97A.17.

19 Eligible qualified service under this paragraph "a"
20 does not include service if the receipt of credit for
21 such service would result in the member receiving a
22 retirement benefit under more than one retirement plan
23 for the same period of service.

24 b. "Permissive service credit" means credit that
25 will be recognized by the retirement system for
26 purposes of calculating a member's benefit, for which
27 the member did not previously receive service credit
28 in the retirement system, and for which the member
29 voluntarily contributes to the retirement system the
30 amount required by the retirement system, not in
31 excess of the amount necessary to fund the benefit
32 attributable to such service.

33 2. An active member of the system may make
34 contributions to the system to purchase up to the
35 maximum amount of permissive service credit for
36 eligible qualified service as determined by the
37 system, pursuant to Internal Revenue Code section
38 415(n) and the requirements of this section. A member
39 seeking to purchase permissive service credit pursuant
40 to this section shall file a written application along
41 with appropriate documentation with the department by
42 July 1, ~~2007~~ 2009.

43 3. A member making contributions for a purchase of
44 permissive service credit for eligible qualified
45 service under this section shall make contributions in
46 an amount equal to the actuarial cost of the
47 permissive service credit purchase, less an amount

48 equal to the member's contributions under chapter 411
 49 for the period of eligible qualified service together
 50 with interest at a rate determined by the board of

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1 trustees. For purposes of this subsection, the
 2 actuarial cost of the permissive service credit
 3 purchase is an amount determined by the system in
 4 accordance with actuarial tables, as reported to the
 5 system by the system's actuary, which reflects the
 6 actuarial cost necessary to fund an increased
 7 retirement allowance resulting from the purchase of
 8 permissive service credit."

9 2. Page 40, by inserting after line 11 the
 10 following:

11 "Sec. ____ PUBLIC SAFETY PEACE OFFICERS'
 12 RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM –
 13 ADDITIONAL APPROPRIATION FOR PURCHASE OF SERVICE. If
 14 section 97A.10 is amended by the 2008 Session of the
 15 Eighty-second General Assembly to provide for the
 16 purchase of eligible service credit on and after July
 17 1, 2008, there shall be appropriated from the general
 18 fund of the state to the retirement fund described in
 19 section 97A.8 an amount equal to that portion of the
 20 actuarial cost of the permissive service credit
 21 purchase for eligible service credit that is not
 22 required to be contributed by a member making
 23 contributions to the system for that purchase."

24 3. By renumbering as necessary.

Amendment H-8686 was adopted.

Thomas of Clayton asked and received unanimous consent to withdraw amendment H-8690 filed by him on April 24, 2008.

Hoffman of Crawford asked and received unanimous consent that amendment H-8691 be deferred.

Quirk of Chickasaw asked and received unanimous consent that amendment H-8696 be deferred.

Oldson of Polk offered the following amendment H-8708 filed by her and moved its adoption,

H-8708

1 Amend House File 2700 as follows:

2 1. Page 21, by inserting after line 14 the
 3 following:

4 "Sec. _____. Section 135.63, subsection 2, paragraph
5 1, Code 2007, is amended to read as follows:

6 1. The replacement or modernization of any
7 institutional health facility if the replacement or
8 modernization does not add new health services or
9 additional bed capacity for existing health services,
10 notwithstanding any provision in this division to the
11 contrary. With reference to a hospital, "replacement"
12 means establishing a new hospital that demonstrates
13 compliance with all of the following criteria through
14 evidence submitted to the department:

15 (1) Is designated as a critical access hospital
16 pursuant to 42 U.S.C. § 1395i-4.

17 (2) Serves at least seventy-five percent of the
18 same service area that was served by the prior
19 hospital to be closed and replaced by the new
20 hospital.

21 (3) Provides at least seventy-five percent of the
22 same services that were provided by the prior hospital
23 to be closed and replaced by the new hospital.

24 (4) Is staffed by at least seventy-five percent of
25 the same staff, including medical staff, contracted
26 staff, and employees, as constituted the staff of the
27 prior hospital to be closed and replaced by the new
28 hospital."

29 2. Page 21, line 22, by striking the words "one
30 thousand" and inserting the following: "five
31 hundred".

32 3. Page 21, line 24, by inserting after the word
33 "department." the following: "The annual licensure
34 fee shall be dedicated to support and provide
35 educational programs on regulatory issues for
36 hospitals licensed under this chapter in consultation
37 with the hospital licensing board."

38 4. Page 22, by striking lines 1 through 35 and
39 inserting the following:

40 "Sec. _____. Section 135B.10, Code 2007, is amended
41 to read as follows:

42 135B.10 HOSPITAL LICENSING BOARD.

43 The governor shall appoint ~~five six~~ individuals ~~who~~
44 ~~possess recognized ability in the field of hospital~~
45 ~~administration~~, to serve as the hospital licensing
46 board within the department. Five members shall
47 possess recognized ability in the field of hospital
48 administration and one member shall be a member of the
49 general public."

50 5. Page 40, by striking lines 12 and 13.

Amendment H-8708 was adopted, placing out of order amendment H-8691, previously deferred, filed by Hoffman of Crawford on April 24, 2008.

Mascher of Johnson offered the following amendment H-8709 filed by her and Rants of Woodbury and moved its adoption:

H-8709

1 Amend House File 2700 as follows:

2 1. Page 24, by inserting after line 5 the
3 following:

4 "Sec.____. Section 216A.162, subsection 2, if
5 enacted by 2008 Iowa Acts, Senate File 2400, is
6 amended to read as follows:

7 2. The purpose of the commission shall be to work
8 in concert with ~~tribal governments~~, Native American
9 groups; and Native ~~American persons~~ Americans in his
10 state to advance the interests of ~~tribal governments~~
11 and Native ~~American persons~~ Americans in the areas of
12 human rights, access to justice, economic equality,
13 and the elimination of discrimination.

14 Sec.____. Section 216A.162, subsection 3,
15 paragraph a, if enacted by 2008 Iowa Acts, Senate File
16 2400, is amended to read as follows:

17 a. Seven public members appointed in compliance
18 with sections 69.16 and 69.16A who shall be appointed
19 with consideration given to the geographic residence
20 of the member and the population density of Native
21 Americans within the vicinity of the geographic
22 residence of a member. Of the seven public members
23 appointed, at least one shall be a Native American who
24 is an enrolled tribal member living on a tribal
25 settlement or reservation in Iowa and whose tribal
26 government is located in Iowa ~~and one shall be a~~
27 ~~Native American who is primarily descended from a~~
28 ~~tribe other than those specified in paragraph "b".~~

29 Sec.____. Section 216A.165, if enacted by 2008
30 Iowa Acts, Senate File 2400, is amended to read as
31 follows:

32 216A.165 DUTIES.

33 The commission shall have all powers necessary to
34 carry out the functions and duties specified in this
35 subchapter and shall do all of the following:

36 1. Advise the governor and the general assembly on
37 issues confronting ~~tribal governments and~~ Native
38 ~~American persons~~ Americans in this state.

39 2. Promote legislation beneficial to ~~tribal~~
40 ~~governments and~~ Native ~~American persons~~ Americans in
41 this state.

42 3. Recommend to the governor and the general
43 assembly any revisions in the state's affirmative

44 action program and other steps necessary to eliminate
45 discrimination against and the underutilization of
46 Native ~~American persons~~ Americans in the state's
47 workforce.
48 4. Serve as a conduit to state government for
49 Native ~~American persons~~ Americans in this state.
50 5. Serve as an advocate for Native ~~American~~

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1 ~~persons~~ Americans and a referral agency to assist
2 Native ~~American persons~~ Americans in securing access
3 to justice and state agencies and programs.
4 6. Serve as a liaison with federal, state, and
5 local governmental units, and private organizations on
6 matters relating to Native ~~American persons~~ Americans
7 in this state.
8 7. Conduct studies, make recommendations, and
9 implement programs designed to solve the problems of
10 Native ~~American persons~~ Americans in this state in the
11 areas of human rights, housing, education, welfare,
12 employment, health care, access to justice, and any
13 other related problems.
14 8. Publicize the accomplishments of Native
15 ~~American persons~~ Americans and their contributions to
16 this state.
17 9. Work with other state, tribal, and federal
18 agencies and organizations to develop small business
19 opportunities and promote economic development for
20 Native ~~American persons~~ Americans.
21 Sec. ____ Section 216A.166, if enacted by 2008
22 Iowa Acts, Senate File 2400, is amended to read as
23 follows:
24 216A.166 REVIEW OF GRANT APPLICATIONS AND BUDGET
25 REQUESTS.
26 Before the submission of an application, a state
27 department or agency shall consult with the commission
28 concerning an application for federal funding that
29 will have its primary effect on ~~tribal governments or~~
30 Native ~~American persons~~ Americans. The commission
31 shall advise the governor, the director of the
32 department of human rights, and the director of
33 revenue concerning any state agency budget request
34 that will have its primary effect on ~~tribal~~
35 ~~governments or~~ Native ~~American persons~~ Americans."
36 2. By renumbering as necessary.

Amendment H-8709 was adopted.

Van Fossen of Scott offered the following amendment H-8665 filed by him and moved its adoption:

H-8665

1 Amend House File 2700 as follows:

2 1. Page 24, by striking lines 7 through 9 and
 3 inserting the following:
 4 "It is the goal of the state of Iowa that every
 5 employee of a public school corporation be provided
 6 with a competitive living wage which does not result
 7 in any increase in individual or corporate income tax
 8 rates, sales or use tax rates, or property taxes,
 9 including but not limited to new levies or increased
 10 levy rates."

Roll call was requested by Van Fossen of Scott and Raecker of Polk.

Rule 75 was invoked.

On the question "Shall amendment H-8665 be adopted?" (H.F. 2700)

The ayes were, 42:

Alons	Anderson	Baudler	Boal
Chambers	Clute	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Huseman	Jacobs	Kaufmann
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tymeson
Van Engelenhoven	Van Fossen	Watts	Wiencek
Windschitl	Worthan		

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Foege
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Jacoby	Jochum
Kelley	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reichert	Schueller	Shomshor

Smith	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Reasoner, Presiding	

Absent or not voting, 7:

Arnold	Davitt	Horbach	Huser
Roberts	Tomenga	Upmeyer	

Amendment H-8665 lost.

Rants of Woodbury offered the following amendment H-8672 filed by him and moved its adoption:

H-8672

- 1 Amend House File 2700 as follows:
- 2 1. Page 24, by striking lines 10 through 33.

Roll call was requested by Rants of Woodbury and Raecker of Polk.

On the question "Shall amendment H-8672 be adopted?" (H.F. 2700)

The ayes were, 45:

Alons	Anderson	Baudler	Boal
Chambers	Clute	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gipp
Grassley	Greiner	Heaton	Hoffman
Horbach	Huseman	Huser	Jacobs
Kaufmann	Lukan	May	Mertz
Miller, L.	Olson, S.	Palmer	Paulsen
Pettengill	Raecker	Rants	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tymeson	Van Engelenhoven
Van Fossen	Watts	Wienczek	Windschitl
Worthan			

The nays were, 50:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.

Olson, R.	Olson, T.	Petersen	Quirk
Reichert	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach	Reasoner, Presiding		

Absent or not voting, 5:

Arnold	Granzow	Roberts	Tomenga
Upmeyer			

Amendment H-8672 lost.

Heaton of Henry offered amendment H-8700 filed by Arnold of Lucas as follows:

H-8700

1 Amend House File 2700 as follows:
 2 1. Page 25, by inserting after line 17 the
 3 following:
 4 "Sec.____. Section 331.325, subsection 1, Code
 5 2007, is amended to read as follows:
 6 1. As used in this section, "pioneer cemetery"
 7 means a cemetery where there have been ~~six~~ twelve or
 8 fewer burials in the preceding fifty years."
 9 2. By renumbering as necessary.

Oldson of Polk rose on a point of order that amendment H-8700 was not germane.

The Speaker ruled the point well taken and amendment H-8700 not germane.

Van Fossen of Scott offered amendment H-8668 filed by him as follows:

H-8668

1 Amend House File 2700 as follows:
 2 1. Page 26, by inserting after line 1 the
 3 following:
 4 "Sec.____. Section 423.3, subsection 78,
 5 unnumbered paragraph 2, Code Supplement 2007, is
 6 amended to read as follows:
 7 This exemption does not apply to the sales price

8 from games of skill, games of chance, raffles, and
 9 bingo games as defined in chapter 99B. However, this
 10 exemption applies to the sales price from raffles held
 11 by public elementary schools in the state. This
 12 exemption is disallowed on the amount of the sales
 13 price only to the extent the profits from the sales,
 14 rental, or services are not used by or donated to the
 15 appropriate entity and expended for educational,
 16 religious, or charitable purposes."
 17 2. Page 41, by inserting before line 27 the
 18 following:
 19 "Sec. ____. EFFECTIVE DATE. The section of this
 20 division of this Act amending section 423.3,
 21 subsection 78, being deemed of immediate importance,
 22 takes effect upon enactment."

Oldson of Polk rose on a point of order that amendment H-8668 was not germane.

The Speaker ruled the point well taken and amendment H-8668 not germane.

Van Fossen of Scott moved to suspend the rules to consider amendment H-8668.

Roll call was requested by Van Fossen of Scott and Raecker of Polk.

On the question "Shall the rules be suspended to consider amendment H-8668?" (H.F. 2700)

The ayes were, 43:

Alons	Anderson	Baudler	Boal
Chambers	Clute	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rasmussen	Rayhons	Struyk
Sands	Schickel	Soderberg	Tjepkes
Tymeson	Van Engelenhoven	Van Fossen	Watts
Wiencek	Windschitl	Worthan	

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cphoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reichert	Schueller	Shomshor
Smith	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Reasoner, Presiding	

Absent or not voting, 6:

Arnold	Gayman	Murphy, Spkr.	Roberts
Tomenga	Upmeyer		

The motion to suspend the rules lost.

Sands of Louisa offered amendment H-8670 filed by him as follows:

H-8670

1 Amend House File 2700 as follows:
 2 1. Page 26, by inserting after line 1 the
 3 following:
 4 "Sec. . **NEW SECTION.** 422.72A SUSPECTED MISUSE
 5 OF PERSONAL INFORMATION – NOTICE REQUIRED.
 6 1. For the purposes of this section, the following
 7 definitions apply:
 8 a. "Affected individual" means an individual who
 9 is identified by or connected with personal
 10 information contained in the department's records.
 11 b. "Personal information" means all of the
 12 following:
 13 (1) Social security number.
 14 (2) Tax identification number.
 15 (3) Driver's license number or other unique
 16 identification number created or collected by a
 17 government body.
 18 (4) Financial account number, credit card number,
 19 or debit card number in combination with any required
 20 security code, access code, or password that would
 21 permit access to an individual's financial account.
 22 (5) Unique electronic identifier or routing code,
 23 in combination with any required security code, access

24 code, or password.
25 c. "Suspected misuse of personal information"
26 means circumstances exist which would cause a
27 reasonable person to believe that an individual's
28 personal information is being used by an unauthorized
29 individual. Such circumstances include but are not
30 limited to either of the following:
31 (1) A tax identification number under which wages
32 are being reported by two or more individuals.
33 (2) A tax identification number of an individual
34 under the age of sixteen with reported wages exceeding
35 one thousand dollars for a single quarterly period.
36 2. a. Unless otherwise prohibited by state or
37 federal law, the department shall provide notice to
38 each affected individual if department records
39 indicate a suspected misuse of personal information.
40 Notice shall be made without unreasonable delay. If
41 the affected individual is a minor, notice shall be
42 provided to the minor's parent or guardian.
43 b. Notice of the suspected misuse of personal
44 information shall also be provided to an appropriate
45 law enforcement agency.
46 3. Notice provided to an affected individual shall
47 be clear and conspicuous and be provided by at least
48 one of the following:
49 a. Written notice to the affected individual's
50 last address of record.

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1 b. Electronic mail notice, if the affected
2 individual has agreed to receive communications
3 electronically.
4 c. Telephonic notice, if the communication is made
5 directly with the affected individual."

Oldson of Polk rose on a point of order that amendment H-8670 was not germane.

The Speaker ruled the point well taken and amendment H-8670 not germane.

Sands of Louisa moved to suspend the rules to consider amendment H-8670.

Roll call was requested by Sands of Louisa and Raecker of Polk.

On the question "Shall the rules be suspended to consider amendment H-8670?" (H.F. 2700)

The ayes were, 45:

Alons	Anderson	Baudler	Boal
Chambers	Clute	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Palmer	Paulsen
Pettengill	Raecker	Rants	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tymeson	Upmeyer
Van Fossen	Watts	Wiencsek	Windschitl
Worthan			

The nays were, 50:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Heddens	Hunter	Jacoby	Jochum
Kelley	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Petersen	Quirk
Reichert	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach	Reasoner, Presiding		

Absent or not voting, 5:

Arnold	Jacoby	Roberts	Tomenga
Van Engelenhoven			

The motion to suspend the rules lost.

Gipp of Winneshiek offered amendment H-8671 filed by him as follows:

H-8671

- 1 Amend House File 2700 as follows:
- 2 1. Page 26, by inserting after line 1 the
- 3 following:
- 4 "Sec. ____. NEW SECTION. 422.11V CHARITABLE

5 CONSERVATION CONTRIBUTION TAX CREDIT.

6 1. The taxes imposed under this division, less the
7 credits allowed under section 422.12, shall be reduced
8 by a charitable conservation contribution tax credit
9 equal to fifty percent of the fair market value of a
10 qualified real property interest located in the state
11 that is conveyed as an unconditional charitable
12 donation in perpetuity by the taxpayer to a qualified
13 organization exclusively for conservation purposes.
14 The maximum amount of tax credit is one hundred
15 thousand dollars. The amount of the contribution for
16 which the tax credit is claimed shall not be
17 deductible in determining taxable income for state tax
18 purposes.

19 2. For purposes of this section, "conservation
20 purpose", "qualified organization", and "qualified
21 real property interest" mean the same as defined for
22 the qualified conservation contribution under section
23 170(h) of the Internal Revenue Code, except that a
24 conveyance of land for open space for the purpose of
25 fulfilling density requirements to obtain subdivision
26 or building permits shall not be considered a
27 conveyance for a conservation purpose.

28 3. Any credit in excess of the tax liability is
29 not refundable but the excess for the tax year may be
30 credited to the tax liability for the following twenty
31 tax years or until depleted, whichever is the earlier.

32 4. An individual may claim the tax credit allowed
33 a partnership, limited liability company, S
34 corporation, estate, or trust electing to have the
35 income taxed directly to the individual. The amount
36 claimed by the individual shall be based upon the pro
37 rata share of the individual's earnings of the
38 partnership, limited liability company, S corporation,
39 estate, or trust.

40 Sec.____. Section 422.33, Code Supplement 2007, is
41 amended by adding the following new subsection:

42 NEW SUBSECTION. 25. a. The taxes imposed under
43 this division shall be reduced by a charitable
44 conservation contribution tax credit equal to fifty
45 percent of the fair market value of a qualified real
46 property interest located in the state that is
47 conveyed as an unconditional charitable donation in
48 perpetuity by the taxpayer to a qualified organization
49 exclusively for conservation purposes. The maximum
50 amount of tax credit is one hundred thousand dollars.

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1 The amount of the contribution for which the tax
2 credit is claimed shall not be deductible in

3 determining taxable income for state tax purposes.
 4 b. For purposes of this section, "conservation
 5 purpose", "qualified organization", and "qualified
 6 real property interest" mean the same as defined for
 7 the qualified conservation contribution under section
 8 170(h) of the Internal Revenue Code, except that a
 9 conveyance of land for open space for the purpose of
 10 fulfilling density requirements to obtain subdivision
 11 or building permits shall not be considered a
 12 conveyance for a conservation purpose.
 13 c. Any credit in excess of the tax liability is
 14 not refundable but the excess for the tax year may be
 15 credited to the tax liability for the following twenty
 16 tax years or until depleted, whichever is the
 17 earlier."

18 2. Page 41, by inserting after line 27 the
 19 following:
 20 "Sec.____. RETROACTIVE APPLICABILITY DATE. The
 21 sections of this division of this Act enacting section
 22 422.11V and section 422.33, subsection 25, apply
 23 retroactively to January 1, 2008, for tax years
 24 beginning on or after that date."

Oldson of Polk rose on a point of order that amendment H-8671 was not germane.

The Speaker ruled the point well taken and amendment H-8671 not germane.

Bell of Jasper asked and received unanimous consent to withdraw amendment H-8693 filed by him on April 24, 2008.

Paulsen of Linn offered amendment H-8705 filed by him as follows:

H-8705

1 Amend House File 2700 as follows:
 2 1. Page 26, by inserting after line 1 the
 3 following:
 4 "Sec.____. Section 423.3, Code Supplement 2007, is
 5 amended by adding the following new subsection:
 6 NEW SUBSECTION. 25A. The sales price of food,
 7 beverages, and other tangible personal property when
 8 sold at concession stands by nonprofit youth sports
 9 organizations."
 10 2. Page 41, by inserting before line 9 the
 11 following:

12 "Sec.____. REFUNDS. Refunds of taxes, interest,
 13 or penalties which arise from claims resulting from
 14 the enactment of section 423.3, subsection 25A, by
 15 this division of this Act, for the sale of food,
 16 beverages, and other tangible personal property at
 17 concession stands occurring between July 1, 1998, and
 18 the effective date of the enactment of section 423.3,
 19 subsection 25A, shall be limited to fifty thousand
 20 dollars in the aggregate and shall not be allowed
 21 unless refund claims are filed prior to October 1,
 22 2008, notwithstanding any other provision of law. If
 23 the amount of claims totals more than fifty thousand
 24 dollars in the aggregate, the department of revenue
 25 shall prorate the fifty thousand dollars among all
 26 claimants in relation to the amounts of the claimants'
 27 valid claims.

28 Sec.____. EFFECTIVE AND RETROACTIVE APPLICABILITY
 29 DATES. The section of this division of this Act
 30 enacting section 423.3, subsection 25A, being deemed
 31 of immediate importance, takes effect upon enactment
 32 and applies retroactively to July 1, 1998."

Oldson of Polk rose on a point of order that amendment H-8705 was not germane.

The Speaker ruled the point well taken and amendment H-8705 not germane.

Paulsen of Linn moved to suspend the rules to consider amendment H-8705.

Roll call was requested by Paulsen of Linn and Raecker of Polk.

On the question "Shall the rules be suspended to consider amendment H-8705?" (H.F. 2700)

The ayes were, 46:

Alons	Anderson	Baudler	Boal
Chambers	Clute	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Palmer	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Sands	Schickel	Soderberg	Staed
Struyk	Tjepkes	Tymeson	Upmeyer

Van Engelenhoven Windschitl	Van Fossen Worthan	Watts	Wienczek
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The nays were, 49:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Petersen
Quirk	Reichert	Schueller	Shomshor
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wise	Zirkelbach
Reasoner, Presiding			

Absent or not voting, 5:

Arnold	Hoffman	Roberts	Tomenga
Winckler			

The motion to suspend the rules lost.

Speaker Murphy in the chair at 9:53 a.m.

Watts of Dallas offered amendment H-8669 filed by him as follows:

H-8669

1 Amend House File 2700 as follows:
 2 1. Page 26, by inserting after line 18 the
 3 following:
 4 "Sec. ____ Section 423B.1, subsection 3, Code
 5 Supplement 2007, is amended to read as follows:
 6 3. A local option tax shall be imposed only after
 7 an election at which a majority of those voting on the
 8 question favors imposition and shall then be imposed
 9 until repealed as provided in subsection 6, paragraph
 10 "a". If the tax is a local vehicle tax imposed by a
 11 county, it shall apply to all incorporated and
 12 unincorporated areas of the county. If the tax is a
 13 local sales and services tax imposed by a county, it
 14 shall only apply to those incorporated areas and the
 15 unincorporated area of that county in which a majority
 16 of those voting in the area on the tax favors its

17 imposition. For purposes of the local sales and
18 services tax, all cities contiguous to each other
19 shall be treated as part of one incorporated area and
20 the tax would be imposed in each of those contiguous
21 cities only if the majority of those voting in the
22 total area covered by the contiguous cities favors its
23 imposition. In the case of a local sales and services
24 tax submitted to the registered voters of two or more
25 contiguous counties as provided in subsection 4,
26 paragraph "c", all cities contiguous to each other and
27 where the boundaries overlap county lines shall be
28 treated as part of one incorporated area, ~~even if the~~
29 ~~corporate boundaries of one or more of the cities~~
30 ~~include areas of more than one county~~, and the tax
31 shall be imposed in each of those contiguous cities
32 only if a majority of those voting on the tax in the
33 total area covered by the contiguous cities favored
34 its imposition. For purposes of the local sales and
35 services tax, a city is not contiguous to another city
36 if the only road access between the two cities is
37 through another state.

38 Sec. ____. Section 423B.1, subsection 6, paragraph
39 a, unnumbered paragraph 1, Code Supplement 2007, is
40 amended to read as follows:

41 If a majority of those voting on the question of
42 imposition of a local option tax favors imposition of
43 a local option tax, the governing body of that county
44 shall impose the tax at the rate specified for an
45 unlimited period. However, in the case of a local
46 sales and services tax, the county shall not impose
47 the tax in any incorporated area or the unincorporated
48 area if the majority of those voting on the tax in
49 that area did not favor its imposition. For purposes
50 of the local sales and services tax, all cities

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1 contiguous to each other shall be treated as part of
2 one incorporated area and the tax shall be imposed in
3 each of those contiguous cities only if the majority
4 of those voting on the tax in the total area covered
5 by the contiguous cities favored its imposition. In
6 the case of a local sales and services tax submitted
7 to the registered voters of two or more contiguous
8 counties as provided in subsection 4, paragraph "c",
9 all cities contiguous to each other and where the
10 boundaries overlap county lines shall be treated as
11 part of one incorporated area, ~~even if the corporate~~
12 ~~boundaries of one or more of the cities include areas~~
13 ~~of more than one county~~, and the tax shall be imposed
14 in each of those contiguous cities only if a majority

15 of those voting on the tax in the total area covered
16 by the contiguous cities favored its imposition.
17 Sec.____. Section 423B.5, unnumbered paragraph 1,
18 Code 2007, is amended to read as follows:
19 A local sales and services tax at the rate of not
20 more than one percent may be imposed by a county on
21 the sales price taxed by the state under chapter 423,
22 subchapter II. A local sales and services tax shall
23 be imposed on the same basis as the state sales and
24 services tax or in the case of the use of natural gas,
25 natural gas service, electricity, or electric service
26 on the same basis as the state use tax and shall not
27 be imposed on the sale of any property or on any
28 service not taxed by the state, except the tax shall
29 not be imposed on the sales price from the sale of
30 motor fuel or special fuel as defined in chapter 452A
31 which is consumed for highway use or in watercraft or
32 aircraft if the fuel tax is paid on the transaction
33 and a refund has not or will not be allowed, on the
34 sales price from the sale of equipment by the state
35 department of transportation, or on the sales price
36 from the sale or use of natural gas, natural gas
37 service, electricity, or electric service in a city or
38 county where the sales price from the sale of natural
39 gas or electric energy is subject to a franchise fee
40 or user fee during the period the franchise or user
41 fee is imposed. A local sales and services tax is
42 applicable to transactions within those incorporated
43 and unincorporated areas of the county where it is
44 imposed and shall be collected by all persons required
45 to collect state sales taxes. All cities contiguous
46 to each other shall be treated as part of one
47 incorporated area and the tax would be imposed in each
48 of those contiguous cities only if the majority of
49 those voting in the total area covered by the
50 contiguous cities favors its imposition. In the case

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1 of a local sales and services tax submitted to the
2 registered voters of two or more contiguous counties
3 as provided in section 423B.1, subsection 4, paragraph
4 "c", all cities contiguous to each other and where the
5 boundaries overlap county lines shall be treated as
6 part of one incorporated area, ~~even if the corporate~~
7 ~~boundaries of one or more of the cities include areas~~
8 ~~of more than one county~~, and the tax shall be imposed
9 in each of those contiguous cities only if a majority
10 of those voting on the tax in the total area covered
11 by the contiguous cities favored its imposition."

Oldson of Polk rose on a point of order that amendment H-8669 was not germane.

The Speaker ruled the point well taken and amendment H-8669 not germane.

Watts of Dallas moved to suspend the rules to consider amendment H-8669.

Roll call was requested by Watts of Dallas and Raecker of Polk.

On the question "Shall the rules be suspended to consider amendment H-8669?" (H.F. 2700)

The ayes were, 41:

Alons	Anderson	Baudler	Chambers
Clute	De Boef	Deyoe	Dolecheck
Drake	Forristall	Gipp	Granzow
Grassley	Greiner	Heaton	Hoffman
Horbach	Huseman	Kaufmann	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wienczek	Windschitl
Worthan			

The nays were, 49:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Frevert	Gaskill	Heddens
Hunter	Huser	Jacobs	Jacoby
Jochum	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Mr. Speaker			
Murphy			

Absent or not voting, 10:

Arnold	Boal	Ford	Gayman
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Kuhn
Tymeson

Reichert
Zirkelbach

Roberts

Tomenga

The motion to suspend the rules lost.

Dolecheck of Ringgold offered the following amendment H-8694 filed by him and Wendt of Woodbury and moved its adoption:

H-8694

1 Amend House File 2700 as follows:

2 1. By striking page 26, line 19, through page 27,
3 line 2, and inserting the following:

4 "Sec.____. Section 423E.4, subsection 3, paragraph
5 b, subparagraph (2), Code 2007, as amended by 2008
6 Iowa Acts, House File 2663, section 21, if enacted, is
7 amended to read as follows:

8 (2) "Sales tax capacity per student" means for a
9 school district the estimated amount of revenues that
10 a school district would receive if a local sales and
11 services tax for school infrastructure purposes was
12 imposed at one percent in the county pursuant to
13 section 423E.2, Code 2007, ~~as computed in subsection~~
14 ~~8~~, divided by the school district's actual enrollment
15 as determined in section 423E.3, subsection 5,
16 paragraph "d".

17 Sec.____. Section 423E.4, subsection 3, paragraph
18 b, subparagraph (3), Code 2007, as amended by 2008
19 Iowa Acts, House File 2663, section 22, if enacted, is
20 amended to read as follows:

21 (3) "Statewide tax revenues per student" means the
22 amount determined by estimating the total revenues
23 that would be generated by a one percent local option
24 sales and services tax for school infrastructure
25 purposes if imposed by all the counties during the
26 entire fiscal year, ~~as computed in subsection 8~~, and
27 dividing this estimated revenue amount by the sum of
28 the combined actual enrollment for all counties as
29 determined in section 423E.3, subsection 5, paragraph
30 "d", subparagraph (2).

31 Sec.____. Section 423E.4, subsection 8, as enacted
32 by 2008 Iowa Acts, House File 2663, section 25, if
33 enacted, is amended by striking the subsection.

34 Sec.____. Section 423F.2, subsection 1, paragraph
35 b, as enacted by 2008 Iowa Acts, House File 2663,
36 section 28, if enacted, is amended to read as follows:

37 b. The increase in the state sales, services, and
38 use taxes under chapter 423, subchapters II and III,

39 from five percent to six percent shall replace the
 40 repeal of the county's local sales and services tax
 41 for school infrastructure purposes. The distribution
 42 of moneys in the secure an advanced vision for
 43 education fund and the use of the moneys for
 44 infrastructure purposes or property tax relief shall
 45 be as provided in this chapter. However, the formula
 46 for the distribution of the moneys in the fund shall
 47 be based upon amounts that would have been received if
 48 the local sales and services taxes under chapter 423E,
 49 Code 2007, continued in existence, ~~as computed~~
 50 ~~pursuant to section 423E.4, subsection 8."~~

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1 2. Page 40, by inserting after line 12 the
 2 following:
 3 "Sec. _____. 2008 Iowa Acts, House File 2663,
 4 section 15, if enacted, is amended by striking the
 5 section and inserting in lieu thereof the following:
 6 SEC. 15. Section 423E.3, subsections 1 and 4, Code
 7 2007, are amended by striking the subsections."

Amendment H-8694 was adopted.

Rants of Woodbury asked and received unanimous consent that amendment H-8707 be deferred.

Shomshor of Pottawattamie offered the following amendment H-8710 filed by him and Huser of Polk and moved its adoption:

H-8710

1 Amend House File 2700 as follows:
 2 1. By striking page 28, line 16, through page 29,
 3 line 7.
 4 2. Page 29, by striking lines 14 through 21.

Amendment H-8710 was adopted, placing out of order amendment H-8707, previously deferred, filed by Struyk of Pottawattamie on April 24, 2008 and amendment H-8699 filed by Shomshor et al., on April 24, 2008.

May of Dickinson offered amendment H-8667 filed by him as follows:

H-8667

1 Amend House File 2700 as follows:
2 1. Page 30, by inserting after line 16 the
3 following:
4 "Sec.____. Section 481A.122, subsection 2, Code
5 2007, is amended to read as follows:
6 2. A person, except for a licensed falconer, shall
7 not hunt upland game birds, as defined by the
8 department, unless the person is at the time wearing
9 one or more of the following articles of visible,
10 external apparel: A hat, cap, vest, coat, jacket,
11 sweatshirt, sweater, shirt, or coveralls, the color
12 and material of which shall be at least fifty percent
13 solid blaze orange."

Oldson of Polk rose on a point of order that amendment H-8667 was not germane.

The Speaker ruled the point well taken and amendment H-8667 not germane.

Gayman of Scott offered the following amendment H-8695 filed by Gayman et al., and moved its adoption:

H-8695

1 Amend House File 2700 as follows:
2 1. By striking page 33, line 16, through page 34,
3 line 28.

Amendment H-8695 was adopted, placing out of order amendment H-8685 filed by Thomas of Clayton on April 24, 2008.

Alons of Sioux offered amendment H-8675 filed by him as follows:

H-8675

1 Amend House File 2700 as follows:
2 1. Page 34, by inserting after line 28 the
3 following:
4 "Sec.____. Section 595.4, Code 2007, is amended to
5 read as follows:
6 595.4 AGE AND QUALIFICATION – ~~RESIDENCY –~~
7 VERIFIED APPLICATION – WAITING PERIOD – EXCEPTION.
8 1. a. Previous to the issuance of any license to
9 marry, the parties desiring the license shall sign and
10 file a verified application with the county registrar

11 which application either may be mailed to the parties
12 at their request or may be signed by them at the
13 office of the county registrar in the county in which
14 the license is to be issued.

15 b. The application shall include the social
16 security number of each applicant and shall set forth
17 at least one affidavit of some competent and
18 disinterested person stating the facts as to age and
19 qualification of the parties.

20 c. The application shall also include a statement
21 by the parties under penalty of perjury, specifying
22 one of the following:

23 (1) If either party resides in the state, the
24 county in which the party resides and the length of
25 such residence in the state and that the maintenance
26 of the residence in the state has been in good faith
27 and not for the primary purpose of obtaining a license
28 to marry in this state.

29 (2) If neither party resides in the state, the
30 state or other jurisdiction of residence of each
31 party, and whether the parties intend to reside in
32 this state following their marriage or intend to
33 continue to reside in another state or other
34 jurisdiction following their marriage.

35 d. Upon the filing of the application for a
36 license to marry, the county registrar shall file the
37 application in a record kept for that purpose and
38 shall take all necessary steps to ensure the
39 confidentiality of the social security number of each
40 applicant.

41 e. All information included on an application may
42 be provided as mutually agreed upon by the division of
43 records and statistics and the child support recovery
44 unit, including by automated exchange.

45 2. Upon receipt of a verified application, the
46 county registrar may issue the license which shall not
47 become valid until the expiration of three days after
48 the date of issuance of the license. If the license
49 has not been issued within six months from the date of
50 the application, the application is void.

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1 3. A license to marry may be validated prior to
2 the expiration of three days from the date of issuance
3 of the license in cases of emergency or extraordinary
4 circumstances. An order authorizing the validation of
5 a license may be granted by a judge of the district
6 court under conditions of emergency or extraordinary
7 circumstances upon application of the parties filed
8 with the county registrar. No order may be granted

9 unless the parties have filed an application for a
 10 marriage license in a county within the judicial
 11 district. An application for an order shall be made
 12 on forms furnished by the county registrar at the same
 13 time the application for the license to marry is made.
 14 After examining the application for the marriage
 15 license and issuing the license, the county registrar
 16 shall refer the parties to a judge of the district
 17 court for action on the application for an order
 18 authorizing the validation of a marriage license prior
 19 to expiration of three days from the date of issuance
 20 of the license. The judge shall, if satisfied as to
 21 the existence of an emergency or extraordinary
 22 circumstances, grant an order authorizing the
 23 validation of a license to marry prior to the
 24 expiration of three days from the date of issuance of
 25 the license to marry. The county registrar shall
 26 validate a license to marry upon presentation by the
 27 parties of the order authorizing a license to be
 28 validated. A fee of five dollars shall be paid to the
 29 county registrar at the time the application for the
 30 order is made, which fee is in addition to the fee
 31 prescribed by law for the issuance of a marriage
 32 license.

33 Sec.____. Section 595.9, Code 2007, is amended to
 34 read as follows:

35 595.9 VIOLATIONS – PERJURY.

36 1. If a marriage is solemnized without procuring a
 37 license, the parties married, and all persons aiding
 38 them, are guilty of a simple misdemeanor.

39 2. If a party knowingly makes a false statement in
 40 an application for marriage regarding the residency of
 41 the parties, the parties married are guilty of perjury
 42 and shall be punished as provided in section 720.2.

43 Sec.____. NEW SECTION. 595.21 NONRESIDENTS –
 44 MARRIAGE CONTRARY TO LAWS OF STATE OF RESIDENCE.

45 A marriage which is contracted in this state by a
 46 party residing and intending to continue to reside in
 47 another jurisdiction:

- 48 1. Is valid if such marriage would be valid if
- 49 contracted in the other jurisdiction.
- 50 2. Is void if such marriage would not be valid if

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1 contracted in the other jurisdiction."

Oldson of Polk rose on a point of order that amendment H-8675 was not germane.

The Speaker ruled the point well taken and amendment H-8675 not germane.

Alons of Sioux asked for unanimous consent to suspend the rules to consider amendment H-8675.

Objection was raised.

Alons of Sioux moved to suspend the rules to consider amendment H-8675.

Roll call was requested by Alons of Sioux and Tymeson of Madison.

On the question "Shall the rules be suspended to consider amendment H-8675?" (H.F. 2700)

The ayes were, 39:

Alons	Anderson	Baudler	Boal
Chambers	Clute	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gipp
Grassley	Greiner	Heaton	Horbach
Huseman	Jacobs	Kaufmann	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rasmussen
Rayhons	Sands	Soderberg	Struyk
Tjepkes	Tymeson	Upmeyer	Van Fossen
Wienczek	Windschitl	Worthan	

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 10:

Arnold	Gayman	Granzow	Hoffman
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Olson, R.	Roberts	Schickel	Tomenga
Van Engelenhoven	Watts		

The motion to suspend the rules lost.

Bell of Jasper asked and received unanimous consent to withdraw amendment H-8692 filed by him on April 24, 2008.

Smith of Marshall offered the following amendment H-8706 filed by him and moved its adoption:

H-8706

- 1 Amend House File 2700 as follows:
- 2 1. Page 37, by striking lines 13 through 15 and
- 3 inserting the following: "attorney."

Amendment H-8706 was adopted.

Rants of Woodbury offered the following amendment H-8704 filed by him and moved its adoption:

H-8704

- 1 Amend House File 2700 as follows:
- 2 1. Page 37, line 25, by inserting after the word
- 3 "cases." the following: "In addition, a retrieval fee
- 4 of up to twenty-five dollars per request may be
- 5 charged for up to two requests."

Roll call was requested by Rants of Woodbury and Raecker of Polk.

On the question "Shall amendment H-8704 be adopted?" (H.F. 2700)

The ayes were, 43:

Alons	Anderson	Baudler	Berry
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Mertz
Miller, L.	Olson, S.	Paulsen	Pettengill

Raecker	Rants	Rasmussen	Rayhons
Sands	Soderberg	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 51:

Abdul-Samad	Bailey	Bell	Bukta
Cohoon	Dandekar	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Schueller	Shomshor	Smith
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker Murphy	

Absent or not voting, 6:

Arnold	Hoffman	Reichert	Roberts
Schickel	Tomenga		

Amendment H-8704 lost.

Baudler of Adair asked and received unanimous consent to withdraw amendment H-8703 filed by him on April 24, 2008.

Baudler of Adair offered the following amendment H-8712 filed by him and R. Olson of Polk and moved its adoption:

H-8712

1 Amend House File 2700 as follows:
 2 1. By striking page 38, line 35, through page 39,
 3 line 32, and inserting the following:
 4 "Sec.____. NEW SECTION. 692A.3B PRESENCE ON THE
 5 REAL PROPERTY COMPRISING A CHILD CARE FACILITY OR
 6 CHILD CARE HOME – RESTRICTION.
 7 1. As used in this section, "child care provider"
 8 includes a "child care center", "child care home",
 9 "child development home", and "preschool" as those
 10 terms are defined in section 237A.1, and a "child care
 11 program" as defined in section 279.49 and authorized
 12 in section 280.3A.

13 2. A person required to register under this
 14 chapter who has been convicted of a criminal offense
 15 against a minor, or an offense involving a minor that
 16 is an aggravated offense, sexually violent offense, or
 17 other relevant offense, shall not be knowingly present
 18 on the real property comprising a child care provider,
 19 except under one of the following circumstances:

20 a. The person is transporting a minor who is a
 21 child of the person to or from the child care
 22 provider.

23 b. The person is responding to a health or
 24 behavioral emergency regarding a minor who is the
 25 child of the person.

26 c. The person has been summoned to discuss the
 27 developmental activity or social progress of a minor
 28 who is a child of the person.

29 d. The person is voting in the building in which
 30 the child care provider is located during the hours
 31 designated to vote.

32 3. The child care provider's owner or
 33 administrator shall provide notice to the parents,
 34 guardians, or custodians of the children receiving
 35 child care from the child care provider about the
 36 presence of a person on the real property comprising
 37 the child care provider, as authorized in accordance
 38 with subsection 2.

39 4. A person required to register under this
 40 chapter who commits a violation of this section
 41 commits an aggravated misdemeanor.

42 Sec.____. Section 709.12, unnumbered paragraph 1,
 43 Code 2007, is amended to read as follows:

44 A person eighteen years of age or older is upon
 45 conviction guilty of ~~an aggravated misdemeanor a class~~
 46 "D" felony if the person commits any of the following
 47 acts with a child, not the person's spouse, with or
 48 without the child's consent, for the purpose of
 49 arousing or satisfying the sexual desires of either of
 50 them:

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1 Sec.____. Section 709.14, Code 2007, is amended to
 2 read as follows:

3 709.14 LASCIVIOUS CONDUCT WITH A MINOR.

4 1. It is unlawful for a person over eighteen years
 5 of age who is in a position of authority over a minor
 6 to force, persuade, or coerce a minor, with or without
 7 consent, to disrobe or partially disrobe for the
 8 purpose of arousing or satisfying the sexual desires
 9 of either of them.

10 2. Lascivious conduct with a minor as prohibited
 11 in subsection 1 is a ~~serious~~ aggravated misdemeanor."

Roll call was requested by Baudler of Adair and Raecker of Polk.

On the question “Shall amendment H-8712 be adopted?” (H.F. 2700)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, 4:

Arnold	Hoffman	Roberts	Tomenga
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Amendment H-8712 was adopted.

Horbach of Tama offered amendment H-8682 filed by him as follows:

H-8682

- 1 Amend House File 2700 as follows:
- 2 1. Page 39, by inserting after line 32 the

3 following:

4 "Sec.____. Section 717F.1, subsection 5, paragraph
5 b, Code Supplement 2007, is amended to read as
6 follows:

7 b. "Dangerous wild animal" includes an animal
8 which is the offspring of an animal provided in
9 paragraph "a", and another animal provided in that
10 paragraph or any other animal. It also includes
11 animals which are the offspring of each subsequent
12 generation. However, a dangerous wild animal does not
13 include a hybrid which is any of the following:

14 (1) The offspring of a domestic dog and a wolf, or
15 the offspring from each subsequent generation in which
16 at least one parent is a domestic dog.

17 (2) The offspring of a domestic swine and a member
18 of the species sus scrofa linnaeus, including but not
19 limited to swine commonly known as Russian boar or
20 European boar of either sex and resultant offspring,
21 if the original cross breeding between the two types
22 of swine occurred before July 1, 2003, and the
23 offspring of such cross-breeding have been kept at all
24 times in a hunting preserve licensed pursuant to
25 chapter 484B."

26 2. Page 41, by inserting after line 27 the
27 following:

28 "Sec.____. EFFECTIVE DATE. The section of this
29 division of this Act amending section 717F.1,
30 subsection 5, paragraph "b", takes effect upon
31 enactment."

Oldson of Polk rose on a point of order that amendment H-8682 was not germane.

The Speaker ruled the point well taken and amendment H-8682 not germane.

Wise of Lee asked and received unanimous consent that amendment H-8676 be deferred.

Wenthe of Fayette offered the following amendment H-8678 filed by him and moved its adoption:

H-8678

1 Amend House File 2700 as follows:

2 1. Page 40, by inserting after line 11 the
3 following:

4 "Sec.____. INDEPENDENT REDEMPTION CENTER GRANT

5 FUND. There is appropriated from the general fund of
 6 the state to the department of natural resources for
 7 the fiscal year beginning July 1, 2008, and ending
 8 June 30, 2009, the following amount, or so much
 9 thereof as is necessary, to be used for the purpose
 10 designated:

11 For deposit in the independent redemption center
 12 fund created in section 455C.17, as enacted in this
 13 division of this Act:

14 \$ 1,000,000"

Roll call was requested by Wise of Lee and Raecker of Polk.

On the question "Shall amendment H-8678 be adopted?" (H.F. 2700)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Bell	Berry	Bukta
Chambers	Clute	Cohoon	Dandekar
Davitt	De Boef	Deyoe	Dolecheck
Drake	Foege	Ford	Forristall
Frevert	Gaskill	Gayman	Gipp
Granzow	Grassley	Greiner	Heaton
Heddens	Hoffman	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, none.

Absent or not voting, 5:

Arnold	Boal	Roberts	Tomenga
Van Fossen			

Amendment H-8678 was adopted.

Frevert of Palo Alto asked and received unanimous consent to withdraw amendment H-8681 filed by her on April 24, 2008.

Huser of Polk offered the following amendment H-8711 filed by her and moved its adoption:

H-8711

- 1 Amend House File 2700 as follows:
2 1. Page 40, by inserting after line 11 the
3 following:
4 "Sec.____. 2008 Iowa Acts, Senate File 2420,
5 section 124, is amended by striking the section and
6 inserting in lieu thereof the following:
7 SEC. 124. Section 423.5, subsection 3, Code 2007,
8 as amended by this division of this Act, is amended to
9 read as follows:
10 3. ~~The~~ An excise tax at the rate of five percent
11 is imposed on the use of vehicles subject only to the
12 issuance of a certificate of title and the use of
13 manufactured housing, and on the use of leased
14 vehicles, if the lease transaction does not require
15 titling or registration of the vehicle, on the amount
16 subject to tax as calculated pursuant to section
17 423.26, subsection 2."
18 2. By renumbering as necessary.

Amendment H-8711 was adopted.

Wendt of Woodbury offered the following amendment H-8702 filed by him and moved its adoption:

H-8702

- 1 Amend House File 2700 as follows:
2 1. Page 42, by inserting after line 22 the
3 following:
4 "Sec.____. BUDGET ADJUSTMENT. For the budget year
5 beginning July 1, 2008, and ending June 30, 2009, any
6 adjustment in the school district's budget resulting
7 from the amendment to section 257.6 in this division
8 of this Act shall be addressed as provided in section
9 257.6, subsection 1, paragraph "d" based upon the
10 amendment made to section 257.6, subsection 1,
11 paragraph a, subparagraph (5), and with the budget

12 adjustment being made in the fiscal year beginning
13 July 1, 2008."

Amendment H-8702 was adopted.

Tymeson of Madison offered the following amendment H-8680 filed by Tymeson et al., and moved its adoption:

H-8680

- 1 Amend House File 2700 as follows:
- 2 1. By striking page 41, line 28, through page 42,
- 3 line 25.

Roll call was requested by Tymeson of Madison and Paulsen of Linn.

Rule 75 was invoked

On the question "Shall amendment H-8680 be adopted?" (H.F. 2700)

The ayes were, 48:

Alons	Anderson	Baudler	Boal
Chambers	Clute	Dandekar	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Mertz	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Staed	Struyk	Swaim	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wienczek	Windschitl	Worthan

The nays were, 49:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor

Smith	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Mr. Speaker			
Murphy			

Absent or not voting, 3:

Arnold	Roberts	Tomenga
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Amendment H-8680 lost.

Baudler of Adair offered amendment H-8674 filed by him as follows:

H-8674

1 Amend House File 2700 as follows:
 2 1. Page 45, by inserting before line 28 the
 3 following:
 4 "DIVISION _____
 5 PERMITS TO CARRY WEAPONS
 6 Sec. __. Section 229.24, subsection 1, Code 2007,
 7 is amended to read as follows:
 8 1. ~~All~~ Except as otherwise provided in this
 9 section, all papers and records pertaining to any
 10 involuntary hospitalization or application for
 11 involuntary hospitalization of any person under this
 12 chapter, whether part of the permanent record of the
 13 court or of a file in the department of human
 14 services, are subject to inspection only upon an order
 15 of the court for good cause shown. ~~Nothing in this~~
 16 This section shall not prohibit a hospital from
 17 complying with the requirements of this chapter and of
 18 chapter 230 relative to financial responsibility for
 19 the cost of care and treatment provided a patient in
 20 that hospital, ~~nor~~ ~~or~~ from properly billing any
 21 responsible relative or third-party payer for such
 22 care and treatment.
 23 Sec. __. Section 229.24, Code 2007, is amended by
 24 adding the following new subsection:
 25 NEW SUBSECTION. 4. The clerk of the district
 26 court shall provide to the department of public safety
 27 notice of all adjudications of persons involuntarily
 28 committed to a mental institution for inpatient or
 29 outpatient or other appropriate treatment by reason of
 30 serious mental impairment under this chapter. Such
 31 notice shall only be used by the department to submit
 32 information to the national instant criminal
 33 background system maintained by the federal bureau of
 34 investigation and shall otherwise remain confidential.

35 Sec.____. Section 724.7, Code 2007, is amended to
36 read as follows:
37 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.
38 ~~Any A~~ person ~~who can reasonably justify going armed~~
39 ~~may shall~~ be issued a nonprofessional permit to carry
40 weapons. Such permits shall be on a form prescribed
41 and published by the commissioner of public safety,
42 which shall be readily distinguishable from the
43 professional permit, and shall identify the holder
44 thereof, and state the reason for the issuance of the
45 permit, and the limits of the authority granted by
46 such permit. All permits so issued shall be for a
47 definite period as established by the issuing officer,
48 but in no event shall exceed a period of twelve
49 months.
50 Sec.____. Section 724.8, Code 2007, is amended to

Page 2

1 read as follows:
2 724.8 PERSONS ELIGIBLE FOR PERMIT TO CARRY
3 WEAPONS.
4 ~~No A~~ person shall not be issued a professional r
5 nonprofessional permit to carry weapons unless:
6 1. The person is eighteen years of age or older
7 for a professional permit or twenty-one years or older
8 for a nonprofessional permit.
9 2. The person has never been convicted of a
10 felony.
11 3. The person is not addicted to the use of
12 alcohol or any controlled substance.
13 4. The person has no history of repeated acts of
14 violence.
15 5. The issuing officer reasonably determines that
16 the applicant does not constitute a danger to any
17 person.
18 6. The person has never been convicted of any
19 crime defined in chapter 708, except "assault" as
20 defined in section 708.1 and "harassment" as defined
21 in section 708.7.
22 7. The person has not been committed to a mental
23 institution for purposes of 18 U.S.C. § 922 (g)(4).
24 8. The person is not subject to a protective order
25 pursuant to 18 U.S.C. § 922(g)(8) and has not been
26 convicted of a misdemeanor crime of domestic violence
27 pursuant to 18 U.S.C. § 922(g)(9). It is the intent
28 of the general assembly that violations of these
29 federal laws be strictly enforced in the courts of
30 this state.

31 Sec. ____ Section 724.9, Code 2007, is amended to
 32 read as follows:
 33 724.9 ~~FIREARM~~ FIREARMS TRAINING PROGRAM.
 34 A training program to qualify persons in the safe
 35 use of firearms shall be provided by the issuing
 36 officer of permits, as provided in section 724.11.
 37 1. The commissioner of public safety shall
 38 establish minimum standards for a training program
 39 designed to qualify persons in the safe use of
 40 firearms and shall include a course of instruction
 41 designed to qualify a person on a firing range. The
 42 course of instruction shall be limited to a maximum of
 43 six hours in length. The course of instruction shall
 44 include all of the following:
 45 a. Firearms safety in the classroom, at home, on
 46 the firing range, and while carrying the firearm.
 47 b. A physical demonstration performed by the
 48 applicant that demonstrates the applicant's ability to
 49 safely load and unload a revolver or a semiautomatic
 50 pistol and the applicant's marksmanship.

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1 c. The basic principles of marksmanship.
 2 d. The law relating to firearms pursuant to this
 3 chapter.
 4 e. The law relating to the justifiable use of
 5 force pursuant to chapter 704.
 6 f. A live fire shooting test administered to an
 7 applicant pursuant to section 724.9A.
 8 2. The commissioner of public safety shall approve
 9 the training program, and the county sheriff or the
 10 commissioner of public safety conducting the training
 11 program within their respective jurisdictions may
 12 contract with a private organization or use the
 13 services of other agencies, or may use a combination
 14 of the two, to provide ~~such a~~ training program that
 15 meets the standards specified in subsection 1. Any
 16 person eligible to be issued a permit to carry weapons
 17 may enroll in such course. A fee sufficient to cover
 18 the cost of the program may be charged to each person
 19 attending. Certificates of completion, on a form
 20 prescribed and published by the commissioner of public
 21 safety, shall be issued by a qualified firearms safety
 22 instructor subject to the restrictions of section
 23 724.9B to each person who successfully completes the
 24 program. ~~No~~ A person shall ~~not~~ be issued either a
 25 professional or nonprofessional permit unless the
 26 person has received a certificate of completion or is
 27 a certified peace officer. ~~No~~ A peace officer or
 28 correctional officer, except a certified peace

29 officer, shall not go armed with a pistol or revolver
30 unless the officer has received a certificate of
31 completion, provided that this requirement shall not
32 apply to persons who are employed in this state as
33 peace officers on January 1, 1978 until July 1, 1978,
34 or to peace officers of other jurisdictions exercising
35 their legal duties within this state.

36 Sec.____. NEW SECTION. 724.9A LIVE FIRE SHOOTING
37 TEST.

38 1. A live fire shooting test shall be administered
39 in the presence of a firearms safety instructor
40 qualified under section 724.9C to an applicant for a
41 nonprofessional permit to carry weapons. The live
42 fire shooting test shall consist of thirty rounds
43 fired from a standing position or its equivalent at a
44 distance from a B-27 silhouette target or an FBI "Q"
45 target, ten rounds fired from a distance of five
46 yards, ten rounds fired from a distance of seven
47 yards, and ten rounds fired from a distance of ten
48 yards. Two sets of five rounds shall be fired
49 consecutively at each designated distance and each
50 five-round string shall be fired within thirty

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1 seconds. Twenty-one of the rounds fired must strike
2 either the eight-ring on the B-27 target or the
3 smallest FBI "Q" target to pass the live fire shooting
4 test.

5 2. An applicant for a nonprofessional permit to
6 carry weapons may attempt to pass the live fire
7 shooting test administered pursuant to subsection 1 up
8 to three times in one day but must pass the shooting
9 test within two weeks of completing a firearms
10 training program pursuant to section 724.9. An
11 applicant who fails the live fire shooting test within
12 the requisite two-week period shall be required to
13 retake the firearms training program prior to again
14 attempting to pass the live fire shooting test.

15 3. The provisions of this section shall be
16 implemented uniformly throughout the state and shall
17 constitute the statewide standard for the course of
18 instruction qualifying a person to shoot on a firing
19 range pursuant to section 724.9.

20 Sec.____. NEW SECTION. 724.9B CERTIFICATE OF
21 COMPLETION.

22 A qualified firearms safety instructor shall not
23 issue a certificate of completion to an applicant for
24 a permit to carry weapons who does any of the
25 following:

26 1. Fails to demonstrate the requisite knowledge
27 and technique regarding the proper handling of a

28 firearm.

29 2. Handles a firearm in a manner that, in the
30 judgment of the qualified firearms safety instructor,
31 poses a danger to the applicant or others.

32 3. Fails the live fire shooting test pursuant to
33 the requirements specified in section 724.9A.

34 Sec.____. NEW SECTION. 724.9C QUALIFIED FIREARMS
35 SAFETY INSTRUCTOR.

36 A firearms safety instructor shall be considered to
37 be a qualified firearms safety instructor if the
38 instructor has any of the following qualifications:

39 1. Is a valid firearms safety instructor certified
40 by the national rifle association holding a rating as
41 a personal protection instructor or pistol
42 marksmanship instructor.

43 2. Submits a photocopy of a certificate of
44 completion of a firearms safety instructor course
45 offered by a local, state, or federal governmental
46 agency and approved by the department of public
47 safety.

48 3. Submits a photocopy of a certificate of
49 completion of a firearms safety instructor course
50 approved by the department of public safety.

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1 4. Has successfully completed a firearms safety
2 instructor course given by or under the supervision of
3 any state, county, municipal, or federal enforcement
4 agency.

5 5. Is a certified police officer firearms safety
6 instructor.

7 6. Is a certified law enforcement academy firearms
8 safety instructor.

9 Sec.____. Section 724.11, Code 2007, is amended to
10 read as follows:

11 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

12 1. Applications for permits to carry weapons shall
13 be made to the sheriff of the county in which the
14 applicant resides. Applications from persons who are
15 nonresidents of the state, or whose need to go armed
16 arises out of employment by the state, shall be made
17 to the commissioner of public safety. In either case,
18 the issuance of the permit shall be by and at the
19 discretion of the sheriff or commissioner, who shall,
20 before issuing the permit, determine that the
21 requirements of sections 724.6 to 724.10 have been
22 satisfied. However, the training program requirements
23 in section 724.9 ~~may~~ shall be waived for renewal
24 permits. If the sheriff or the commissioner restricts
25 or denies an application for a permit under this
26 section, the sheriff or commissioner shall provide a

27 written statement of the reasons for the restriction
28 or the denial to the applicant by certified mail
29 within fifteen working days of the filing of the
30 application.

31 2. The issuing officer shall collect a fee of ten
32 dollars, except from a duly appointed peace officer or
33 correctional officer, for each permit issued. Renewal
34 permits or duplicate permits shall be issued for a fee
35 of five dollars. The issuing officer shall notify the
36 commissioner of public safety of the issuance of any
37 permit at least monthly and forward to the
38 commissioner an amount equal to two dollars for each
39 permit issued and one dollar for each renewal or
40 duplicate permit issued. All such fees received by
41 the commissioner shall be paid to the treasurer of
42 state and deposited in the operating account of the
43 department of public safety to offset the cost of
44 administering this chapter. Any unspent balance as of
45 June 30 of each year shall revert to the general fund
46 as provided by section 8.33.

47 Sec.____. NEW SECTION. 724.11A RECIPROCITY.

48 A person possessing a valid permit issued by
49 another state to carry a weapon shall be entitled to
50 the privileges and subject to the restrictions

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1 prescribed in this chapter provided the state that
2 issued the license has training requirements that are
3 equal to or greater than the training requirements
4 prescribed by this chapter. The department of public
5 safety shall determine which states qualify as
6 reciprocal states, shall maintain an up-to-date list
7 of such states, and shall post such information on the
8 department's internet site.

9 Sec.____. NEW SECTION. 724.14 IMMUNITY.

10 The sheriff or the commissioner of public safety
11 shall not be liable for damages in any civil action
12 arising from the alleged wrongful issuance, renewal,
13 or failure to revoke a permit to carry weapons
14 provided that the sheriff or the commissioner acted
15 reasonably and in good faith and in accordance with
16 the provisions of this chapter in carrying out the
17 sheriff's or the commissioner's official duties.

18 Sec.____. EFFECTIVE DATE. The sections of this
19 division of this Act amending section 229.24 take
20 effect January 1, 2009."

Baudler of Adair offered the following amendment H-8698, to amendment H-8674, filed by him and moved its adoption:

H-8698

- 1 Amend the amendment, H-8674, to House File 2700 as
- 2 follows:
- 3 1. Page 6, line 2, by inserting after the word
- 4 "has" the following: "eligibility and".
- 5 2. Page 6, line 3, by inserting after the word
- 6 "the" the following: "eligibility and".

Amendment H-8698 was adopted.

Hunter of Polk rose on a point of order that amendment H-8674, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-8674, as amended, not germane.

Baudler of Adair asked for unanimous consent to suspend the rules to consider amendment H-8674, as amended.

Objection was raised.

Baudler of Adair moved to suspend the rules to consider amendment H-8674, as amended.

Rule 75 was invoked.

Roll call was requested by Baudler of Adair and Rants of Woodbury.

On the question "Shall the rules be suspended to consider amendment H-8674, as amended?" (H.F. 2700)

The ayes were, 49:

Alons	Anderson	Baudler	Boal
Chambers	Clute	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Palmer	Paulsen
Pettengill	Raecker	Rants	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Swaim	Taylor, D.	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen

Watts	Wiencek	Windschitl	Worthan
Zirkelbach			

The nays were, 46:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Davitt	Foege
Ford	Frevert	Gaskill	Heddens
Hunter	Huser	Jacoby	Jochum
Kelley	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Staed	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Mr. Speaker		
	Murphy		

Absent or not voting, 5:

Arnold	Dandekar	Roberts	Tomenga
Wise			

The motion to suspend the rules lost.

Chambers of O'Brien offered amendment H-8688 filed by him as follows:

H-8688

1 Amend House File 2700 as follows:
 2 1. Page 45, by inserting after line 27 the
 3 following:
 4 "Sec. ____ NEW SECTION. 68A.506 PROHIBITED
 5 CONTRIBUTIONS.
 6 A labor union, employee organization, or employee
 7 association shall not contribute, act as an agent or
 8 intermediary for contributions, or arrange for the
 9 making of monetary contributions to any candidate for
 10 office in this state, or to the candidate's committee,
 11 unless the labor union, employee organization, or
 12 employee association certifies that all individuals
 13 paying dues or making contributions to the labor
 14 union, employee organization, or employee association
 15 are United States citizens."

Oldson of Polk rose on a point of order that amendment H-8688 was not germane.

The Speaker ruled the point well taken and amendment H-8688 not germane.

Chambers of O'Brien asked for unanimous consent to suspend the rules to consider amendment H-8688.

Objection was raised.

Chambers of O'Brien moved to suspend the rules to consider amendment H-8688.

Roll call was requested by Chambers of O'Brien and Tymeson of Madison.

On the question "Shall the rules be suspended to consider amendment H-8688?" (H.F. 2700)

The ayes were, 43:

Alons	Anderson	Baudler	Boal
Chambers	Clute	De Boef	Deyoe
Dolecheck	Drake	Forrinstall	Gipp
Granzow	Grassley	Greiner	Hoffman
Horbach	Huseman	Jacobs	Kaufmann
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 50:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith

Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach	Mr. Speaker Murphy		

Absent or not voting, 7:

Arnold	Dandekar	Heaton	McCarthy
Mertz	Roberts	Tomenga	

The motion to suspend the rules lost.

R. Olson of Polk offered amendment H-8701 filed by him as follows:

H-8701

1 Amend House File 2700 as follows:

2 1. Page 45, by inserting after line 27 the
3 following:

4 "DIVISION _____
5 RETIREMENT FOR SENIOR JUDGES

6 Sec.____. Section 602.9202, Code 2007, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. 3A. "Senior judge retirement age"
9 means seventy-eight years of age or, if the senior
10 judge is reappointed as a senior judge for an
11 additional two-year term upon attaining seventy-eight
12 years of age pursuant to section 602.9203, eighty
13 years of age.

14 Sec.____. Section 602.9203, subsection 5, Code
15 2007, is amended to read as follows:

16 5. a. A senior judge may be reappointed to
17 additional two-year terms, at the discretion of the
18 supreme court, if the judicial officer meets the
19 requirements of subsection 2.

20 b. A senior judge may be reappointed to an
21 additional two-year term upon attaining seventy-eight
22 years of age, at the discretion of the supreme court,
23 if the judicial officer meets the requirements of
24 subsection 2.

25 Sec.____. Section 602.9204, subsection 1, Code
26 2007, is amended to read as follows:

27 1. A judge who retires on or after July 1, 1994,
28 and who is appointed a senior judge under section
29 602.9203 shall be paid a salary as determined by the
30 general assembly. A senior judge or retired senior
31 judge shall be paid an annuity under the judicial
32 retirement system in the manner provided in section

33 602.9109, but computed under this section in lieu of
 34 section 602.9107, as follows: The annuity paid to a
 35 senior judge or retired senior judge shall be an
 36 amount equal to the applicable percentage multiplier
 37 of the basic senior judge salary, multiplied by the
 38 judge's years of service prior to retirement as a
 39 judge of one or more of the courts included under this
 40 article, for which contributions were made to the
 41 system, except the annuity of the senior judge or
 42 retired senior judge shall not exceed an amount equal
 43 to the applicable specified percentage of the basic
 44 senior judge salary used in calculating the annuity.
 45 However, following the twelve-month period during
 46 which the senior judge or retired senior judge attains
 47 ~~seventy-eight years of senior judge retirement~~ age,
 48 the annuity paid to the person shall be an amount
 49 equal to the applicable percentage multiplier of the
 50 basic senior judge salary cap, multiplied by the

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1 judge's years of service prior to retirement as a
 2 judge of one or more of the courts included under this
 3 article, for which contributions were made to the
 4 system, except that the annuity shall not exceed an
 5 amount equal to the applicable specified percentage of
 6 the basic senior judge salary cap. A senior judge or
 7 retired senior judge shall not receive benefits
 8 calculated using a basic senior judge salary
 9 established after the twelve-month period in which the
 10 senior judge or retired senior judge attains
 11 ~~seventy-eight years of senior judge retirement~~ age.
 12 The state shall provide, regardless of age, to an
 13 active senior judge or a senior judge with six years
 14 of service as a senior judge and to the judge's
 15 spouse, and pay for medical insurance until the judge
 16 attains ~~the senior judge retirement age of~~
 17 ~~seventy-eight years.~~

18 Sec. ____ Section 602.9204, subsection 2,
 19 paragraphs d and e, Code 2007, is amended to read as
 20 follows:

21 d. "Basic senior judge salary cap" means the basic
 22 senior judge salary, at the end of the twelve-month
 23 period during which the senior judge or retired senior
 24 judge attained ~~seventy-eight years of senior judge~~
 25 ~~retirement~~ age, of the office in which the person last
 26 served as a judge before retirement as a judge or
 27 senior judge.

28 e. "Escalator" means the difference between the
 29 current basic salary, as of the time each payment is
 30 made up to and including the twelve-month period

31 during which the senior judge or retired senior judge
32 attains ~~seventy eight years of senior judge retirement~~
33 age, of the office in which the senior judge last
34 served as a judge before retirement as a judge or
35 senior judge, and the basic annual salary which the
36 judge is receiving at the time the judge becomes
37 separated from full-time service as a judge of one or
38 more of the courts included in this article, as would
39 be used in computing an annuity pursuant to section
40 602.9107 without service as a senior judge.
41 Sec.____. Section 602.9207, subsection 1, Code
42 2007, is amended to read as follows:
43 1. A senior judge shall cease to be a senior judge
44 upon completion of the twelve-month period during
45 which the judge attains ~~seventy eight years of senior~~
46 ~~judge retirement~~ age. The clerk of the supreme court
47 shall make a notation of the retirement of a senior
48 judge in the roster of senior judges, at which time
49 the senior judge shall become a retired senior judge.
50 Sec.____. Section 602.9208, subsection 1, Code

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1 2007, is amended to read as follows:
2 1. A senior judge, at any time prior to the end of
3 the twelve-month period during which the judge attains
4 ~~seventy eight years of senior judge retirement~~ age,
5 may submit to the clerk of the supreme court a written
6 request that the judge's name be stricken from the
7 roster of senior judges. Upon the receipt of the
8 request the clerk shall strike the name of the person
9 from the roster of senior judges, at which time the
10 person shall cease to be a senior judge. A person who
11 relinquishes a senior judgeship as provided in this
12 subsection may be assigned to temporary judicial
13 duties as provided in section 602.1612."

Rants of Woodbury rose on a point of order that amendment H-8701 was not germane.

The Speaker ruled the point well taken and amendment H-8701 not germane.

Reichert of Muscatine offered the following amendment H-8689 filed by him and moved its adoption:

H-8689

1 Amend House File 2700 as follows:

2 1. Page 49, by inserting after line 28 the
3 following:
4 "Sec. _____. Section 476.44A, if enacted by 2008
5 Iowa Acts, Senate File 2386, section 6, is amended to
6 read as follows:
7 Sec. 6. NEW SECTION. 476.44A TRADING OF CREDITS.
8 The board may establish or participate in a program
9 to track, record, and verify the trading of credits
10 ~~for~~ or attributes relating to electricity generated
11 from alternative energy production facilities or
12 renewable energy sources among electric generators,
13 utilities, and other interested entities, within this
14 state and with similar entities in other states."

Amendment H-8689 was adopted.

Rants of Woodbury offered the following amendment H-8679,
previously deferred, filed by him and moved its adoption:

H-8679

1 Amend House File 2700 as follows:
2 1. Page 20, by inserting after line 12 the
3 following:
4 "Sec. _____. Section 68A.401, Code Supplement 2007,
5 is amended by adding the following new subsections:
6 NEW SUBSECTION. 5. A political party, as defined
7 in section 43.2, or a candidate's committee shall file
8 a report with the board containing the information
9 specified in and in accordance with section 68A.401A,
10 subsection 2, paragraph "b", if that political party,
11 candidate, or candidate's committee receives a
12 contribution from a political committee that has
13 received a contribution from a political organization
14 that is required to file reports with the internal
15 revenue service, pursuant to 26 U.S.C. § 527.
16 NEW SUBSECTION. 6. A political party, as defined
17 in section 43.2, shall file a report with the board
18 containing the information specified in and in
19 accordance with section 68A.401A, subsection 2,
20 paragraph "b", if that political party receives a
21 contribution from a political organization that is
22 required to file reports with the internal revenue
23 service, pursuant to 26 U.S.C. § 527."
24 2. Page 20, by striking lines 19 and 20 and
25 inserting the following:
26 "a. Either creates or disseminates a communication
27 of issue advocacy in this state or makes contributions
28 to a political party, as defined in section 43.2, or
29 to a political committee which makes a contribution to

30 a candidate or candidate's committee."

31 3. By renumbering as necessary.

Rule 75 was invoked.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment H-8679 be adopted?" (H.F. 2700)

The ayes were, 45:

Alons	Anderson	Baudler	Boal
Chambers	Clute	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Huseman	Jacobs	Jochum
Kaufmann	Kuhn	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wiencek	Windschitl
Worthan			

The nays were, 50:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Murphy		

Absent or not voting, 5:

Arnold	Horbach	Olson, R.	Roberts
Tomenga			

Amendment H-8679 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horbach of Tama, until his return, on request of Gipp of Winneshiek.

Quirk of Chickasaw offered the following amendment H-8696, previously deferred, filed by him and moved its adoption:

H-8696

1 Amend House File 2700 as follows:

2 1. Page 21, by inserting after line 14 the
3 following:

4 "Sec.____. Section 103.6, Code Supplement 2007, is
5 amended by adding the following new subsection:
6 NEW SUBSECTION. 5. Adopt rules to create a
7 special master license class or subclass and special
8 journeyman license class or subclass for individuals
9 who were licensed by a political subdivision prior to
10 January 1, 2008, pursuant to a supervised written
11 examination that has not been approved by the board
12 pursuant to section 103.10, subsection 4, or section
13 103.12, subsection 4. A person licensed pursuant to
14 this subsection shall have the same authority as a
15 person holding a corresponding class A master license
16 or class A journeyman license. However, the board
17 shall not be required to include persons licensed
18 under this subsection in any agreement entered into
19 pursuant to the authority granted under section
20 103.21.

21 Sec.____. Section 103.22, Code Supplement 2007, is
22 amended by adding the following new subsection:
23 NEW SUBSECTION. 2A. Require firms or individuals
24 working under contract to municipal utilities,
25 electric membership or cooperative associations, or
26 investor-owned utilities to hold licenses while
27 performing work for utilities which is within the
28 scope of the public service obligations of a utility."

Amendment H-8696 was adopted.

Jacobs of Polk offered amendment H-8713 filed by her and Gipp of Winneshiek from the floor as follows:

H-8713

1 Amend House File 2700 as follows:

2 1. Page 21, by inserting after line 14 the
3 following:
4 "Sec.____. Section 68B.2A, Code 2007, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 4. The board shall adopt rules
7 pursuant to chapter 17A further delineating particular
8 situations where outside employment or activity of
9 officials and state employees of the executive branch
10 will be deemed to create an unacceptable conflict of
11 interest.

12 Sec.____. Section 68B.5A, subsections 2 and 5,
13 Code 2007, are amended to read as follows:

14 2. The head of a major subunit of a department or
15 independent state agency whose position involves
16 substantial exercise of administrative discretion or
17 the expenditure of public funds, a full-time employee
18 of an office of a statewide elected official whose
19 position involves substantial exercise of
20 administrative discretion or the expenditure of public
21 funds, or a legislative employee whose position
22 involves a substantial exercise of administrative
23 discretion or the expenditure of public funds, shall
24 not, during the time in which the person serves or is
25 employed by the state, act as a lobbyist before the
26 agency in which the person is employed or before state
27 agencies, officials, or employees with whom the person
28 has substantial or regular contact as part of the
29 person's duties, unless the person is designated, by
30 the agency in which the person serves or is employed,
31 to represent the official position of the agency.

32 5. The head of a major subunit of a department or
33 independent state agency whose position involves
34 substantial exercise of administrative discretion or
35 the expenditure of public funds, a full-time employee
36 of an office of a statewide elected official whose
37 position involves substantial exercise of
38 administrative discretion or the expenditure of public
39 funds, or a legislative employee whose position
40 involves a substantial exercise of administrative
41 discretion or the expenditure of public funds, shall
42 not, within two years after termination of employment,
43 become a lobbyist before the agency in which the
44 person was employed or before state agencies or
45 officials or employees with whom the person had
46 substantial and regular contact as part of the
47 person's former duties.

48 Sec.____. Section 68B.22, subsection 4, Code
49 Supplement 2007, is amended by adding the following
50 new paragraph:

Page 2

1 NEW PARAGRAPH. hh. Food and beverages provided at
2 a meal that is part of a bona fide event or program at
3 which the recipient is being honored for public
4 service."

Amendment H-8713 was adopted.

Struyk of Pottawattamie offered amendment H-8714 filed by him and Huser of Polk from the floor:

H-8714

1 Amend House File 2700 as follows:
2 1. Page 27, by inserting after line 2 the
3 following:
4 "Sec. _____. Section 441.21, subsection 1, paragraph
5 b, unnumbered paragraph 1, Code 2007, is amended to
6 read as follows:
7 The actual value of all property subject to
8 assessment and taxation shall be the fair and
9 reasonable market value of such property except as
10 otherwise provided in this section. "Market value" is
11 defined as the fair and reasonable exchange in the
12 year in which the property is listed and valued
13 between a willing buyer and a willing seller, and
14 based on the actual use of that property, neither
15 being under any compulsion to buy or sell and each
16 being familiar with all the facts relating to the
17 particular property. Sale prices of the property or
18 comparable property in normal transactions reflecting
19 market value, and the probable availability or
20 unavailability of persons interested in purchasing the
21 property, shall be taken into consideration in
22 arriving at its market value. In arriving at market
23 value, sale prices of property in abnormal
24 transactions not reflecting market value shall not be
25 taken into account, or shall be adjusted to eliminate
26 the effect of factors which distort market value,
27 including but not limited to sales to immediate family
28 of the seller, foreclosure or other forced sales,
29 contract sales, discounted purchase transactions or
30 purchase of adjoining land or other land to be
31 operated as a unit."

Rants of Woodbury rose on a point of order that amendment H-8714 was not germane.

The Speaker ruled the point well taken and amendment H-8714 not germane.

Struyk of Pottawattamie asked for unanimous consent to suspend the rules to consider amendment H-8714.

Objection was raised.

Wise of Lee asked and received unanimous consent to withdraw amendment H-8676, previously deferred, filed by him on April 24, 2008, placing out of order amendment H-8715 filed by Raecker of Polk from the floor.

Winckler of Scott offered the following amendment H-8716 filed by her from the floor and moved its adoption:

H-8716

1 Amend House File 2700 as follows:

2 1. Page 42, line 9, by inserting after the word
3 "years." the following: "If the school district
4 determines that the expenditures associated with
5 providing competent private instruction pursuant to
6 chapter 299A is in excess of the revenue attributed to
7 the school district's weighted enrollment for such
8 instruction in accordance with this subparagraph, the
9 school district may submit a request to the school
10 budget review committee for modified allowable growth
11 in accordance with section 257.31, subsection 5,
12 paragraph "n". A home school assistance program shall
13 not provide moneys received pursuant to this
14 subparagraph, nor resources paid for with moneys
15 received pursuant to this subparagraph, to parents or
16 students utilizing the program.

17 Sec. ____ Section 257.11, subsection 5, Code
18 Supplement 2007, is amended by adding the following
19 new paragraph:

20 NEW PARAGRAPH. n. Unusual need for additional
21 funds for the costs associated with providing
22 competent private instruction pursuant to chapter
23 299A.

24 Sec. ____ Section 299.4, Code Supplement 2007, is
25 amended to read as follows:

26 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

27 1. The parent, guardian, or legal custodian of a
28 child who is of compulsory attendance age, who places
29 the child under competent private instruction under
30 either section 299A.2 or 299A.3, not in an accredited
31 school or a home school assistance program operated by

32 a public school district or accredited nonpublic
 33 school, shall furnish a report in duplicate on forms
 34 provided by the public school district, to the
 35 district by the earliest starting date specified in
 36 section 279.10, subsection 1. The secretary shall
 37 retain and file one copy and forward the other copy to
 38 the district's area education agency. The report
 39 shall state the name and age of the child, the period
 40 of time during which the child has been or will be
 41 under competent private instruction for the year, an
 42 outline of the course of study, texts used, and the
 43 name and address of the instructor. The parent,
 44 guardian, or legal custodian of a child, who is
 45 placing the child under competent private instruction
 46 for the first time, shall also provide the district
 47 with evidence that the child has had the immunizations
 48 required under section 139A.8, and, if the child is
 49 elementary school age, a blood lead test in accordance
 50 with section 135.105D. The term "outline of course of

Page 2

1 study" shall include subjects covered, lesson plans,
 2 and time spent on the areas of study.

3 2. A home school assistance program operated by a
 4 school district or accredited nonpublic school shall
 5 furnish a report on forms provided by the department.
 6 The report shall, at a minimum, state the name and age
 7 of the child and the period of time during the school
 8 year in which the child has been or will be under
 9 competent private instruction by the home school
 10 assistance program.

11 Sec. ____ Section 299A.2, Code 2007, is amended to
 12 read as follows:

13 299A.2 COMPETENT PRIVATE INSTRUCTION BY LICENSED
 14 PRACTITIONER.

15 ~~If a licensed practitioner provides competent~~
 16 ~~instruction to a child of compulsory attendance age,~~
 17 ~~the practitioner shall possess a valid license or~~
 18 ~~certificate which has been issued by the state board~~
 19 ~~of educational examiners under chapter 272 and which~~
 20 ~~is appropriate to the ages and grade levels of the~~
 21 ~~children to be taught.~~ Competent private instruction
 22 may include, but is not limited to, a home school
 23 assistance program which provides instruction or
 24 instructional supervision offered through an
 25 accredited nonpublic school or public school district
 26 by a teacher licensed under chapter 272, who is
 27 employed by the accredited nonpublic school or public
 28 school district, who assists and supervises a parent,
 29 guardian, or legal custodian in providing instruction

30 to a child. If competent private instruction is
 31 provided through a public school district, the child
 32 shall be enrolled and included in the basic enrollment
 33 of the school district as provided in section 257.6.
 34 Sections 299A.3 through 299A.7 do not apply to
 35 competent private instruction provided by a licensed
 36 practitioner under this section. However, the
 37 reporting requirement contained in section 299A.3,
 38 subsection 1, shall apply to competent private
 39 instruction provided by licensed practitioners that is
 40 not part of a home school assistance program offered
 41 through an accredited nonpublic school or public
 42 school district."
 43 2. By renumbering as necessary.

Roll call was requested by Tymeson of Madison and Boal of Polk.

On the question "Shall amendment H-8716 be adopted?" (H.F. 2700)

The ayes were, 49:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Oldson	Olson, D.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 43:

Alons	Anderson	Baudler	Boal
Chambers	Clute	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Huseman	Huser	Jacobs
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rasmussen	Rayhons	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tymeson	Van Engelenhoven	Van Fossen	Watts
Wiencek	Windschitl	Worthan	

Absent or not voting, 8:

Arnold	Horbach	Mertz	Olson, R.
Roberts	Smith	Tomenga	Upmeyer

Amendment H-8716 was adopted.

MOTION TO RECONSIDER PREVAILED

Wise of Lee called up for consideration the motion to reconsider amendment H-8672 to House File 2700, filed on April 25, 2008, and moved to reconsider the vote by which amendment H-8672, failed to pass the House on April 25, 2008.

The motion to reconsider prevailed.

Rants of Woodbury moved the adoption of amendment H-8672.

Roll call was requested by Wise of Lee and Reasoner of Union.

On the question "Shall amendment H-8672 be adopted?" (H.F. 2700)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt

Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Mr. Speaker Murphy	

The nays were, none.

Absent or not voting, 5:

Arnold	Horbach	Olson, R.	Roberts
Tomenga			

Amendment H-8672 was adopted.

Gipp of Winneshiek asked and received unanimous consent to suspend the rules to reconsider amendment H-8671, previously ruled not germane.

The motion prevailed.

Gipp of Winneshiek moved the adoption of amendment H-8671.

Roll call was requested by Gipp of Winneshiek and Raecker of Polk.

On the question "Shall amendment H-8671 be adopted?" (H.F. 2700)

The ayes were, 91:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gayman	Gipp
Granzow	Grassley	Greiner	Heaton
Heddens	Hoffman	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg

Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 1:

Hunter

Absent or not voting, 8:

Arnold	Gaskill	Horbach	Olson, R.
Reichert	Roberts	Tomenga	Upmeyer

Amendment H-8671 was adopted.

Oldson of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2700)

The ayes were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 44:

Alons	Anderson	Baudler	Boal
Chambers	Clute	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Huseman	Huser	Jacobs

Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rasmussen	Rayhons	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wiencek	Windschitl	Worthan

Absent or not voting, 5:

Arnold	Horbach	Olson, R.	Roberts
Tomenga			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2700** be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 12:02 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:35 p.m., Petersen of Polk in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety members present, ten absent.

SENATE AMENDMENT CONSIDERED

Wise of Lee called up for consideration **House File 2687**, a bill for an act relating to certain economic development programs by providing tax credits for the redevelopment of underutilized properties, and including effective date and retroactive applicability date provisions, amended by the Senate, and moved that the House concur in the following Senate amendment H-8664:

H-8664

1 Amend House File 2687, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, lines 5 and 6, by striking the words
4 "or for a taxable year beginning on or after July 1,
5 2016".

6 2. Page 5, line 14, by striking the word "twenty"
7 and inserting the following: "ten".

8 3. Page 5, by striking lines 16 through 23 and
9 inserting the following:

10 "5. For the fiscal year beginning July 1, 2009,
11 the maximum amount of tax credits issued by the
12 department shall not exceed one million dollars. The
13 department shall not issue tax credits pursuant to
14 this section in subsequent fiscal years unless
15 authorized pursuant to this subsection."

16 4. Page 5, line 26, by striking the figure
17 "2008," and inserting the following: "2009, or after
18 June 30, 2010,".

19 5. Page 6, by striking line 34.

20 6. Page 7, by striking line 20.

21 7. Page 7, line 23, by striking the word "a."

22 8. Page 7, by striking line 28.

23 9. Page 8, line 17, by striking the word "and".

24 10. Page 8, by striking line 20 and inserting the
25 following: "established by another state agency by
26 rule."

27 11. Page 8, line 22, by striking the figure "1."

28 12. Page 8, by striking line 25.

29 13. Page 8, line 28, by striking the word "a."

30 14. Page 8, by striking line 31.

31 15. Page 8, line 34, by striking the word "a."

32 16. Page 9, by striking line 2.

33 17. Page 9, line 4, by striking the figure "1."

34 18. Page 9, by striking line 7.

35 19. Page 9, line 10, by striking the figure
36 "(1)".

37 20. Page 9, by striking line 13.

38 21. Page 9, by striking lines 14 through 17.

39 22. Title page, lines 3 and 4, by striking the
40 words ", and including effective date and retroactive
41 applicability date provisions".

42 23. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8664.

Wise of Lee moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2687)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Pettengill	Quirk
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencek	Winckler
Windschitl	Wise	Worthan	Zirkelbach
Petersen			
Presiding			

The nays were, 2:

Hunter Mascher

Absent or not voting, 1:

Roberts

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE RECEDES

Winckler of Scott called up for consideration **Senate File 2216**, a bill for an act concerning state and local measures for preparing a student for a career or for postsecondary education, including a statewide core curriculum for school districts and accredited

nonpublic schools and a state-designated career information and decision-making system, amended by the House and moved that the House recede from its amendment.

Speaker Murphy in the chair at 2:21 p.m.

Roll call was requested by Rants of Woodbury and Raecker of Polk.

On the question "Shall the House recede from its amendment?"
(S.F. 2216)

The ayes were, 50:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevort	Gaskill
Gayman	Heddens	Hunter	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Staed	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach	Mr. Speaker Murphy		

The nays were, 49:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Huser	Jacobs	Kaufmann	Lukan
May	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Swaim	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wienczek	Windschitl
Worthan			

Absent or not voting, 1:

Roberts

The motion prevailed and the House recesses.

Winckler of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2216)

The ayes were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Staed	Taylor, D.	Taylor, T.
Thomas	Tomenga	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Huser	Jacobs	Kaufmann	Lukan
May	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wiencek	Windschitl	Worthan	

Absent or not voting, 2:

Roberts Swaim

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2687** and **Senate File 2216**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 10, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2647, A bill for an act relating to and making appropriations to the judicial branch.

MICHAEL E. MARSHALL, Secretary

Appropriations Calendar

Senate File 2424, a bill for an act concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates, with report of committee recommending amendment and passage, was taken up for consideration.

Jochum of Dubuque offered amendment H-8578 filed by the committee on state government as follows:

H-8578

- 1 Amend Senate File 2424, as passed by the Senate, as
- 2 follows:
- 3 1. Page 31, by inserting after line 20 the
- 4 following:
- 5 "Sec.____. Section 97B.80C, subsection 3, Code
- 6 2007, is amended by adding the following new

7 paragraph:

8 NEW PARAGRAPH. cc. For a member making
 9 contributions for a purchase of permissive service
 10 credit for qualified service as described in
 11 subsection 1, paragraph "c", subparagraph (1),
 12 subparagraph subdivision (h), in which, prior to July
 13 1, 1998, the member received a refund of the member's
 14 accumulated contributions and subsequently returned to
 15 covered employment as a full-time employee for whom
 16 coverage under this chapter was mandatory the member
 17 shall receive a credit against the actuarial cost of
 18 the service purchase equal to the amount of the
 19 member's employer's accumulated contributions which
 20 were not paid to the member as a refund pursuant to
 21 section 97B.53 plus interest as calculated pursuant to
 22 section 97B.70."

23 2. Page 36, by inserting after line 10 the
 24 following:

25 "Sec. ___ Section 411.15, Code 2007, is amended to
 26 read as follows:

27 411.15 HOSPITALIZATION AND MEDICAL ATTENTION.

28 Cities shall ~~provide be responsible for any~~
 29 hospital, nursing, and medical attention for the
 30 members of the police and fire departments of the
 31 cities, when injured while in the performance of their
 32 duties as members of such department, and shall
 33 continue to ~~provide be responsible for any~~ hospital,
 34 nursing, and medical attention for injuries or
 35 diseases incurred while in the performance of their
 36 duties for members receiving a retirement allowance
 37 under section 411.6, subsection 6. Cities may ~~provide~~
 38 fund the cost of the hospital, nursing, and medical
 39 attention required by this section through the
 40 purchase of insurance, by self-insuring the
 41 obligation, or through payment of moneys into a local
 42 government risk pool established for the purpose of
 43 covering the costs associated with the requirements of
 44 this section. However, the cost of the hospital,
 45 nursing, and medical attention required by this
 46 section shall not be funded through an employee-paid
 47 health insurance policy. The cost of ~~providing~~ the
 48 hospital, nursing, and medical attention required by
 49 this section shall be paid from moneys held in a trust
 50 and agency fund established pursuant to section 384.6,

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1 or out of the appropriation for the department to
 2 which the injured person belongs or belonged; provided
 3 that any amounts received by the injured person ~~under~~
 4 ~~the workers' compensation law of the state, or from~~

- 5 any other source for such specific purposes, shall be
6 deducted from the amount paid by the city under the
7 provisions of this section."
8 3. By renumbering as necessary.

Jochum of Dubuque offered the following amendment H-8628, to the committee amendment H-8578, filed by her and moved its adoption:

H-8628

- 1 Amend the amendment, H-8578, to Senate File 2424,
2 as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 22 the
4 following:
5 "____. Page 33, by inserting after line 13 the
6 following:
7 "4. The section of this Act enacting section
8 97B.80C, subsection 3, paragraph cc, takes effect
9 January 1, 2009."
10 2. By renumbering as necessary.

Amendment H-8628 was adopted.

Jochum of Dubuque offered the following amendment H-8583, to the committee amendment H-8578, filed by her and moved its adoption:

H-8583

- 1 Amend the amendment, H-8578, to Senate File 2424,
2 as passed by the Senate, as follows:
3 1. Page 1, by striking line 28 and inserting the
4 following: "Cities shall provide".
5 2. Page 1, by striking line 33 and inserting the
6 following: "continue to provide hospital,".

Amendment H-8583 was adopted.

On motion by Jochum of Dubuque, the committee amendment H-8578, as amended, was adopted.

Boal of Polk offered the following amendment H-8626 filed by Boal et al., and moved its adoption:

H-8626

1 Amend Senate File 2424, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "DIVISION I

6 PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,
7 ACCIDENT, AND DISABILITY SYSTEM

8 Section 1. Section 97A.1, subsection 14, Code
9 2007, is amended by striking the subsection.

10 Sec. 2. Section 97A.1, subsection 15, Code 2007,
11 is amended to read as follows:

12 15. "Pensions" shall mean annual payments for life
13 derived from the appropriations provided by the state
14 of Iowa and from contributions of the members which
15 are deposited in the ~~pension accumulation~~ retirement
16 fund. All pensions shall be paid in equal monthly
17 installments.

18 Sec. 3. Section 97A.5, subsections 3 and 4, Code
19 2007, are amended to read as follows:

20 3. COMPENSATION. The trustees shall serve as such
21 without compensation, but they shall be reimbursed
22 from the ~~expense retirement~~ fund for all necessary
23 expenses which they may incur through service on the
24 board.

25 4. RULES. The board of trustees shall, from time
26 to time, establish such rules not inconsistent with
27 this chapter, for the administration of ~~funds the~~
28 system and the retirement fund created by this chapter
29 and as may be necessary or appropriate for the
30 transaction of its business.

31 Sec. 4. Section 97A.5, subsection 6, paragraph a,
32 Code 2007, is amended to read as follows:

33 a. The department of public safety shall keep in
34 convenient form the data necessary for ~~the~~ actuarial
35 valuation of the ~~various funds of the~~ system and for
36 checking the expense of the system. The commissioner
37 of public safety shall keep a record of all the acts
38 and proceedings of the board, which records shall be
39 open to public inspection. The board of trustees
40 shall biennially make a report to the general assembly
41 showing the fiscal transactions of the system for the
42 preceding biennium, the amount of the accumulated cash
43 and securities of the system, and the last balance
44 sheet showing the financial condition of the system by
45 means of an actuarial valuation of the assets and
46 liabilities of the system.

47 Sec. 5. Section 97A.5, subsections 8, 9, 11, and
48 12, Code 2007, are amended to read as follows:

49 8. MEDICAL BOARD. The board of trustees shall
50 designate a single medical provider network as the

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1 ~~medical board to be composed of three physicians who~~
2 for the system. The medical board shall arrange for
3 and pass upon the all medical examinations required
4 under the provisions of this chapter and shall report
5 in writing to the board of trustees, its conclusions
6 and recommendations upon all matters duly referred to
7 it. For examinations required because of disability,
8 a physician from the medical board specializing in
9 occupational medicine, and a second physician
10 specializing in an appropriate field of medicine as
11 determined by the occupational medicine physician,
12 shall pass upon the medical examinations required for
13 disability retirements and shall report to the system
14 in writing their conclusions and recommendations upon
15 all matters referred to the medical board. Each
16 report of a medical examination under section 97A.6,
17 subsections 3 and 5, shall include the medical board's
18 findings in accordance with section 97A.6 as to the
19 extent of the member's physical impairment.

20 9. DUTIES OF ACTUARY. The actuary hired by the
21 board of trustees shall be the technical advisor of
22 the board of trustees on matters regarding the
23 operation of the ~~fund~~ retirement fund created by the
24 ~~provisions of~~ this chapter and shall perform such
25 other duties as are required in connection therewith.

26 11. ACTUARIAL INVESTIGATION. At least once in
27 each two-year period, the actuary hired by the board
28 of trustees shall make an actuarial investigation in
29 the mortality, service, and compensation experience of
30 the members and beneficiaries of the system, and the
31 interest and other earnings on the moneys and other
32 assets of the system, and shall make a valuation of
33 the assets and liabilities of the ~~fund~~ retirement
34 fund of the system, and taking into account the
35 results of the investigation and valuation, the board
36 of trustees shall:

37 ~~a. Adopt~~ adopt for the system, upon recommendation
38 of the system's actuary, such actuarial methods and
39 assumptions, interest rate, and mortality and other
40 tables as shall be deemed necessary;

41 ~~b. Certify the rates of contribution payable by~~
42 ~~the state of Iowa in accordance with section 97A.8 to~~
43 conduct the actuarial valuation of the system.

44 12. ANNUAL ACTUARIAL VALUATION.

45 On the basis of the actuarial methods and
46 assumptions, rate of interest, and tables adopted by
47 the board of trustees, the actuary hired by the board
48 of trustees shall make an annual actuarial valuation

49 of the assets and liabilities of the ~~funds of the~~
50 ~~system~~ retirement fund created by this chapter. As a

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1 result of the annual actuarial valuation, the board of
2 trustees shall certify the rates of contribution
3 payable by the state of Iowa in accordance with
4 section 97A.8.

5 Sec. 6. Section 97A.5, subsection 13, paragraphs
6 b, c, and d, Code 2007, are amended to read as
7 follows:

8 b. The ~~funds~~ retirement fund established in
9 section 97A.8 shall be held in trust for the benefit
10 of the members of the system and the members'
11 beneficiaries. No part of the corpus or income of the
12 ~~funds~~ retirement fund shall be used for, or diverted
13 to, purposes other than for the exclusive benefit of
14 the members or the members' beneficiaries or for
15 expenses incurred in the operation of the ~~funds~~
16 retirement fund. A person shall not have any interest
17 in, or right to, any part of the corpus or income of
18 the ~~funds~~ retirement fund except as otherwise
19 expressly provided.

20 c. Notwithstanding any provision of this chapter
21 to the contrary, in the event of a complete
22 discontinuance of contributions, for reasons other
23 than achieving fully funded status upon an actuarially
24 determined basis, or upon termination of the ~~funds~~
25 retirement fund established in section 97A.8, a member
26 shall be vested, to the extent then funded, in the
27 benefits which the member has accrued at the date of
28 the discontinuance or termination.

29 d. Benefits payable from the ~~funds~~ retirement fund
30 established in section 97A.8 to members and members'
31 beneficiaries shall not be increased due to
32 forfeitures from other members. Forfeitures shall be
33 used as soon as possible to reduce future
34 contributions by the state to the ~~pension accumulation~~
35 retirement fund, except that the rate shall not be
36 less than the minimum rate established in section
37 97A.8.

38 Sec. 7. Section 97A.5, subsection 14, Code 2007,
39 is amended to read as follows:

40 14. INVESTMENT CONTRACTS. The board of trustees
41 may execute contracts and agreements with investment
42 advisors, consultants, and investment management and
43 benefit consultant firms in the administration of the
44 ~~funds~~ retirement fund established in section 97A.8.

45 Sec. 8. Section 97A.6, subsection 7, Code 2007, is
46 amended by adding the following new paragraph:

47 NEW PARAGRAPH. d. Should a disability beneficiary

48 under age fifty-five be employed in a public safety
49 occupation, the disability beneficiary's retirement
50 allowance shall cease. Notwithstanding any provision

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1 of this chapter to the contrary, if a disability
2 beneficiary is employed in a public safety occupation
3 that would otherwise constitute membership service,
4 the disability beneficiary shall not become a member
5 of the system. For purposes of this paragraph,
6 "public safety occupation" means a peace officer, as
7 defined in section 97A.1; a protection occupation, as
8 defined in section 97B.49B; a sheriff or deputy
9 sheriff as defined in section 97B.49C; and a police
10 officer or fire fighter as defined in section 411.1,
11 who was not restored to active service as provided by
12 this subsection.

13 Sec. 9. Section 97A.6, subsection 11, Code 2007,
14 is amended to read as follows:

15 11. PENSIONS OFFSET BY COMPENSATION BENEFITS. Any
16 amounts which may be paid or payable by the state
17 under the provisions of any workers' compensation or
18 similar law to a member or to the dependents of a
19 member on account of any disability or death, shall be
20 offset against and payable in lieu of any benefits
21 payable out of ~~funds~~ the retirement fund provided by
22 the state under the provisions of this chapter on
23 account of the same disability or death. In case the
24 present value of the total commuted benefits under
25 said workers' compensation or similar law is less than
26 the ~~pension reserve on~~ present value of the benefits
27 otherwise payable from ~~funds~~ the retirement fund
28 provided by the state under this chapter, then the
29 present value of the commuted payments shall be
30 deducted from the pension ~~reserve payable~~ and such
31 benefits as may be provided by the ~~pension reserve~~
32 system so reduced shall be payable under the
33 provisions of this chapter.

34 Sec. 10. Section 97A.7, subsections 1, 2, and 3,
35 Code Supplement 2007, are amended to read as follows:

36 1. The board of trustees shall be the trustees of
37 the ~~several funds~~ retirement fund created by this
38 chapter as provided in section 97A.8 and shall have
39 full power to invest and reinvest ~~such~~ funds subject
40 to the terms, conditions, limitations, and
41 restrictions imposed by subsection 2 of this section
42 and chapter 12F, and subject to like terms,
43 conditions, limitations, and restrictions said
44 trustees shall have full power to hold, purchase,
45 sell, assign, transfer, or dispose of any of the

46 securities and investments ~~in which any of the funds~~
47 ~~created herein shall~~ retirement fund which have been
48 invested, as well as of the proceeds of said
49 investments and any moneys belonging to ~~said funds the~~
50 retirement fund. The board of trustees may authorize

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1 the treasurer of state to exercise any of the duties
2 of this section. When so authorized the treasurer of
3 state shall report any transactions to the board of
4 trustees at its next monthly meeting.

5 2. The ~~several funds~~ retirement fund created by
6 this chapter may be invested in any investments
7 authorized for the Iowa public employees' retirement
8 system in section 97B.7A.

9 3. The treasurer of the state shall be the
10 custodian of the ~~several funds~~ retirement fund. All
11 payments from ~~said funds the retirement fund~~ shall be
12 made by the treasurer only upon vouchers signed by two
13 persons designated by the board of trustees. A duly
14 attested copy of the resolution of the board of
15 trustees designating such persons and bearing on its
16 face specimen signatures of such persons shall be
17 filed with the treasurer of state as the treasurer's
18 authority for making payments on such vouchers. No
19 voucher shall be drawn unless it shall previously have
20 been allowed by resolution of the board of trustees.

21 Sec. 11. Section 97A.8, Code 2007, is amended to
22 read as follows:

23 97A.8 METHOD OF FINANCING.

24 There is hereby created as a special fund, separate
25 and apart from all other public moneys or funds of
26 this state, the peace officers' retirement, accident,
27 and disability system retirement fund, hereafter
28 called the "retirement fund". All the assets of the
29 system created and established by this chapter shall
30 be credited according to the purpose for which they
31 are held to one of three funds, namely, the pension
32 accumulation fund, the pension reserve fund, and the
33 expense to the retirement fund.

34 1. PENSION ACCUMULATION FUND. ~~The pension~~
35 ~~accumulation fund shall be the fund in which shall be~~
36 ~~accumulated all~~ All moneys for the payment of all
37 pensions and other benefits payable from contributions
38 made by the state and from which shall be paid the
39 lump-sum death benefits for all members payable from
40 the said contributions shall be accumulated in the
41 retirement fund. The refunds and benefits for all
42 members and beneficiaries shall be payable from the
43 retirement fund. Contributions to and payments from
44 the ~~pension accumulation~~ retirement fund shall be as

45 follows:

46 a. On account of each member there shall be paid
 47 annually into the ~~pension accumulation~~ retirement fund
 48 by the state of Iowa an amount equal to a certain
 49 percentage of the earnable compensation of the member
 50 to be known as the "normal contribution". The rate

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1 percent of such contribution shall be fixed on the
 2 basis of the liabilities of the retirement system as
 3 shown by annual actuarial valuations.
 4 b. (1) On the basis of the actuarial methods and
 5 assumptions, rate of interest, and of the mortality,
 6 interest, and other tables adopted by the board of
 7 trustees, the board of trustees, upon the advice of
 8 the actuary hired by the board for that purpose, shall
 9 make each valuation required by this chapter pursuant
 10 to the requirements of section 97A.5 and shall
 11 immediately after making such valuation, determine the
 12 "normal contribution rate". The normal contribution
 13 rate shall be the rate percent of the earnable
 14 compensation of all members obtained by deducting from
 15 the total liabilities of the fund the sum of the
 16 amount of the funds in hand to the credit of the fund
 17 and dividing the remainder by one percent of the
 18 present value of the prospective future compensation
 19 of all members as computed on the basis of the rate of
 20 interest and of mortality and service tables adopted
 21 by the board of trustees, all equal to the rate
 22 required by the system to discharge its liabilities,
 23 stated as a percentage of the earnable compensation of
 24 all members, and reduced by the employee contribution
 25 made pursuant to rate provided in this subsection.
 26 However, the normal rate of contribution shall not be
 27 less than seventeen percent. ~~The normal rate of~~
 28 ~~contribution shall be determined by the board of~~
 29 ~~trustees after each valuation. To assist in~~
 30 ~~determining the normal rate of contribution, the board~~
 31 ~~of trustees may adopt a smoothing method for valuing~~
 32 ~~the assets of the system. The smoothing method is~~
 33 ~~designed to reduce changes in the normal contribution~~
 34 ~~rate which could result from fluctuations in the~~
 35 ~~market value of the assets of the system.~~
 36 (2) Notwithstanding the provisions of subparagraph
 37 (1) to the contrary, the normal contribution rate
 38 shall be as follows:
 39 (a) For the fiscal year beginning July 1, 2008,
 40 nineteen percent.
 41 (b) For the fiscal year beginning July 1, 2009,

42 twenty-one percent.
43 (c) For the fiscal year beginning July 1, 2010,
44 twenty-three percent.
45 (d) For the fiscal year beginning July 1, 2011,
46 twenty-five percent.
47 (e) For each fiscal year beginning on or after
48 July 1, 2012, the lesser of twenty-seven percent or
49 the normal contribution rate as calculated pursuant to
50 subparagraph (1).

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1 c. The total amount payable in each year to the
2 ~~pension accumulation~~ retirement fund shall not be less
3 than the rate percent known as the normal contribution
4 rate of the total compensation earnable by all members
5 during the year. However, the aggregate payment by
6 the state shall be sufficient when combined with the
7 amount in the retirement fund to provide the pensions
8 and other benefits payable out of the retirement fund
9 during the then current year.

10 d. All lump-sum death benefits on account of death
11 in active service payable from contributions of the
12 state shall be paid from the ~~pension accumulation~~
13 retirement fund.

14 ~~e. Upon the retirement or death of a member an~~
15 ~~amount equal to the pension reserve on any pension~~
16 ~~payable to the member or on account of the member's~~
17 ~~death shall be transferred from the pension~~
18 ~~accumulation fund to the pension reserve fund.~~

19 ~~f. e.~~ Except as otherwise provided in paragraph
20 ~~"h"~~ "g":

21 (1) An amount equal to three and one-tenth percent
22 of each member's compensation from the earnable
23 compensation of the member shall be paid to the
24 ~~pension accumulation~~ retirement fund for the fiscal
25 year beginning July 1, 1989.

26 (2) An amount equal to four and one-tenth percent
27 of each member's compensation from the earnable
28 compensation of the member shall be paid to the
29 ~~pension accumulation~~ retirement fund for the fiscal
30 year beginning July 1, 1990.

31 (3) An amount equal to five and one-tenth percent
32 of each member's compensation from the earnable
33 compensation of the member shall be paid to the
34 ~~pension accumulation~~ retirement fund for the fiscal
35 year beginning July 1, 1991.

36 (4) An amount equal to six and one-tenth percent
37 of each member's compensation from the earnable
38 compensation of the member shall be paid to the

39 ~~pension accumulation retirement~~ fund for the fiscal
40 year beginning July 1, 1992.

41 (5) An amount equal to seven and one-tenth percent
42 of each member's compensation from the earnable
43 compensation of the member shall be paid to the
44 ~~pension accumulation retirement~~ fund for the fiscal
45 year beginning July 1, 1993.

46 (6) An amount equal to eight and one-tenth percent
47 of each member's compensation from the earnable
48 compensation of the member shall be paid to the
49 ~~pension accumulation retirement~~ fund for the fiscal
50 period beginning July 1, 1994, through December 31,

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1 1994, and an amount equal to eight and thirty-five
2 hundredths percent of each member's compensation from
3 the earnable compensation of the member shall be paid
4 to the ~~pension accumulation retirement~~ fund for the
5 fiscal period beginning January 1, 1995, through June
6 30, 1995.

7 (7) An amount equal to nine and thirty-five
8 hundredths percent of each member's compensation from
9 the earnable compensation of the member shall be paid
10 to the ~~pension accumulation retirement~~ fund for the
11 fiscal year beginning July 1, 1995.

12 (8) Notwithstanding any other provision of this
13 chapter, beginning July 1, 1996, and each fiscal year
14 thereafter, an amount equal to the member's
15 contribution rate times each member's compensation
16 shall be paid to the ~~pension accumulation retirement~~
17 fund from the earnable compensation of the member.
18 For the purposes of this subparagraph, the member's
19 contribution rate shall be nine and thirty-five
20 hundredths percent. However, the system shall
21 increase the member's contribution rate as necessary
22 to cover any increase in cost to the system resulting
23 from statutory changes which are enacted by any
24 session of the general assembly meeting after January
25 1, 1995, if the increase cannot be absorbed within the
26 contribution rates otherwise established pursuant to
27 this paragraph, but subject to a maximum employee
28 contribution rate of eleven and three-tenths percent.
29 After the employee contribution reaches eleven and
30 three-tenths percent, sixty percent of the additional
31 cost of such statutory changes shall be paid by the
32 employer under paragraph "c" and forty percent of the
33 additional cost shall be paid by employees under this
34 ~~paragraph~~ subparagraph (8).

35 ~~§~~ § The board of trustees shall certify to the

36 director of the department of administrative services
37 and the director of the department of administrative
38 services shall cause to be deducted from the earnable
39 compensation of each member the contribution required
40 under this subsection and shall forward the
41 contributions to the board of trustees for recording
42 and for deposit in the ~~pension accumulation~~ retirement
43 fund.

44 The deductions provided for under this subsection
45 shall be made notwithstanding that the minimum
46 compensation provided by law for any member is
47 reduced. Every member is deemed to consent to the
48 deductions made under this section.

49 ~~h. g.~~ Notwithstanding the provisions of paragraph
50 ~~"f"~~ "e", the following transition percentages apply to

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1 members' contributions as specified:

2 (1) For members who on July 1, 1990, have attained
3 the age of forty-nine years or more, an amount equal
4 to nine and one-tenth percent of each member's
5 compensation from the earnable compensation of the
6 member shall be paid to the ~~pension accumulation~~
7 retirement fund for the fiscal period beginning July
8 1, 1990, through October 15, 1992, and commencing
9 October 16, 1992, and for each subsequent fiscal
10 period, the rates specified in paragraph ~~"f"~~ "e",
11 subparagraphs (4) through (8), shall apply.

12 (2) For members who on July 1, 1990, have attained
13 the age of forty-eight years but have not attained the
14 age of forty-nine years, an amount equal to eight and
15 one-tenth percent shall be paid for the fiscal year
16 beginning July 1, 1990, and an amount equal to nine
17 and one-tenth percent shall be paid for the fiscal
18 period beginning July 1, 1991, through October 15,
19 1992, and commencing October 16, 1992, and for each
20 subsequent fiscal period, the rates specified in
21 paragraph ~~"f"~~ "e", subparagraphs (4) through (8),
22 shall apply.

23 (3) For members who on July 1, 1990, have attained
24 the age of forty-seven years but have not attained the
25 age of forty-eight years, an amount equal to seven and
26 one-tenth percent shall be paid for the fiscal year
27 beginning July 1, 1990, an amount equal to eight and
28 one-tenth percent shall be paid for the fiscal year
29 beginning July 1, 1991, and an amount equal to nine
30 and one-tenth percent shall be paid for the fiscal
31 period beginning July 1, 1992, through October 15,
32 1992, and commencing October 16, 1992, and for each

33 subsequent fiscal period, the rates specified in
 34 paragraph "~~f~~" "e", subparagraphs (4) through (8),
 35 shall apply.

36 (4) For members who on July 1, 1990, have attained
 37 the age of forty-six years but have not attained the
 38 age of forty-seven years, an amount equal to six and
 39 one-tenth percent shall be paid for the fiscal year
 40 beginning July 1, 1990, an amount equal to seven and
 41 one-tenth percent shall be paid for the fiscal year
 42 beginning July 1, 1991, an amount equal to eight and
 43 one-tenth percent shall be paid for the fiscal period
 44 beginning July 1, 1992, through October 15, 1992, and
 45 commencing October 16, 1992, and for each subsequent
 46 fiscal period, the rates specified in paragraph "~~f~~"
 47 "e", subparagraphs (4) through (8), shall apply.

48 (5) For members who on July 1, 1990, have attained
 49 the age of forty-five years but have not attained the
 50 age of forty-six years, an amount equal to five and

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1 one-tenth percent shall be paid for the fiscal year
 2 beginning July 1, 1990, an amount equal to six and
 3 one-tenth percent shall be paid for the fiscal year
 4 beginning July 1, 1991, and an amount equal to seven
 5 and one-tenth percent shall be paid for the fiscal
 6 period beginning July 1, 1992, through October 15,
 7 1992. Commencing October 16, 1992, and for each
 8 subsequent fiscal period, the rates specified in
 9 paragraph "~~f~~" "e", subparagraphs (4) through (8),
 10 shall apply.

11 ~~h~~ h. (1) Notwithstanding paragraph "~~g~~" "f" or
 12 other provisions of this chapter, beginning January 1,
 13 1995, for federal income tax purposes, and beginning
 14 January 1, 1999, for state income tax purposes, member
 15 contributions required under paragraph "~~f~~" "e" or "~~h~~"
 16 "g" which are picked up by the department shall be
 17 considered employer contributions for federal and
 18 state income tax purposes, and the department shall
 19 pick up the member contributions to be made under
 20 paragraph "~~f~~" "e" or "~~h~~" "g" by its employees. The
 21 department shall pick up these contributions by
 22 reducing the salary of each of its employees covered
 23 by this chapter by the amount which each employee is
 24 required to contribute under paragraph "~~f~~" "e" or "~~h~~"
 25 "g" and shall certify the amount picked up in lieu of
 26 the member contributions to the department of
 27 administrative services. The department of
 28 administrative services shall forward the amount of
 29 the contributions picked up to the board of trustees

30 for recording and deposit in the ~~pension accumulation~~
31 retirement fund.

32 (2) Member contributions picked up by the
33 department under subparagraph (1) shall be treated as
34 employer contributions for federal and state income
35 tax purposes only and for all other purposes of this
36 chapter shall be treated as employee contributions and
37 deemed part of the employee's earnable compensation or
38 salary.

39 ~~2. PENSION RESERVE FUND. The pension reserve fund~~
40 ~~shall be the fund in which shall be held the reserves~~
41 ~~on all pensions granted to members or to their~~
42 ~~beneficiaries and from which such pensions and~~
43 ~~benefits in lieu thereof shall be paid. Should a~~
44 ~~beneficiary retired on account of disability be~~
45 ~~restored to active service and again become a member~~
46 ~~of the system, the member's pension reserve shall be~~
47 ~~transferred from the pension reserve fund to the~~
48 ~~pension accumulation fund. Should the pension of a~~
49 ~~disability beneficiary be reduced as a result of an~~
50 ~~increase in the beneficiary's amount earned, the~~

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1 ~~amount of the annual reduction in the beneficiary's~~
2 ~~pension shall be paid annually into the pension~~
3 ~~accumulation fund during the period of such reduction.~~

4 ~~3. 2. a. EXPENSE FUND. The expense fund shall~~
5 ~~be the fund to which shall be credited all money~~
6 ~~provided by the state of Iowa to pay the~~
7 ~~administration expenses of the system and from which~~
8 ~~shall be paid all All the expenses necessary in~~
9 ~~connection with the administration and operation of~~
10 ~~the system shall be paid from the retirement fund.~~
11 ~~Biennially the board of trustees shall estimate the~~
12 ~~amount of money necessary to be paid into the expense~~
13 ~~fund during the ensuing biennium to provide for the~~
14 ~~expense of operation of the system. Investment~~
15 ~~management expenses shall be charged to the investment~~
16 ~~income of the system and there is appropriated from~~
17 ~~the system an amount required for the investment~~
18 ~~management expenses. The board of trustees shall~~
19 ~~report the investment management expenses for the~~
20 ~~fiscal year as a percent of the market value of the~~
21 ~~system.~~

22 ~~b.~~ For purposes of this subsection, investment
23 management expenses are limited to the following:

24 ~~a. (1)~~ Fees for investment advisors, consultants,
25 and investment management and benefit consultant firms
26 hired by the board of trustees in administering this
27 chapter.

28 ~~b. (2)~~ Fees and costs for safekeeping fund

29 assets.

30 ~~e.~~ (3) Costs for performance and compliance
 31 monitoring, and accounting for fund investments.
 32 ~~d.~~ (4) Any other costs necessary to prudently
 33 invest or protect the assets of the fund.

34 Sec. 12. Section 97A.11, Code 2007, is amended to
 35 read as follows:

36 97A.11 CONTRIBUTIONS BY THE STATE.

37 On or before the first day of November in each
 38 year, the board of trustees shall certify to the
 39 director of the department of administrative services
 40 the amounts which will become due and payable during
 41 the year next following to the ~~pension accumulation~~
 42 retirement fund and the expense fund. The amounts so
 43 certified shall be paid by the director of the
 44 department of administrative services out of the funds
 45 appropriated for the Iowa department of public safety,
 46 to the treasurer of state, the same to be credited to
 47 the system for the ensuing year.

48 Sec. 13. Section 97A.12, Code 2007, is amended to
 49 read as follows:

50 97A.12 EXEMPTION FROM EXECUTION AND OTHER PROCESS

Page 12

1 OR ASSIGNMENT – EXCEPTIONS.

2 The right of any person to a pension, annuity, or
 3 retirement allowance, to the return of contributions,
 4 the pension, annuity, or retirement allowance itself,
 5 any optional benefit or death benefit, any other right
 6 accrued or accruing to any person under this chapter,
 7 and the moneys in the ~~various funds~~ retirement fund
 8 created under this chapter, are not subject to
 9 execution, garnishment, attachment, or any other
 10 process whatsoever, and are unassignable except for
 11 the purposes of enforcing child, spousal, or medical
 12 support obligations or marital property orders, or as
 13 otherwise specifically provided in this chapter. For
 14 the purposes of enforcing child, spousal, or medical
 15 support obligations, the garnishment or attachment of
 16 or the execution against compensation due a person
 17 under this chapter shall not exceed the amount
 18 specified in 15 U.S.C. } 1673(b).

19 Sec. 14. Section 97A.14, Code 2007, is amended to
 20 read as follows:

21 97A.14 HOSPITALIZATION AND MEDICAL ATTENTION.

22 The board of trustees shall provide hospital,
 23 nursing, and medical attention for the members in
 24 service when injured while in the performance of their
 25 duties and shall continue to provide hospital,

26 nursing, and medical attention for injuries or
 27 diseases incurred while in the performance of their
 28 duties for the members receiving a retirement
 29 allowance under section 97A.6, subsection 6. The cost
 30 of hospital, nursing, and medical attention shall be
 31 paid out of the ~~expense retirement~~ fund. However, any
 32 amounts received by the injured person under the
 33 workers' compensation law of the state, or from any
 34 other source for such specific purposes, shall be
 35 deducted from the amount paid by the board of trustees
 36 provisions of this section.

37 Sec. 15. Section 97A.14A, subsection 5, Code 2007,
 38 is amended to read as follows:

39 5. All funds recovered by the system under this
 40 section shall be deposited in the ~~pension accumulation~~
 41 ~~retirement~~ fund created in section 97A.8.

42 Sec. 16. Section 97A.15, subsection 2, paragraph
 43 a, Code 2007, is amended to read as follows:

44 a. "Accumulated contributions" means the sum of
 45 all amounts deducted from the compensation of a member
 46 and credited to the member's individual account in the
 47 annuity savings fund together with regular interest
 48 thereon as provided in this subsection. Accumulated
 49 contributions do not include any amount deducted from
 50 the compensation of a member and credited to the

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1 ~~pension accumulation retirement~~ fund.

2 Sec. 17. Section 97A.15, subsection 8, Code 2007,
 3 is amended to read as follows:

4 8. The actuary shall annually determine the amount
 5 required in the annuity reserve fund. If the amount
 6 required is less than the amount in the annuity
 7 reserve fund, the board of trustees shall transfer the
 8 excess funds from the annuity reserve fund to the
 9 ~~pension accumulation retirement~~ fund. If the amount
 10 required is more than the amount in the annuity
 11 reserve fund, the board of trustees shall transfer the
 12 amount prescribed by the actuary to the annuity
 13 reserve fund from the ~~pension accumulation retirement~~
 14 fund.

15 DIVISION II

16 IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

17 Sec. 18. Section 97B.1A, subsection 20, paragraph
 18 a, Code 2007, is amended to read as follows:

19 a. Service in the armed forces of the United
 20 States, if the employee was employed by a covered
 21 employer immediately prior to entry into the armed
 22 forces, and if ~~the~~ any of the following requirements
 23 are met:

24 (1) The employee was released from service and

25 returns to covered employment with an employer within
 26 twelve months of the date on which the employee has
 27 the right of release from service or within a longer
 28 period as required by the applicable laws of the
 29 United States.

30 (2) The employee, while serving on active duty in
 31 the armed forces of the United States in an area
 32 designated by the president of the United States or
 33 the United States Congress as a combat zone or as a
 34 qualified hazardous duty area, or deployed outside the
 35 United States away from the individual's permanent
 36 duty station while participating in an operation
 37 designated by the United States secretary of defense
 38 as a contingency operation as defined in 10 U.S.C. §
 39 101(a)(13), or which became such a contingency
 40 operation by the operation of law, dies, or suffers an
 41 injury or acquires a disease resulting in death, so
 42 long as the death from the injury or disease occurs
 43 within a two-year period from the date the employee
 44 suffered the active duty injury or disease and the
 45 active duty injury or disease prevented the employee
 46 from returning to covered employment as provided in
 47 subparagraph (1).

48 Sec. 19. Section 97B.1A, subsection 26, paragraph
 49 a, subparagraph (2), subparagraph subdivision (i),
 50 Code 2007, is amended to read as follows:

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1 (i) Payments for allowances ~~made to an employee~~
 2 ~~that are not included in an employee's federal taxable~~
 3 ~~income~~ except for those allowances included as wages
 4 for a member of the general assembly.

5 Sec. 20. Section 97B.1A, subsection 26, paragraph
 6 a, subparagraph (2), Code 2007, is amended by adding
 7 the following new subparagraph subdivision:

8 NEW SUBPARAGRAPH SUBDIVISION. (n) Bonuses of any
 9 type, whether paid in a lump sum or in installments.

10 Sec. 21. Section 97B.4, subsection 2, Code
 11 Supplement 2007, is amended by adding the following
 12 new paragraph:

13 NEW PARAGRAPH. d. In administering this chapter,
 14 the system shall not be a participating agency for
 15 purposes of chapter 8A, subchapter II.

16 Sec. 22. Section 97B.9, subsections 1 and 2, Code
 17 2007, are amended to read as follows:

18 1. An employer shall be charged the greater of ~~ten~~
 19 twenty dollars per occurrence or interest at the
 20 combined interest and dividend rate required under
 21 section 97B.70 for the applicable calendar year for
 22 contributions unpaid on the date on which they are due
 23 and payable as prescribed by the system. The system

24 may adopt rules prescribing circumstances for which
 25 the interest or charge shall not accrue with respect
 26 to contributions required. Interest or charges
 27 collected pursuant to this section shall be paid into
 28 the Iowa public employees' retirement fund.

29 2. If within thirty days after due notice the
 30 employer defaults in payment of contributions or
 31 interest thereon, the amount due ~~shall~~ may be
 32 collected by civil action in the name of the system,
 33 and the employer adjudged in default shall pay the
 34 costs of such action. Civil actions brought under
 35 this section to collect contributions or interest
 36 thereon shall be heard by the court at the earliest
 37 possible date and shall be entitled to preference upon
 38 the calendar of the court over all other civil
 39 actions.

40 Sec. 23. Section 97B.10, subsection 3, Code 2007,
 41 is amended to read as follows:

42 3. ~~Except as provided in this subsection, interest~~
 43 Interest shall not be paid on credits issued pursuant
 44 to this section. However, ~~if a credit for~~
 45 ~~contributions paid prior to an individual's decision~~
 46 ~~to elect out of coverage pursuant to section 97B.42A~~
 47 ~~is issued, accumulated interest and interest on~~
 48 ~~dividends as provided in section 97B.70 shall apply.~~
 49 ~~In addition,~~ the system may, at any time, apply
 50 accumulated interest and interest dividends as

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1 provided in section 97B.70 on any credits issued under
 2 this section if the system finds that the crediting of
 3 interest is just and equitable.

4 Sec. 24. Section 97B.14, Code 2007, is amended to
 5 read as follows:

6 97B.14 CONTRIBUTIONS FORWARDED.

7 Contributions deducted from the wages of the member
 8 under section 97B.11 prior to January 1, 1995, member
 9 contributions picked up by the employer under section
 10 97B.11A beginning January 1, 1995, and the employer's
 11 contribution shall be forwarded to the system for
 12 recording and deposited with the treasurer of the
 13 state to the credit of the Iowa public employees'
 14 retirement fund. Contributions shall be remitted
 15 monthly, ~~if total contributions by both employee and~~
 16 ~~employer amount to one hundred dollars or more each~~
 17 ~~month,~~ and shall be otherwise paid in such manner, at
 18 such times, and under such conditions, either by
 19 copies of payrolls or other methods necessary or
 20 helpful in securing proper identification of the
 21 member, as may be prescribed by the system.

22 Sec. 25. Section 97B.33, Code 2007, is amended to

23 read as follows:

24 97B.33 ~~CERTIFICATION TO DIRECTOR, PAYMENT TO~~
25 ~~INDIVIDUALS.~~

26 Upon final decision of the system, or upon final
27 judgment of any court of competent jurisdiction, that
28 any person is entitled to any payment or payments
29 under this chapter, the system shall ~~certify to the~~
30 ~~director of the department of administrative services~~
31 ~~the name and address of the person so entitled to~~
32 ~~receive such payment or payments, the amount of such~~
33 ~~payment or payments, and the time at which such~~
34 ~~payment or payments should be made, and the system,~~
35 ~~through the director of the department of~~
36 ~~administrative services, shall make payment in~~
37 ~~accordance with the certification of the system to the~~
38 ~~person,~~ provided that where judicial review of the
39 ~~system system's~~ decision is or may be sought in
40 accordance with the terms of the Iowa administrative
41 procedure Act, chapter 17A, certification of payment
42 may be withheld pending such review. ~~The director of~~
43 ~~the department of administrative services shall not be~~
44 ~~held personally liable for any payment or payments~~
45 ~~made in accordance with a certification by the system.~~

46 Sec. 26, Section 97B.34A, subsections 1 and 2,
47 Code 2007, are amended to read as follows:

48 1. If the total sum to be paid to the minor is
49 less than ~~ten the greater of twenty-five~~ thousand
50 dollars or the maximum amount permitted under section

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1 565B.7, subsection 3, the funds may be paid to an
2 adult as custodian for the minor. The custodian must
3 complete the proper forms as determined by the system.

4 2. If the total sum to be paid to the minor is
5 equal to or more than ~~ten thousand dollars~~ the amount
6 authorized in subsection 1, the funds must be paid to
7 a court-established conservator. The system shall not
8 make payment until the conservatorship has been
9 established and the system has received the
10 appropriate documentation.

11 Sec. 27, Section 97B.38, Code 2007, is amended to
12 read as follows:

13 97B.38 FEES FOR SERVICES.

14 The system may, by rule, prescribe reasonable fees
15 which may be charged for ~~production~~ costs incurred,
16 including staff time and materials, ~~associated with~~
17 ~~performing to perform~~ its duties under this chapter
18 for active, inactive, and retired members,
19 beneficiaries, and the general public, where such
20 ~~production costs are more than de minimis, as~~
21 ~~determined by the system.~~

22 Sec. 28. Section 97B.49B, subsection 1, paragraph
23 e, Code 2007, is amended by adding the following new
24 subparagraphs:

25 NEW SUBPARAGRAPH. (9) A jailer or detention
26 officer who performs duties as a jailer, including but
27 not limited to the transportation of inmates, who is
28 certified as having completed jailer training pursuant
29 to chapter 80B, and who is employed by a county as a
30 jailer.

31 NEW SUBPARAGRAPH. (10) An employee covered by the
32 merit system as provided in chapter 8A, subchapter IV,
33 whose primary duty is providing security at Iowa
34 national guard installations and facilities and who
35 carries or is licensed to carry a firearm while
36 performing those duties.

37 NEW SUBPARAGRAPH. (11) An emergency medical care
38 provider who provides emergency medical services, as
39 defined in section 147A.1, and who is not a member of
40 the retirement systems established in chapter 410 or
41 411.

42 NEW SUBPARAGRAPH. (12) An investigator employed
43 by a county attorney's office who is a certified law
44 enforcement officer and who is deputized as an
45 investigator for the county attorney's office by the
46 sheriff of the applicable county.

47 Sec. 29. Section 97B.49F, subsection 1, paragraph
48 b, subparagraph (2), subparagraph subdivision (b),
49 Code 2007, is amended to read as follows:

50 (b) The percentage representing the percentage

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1 amount the actuary has certified, ~~in the annual~~
2 ~~actuarial valuation of the retirement system as of~~
3 ~~June 30 of the year in which the dividend is to be~~
4 ~~paid~~, that the fund can absorb without requiring an
5 increase in the employer and employee contributions to
6 the fund. The actuary's certification of such
7 percentage amount shall be based on a comparison of
8 the actuarially required contribution rate for the
9 fiscal year of the dividend adjustment to the
10 statutory contribution rate for that same fiscal year.
11 If the actuarially required contribution rate exceeds
12 the statutory contribution rate for that same fiscal
13 year, the percentage amount shall be zero.

14 Sec. 30. Section 97B.49H, subsection 3, Code 2007,
15 is amended to read as follows:

16 3. The system shall annually determine the amount
17 to be credited to the supplemental accounts of active
18 members. The total amount credited to the
19 supplemental accounts of all active members shall not
20 exceed the amount that the system determines, in

21 consultation with the system's actuary, ~~can be~~
 22 ~~absorbed without significantly impacting the funded~~
 23 ~~status of~~ leaves the system fully funded following the
 24 crediting of the total amount to the supplemental
 25 accounts. The amount to be credited shall not be
 26 greater than the amount calculated by multiplying the
 27 member's covered wages for the applicable wage
 28 reporting period by the supplemental rate. For
 29 purposes of this subsection, the supplemental rate is
 30 the difference, if positive, between the combined
 31 employee and employer statutory contribution rates in
 32 effect under section 97B.11 and the normal cost rate
 33 of the retirement system as determined by the system's
 34 actuary in the most recent annual actuarial valuation
 35 of the retirement system. The credits shall be made
 36 at least quarterly to each member's account at the
 37 time that covered wages are reported for each wage
 38 reporting period during the calendar year following a
 39 determination that the retirement system ~~does not have~~
 40 an unfunded accrued liability will remain fully funded
 41 following the crediting of the total amount to the
 42 supplemental accounts. The normal cost rate,
 43 calculated according to the actuarial cost method
 44 used, is the percent of pay allocated to each year of
 45 service that is necessary to fund projected benefits
 46 over all members' service with the retirement system.
 47 Sec. 31. Section 97B.50, subsection 2, Code 2007,
 48 is amended by adding the following new paragraph:
 49 NEW PARAGRAPH. d. For a vested member who retires
 50 from the retirement system due to disability on or

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1 after July 1, 2009, and commences receiving disability
 2 benefits pursuant to the federal Railroad Retirement
 3 Act, 45 U.S.C. § 231 et seq., or the federal Social
 4 Security Act, 42 U.S.C. § 423 et seq., the system may
 5 require the vested member to certify on an annual
 6 basis continued eligibility for disability payments
 7 under the federal Railroad Retirement Act or the
 8 federal Social Security Act. If the vested member is
 9 under the age at which disability benefits are
 10 converted under the federal Social Security Act or the
 11 federal Railroad Retirement Act to retirement benefits
 12 and is no longer eligible for disability payments
 13 under either the federal Railroad Retirement Act or
 14 the federal Social Security Act, the vested member
 15 shall no longer be eligible to receive retirement
 16 benefits as provided by this subsection. If the
 17 system has paid retirement benefits to the member
 18 between the month the member was no longer eligible
 19 for payment pursuant to the federal Railroad

20 Retirement Act or the federal Social Security Act and
21 the month the system terminated retirement benefits
22 under this paragraph, the member shall return all
23 retirement benefits paid by the system following the
24 termination of such federal disability benefits, plus
25 interest. The system shall adopt rules pursuant to
26 chapter 17A to implement this paragraph.

27 Sec. 32. Section 97B.52, subsection 1, paragraph
28 a, unnumbered paragraphs 1 and 3, Code 2007, are
29 amended to read as follows:

30 A lump sum payment equal to the accumulated
31 contributions of the member at the date of death plus
32 the product of an amount equal to the highest year of
33 covered wages of the deceased member and the number of
34 years of membership service divided by the applicable
35 denominator. ~~However, a lump sum payment made to a~~
36 ~~beneficiary under this paragraph due to the death of a~~
37 ~~member shall not be less than the amount that would~~
38 ~~have been payable on the death of the member on June~~
39 ~~30, 1984, under this paragraph as it appeared in the~~
40 ~~1983 Code.~~

41 ~~Effective July 1, 1978, a method of payment under~~
42 ~~this paragraph filed with the system by a member does~~
43 ~~not apply.~~

44 Sec. 33. Section 97B.53B, Code 2007, is amended to
45 read as follows:

46 97B.53B ROLLOVERS OF MEMBERS' ACCOUNTS.

47 1. As used in this section, unless the context
48 otherwise requires, and to the extent permitted by the
49 internal revenue service:

50 a. "Direct rollover" means a payment by the system

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1 to the eligible retirement plan specified by ~~the~~
2 ~~member or the member's surviving spouse an eligible~~
3 ~~person.~~

4 b. "Eligible person" means any of the following:

5 (1) The member.

6 (2) The member's surviving spouse.

7 (3) The member's spouse or former spouse as an
8 alternate payee under a qualified domestic relations
9 order.

10 (4) Effective January 1, 2007, the member's
11 nonspouse beneficiaries who are designated
12 beneficiaries as defined by section 401(a)(9)(E) of
13 the federal Internal Revenue Code, as authorized under
14 section 829 of the federal Pension Protection Act of
15 2006.

16 c. ~~"Eligible retirement plan" means either, for an~~
17 ~~eligible person, any of the following retirement plans~~
18 ~~that accepts can accept an eligible rollover~~

19 distribution from ~~a member or a member's surviving~~
20 ~~spouse that eligible person:~~

21 (1) An individual retirement account in accordance
22 with section 408(a) of the federal Internal Revenue
23 Code.

24 (2) An individual retirement annuity in accordance
25 with section 408(b) of the federal Internal Revenue
26 Code.

27 ~~(3) In addition, an "eligible retirement plan"~~
28 ~~includes an An~~ annuity plan in accordance with section
29 403(a) of the federal Internal Revenue Code, or a
30 qualified trust in accordance with section 401(a) of
31 the federal Internal Revenue Code, that accepts an
32 eligible rollover distribution from a member.

33 (4) Effective January 1, 2002, ~~the term "eligible~~
34 ~~retirement plan" also includes~~ an annuity contract
35 described in section 403(b) of the federal Internal
36 Revenue Code, and an eligible plan under section
37 457(b) of the federal Internal Revenue Code which is
38 maintained by a state, political subdivision of a
39 state, or any agency or instrumentality of a state or
40 political subdivision of a state that chooses to
41 separately account for amounts transferred into such
42 eligible retirement plan from the system.

43 (5) Effective January 1, 2008, a Roth individual
44 retirement account or a Roth individual retirement
45 annuity established under section 408A of the Internal
46 Revenue Code.

47 ~~e. d.~~ (1) "Eligible rollover distribution"
48 includes any of the following:

49 (a) All or any portion of a member's account and
50 supplemental account.

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1 (b) Effective January 1, 2002, after-tax employee
2 contributions, if the plan to which such amounts are
3 to be transferred is an individual retirement account
4 described in federal Internal Revenue Code section
5 408(a) or 408(b), or is a qualified defined
6 contribution plan described in federal Internal
7 Revenue Code section 401(a) or 403(a), and such plan
8 agrees to separately account for the after-tax amount
9 so transferred.

10 ~~(c) A distribution made on behalf of a surviving~~
11 ~~spouse and to an alternate payee, who is a spouse or~~
12 ~~former spouse, under a qualified domestic relations~~
13 ~~order. Effective January 1, 2007, after-tax employee~~
14 contributions to a qualified defined benefit plan
15 described in federal Internal Revenue Code section
16 401(a) or 403(a), or a tax-sheltered annuity plan
17 described in federal Internal Revenue Code section

18 403(b), and such plan agrees to separately account for
 19 the after-tax amount so transferred.

20 (2) An eligible rollover distribution does not
 21 include any of the following:

22 (a) A distribution that is one of a series of
 23 substantially equal periodic payments, which occur
 24 annually or more frequently, made for the life or life
 25 expectancy of the distributee or the joint lives or
 26 joint life expectancies of the distributee and the
 27 distributee's designated beneficiary, or made for a
 28 specified period of ten years or more.

29 (b) A distribution to the extent that the
 30 distribution is required pursuant to section 401(a)(9)
 31 of the federal Internal Revenue Code.

32 (c) Prior to January 1, 2002, the portion of any
 33 distribution that is not includible in the gross
 34 income of the distributee, determined without regard
 35 to the exclusion for net unrealized appreciation with
 36 respect to employer securities.

37 2. ~~Effective January 1, 1993, a member or a~~
 38 ~~member's surviving spouse~~ An eligible person may
 39 elect, at the time and in the manner prescribed in
 40 rules adopted by the system and in rules of the
 41 receiving retirement plan, to have the system pay all
 42 or a portion of an eligible rollover distribution
 43 directly to an eligible retirement plan, ~~specified by~~
 44 ~~the member or the member's surviving spouse~~, in a
 45 direct rollover. However, effective January 1, 2007,
 46 if the eligible person is a nonspouse beneficiary as
 47 described in subsection 1, paragraph "b", subparagraph
 48 (4), the nonspouse beneficiary may only have a direct
 49 rollover of the distribution to an individual
 50 retirement account or annuity as described in

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1 subsection 1, paragraph "c", subparagraphs (1), (2),
 2 and (5), established for the purpose of receiving the
 3 distribution on behalf of the nonspouse beneficiary,
 4 and such individual retirement account or annuity will
 5 be treated as an inherited individual retirement
 6 account or annuity pursuant to section 829 of the
 7 federal Pension Protection Act of 2006.

8 Sec. 34. Section 97B.80C, subsection 1, paragraph
 9 a, Code 2007, is amended to read as follows:

10 a. "Nonqualified service" means ~~service that is~~
 11 ~~not qualified service and includes, but is not limited~~
 12 ~~to,~~ any of the following:

13 (1) ~~Full time volunteer public service in the~~
 14 ~~federal peace corps program.~~ Service that is not
 15 qualified service.

16 (2) Public employment comparable to employment

17 ~~covered under this chapter in a qualified Canadian~~
 18 ~~governmental entity that is an elementary school,~~
 19 ~~secondary school, college, or university that is~~
 20 ~~organized, administered, and primarily supported by~~
 21 ~~the provincial, territorial, or federal governments of~~
 22 ~~Canada, or any combination of the same. Any period of~~
 23 ~~time for which there was no performance of services.~~

24 (3) Service as described in subsection 1,
 25 paragraph "c", subparagraph (2).

26 Sec. 35. Section 97B.80C, subsection 2, Code 2007,
 27 is amended to read as follows:

28 2. a. A vested or retired member may make
 29 contributions to the retirement system to purchase up
 30 to the maximum amount of permissive service credit for
 31 qualified service as determined by the system,
 32 pursuant to Internal Revenue Code section 415(n), ~~and~~
 33 ~~the requirements of this section, and the system's~~
 34 ~~administrative rules.~~

35 b. A vested or retired member of the retirement
 36 system ~~who has five or more full calendar years of~~
 37 ~~covered wages~~ may make contributions to the retirement
 38 system to purchase up to ~~five years a maximum of~~
 39 ~~twenty quarters~~ of permissive service credit for
 40 nonqualified service as determined by the system,
 41 pursuant to Internal Revenue Code section 415(n), ~~and~~
 42 ~~the requirements of this section, and the system's~~
 43 ~~administrative rules. A vested or retired member must~~
 44 ~~have at least twenty quarters of covered wages in~~
 45 ~~order to purchase permissive service credit for~~
 46 ~~nonqualified service.~~

47 c. A vested or retired member may convert regular
 48 member service credit to special service credit by
 49 payment of the amount actuarially determined as
 50 necessary to fund the resulting increase in the

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1 member's accrued benefit. The conversion shall be
 2 treated as a purchase of qualified service credit
 3 subject to the requirements of paragraph "a" if the
 4 service credit to be converted was or would have been
 5 for qualified service. The conversion shall be
 6 treated as a purchase of nonqualified service credit
 7 subject to the requirements of paragraph "b" if the
 8 service credit to be converted was purchased as
 9 nonqualified service credit.

10 Sec. 36. Section 97B.82, subsection 2, paragraph
 11 b, subparagraph (2), subparagraph subdivision (c),
 12 Code 2007, is amended to read as follows:

13 (c) The For rollover service purchases prior to
 14 January 1, 2007, the portion of any distribution that
 15 is not includible in the gross income of the

16 distributee, determined without regard to the
17 exclusion for net unrealized appreciation with respect
18 to employer securities.

19 For rollover service purchases on or after January
20 1, 2007, the portion of any distribution that is not
21 includible in the gross income of the distributee,
22 determined without regard to the exclusion for net
23 unrealized appreciation with respect to employer
24 securities, shall be treated as an eligible rollover
25 distribution only when such portion is received from a
26 qualified plan under section 401(a) or 403(a) of the
27 federal Internal Revenue Code.

28 Sec. 37. Section 97B.82, subsection 3, Code 2007,
29 is amended to read as follows:

30 3. A member may purchase any service credit as
31 authorized by this section, to the extent permitted by
32 the internal revenue service, by means of a direct
33 transfer, ~~excluding of pretax amounts, and effective~~
34 January 1, 2007, any after-tax contributions, from an
35 annuity contract qualified under federal Internal
36 Revenue Code section 403(b), or an eligible plan
37 described in federal Internal Revenue Code section
38 457(b), maintained by a state, political subdivision
39 of a state, or any agency or instrumentality of a
40 state or political subdivision of a state. A direct
41 transfer is a trustee-to-trustee transfer to the
42 retirement system of contributions made to annuity
43 contracts qualified under federal Internal Revenue
44 Code section 403(b) and eligible governmental plans
45 qualified under federal Internal Revenue Code section
46 457(b) for purposes of purchasing service credit in
47 the retirement system.

48 Sec. 38. Section 97B.73B, Code 2007, is repealed.

49 Sec. 39. IMPLEMENTATION PROVISION.

50 Notwithstanding any provision of section 97B.65 to the

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1 contrary, the provisions of this division of this Act
2 shall be enacted and implemented by the Iowa public
3 employees' retirement system upon the effective dates
4 provided for the provisions of this division of this
5 Act.

6 Sec. 40. EFFECTIVE DATES – RETROACTIVE
7 APPLICABILITY.

8 1. The section of this Act amending section
9 97B.53B, being deemed of immediate importance, takes
10 effect upon enactment, and, except as otherwise
11 stated, is retroactively applicable to January 1,
12 2007, and is applicable on and after that date.

13 2. The sections of this Act amending section
 14 97B.82, being deemed of immediate importance, take
 15 effect upon enactment, and are retroactively
 16 applicable to January 1, 2007, and are applicable on
 17 and after that date.

18 DIVISION III

19 STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM

20 Sec. 41. NEW SECTION. 411.10 PURCHASE OF SERVICE
 21 CREDIT FOR MILITARY SERVICE.

22 1. An active member of the system who has been a
 23 member of the retirement system five or more years may
 24 elect to purchase up to five years of service credit
 25 for military service, other than military service
 26 required to be recognized under Internal Revenue Code
 27 section 414(u) or under the federal Uniformed Services
 28 Employment and Reemployment Rights Act, that will be
 29 recognized by the retirement system for purposes of
 30 calculating a member's benefit, pursuant to Internal
 31 Revenue Code section 415(n) and the requirements of
 32 this section.

33 2. a. A member seeking to purchase service credit
 34 pursuant to this section shall file a written
 35 application with the system requesting an actuarial
 36 determination of the cost of a purchase of service
 37 credit. Upon receipt of the cost estimate for the
 38 purchase of service from the system, the member may
 39 make contributions to the system in an amount equal to
 40 the actuarial cost of the service credit purchase.

41 b. For purposes of this subsection, the actuarial
 42 cost of the service credit purchase is an amount
 43 determined by the system in accordance with actuarial
 44 tables, as reported to the system by the system's
 45 actuary, which reflects the actuarial cost necessary
 46 to fund an increased retirement allowance resulting
 47 from the purchase of service credit.

48 3. The system shall ensure that the member, in
 49 exercising an option provided in this section, does
 50 not exceed the amount of annual additions to a

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1 member's account permitted pursuant to section 415 of
 2 the federal Internal Revenue Code.

3 4. The board of trustees shall adopt rules
 4 providing for the implementation and administration of
 5 this section.

6 Sec. 42. Section 411.15, Code 2007, is amended to
 7 read as follows:

8 411.15 HOSPITALIZATION AND MEDICAL ATTENTION.

9 Cities shall provide hospital, nursing, and medical

10 attention for the members of the police and fire
11 departments of the cities, when injured while in the
12 performance of their duties as members of such
13 department, and shall continue to provide hospital,
14 nursing, and medical attention for injuries or
15 diseases incurred while in the performance of their
16 duties for members receiving a retirement allowance
17 under section 411.6, subsection 6. Cities may ~~provide~~
18 fund the cost of the hospital, nursing, and medical
19 attention required by this section through the
20 purchase of insurance, by self-insuring the
21 obligation, or through payment of moneys into a local
22 government risk pool established for the purpose of
23 covering the costs associated with the requirements of
24 this section. However, the cost of the hospital,
25 nursing, and medical attention required by this
26 section shall not be funded through an employee-paid
27 health insurance policy. The cost of ~~providing~~ the
28 hospital, nursing, and medical attention required by
29 this section shall be paid from moneys held in a trust
30 and agency fund established pursuant to section 384.6,
31 or out of the appropriation for the department to
32 which the injured person belongs or belonged; provided
33 that any amounts received by the injured person ~~under~~
34 ~~the workers' compensation law of the state, or from~~
35 any other source for such specific purposes, shall be
36 deducted from the amount paid by the city under the
37 provisions of this section.

38 DIVISION IV

39 JUDICIAL RETIREMENT SYSTEM

40 Sec. 43. Section 602.9104, subsection 1, paragraph
41 b, Code 2007, is amended to read as follows:

42 b. The state shall contribute annually to the
43 judicial retirement fund an amount equal to the
44 state's required contribution for all judges covered
45 under this article. ~~The state's required contribution~~
46 ~~shall be appropriated directly to the judicial~~
47 ~~retirement fund by the general assembly.~~

48 Sec. 44. Section 602.9104, subsection 4,
49 paragraphs b, c, and e, Code 2007, are amended to read
50 as follows:

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1 b. "Fully funded status" means that the most
2 recent actuarial valuation reflects that, ~~using the~~
3 ~~projected unit credit method in accordance with~~
4 ~~generally recognized and accepted actuarial principles~~
5 ~~and practices set forth by the American academy of~~
6 ~~actuaries,~~ the funded status of the system is at least

7 ~~ninety one hundred~~ percent, based upon the benefits
8 provided for judges through the judicial retirement
9 system as of July 1, 2006.

10 c. "Judge's required contribution" means an amount
11 equal to the basic salary of the judge multiplied by
12 the following applicable percentage:

13 (1) For the fiscal year beginning July 1, 2008,
14 and ending June 30, 2009, seven and seven-tenths
15 percent.

16 (2) For the fiscal year beginning July 1, 2009,
17 and ending June 30, 2010, eight and seven-tenths
18 percent.

19 ~~(4) (3)~~ For the fiscal year beginning July 1,
20 ~~2006 2010~~, and for each subsequent fiscal year until
21 the system attains fully funded status, ~~six percent~~
22 ~~multiplied by a fraction equal to the actual~~
23 ~~percentage rate contributed by the state for that~~
24 ~~fiscal year divided by twenty three and seven-tenths~~
25 ~~percent~~ nine and thirty-five hundredths percent.

26 ~~(2) (4)~~ Commencing with the first fiscal year in
27 which the system attains fully funded status, and for
28 each subsequent fiscal year, the percentage rate equal
29 to ~~fifty forty~~ percent of the required contribution
30 rate.

31 e. "State's required contribution" means an amount
32 equal to the basic salary of all judges covered under
33 this article multiplied by the following applicable
34 percentage:

35 (1) For the fiscal year beginning July 1, ~~2006~~
36 ~~2008~~, and for each subsequent fiscal year until the
37 system attains fully funded status, ~~twenty three and~~
38 ~~seven tenths~~ thirty and six-tenths percent.

39 (2) Commencing with the first fiscal year in which
40 the system attains fully funded status, and for each
41 subsequent fiscal year, the percentage rate equal to
42 ~~fifty sixty~~ percent of the required contribution rate.

43 DIVISION V

44 MISCELLANEOUS PROVISIONS

45 Sec. 45. Section 8A.438, Code 2007, is amended by
46 striking the section and inserting in lieu thereof the
47 following:

48 8A.438 TAX-SHELTERED INVESTMENT CONTRACTS.

49 1. The director may establish a tax-sheltered
50 investment program for eligible employees. The

1 director may arrange for the provision of investment
2 vehicles authorized under section 403(b) of the
3 Internal Revenue Code, as defined in section 422.3.

4 The department may offer the tax-sheltered investment
5 program to eligible public employers in the state of
6 Iowa.

7 2. a. A special, separate tax-sheltered
8 investment revolving trust fund is created in the
9 state treasury under the control of the department.
10 The fund shall consist of all moneys deposited in the
11 fund pursuant to this section, any funds received from
12 other entities in the state of Iowa, and interest and
13 earnings thereon. The director is the trustee of the
14 fund and shall administer the fund. Any loss to the
15 fund shall be charged against the fund and the
16 director shall not be personally liable for such loss.

17 b. Moneys in the fund are not subject to section
18 8.33. Notwithstanding section 12C.7, subsection 2,
19 interest or earnings on moneys in the fund shall be
20 credited to the fund.

21 Sec. 46. Section 55.1, unnumbered paragraph 1,
22 Code 2007, is amended to read as follows:

23 A person who is elected to a municipal, county,
24 state, or federal office shall, upon written
25 application to the employer of that person, be granted
26 a leave of absence from regular employment to serve in
27 that office except where prohibited by the federal
28 law. The leave of absence may be granted without pay
29 ~~and, except that if a salaried employee takes leave~~
30 ~~without pay from regular employment for a portion of a~~
31 ~~pay period, the employee's salaried compensation for~~
32 ~~that pay period shall be reduced by the ratio of the~~
33 ~~number of days of leave taken to the total number of~~
34 ~~days in the pay period. The leave of absence shall be~~
35 granted without loss of net credited service and
36 benefits earned. This section shall not be construed
37 to require an employer to pay pension, health or other
38 benefits during the leave of absence to an employee
39 taking a leave of absence under this section.

40 Sec. 47. Section 97C.21, Code 2007, is amended to
41 read as follows:

42 97C.21 VOLUNTARY COVERAGE OF ELECTED OFFICIALS.

43 Notwithstanding any provision of this chapter to
44 the contrary, an employer of elected officials
45 otherwise excluded from the definition of employee as
46 provided in section 97C.2, may, but is not required
47 to, choose to provide benefits to those elected
48 officials as employees as provided by this chapter.
49 Alternatively, the governor may authorize a statewide
50 referendum of the appointed and elected officials of

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1 the state and its political subdivisions on the
2 question of whether to include in or exclude from the
3 definition of employee all such positions. This
4 choice shall be reflected in the federal-state
5 agreement described in section 97C.3, and, if
6 necessary, in this chapter. An employer who is
7 providing benefits to elected officials otherwise
8 excluded from the definition of employee prior to July
9 1, 2002, shall not be deemed to be in an erroneous
10 reporting situation, and corrections for prior federal
11 social security withholdings shall not be required.
12 The implementation of this section shall be subject to
13 the approval of the federal social security
14 administration.

15 Sec. 48. Section 260C.14, subsection 9, Code 2007,
16 is amended by striking the subsection and inserting in
17 lieu thereof the following:

18 9. a. The board may establish a plan, in
19 accordance with section 403(b) of the Internal Revenue
20 Code, as defined in section 422.3, for employees,
21 which plan shall consist of one or more investment
22 contracts, on a group or individual basis, acquired
23 from a company, or a salesperson for that company,
24 that is authorized to do business in this state.

25 b. The selection of investment contracts to be
26 included within the plan established by the board
27 shall be made either pursuant to a competitive bidding
28 process conducted by the board, in coordination with
29 employee organizations representing employees eligible
30 to participate in the plan, or pursuant to an
31 agreement with the department of administrative
32 services to make available investment contracts
33 included in a deferred compensation or similar plan
34 established by the department pursuant to section
35 8A.438, which plan meets the requirements of this
36 subsection. The determination of whether to select
37 investment contracts for the plan pursuant to a
38 competitive bidding process or by agreement with the
39 department of administrative services shall be made by
40 agreement between the board and the employee
41 organizations representing employees eligible to
42 participate in the plan.

43 c. The board may make elective deferrals in
44 accordance with the plan as authorized by an eligible
45 employee for the purpose of making contributions to an
46 investment contract in the plan on behalf of the
47 employee. The deferrals shall be made in the manner
48 which will qualify contributions to the investment

49 contract for the benefits under section 403(b) of the
50 Internal Revenue Code, as defined in section 422.3.

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1 In addition, the board may make nonelective employer
2 contributions to the plan.

3 d. As used in this subsection, unless the context
4 otherwise requires, "investment contract" shall mean a
5 custodial account utilizing mutual funds or an annuity
6 contract which meets the requirements of section
7 403(b) of the Internal Revenue Code, as defined in
8 section 422.3.

9 Sec. 49. Section 273.3, subsection 14, Code 2007,
10 is amended by striking the subsection and inserting in
11 lieu thereof the following:

12 14. a. The board may establish a plan, in
13 accordance with section 403(b) of the Internal Revenue
14 Code, as defined in section 422.3, for employees,
15 which plan shall consist of one or more investment
16 contracts, on a group or individual basis, acquired
17 from a company, or a salesperson for that company,
18 that is authorized to do business in this state.

19 b. The selection of investment contracts to be
20 included within the plan established by the board
21 shall be made either pursuant to a competitive bidding
22 process conducted by the board, in coordination with
23 employee organizations representing employees eligible
24 to participate in the plan, or pursuant to an
25 agreement with the department of administrative
26 services to make available investment contracts
27 included in a deferred compensation or similar plan
28 established by the department pursuant to section
29 8A.438, which plan meets the requirements of this
30 subsection. The determination of whether to select
31 investment contracts for the plan pursuant to a
32 competitive bidding process or by agreement with the
33 department of administrative services shall be made by
34 agreement between the board and the employee
35 organizations representing employees eligible to
36 participate in the plan.

37 c. The board may make elective deferrals in
38 accordance with the plan as authorized by an eligible
39 employee for the purpose of making contributions to
40 the investment contract on behalf of the employee.
41 The deferrals shall be made in the manner which will
42 qualify contributions to the investment contract for
43 the benefits under section 403(b) of the Internal
44 Revenue Code, as defined in section 422.3. In
45 addition, the board may make nonelective employer
46 contributions to the plan.

47 d. As used in this subsection, unless the context

48 otherwise requires, "investment contract" shall mean a
49 custodial account utilizing mutual funds or an annuity
50 contract which meets the requirements of section

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1 403(b) of the Internal Revenue Code, as defined in
2 section 422.3.

3 Sec. 50. Section 294.16, Code 2007, is amended by
4 striking the section and inserting in lieu thereof the
5 following:

6 294.16 INVESTMENT CONTRACTS.

7 1. The school district may establish a plan, in
8 accordance with section 403(b) of the Internal Revenue
9 Code, as defined in section 422.3, for employees,
10 which plan shall consist of one or more investment
11 contracts, on a group or individual basis, acquired
12 from a company, or a salesperson for that company,
13 that is authorized to do business in this state.

14 2. The selection of investment contracts to be
15 included within the plan established by the school
16 district shall be made either pursuant to a
17 competitive bidding process conducted by the school
18 district, in coordination with employee organizations
19 representing employees eligible to participate in the
20 plan, or pursuant to an agreement with the department
21 of administrative services to make available
22 investment contracts included in a deferred
23 compensation or similar plan established by the
24 department pursuant to section 8A.438, which plan
25 meets the requirements of this section. The
26 determination of whether to select investment
27 contracts for the plan pursuant to a competitive
28 bidding process or by agreement with the department of
29 administrative services shall be made by agreement
30 between the school district and the employee
31 organizations representing employees eligible to
32 participate in the plan.

33 3. The school district may make elective deferrals
34 in accordance with the plan as authorized by an
35 eligible employee for the purpose of making
36 contributions to the investment contract on behalf of
37 the employee. The deferrals shall be made in the
38 manner which will qualify contributions to the
39 investment contract for the benefits under section
40 403(b) of the Internal Revenue Code, as defined in
41 section 422.3. In addition, the school district may
42 make nonelective employer contributions to the plan.

43 4. As used in this section, unless the context
44 otherwise requires, "investment contract" shall mean a
45 custodial account utilizing mutual funds or an annuity

46 contract which meets the requirements of section
47 403(b) of the Internal Revenue Code, as defined in
48 section 422.3.
49 Sec. 51. TRANSITION PROVISIONS – INTERNAL REVENUE
50 CODE SECTION 403(b) PLANS. Notwithstanding any

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1 provision of law to the contrary, the investment
2 contracts to be included within a plan established
3 pursuant to section 260C.14, subsection 9, section
4 273.3, subsection 14, or section 294.16, for the
5 period beginning January 1, 2009, and ending December
6 31, 2009, shall be investment contracts selected by
7 the department of administrative services from among
8 the investment contracts included in a deferred
9 compensation or similar plan established by the
10 department of administrative services, which plan
11 meets the requirements of section 403(b) of the
12 Internal Revenue Code, as defined in section 422.3, or
13 shall be from no more than five companies authorized
14 to issue investment contracts as selected by the
15 applicable employer and from no more than three
16 companies authorized to issue investment contracts as
17 selected by, and in the sole discretion of, the
18 employee organizations representing the applicable
19 employer's employees. Selection of companies and
20 investment contracts for a plan shall be made in the
21 best interests of employees eligible to participate in
22 the plan. The determination of whether to select
23 investment contracts for the plan for the period
24 beginning January 1, 2009, and ending December 31,
25 2009, that are included in a deferred compensation or
26 similar plan established by the department of
27 administrative services or that are selected by the
28 applicable employer and the employee organizations
29 representing the applicable employer's employees,
30 shall be made by an agreement entered into by August
31 15, 2008, between the applicable employer and the
32 employee organizations representing the applicable
33 employer's employees eligible to participate in the
34 plan. Applicable employers shall have the authority
35 to take such action as deemed necessary to establish,
36 effective January 1, 2009, an eligible plan pursuant
37 to section 260C.14, subsection 9, section 273.3,
38 subsection 14, or section 294.16.
39 Sec. 52. DEPARTMENT OF ADMINISTRATIVE SERVICES –
40 SELECTION OF INVESTMENT CONTRACT PROVIDERS FOR
41 INTERNAL REVENUE CODE SECTION 403(b) PLANS.
42 1. The department of administrative services shall
43 establish, by January 1, 2010, a plan, as authorized
44 pursuant to section 8A.438 and in accordance with

45 section 403(b) of the Internal Revenue Code, as
46 defined in section 422.3, for employees, which plan
47 shall consist of one or more investment contracts, on
48 a group or individual basis, acquired from a company,
49 or a salesperson for that company, that is authorized
50 to do business in this state, that is eligible to be

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1 utilized as a vendor of investment contracts for plans
2 established pursuant to section 260C.14, subsection 9,
3 section 273.3, subsection 14, or section 294.16.

4 2. The department of administrative services shall
5 determine which vendors will be authorized to
6 participate under the tax-sheltered investment program
7 established by the department pursuant to section
8 8A.438. Employee organizations representing employees
9 and employers participating in the programs authorized
10 under sections 8A.433 and 8A.438 shall be allowed to
11 assist the department in this decision, specific only
12 to the initial competitive bid process that will
13 determine the vendors that will be in the program as
14 of January 1, 2010.

15 3. As used in this section, unless the context
16 otherwise requires, "investment contract" shall mean a
17 custodial account utilizing mutual funds or an annuity
18 contract which meets the requirements of section
19 403(b) of the Internal Revenue Code, as defined in
20 section 422.3.

21 Sec. 53. EFFECTIVE DATE.

22 1. The sections of this division of this Act
23 amending section 260C.14, subsection 9, section 273.3,
24 subsection 14, and section 294.16, take effect January
25 1, 2009.

26 2. The section of this division of this Act,
27 enacting transition provisions relating to plans
28 required to meet requirements for Internal Revenue
29 Code section 403(b) plans, being deemed of immediate
30 importance, takes effect upon enactment."

31 2. By renumbering as necessary.

Roll call was requested by Boal of Polk and Jacobs of Polk.

On the question "Shall amendment H-8626 be adopted?" (H.F.
2424)

The ayes were, 44:

Alons	Anderson	Baudler	Boal
Chambers	Clute	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rasmussen	Rayhons	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wiencek	Windschitl	Worthan

The nays were, 55:

Abdul-Samad	Arnold	Bailey	Bell
Berry	Bukta	Cohoon	Dandekar
Davitt	Foege	Ford	Frevert
Gaskill	Gayman	Heddens	Hunter
Huser	Jacoby	Jochum	Kelley
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Tomenga	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 1:

Roberts

Amendment H-8626 lost.

Baudler of Adair offered the following amendment H-8575 filed by him and moved its adoption:

H-8575

- 1 Amend Senate File 2424, as passed by the Senate, as
- 2 follows:
- 3 1. Page 5, line 14, by inserting after the word
- 4 "death" the following: "except as otherwise provided
- 5 by this subsection".
- 6 2. Page 5, line 22, by inserting after the word
- 7 "chapter." the following: "However, a member
- 8 receiving an accidental disability benefit arising out
- 9 of an injury, disease, or exposure occurring or

10 aggravated on or after July 1, 2000, shall not have
 11 the member's pension offset by amounts payable under
 12 workers' compensation for a permanent partial
 13 disability or permanent total disability pursuant to
 14 section 85.34, for the same disability or death."

15 3. Page 16, by inserting after line 12 the
 16 following:

17 "Sec. ____ EFFECTIVE DATE – RETROACTIVE
 18 APPLICABILITY. The section of this division of this
 19 Act amending section 97A.6, subsection 11, being
 20 deemed of immediate importance, takes effect upon
 21 enactment and is retroactively applicable to July 1,
 22 2000, and is applicable on and after that date."
 23 4. By renumbering as necessary.

Amendment H–8575 lost.

Frevert of Palo Alto asked and received unanimous consent to withdraw amendment H–8624 filed by her on April 22, 2008.

Jacobs of Polk asked and received unanimous consent to withdraw amendment H–8576 filed by her on April 21, 2008.

Jacobs of Polk asked and received unanimous consent to withdraw amendment H–8625 filed by her on April 22, 2008.

Jochum of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 2424)

The ayes were, 55:

Abdul Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Wendt	Wenthe

Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker Murphy	

The nays were, 44:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Sands	Schickel	Soderberg	Struyk
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wienczek	Windschitl	Worthan

Absent or not voting, 1:

Roberts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2424** be immediately messaged to the Senate.

PRESENTATION TO RETIRING MEMBERS AND LEADERS

Speaker Murphy and Majority Leader McCarthy invited to the well of the House, for special recognition for members of the House who will be retiring or are a candidate for the Iowa Senate. Plaques were presented to the following:

Carmine Boal, District 70	1998-2008
Dan Clute, District 59	2006-2008
Swati Dandekar, District 36	2002-2008
Ro Foege, District 29	1996-2008
Chuck Gipp, District 16	1990-2008
Polly Granzow, District 44	2002-2008
Sandy Greiner, District 89	1992-2000 and 2002-2008
Clarence Hoffman, District 55	1998-2008

Libby Jacobs, District 60	1994-2008
Pam Jochum, District 27	1992-2008
Bill Schickel, District 13	2002-2008
Walt Tomenga, District 69	2004-2008
Phil Wise, District 29	1986-2008

The House rose and expressed its appreciation.

House Speaker Patrick Murphy, Majority Leader Kevin McCarthy and Minority Leader Christopher Rants were invited to the Speakers station for a special presentation.

Speaker pro tempore Bukta and Paulsen of Linn on behalf of the House, presented plaques to each leader in appreciation of his service and dedication to the Iowa House of Representatives during the Eighty-second General Assembly.

The House rose and expressed its appreciation.

ADOPTION OF THE REPORT OF THE SECOND
CONFERENCE COMMITTEE
(Senate File 2425)

Foege of Linn called up for consideration the report of the second conference committee on Senate File 2425 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2425

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2425, a bill for an Act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions, respectfully make the following report:

1. That the House recedes from its amendment, S-5401.
2. That Senate File 2425, as amended, passed, and reprinted by the Senate, is amended to read as follows:
 1. Page 1, line 24, by striking the figure "4,851,698" and inserting the following: "5,251,698".
 2. Page 2, by inserting after line 21 the following:

" _____. Of the funds appropriated in this section, \$200,000 shall be used to replace federal funding for the aging and disability resource center.

_____. Of the funds appropriated in this section, \$200,000 shall be used to expand the elder abuse initiative program established pursuant to section 231.56A to additional counties."

3. Page 2, line 34, by striking the figure "1,532,149" and inserting the following: "3,082,149".

4. Page 3, line 1, by striking the word "The" and inserting the following: "a. The".

5. Page 3, by inserting after line 3, the following:

"b. Of the funds appropriated in this subsection, \$1,550,000 shall be used for tobacco use prevention, cessation, and treatment."

6. Page 4, by striking lines 9 through 13.

7. Page 5, lines 30 and 31, by striking the words and figures "pursuant to sections 135.102 and 135.103".

8. Page 6, line 1, by striking the figure "1,701,974" and inserting the following: "1,858,286".

9. Page 6, line 4, by striking the figure "43,688" and inserting the following: "200,000".

10. Page 6, line 13, by striking the figure "2,798,513" and inserting the following: "3,161,013".

11. Page 6, line 24, by striking the figure "100,000" and inserting the following: "262,500".

12. Page 6, by inserting after line 31, the following:

"dd. Of the funds appropriated in this subsection, \$200,000 shall be used for start-up costs to implement licensing of plumbers and mechanical professionals in accordance with 2007 Iowa Acts, chapter 198."

13. Page 7, line 25, by striking the figure "4,678,000" and inserting the following: "1,690,000".

14. Page 7, line 26, by striking the words "a. It" and inserting the following: "It".

15. Page 7, by striking lines 32 through 34 and inserting the following:

"2. In addition to the appropriation made in subsection 1, there is appropriated from funds available in the gambling treatment fund created in section 135.150 to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To be utilized for the benefit of substance abuse treatment for persons with addictions:

..... \$ 525,000

The amount appropriated in this subsection is one-time funding from moneys remaining in the gambling treatment fund from the carry forward of appropriations made for addictive disorders in previous fiscal years."

16. Page 7, line 35, by striking the figure "2." And inserting the following: "3."

17. Page 8, by striking line 1 and inserting the following: "after the appropriations are made in subsections 1 and 2, is appropriated".

18. Page 8, by inserting after line 10 the following:

"4. Notwithstanding any provision to the contrary, to standardize the availability, delivery, cost of delivery, and accountability of gambling and substance abuse treatment services statewide, the department shall implement a process to create a system for delivery of the treatment services. To ensure the system provides a continuum of treatment services that best meets the needs of Iowans, the gambling and substance abuse treatment services in an area may be provided either by a single

agency or by separate agencies submitting a joint proposal. The process shall be completed by July 1, 2010.

a. The process shall include the establishment of joint licensure for gambling and substance abuse treatment programs that includes one set of standards, one licensure survey, comprehensive technical assistance, and appropriately credentialed counselors to support the following goals:

(1) Gambling and substance abuse treatment services are available to Iowans statewide.

(2) To the greatest extent possible, outcome measures are uniform statewide for both gambling and substance abuse treatment services and include but are not limited to prevalence indicators, service delivery areas, financial accountability, and longitudinal clinical outcomes.

(3) The costs to deliver gambling and substance abuse treatment services in the system are based upon best practices and are uniform statewide.

b. From the amounts appropriated in this section and from other funding sources available for gambling and substance abuse treatment, the department may allocate up to \$100,000 for administrative costs to develop and implement the process in accordance with this subsection."

19. Page 10, by inserting after line 32 the following:

"Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2009, the moneys shall revert."

#20. Page 10, line 34, by striking the figure "17,707,495" and inserting the following: "18,507,495".

21. Page 10, by inserting after line 34 the following:

"Of the funds appropriated in this subsection, \$800,000 is allocated for additional income maintenance workers and social workers."

22. Page 14, by striking lines 30 through 34.

23. Page 15, by inserting after line 19 the following:

"The department shall amend the food stamp employment and training state plan in order to maximize to the fullest extent permitted by federal law the use of the fifty-fifty match provisions for the claiming of allowable federal matching funds from the United States department of agriculture pursuant to the federal food stamp employment and training program for providing education, employment, and training services for eligible food assistance program participants, including but not limited to related dependent care and transportation expenses."

24. Page 19, line 10, by striking the figure "646,401,453" and inserting the following: "649,629,269".

25. Page 24, line 35, by inserting after the word "Act," the following: "beginning January 1, 2009,".

26. Page 25, line 3, by inserting after the word "Act," the following: "beginning January 1, 2009,".

27. Page 25, by striking lines 12 and 13 and inserting the following:

"(5) For Medicaid services provided under the children's mental health waiver, \$750,000."

28. Page 25, by inserting after line 25 the following:

"___. Of the funds appropriated in this section, \$250,000 shall be used to implement the provisions in 2007 Iowa Acts, chapter 218, section 124, as amended by the Eighty-

second General Assembly, 2008 Session, relating to eligibility for certain persons with disabilities under the medical assistance program.

___ . The department of human services shall conduct a review of the impact of broadening the list of drugs prescribed for the treatment of diabetes on the preferred drug list under the medical assistance program in order to promote drugs that are appropriate and therapeutically effective for persons with diabetes. The review shall include, at a minimum, a comparison of the effectiveness of drugs prescribed for the treatment of diabetes and a cost analysis. The department shall report its findings and recommendations to the individuals specified in this Act to receive reports by December 15, 2008.

___ . The department of human services shall conduct a review of the medical assistance home and community-based services waivers, including but not limited to the upper limit of reimbursement for each waiver and the services provided under each waiver, and shall make recommendations to the individuals specified in this Act to receive reports by December 15, 2008, regarding revising the upper limits of reimbursement and services provided."

29. Page 26, line 26, by striking the figure "18,310,335" and inserting the following: "18,611,385".

30. Page 27, line 27, by striking the figure "15,873,103" and inserting the following: "13,868,885".

31. Page 28, line 32, by striking the figure "39,298,895" and inserting the following: "41,345,381".

32. Page 28, line 33, by striking the figure "36,043,083" and inserting the following: "37,589,569".

33. Page 29, line 15, by striking the figure "1,180,288" and inserting the following: "1,680,288".

34. Page 31, line 13, by striking the figure "88,557,565" and inserting the following: "89,326,628".

35. Page 31, line 34, by striking the figure "36,441,744" and inserting the following: "35,841,744".

36. Page 37, by inserting after line 21 the following: "25. Of the funds appropriated in this section, \$152,440 shall be used for continuation of the funding of one or more child welfare diversion and mediation pilot projects as provided in 2004 Iowa Acts, chapter 1130, section 1.

26. The department shall review the processes for drug testing of persons responsible for the care of a child in child abuse cases to evaluate the effectiveness of the testing, whether it is applied in the same manner in all service areas, identify how the funding designated for drug testing is utilized, and address other issues associated with the testing. The department shall report on or before December 1, 2008, concerning the review to the persons designated by this Act to receive reports.

27. Of the funds appropriated in this section, \$100,000 shall be used for a grant to support a satellite project associated with a child protection center in a county with a population between 189,000 and 196,000 to be operated in a hospital in a county in northeast Iowa with a population between 120,000 and 135,000. The pilot project shall provide immediate, sensitive support and forensic interviews, medical exams, needs assessments, and referrals for victims of child abuse and the victims' nonoffender family members. Population numbers used in this subsection are from the latest preceding certified federal census."

37. Page 37, line 29, by striking the figure "32,568,872" and inserting the following: "34,168,872".

38. Page 39, line 35, by striking the figure "7,023,073" and inserting the following: "7,323,073".

39. Page 40, line 1, by striking the figure "109.95" and inserting the following: "114.95".

40. Page 40, by inserting after line 1 the following:

"Of the funds appropriated in this section, \$300,000 shall be used to establish and operate an Alzheimer's patient mobile consultation and assessment program."

41. Page 44, by striking lines 2 through 13 and inserting the following:

"6. Of the funds appropriated in this section, \$260,000 shall be used for a grant to a statewide association of counties for development and implementation of the community services network to replace the county management information system."

42. Page 44, line 29, by striking the figure "6,492,008" and inserting the following: "6,720,268".

43. Page 45, line 13, by striking the figure "66,852,732" and inserting the following: "67,852,732".

44. Page 46, by inserting after line 20 the following:

"Sec.____. PREGNANCY COUNSELING AND SUPPORT SERVICES PROGRAM – APPROPRIATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount or so much thereof as is necessary for the purpose designated:

For a pregnancy counseling and support services program as specified in this section:

..... \$ 200,000

The department of human services shall establish a pregnancy counseling and support services program to provide core services consisting of information, education, counseling, and support services to women who experience unplanned pregnancies by supporting childbirth, assisting pregnant women in remaining healthy and maintaining a healthy pregnancy while deciding whether to keep the child or place the child for adoption, and assisting women after the birth of a child. The services provided may include but are not limited to: counseling and mentoring; pregnancy, childbirth, and parenting classes; fostering of a statewide pregnancy and parenting support system; assistance with physical and mental well-being of a woman during pregnancy and post delivery; assistance with the physical well-being of the woman during pregnancy and the newborn; assistance with food, shelter, clothing, health care, child care, and employment; and other supportive programs and services. The department shall award grants to service providers that have been in existence for at least one year prior to the awarding of the grant, are qualified and experienced in providing core pregnancy support services that support childbirth and parenting support services, including qualified Medicaid providers, social service agencies, and adoption agencies. Actual provision and delivery of services and counseling shall be dependent on client needs and not otherwise prioritized by agency or agencies administering the program.

Sec.____. CIVIL MONETARY PENALTIES – DIRECT CARE WORKERS. Of the funds received by the department of human services through federal civil monetary penalties from nursing facilities, during the fiscal year beginning July 1, 2008, and ending June 30, 2009, \$70,000 shall be used to provide conference scholarships to direct care workers, subject to approval by the centers for Medicare and Medicaid services of the United States department of health and human services."

45. Page 46, line 32, by striking the figure "2007." And inserting the following: "2007, plus 1 percent. Nursing facility rates calculated in accordance with this subparagraph shall in no instance exceed the rate component limits as defined in 441 IAC 81.6(16)."

46. Page 47, line 23, by striking the figure "4.52" and inserting the following: "4.57".

47. Page 47, by striking lines 25 through 33, and inserting the following:

"c. (1) (a) For the fiscal year beginning July 1, 2008, reimbursement rates for inpatient and outpatient hospital services shall be increased by 1 percent over the rates in effect on June 30, 2008.

(b) If the centers for Medicare and Medicaid services of the United States department of health and human services does not approve the increased reimbursement for hospitals provided pursuant to subparagraph subdivision (a), of the funds appropriated to the department for reimbursement to medical assistance providers for the fiscal year beginning July 1, 2008, \$1,700,000 shall be used as nonmedical assistance payments to hospitals paid under the prospective payment system methodology under the medical assistance program for the purposes of addressing health care workforce shortages by increasing salaries for registered nurses who are permanent employees, eligible for benefits, and who provide direct care to patients.

(c) Hospitals paid under the prospective payment system methodology under the medical assistance program shall report to the department the total amount of nurse salary increases compared to the total amount of the medical assistance payment increase for the fiscal year beginning July 1, 2008. Nurse salary information shall only include information for registered nurses who are permanent employees, eligible for benefits, and who provide direct care to patients. Reports submitted shall be a public record.

(d) The department shall continue the outpatient hospital reimbursement system based upon ambulatory patient groups implemented pursuant to 1994 Iowa Acts, chapter 1186, section 25, subsection 1, paragraph "f", unless the department adopts the Medicare ambulatory payment classification methodology authorized in subparagraph (2)."

48. Page 48, line 16, by striking the words "remain at" and inserting the following: "be increased by 1 percent over".

49. Page 48, line 21, by striking the figure "2008" and inserting the following: "2009".

50. Page 48, line 27, by striking the words "remain at" and inserting the following: "be increased by 1 percent over".

51. Page 48, line 31, by striking the figure "160.71" and inserting the following: "167.19".

52. Page 48, line 34, by striking the words "remain at" and inserting the following: "be increased by 1 percent over".

53. Page 49, by inserting after line 3 the following: "ii. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2008, the reimbursement rate for anesthesiologists shall be increased by 1 percent over the medical assistance rate for anesthesiologists in effect on July 1, 2007."

54. Page 49, line 8, by striking the words "remain at" and inserting the following: "be increased by 1 percent over".

55. Page 50, line 16, by striking the words "remain at" and inserting the following: "be increased by 1 percent over".

56. Page 50, line 34, by striking the words "remain at" and inserting the following: "be increased by 1 percent over".

57. Page 51, line 11, by inserting after the word "costs" the following: "plus 1 percent".

58. Page 51, line 19, by striking the figure "91.45" and inserting the following: "92.36".

#59. Page 51, line 27, by striking the words "remain at" and inserting the following: "be increased by \$0.91 over".

60. Page 52, line 3, by inserting after the figure "2004." the following: "Effective October 1, 2008, the child care provider reimbursement rates shall be increased by 2 percent over the rates in effect on September 30, 2008."

61. Page 52, line 5, by inserting after the word "registered" the following: "by applying the increase only to registered and licensed providers".

62. Page 54, by striking line 27 and inserting the following: "provider entities, the state and local offices of the long-term care resident's advocate, the older Iowans' legislature, area agencies on aging, the".

63. Page 55, by inserting before line 26 the following:

"Sec.____. VISUAL ASSESSMENTS AND REPAIR OF LEAD HAZARDS. The department of human services and the department of education shall adopt rules to require programs and facilities under the purview of the respective department to conduct visual assessments for lead hazards and to repair lead hazards identified."

64. Page 58, line 19, by striking the figure "67,500,000" and inserting the following: "111,753,195".

65. Page 63, line 7, by striking the figure "500,000" and inserting the following: "1,000,000".

66. Page 63, by striking lines 32 through 35.

67. Page 64, by striking lines 1 through 19.

68. Page 67, by striking lines 24 and 25 and inserting the following:

2. a. The division shall implement an emergency mental health crises services system in consultation with counties, and community mental health centers and other mental health and social service providers, in accordance with this section."

69. Page 79, line 25, by inserting after the figure "2007" the following: ", and a levy rate will be required for the fiscal year beginning July 1, 2009, that is at least 90 percent of the maximum allowed for the county's mental health, mental retardation, and developmental disabilities services fund under section 331.424A".

70. Page 81, line 23, by inserting after the word "districts." the following: "The task force shall utilize a facilitator to assist the process."

71. By striking page 82, line 10, through page 84, line 2, and inserting the following:

"Sec.____. COMMUNITY MENTAL HEALTH CENTER LAW UPDATE.

1. The division of mental health and disability services of the department of human services and the mental health, mental retardation, developmental disabilities, and brain injury commission, shall develop a proposal for updating and revising Code chapter 230A, relating to community mental health centers, and for revising the accreditation standards in rule that would result from the statutory revisions. An advisory committee shall be utilized in developing the proposal. In addition to interests represented on the commission, the advisory committee membership shall include but is not limited to representatives of the following: the child welfare advisory committee established pursuant to section 234.3, the coalition for family and children's

services in Iowa, the Iowa chapter of the national association of social workers, the Iowa psychological society, and the Iowa psychiatric society.

2. The proposal content shall include but is not limited to addressing Code chapter 230A requirements in the following areas: establishment and support of community mental health centers, services offered, consumer and family involvement, capability to address co-occurring disorders, forms of organization, board of directors, organization meetings, duties and powers of directors, center organization as a nonprofit entity, annual budget, financial support of centers through federal and state block grants, comprehensive community mental health programs, target populations to be served, emergency mental health crisis services, quality improvement programs, use of evidence-based practices, use of functional assessments and outcomes measures, establishment of standards, and review and evaluation processes.

3. The proposal, accompanied by findings and recommendations, shall be submitted to the governor and general assembly on or before December 1, 2008. Until that report has been considered and acted upon by the general assembly, the division administrator may defer consideration of requests for accreditation of a new community mental health center or for approval of a provider to fill the role of a community mental health center."

72. Page 84, line 18, by striking the figure "2,955,164" and inserting the following: "3,195,164".

73. Page 85, line 14, by striking the figure "682,000" and inserting the following: "922,000".

74. Page 89, line 20, by striking the figure "113,690,856" and inserting the following: "114,943,296".

75. Page 94, by striking lines 20 through 30 and inserting the following:
"TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FAMILY DEVELOPMENT
AND SELF-SUFFICIENCY GRANT PROGRAM

Sec. _____. 2007 Iowa Acts, chapter 218, section 7, subsection 3, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2008, the moneys shall revert."

76. Page 98, by inserting after line 6 the following: "MI/MR/DD STATE CASES
ADDICTIVE DISORDERS

Sec. _____. 2007 Iowa Acts, chapter 218, section 25, subsection 3, is amended to read as follows:

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. The first \$300,000 of such moneys shall be transferred to the appropriation made from the general fund of the state to the department of public health for addictive disorders for the fiscal year beginning July 1, 2008, to be used for substance abuse treatment activities.

MH/DD COMMUNITY SERVICES FUND TRANSFER FOR ADDICTIVE
DISORDERS

Sec. _____. 2007 Iowa Acts, chapter 218, section 26, subsection 6, is amended to read as follows:

6. Of the funds appropriated in this section, \$260,000 is allocated to the department for continuing the development of an assessment process for use beginning in a subsequent fiscal year as authorized specifically by a statute to be enacted in a subsequent fiscal year, determining on a consistent basis the needs and capacities of persons seeking or receiving mental health, mental retardation, developmental disabilities, or brain injury services that are paid for in whole or in part by the state or a county. The assessment process shall be developed with the involvement of counties and the mental health, mental retardation, developmental disabilities, and brain injury commission. Notwithstanding section 8.33, moneys allocated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall be transferred to the appropriation made from the general fund of the state to the department of public health for addictive disorders for the fiscal year beginning July 1, 2008, to be used for substance abuse treatment activities."

77. Page 100, line 10, by striking the word "subsection" and inserting the following: "subsections".

78. Page 100, by inserting after line 20 the following:

"NEW SUBSECTION. 9. For the medical assistance program only to the extent all other appropriations made for the program are insufficient:

..... \$ 2,500,000"

79. Page 107, line 26, by inserting after the word "policy" the following: "bodies".

80. By striking page 119, line 35, through page 120, line 21.

81. Page 121, by inserting after line 21 the following:

"Sec.____. Section 235B.19, subsection 3, paragraph c, Code 2007, is amended to read as follows:

c. Order the provision of other available services necessary to remove conditions creating the danger to health or safety, including the services of peace officers or emergency services personnel and the suspension of the powers granted to a guardian or conservator and the subsequent appointment of a new temporary guardian or new temporary conservator pursuant to subsection 4 pending a decision by the court on whether the powers of the initial guardian or conservator should be reinstated or whether the initial guardian or conservator should be removed.

Sec.____. Section 235B.19, subsection 4, Code 2007, is amended to read as follows:

4. a. Notwithstanding ~~section sections 633.552 and 633.573~~, upon a finding that there is probable cause to believe that the dependent adult abuse presents an immediate danger to the health or safety of the dependent adult or is producing irreparable harm to the physical or financial resources or property of the dependent adult, and that the dependent adult lacks capacity to consent to the receipt of services, the court may order the appointment of a temporary guardian or temporary conservator without notice to the dependent adult or the dependent adult's attorney if all of the following conditions are met:

(1) It clearly appears from specific facts shown by affidavit or by the verified petition that a dependent adult's decision-making capacity is so impaired that the dependent adult is unable to care for the dependent adult's personal safety or to attend to or provide for the dependent adult's basic necessities or that immediate and irreparable injury, loss, or damage will result to the physical or financial resources or property of the dependent adult before the dependent adult or the dependent adult's attorney can be heard in opposition.

(2) The department certifies to the court in writing any efforts the department has made to give the notice or the reasons supporting the claim that notice should not be required.

(3) The department files with the court a request for a hearing on the petition for the appointment of a temporary guardian or temporary conservator.

(4) The department certifies that the notice of the petition, order, and all filed reports and affidavits will be sent to the dependent adult by personal service within the time period the court directs but not more than seventy-two hours after entry of the order of appointment.

b. An order of appointment of a temporary guardian or temporary conservator entered by the court under paragraph "a" shall expire as prescribed by the court but within a period of not more than thirty days unless extended by the court for good cause.

c. A hearing on the petition for the appointment of a temporary guardian or temporary conservator shall be held within the time specified in paragraph "b". If the department does not proceed with a hearing on the petition, the court, on the motion of any party or on its own motion, may dismiss the petition."

82. Page 123, by inserting after line 8 the following:

"Sec. NEW SECTION. 249A.36 HEALTH CARE INFORMATION SHARING.

1. As a condition of doing business in the state, health insurers including self-insured plans, group health plans as defined in the federal Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406, service benefit plans, managed care organizations, pharmacy benefits managers, and other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service, shall do all of the following:

a. Provide, with respect to individuals who are eligible for or are provided medical assistance under the state's medical assistance state plan, upon the request of the state, information to determine during what period the individual or the individual's spouse or dependents may be or may have been covered by a health insurer and the nature of the coverage that is or was provided by the health insurer, including the name, address, and identifying number of the plan, in accordance with section 505.25, in a manner prescribed by the department of human services or as agreed upon by the department and the entity specified in this section.

b. Accept the state's right of recovery and the assignment to the state of any right of an individual or other entity to payment from the party for an item or service for which payment has been made under the medical assistance state plan.

c. Respond to any inquiry by the state regarding a claim for payment for any health care item or service that is submitted no later than three years after the date of the provision of such health care item or service.

d. Agree not to deny any claim submitted by the state solely on the basis of the date of submission of the claim, the type or format of the claim form, or a failure to present proper documentation at the point-of-sale that is the basis of the claim, if all of the following conditions are met:

(1) The claim is submitted to the entity by the state within the three-year period beginning on the date on which the item or service was furnished.

(2) Any action by the state to enforce its rights with respect to such claim is commenced within six years of the date that the claim was submitted by the state.

2. The department of human services may adopt rules pursuant to chapter 17A as necessary to implement this section. Rules governing the exchange of information under this section shall be consistent with all laws, regulations, and rules relating to the confidentiality or privacy of personal information or medical records, including but not limited to the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, and regulations promulgated in accordance with that Act and published in 45 C.F.R. pts. 160 through 164."

83. Page 126, by striking lines 18 through 24.

84. By striking page 128, line 32, through page 130, line 10.

"DIVISION _____"
HEALTHY KIDS ACT

Sec.____. SHORT TITLE. This Act shall be known and may be cited as the "Healthy Kids Act".

Sec.____. Section 256.7, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 29. Adopt rules establishing nutritional content standards for foods and beverages sold or provided on the school grounds of any school district or accredited nonpublic school during the school day exclusive of the food provided by any federal school food program or pursuant to an agreement with any agency of the federal government in accordance with the provisions of chapter 283A, and exclusive of foods sold for fundraising purposes and foods and beverages sold at concession stands. The standards shall be consistent with the dietary guidelines for Americans issued by the United States department of agriculture food and nutrition service.

Sec.____. Section 256.9, Code Supplement 2007, is amended by adding the following new subsections:

NEW SUBSECTION. 57. Convene, in collaboration with the department of public health, a nutrition advisory panel to review research in pediatric nutrition conducted in compliance with accepted scientific methods by recognized professional organizations and agencies including but not limited to the institute of medicine. The advisory panel shall submit its findings and recommendations, which shall be consistent with the dietary guidelines for Americans published jointly by the United States department of health and human services and department of agriculture if in the judgment of the advisory panel the guidelines are supported by the research findings, in a report to the state board. The advisory panel may submit to the state board recommendations on standards related to federal school food programs if the recommendations are intended to exceed the existing federal guidelines. The state board shall consider the advisory panel report when establishing or amending the nutritional content standards required pursuant to section 256.7, subsection 29. The director shall convene the advisory panel by July 1, 2008, and every five years thereafter to review the report and make recommendations for changes as appropriate. The advisory panel shall include but is not limited to at least one Iowa state university extension nutrition and health field specialist and at least one representative from each of the following:

- a. The Iowa dietetic association.
- b. The school nutrition association of Iowa.
- c. The Iowa association of school boards.
- d. The school administrators of Iowa.
- e. The Iowa chapter of the American academy of pediatrics.
- f. A school association representing parents.
- g. The Iowa grocery industry association.
- h. An accredited nonpublic school.
- i. The Iowa state education association.
- j. The farm-to-school council established pursuant to section 190A.2.

NEW SUBSECTION. 58. Monitor school districts and accredited nonpublic schools for compliance with the nutritional content standards for foods and beverages adopted by the state board in accordance with section 256.7, subsection 29. School districts and accredited nonpublic schools shall annually make the standards available to students, parents, and the local community. A school district or accredited nonpublic school

found to be in noncompliance with the nutritional content standards by the director shall submit a corrective action plan to the director for approval which sets forth the steps to be taken to ensure full compliance.

Sec. _____. Section 256.11, subsection 6, Code Supplement 2007, is amended to read as follows:

6. a. A pupil is not required to enroll in either physical education or health courses, or meet the requirements of paragraph "b" or "c", if the pupil's parent or guardian files a written statement with the school principal that the course or activity conflicts with the pupil's religious belief.

b. (1) All physically able students in kindergarten through grade five shall be required to engage in a physical activity for a minimum of thirty minutes per school day.

(2) All physically able students in grades six through twelve shall be required to engage in a physical activity for a minimum of one hundred twenty minutes per week. A student participating in an organized and supervised athletic program or non-school-sponsored extracurricular activity which requires the student to participate in physical activity for a minimum of one hundred twenty minutes per week is exempt from the requirements of this subparagraph.

(3) The department shall collaborate with stakeholders on the development of daily physical activity requirements and the development of models that describe ways in which school districts and schools may incorporate the physical activity requirement of this paragraph into the educational program. A school district or accredited nonpublic school shall not reduce instructional time for academic courses in order to meet the requirements of this paragraph.

c. Every student by the end of grade twelve shall complete a certification course for cardiopulmonary resuscitation. The administrator of a school may waive this requirement if the student is not physically able to successfully complete the training. A student is exempt from the requirement of this paragraph if the student presents satisfactory evidence to the school district or accredited nonpublic school that the student possesses cardiopulmonary resuscitation certification.

Sec. _____. Section 273.2, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The board of an area education agency or a consortium of two or more area education agencies shall contract with one or more licensed dietitians for the support of nutritional provisions in individual education plans developed in accordance with chapter 256B and to provide information to support school nutrition coordinators.

Sec. _____. DEPARTMENT OF EDUCATION – FITNESS WORKING GROUP. The department of education shall convene a working group comprised of elementary and secondary education and fitness professionals and stakeholders to assist the department in developing daily physical activity opportunities and requirements and developing models that describe ways in which school districts and schools may incorporate physical activities for students into the educational program as provided in section 256.11, subsection 6, paragraph "b", as enacted by this Act. The working group shall also develop recommendations for a system of implementation that offers every student the opportunity to become physically active. The department of education shall submit its findings and recommendations, including any recommendations for changes in policy or statute, in a report to the general assembly by January 15, 2009.

Sec. _____. EFFECTIVE DATE. The section of this division of this Act that amends section 256.11, subsection 6, takes effect July 1, 2009.

DIVISION_MASS TRANSIT

Sec. _____. MASS TRANSIT INTERIM COMMITTEE. The legislative council is requested to establish a legislative interim study committee to conduct a comprehensive study of the ways in which mass transit might be employed to provide public transportation services among Iowa communities. The study should include but not be limited to an examination of the following:

1. The ways in which the availability of mass transit affects various populations within rural and urban communities. In particular, the study should examine the benefits of mass transit for poor, elderly, and disabled individuals who are unable to drive or cannot afford to own a motor vehicle.

2. Any impact that mass transit services among Iowa communities might have on population levels, quality of life, and economic development in urban job centers, smaller satellite communities, and rural towns.

3. The effect of mass transit on statewide greenhouse gas emissions and overall air quality, including the role that mass transit can play in meeting the goals of the Iowa energy independence plan.

4. The level of public need for mass transit among Iowa communities, including any specific areas of the state where the need is most immediate.

5. The feasibility of expanding mass transit services and the types and combinations of services that might comprise a mass transit system for Iowa.

6. The potential costs and possible funding mechanisms for developing and maintaining specific mass transit services.

7. The attitudes and habits of Iowans concerning personal transportation. The study should include a component for educating the public about the economic, social, and environmental advantages of mass transit. The committee membership should include ten members representing both political parties and both houses of the general assembly. The committee should consult with the department of transportation, the office of energy independence, the department of human services, local officials, members of the general public who are knowledgeable concerning intercity public transit and passenger rail service, and other interested parties as necessary to accomplish the work of the committee. The committee, if authorized, shall submit a written report of its findings and recommendations to the governor and the general assembly by December 31, 2008."

83. By renumbering, relettering, or redesignating and correcting internal references as necessary.

The motion prevailed and the second conference committee report was adopted.

Foege of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2425)

The ayes were, 53:

Abdul-Samad
Bukta
Foege

Bailey
Cohon
Ford

Bell
Dandekar
Frevort

Berry
Davitt
Gaskill

Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 45:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rasmussen	Rayhons	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wienczek	Windschitl
Worthan			

Absent or not voting, 2:

Jacobs	Roberts
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 2539)

A conference committee report signed by the following Senate and House members was filed April 25, 2008, on House File 2539, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, and including an applicability provision:

ON THE PART OF THE SENATE:

HATCH, Chair
BOLKCOM
JOHNSON
RAGAN
SEYMOUR

ON THE PART OF THE HOUSE:

HEDDENS, Chair
ABDUL-SAMAD
HEATON
SMITH
UPMEYER

McCarthy of Polk asked unanimous consent for the immediate consideration of Senate File 2426.

Objection was raised.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(House File 2539)

Smith of Marshall called up for consideration the report of the conference committee on House File 2539 as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2539

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2539, a bill for an Act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, and including an applicability provision, respectfully make the following report:

1. That the House recedes from its amendment, S-5414.
2. That the Senate recedes from its amendment, H-8439.
3. That House File 2539, as amended, passed, and reprinted by the House, is amended to read as follows:

1. By striking everything after the enacting clause and inserting the following:

"DIVISION I

HEALTH CARE COVERAGE INTENT

Section 1. DECLARATION OF INTENT.

1. It is the intent of the general assembly to progress toward achievement of the goal that all Iowans have health care coverage with the following priorities:

a. The goal that all children in the state have health care coverage which meets certain standards of quality and affordability with the following priorities:

(1) Covering all children who are declared eligible for the medical assistance program or the hawk-i program pursuant to chapter 514I no later than January 1, 2011.

(2) Building upon the current hawk-i program by creating a hawk-i expansion program to provide coverage to children who meet the hawk-i program's eligibility

criteria but whose income is at or below three hundred percent of the federal poverty level, beginning July 1, 2009.

(3) If federal reauthorization of the state children's health insurance program provides sufficient federal allocations to the state and authorization to cover such children as an option under the state children's health insurance program, requiring the department of human services to expand coverage under the state children's health insurance program to cover children with family incomes at or below three hundred percent of the federal poverty level, with appropriate cost sharing established for families with incomes above two hundred percent of the federal poverty level.

b. The goal that the Iowa comprehensive health insurance association, in consultation with the Iowa choice health care coverage advisory council established in section 514E.6, develop a comprehensive plan to first cover all children without health care coverage that utilizes and modifies existing public programs including the medical assistance program, the hawk-i program, and the hawk-i expansion program, and then to provide access to private unsubsidized, affordable, qualified health care coverage for children, adults, and families, who are not otherwise eligible for health care coverage through public programs, that is available for purchase by January 1, 2010.

c. The goal of decreasing health care costs and health care coverage costs by instituting health insurance reforms that assure the availability of private health insurance coverage for Iowans by addressing issues involving guaranteed availability and issuance to applicants, preexisting condition exclusions, portability, and allowable or required pooling and rating classifications.

DIVISION II

HAWK-I AND MEDICAID EXPANSION

Sec. 2. Section 249A.3, subsection 1, paragraph 1, Code Supplement 2007, is amended to read as follows:

Is an infant whose income is not more than two hundred percent of the federal poverty level, as defined by the most recently revised income guidelines published by the United States department of health and human services. Additionally, effective July 1, 2009, medical assistance shall be provided to an infant whose family income is at or below three hundred percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services, if otherwise eligible.

Sec. 3. Section 249A.3, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 14. Once initial eligibility for the family medical assistance program-related medical assistance is determined for a child described under subsection 1, paragraphs "b", "f", "g", "j", "k", "l", or "n" or under subsection 2, paragraphs "e", "f", or "h", the department shall provide continuous eligibility for a period of up to twelve months, until the child's next annual review of eligibility under the medical assistance program, if the child would otherwise be determined ineligible due to excess countable income but otherwise remains eligible.

Sec. 4. NEW SECTION. 422.12K INCOME TAX FORM – INDICATION OF DEPENDENT CHILD HEALTH CARE COVERAGE.

1. The director shall draft the income tax form to allow beginning with the tax returns for tax year 2008, a person who files an individual or joint income tax return with the department under section 422.13 to indicate the presence or absence of health care coverage for each dependent child for whom an exemption is claimed.

2. Beginning with the income tax return for tax year 2008, a person who files an individual or joint income tax return with the department under section 422.13, may

report on the income tax return, in the form required, the presence or absence of health care coverage for each dependent child for whom an exemption is claimed.

a. If the taxpayer indicates on the income tax return that a dependent child does not have health care coverage, and the income of the taxpayer's tax return does not exceed the highest level of income eligibility standard for the medical assistance program pursuant to chapter 249A or the hawk-i program pursuant to chapter 514I, the department shall send a notice to the taxpayer indicating that the dependent child may be eligible for the medical assistance program or the hawk-i program and providing information about how to enroll in the programs.

b. Notwithstanding any other provision of law to the contrary, a taxpayer shall not be subject to a penalty for not providing the information required under this section.

c. The department shall consult with the department of human services in developing the tax return form and the information to be provided to tax filers under this section.

3. The department, in cooperation with the department of human services, shall adopt rules pursuant to chapter 17A to administer this section, including rules defining "health care coverage" for the purpose of indicating its presence or absence on the tax form.

4. The department, in cooperation with the department of human services, shall report, annually, to the governor and the general assembly all of the following:

a. The number of Iowa families, by income level, claiming the state income tax exemption for dependent children.

b. The number of Iowa families, by income level, claiming the state income tax exemption for dependent children who also indicate the presence or absence of health care coverage for the dependent children.

c. The effect of the reporting requirements and provision of information requirements under this section on the number and percentage of children in the state who are uninsured.

Sec. 5. Section 514I.1, subsection 4, Code 2007, is amended to read as follows:

4. It is the intent of the general assembly that the hawk-I program be an integral part of the continuum of health insurance coverage and that the program be developed and implemented in such a manner as to facilitate movement of families between health insurance providers and to facilitate the transition of families to private sector health insurance coverage. It is the intent of the general assembly in developing such continuum of health insurance coverage and in facilitating such transition, that beginning July 1, 2009, the department implement the hawk-i expansion program.

Sec. 6. Section 514I.1, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 5. It is the intent of the general assembly that if federal reauthorization of the state children's health insurance program provides sufficient federal allocations to the state and authorization to cover such children as an option under the state children's health insurance program, the department shall expand coverage under the state children's health insurance program to cover children with family incomes at or below three hundred percent of the federal poverty level.

Sec. 7. Section 514I.2, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. "Hawk-i expansion program" or "hawk-I expansion" means the healthy and well kids in Iowa expansion program created in section 514I.12 to provide health insurance to children who meet the hawk-i program eligibility criteria pursuant to section 514I.8, with the exception of the family income criteria, and whose family income is at or below three hundred percent of the federal poverty

level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

Sec. 8. Section 514I.5, subsection 7, paragraph d, Code Supplement 2007, is amended to read as follows:

d. Develop, with the assistance of the department, an outreach plan, and provide for periodic assessment of the effectiveness of the outreach plan. The plan shall provide outreach to families of children likely to be eligible for assistance under the program, to inform them of the availability of and to assist the families in enrolling children in the program. The outreach efforts may include, but are not limited to, solicitation of cooperation from programs, agencies, and other persons who are likely to have contact with eligible children, including but not limited to those associated with the educational system, and the development of community plans for outreach and marketing. Other state agencies shall assist the department in data collection related to outreach efforts to potentially eligible children and their families.

Sec. 9. Section 514I.5, subsection 7, Code Supplement 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH.

1. Develop options and recommendations to allow children eligible for the hawk-i or hawk-i expansion program to participate in qualified employer-sponsored health plans through a premium assistance program. The options and recommendations shall ensure reasonable alignment between the benefits and costs of the hawk-i and hawk-i expansion programs and the employer-sponsored health plans consistent with federal law. The options and recommendations shall be completed by January 1, 2009, and submitted to the governor and the general assembly for consideration as part of the hawk-i and hawk-I expansion programs.

Sec. 10. Section 514I.7, subsection 2, paragraph a, Code 2007, is amended to read as follows:

a. Determine individual eligibility for program enrollment based upon review of completed applications and supporting documentation. The administrative contractor shall not enroll a child who has group health coverage ~~or any child who has dropped coverage in the previous six months, unless the coverage was involuntarily lost or unless the reason for dropping coverage is allowed by rule of the board.~~

Sec. 11. Section 514I.8, subsection 1, Code 2007, is amended to read as follows:

1. Effective July 1, 1998, and notwithstanding any medical assistance program eligibility criteria to the contrary, medical assistance shall be provided to, or on behalf of, an eligible child under the age of nineteen whose family income does not exceed one hundred thirty-three percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services. Additionally, effective July 1, 2000, and notwithstanding any medical assistance program eligibility criteria to the contrary, medical assistance shall be provided to, or on behalf of, an eligible infant whose family income does not exceed two hundred percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services. Effective July 1, 2009, and notwithstanding any medical assistance program eligibility criteria to the contrary, medical assistance shall be provided to, or on behalf of, an eligible infant whose family income is at or below three hundred percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

Sec. 12. Section 514I.10, subsection 2, Code 2007, is amended to read as follows:

2. Cost sharing for eligible children whose family income equals ~~or exceeds~~ one hundred fifty percent but does not exceed two hundred percent of the federal poverty level may include a premium or copayment amount which does not exceed five percent of the annual family income. The amount of any premium or the copayment amount shall be based on family income and size.

Sec. 13. Section 514I.11, subsections 1 and 3, Code 2007, are amended to read as follows:

1. A hawk-i trust fund is created in the state treasury under the authority of the department of human services, in which all appropriations and other revenues of the program and the hawk-i expansion program such as grants, contributions, and participant payments shall be deposited and used for the purposes of the program and the hawk-i expansion program. The moneys in the fund shall not be considered revenue of the state, but rather shall be funds of the program.

3. Moneys in the fund are appropriated to the department and shall be used to offset any program and hawk-i expansion program costs.

Sec. 14. NEW SECTION. 514I.12 HAWK-I EXPANSION PROGRAM.

1. All children less than nineteen years of age who meet the hawk-i program eligibility criteria pursuant to section 514I.8, with the exception of the family income criteria, and whose family income is at or below three hundred percent of the federal poverty level, shall be eligible for the hawk-i expansion program.

2. To the greatest extent possible, the provisions of section 514I.4, relating to the director and department duties and powers, section 514I.5 relating to the hawk-i board, section 514I.6 relating to participating insurers, and section 514I.7 relating to the administrative contractor shall apply to the hawk-i expansion program. The department shall adopt any rules necessary, pursuant to chapter 17A, and shall amend any existing contracts to facilitate the application of such sections to the hawk-i expansion program.

3. The hawk-i board shall establish by rule pursuant to chapter 17A, the cost-sharing amounts, criteria for modification of the cost-sharing amounts, and graduated premiums for children under the hawk-i expansion program.

Sec. 15. MAXIMIZATION OF ENROLLMENT AND RETENTION—MEDICAL ASSISTANCE AND HAWK-I PROGRAMS.

1. The department of human services, in collaboration with the department of education, the department of public health, the division of insurance of the department of commerce, the hawk-i board, consumers who are not recipients of or advocacy groups representing recipients of the medical assistance or hawk-i program, the covering kids and families coalition, and the covering kids now task force, shall develop a plan to maximize enrollment and retention of eligible children in the hawk-i and medical assistance programs. In developing the plan, the collaborative shall review, at a minimum, all of the following strategies:

a. Streamlined enrollment in the hawk-i and medical assistance programs. The collaborative shall identify information and documentation that may be shared across departments and programs to simplify the determination of eligibility or eligibility factors, and any interagency agreements necessary to share information consistent with state and federal confidentiality and other applicable requirements.

b. Conditional eligibility for the hawk-i and medical assistance programs.

c. Expedited renewal for the hawk-i and medical assistance programs.

2. Following completion of the review the department of human services shall compile the plan which shall address all of the following relative to implementation of the strategies specified in subsection 1:

a. Federal limitations and quantifying of the risk of federal disallowance.

- b. Any necessary amendment of state law or rule.
- c. Budgetary implications and cost-benefit analyses.
- d. Any medical assistance state plan amendments, waivers, or other federal approval necessary.
- e. An implementation time frame.

3. The department of human services shall submit the plan to the governor and the general assembly no later than December 1, 2008.

Sec. 16. MEDICAL ASSISTANCE, HAWK-I, AND HAWK-I EXPANSION PROGRAMS – COVERING CHILDREN – APPROPRIATION. There is appropriated from the general fund of the state to the department of human services for the designated fiscal years, the following amounts, or so much thereof as is necessary, for the purpose designated:

To cover children as provided in this Act under the medical assistance, hawk-i, and hawk-i expansion programs and outreach under the current structure of the programs:

FY 2008-2009	\$ 4,800,000
FY 2009-2010	\$ 14,800,000
FY 2010-2011	\$ 24,800,000

DIVISION III
IOWA CHOICE HEALTH CARE COVERAGE
AND ADVISORY COUNCIL

Sec. 17. Section 514E.1, Code 2007, is amended by adding the following new subsections:

NEW SUBSECTION. 14A. "Iowa choice health care coverage advisory council" or "advisory council" means the advisory council created in section 514E.6.

NEW SUBSECTION. 21. "Qualified health care coverage" means creditable coverage which meets minimum standards of quality and affordability as determined by the association by rule.

Sec. 18. Section 514E.2, subsection 3, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The association shall submit to the commissioner a plan of operation for the association and any amendments necessary or suitable to assure the fair, reasonable, and equitable administration of the association. The plan of operation shall include provisions for the development of a comprehensive health care coverage plan as provided in section 514E.5. In developing the comprehensive plan the association shall give deference to the recommendations made by the advisory council as provided in section 514E.6, subsection 1. The association shall approve or disapprove but shall not modify recommendations made by the advisory council. Recommendations that are approved shall be included in the plan of operation submitted to the commissioner. Recommendations that are disapproved shall be submitted to the commissioner with reasons for the disapproval. The plan of operation becomes effective upon approval in writing by the commissioner prior to the date on which the coverage under this chapter must be made available. After notice and hearing, the commissioner shall approve the plan of operation if the plan is determined to be suitable to assure the fair, reasonable, and equitable administration of the association, and provides for the sharing of association losses, if any, on an equitable and proportionate basis among the member carriers. If the association fails to submit a suitable plan of operation within one hundred eighty days after the appointment of the board of directors, or if at any later time the association fails to submit suitable amendments to the plan, the commissioner shall adopt, pursuant to chapter 17A, rules necessary to implement this section. The rules shall continue in force until modified by the commissioner or superseded by a

plan submitted by the association and approved by the commissioner. In addition to other requirements, the plan of operation shall provide for all of the following:

Sec. 19. NEW SECTION. 514E.5 IOWA CHOICE HEALTH CARE COVERAGE.

1. The association, in consultation with the Iowa choice health care coverage advisory council, shall develop a comprehensive health care coverage plan to provide health care coverage to all children without such coverage, that utilizes and modifies existing public programs including the medical assistance program, hawk-i program, and hawk-i expansion program, and to provide access to private unsubsidized, affordable, qualified health care coverage to children who are not otherwise eligible for health care coverage through public programs.

2. The comprehensive plan developed by the association and the advisory council, shall also consider and recommend options to provide access to private unsubsidized, affordable, qualified health care coverage to all Iowa children less than nineteen years of age with a family income that is more than three hundred percent of the federal poverty level and to adults and families who are not otherwise eligible for health care coverage through public programs.

3. As part of the comprehensive plan developed, the association, in consultation with the advisory council, shall define what constitutes qualified health care coverage for children less than nineteen years of age. For the purposes of this definition and for designing health care coverage options for children, the association, in consultation with the advisory council, shall recommend the benefits to be included in such coverage and shall explore the value of including coverage for the treatment of mental and behavioral disorders. The association and the advisory council shall perform a cost analysis as part of their consideration of benefit options. The association and the advisory council shall also consider whether to include coverage of the following benefits:

a. Inpatient hospital services including medical, surgical, intensive care unit, mental health, and substance abuse services.

b. Nursing care services including skilled nursing facility services.

c. Outpatient hospital services including emergency room, surgery, lab, and x-ray services and other services.

d. Physician services, including surgical and medical, office visits, newborn care, well-baby and well-child care, immunizations, urgent care, specialist care, allergy testing and treatment, mental health visits, and substance abuse visits.

e. Ambulance services.

f. Physical therapy.

g. Speech therapy.

h. Durable medical equipment.

i. Home health care.

j. Hospice services.

k. Prescription drugs.

l. Dental services including preventive services.

m. Medically necessary hearing services.

n. Vision services including corrective lenses.

o. No underwriting requirements and no preexisting condition exclusions.

p. Chiropractic services.

4. As part of the comprehensive plan developed, the association, in consultation with the advisory council, shall consider and recommend affordable health care coverage options for purchase for children less than nineteen years of age with a family income that is more than three hundred percent of the federal poverty level, with the goal of including health care coverage options for which the contribution requirement

for all cost-sharing expenses is no more than two percent of family income per each child covered, up to a maximum of six and one-half percent of family income per family. The association, in consultation with the advisory council, shall also consider and recommend whether such health care coverage options should require a copayment for services received in an amount determined by the association.

5. As part of the comprehensive plan, the association, in consultation with the advisory council, shall define what constitutes qualified health care coverage for adults and families who are not eligible for a public program. The association, in consultation with the advisory council, shall develop and recommend affordable health care coverage options for purchase by such adults and families that provide a selection of health benefit plans and standardized benefits with the goal of including health care coverage options for which the contribution requirement for all cost-sharing expenses is no more than six and one-half percent of family income.

6. As part of the comprehensive plan the association and the advisory council may collaborate with health insurance carriers to do the following, including but not limited to:

a. Design solutions to issues relating to guaranteed issuance of insurance, preexisting condition exclusions, portability, and allowable pooling and rating classifications.

b. Formulate principles that ensure fair and appropriate practices relating to issues involving individual health care policies such as rescission and preexisting condition clauses, and that provide for a binding third-party review process to resolve disputes related to such issues.

c. Design affordable, portable health care coverage options for low-income children, adults, and families.

d. Design a proposed premium schedule for health care coverage options that are recommended which includes the development of rating factors that are consistent with market conditions.

e. Design protocols to limit the transfer from employer-sponsored or other private health care coverage to state-developed health care coverage plans.

7. The association shall submit the comprehensive plan required by this section to the governor and the general assembly by December 15, 2008. The appropriations to cover children under the medical assistance, hawk-i, and hawk-i expansion programs as provided in this Act and to provide related outreach for fiscal year 2009-2010 and fiscal year 2010-2011 are contingent upon enactment of a comprehensive plan during the 2009 regular session of the Eighty-third General Assembly that provides health care coverage for all children in the state. Enactment of a comprehensive plan shall include a determination of what the prospects are of federal action which may impact the comprehensive plan and the fiscal impact of the comprehensive plan on the state budget.

Sec. 20. NEW SECTION. 514E.6 IOWA CHOICE HEALTH CARE COVERAGE ADVISORY COUNCIL.

1. The Iowa choice health care coverage advisory council is created for the purpose of assisting the association with developing a comprehensive health care coverage plan as provided in section 514E.5. The advisory council shall make recommendations concerning the design and implementation of the comprehensive plan including but not limited to a definition of what constitutes qualified health care coverage, suggestions for the design of health care coverage options, and implementation of a health care coverage reporting requirement.

2. The advisory council consists of the following persons who are voting members unless otherwise provided:

a. The two most recent former governors, or if one or both of them are unable or unwilling to serve, a person or persons appointed by the governor.

b. Seven members appointed by the director of public health:

(1) A representative of the federation of Iowa insurers.

(2) A health economist who resides in Iowa.

(3) Two consumers, one of whom shall be a representative of a children's advocacy organization and one of whom shall be a member of a minority.

(4) A representative of organized labor.

(5) A representative of an organization of employers.

(6) A representative of the Iowa association of health underwriters.

c. The following members shall be ex officio, nonvoting members of the council:

(1) The commissioner of insurance, or a designee.

(2) The director of human services, or a designee.

(3) The director of public health, or a designee.

(4) Four members of the general assembly, one appointed by the speaker of the house of representatives, one appointed by the minority leader of the house of representatives, one appointed by the majority leader of the senate, and one appointed by the minority leader of the senate.

3. The members of the council appointed by the director of public health shall be appointed for terms of six years beginning and ending as provided in section 69.19. Such a member of the board is eligible for reappointment. The director shall fill a vacancy for the remainder of the unexpired term.

4. The members of the council shall annually elect one voting member as chairperson and one as vice chairperson. Meetings of the council shall be held at the call of the chairperson or at the request of a majority of the council's members.

5. The members of the council shall not receive compensation for the performance of their duties as members but each member shall be paid necessary expenses while engaged in the performance of duties of the council. Any legislative member shall be paid the per diem and expenses specified in section 2.10.

6. The members of the council are subject to and are officials within the meaning of chapter 68B.

DIVISION IV

HEALTH INSURANCE OVERSIGHT

Sec. 21. Section 505.8, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. The commissioner shall have regulatory authority over health benefit plans and adopt rules under chapter 17A as necessary, to promote the uniformity, cost efficiency, transparency, and fairness of such plans for physicians licensed under chapters 148, 150, and 150A, and hospitals licensed under chapter 135B, for the purpose of maximizing administrative efficiencies and minimizing administrative costs of health care providers and health insurers.

Sec. 22. HEALTH INSURANCE OVERSIGHT – APPROPRIATION. There is appropriated from the general fund of the state to the insurance division of the department of commerce for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For identification and regulation of procedures and practices related to health care as provided in section 505.8, subsection 5A:

..... \$ 80,000

DIVISION V

IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM

DIVISION XXI

IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM

Sec. 23. NEW SECTION. 135.154 DEFINITIONS.

As used in this division, unless the context otherwise requires:

1. "Board" means the state board of health created pursuant to section 136.1.
2. "Department" means the department of public health.
3. "Health care professional" means a person who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.
4. "Health information technology" means the application of information processing, involving both computer hardware and software, that deals with the storage, retrieval, sharing, and use of health care information, data, and knowledge for communication, decision making, quality, safety, and efficiency of clinical practice, and may include but is not limited to:
 - a. An electronic health record that electronically compiles and maintains health information that may be derived from multiple sources about the health status of an individual and may include a core subset of each care delivery organization's electronic medical record such as a continuity of care record or a continuity of care document, computerized physician order entry, electronic prescribing, or clinical decision support.
 - b. A personal health record through which an individual and any other person authorized by the individual can maintain and manage the individual's health information.
 - c. An electronic medical record that is used by health care professionals to electronically document, monitor, and manage health care delivery within a care delivery organization, is the legal record of the patient's encounter with the care delivery organization, and is owned by the care delivery organization.
 - d. A computerized provider order entry function that permits the electronic ordering of diagnostic and treatment services, including prescription drugs.
 - e. A decision support function to assist physicians and other health care providers in making clinical decisions by providing electronic alerts and reminders to improve compliance with best practices, promote regular screenings and other preventive practices, and facilitate diagnoses and treatments.
 - f. Tools to allow for the collection, analysis, and reporting of information or data on adverse events, the quality and efficiency of care, patient satisfaction, and other health care-related performance measures.
5. "Interoperability" means the ability of two or more systems or components to exchange information or data in an accurate, effective, secure, and consistent manner and to use the information or data that has been exchanged and includes but is not limited to:
 - a. The capacity to connect to a network for the purpose of exchanging information or data with other users.
 - b. The ability of a connected, authenticated user to demonstrate appropriate permissions to participate in the instant transaction over the network.
 - c. The capacity of a connected, authenticated user to access, transmit, receive, and exchange usable information with other users.
6. "Recognized interoperability standard" means interoperability standards recognized by the office of the national coordinator for health information technology of the United States department of health and human services.

Sec. 24. NEW SECTION. 135.155 IOWA ELECTRONIC HEALTH – PRINCIPLES – GOALS.

1. Health information technology is rapidly evolving so that it can contribute to the goals of improving access to and quality of health care, enhancing efficiency, and reducing costs.

2. To be effective, the health information technology system shall comply with all of the following principles:

a. Be patient-centered and market-driven.

b. Be based on approved standards developed with input from all stakeholders.

c. Protect the privacy of consumers and the security and confidentiality of all health information.

d. Promote interoperability.

e. Ensure the accuracy, completeness, and uniformity of data.

3. Widespread adoption of health information technology is critical to a successful health information technology system and is best achieved when all of the following occur:

a. The market provides a variety of certified products from which to choose in order to best fit the needs of the user.

b. The system provides incentives for health care professionals to utilize the health information technology and provides rewards for any improvement in quality and efficiency resulting from such utilization.

c. The system provides protocols to address critical problems.

d. The system is financed by all who benefit from the improved quality, efficiency, savings, and other benefits that result from use of health information technology.

Sec. 25. NEW SECTION. 135.156 ELECTRONIC HEALTH INFORMATION – DEPARTMENT DUTIES – ADVISORY COUNCIL – EXECUTIVE COMMITTEE.

1. a. The department shall direct a public and private collaborative effort to promote the adoption and use of health information technology in this state in order to improve health care quality, increase patient safety, reduce health care costs, enhance public health, and empower individuals and health care professionals with comprehensive, real-time medical information to provide continuity of care and make the best health care decisions. The department shall provide coordination for the development and implementation of an interoperable electronic health records system, telehealth expansion efforts, the health information technology infrastructure, and other health information technology initiatives in this state. The department shall be guided by the principles and goals specified in section 135.155.

b. All health information technology efforts shall endeavor to represent the interests and meet the needs of consumers and the health care sector, protect the privacy of individuals and the confidentiality of individuals' information, promote physician best practices, and make information easily accessible to the appropriate parties. The system developed shall be consumer-driven, flexible, and expandable.

2. a. An electronic health information advisory council is established which shall consist of the representatives of entities involved in the electronic health records system task force established pursuant to section 217.41A, Code 2007, a pharmacist, a licensed practicing physician, a consumer who is a member of the state board of health, a representative of the state's Medicare quality improvement organization, the executive director of the Iowa communications network, a representative of the private telecommunications industry, a representative of the Iowa collaborative safety net provider network created in section 135.153, a nurse informaticist from the university of Iowa, and any other members the department or executive committee of the advisory council determines necessary and appoints to assist the department or executive committee at various stages of development of the electronic health information system. Executive branch agencies shall also be included as necessary to assist in the

duties of the department and the executive committee. Public members of the advisory council shall receive reimbursement for actual expenses incurred while serving in their official capacity only if they are not eligible for reimbursement by the organization that they represent. Any legislative members shall be paid the per diem and expenses specified in section 2.10.

b. An executive committee of the electronic health information advisory council is established. Members of the executive committee of the advisory council shall receive reimbursement for actual expenses incurred while serving in their official capacity only if they are not eligible for reimbursement by the organization that they represent. The executive committee shall consist of the following members:

(1) Three members, each of whom is the chief information officer of one of the three largest private health care systems in the state.

(2) One member who is the chief information officer of the university of Iowa hospitals and clinics, or the chief information officer's designee, selected by the director of the university of Iowa hospitals and clinics.

(3) One member who is a representative of a rural hospital who is a member of the Iowa hospital association, selected by the Iowa hospital association.

(4) One member who is a consumer member of the state board of health, selected by the state board of health.

(5) One member who is a licensed practicing physician, selected by the Iowa medical society.

(6) One member who is licensed to practice nursing, selected by the Iowa nurses association.

(7) One representative of an insurance carrier selected by the federation of Iowa insurers.

3. The executive committee, with the technical assistance of the advisory council and the support of the department shall do all of the following:

a. Develop a statewide health information technology plan by July 1, 2009. In developing the plan, the executive committee shall seek the input of providers, payers, and consumers. Standards and policies developed for the plan shall promote and be consistent with national standards developed by the office of the national coordinator for health information technology of the United States department of health and human services and shall address or provide for all of the following:

(1) The effective, efficient, statewide use of electronic health information in patient care, health care policymaking, clinical research, health care financing, and continuous quality improvement. The executive committee shall recommend requirements for interoperable electronic health records in this state including a recognized interoperability standard.

(2) Education of the public and health care sector about the value of health information technology in improving patient care, and methods to promote increased support and collaboration of state and local public health agencies, health care professionals, and consumers in health information technology initiatives.

(3) Standards for the exchange of health care information.

(4) Policies relating to the protection of privacy of patients and the security and confidentiality of patient information.

(5) Policies relating to information ownership.

(6) Policies relating to governance of the various facets of the health information technology system.

(7) A single patient identifier or alternative mechanism to share secure patient information. If no alternative mechanism is acceptable to the executive committee, all

health care professionals shall utilize the mechanism selected by the executive committee by July 1, 2010.

(8) A standard continuity of care record and other issues related to the content of electronic transmissions. All health care professionals shall utilize the standard continuity of care record by July 1, 2010.

(9) Requirements for electronic prescribing.

(10) Economic incentives and support to facilitate participation in an interoperable system by health care professionals.

b. Identify existing and potential health information technology efforts in this state, regionally, and nationally, and integrate existing efforts to avoid incompatibility between efforts and avoid duplication.

c. Coordinate public and private efforts to provide the network backbone infrastructure for the health information technology system. In coordinating these efforts, the executive committee shall do all of the following:

(1) Develop policies to effectuate the logical cost-effective usage of and access to the state-owned network, and support of telecommunication carrier products, where applicable.

(2) Consult with the Iowa communications network, private fiberoptic networks, and any other communications entity to seek collaboration, avoid duplication, and leverage opportunities in developing a network backbone.

(3) Establish protocols to ensure compliance with any applicable federal standards.

(4) Determine costs for accessing the network at a level that provides sufficient funding for the network.

d. Promote the use of telemedicine.

(1) Examine existing barriers to the use of telemedicine and make recommendations for eliminating these barriers.

(2) Examine the most efficient and effective systems of technology for use and make recommendations based on the findings.

e. Address the workforce needs generated by increased use of health information technology.

f. Recommend rules to be adopted in accordance with chapter 17A to implement all aspects of the statewide health information technology plan and the network.

g. Coordinate, monitor, and evaluate the adoption, use, interoperability, and efficiencies of the various facets of health information technology in this state.

h. Seek and apply for any federal or private funding to assist in the implementation and support of the health information technology system and make recommendations for funding mechanisms for the ongoing development and maintenance costs of the health information technology system.

i. Identify state laws and rules that present barriers to the development of the health information technology system and recommend any changes to the governor and the general assembly.

4. Recommendations and other activities resulting from the work of the department or the executive committee shall be presented to the board for action or implementation.

Sec. 26. Section 8D.13, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 20. Access shall be offered to the Iowa hospital association only for the purposes of collection, maintenance, and dissemination of health and financial data for hospitals and for hospital education services. The Iowa hospital association shall be responsible for all costs associated with becoming part of the network, as determined by the commission.

Sec. 27. Section 136.3, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Perform those duties authorized pursuant to section 135.156.

Sec. 28. Section 217.41A, Code 2007, is repealed.

Sec. 29. IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM – APPROPRIATION. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For administration of the Iowa health information technology system, and for not more than the following full-time equivalent positions:

.....	\$ 190,600
.....	FTEs 2.00

DIVISION VI
LONG-TERM LIVING PLANNING AND
PATIENT AUTONOMY IN HEALTH CARE

Sec. 30. NEW SECTION. 231.62 END-OF-LIFE CARE INFORMATION.

1. The department shall consult with the Iowa medical society, the Iowa end-of-life coalition, the Iowa hospice organization, the university of Iowa palliative care program, and other health care professionals whose scope of practice includes end-of-life care to develop educational and patient-centered information on end-of-life care for terminally ill patients and health care professionals.

2. For the purposes of this section, "end-of-life care" means care provided to meet the physical, psychological, social, spiritual, and practical needs of terminally ill patients and their caregivers.

Sec. 31. END-OF-LIFE CARE INFORMATION – APPROPRIATION. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For activities associated with the end-of-life care information requirements of this division:

.....	\$ 10,000
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Sec. 32. LONG-TERM LIVING PLANNING TOOLS – PUBLIC EDUCATION CAMPAIGN. The legal services development and substitute decision maker programs of the department of elder affairs, in collaboration with other appropriate agencies and interested parties, shall research existing long-term living planning tools that are designed to increase quality of life and contain health care costs and recommend a public education campaign strategy on long-term living to the general assembly by January 1, 2009.

Sec. 33. LONG-TERM CARE OPTIONS PUBLIC EDUCATION CAMPAIGN. The department of elder affairs, in collaboration with the insurance division of the department of commerce, shall implement a long-term care options public education campaign. The campaign may utilize such tools as the "Own Your Future Planning Kit" administered by the centers for Medicare and Medicaid services, the administration on aging, and the office of the assistant secretary for planning and evaluation of the United States department of health and human services, and other tools developed through the aging and disability resource center program of the administration on aging and the centers for Medicare and Medicaid services designed to promote health

and independence as Iowans age, assist older Iowans in making informed choices about the availability of long-term care options, including alternatives to facility-based care, and to streamline access to long-term care.

Sec. 34. LONG-TERM CARE OPTIONS PUBLIC EDUCATION CAMPAIGN – APPROPRIATION. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For activities associated with the long-term care options public education campaign requirements of this division:

..... \$ 75,000

Sec. 35. HOME AND COMMUNITY-BASED SERVICES PUBLIC EDUCATION CAMPAIGN. The department of elder affairs shall work with other public and private agencies to identify resources that may be used to continue the work of the aging and disability resource center established by the department through the aging and disability resource center grant program efforts of the administration on aging and the centers for Medicare and Medicaid services of the United States department of health and human services, beyond the federal grant period ending September 30, 2008.

Sec. 36. PATIENT AUTONOMY IN HEALTH CARE DECISIONS PILOT PROJECT.

1. The department of public health shall establish a two-year community coalition for patient treatment wishes across the health care continuum pilot project, beginning July 1, 2008, and ending June 30, 2010, in a county with a population of between fifty thousand and one hundred thousand. The pilot project shall utilize the process based upon the national physicians orders for life sustaining treatment program initiative, including use of a standardized physician order for scope of treatment form. The process shall require validation of the physician order for scope of treatment form by the signature of an individual other than the patient or the patient's legal representative who is not an employee of the patient's physician. The pilot project may include applicability to chronically ill, frail, and elderly or terminally ill individuals in hospitals licensed pursuant to chapter 135B, nursing facilities or residential care facilities licensed pursuant to chapter 135C, or hospice programs as defined in section 135J.1.

2. The department of public health shall convene an advisory council, consisting of representatives of entities with interest in the pilot project, including but not limited to the Iowa hospital association, the Iowa medical society, organizations representing health care facilities, representatives of health care providers, and the Iowa trial lawyers association, to develop recommendations for expanding the pilot project statewide. The advisory council shall report its findings and recommendations, including recommendations for legislation, to the governor and the general assembly by January 1, 2010.

3. The pilot project shall not alter the rights of individuals who do not execute a physician order for scope of treatment.

a. If an individual is a qualified patient as defined in section 144A.2, the individual's declaration executed under chapter 144A shall control health care decision making for the individual in accordance with chapter 144A. A physician order for scope of treatment shall not supersede a declaration executed pursuant to chapter 144A. If an individual has not executed a declaration pursuant to chapter 144A, health care decision making relating to life-sustaining procedures for the individual shall be governed by section 144A.7.

b. If an individual has executed a durable power of attorney for health care pursuant to chapter 144B, the individual's durable power of attorney for health care shall control health care decision making for the individual in accordance with chapter 144B. A physician order for scope of treatment shall not supersede a durable power of attorney for health care executed pursuant to chapter 144B.

c. In the absence of actual notice of the revocation of a physician order for scope of treatment, a physician, health care provider, or any other person who complies with a physician order for scope of treatment shall not be subject to liability, civil or criminal, for actions taken under this section which are in accordance with reasonable medical standards. Any physician, health care provider, or other person against whom criminal or civil liability is asserted because of conduct in compliance with this section may interpose the restriction on liability in this paragraph as an absolute defense.

DIVISION VII

HEALTH CARE COVERAGE

Sec. 37. NEW SECTION. 505.31 REIMBURSEMENT ACCOUNTS.

The commissioner of insurance shall assist employers with twenty-five or fewer employees with implementing and administering plans under section 125 of the Internal Revenue Code, including medical expense reimbursement accounts and dependent care accounts. The commissioner shall provide information about the assistance available to small employers on the insurance division's internet site.

Sec. 38. Section 509.3, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A provision that the insurer will permit continuation of existing coverage for an unmarried child of an insured or enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education.

Sec. 39. NEW SECTION. 509A.13B CONTINUATION OF DEPENDENT COVERAGE.

If a governing body, a county board of supervisors, or a city council has procured accident or health care coverage for its employees under this chapter such coverage shall permit continuation of existing coverage for an unmarried child of an insured or enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education.

Sec. 40. Section 513C.7, subsection 2, paragraph a, Code 2007, is amended to read as follows:

~~a.~~ The individual basic or standard health benefit plan shall not deny, exclude, or limit benefits for a covered individual for losses incurred more than twelve months following the effective date of the individual's coverage due to a preexisting condition. A preexisting condition shall not be defined more restrictively than any of the following:

~~(1)~~ a. A condition that would cause an ordinarily prudent person to seek medical advice, diagnosis, care, or treatment during the twelve months immediately preceding the effective date of coverage.

~~(2)~~ b. A condition for which medical advice, diagnosis, care, or treatment was recommended or received during the twelve months immediately preceding the effective date of coverage.

~~(3)~~ c. A pregnancy existing on the effective date of coverage.

Sec. 41. Section 513C.7, subsection 2, paragraph b, Code 2007, is amended by striking the paragraph.

Sec. 42. NEW SECTION. 514A.3B ADDITIONAL REQUIREMENTS.

1. An insurer which accepts an individual for coverage under an individual policy or contract of accident and health insurance shall waive any time period applicable to a preexisting condition exclusion or limitation period requirement of the policy or contract with respect to particular services in an individual health benefit plan for the period of time the individual was previously covered by qualifying previous coverage as defined in section 513C.3 that provided benefits with respect to such services, provided that the qualifying previous coverage was continuous to a date not more than sixty-three days prior to the effective date of the new policy or contract. Any days of coverage provided to an individual pursuant to chapter 249A or 514I, or Medicare coverage provided pursuant to Title XVIII of the federal Social Security Act, do not constitute qualifying previous coverage. Such days of chapter 249A or 514I or Medicare coverage shall be counted as part of the maximum sixty-three-day grace period and shall not constitute a basis for the waiver of any preexisting condition exclusion or limitation period.

2. An insurer issuing an individual policy or contract of accident and health insurance which provides coverage for children of the insured shall permit continuation of existing coverage for an unmarried child of an insured or enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education.

Sec. 43. APPLICABILITY. This division of this Act applies to policies or contracts of accident and health insurance delivered or issued for delivery or continued or renewed in this state on or after July 1, 2008.

DIVISION VIII
MEDICAL HOME
DIVISION XXII
MEDICAL HOME

Sec. 44. NEW SECTION. 135.157 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Board" means the state board of health created pursuant to section 136.1.
2. "Department" means the department of public health.
3. "Health care professional" means a person who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.
4. "Medical home" means a team approach to providing health care that originates in a primary care setting; fosters a partnership among the patient, the personal provider, and other health care professionals, and where appropriate, the patient's family; utilizes the partnership to access all medical and nonmedical health-related services needed by the patient and the patient's family to achieve maximum health potential; maintains a centralized, comprehensive record of all health-related services to promote continuity of care; and has all of the characteristics specified in section 135.158.
5. "National committee for quality assurance" means the nationally recognized, independent nonprofit organization that measures the quality and performance of health care and health care plans in the United States; provides accreditation, certification, and recognition programs for health care plans and programs; and is

recognized in Iowa as an accrediting organization for commercial and Medicaid-managed care organizations.

6. "Personal provider" means the patient's first point of contact in the health care system with a primary care provider who identifies the patient's health needs, and, working with a team of health care professionals, provides for and coordinates appropriate care to address the health needs identified.

7. "Primary care" means health care which emphasizes providing for a patient's general health needs and utilizes collaboration with other health care professionals and consultation or referral as appropriate to meet the needs identified.

8. "Primary care provider" means any of the following who provide primary care and meet certification standards:

- a. A physician who is a family or general practitioner, a pediatrician, an internist, an obstetrician, or a gynecologist.
- b. An advanced registered nurse practitioner.
- c. A physician assistant.
- d. A chiropractor licensed pursuant to chapter 151.

Sec. 45. NEW SECTION. 135.158 MEDICAL HOME PURPOSES – CHARACTERISTICS.

1. The purposes of a medical home are the following:

- a. To reduce disparities in health care access, delivery, and health care outcomes.
- b. To improve quality of health care and lower health care costs, thereby creating savings to allow more Iowans to have health care coverage and to provide for the sustainability of the health care system.
- c. To provide a tangible method to document if each Iowan has access to health care.

2. A medical home has all of the following characteristics:

- a. A personal provider. Each patient has an ongoing relationship with a personal provider trained to provide first contact and continuous and comprehensive care.
- b. A provider-directed medical practice. The personal provider leads a team of individuals at the practice level who collectively take responsibility for the ongoing health care of patients.

c. Whole person orientation. The personal provider is responsible for providing for all of a patient's health care needs or taking responsibility for appropriately arranging health care by other qualified health care professionals. This responsibility includes health care at all stages of life including provision of acute care, chronic care, preventive services, and end-of-life care.

d. Coordination and integration of care. Care is coordinated and integrated across all elements of the complex health care system and the patient's community. Care is facilitated by registries, information technology, health information exchanges, and other means to assure that patients receive the indicated care when and where they need and want the care in a culturally and linguistically appropriate manner.

e. Quality and safety. The following are quality and safety components of the medical home:

(1) Provider-directed medical practices advocate for their patients to support the attainment of optimal, patient-centered outcomes that are defined by a care planning process driven by a compassionate, robust partnership between providers, the patient, and the patient's family.

(2) Evidence-based medicine and clinical decision-support tools guide decision making.

(3) Providers in the medical practice accept accountability for continuous quality improvement through voluntary engagement in performance measurement and improvement.

(4) Patients actively participate in decision making and feedback is sought to ensure that the patients' expectations are being met.

(5) Information technology is utilized appropriately to support optimal patient care, performance measurement, patient education, and enhanced communication.

(6) Practices participate in a voluntary recognition process conducted by an appropriate nongovernmental entity to demonstrate that the practice has the capabilities to provide patient-centered services consistent with the medical home model.

(7) Patients and families participate in quality improvement activities at the practice level.

f. Enhanced access to health care. Enhanced access to health care is available through systems such as open scheduling, expanded hours, and new options for communication between the patient, the patient's personal provider, and practice staff.

g. Payment. The payment system appropriately recognizes the added value provided to patients who have a patient-centered medical home. The payment structure framework of the medical home provides all of the following:

(1) Reflects the value of provider and nonprovider staff and patient-centered care management work that is in addition to the face-to-face visit.

(2) Pays for services associated with coordination of health care both within a given practice and between consultants, ancillary providers, and community resources.

(3) Supports adoption and use of health information technology for quality improvement.

(4) Supports provision of enhanced communication access such as secure electronic mail and telephone consultation.

(5) Recognizes the value of provider work associated with remote monitoring of clinical data using technology.

(6) Allows for separate fee-for-service payments for face-to-face visits. Payments for health care management services that are in addition to the face-to-face visit do not result in a reduction in the payments for face-to-face visits.

(7) Recognizes case mix differences in the patient population being treated within the practice.

(8) Allows providers to share in savings from reduced hospitalizations associated with provider-guided health care management in the office setting.

(9) Allows for additional payments for achieving measurable and continuous quality improvements.

Sec. 46. NEW SECTION. 135.159 MEDICAL HOME SYSTEM – ADVISORY COUNCIL – DEVELOPMENT AND IMPLEMENTATION.

1. The department shall administer the medical home system. The department shall adopt rules pursuant to chapter 17A necessary to administer the medical home system.

2. a. The department shall establish an advisory council which shall include but is not limited to all of the following members, selected by their respective organizations, and any other members the department determines necessary to assist in the department's duties at various stages of development of the medical home system:

(1) The director of human services, or the director's designee.

(2) The commissioner of insurance, or the commissioner's designee.

(3) A representative of the federation of Iowa insurers.

(4) A representative of the Iowa dental association.

(5) A representative of the Iowa nurses association.

(6) A physician licensed pursuant to chapter 148 and a physician licensed pursuant to chapter 150 who are family physicians and members of the Iowa academy of family physicians.

(7) A health care consumer.

(8) A representative of the Iowa collaborative safety net provider network established pursuant to section 135.153.

(9) A representative of the governor's developmental disabilities council.

(10) A representative of the Iowa chapter of the American academy of pediatrics.

(11) A representative of the child and family policy center.

(12) A representative of the Iowa pharmacy association.

(13) A representative of the Iowa chiropractic society.

(14) A representative of the university of Iowa college of public health.

b. Public members of the advisory council shall receive reimbursement for actual expenses incurred while serving in their official capacity only if they are not eligible for reimbursement by the organization that they represent.

3. The department shall develop a plan for implementation of a statewide medical home system. The department, in collaboration with parents, schools, communities, health plans, and providers, shall endeavor to increase healthy outcomes for children and adults by linking the children and adults with a medical home, identifying health improvement goals for children and adults, and linking reimbursement strategies to increasing healthy outcomes for children and adults. The plan shall provide that the medical home system shall do all of the following:

a. Coordinate and provide access to evidence-based health care services, emphasizing convenient, comprehensive primary care and including preventive, screening, and well-child health services.

b. Provide access to appropriate specialty care and inpatient services.

c. Provide quality-driven and cost-effective health care.

d. Provide access to pharmacist-delivered medication reconciliation and medication therapy management services, where appropriate.

e. Promote strong and effective medical management including but not limited to planning treatment strategies, monitoring health outcomes and resource use, sharing information, and organizing care to avoid duplication of service. The plan shall provide that in sharing information, the priority shall be the protection of the privacy of individuals and the security and confidentiality of the individual's information. Any sharing of information required by the medical home system shall comply and be consistent with all existing state and federal laws and regulations relating to the confidentiality of health care information and shall be subject to written consent of the patient.

f. Emphasize patient and provider accountability.

g. Prioritize local access to the continuum of health care services in the most appropriate setting.

h. Establish a baseline for medical home goals and establish performance measures that indicate a child or adult has an established and effective medical home. For children, these goals and performance measures may include but are not limited to childhood immunizations rates, well-child care utilization rates, care management for children with chronic illnesses, emergency room utilization, and oral health service utilization.

i. For children, coordinate with and integrate guidelines, data, and information from existing newborn and child health programs and entities, including but not limited to the healthy opportunities to experience, success-healthy families Iowa

program, the community empowerment program, the center for congenital and inherited disorders screening and health care programs, standards of care for pediatric health guidelines, the office of multicultural health established in section 135.12, the oral health bureau established in section 135.15, and other similar programs and services.

4. The department shall develop an organizational structure for the medical home system in this state. The organizational structure plan shall integrate existing resources, provide a strategy to coordinate health care services, provide for monitoring and data collection on medical homes, provide for training and education to health care professionals and families, and provide for transition of children to the adult medical care system. The organizational structure may be based on collaborative teams of stakeholders throughout the state such as local public health agencies, the collaborative safety net provider network established in section 135.153, or a combination of statewide organizations. Care coordination may be provided through regional offices or through individual provider practices. The organizational structure may also include the use of telemedicine resources, and may provide for partnering with pediatric and family practice residency programs to improve access to preventive care for children. The organizational structure shall also address the need to organize and provide health care to increase accessibility for patients including using venues more accessible to patients and having hours of operation that are conducive to the population served.

5. The department shall adopt standards and a process to certify medical homes based on the national committee for quality assurance standards. The certification process and standards shall provide mechanisms to monitor performance and to evaluate, promote, and improve the quality of health of and health care delivered to patients through a medical home. The mechanism shall require participating providers to monitor clinical progress and performance in meeting applicable standards and to provide information in a form and manner specified by the department. The evaluation mechanism shall be developed with input from consumers, providers, and payers. At a minimum the evaluation shall determine any increased quality in health care provided and any decrease in cost resulting from the medical home system compared with other health care delivery systems. The standards and process shall also include a mechanism for other ancillary service providers to become affiliated with a certified medical home.

6. The department shall adopt education and training standards for health care professionals participating in the medical home system.

7. The department shall provide for system simplification through the use of universal referral forms, internet-based tools for providers, and a central medical home internet site for providers.

8. The department shall recommend a reimbursement methodology and incentives for participation in the medical home system to ensure that providers enter and remain participating in the system. In developing the recommendations for incentives, the department shall consider, at a minimum, providing incentives to promote wellness, prevention, chronic care management, immunizations, health care management, and the use of electronic health records. In developing the recommendations for the reimbursement system, the department shall analyze, at a minimum, the feasibility of all of the following:

a. Reimbursement under the medical assistance program to promote wellness and prevention, provide care coordination, and provide chronic care management.

b. Increasing reimbursement to Medicare levels for certain wellness and prevention services, chronic care management, and immunizations.

c. Providing reimbursement for primary care services by addressing the disparities between reimbursement for specialty services and primary care services.

d. Increased funding for efforts to transform medical practices into certified medical homes, including emphasizing the implementation of the use of electronic health records.

e. Targeted reimbursement to providers linked to health care quality improvement measures established by the department.

f. Reimbursement for specified ancillary support services such as transportation for medical appointments and other such services.

g. Providing reimbursement for medication reconciliation and medication therapy management service, where appropriate.

9. The department shall coordinate the requirements and activities of the medical home system with the requirements and activities of the dental home for children as described in section 249J.14, subsection 7, and shall recommend financial incentives for dentists and nondental providers to promote oral health care coordination through preventive dental intervention, early identification of oral disease risk, health care coordination and data tracking, treatment, chronic care management, education and training, parental guidance, and oral health promotions for children.

10. The department shall integrate the recommendations and policies developed by the prevention and chronic care management advisory council into the medical home system.

11. Implementation phases.

a. Initial implementation shall require participation in the medical home system of children who are recipients of full benefits under the medical assistance program. The department shall work with the department of human services and shall recommend to the general assembly a reimbursement methodology to compensate providers participating under the medical assistance program for participation in the medical home system.

b. The department shall work with the department of human services to expand the medical home system to adults who are recipients of full benefits under the medical assistance program and the expansion population under the IowaCare program. The department shall work with the centers for Medicare and Medicaid services of the United States department of health and human services to allow Medicare recipients to utilize the medical home system.

c. The department shall work with the department of administrative services to allow state employees to utilize the medical home system.

d. The department shall work with insurers and self-insured companies, if requested, to make the medical home system available to individuals with private health care coverage.

12. The department shall provide oversight for all certified medical homes. The department shall review the progress of the medical home system and recommend improvements to the system, as necessary.

3. The department shall annually evaluate the medical home system and make recommendations to the governor and the general assembly regarding improvements to and continuation of the system.

14. Recommendations and other activities resulting from the duties authorized for the department under this section shall require approval by the board prior to any subsequent action or implementation.

Sec. 47. Section 136.3, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 12. Perform those duties authorized pursuant to section 135.159.

Sec. 48. Section 249J.14, subsection 7, Code 2007, is amended to read as follows:

7. DENTAL HOME FOR CHILDREN. By ~~July 1, 2008~~ December 31, 2010, every recipient of medical assistance who is a child twelve years of age or younger shall have a designated dental home and shall be provided with the dental screenings, ~~and preventive care identified in the oral health standards services, diagnostic services, treatment services, and emergency services as defined~~ under the early and periodic screening, diagnostic, and treatment program.

Sec. 49. MEDICAL HOME SYSTEM – APPROPRIATION. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For activities associated with the medical home system requirements of this division and for not more than the following full-time equivalent positions:

..... \$ 165,600
..... FTEs 4.00

DIVISION IX
PREVENTION AND CHRONIC CARE MANAGEMENT
DIVISION XXIII
PREVENTION AND CHRONIC CARE MANAGEMENT

Sec. 50. NEW SECTION. 135.160 DEFINITIONS.

For the purpose of this division, unless the context otherwise requires:

1. "Board" means the state board of health created pursuant to section 136.1.
2. "Chronic care" means health care services provided by a health care professional for an established clinical condition that is expected to last a year or more and that requires ongoing clinical management attempting to restore the individual to highest function, minimize the negative effects of the chronic condition, and prevent complications related to the chronic condition.
3. "Chronic care information system" means approved information technology to enhance the development and communication of information to be used in providing chronic care, including clinical, social, and economic outcomes of chronic care.
4. "Chronic care management" means a system of coordinated health care interventions and communications for individuals with chronic conditions, including significant patient self-care efforts, systemic supports for the health care professional and patient relationship, and a chronic care plan emphasizing prevention of complications utilizing evidence-based practice guidelines, patient empowerment strategies, and evaluation of clinical, humanistic, and economic outcomes on an ongoing basis with the goal of improving overall health.
5. "Chronic care plan" means a plan of care between an individual and the individual's principal health care professional that emphasizes prevention of complications through patient empowerment including but not limited to providing incentives to engage the patient in the patient's own care and in clinical, social, or other interventions designed to minimize the negative effects of the chronic condition.
6. "Chronic care resources" means health care professionals, advocacy groups, health departments, schools of public health and medicine, health plans, and others with expertise in public health, health care delivery, health care financing, and health care research.
7. "Chronic condition" means an established clinical condition that is expected to last a year or more and that requires ongoing clinical management.
8. "Department" means the department of public health.

9. "Director" means the director of public health.

10. "Eligible individual" means a resident of this state who has been diagnosed with a chronic condition or is at an elevated risk for a chronic condition and who is a recipient of medical assistance, is a member of the expansion population pursuant to chapter 249J, or is an inmate of a correctional institution in this state.

11. "Health care professional" means health care professional as defined in section 135.157.

12. "Health risk assessment" means screening by a health care professional for the purpose of assessing an individual's health, including tests or physical examinations and a survey or other tool used to gather information about an individual's health, medical history, and health risk factors during a health screening.

Sec. 51. NEW SECTION. 135.161 PREVENTION AND CHRONIC CARE MANAGEMENT INITIATIVE – ADVISORY COUNCIL.

1. The director, in collaboration with the prevention and chronic care management advisory council, shall develop a state initiative for prevention and chronic care management. The state initiative consists of the state's plan for developing a chronic care organizational structure for prevention and chronic care management, including coordinating the efforts of health care professionals and chronic care resources to promote the health of residents and the prevention and management of chronic conditions, developing and implementing arrangements for delivering prevention services and chronic care management, developing significant patient self-care efforts, providing systemic support for the health care professional-patient relationship and options for channeling chronic care resources and support to health care professionals, providing for community development and outreach and education efforts, and coordinating information technology initiatives with the chronic care information system. 2. The director may accept grants and donations and shall apply for any federal, state, or private grants available to fund the initiative. Any grants or donations received shall be placed in a separate fund in the state treasury and used exclusively for the initiative or as federal law directs.

3. a. The director shall establish and convene an advisory council to provide technical assistance to the director in developing a state initiative that integrates evidence-based prevention and chronic care management strategies into the public and private health care systems, including the medical home system. Public members of the advisory council shall receive their actual and necessary expenses incurred in the performance of their duties and may be eligible to receive compensation as provided in section 7E.6.

b. The advisory council shall elicit input from a variety of health care professionals, health care professional organizations, community and nonprofit groups, insurers, consumers, businesses, school districts, and state and local governments in developing the advisory council's recommendations.

c. The advisory council shall submit initial recommendations to the director for the state initiative for prevention and chronic care management no later than July 1, 2009. The recommendations shall address all of the following:

(1) The recommended organizational structure for integrating prevention and chronic care management into the private and public health care systems. The organizational structure recommended shall align with the organizational structure established for the medical home system developed pursuant to division XXII. The advisory council shall also review existing prevention and chronic care management strategies used in the health insurance market and in private and public programs and recommend ways to expand the use of such strategies throughout the health insurance market and in the private and public health care systems.

(2) A process for identifying leading health care professionals and existing prevention and chronic care management programs in the state, and coordinating care among these health care professionals and programs.

(3) A prioritization of the chronic conditions for which prevention and chronic care management services should be provided, taking into consideration the prevalence of specific chronic conditions and the factors that may lead to the development of chronic conditions; the fiscal impact to state health care programs of providing care for the chronic conditions of eligible individuals; the availability of workable, evidence-based approaches to chronic care for the chronic condition; and public input into the selection process. The advisory council shall initially develop consensus guidelines to address the two chronic conditions identified as having the highest priority and shall also specify a timeline for inclusion of additional specific chronic conditions in the initiative.

(4) A method to involve health care professionals in identifying eligible patients for prevention and chronic care management services, which includes but is not limited to the use of a health risk assessment.

(5) The methods for increasing communication between health care professionals and patients, including patient education, patient self-management, and patient follow-up plans.

(6) The educational, wellness, and clinical management protocols and tools to be used by health care professionals, including management guideline materials for health care delivery.

(7) The use and development of process and outcome measures and benchmarks, aligned to the greatest extent possible with existing measures and benchmarks such as the best in class estimates utilized in the national healthcare quality report of the agency for health care research and quality of the United States department of health and human services, to provide performance feedback for health care professionals and information on the quality of health care, including patient satisfaction and health status outcomes.

(8) Payment methodologies to align reimbursements and create financial incentives and rewards for health care professionals to utilize prevention services, establish management systems for chronic conditions, improve health outcomes, and improve the quality of health care, including case management fees, payment for technical support and data entry associated with patient registries, and the cost of staff coordination within a medical practice.

(9) Methods to involve public and private groups, health care professionals, insurers, third-party administrators, associations, community and consumer groups, and other entities to facilitate and sustain the initiative.

(10) Alignment of any chronic care information system or other information technology needs with other health care information technology initiatives.

(11) Involvement of appropriate health resources and public health and outcomes researchers to develop and implement a sound basis for collecting data and evaluating the clinical, social, and economic impact of the initiative, including a determination of the impact on expenditures and prevalence and control of chronic conditions.

(12) Elements of a marketing campaign that provides for public outreach and consumer education in promoting prevention and chronic care management strategies among health care professionals, health insurers, and the public.

(13) A method to periodically determine the percentage of health care professionals who are participating, the success of the empowerment-of-patients approach, and any results of health outcomes of the patients participating.

(14) A means of collaborating with the health professional licensing boards pursuant to chapter 147 to review prevention and chronic care management education provided to licensees, as appropriate, and recommendations regarding education resources and curricula for integration into existing and new education and training programs.

4. Following submission of initial recommendations to the director for the state initiative for prevention and chronic care management by the advisory council, the director shall submit the state initiative to the board for approval. Subject to approval of the state initiative by the board, the department shall initially implement the state initiative among the population of eligible individuals. Following initial implementation, the director shall work with the department of human services, insurers, health care professional organizations, and consumers in implementing the initiative beyond the population of eligible individuals as an integral part of the health care delivery system in the state. The advisory council shall continue to review and make recommendations to the director regarding improvements to the initiative. Any recommendations are subject to approval by the board.

Sec. 52. NEW SECTION. 135.162 CLINICIANS ADVISORY PANEL.

1. The director shall convene a clinicians advisory panel to advise and recommend to the department clinically appropriate, evidence-based best practices regarding the implementation of the medical home as defined in section 135.157 and the prevention and chronic care management initiative pursuant to section 135.161. The director shall act as chairperson of the advisory panel.

2. The clinicians advisory panel shall consist of nine members representing licensed medical health care providers selected by their respective professional organizations. Terms of members shall begin and end as provided in section 69.19. Any vacancy shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term. Members shall serve terms of three years. A member is eligible for reappointment for three successive terms.

3. The clinicians advisory panel shall meet on a quarterly basis to receive updates from the director regarding strategic planning and implementation progress on the medical home and the prevention and chronic care management initiative and shall provide clinical consultation to the department regarding the medical home and the initiative.

Sec. 53. Section 136.3, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Perform those duties authorized pursuant to section 135.161.

Sec. 54. PREVENTION AND CHRONIC CARE MANAGEMENT – APPROPRIATION. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For activities associated with the prevention and chronic care management requirements of this division:

..... \$ 190,500

DIVISION X

FAMILY OPPORTUNITY ACT

Sec. 55. 2007 Iowa Acts, chapter 218, section 126, subsection 1, is amended to read as follows:

1. The provision in this division of this Act relating to eligibility for certain persons with disabilities under the medical assistance program shall ~~only~~ be implemented ~~if~~

~~the department of human services determines that funding is available in appropriations made in this Act, in combination with federal allocations to the state, for the state children's health insurance program, in excess of the amount needed to cover the current and projected enrollment under the state children's health insurance program beginning January 1, 2009. If such a determination is made, the department of human services shall transfer funding from the appropriations made in this Act for the state children's health insurance program, not otherwise required for that program, to the appropriations made in this Act for medical assistance, as necessary, to implement such provision of this division of this Act.~~

DIVISION XI

MEDICAL ASSISTANCE QUALITY IMPROVEMENT

Sec. 56. NEW SECTION. 249A.36 MEDICAL ASSISTANCE QUALITY IMPROVEMENT COUNCIL.

1. A medical assistance quality improvement council is established. The council shall evaluate the clinical outcomes and satisfaction of consumers and providers with the medical assistance program. The council shall coordinate efforts with the cost and quality performance evaluation completed pursuant to section 249J.16.

2. a. The council shall consist of seven voting members appointed by the majority leader of the senate, the minority leader of the senate, the speaker of the house, and the minority leader of the house of representatives. At least one member of the council shall be a consumer and at least one member shall be a medical assistance program provider. An individual who is employed by a private or nonprofit organization that receives one million dollars or more in compensation or reimbursement from the department, annually, is not eligible for appointment to the council. The members shall serve terms of two years beginning and ending as provided in section 69.19, and appointments shall comply with sections 69.16 and 69.16A. Members shall receive reimbursement for actual expenses incurred while serving in their official capacity and may also be eligible to receive compensation as provided in section 7E.6. Vacancies shall be filled by the original appointing authority and in the manner of the original appointment. A person appointed to fill a vacancy shall serve only for the unexpired portion of the term.

b. The members shall select a chairperson, annually, from among the membership. The council shall meet at least quarterly and at the call of the chairperson. A majority of the members of the council constitutes a quorum. Any action taken by the council must be adopted by the affirmative vote of a majority of its voting membership.

c. The department shall provide administrative support and necessary supplies and equipment for the council.

3. The council shall consult with and advise the Iowa Medicaid enterprise in establishing a quality assessment and improvement process.

a. The process shall be consistent with the health plan employer data and information set developed by the national committee for quality assurance and with the consumer assessment of health care providers and systems developed by the agency for health care research and quality of the United States department of health and human services. The council shall also coordinate efforts with the Iowa healthcare collaborative and the state's Medicare quality improvement organization to create consistent quality measures.

b. The process may utilize as a basis the medical assistance and state children's health insurance quality improvement efforts of the centers for Medicare and Medicaid services of the United States department of health and human services.

c. The process shall include assessment and evaluation of both managed care and fee-for-service programs, and shall be applicable to services provided to adults and children.

d. The initial process shall be developed and implemented by December 31, 2008, with the initial report of results to be made available to the public by June 30, 2009. Following the initial report, the council shall submit a report of results to the governor and the general assembly, annually, in January.

DIVISION XII HEALTH AND LONG-TERM CARE ACCESS

DIVISION XXIV

Sec. 57. NEW SECTION. 135.163 HEALTH AND LONG-TERM CARE ACCESS.

The department shall coordinate public and private efforts to develop and maintain an appropriate health care delivery infrastructure and a stable, well-qualified, diverse, and sustainable health care workforce in this state. The health care delivery infrastructure and the health care workforce shall address the broad spectrum of health care needs of Iowans throughout their lifespan including long-term care needs. The department shall, at a minimum, do all of the following:

1. Develop a strategic plan for health care delivery infrastructure and health care workforce resources in this state.

2. Provide for the continuous collection of data to provide a basis for health care strategic planning and health care policymaking.

3. Make recommendations regarding the health care delivery infrastructure and the health care workforce that assist in monitoring current needs, predicting future trends, and informing policymaking.

Sec. 58. NEW SECTION. 135.164 STRATEGIC PLAN.

1. The strategic plan for health care delivery infrastructure and health care workforce resources shall describe the existing health care system, describe and provide a rationale for the desired health care system, provide an action plan for implementation, and provide methods to evaluate the system. The plan shall incorporate expenditure control methods and integrate criteria for evidence-based health care. The department shall do all of the following in developing the strategic plan for health care delivery infrastructure and health care workforce resources:

a. Conduct strategic health planning activities related to preparation of the strategic plan.

b. Develop a computerized system for accessing, analyzing, and disseminating data relevant to strategic health planning. The department may enter into data sharing agreements and contractual arrangements necessary to obtain or disseminate relevant data.

c. Conduct research and analysis or arrange for research and analysis projects to be conducted by public or private organizations to further the development of the strategic plan.

d. Establish a technical advisory committee to assist in the development of the strategic plan. The members of the committee may include but are not limited to health economists, representatives of the university of Iowa college of public health, health planners, representatives of health care purchasers, representatives of state and local agencies that regulate entities involved in health care, representatives of health care providers and health care facilities, and consumers.

2. The strategic plan shall include statewide health planning policies and goals related to the availability of health care facilities and services, the quality of care, and the cost of care. The policies and goals shall be based on the following principles:

a. That a strategic health planning process, responsive to changing health and social needs and conditions, is essential to the health, safety, and welfare of Iowans.

The process shall be reviewed and updated as necessary to ensure that the strategic plan addresses all of the following:

- (1) Promoting and maintaining the health of all Iowans.
- (2) Providing accessible health care services through the maintenance of an adequate supply of health facilities and an adequate workforce.
- (3) Controlling excessive increases in costs.
- (4) Applying specific quality criteria and population health indicators.
- (5) Recognizing prevention and wellness as priorities in health care programs to improve quality and reduce costs.
- (6) Addressing periodic priority issues including disaster planning, public health threats, and public safety dilemmas.
- (7) Coordinating health care delivery and resource development efforts among state agencies including those tasked with facility, services, and professional provider licensure; state and federal reimbursement; health service utilization data systems; and others.

(8) Recognizing long-term care as an integral component of the health care delivery infrastructure and as an essential service provided by the health care workforce.

b. That both consumers and providers throughout the state must be involved in the health planning process, outcomes of which shall be clearly articulated and available for public review and use.

c. That the supply of a health care service has a substantial impact on utilization of the service, independent of the effectiveness, medical necessity, or appropriateness of the particular health care service for a particular individual.

d. That given that health care resources are not unlimited, the impact of any new health care service or facility on overall health expenditures in this state must be considered.

e. That excess capacity of health care services and facilities places an increased economic burden on the public.

f. That the likelihood that a requested new health care facility, service, or equipment will improve health care quality and outcomes must be considered.

g. That development and ongoing maintenance of current and accurate health care information and statistics related to cost and quality of health care and projections of the need for health care facilities and services are necessary to developing an effective health care planning strategy.

h. That the certificate of need program as a component of the health care planning regulatory process must balance considerations of access to quality care at a reasonable cost for all Iowans, optimal use of existing health care resources, fostering of expenditure control, and elimination of unnecessary duplication of health care facilities and services, while supporting improved health care outcomes.

i. That strategic health care planning must be concerned with the stability of the health care system, encompassing health care financing, quality, and the availability of information and services for all residents.

3. The health care delivery infrastructure and health care workforce resources strategic plan developed by the department shall include all of the following:

a. A health care system assessment and objectives component that does all of the following:

(1) Describes state and regional population demographics, health status indicators, and trends in health status and health care needs.

(2) Identifies key policy objectives for the state health care system related to access to care, health care outcomes, quality, and cost-effectiveness.

b. A health care facilities and services plan that assesses the demand for health care facilities and services to inform state health care planning efforts and direct

certificate of need determinations, for those facilities and services subject to certificate of need. The plan shall include all of the following:

(1) An inventory of each geographic region's existing health care facilities and services.

(2) Projections of the need for each category of health care facility and service, including those subject to certificate of need.

(3) Policies to guide the addition of new or expanded health care facilities and services to promote the use of quality, evidence-based, cost-effective health care delivery options, including any recommendations for criteria, standards, and methods relevant to the certificate of need review process.

(4) An assessment of the availability of health care providers, public health resources, transportation infrastructure, and other considerations necessary to support the needed health care facilities and services in each region.

c. A health care data resources plan that identifies data elements necessary to properly conduct planning activities and to review certificate of need applications, including data related to inpatient and outpatient utilization and outcomes information, and financial and utilization information related to charity care, quality, and cost. The plan shall provide all of the following:

(1) An inventory of existing data resources, both public and private, that store and disclose information relevant to the health care planning process, including information necessary to conduct certificate of need activities. The plan shall identify any deficiencies in the inventory of existing data resources and the data necessary to conduct comprehensive health care planning activities. The plan may recommend that the department be authorized to access existing data sources and conduct appropriate analyses of such data or that other agencies expand their data collection activities as statutory authority permits. The plan may identify any computing infrastructure deficiencies that impede the proper storage, transmission, and analysis of health care planning data.

(2) Recommendations for increasing the availability of data related to health care planning to provide greater community involvement in the health care planning process and consistency in data used for certificate of need applications and determinations. The plan shall also integrate the requirements for annual reports by hospitals and health care facilities pursuant to section 135.75, the provisions relating to analyses and studies by the department pursuant to section 135.76, the data compilation provisions of section 135.78, and the provisions for contracts for assistance with analyses, studies, and data pursuant to section 135.83.

d. An assessment of emerging trends in health care delivery and technology as they relate to access to health care facilities and services, quality of care, and costs of care. The assessment shall recommend any changes to the scope of health care facilities and services covered by the certificate of need program that may be warranted by these emerging trends. In addition, the assessment may recommend any changes to criteria used by the department to review certificate of need applications, as necessary.

e. A rural health care resources plan to assess the availability of health resources in rural areas of the state, assess the unmet needs of these communities, and evaluate how federal and state reimbursement policies can be modified, if necessary, to more efficiently and effectively meet the health care needs of rural communities. The plan shall consider the unique health care needs of rural communities, the adequacy of the rural health care workforce, and transportation needs for accessing appropriate care.

f. A health care workforce resources plan to assure a competent, diverse, and sustainable health care workforce in Iowa and to improve access to health care in underserved areas and among underserved populations. The plan shall include the establishment of an advisory council to inform and advise the department and

policymakers regarding issues relevant to the health care workforce in Iowa. The health care workforce resources plan shall recognize long-term care as an essential service provided by the health care workforce.

4. The department shall submit the initial statewide health care delivery infrastructure and resources strategic plan to the governor and the general assembly by January 1, 2010, and shall submit an updated strategic plan to the governor and the general assembly every two years thereafter.

Sec. 59. HEALTH CARE ACCESS – APPROPRIATION. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For activities associated with the health care access requirements of this division, and for not more than the following full-time equivalent positions:

.....	\$	172,200
.....	FTEs	3.00

DIVISION XIII PREVENTION AND WELLNESS INITIATIVES

Sec. 60. Section 135.27, Code 2007, is amended by striking the section and inserting in lieu thereof the following:

135.27 IOWA HEALTHY COMMUNITIES INITIATIVE – GRANT PROGRAM.

1. PROGRAM GOALS. The department shall establish a grant program to energize local communities to transform the existing culture into a culture that promotes healthy lifestyles and leads collectively, community by community, to a healthier state. The grant program shall expand an existing healthy communities initiative to assist local boards of health, in collaboration with existing community resources, to build community capacity in addressing the prevention of chronic disease that results from risk factors including overweight and obesity conditions.

2. DISTRIBUTION OF GRANTS. The department shall distribute the grants on a competitive basis and shall support the grantee communities in planning and developing wellness strategies and establishing methodologies to sustain the strategies. Grant criteria shall be consistent with the existing statewide initiative between the department and the department's partners that promotes increased opportunities for physical activity and healthy eating for Iowans of all ages, or its successor, and the statewide comprehensive plan developed by the existing statewide initiative to increase physical activity, improve nutrition, and promote healthy behaviors. Grantees shall demonstrate an ability to maximize local, state, and federal resources effectively and efficiently.

3. DEPARTMENTAL SUPPORT. The department shall provide support to grantees including capacity-building strategies, technical assistance, consultation, and ongoing evaluation.

4. ELIGIBILITY. Local boards of health representing a coalition of health care providers and community and private organizations are eligible to submit applications.

Sec. 61. NEW SECTION. 135.27A GOVERNOR'S COUNCIL ON PHYSICAL FITNESS AND NUTRITION.

1. A governor's council on physical fitness and nutrition is established consisting of twelve members appointed by the governor who have expertise in physical activity, physical fitness, nutrition, and promoting healthy behaviors. At least one member shall be a representative of elementary and secondary physical education professionals, at least one member shall be a health care professional, at least one member shall be a registered dietician, at least one member shall be recommended by the department of elder affairs, and at least one member shall be an active nutrition or fitness professional. In addition, at least one member shall be a member of a racial or ethnic minority. The governor shall select a chairperson for the council. Members shall serve

terms of three years beginning and ending as provided in section 69.19. Appointments are subject to sections 69.16 and 69.16A. Members are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of official duties. A member of the council may also be eligible to receive compensation as provided in section 7E.6.

2. The council shall assist in developing a strategy for implementation of the statewide comprehensive plan developed by the existing statewide initiative to increase physical activity, improve physical fitness, improve nutrition, and promote healthy behaviors. The strategy shall include specific components relating to specific populations and settings including early childhood, educational, local community, worksite wellness, health care, and older Iowans. The initial draft of the implementation plan shall be submitted to the governor and the general assembly by December 1, 2008.

3. The council shall assist the department in establishing and promoting a best practices internet site. The internet site shall provide examples of wellness best practices for individuals, communities, workplaces, and schools and shall include successful examples of both evidence-based and nonscientific programs as a resource.

4. The council shall provide oversight for the governor's physical fitness challenge. The governor's physical fitness challenge shall be administered by the department and shall provide for the establishment of partnerships with communities or school districts to offer the physical fitness challenge curriculum to elementary and secondary school students. The council shall develop the curriculum, including benchmarks and rewards, for advancing the school wellness policy through the challenge.

Sec. 62. IOWA HEALTHY COMMUNITIES INITIATIVE – APPROPRIATION. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For Iowa healthy communities initiative grants distributed beginning January 1, 2009, and for not more than the following full-time equivalent positions:

..... \$ 900,000
..... FTEs 3.00

Sec. 63. GOVERNOR'S COUNCIL ON PHYSICAL FITNESS AND NUTRITION – APPROPRIATION. There is appropriated from the general fund of the state to the department of public health for the fiscal period beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For the governor's council on physical fitness:

..... \$ 112,100

Sec. 64. SMALL BUSINESS QUALIFIED WELLNESS PROGRAM TAX CREDIT – PLAN. The department of public health, in consultation with the insurance division of the department of commerce and the department of revenue, shall develop a plan to provide a tax credit to small businesses that provide qualified wellness programs to improve the health of their employees. The plan shall include specification of what constitutes a small business for the purposes of the qualified wellness program, the minimum standards for use by a small business in establishing a qualified wellness program, the criteria and a process for certification of a small business qualified wellness program, and the process for claiming a small business qualified wellness program tax credit. The department of public health shall submit the plan including any recommendations for changes in law to implement a small business qualified wellness program tax credit to the governor and the general assembly by December 15, 2008.

HEALTH CARE TRANSPARENCY
DIVISION XXV
HEALTH CARE TRANSPARENCY

Sec. 65. NEW SECTION. 135.165 HEALTH CARE TRANSPARENCY – REPORTING REQUIREMENTS – HOSPITALS AND NURSING FACILITIES.

Each hospital and nursing facility in this state that is recognized by the Internal Revenue Code as a nonprofit organization or entity shall submit to the department of public health and the legislative services agency, annually, a copy of the hospital's internal revenue service form 990, including but not limited to schedule J or any successor schedule that provides compensation information for certain officers, directors, trustees, and key employees, information about the highest compensated employees, and information regarding revenues, expenses, excess or surplus revenues, and reserves within ninety days following the due date for filing the hospital's or nursing facility's return for the taxable year.

Sec. 66. Section 136.3, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 14. To the greatest extent possible integrate the efforts of the governing entities of the Iowa health information technology system pursuant to division XXI, the medical home pursuant to division XXII, the prevention and chronic care management initiative pursuant to division XXIII, and health and long-term care access pursuant to division XXIV.

Sec. 67. HEALTH CARE QUALITY AND COST TRANSPARENCY – WORKGROUP.

1. A health care quality and cost transparency workgroup is created to develop recommendations for legislation and policies regarding health care quality and cost including measures to be utilized in providing transparency to consumers of health care and health care coverage. Membership of the workgroup shall be determined by the legislative council in consultation with the chairpersons and ranking members of the joint appropriations subcommittee on health and human services and the chairpersons and ranking members of the committees on human resources of the senate and house of representatives. Membership of the workgroup shall include but is not limited to representatives of the Iowa healthcare collaborative, the department of public health, the department of human services, the insurance division of the department of commerce, the Iowa hospital association, the Iowa medical society, the Iowa health buyers alliance, the AARP Iowa chapter, the university of Iowa public policy center, and other interested consumers, advocates, purchasers, providers, and legislators. The legislative services agency shall provide staffing assistance to the workgroup.

2. The workgroup shall do all of the following:

a. Review the approaches of other states quality and cost in addressing health care transparency information.

b. Develop and compile recommendations and strategies to lower health care costs and health care coverage costs for consumers and businesses.

c. Make recommendations, including any necessary legislation, regarding reporting of health care quality and cost measures. The measures recommended for adoption shall be those measures endorsed by the national quality forum. However, if an area of measurement is deemed important by the workgroup, but the national quality forum has not endorsed such area of measurement, the workgroup may recommend, in order of priority, the measures of other national accreditation organizations such as the national committee for quality assurance, the joint commission, the centers for Medicare and Medicaid services of the United States department of health and human services, or the agency for healthcare research and quality. Any measure

recommended for adoption shall be evidence-based and clinically important, reasonably feasible to implement, and easily understood by the health care consumer.

d. Make recommendations regarding the collection and publishing of health care quality and cost measures. Measures shall be collected from health plans, hospitals, and physicians and published on a public internet site available to the general public. The recommendations shall include how the internet site will be maintained and utilization of a format to ensure that the information provided is understood by the health care consumer.

e. Submit a written report of all recommendations to the general assembly on or before December 15, 2008.

3. The legislative council, pursuant to its authority in section 2.42, may allocate to the workgroup funding from moneys available to it in section 2.12 for the purpose of providing expert support to the workgroup.

Sec. 68. EFFECTIVE DATE. The provision in this division of this Act creating a health care quality and cost transparency workgroup, being deemed of immediate importance, takes effect upon enactment.

DIVISION XV

DIRECT CARE WORKFORCE

Sec. 69. DIRECT CARE WORKER ADVISORY COUNCIL – DUTIES – REPORT.

1. As used in this section, unless the context otherwise requires:

a. "Department" means the department of public health.

b. "Direct care" means environmental or chore services, health monitoring and maintenance, assistance with instrumental activities of daily living, assistance with personal care activities of daily living, personal care support, or specialty skill services.

c. "Direct care worker" means an individual who directly provides or assists a consumer in the care of the consumer by providing direct care in a variety of settings which may or may not require supervision of the direct care worker, depending on the setting and the skills that the direct care workers possess, based on education or certification.

d. "Director" means the director of public health.

2. A direct care worker advisory council shall be appointed by the director and shall include representatives of direct care workers, consumers of direct care services, educators of direct care workers, other health professionals, employers of direct care workers, and appropriate state agencies.

3. Membership, terms of office, quorum, and expenses shall be determined by the director in accordance with the applicable provisions of section 135.11.

4. The direct care worker advisory council shall advise the director regarding regulation and certification of direct care workers, based on the work of the direct care workers task force established pursuant to 2005 Iowa Acts, chapter 88, and shall develop recommendations regarding but not limited to all of the following:

a. Direct care worker classifications based on functions and services provided by direct care workers.

b. Functions for each direct care worker classification.

c. An education and training orientation to be provided by employers.

d. Education and training requirements for each direct care worker classification.

e. The standard curriculum required for each direct care worker classification.

f. Education and training equivalency standards for each direct care worker classification.

g. Guidelines that allow individuals who are members of the direct care workforce prior to the date of required certification to be incorporated into the new regulatory system.

h. Continuing education requirements for each direct care worker classification.

- i. Standards for direct care worker educators and trainers.
 - j. Certification requirements for each direct care worker classification.
 - k. Protections for the title "certified direct care worker".
 - l. Standardized requirements for supervision of each direct care worker classification, as applicable, and the roles and responsibilities of supervisory positions.
 - m. Responsibility for maintenance of credentialing and continuing education and training.
 - n. Provision of information to income maintenance workers and case managers under the purview of the department of human services about the education and training requirements for direct care workers to provide the care and services to meet consumer needs.
5. The direct care worker advisory council shall report its recommendations to the director by November 30, 2008, including recommendations for any changes in law or rules necessary.

6. Implementation of certification of direct care workers shall begin July 1, 2009.

Sec. 70. DIRECT CARE WORKER COMPENSATION ADVISORY COMMITTEE – REVIEWS.

1. a. The general assembly recognizes that direct care workers play a vital role and make a valuable contribution in providing care to Iowans with a variety of needs in both institutional and home and community-based settings. Recruiting and retaining qualified, highly competent direct care workers is a challenge across all employment settings. High rates of employee vacancies and staff turnover threaten the ability of providers to achieve the core mission of providing safe and high quality support to Iowans.

b. It is the intent of the general assembly to address the long-term care workforce shortage and turnover rates in order to improve the quality of health care delivered in the long-term care continuum by reviewing wages and other compensation paid to direct care workers in the state.

c. It is the intent of the general assembly that the initial review of and recommendations for improving wages and other compensation paid to direct care workers focus on nonlicensed direct care workers in the nursing facility setting. However, following the initial review of wages and other compensation paid to direct care workers in the nursing facility setting, the department of human services shall convene subsequent advisory committees with appropriate representatives of public and private organizations and consumers to review the wages and other compensation paid to and turnover rates of the entire spectrum of direct care workers in the various settings in which they are employed as a means of demonstrating the general assembly's commitment to ensuring a stable and quality direct care workforce in this state.

2. The department of human services shall convene an initial direct care worker compensation advisory committee to develop recommendations for consideration by the general assembly during the 2009 legislative session regarding wages and other compensation paid to direct care workers in nursing facilities. The committee shall consist of the following members, selected by their respective organizations:

- a. The director of human services, or the director's designee.
- b. The director of public health, or the director's designee.
- c. The director of the department of elder affairs, or the director's designee.
- d. The director of the department of inspections and appeals, or the director's designee.
- e. A representative of the Iowa caregivers association.
- f. A representative of the Iowa health care association.
- g. A representative of the Iowa association of homes and services for the aging.

h. A representative of the AARP Iowa chapter.

3. The advisory committee shall also include two members of the senate and two members of the house of representatives, with not more than one member from each chamber being from the same political party. The legislative members shall serve in an ex officio, nonvoting capacity. The two senators shall be appointed respectively by the majority leader of the senate and the minority leader of the senate, and the two representatives shall be appointed respectively by the speaker of the house of representatives and the minority leader of the house of representatives.

4. Public members of the committee shall receive actual expenses incurred while serving in their official capacity and may also be eligible to receive compensation as provided in section 7E.6. Legislative members of the committee are eligible for per diem and reimbursement of actual expenses as provided in section 2.10.

5. The department of human services shall provide administrative support to the committee and the director of human services or the director's designee shall serve as chairperson of the committee.

6. The department shall convene the committee no later than July 1, 2008. Prior to the initial meeting, the department of human services shall provide all members of the committee with a detailed analysis of trends in wages and other compensation paid to direct care workers.

7. The committee shall consider options related but not limited to all of the following:

a. The shortening of the time delay between a nursing facility's submittal of cost reports and receipt of the reimbursement based upon these cost reports.

b. The targeting of appropriations to provide increases in direct care worker compensation.

c. Creation of a nursing facility provider tax.

8. Any option considered by the committee shall be consistent with federal law and regulations.

9. Following its deliberations, the committee shall submit a report of its findings and recommendations regarding improvement in direct care worker wages and other compensation in the nursing facility setting to the governor and the general assembly no later than December 12, 2008.

10. For the purposes of the initial review, "direct care worker" means nonlicensed nursing facility staff who provide hands-on care including but not limited to certified nurse aides and medication aides.

Sec. 71. DIRECT CARE WORKER IN NURSING FACILITIES – TURNOVER REPORT. The department of human services shall modify the nursing facility cost reports utilized for the medical assistance program to capture data by the distinct categories of nonlicensed direct care workers and other employee categories for the purposes of documenting the turnover rates of direct care workers and other employees of nursing facilities. The department shall submit a report on an annual basis to the governor and the general assembly which provides an analysis of direct care worker and other nursing facility employee turnover by individual nursing facility, a comparison of the turnover rate in each individual nursing facility with the state average, and an analysis of any improvement or decline in meeting any accountability goals or other measures related to turnover rates. The annual reports shall also include any data available regarding turnover rate trends, and other information the department deems appropriate. The initial report shall be submitted no later than December 1, 2008, and subsequent reports shall be submitted no later than December 1, annually, thereafter.

Sec. 72. VOLUNTARY EMPLOYER-SPONSORED HEALTH CARE COVERAGE DEMONSTRATION PROJECT – DIRECT CARE WORKERS.

1. a. The department of human services in collaboration with the insurance division of the department of commerce shall design a demonstration project to provide a health care coverage premium assistance program for nonlicensed direct care workers. Participation in the demonstration project shall be offered to employers and nonlicensed direct care workers on a voluntary basis.

b. The department in collaboration with the division shall convene an advisory council consisting of representatives of the Iowa caregivers association, the Iowa child and family policy center, the Iowa association of homes and services for the aging, the Iowa health care association, the federation of Iowa insurers, the AARP Iowa chapter, the senior living coordinating unit, and other public and private entities with interest in the demonstration project to assist in designing the project. The department in collaboration with the division shall also review the experiences of other states and the medical assistance premium assistance program in designing the demonstration project.

c. The department and the division, in consultation with the advisory council, shall establish criteria to determine which nonlicensed direct care workers shall be eligible to participate in the demonstration project, the coverage and cost parameters of the health care coverage which an employer shall provide to be eligible for participation in the project, the minimum premium contribution required of an employer to be eligible for participation in the project, income eligibility parameters for direct care workers participating in the project, minimum hours of work required of an employee to be eligible for participation in the project, and maximum premium cost limits for an employee participating in the project.

d. The project design shall allow up to 250 direct care workers and their dependents to access health care coverage sponsored by the direct care worker's employer.

e. To the extent possible, the design of the demonstration project shall incorporate a medical home, wellness and prevention services, and chronic care management.

2. The department and the division shall submit the design for the demonstration project to the governor and the general assembly for review by December 15, 2008. If the general assembly enacts legislation to implement the demonstration project and appropriates funding for the demonstration project, the department in collaboration with the division shall implement the demonstration project for an initial two-year period.

Sec. 73. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment."

2. Title page, line 3, by striking the words "end-of-life care decision making" and inserting the following: "long-term living planning and patient autonomy in health care".

3. Title page, by striking lines 5 and 6 and inserting the following: "prevention and chronic care management,".

4. Title page, by striking line 8 and inserting the following: "transparency, health care access, the direct care workforce, making appropriations, and including effective date and applicability provisions."

The House stood at ease at 4:52 p.m., until the fall of the gavel.

The House resumed session at 5:16 p.m., Speaker pro-tempore Bukta in the chair.

LEAVE OF ABSENCE

Leave of absence were granted as follows:

Jacobs of Polk and Van Engelenhoven of Marion on request of Paulsen of Linn.

Smith of Marshall moved that the House adopt the conference committee report and the amendments contained therein:

The conference committee report was adopted.

Smith of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2539)

The ayes were, 93:

Abdul-Samad	Anderson	Arnold	Bailey
Baudler	Bell	Berry	Boal
Chambers	Clute	Cohoon	Dandekar
Davitt	Deyoe	Dolecheck	Drake
Foege	Ford	Forristall	Frevert
Gaskill	Gayman	Gipp	Granzow
Grassley	Greiner	Heaton	Heddens
Hoffman	Horbach	Hunter	Huseman
Huser	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Rants

Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Fossen	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencsek	Winckler
Windschitl	Wise	Worthan	Zirkelbach
Bukta, Presiding			

The nays were, 3:

Alons	De Boef	Raecker
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Absent or not voting, 4:

Jacobs	Roberts	Van Engelenhoven	Watts
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Appropriations Calendar

House File 2701, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bonding fund, and related matters, and providing effective and retroactive applicability date provisions, was taken up for consideration.

Cohon of Des Moines offered the following amendment H-8717 filed by him from the floor and moved its adoption:

H-8717

1 Amend House File 2701 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "DIVISION I
 5 REBUILD IOWA INFRASTRUCTURE FUND
 6 Section 1. There is appropriated from the rebuild
 7 Iowa infrastructure fund to the following departments
 8 and agencies for the fiscal year beginning July 1,
 9 2008, and ending June 30, 2009, the following amounts,

10 or so much thereof as is necessary, to be used for the
11 purposes designated:

12 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

13 a. For routine maintenance of state buildings and
14 facilities, notwithstanding section 8.57, subsection
15 6, paragraph "c":

16 \$3,000,000

17 b. For updating the capitol complex master plan,
18 notwithstanding section 8.57, subsection 6, paragraph
19 "c":

20 \$250,000

21 c. To provide funding and related services for
22 capitol complex property acquisition, notwithstanding
23 section 8.57, subsection 6, paragraph "c":

24 \$1,000,000

25 d. For costs associated with developing the
26 request for proposals necessary for the procurement
27 and implementation of a human resources module
28 associated with the integrated information for Iowa
29 system, notwithstanding section 8.57, subsection 6,
30 paragraph "c":

31 \$200,000

32 e. For the state's share of support in conjunction
33 with the city of Des Moines and local area businesses
34 to provide a free shuttle service to the citizens of
35 Iowa visiting the capitol complex that includes
36 transportation between the capitol complex and the
37 downtown Des Moines area, notwithstanding section
38 8.57, subsection 6, paragraph "c":

39 \$170,000

40 Details for the shuttle service, including the
41 route to be served, shall be determined pursuant to an
42 agreement to be entered into by the department with
43 the Des Moines area regional transit authority (DART)
44 and any other participating entities.

45 Of the amount appropriated in this lettered
46 paragraph, up to \$50,000 shall be used to encourage
47 state employees to utilize transit services provided
48 by the Des Moines area regional transit authority.

49 f. For distribution to other governmental
50 entities, notwithstanding section 8.57, subsection 6,

Page 2

1 paragraph "c":

2 \$2,000,000

3 Moneys appropriated in this lettered paragraph
4 shall be separately accounted for in a distribution
5 account and shall be distributed to other governmental
6 entities based upon a formula established by the
7 department to pay for services provided during the

8 fiscal year to such other governmental entities by the
 9 department associated with the integrated information
 10 for Iowa system, notwithstanding section 8.57,
 11 subsection 6, paragraph "c". Additionally, the
 12 department may use any unexpended or unencumbered
 13 amount in the distribution account for the purchase of
 14 an existing license for which the state has made
 15 partial payment. Notwithstanding section 8.33, any
 16 remaining balance in the distribution account as of
 17 June 30, 2009, shall not revert but shall remain
 18 available to be used for additional operational
 19 expenses related to the integrated information for
 20 Iowa system during the subsequent fiscal year.
 21 g. For a contract project manager for the Iowa
 22 veterans home, notwithstanding section 8.57,
 23 subsection 6, paragraph "c":
 24 \$200,000

25 It is the intent of the general assembly that the
 26 Iowa veterans home work with the project manager to
 27 proceed with the master plan for the Iowa veterans
 28 home. The Iowa veterans home shall submit a report to
 29 the general assembly on or before December 31, 2008,
 30 detailing the progress of the work, the amount of
 31 money spent, and the amount of federal funding
 32 received.

33 2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

34 For allocation to the Iowa junior Gelbvieh
 35 association in connection with the 2009 national
 36 junior Gelbvieh heifer show, notwithstanding section
 37 8.57, subsection 6, paragraph "c":
 38 \$10,000

39 3. DEPARTMENT OF CORRECTIONS

40 a. For architecture and engineering costs
 41 associated with the building projects at Fort Madison
 42 prison and Mitchellville prison, notwithstanding
 43 section 8.57, subsection 6, paragraph "c":
 44 \$1,000,000

45 b. For project management costs associated with
 46 construction projects at the department
 47 notwithstanding section 8.57, subsection 6, paragraph
 48 "c":
 49 \$500,000

50 c. For a study related to the fifth judicial

1 district department of correctional services,
 2 notwithstanding section 8.57, subsection 6, paragraph
 3 "c":
 4 \$200,000
 5 As a condition of receiving the appropriation in

6 this lettered paragraph, the department of corrections
 7 shall collaborate with the fifth judicial district
 8 department of correctional services, the fifth
 9 judicial district board of directors, and providers
 10 within the local justice system to study potential
 11 locations of residential facilities to add no more
 12 than 170 beds. The study may address the
 13 infrastructure needs of the district department. The
 14 department of corrections and the fifth judicial
 15 district department of correctional services shall
 16 comply with section 905.13. The funds may be used to
 17 secure an option for the potential purchase of land
 18 contingent upon state appropriations being made for
 19 that specific purpose and architectural and
 20 engineering fees.

21 4. DEPARTMENT OF CULTURAL AFFAIRS

22 a. For deposit into the Iowa great places program
 23 fund created in section 303.3D for Iowa great places
 24 program projects that meet the definition of "vertical
 25 infrastructure" in section 8.57, subsection 6,
 26 paragraph "c":
 27

\$2,000,000

28 b. For historical site preservation grants to be
 29 used for the restoration, preservation, and
 30 development of historic sites:
 31

\$1,000,000

32 In making grants pursuant to this lettered
 33 paragraph, the department shall consider the existence
 34 and amount of other funds available to an applicant
 35 for the designated project. A grant awarded from
 36 moneys appropriated in this lettered paragraph shall
 37 not exceed \$100,000 per project. Not more than two
 38 grants may be awarded in the same county.

39 c. For continuation of the project recommended by
 40 the Iowa battle flag advisory committee to stabilize
 41 the condition of the battle flag collection,
 42 notwithstanding section 8.57, subsection 6, paragraph
 43 "c":
 44

\$220,000

45 d. For repairs to the historic Kimball organ
 46 located in Clermont, Iowa, notwithstanding section
 47 8.57, subsection 6, paragraph "c":
 48

\$80,000

49 5. DEPARTMENT OF ECONOMIC DEVELOPMENT

50 a. For accelerated career education program

1 capital projects at community colleges that are
 2 authorized under chapter 260G and that meet the
 3 definition of "vertical infrastructure" in section

4	8.57, subsection 6, paragraph "c":	
5	.....	\$900,000
6	The moneys appropriated in this lettered paragraph	
7	shall be allocated equally among the community	
8	colleges in the state. If any portion of the equal	
9	allocation to a community college is not obligated or	
10	encumbered by April 1, 2009, the unobligated and	
11	unencumbered portions shall be made available by the	
12	department for use by other community colleges.	
13	b. For infrastructure expenses to support the	
14	development and expansion of targeted industry areas	
15	of advanced manufacturing, bioscience, and information	
16	technology pursuant to section 15.411, notwithstanding	
17	section 8.57, subsection 6, paragraph "c":	
18	.....	\$900,000
19	c. For equal distribution to regional sports	
20	authority districts certified by the department	
21	pursuant to section 15E.321:	
22	.....	\$500,000
23	d. For deposit into the workforce training and	
24	economic development funds created for each community	
25	college in section 260C.18A, notwithstanding section	
26	8.57, subsection 6, paragraph "c":	
27	.....	\$2,000,000
28	e. For deposit into the river enhancement	
29	community attraction and tourism fund created in 2008	
30	Iowa Acts, Senate File 2430, if enacted:	
31	.....	\$10,000,000
32	f. For the construction of a multiuse community	
33	center in Des Moines:	
34	.....	\$100,000
35	6. DEPARTMENT OF EDUCATION	
36	a. To provide resources for structural and	
37	technological improvements to local libraries and for	
38	the enrich Iowa program, notwithstanding section 8.57,	
39	subsection 6, paragraph "c":	
40	.....	\$1,000,000
41	Of the amount of this appropriation, \$50,000 shall	
42	be allocated equally to each library service area.	
43	b. For implementation of the provisions of chapter	
44	280A, notwithstanding section 8.57, subsection 6,	
45	paragraph "c":	
46	.....	\$250,000
47	c. For allocation to eastern Iowa community	
48	college merged area IX with an established	
49	agricultural learning center for the construction of	
50	an agricultural learning center in Muscatine:	

1	\$80,000
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2 7. DEPARTMENT OF HUMAN SERVICES

3 a. For the renovation and construction of certain
4 nursing facilities, consistent with the provisions of
5 chapter 249K:
6 \$600,000

7 b. For a study of ways to enhance access to health
8 insurance by registered child development home
9 providers in accordance with this section,
10 notwithstanding section 8.57, subsection 6, paragraph
11 "c":
12 \$50,000

13 The study shall be conducted jointly with the
14 collective bargaining organization representing
15 registered child development home providers and the
16 organization shall match the funding provided in this
17 section.

18 c. For costs associated with the child care
19 workgroup established pursuant to this paragraph,
20 notwithstanding section 8.57, subsection 6, paragraph
21 "c":
22 \$30,000

23 (1) (a) The state child care advisory council
24 established pursuant to section 237A.21 shall serve as
25 a workgroup to address implementation of the
26 provisions of this lettered paragraph and the issues
27 identified in this lettered paragraph.

28 (b) The workgroup shall submit a report to the
29 governor and general assembly with findings and
30 recommendations on or before December 15, 2008. In
31 addition to addressing the other issues listed in this
32 lettered paragraph, the report shall provide options
33 for revising the regulatory system for home-based
34 child care providers. The options provided shall
35 include but are not limited to mandatory registration,
36 voluntary licensure, and mandatory licensure.

37 (c) The workgroup shall address the implementation
38 issues associated with a change in child care
39 regulation to mandatory registration or voluntary or
40 mandatory licensure as described in subparagraph
41 subdivision (b). The issues considered shall include
42 but are not limited to planning for the phase-in of
43 and costs for additional inspection visits of child
44 development homes, increased expenses for state child
45 care assistance program slots, revising state child
46 care assistance program reimbursement methodologies to
47 reward quality, and other implementation issues.

48 (2) (a) The workgroup shall cooperate with early
49 childhood stakeholders and the private sector in
50 addressing the many publicly supported programs and

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1 services directed to early childhood and issues
2 involved with redirecting the programs and services to
3 be part of a cohesive child care system.

4 (b) The issues addressed shall include
5 professional development of workers, improving the
6 workforce, ensuring articulation between programs,
7 meeting the needs of both children and parents,
8 enhancing community engagement to support early
9 childhood, and other efforts to address early
10 childhood needs with a coordinated system.

11 (3) In addition, the workgroup shall explore other
12 issues, including but not limited to all of the
13 following:

14 (a) Using the internet to provide information to
15 child care providers, capacity for providers to
16 register with the department of human services via the
17 internet, and training information.

18 (b) Creating a database of all child care
19 providers.

20 (c) Streamlining and coordinating inspections of
21 home-based child care providers.

22 (d) Providing health care insurance for providers
23 and their workers.

24 (e) Educating the public on the advantages of
25 using a registered child care provider.

26 (f) Developing possible sanctions for violations
27 at child care facilities other than closing the
28 facilities.

29 (g) Requiring a state and federal
30 fingerprint-based criminal history record check for
31 all licensed and registered child care providers as
32 well as unregistered child care home providers.
33 Recommendations made for purposes of this subdivision
34 shall include but are not limited to options for the
35 phasing in of required fingerprint-based checks and
36 addressing the frequency with which such checks should
37 be required.

38 (h) Providing additional opportunities and
39 resources for child care providers and instructing the
40 Iowa state university of science and technology
41 cooperative extension service in agriculture and home
42 economics, child care resource and referral agencies,
43 and community colleges to expand continuing education
44 opportunities offered at times the providers are not
45 providing care.

46 (i) Implementing an electronic benefit transfer
47 program to pay for state child care assistance.

48 e. For the construction of a community and family
49 resources drug and gambling center in a seven-county
50 area:

1	.....	\$15,000
2	8. IOWA FINANCE AUTHORITY	
3	a. For grants for distribution for water quality	
4	improvement projects for the wastewater treatment financial	
5	assistance program pursuant to section 16.134:	
6	.....	\$3,000,000
7	b. For deposit into the housing trust fund created	
8	in section 16.181:	
9	.....	\$3,000,000
10	9. DEPARTMENT OF NATURAL RESOURCES	
11	a. For purposes of supporting a lowhead dam public	
12	hazard improvement program, notwithstanding section	
13	8.57, subsection 6, paragraph "c":	
14	.....	\$1,000,000
15	The department shall award grants to dam owners	
16	including counties, cities, state agencies,	
17	cooperatives, and individuals, to support projects	
18	approved by the department.	
19	The department shall require each dam owner	
20	applying for a project grant to submit a project plan	
21	for the expenditure of the moneys, and file a report	
22	with the department regarding the project, as required	
23	by the department.	
24	The funds can be used for signs, posts, and related	
25	cabling, and the department shall only award money on	
26	a matching basis, pursuant to the dam owner	
27	contributing at least 20 cents for every 80 cents	
28	awarded by the department, in order to finance the	
29	project. For the remainder of the funds, including	
30	any balance of money not awarded for signs, posts, and	
31	related cabling, the department shall only award	
32	moneys to a dam owner on a matching basis. A dam	
33	owner shall contribute one dollar for each dollar	
34	awarded by the department in order to finance a	
35	project.	
36	b. For lake dredging and related improvements	
37	including ongoing dam maintenance and operation on a	
38	lake with public access that has the support of a	
39	benefited lake district located in a county with a	
40	population between 18,015 and 18,050 according to the	
41	2005 population estimate issued by the federal	
42	government, notwithstanding section 8.57, subsection	
43	6, paragraph "c":	
44	.....	\$100,000
45	c. For a grant to a city with a population of more	
46	than 30,500 but less than 31,500, according to the	
47	2006 estimate issued by the United States bureau of	
48	the census, notwithstanding section 8.57, subsection	

49 6, paragraph "c":
 50 \$150,000

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1 The grant shall be used to conduct a study of the
 2 feasibility of the use of plasma arc and other related
 3 energy technology for disposal of solid waste while
 4 generating energy.

5 10. DEPARTMENT OF PUBLIC DEFENSE

6 a. For upgrades to the Camp Dodge water
 7 distribution system:
 8 \$410,000

9 b. For major maintenance projects at national
 10 guard armories and facilities:
 11 \$1,500,000

12 c. For the renovation and modernization of the
 13 national guard armory in Ottumwa:
 14 \$500,000

15 d. For upgrades to the Camp Dodge electrical
 16 distribution system:
 17 \$526,000

18 e. For construction improvement projects at
 19 statewide national guard armories:
 20 \$1,800,000

21 11. DEPARTMENT OF PUBLIC HEALTH

22 For a grant to an existing national affiliated
 23 volunteer eye organization that has an established
 24 program for children and adults and that is solely
 25 dedicated to preserving sight and preventing blindness
 26 through education, nationally certified vision
 27 screening and training, community and patient service
 28 programs, notwithstanding section 8.57, subsection 6,
 29 paragraph "c":
 30 \$130,000

31 12. STATE BOARD OF REGENTS

32 a. For allocation by the state board of regents to
 33 the state university of Iowa, the Iowa state
 34 university of science and technology, and the
 35 university of northern Iowa to reimburse the
 36 institutions for deficiencies in their operating funds
 37 resulting from the pledging of tuition, student fees
 38 and charges, and institutional income to finance the
 39 cost of providing academic and administrative
 40 buildings and facilities and utility services at the
 41 institutions, notwithstanding section 8.57, subsection
 42 6, paragraph "c":
 43 \$24,305,412

44 b. For phase II of the construction and renovation
 45 of the veterinary medical facilities at Iowa state

46 university of science and technology, specifically the
 47 renovation and modernization of the area formerly
 48 occupied by the large animal area of the teaching
 49 hospital for expanded clinical services:
 50 \$1,800,000

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1 c. For the midwest grape and wine industry
 2 institute at Iowa state university of science and
 3 technology, notwithstanding section 8.57, subsection
 4 6, paragraph "c":
 5 \$50,000

6 13. DEPARTMENT OF TRANSPORTATION
 7 a. For acquiring, constructing, and improving
 8 recreational trails within the state:
 9 \$3,000,000

10 Moneys appropriated in this lettered paragraph may
 11 be used for purposes of building equestrian or
 12 snowmobile trails that run parallel to a recreational
 13 trail. It is the intent of the general assembly to
 14 promote multiple uses for trails funding in this
 15 lettered paragraph and to maximize the number of trail
 16 users.

17 Of the amounts appropriated in this lettered
 18 paragraph, the following amounts shall be allocated as
 19 follows:

20 (1) For infrastructure improvements for a river
 21 water trail located in a county with a population
 22 between 20,000 and 20,250:
 23 \$100,000

24 (2) For developing and completing a recreational
 25 trail beginning at the entrance of Stone state park
 26 and continuing south for one and one-eighth miles
 27 along, but separate from, state highway 12:
 28 \$100,000

29 (3) To the area 15 regional planning commission
 30 for the development of the American gothic regional
 31 trail project:
 32 \$100,000

33 (4) For the development of the Principal riverwalk
 34 in downtown Des Moines:
 35 \$750,000

36 (5) For the development of the Summerset trail
 37 from Indianola to Des Moines to Carlisle:
 38 \$100,000

39 (6) For general infrastructure improvements for
 40 the Crawford county trail:
 41 \$30,000

42 b. For deposit into the railroad revolving loan
 43 and grant fund created in section 327H.20A,
 44 notwithstanding section 8.57, subsection 6, paragraph

45 "c":
 46 \$2,000,000
 47 It is the intent of the general assembly that the
 48 moneys appropriated in this lettered paragraph shall
 49 be used to generate at least \$10,000,000 in vertical
 50 infrastructure capital investments.

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1 c. For the construction of a depot and platform to
 2 accommodate the future Amtrak service from Dubuque to
 3 Chicago:
 4 \$300,000

5 d. For infrastructure improvements at general
 6 aviation airports within the state:
 7 \$750,000

8 14. TREASURER OF STATE

9 a. For county fair infrastructure improvements for
 10 distribution in accordance with chapter 174 to
 11 qualified fairs which belong to the association of
 12 Iowa fairs:
 13 \$1,590,000

14 Of the amount appropriated in this lettered
 15 paragraph, \$530,000 shall be deposited into the
 16 fairgrounds infrastructure aid fund created pursuant
 17 to section 12.101, as enacted in this Act, for
 18 fairgrounds infrastructure aid as provided in section
 19 12.102, as enacted in this Act.

20 b. For deposit in the watershed improvement fund
 21 created in section 466A.2, notwithstanding section
 22 8.57, subsection 6, paragraph "c":
 23 \$5,000,000

24 15. DEPARTMENT OF VETERANS AFFAIRS

25 For transfer to the Iowa finance authority for the
 26 continuation of the home ownership assistance program
 27 for persons who are or were eligible members of the
 28 armed forces of the United States, pursuant to section
 29 16.54, as enacted by 2008 Iowa Acts, Senate File 2354,
 30 if enacted, notwithstanding section 8.57, subsection
 31 6, paragraph "c":
 32 \$1,600,000

33 Of the funds transferred pursuant to this
 34 subsection, the Iowa finance authority may retain not
 35 more than \$20,000 for administrative purposes.

36 Sec. 2. REVERSION. Notwithstanding section 8.33,
 37 moneys appropriated for the fiscal year beginning July
 38 1, 2008, in this division of this Act that remain
 39 unencumbered or unobligated at the close of the fiscal
 40 year shall not revert but shall remain available for
 41 the purposes designated until the close of the fiscal
 42 year that begins July 1, 2011, or until the project

43 for which the appropriation was made is completed,
 44 whichever is earlier.
 45 Sec. 3. DEPARTMENT OF ECONOMIC DEVELOPMENT. There
 46 is appropriated from the rebuild Iowa infrastructure
 47 fund to the department of economic development for the
 48 fiscal year beginning July 1, 2007, and ending July 1,
 49 2008, the following amount, or so much thereof as is
 50 necessary, to be used for the purpose designated:

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1 For the central Iowa expo for the design and
 2 development of a long-term facility for an outdoor
 3 farm show:
 4 \$250,000

5 Notwithstanding section 8.33, moneys appropriated
 6 in this section for the fiscal year beginning July 1,
 7 2007, and ending June 30, 2008, shall not revert at
 8 the close of the fiscal year for which they are
 9 appropriated but shall remain available for the
 10 purposes designated until the close of the fiscal year
 11 that begins July 1, 2010, or until the project for
 12 which the appropriation was made is completed,
 13 whichever is earlier.

14 Sec. 4. STATE BOARD OF REGENTS. There is
 15 appropriated from the rebuild Iowa infrastructure fund
 16 to the state board of regents for the fiscal year
 17 beginning July 1, 2009, and ending June 30, 2010, the
 18 following amount, or so much thereof as is necessary,
 19 to be used for the purposes designated:

20 For allocation by the state board of regents to the
 21 state university of Iowa, the Iowa state university of
 22 science and technology, and the university of northern
 23 Iowa to reimburse the institutions for deficiencies in
 24 their operating funds resulting from the pledging of
 25 tuition, student fees and charges, and institutional
 26 income to finance the cost of providing academic and
 27 administrative buildings and facilities and utility
 28 services at the institutions, notwithstanding section
 29 8.57, subsection 6, paragraph "c":
 30 \$24,305,412

31 Notwithstanding section 8.33, moneys appropriated
 32 in this section for the fiscal year beginning July 1,
 33 2009, and ending June 30, 2010, shall not revert at
 34 the close of the fiscal year for which they are
 35 appropriated but shall remain available for the
 36 purpose designated until the close of the fiscal year
 37 that begins July 1, 2012, or until the project for
 38 which the appropriation was made is completed,
 39 whichever is earlier.

40 Sec. 5. DEPARTMENT OF PUBLIC DEFENSE. There is

41 appropriated from the rebuild Iowa infrastructure fund
 42 to the department of public defense for the designated
 43 fiscal years the following amounts, or so much thereof
 44 as is necessary, to be used for the purpose
 45 designated:

46 For construction improvement projects at statewide
 47 national guard armories:
 48 FY 2009-2010 \$1,800,000
 49 FY 2010-2011 \$1,800,000
 50 Notwithstanding section 8.33, moneys appropriated

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1 in this section for the fiscal year beginning July 1,
 2 2009, and ending June 30, 2010, shall not revert at
 3 the close of the fiscal year for which they are
 4 appropriated but shall remain available for the
 5 purpose designated until the close of the fiscal year
 6 that begins July 1, 2012, or until the project for
 7 which the appropriation was made is completed,
 8 whichever is earlier.

9 Notwithstanding section 8.33, moneys appropriated
 10 in this section for the fiscal year beginning July 1,
 11 2010, and ending June 30, 2011, shall not revert at
 12 the close of the fiscal year for which they are
 13 appropriated but shall remain available for the
 14 purpose designated until the close of the fiscal year
 15 that begins July 1, 2013, or until the project for
 16 which the appropriation was made is completed,
 17 whichever is earlier.

18 Sec. 6. DEPARTMENT OF CORRECTIONS. There is
 19 appropriated from the rebuild Iowa infrastructure fund
 20 to the department of corrections for the designated
 21 fiscal years the following amounts, or so much thereof
 22 as is necessary, to be used for the purposes
 23 designated:

24 For expansion of the Iowa correctional facility for
 25 women at Mitchellville:
 26 FY 2010-2011 \$11,700,000
 27 FY 2011-2012 \$8,779,000

28 Notwithstanding section 8.33, moneys appropriated
 29 in this section for the fiscal year beginning July 1,
 30 2010, and ending June 30, 2011, shall not revert at
 31 the close of the fiscal year for which they are
 32 appropriated but shall remain available for the
 33 purpose designated until the close of the fiscal year
 34 that begins July 1, 2013, or until the project for
 35 which the appropriation was made is completed,
 36 whichever is earlier.

37 Notwithstanding section 8.33, moneys appropriated
 38 in this section for the fiscal year beginning July 1,

39 2011, and ending June 30, 2012, shall not revert at
 40 the close of the fiscal year for which they are
 41 appropriated but shall remain available for the
 42 purpose designated until the close of the fiscal year
 43 that begins July 1, 2014, or until the project for
 44 which the appropriation was made is completed,
 45 whichever is earlier.
 46 Sec. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There
 47 is appropriated from the rebuild Iowa infrastructure
 48 fund to the department of economic development for the
 49 designated fiscal years the following amounts, or so
 50 much thereof as is necessary, to be used for the

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1 purposes designated:
 2 For deposit into the river enhancement community
 3 attraction and tourism fund created in 2008 Iowa Acts,
 4 Senate File 2430, if enacted:

5 FY 2009-2010	\$10,000,000
6 FY 2010-2011	\$10,000,000
7 FY 2011-2012	\$10,000,000
8 FY 2012-2013	\$10,000,000

9 Notwithstanding section 8.33, moneys appropriated
 10 in this section for the fiscal year beginning July 1,
 11 2009, and ending June 30, 2010, shall not revert at
 12 the close of the fiscal year for which they are
 13 appropriated but shall remain available for the
 14 purpose designated until the close of the fiscal year
 15 that begins July 1, 2012, or until the project for
 16 which the appropriation was made is completed,
 17 whichever is earlier.

18 Notwithstanding section 8.33, moneys appropriated
 19 in this section for the fiscal year beginning July 1,
 20 2010, and ending June 30, 2011, shall not revert at
 21 the close of the fiscal year for which they are
 22 appropriated but shall remain available for the
 23 purpose designated until the close of the fiscal year
 24 that begins July 1, 2013, or until the project for
 25 which the appropriation was made is completed,
 26 whichever is earlier.

27 Notwithstanding section 8.33, moneys appropriated
 28 in this section for the fiscal year beginning July 1,
 29 2011, and ending June 30, 2012, shall not revert at
 30 the close of the fiscal year for which they are
 31 appropriated but shall remain available for the
 32 purpose designated until the close of the fiscal year
 33 that begins July 1, 2014, or until the project for
 34 which the appropriation was made is completed,
 35 whichever is earlier.

36 Notwithstanding section 8.33, moneys appropriated

37 in this section for the fiscal year beginning July 1,
 38 2012, and ending June 30, 2013, shall not revert at
 39 the close of the fiscal year for which they are
 40 appropriated but shall remain available for the
 41 purpose designated until the close of the fiscal year
 42 that begins July 1, 2015, or until the project for
 43 which the appropriation was made is completed,
 44 whichever is earlier.

45 Sec. 8. The section of this division of this Act
 46 making an appropriation to the department of economic
 47 development for a central Iowa expo for the fiscal
 48 year beginning July 1, 2007, being deemed of immediate
 49 importance, takes effect upon enactment.

50 DIVISION II

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1 ENDOWMENT FOR IOWA'S HEALTH RESTRICTED
 2 CAPITALS FUND

3 Sec. 9. There is appropriated from the endowment
 4 for Iowa's health restricted capitals fund to the
 5 following departments and agencies for the fiscal year
 6 beginning July 1, 2008, and ending June 30, 2009, the
 7 following amounts, or so much thereof as is necessary,
 8 to be used for the purposes designated:

9 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

10 a. For the installation of preheat piping in the
 11 Lucas state office building:
 12 \$300,000

13 b. For costs associated with the capitol complex
 14 alternative energy system:
 15 \$200,000

16 2. DEPARTMENT OF ECONOMIC DEVELOPMENT

17 For accelerated career education program capital
 18 projects at community colleges that are authorized
 19 under chapter 260G and that meet the definition of
 20 "vertical infrastructure" in section 8.57, subsection
 21 6, paragraph "c":
 22 \$4,600,000

23 Sec. 10. TAX-EXEMPT STATUS – USE OF
 24 APPROPRIATIONS. Payment of moneys from the
 25 appropriations in this division of this Act shall be
 26 made in a manner that does not adversely affect the
 27 tax-exempt status of any outstanding bonds issued by
 28 the tobacco settlement authority.

29 Sec. 11. REVERSION. Notwithstanding section 8.33,
 30 moneys appropriated for the fiscal year beginning July
 31 1, 2008, and ending June 30, 2009, in this division of
 32 this Act that remain unencumbered or unobligated at
 33 the close of the fiscal year shall not revert but
 34 shall remain available for the purposes designated

35 until the close of the fiscal year that begins July 1,
36 2011, or until the project for which the appropriation
37 was made is completed, whichever is earlier.

38 DIVISION III

39 TAX-EXEMPT BOND PROCEEDS RESTRICTED

40 CAPITAL FUNDS ACCOUNT

41 Sec. 12. There is appropriated from the tax-exempt
42 bond proceeds restricted capital funds account of the
43 tobacco settlement trust fund to the following
44 departments and agencies for the fiscal year beginning
45 July 1, 2008, and ending June 30, 2009, the following
46 amounts, or so much thereof as is necessary, to be
47 used for the purposes designated:

48 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

49 For costs associated with the restoration and
50 renovation, including major repairs and major

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1 maintenance, at the governor's mansion at Terrace
2 Hill:
3 \$186,457

4 2. DEPARTMENT OF NATURAL RESOURCES

5 For the construction of the cabins, activity
6 building, picnic shelters, and other costs associated
7 with the opening of the Honey creek premier
8 destination park:
9 \$3,100,000

10 The department shall not obligate any funding under
11 this appropriation without approval from the
12 department of management. The department shall give
13 quarterly updates to the Honey creek premier
14 destination park authority and the legislative
15 services agency on the obligation and spending of this
16 appropriation.

17 In light of this appropriation, the department
18 shall not request additional appropriations for
19 funding the construction of future additional
20 amenities at the Honey creek destination park beyond
21 the fiscal year ending June 30, 2009. In the event
22 that the chairperson of the authority delivers a
23 certificate to the governor, pursuant to section
24 463C.13, stating the amounts necessary to restore bond
25 reserve funds, it is the general assembly's intent
26 upon consideration of the governor's request to first
27 seek refunding from the department's budget.

28 Sec. 13. TAX-EXEMPT STATUS – USE OF
29 APPROPRIATIONS. Payment of moneys from the
30 appropriations in this division of this Act shall be
31 made in a manner that does not adversely affect the
32 tax-exempt status of any outstanding bonds issued by

33 the tobacco settlement authority.
 34 Sec. 14. REVERSION. Notwithstanding section 8.33,
 35 moneys appropriated in this division of this Act for
 36 the fiscal year beginning July 1, 2008, and ending
 37 June 30, 2009, shall not revert at the close of the
 38 fiscal year for which they are appropriated but shall
 39 remain available for the purposes designated until the
 40 close of the fiscal year that begins July 1, 2011, or
 41 until the project for which the appropriation was made
 42 is completed, whichever is earlier.

43 DIVISION IV

44 TECHNOLOGY REINVESTMENT FUND

45 Sec. 15. There is appropriated from the technology
 46 reinvestment fund created in section 8.57C to the
 47 following departments and agencies for the fiscal year
 48 beginning July 1, 2008, and ending June 30, 2009, the
 49 following amounts, or so much thereof as is necessary,
 50 to be used for the purposes designated:

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1	1. DEPARTMENT OF ADMINISTRATIVE SERVICES	
2	For technology improvement projects:	
3	.....	\$3,980,255
4	2. DEPARTMENT OF CORRECTIONS	
5	For costs associated with the Iowa corrections	
6	offender network data system:	
7	.....	\$500,000
8	3. DEPARTMENT OF CULTURAL AFFAIRS	
9	For providing a grant to the Grout museum district	
10	at the Sullivan brothers veterans museum for costs	
11	associated with the oral history exhibit including but	
12	not limited to exhibit information technology,	
13	computer connectivity, and interactive display	
14	technologies:	
15	.....	\$500,000
16	4. DEPARTMENT OF EDUCATION	
17	a. For maintenance and lease costs associated with	
18	connections for Part III of the Iowa communications	
19	network:	
20	.....	\$2,727,000
21	b. To the public broadcasting division for the	
22	purchase and installation of generators at transmitter	
23	sites:	
24	.....	\$1,602,437
25	c. To the public broadcasting division for the	
26	replacement and digital conversion of the Keosauqua	
27	translator:	
28	.....	\$701,500
29	d. For the implementation of an educational data	
30	warehouse that will be utilized by teachers, parents,	

31 school district administrators, area education agency
 32 staff, department of education staff, and
 33 policymakers:

34 \$600,000

35 e. For continuation of the skills Iowa technology
 36 grant program in accordance with this lettered
 37 paragraph:

38 \$500,000

39 The amount appropriated in this lettered paragraph
 40 shall be used to continue the skills Iowa technology
 41 grant program, previously known as the
 42 follow-the-leader technology grant program. The
 43 purpose of the program is to provide assessment and
 44 remediation tools to classrooms, to enhance teachers'
 45 ability to easily assess the skill levels of
 46 individual students and prescribe individualized
 47 instruction plans based on those assessments, and
 48 provide for professional development of teachers. The
 49 department shall contract with a not-for-profit entity
 50 with at least two years experience with the skills

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1 Iowa technology grant program and in providing
 2 technical assistance to schools in Iowa. The goals
 3 for the contractor shall include minimizing disruption
 4 in the use of skills Iowa in schools. Any
 5 departmental administrative expenses associated with
 6 this appropriation shall not exceed \$50,000.

7 5. DEPARTMENT OF HUMAN RIGHTS

8 For the cost of equipment and computer software for
 9 the implementation of Iowa's criminal justice
 10 information system:

11 \$1,839,852

12 6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
 13 COMMISSION

14 a. For replacement of equipment for the Iowa
 15 communications network:

16 \$2,190,123

17 The commission may continue to enter into contracts
 18 pursuant to section 8D.13 for the replacement of
 19 equipment and for operations and maintenance costs of
 20 the network.

21 In addition to funds appropriated under this
 22 lettered paragraph, the commission may use a financing
 23 agreement entered into by the treasurer of state in
 24 accordance with section 12.28 for the replacement of
 25 equipment for the network. For purposes of this
 26 lettered paragraph, the treasurer of state is not
 27 subject to the maximum principal limitation contained
 28 in section 12.28, subsection 6. Repayment of any

29 amounts financed shall be made from receipts
 30 associated with fees charged for use of the network.
 31 b. For addition of network redundancy for
 32 continuity of operations for the capitol complex:
 33 \$1,800,000
 34 7. DEPARTMENT OF PUBLIC SAFETY
 35 For continuation of payments on the lease of the
 36 automated fingerprint identification system:
 37 \$560,000
 38 Sec. 16. REVERSION. Notwithstanding section 8.33,
 39 moneys appropriated for the fiscal year beginning July
 40 1, 2008, and ending June 30, 2009, in this division of
 41 this Act that remain unencumbered or unobligated at
 42 the close of the fiscal year shall not revert but
 43 shall remain available for the purposes designated
 44 until the close of the fiscal year beginning July 1,
 45 2011, or until the project for which the appropriation
 46 was made is completed, whichever is earlier.
 47 Sec. 17. There is appropriated from the technology
 48 reinvestment fund created in section 8.57C to the
 49 department of cultural affairs for the fiscal year
 50 beginning July 1, 2009, and ending July 1, 2010, the

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1 following amount, or so much thereof as is necessary,
 2 to be used for the purpose designated:
 3 For providing a grant to the Grout museum district
 4 at the Sullivan brothers veterans museum for costs
 5 associated with the oral history exhibit:
 6 \$486,250
 7 Notwithstanding section 8.33, moneys appropriated
 8 in this section for the fiscal year beginning July 1,
 9 2009, and ending June 30, 2010, shall not revert at
 10 the close of the fiscal year for which they are
 11 appropriated but shall remain available for the
 12 purposes designated until the close of the fiscal year
 13 that begins July 1, 2012, or until the project for
 14 which the appropriation was made is completed,
 15 whichever is earlier.
 16 DIVISION V
 17 FY 2009 TAX-EXEMPT BOND PROCEEDS
 18 RESTRICTED CAPITAL FUNDS ACCOUNT
 19 Sec. 18. There is appropriated from the FY 2009
 20 tax-exempt bond proceeds restricted capital funds
 21 account of the tobacco settlement trust fund pursuant
 22 to section 12E.12, subsection 1, paragraph "b",
 23 subparagraph (1A), as enacted in this Act, to the
 24 following departments and agencies for the fiscal year
 25 beginning July 1, 2008, and ending June 30, 2009, the
 26 following amounts, or so much thereof as is necessary,

27 to be used for the purposes designated:

28 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

29 a. For the planning, design, and construction of a
30 new state office building, including costs associated
31 with the furnishing of the building:

32 \$20,000,000

33 The location, design, plans and specifications, and
34 occupants of the building shall be determined jointly
35 by the executive council and the department of
36 administrative services in consultation with the
37 capitol planning commission following an analysis of
38 space needs to be completed no later than January 1,
39 2009. Recommendations for design, plans and
40 specifications, and occupants shall be presented to
41 the general assembly and the governor for approval by
42 the start of the 2009 legislative session.

43 b. For renovations to the capitol complex utility
44 tunnel system:

45 \$4,763,078

46 c. For costs associated with capitol interior and
47 exterior restoration:

48 \$6,900,000

49 d. For upgrades to the electrical distribution
50 system serving the capitol complex:

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1 \$4,470,000

2 e. For heating, ventilating, and air conditioning
3 improvements in the Hoover state office building:

4 \$1,500,000

5 f. For costs associated with the central energy
6 plant addition and improvements:

7 \$623,000

8 g. For building security and firewall protection
9 in the Hoover state office building:

10 \$165,000

11 h. For projects related to major repairs and major
12 maintenance for state buildings and facilities under
13 the purview of the department:

14 \$15,000,000

15 Of the amount appropriated in this lettered
16 paragraph, up to \$1,000,000 may be used for demolition
17 purposes.

18 i. For the purchase of Mercy capitol hospital:

19 \$3,400,000

20 It is the intent of the general assembly that the
21 department will use other appropriations made or other
22 funds available to the department for the acquisition
23 of buildings to complete the purchase of this
24 building.

25 j. For capital improvements at the civil
 26 commitment unit for a sexual offenders facility at
 27 Cherokee:
 28 \$829,000
 29 k. For costs associated with the restoration and
 30 renovation, including major repairs and major
 31 maintenance, at the governor's mansion at Terrace
 32 Hill:
 33 \$769,543
 34 2. DEPARTMENT FOR THE BLIND
 35 For costs associated with the renovation of
 36 dormitory buildings:
 37 \$869,748
 38 3. DEPARTMENT OF CORRECTIONS
 39 a. For expansion of the community-based
 40 corrections facility at Sioux City:
 41 \$5,300,000
 42 b. For expansion of the community-based
 43 corrections facility at Ottumwa:
 44 \$4,100,000
 45 c. For expansion of the community-based
 46 corrections facility at Waterloo:
 47 \$6,000,000
 48 It is the intent of the general assembly that the
 49 funds appropriated in paragraphs "a" through "c" be
 50 used to expand the number of beds available through

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1 new construction and remodeling and not for
 2 replacement of existing facilities.
 3 d. For expansion of the Iowa correctional facility
 4 for women at Mitchellville:
 5 \$47,500,000
 6 e. For the remodeling of kitchens at the
 7 correctional facilities at Mount Pleasant and Rockwell
 8 City:
 9 \$12,500,000
 10 4. DEPARTMENT OF EDUCATION
 11 For major renovation and major repair needs,
 12 including health, life, and fire safety needs, and for
 13 compliance with the federal Americans With
 14 Disabilities Act, for state buildings and facilities
 15 under the purview of the community colleges:
 16 \$2,000,000
 17 The moneys appropriated in this subsection shall be
 18 allocated to the community colleges based upon the
 19 distribution formula established in section 260C.18C.
 20 5. DEPARTMENT OF NATURAL RESOURCES
 21 a. For infrastructure improvements for a state
 22 river recreation area located in a county with a

23 population between 21,900 and 22,100:
 24 \$750,000
 25 b. For the construction and installation of an
 26 angled well, pumps, and piping to connect the existing
 27 infrastructure from the new well to a lake located in
 28 a county with a population between 87,500 and 88,000:
 29 \$500,000
 30 Moneys appropriated in this lettered paragraph are
 31 contingent upon receipt of matching funds from a state
 32 taxing authority surrounding such lake.
 33 c. For the construction of the cabins, activity
 34 building, picnic shelters, and other costs associated
 35 with the opening of the Honey creek premier
 36 destination park:
 37 \$4,900,000
 38 The department shall not obligate any funding under
 39 this appropriation without approval from the
 40 department of management. The department shall
 41 provide quarterly updates to the Honey creek premier
 42 destination park authority and the legislative
 43 services agency on the obligation and spending of this
 44 appropriation.
 45 In light of this appropriation, the department
 46 shall not request additional appropriations for
 47 funding the construction of future additional
 48 amenities at the Honey creek destination park beyond
 49 the fiscal year ending June 30, 2009. In the event
 50 that the chairperson of the authority delivers a

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1 certificate to the governor, pursuant to section
 2 463C.13, stating the amounts necessary to restore bond
 3 reserve funds, it is the general assembly's intent
 4 upon consideration of the governor's request to first
 5 seek refunding from the department's budget.
 6 d. For implementation of lake projects that have
 7 established watershed improvement initiatives and
 8 community support in accordance with the department's
 9 annual lake restoration plan and report,
 10 notwithstanding section 8.57, subsection 6, paragraph
 11 "c":
 12 \$8,600,000
 13 (1) It is the intent of the general assembly that
 14 the department of natural resources shall implement
 15 the lake restoration annual report and plan submitted
 16 to the joint appropriations subcommittee on
 17 transportation, infrastructure, and capitals and the
 18 legislative services agency on December 26, 2006,
 19 pursuant to section 456A.33B. The lake restoration
 20 projects that are recommended by the department to

21 receive funding for fiscal year 2007-2008 and that
 22 satisfy the criteria in section 456A.33B, including
 23 local commitment of funding for the projects, shall be
 24 funded in the amounts provided in the report.

25 Of the amounts appropriated in this lettered
 26 paragraph, at least the following amounts shall be
 27 allocated as follows:

- 28 (a) For clear lake in Cerro Gordo county:
 29 \$3,000,000
- 30 (b) For storm lake in Buena Vista county:
 31 \$1,000,000
- 32 (c) For carter lake in Pottawattamie county:
 33 \$200,000

34 (2) Of the moneys appropriated in this lettered
 35 paragraph, \$200,000 shall be used for the purposes of
 36 supporting a low head dam public hazard improvement
 37 program. The moneys shall be used to provide grants
 38 to local communities, including counties and cities,
 39 for projects approved by the department.

- 40 (a) The department shall award grants to dam
 41 owners including counties, cities, state agencies,
 42 cooperatives, and individuals, to support projects
 43 approved by the department.
- 44 (b) The department shall require each dam owner
 45 applying for a project grant to submit a project plan
 46 for the expenditure of the moneys, and file a report
 47 with the department regarding the project, as required
 48 by the department.
- 49 (c) The funds can be used for signs, posts, and
 50 related cabling, and the department shall only award

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1 money on a matching basis, pursuant to the dam owner
 2 contributing at least 20 cents for every 80 cents
 3 awarded by the department, in order to finance the
 4 project. For the remainder of the funds, including
 5 any balance of money not awarded for signs, posts, and
 6 related cabling, the department shall only award
 7 moneys to a dam owner on a matching basis. A dam
 8 owner shall contribute one dollar for each dollar
 9 awarded by the department in order to finance a
 10 project.

11 6. STATE BOARD OF REGENTS

12 For infrastructure, deferred maintenance, and
 13 equipment related to Iowa public radio:
 14 \$2,000,000

15 7. IOWA STATE FAIR

16 For infrastructure improvements to the Iowa state
 17 fairgrounds including but not limited to the
 18 construction of an agricultural exhibition center on

19 the Iowa state fairgrounds:
 20 \$5,000,000
 21 8. DEPARTMENT OF TRANSPORTATION
 22 a. For deposit into the public transit
 23 infrastructure grant fund created in section 324A.6A:
 24 \$2,200,000
 25 b. For infrastructure improvements at the
 26 commercial service airports within the state:
 27 \$1,500,000
 28 Fifty percent of the funds appropriated in this
 29 lettered paragraph shall be allocated equally between
 30 each commercial air service airport, forty percent of
 31 the funds shall be allocated based on the percentage
 32 that the number of enplaned passengers at each
 33 commercial air service airport bears to the total
 34 number of enplaned passengers in the state during the
 35 previous fiscal year, and ten percent of the funds
 36 shall be allocated based on the percentage that the
 37 air cargo tonnage at each commercial air service
 38 airport bears to the total air cargo tonnage in the
 39 state during the previous fiscal year. In order for a
 40 commercial air service airport to receive funding
 41 under this lettered paragraph, the airport shall be
 42 required to submit applications for funding of
 43 specific projects to the department for approval by
 44 the state transportation commission.
 45 8. DEPARTMENT OF VETERANS AFFAIRS
 46 a. For matching funds for the construction of
 47 resident living areas at the Iowa veterans home and
 48 related improvements associated with the Iowa veterans
 49 home comprehensive plan:
 50 \$20,555,329

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1 b. To build a memorial plaza that honors veterans
 2 from the Dubuque area:
 3 \$100,000
 4 Sec. 19. TAX-EXEMPT STATUS – USE OF
 5 APPROPRIATIONS. Payment of moneys from the
 6 appropriations in this division of this Act shall be
 7 made in a manner that does not adversely affect the
 8 tax-exempt status of any outstanding bonds issued by
 9 the tobacco settlement authority.
 10 Sec. 20. REVERSION. Notwithstanding section 8.33,
 11 moneys appropriated in this division of this Act for
 12 the fiscal year beginning July 1, 2008, and ending
 13 June 30, 2009, shall not revert at the close of the
 14 fiscal year for which they are appropriated but shall
 15 remain available for the purposes designated until the
 16 close of the fiscal year that begins July 1, 2011, or

17 until the project for which the appropriation was made
18 is completed, whichever is earlier.

19 DIVISION VI

20 ENVIRONMENT FIRST FUND – RESOURCES ENHANCEMENT AND
21 PROTECTION

22 Sec. 21. IOWA RESOURCES ENHANCEMENT AND PROTECTION

23 FUND. There is appropriated from the environment

24 first fund created in section 8.57A to the Iowa

25 resources enhancement and protection fund for the

26 fiscal year beginning July 1, 2008, and ending June

27 30, 2009, the following amount, to be allocated as

28 provided in section 455A.19:

29 \$2,000,000

30 DIVISION VII

31 PRISON BONDING

32 Sec. 22. There is appropriated from the FY 2009

33 prison bonding fund created pursuant to section 12.79,

34 as enacted in this Act, to the department of

35 corrections for the fiscal year beginning July 1,

36 2008, and ending June 30, 2009, the following amount,

37 or so much thereof as is necessary, to be used for the

38 purpose designated:

39 For costs associated with the building of a new

40 Iowa State Penitentiary at Fort Madison:

41 \$130,677,500

42 The appropriation made in this section constitutes

43 approval by the general assembly for the issuance of

44 bonds by the treasurer pursuant to section 12.80, as

45 enacted in this Act.

46 Sec. 23. REVERSION. Notwithstanding section 8.33,

47 moneys appropriated in this division of this Act for

48 the fiscal year beginning July 1, 2008, and ending

49 June 30, 2009, shall not revert at the close of the

50 fiscal year for which they are appropriated but shall

1 remain available for the purposes designated until the
2 close of the fiscal year that begins July 1, 2012, or
3 until the project for which the appropriation was made
4 is completed, whichever is earlier.

5 DIVISION VIII

6 CHANGES TO PRIOR APPROPRIATIONS

7 Sec. 24. 2001 Iowa Acts, chapter 185, section 30,

8 as amended by 2005 Iowa Acts, chapter 178, section 22,

9 2006 Iowa Acts, chapter 1179, section 27, and 2007

10 Iowa Acts, chapter 219, section 17, is amended to read

11 as follows:

12 SEC. 30. REVERSION.

13 1. Except as provided in subsections 2 and 3 and
14 notwithstanding section 8.33, moneys appropriated in

15 this division of this Act shall not revert at the
 16 close of the fiscal year for which they were
 17 appropriated but shall remain available for the
 18 purposes designated until the close of the fiscal year
 19 that begins July 1, 2004, or until the project for
 20 which the appropriation was made is completed,
 21 whichever is earlier.

22 2. Notwithstanding section 8.33, moneys
 23 appropriated in section 25, subsection 3, paragraph
 24 "b", of this division of this Act shall not revert at
 25 the close of the fiscal year for which they were
 26 appropriated but shall remain available for the
 27 purpose designated until the close of the fiscal year
 28 that begins July 1, 2006, or until the project for
 29 which the appropriation was made is completed,
 30 whichever is earlier.

31 3. Notwithstanding section 8.33, moneys
 32 appropriated in section 28 of this division of this
 33 Act shall not revert at the close of the fiscal year
 34 for which they were appropriated but shall remain
 35 available for the purpose designated until the close
 36 of the fiscal year that begins July 1, ~~2007~~ 2008, or
 37 until the project for which the appropriation was made
 38 is completed, whichever is earlier.

39 Sec. 25. 2004 Iowa Acts, chapter 1175, section
 40 290, is amended to read as follows:

41 SEC. 290. REVERSION.

42 1. Notwithstanding Except as provided in
 43 subsections 2 and 3, and notwithstanding section 8.33,
 44 moneys appropriated from the rebuild Iowa
 45 infrastructure fund in this division of this Act shall
 46 not revert at the close of the fiscal year for which
 47 they were appropriated but shall remain available for
 48 the purposes designated until the close of the fiscal
 49 year that begins July 1, 2007, or until the project
 50 for which the appropriation was made is completed,

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1 whichever is earlier. This ~~section~~ subsection does
 2 not apply to the sections in this division of this Act
 3 that were previously enacted and are amended in this
 4 division of this Act.

5 2. Notwithstanding section 8.33, moneys
 6 appropriated from the rebuild Iowa infrastructure fund
 7 in this division of this Act in section 288,
 8 subsection 4, paragraph "b", and section 288,
 9 subsection 7, paragraph "d", shall not revert at the
 10 close of the fiscal year for which they were
 11 appropriated but shall remain available for the
 12 purposes designated until the close of the fiscal year

13 that begins July 1, 2010, or until the project for
 14 which the appropriation was made is completed,
 15 whichever is earlier.
 16 3. Notwithstanding section 8.33, moneys
 17 appropriated from the rebuild Iowa infrastructure fund
 18 in this division of this Act in section 288,
 19 subsection 12, paragraph "a", shall not revert at the
 20 close of the fiscal year for which they were
 21 appropriated but shall remain available for the
 22 purposes designated until the close of the fiscal year
 23 that begins July 1, 2008, or until the project for
 24 which the appropriation was made is completed,
 25 whichever is earlier.

26 Sec. 26. 2005 Iowa Acts, chapter 178, section 19,
 27 subsection 3, as amended by 2007 Iowa Acts, chapter
 28 219, section 20, is amended to read as follows:

29 3. REVERSION.

30 ~~1. a.~~ Except as provided in ~~subsection 2~~
 31 ~~paragraphs "b" and "c"~~ and notwithstanding section
 32 8.33, moneys appropriated in this section shall not
 33 revert at the close of the fiscal year for which they
 34 were appropriated but shall remain available for the
 35 purposes designated until the close of the fiscal year
 36 that begins July 1, 2006, or until the project for
 37 which the appropriation was made is completed,
 38 whichever is earlier.

39 ~~2. b.~~ Notwithstanding section 8.33, moneys
 40 appropriated in ~~subsection 1, paragraph "a",~~
 41 ~~subparagraph (1), and~~ subsection 1, paragraph "g",
 42 shall not revert at the close of the fiscal year for
 43 which they were appropriated but shall remain
 44 available for the purpose designated until the close
 45 of the fiscal year that begins July 1, 2007, or until
 46 the project for which the appropriation was made is
 47 completed, whichever is earlier.

48 c. Notwithstanding section 8.33, moneys
 49 appropriated in subsection 1, paragraph "a",
 50 subparagraph (1), shall not revert at the close of the

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1 fiscal year for which they were appropriated but shall
 2 remain available for the purpose designated until the
 3 close of the fiscal year that begins July 1, 2008, or
 4 until the project for which the appropriation was made
 5 is completed, whichever is earlier.

6 Sec. 27. 2005 Iowa Acts, chapter 178, section 30,
 7 is amended to read as follows:

8 SEC. 30. DEPARTMENT OF ADMINISTRATIVE SERVICES.

9 1. There is appropriated from the vertical
 10 infrastructure fund to the department of

11 administrative services for the designated fiscal
12 years, the following amounts, or so much thereof as ~~if~~
13 is necessary, to be used for the purposes designated:

14 For major renovation and major repair needs,
15 including health, life, and fire safety needs, and for
16 compliance with the federal Americans With
17 Disabilities Act, for state buildings and facilities
18 under the purview of the department:

19	FY 2006-2007	\$10,000,000
20	FY 2007-2008	\$40,000,000
21	FY 2008-2009	\$40,000,000
22	.....	<u>0</u>

23 Notwithstanding section 8.33, moneys appropriated
24 in this section shall not revert at the close of the
25 fiscal year for which they were appropriated but shall
26 remain available for the purposes designated until the
27 close of the fiscal year that begins July 1, 2010, or
28 until the project for which the appropriation was made
29 is completed, whichever is earlier.

30 Sec. 28. 2005 Iowa Acts, chapter 179, section 13,
31 unnumbered paragraph 2, as amended by 2006 Iowa Acts,
32 chapter 1179, section 32, is amended to read as
33 follows:

34 For major renovation and major repair needs,
35 including health, life, and fire safety needs, and for
36 compliance with the federal Americans With
37 Disabilities Act, for state buildings and facilities
38 under the purview of the community colleges:

39	FY 2006-2007	\$0
40	FY 2007-2008	\$2,000,000
41	FY 2008-2009	\$2,000,000
42	.....	<u>0</u>

43 Sec. 29. 2006 Iowa Acts, chapter 1179, section 5,
44 as amended by 2007 Iowa Acts, chapter 219, section 22,
45 is amended to read as follows:

46 **SEC. 5. DEPARTMENT OF ADMINISTRATIVE SERVICES.**

47 There is appropriated from the rebuild Iowa
48 infrastructure fund to the department of
49 administrative services for the designated fiscal
50 years, the following amounts, or so much thereof as is

1 necessary, to be used for the purposes designated:

2 For planning, design, and construction ~~costs~~
3 ~~associated with the construction~~ of a new
4 ~~approximately 350,000 gross square foot~~ state office
5 building, including costs associated with ~~furnishings,~~
6 ~~employee relocation, and the demolition of the Wallace~~
7 ~~Building~~ furnishing the building:

8	FY 2007-2008	\$3,600,00
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9	FY 2008-2009	\$23,300000
10	0
11	FY 2009-2010	\$12,657,100

12 The location, design, plans and specifications, and
 13 occupants of the building shall be determined jointly
 14 by the executive council and the department of
 15 administrative services in consultation with the
 16 capitol planning commission following an analysis of
 17 space needs to be completed no later than January 1,
 18 2009. Recommendations for the design, plans and
 19 specifications, and occupants shall be presented to
 20 the general assembly and the governor for approval by
 21 the start of the 2009 legislative session.

22 Notwithstanding section 8.33, moneys appropriated
 23 in this section shall not revert at the close of the
 24 fiscal year for which they were appropriated but shall
 25 remain available for the purposes designated until the
 26 close of the fiscal year that begins July 1, 2011, or
 27 until the project for which the appropriation was made
 28 is completed, whichever is earlier.

29 The design specifications of the new state office
 30 building shall include, at a minimum, energy
 31 efficiency specifications that exceed state building
 32 code requirements and have the potential for
 33 leadership in energy and environmental design silver
 34 certification from the United States green building
 35 council.

36 Sec. 30. 2006 Iowa Acts, chapter 1179, section 18,
 37 is amended to read as follows:

38 SEC. 18. REVERSION.

39 1. Except as provided in subsections 2, ~~and 3,~~ and
 40 4, notwithstanding section 8.33, moneys appropriated
 41 from the endowment for Iowa's health restricted
 42 capitals fund for the fiscal years that begin July 1,
 43 2005, and July 1, 2006, in this division of this Act
 44 that remain unencumbered or unobligated at the close
 45 of the fiscal year shall not revert but shall remain
 46 available for the purposes designated until the close
 47 of the fiscal year that begins July 1, 2009, or until
 48 the project for which the appropriation was made is
 49 completed, whichever is earlier.

50 2. Notwithstanding section 8.33, moneys

1 appropriated from the endowment for Iowa's health
 2 restricted capitals fund for the fiscal year that
 3 begins July 1, 2006, and ends June 30, 2007, in this
 4 division of this Act to the department of veterans
 5 affairs for capital improvement projects at the Iowa
 6 veterans home that remain unencumbered or unobligated

7 at the close of the fiscal year shall not revert but
8 shall remain available for expenditure for the
9 purposes designated until the close of the fiscal year
10 that begins July 1, 2010.

11 3. Notwithstanding section 8.33, moneys
12 appropriated from the endowment for Iowa's health
13 restricted capitals fund for the fiscal year beginning
14 July 1, 2006, and ending June 30, 2007, in this
15 division of this Act to the department of education
16 for major renovation and major repair needs at the
17 community colleges that remain unencumbered or
18 unobligated at the close of the fiscal year shall not
19 revert but shall remain available for expenditure for
20 the purposes designated until the close of the fiscal
21 year beginning July 1, 2010, or until the project for
22 which appropriated is completed, whichever is earlier.

23 4. Notwithstanding section 8.33, moneys
24 appropriated in section 16, subsection 3, paragraph
25 "a", that remain unencumbered or unobligated at the
26 close of the fiscal year shall not revert at the close
27 of the fiscal year for which they were appropriated
28 but shall remain available for the purposes designated
29 until the close of the fiscal year that begins July 1,
30 2010, or until the project for which the appropriation
31 was made is completed, whichever is earlier.

32 Sec. 31. 2006 Iowa Acts, chapter 1179, section 22,
33 is amended to read as follows:

34 SEC. 22. REVERSION.

35 1. Notwithstanding Except as provided in
36 subsections 2 and 3, and notwithstanding section 8.33,
37 moneys appropriated in this division of this Act that
38 remain unencumbered or unobligated at the close of the
39 fiscal year shall not revert but shall remain
40 available for the purposes designated until the close
41 of the fiscal year beginning July 1, 2007, or until
42 the project for which the appropriation was made is
43 completed, whichever is earlier.

44 2. Notwithstanding section 8.33, moneys
45 appropriated from the technology reinvestment fund in
46 this division of this Act in section 21, subsection 1,
47 shall not revert at the close of the fiscal year for
48 which they were appropriated but shall remain
49 available until the close of the fiscal year that
50 begins July 1, 2008, or until the project for which

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1 the appropriation was made is completed, whichever is
2 earlier.

3 3. Notwithstanding section 8.33, moneys
4 appropriated from the technology reinvestment fund in

5 this division of this Act in section 21, subsection 3,
 6 paragraph "e", shall not revert at the close of the
 7 fiscal year for which they were appropriated but shall
 8 remain available until the close of the fiscal year
 9 that begins July 1, 2010, or until the project for
 10 which the appropriation was made is completed,
 11 whichever is earlier.

12 Sec. 32. 2006 Iowa Acts, chapter 1179, sections 68
 13 and 69, are amended to read as follows:

14 SEC. 68. WASTEWATER TREATMENT FINANCIAL ASSISTANCE
 15 FUND – IOWA FINANCE AUTHORITY. There is appropriated
 16 from any interest or earnings on moneys in the federal
 17 economic stimulus and jobs holding account to the Iowa
 18 finance authority for deposit in the wastewater
 19 treatment financial assistance fund created in section
 20 16.134, the following amount:

21 \$4,000,000

22 Notwithstanding section 8.33, moneys appropriated
 23 in this section shall not revert at the close of the
 24 fiscal year for which they are appropriated but shall
 25 remain available for the purposes designated until the
 26 close of the fiscal year that begins July 1, 2008.

27 SEC. 69. RESOURCE CONSERVATION AND DEVELOPMENT
 28 PROJECTS – DEPARTMENT OF NATURAL RESOURCES. There is
 29 appropriated from any interest or earnings on moneys
 30 in the federal economic stimulus and jobs holding
 31 account to the department of natural resources for the
 32 development of projects relating to natural
 33 resource-based business opportunities, the following
 34 amount:

35 \$300,000

36 Local resource conservation and development groups
 37 sponsored by county governments or sponsored by soil
 38 and water conservation districts shall be eligible to
 39 receive funding on the condition that such groups
 40 receive dollar-for-dollar funding.

41 Notwithstanding section 8.33, moneys appropriated
 42 in this section shall not revert at the close of the
 43 fiscal year for which they are appropriated but shall
 44 remain available for the purposes designated until the
 45 close of the fiscal year that begins July 1, 2008.

46 Sec. 33. 2007 Iowa Acts, chapter 219, section 1,
 47 subsection 2, is amended to read as follows:

48 ~~2.~~ 1. For distribution to other governmental
 49 entities:

50 \$2,000,000

1 Moneys appropriated in this lettered paragraph
 2 shall be separately accounted for in a distribution

3 account and shall be distributed to other governmental
 4 entities based upon a formula established by the
 5 department to pay for services provided during the
 6 fiscal year to such other governmental entities by the
 7 department associated with the integrated information
 8 for Iowa system, notwithstanding section 8.57,
 9 subsection 6, paragraph "c": ~~Additionally, the~~
 10 ~~department may use any unexpended or unencumbered~~
 11 ~~amount in the distribution account for the purchase of~~
 12 ~~an existing license for which the state has made~~
 13 ~~partial payment. Any remaining balance in the~~
 14 ~~distribution account as of June 30, 2008, shall not~~
 15 ~~revert but shall remain available to be used for~~
 16 ~~additional operating expenses related to the~~
 17 ~~integrated information for Iowa system during the~~
 18 ~~subsequent fiscal year.~~

19 Sec. 34. 2007 Iowa Acts, chapter 219, section 3,
 20 is amended to read as follows:

21 SEC. 3. DEPARTMENT OF ADMINISTRATIVE SERVICES.

22 There is appropriated from the rebuild Iowa
 23 infrastructure fund for the fiscal year beginning July
 24 1, 2008, and ending June 30, 2009, the following
 25 amount, or so much thereof as is necessary, to be used
 26 for the purpose designated:

27 For capital improvements at the civil commitment
 28 unit for the sexual offenders facility at Cherokee:
 29 \$820,000
 30 0

31 ~~Notwithstanding section 8.33, moneys appropriated~~
 32 ~~in this section shall not revert at the close of the~~
 33 ~~fiscal year for which they were appropriated but shall~~
 34 ~~remain available for the purposes designated until the~~
 35 ~~close of the fiscal year that begins July 1, 2011, or~~
 36 ~~until the project for which the appropriation was made~~
 37 ~~is completed, whichever is earlier.~~

38 Sec. 35. 2008 Iowa Acts, Senate File 2420, section
 39 27, is amended to read as follows:

40 SEC. 27. PUBLIC TRANSIT FUNDING STUDY. The
 41 department of transportation, in cooperation with the
 42 office of energy independence and the department of
 43 natural resources, shall review the current revenues
 44 available for support of public transit and the
 45 sufficiency of those revenues to meet future needs.
 46 The review shall include but is not limited to
 47 identifying transit improvements needed to meet state
 48 energy independence goals and an assessment of how the
 49 state's support of public transit is positioned to
 50 meet the mobility needs of Iowa's growing senior

1 population. The department shall submit a report to

2 the governor and the general assembly on or before
3 December ~~1, 2009~~ 31, 2008.

4 Sec. 36. EFFECTIVE DATE. The sections of this
5 division of this Act amending 2001 Iowa Acts, chapter
6 185, 2004 Iowa Acts, chapter 1175, 2005 Iowa Acts,
7 chapters 178 and 179, 2006 Iowa Acts, chapter 1179,
8 sections 5, 18, 22, 68, and 69 and 2007 Iowa Acts,
9 chapter 219, sections 1 and 3, being deemed of
10 immediate importance, take effect upon enactment.

11 DIVISION IX

12 MISCELLANEOUS CODE CHANGES

13 Sec. 37. Section 8.57, subsection 6, paragraph c,
14 Code Supplement 2007, is amended to read as follows:

15 c. Moneys in the fund in a fiscal year shall be
16 used as directed by the general assembly for public
17 vertical infrastructure projects. For the purposes of
18 this subsection, "vertical infrastructure" includes
19 only land acquisition and construction, major
20 renovation and major repair of buildings, all
21 appurtenant structures, utilities, site development,
22 and recreational trails. "Vertical infrastructure"
23 does not include routine, recurring maintenance or
24 operational expenses or leasing of a building,
25 appurtenant structure, or utility without a
26 lease-purchase agreement. ~~However, appropriations may~~
27 ~~be made for the fiscal years beginning July 1, 1997,~~
28 ~~and July 1, 1998, for the purpose of funding the~~
29 ~~completion of Part III of the Iowa communications~~
30 ~~network.~~

31 Sec. 38. Section 8.57A, subsection 4, Code
32 Supplement 2007, is amended to read as follows:

33 4. There is appropriated from the rebuild Iowa
34 infrastructure fund for the fiscal year beginning July
35 1, ~~2007~~ 2008, and for each fiscal year thereafter, the
36 sum of ~~forty~~ forty-two million dollars to the
37 environment first fund, notwithstanding section 8.57,
38 subsection 6, paragraph "c".

39 Sec. 39. Section 8.57B, Code Supplement 2007, is
40 amended to read as follows:

41 8.57B VERTICAL INFRASTRUCTURE FUND.

42 1. A vertical infrastructure fund is created under
43 the authority of the department of management. The
44 fund shall consist of appropriations made to the fund
45 and transfers of interest, earnings, and moneys from
46 other funds as provided by law. The fund shall be
47 separate from the general fund of the state and the
48 balance in the fund shall not be considered part of
49 the balance of the general fund of the state.

50 However, the fund shall be considered a special

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1 account for the purposes of section 8.53, relating to
2 generally accepted accounting principles.

3 2. Notwithstanding section 12C.7, subsection 2,
4 interest or earnings on moneys in the vertical
5 infrastructure fund shall be credited to the rebuild
6 Iowa infrastructure fund.

7 3. Moneys in the fund in a fiscal year shall be
8 used as appropriated by the general assembly for
9 public vertical infrastructure projects. For the
10 purposes of this section, "vertical infrastructure"
11 includes only land acquisition and construction, major
12 renovation, and major repair of buildings, all
13 appurtenant structures, utilities, and site
14 development. "Vertical infrastructure" does not
15 include routine, recurring maintenance, debt service,
16 or operational expenses or leasing of a building,
17 appurtenant structure, or utility without a
18 lease-purchase agreement.

19 4. There is appropriated from the rebuild Iowa
20 infrastructure fund to the vertical infrastructure
21 fund, the following:

22 a. For the fiscal year beginning July 1, 2005, and
23 ending June 30, 2006, the sum of fifteen million
24 dollars.

25 b. For the fiscal year beginning July 1, 2006, and
26 ending June 30, 2007, the sum of fifteen million
27 dollars.

28 c. For the fiscal year beginning July 1, 2007, and
29 ending June 30, 2008, the sum of fifty million
30 dollars.

31 ~~d. For the fiscal year beginning July 1, 2008, and~~
32 ~~ending June 30, 2009, the sum of fifty million~~
33 ~~dollars.~~

34 5. Annually, on or before January 15 of each year,
35 a state agency that received an appropriation from the
36 vertical infrastructure fund shall report to the
37 legislative services agency and the department of
38 management the status of all projects completed or in
39 progress. The report shall include a description of
40 the project, the progress of work completed, the total
41 estimated cost of the project, a list of all revenue
42 sources being used to fund the project, the amount of
43 funds expended, the amount of funds obligated, and the
44 date the project was completed or an estimated
45 completion date of the project, where applicable.

46 6. On July 1, 2008, any unobligated and
47 unencumbered balance in the vertical infrastructure

48 fund shall be transferred to the rebuild Iowa
49 infrastructure fund. This subsection is repealed July
50 1, 2010.

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1 Sec. 40. Section 8.57C, subsection 3, Code
2 Supplement 2007, is amended to read as follows:
3 3. a. There is appropriated from the general fund
4 of the state for the fiscal ~~year~~ years beginning July
5 1, 2006, July 1, 2007, July 1, 2010, and for each
6 subsequent fiscal year ~~thereafter~~, the sum of
7 seventeen million five hundred thousand dollars to the
8 technology reinvestment fund.
9 b. There is appropriated from the rebuild Iowa
10 infrastructure fund for each fiscal year of the fiscal
11 period beginning July 1, 2008, and ending June 30,
12 2010, the sum of seventeen million five hundred
13 thousand dollars to the technology reinvestment fund.
14 notwithstanding section 8.57, subsection 6, paragraph
15 "c".

16 Sec. 41. NEW SECTION. 12.79 FY 2009 PRISON
17 BONDING FUND.

18 1. An FY 2009 prison bonding fund is created as a
19 separate fund in the state treasury. Moneys in the
20 fund shall not be subject to appropriation for any
21 other purpose by the general assembly, but shall be
22 used only for the purposes of the FY 2009 prison
23 bonding fund.

24 2. Revenue for the fund shall consist of the net
25 proceeds from the bonds issued pursuant to section
26 12.80.

27 3. Moneys in the fund in a fiscal year shall be
28 used as appropriated by the general assembly for
29 prison improvement and prison construction projects.

30 4. Moneys in the fund are not subject to section
31 8.33. Notwithstanding section 12C.7, subsection 2,
32 interest or earnings on moneys in the fund shall be
33 credited to the fund.

34 5. Annually, on or before January 15 of each year,
35 the department of corrections shall report to the
36 legislative services agency and the department of
37 management the status of all projects completed or in
38 progress. The report shall include a description of
39 the project, the work completed, the total estimated
40 cost of the project, a list of all revenue sources
41 being used to fund the project, the amount of funds
42 expended, the amount of funds obligated, and the date
43 the project was completed or an estimated completion
44 date of the project, where applicable.

45 Sec. 42. NEW SECTION. 12.80 GENERAL AND SPECIFIC
46 BONDING POWERS – PRISON INFRASTRUCTURE.

47 1. The treasurer of state is authorized to issue
48 bonds to provide prison infrastructure financing as
49 provided in this section. Bonds shall be issued in
50 accordance with the provisions of chapter 12A.

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1 2. Bonds issued under this section are payable
2 solely and only out of the moneys, assets, or revenues
3 of the prison infrastructure fund established in
4 section 602.8108A, and other moneys available as
5 provided in this section, all of which may be
6 deposited with trustees or depositories in accordance
7 with bond or security documents, and are not an
8 indebtedness of this state, or a charge against the
9 general credit or general fund of the state, and the
10 state shall not be liable for the bonds except from
11 amounts on deposit in the prison infrastructure fund
12 and other moneys available as provided in this
13 section. Bonds issued under this section shall
14 contain a statement that the bonds do not constitute
15 an indebtedness of the state.

16 3. Bonds issued under this section are declared to
17 be issued for an essential public and governmental
18 purpose and all bonds issued under this section shall
19 be exempt from taxation by the state of Iowa and the
20 interest on the bonds shall be exempt from the state
21 income tax and the state inheritance tax.

22 4. The net proceeds from the bonds issued under
23 this section shall be deposited into the FY 2009
24 prison bonding fund.

25 5. The treasurer of state shall cooperate with the
26 department of corrections in the implementation of
27 this section.

28 6. In order to assure maintenance of bond reserve
29 funds, an issuer shall, on or before January 1 of each
30 calendar year, make and deliver to the governor the
31 issuer's certificate stating the sum, if any, required
32 to restore each bond reserve fund to the bond reserve
33 fund requirement for that fund. Within thirty days
34 after the beginning of the session of the general
35 assembly next following the delivery of the
36 certificate, the governor shall submit to both houses
37 printed copies of a budget including the sum, if any,
38 required to restore each bond reserve fund to the bond
39 reserve fund requirement for that fund. Any sums
40 appropriated by the general assembly and paid to the
41 issuer pursuant to this subsection shall be deposited
42 by the issuer in the applicable bond reserve fund.

43 Sec. 43. NEW SECTION. 12.101 FAIRGROUNDS
44 INFRASTRUCTURE AID FUND.

45 1. A fairgrounds infrastructure aid fund is

46 created in the state treasury under the control of the
47 treasurer of state. The fund is separate from the
48 general fund of the state. The fund is composed of
49 moneys appropriated by the general assembly and moneys
50 available to and obtained or accepted by the treasurer

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1 of state from the United States government or private
2 sources for placement in the fund.

3 2. Moneys in the fairgrounds infrastructure aid
4 fund are appropriated to the treasurer of state
5 exclusively to support the payment of infrastructure
6 aid as provided in section 12.102. Moneys in the fund
7 shall not be allocated to the treasurer of state to
8 reimburse the treasurer of state for administrative
9 costs.

10 3. Notwithstanding section 12C.7, interest or
11 earnings on moneys in the fairgrounds infrastructure
12 aid fund shall be credited to the fund.
13 Notwithstanding section 8.33, unencumbered and
14 unobligated moneys remaining in the fund at the close
15 of each fiscal year shall not revert but shall remain
16 available in the fund.

17 Sec. 44. NEW SECTION. 12.102 PAYMENT OF
18 INFRASTRUCTURE AID.

19 1. The treasurer of state shall award
20 infrastructure aid to a fair necessary for the fair to
21 make improvements to the permanent infrastructure of
22 its fairgrounds, including the construction, major
23 renovation, or major repair of buildings, appurtenant
24 structures, or utilities.

25 2. The treasurer of state, in cooperation with the
26 association of Iowa fairs, shall provide criteria for
27 eligibility for infrastructure aid by rule. The
28 treasurer of state must receive an application for an
29 award on or after July 1 and before December 1 of each
30 year. An award of infrastructure aid to an eligible
31 fair shall be in the form of a grant. The treasurer
32 of state shall meet with representatives of the
33 association of Iowa fairs. The representatives shall
34 be available to advise the treasurer of state when the
35 treasurer of state makes decisions regarding the
36 awarding of infrastructure aid.

37 3. In order to receive infrastructure aid, the
38 management of an eligible fair must execute a
39 cost-share agreement with the treasurer of state, with
40 the treasurer of state contributing two dollars for
41 each dollar contributed by the fair.

42 4. The infrastructure aid awarded to a fair cannot
43 be less than five thousand dollars or more than fifty
44 thousand dollars during any fiscal year. The

45 treasurer of state may approve multiple awards to make
46 improvements to a fair's fairgrounds so long as the
47 total amount awarded does not exceed the limitations
48 provided in this subsection.

49 Sec. 45. Section 12E.10, subsection 1, paragraph
50 a, subparagraphs (2) and (3), Code 2007, are amended

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1 to read as follows:

2 (2) The authority shall issue tax-exempt bonds ~~in~~
3 ~~an amount that is as necessary in amounts determined~~
4 ~~by the authority~~ sufficient to provide net proceeds ~~in~~
5 ~~an amount of not more than five hundred forty million~~
6 ~~dollars~~ for deposit in the tax-exempt bond proceeds
7 restricted capital funds account of the tobacco
8 settlement trust fund, to be used for capital
9 projects, certain debt service on outstanding
10 obligations which funded capital projects, and
11 attorney fees related to the master settlement
12 agreement.

13 (3) The authority may also issue taxable bonds or
14 tax-exempt bonds to provide additional amounts to be
15 used for the purposes specified in section 12.65.

16 Sec. 46. Section 12E.10, subsection 1, paragraph
17 b, Code 2007, is amended to read as follows:

18 b. It is the expectation of the state that not
19 less than eighty-five percent of the proceeds
20 ~~deposited in the tax-exempt bond proceeds restricted~~
21 ~~capital funds account of the tobacco settlement trust~~
22 ~~fund of any issue of tax-exempt bonds~~ will be expended
23 within five years from the effective date of the sale,
24 consistent with the requirements of federal law, and
25 that the specific capital projects, debt service, and
26 attorney fees payments shall be determined annually
27 through appropriations authorized by a constitutional
28 majority of each house of the general assembly and
29 approved by the governor.

30 Sec. 47. Section 12E.10, subsection 1, Code 2007,
31 is amended by adding the following new paragraph:

32 NEW PARAGRAPH. c. The authority may issue
33 tax-exempt bonds if the securitization of any
34 remaining tobacco settlement payments will result in
35 the deposit of net proceeds of not less than one
36 hundred eighty-three million dollars for tax-exempt
37 bonds issued after July 1, 2008.

38 Sec. 48. Section 12E.12, subsection 1, paragraph
39 b, Code 2007, is amended by adding the following new
40 subparagraph:

41 NEW SUBPARAGRAPH. (1A) The FY 2009 tax-exempt
42 bond proceeds restricted capital funds account. The
43 net proceeds of tax-exempt bonds issued after July 1,

44 2008, as a result of the securitization of any
45 remaining tobacco settlement payments to provide funds
46 for capital projects which the treasurer of state is
47 authorized and directed to deposit on behalf of the
48 state shall be deposited in the account and shall be
49 used to fund capital projects. With respect to
50 capital projects, it is the intent of the general

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1 assembly to fund capital projects that qualify as
2 vertical infrastructure projects as defined in section
3 8.57, subsection 6, paragraph "c", to the extent
4 practicable in any fiscal year and without limiting
5 other qualifying capital expenditures considered and
6 approved by a constitutional majority of each house of
7 the general assembly and the governor.

8 Sec. 49. Section 12E.12, subsection 9, Code 2007,
9 is amended to read as follows:

10 9. Annually, on or before January ~~1~~ 15 of each
11 year, a state agency that received an appropriation
12 from the tobacco settlement trust fund ~~for the~~
13 ~~preceding fiscal year~~ shall report to the ~~joint~~
14 ~~transportation, infrastructure, and capitals~~
15 ~~appropriation subcommittee, the legislative services~~
16 ~~agency, and the department of management, and the~~
17 ~~legislative capital projects committee of the~~
18 ~~legislative council~~ the status of all ~~ongoing~~ projects
19 ~~for which an appropriation from the fund has been made~~
20 ~~completed or in progress~~. The report shall include a
21 description of the project, the progress of work
22 completed, the total estimated cost of the project, a
23 list of all revenue sources being used to fund the
24 project, the amount of funds expended, the amount of
25 funds obligated, and ~~the date the project was~~
26 ~~completed or~~ an estimated completion date of the
27 project, ~~where applicable~~.

28 Sec. 50. Section 15F.204, subsection 8, paragraph
29 a, subparagraphs (5) and (6), Code 2007, are amended
30 to read as follows:

31 (5) For the fiscal year beginning July 1, 2008,
32 and ending June 30, 2009, the sum of ~~five~~ twelve
33 million dollars.

34 (6) For the fiscal year beginning July 1, 2009,
35 and ending June 30, 2010, the sum of ~~five~~ twelve
36 million dollars.

37 Sec. 51. Section 15F.204, subsection 8, paragraph
38 b, subparagraphs (4) and (5), Code 2007, are amended
39 by striking the subparagraphs.

40 Sec. 52. Section 15G.110, Code 2007, is amended to
41 read as follows:

42 15G.110 APPROPRIATION.

43 1. For the fiscal period beginning July 1, 2005,
44 and ending June 30, 2008, and for the fiscal period
45 beginning July 1, 2010, and ending June 30, 2015,
46 there is appropriated to the department of economic
47 development each fiscal year fifty million dollars
48 from the general fund of the state for deposit in the
49 grow Iowa values fund.
50 2. For the fiscal period beginning July 1, 2008,

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1 and ending June 30, 2010, there is appropriated to the
2 department of economic development each fiscal year
3 fifty million dollars from the rebuild Iowa
4 infrastructure fund for deposit in the grow Iowa
5 values fund, notwithstanding section 8.57, subsection
6 6, paragraph "c".

7 Sec. 53. Section 15G.111, subsection 1, paragraph
8 c, Code Supplement 2007, is amended to read as
9 follows:

10 c. The department shall require an applicant for
11 moneys appropriated under this subsection to include
12 in the application a statement regarding the intended
13 return on investment. A recipient of moneys
14 appropriated under this subsection shall annually
15 submit a statement to the department regarding the
16 progress achieved on the intended return on investment
17 stated in the application. A recipient of moneys
18 appropriated under this subsection shall also annually
19 submit a statement to the department regarding the
20 type and amount of funds spent on any major
21 maintenance, repair, or renovation of any new or
22 existing building. The department, in cooperation
23 with the department of revenue, shall develop a method
24 of identifying and tracking each new job created and
25 the leveraging of moneys through financial assistance
26 from moneys appropriated under this subsection. The
27 department of economic development shall identify
28 research and development activities funded through
29 financial assistance from not more than ten percent of
30 the moneys appropriated under this subsection, and,
31 instead of determining return on investment and job
32 creation for the identified funding, determine the
33 potential impact on the state's economy. The
34 department's annual project status report satisfies
35 the reporting requirement contained in this section.

36 Sec. 54. NEW SECTION. 16.181A HOUSING TRUST FUND
37 – APPROPRIATIONS.

38 There is appropriated from the rebuild Iowa
39 infrastructure fund to the Iowa finance authority for
40 deposit in the housing trust fund created in section
41 16.181, for the fiscal year beginning July 1, 2009,

42 and ending June 30, 2010, and for each succeeding
 43 fiscal year, the sum of three million dollars.
 44 Sec. 55. Section 303.3D, subsections 2 and 4, Code
 45 2007, are amended to read as follows:
 46 2. Moneys appropriated for a fiscal year to the
 47 fund shall be used by the general assembly to fund
 48 capital infrastructure projects for identified Iowa
 49 great places through the Iowa great places program
 50 established in section 303.3C. Moneys appropriated

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1 for a fiscal year shall be available for a project
 2 identified in an Iowa great places agreement for a
 3 period of three years from the time the project is
 4 identified.
 5 4. Notwithstanding section 8.33, moneys credited
 6 to the great places program fund shall not revert to
 7 the fund from which appropriated but shall remain
 8 available for expenditure for the purposes designated
 9 for subsequent fiscal years.

10 Sec. 56. Section 428A.8, Code 2007, is amended to
 11 read as follows:
 12 428A.8 REMITTANCE TO STATE TREASURER – PORTION
 13 RETAINED IN COUNTY.

14 1. On or before the tenth day of each month the
 15 county recorder shall determine and pay to the
 16 treasurer of state eighty-two and three-fourths
 17 percent of the receipts from the real estate transfer
 18 tax collected during the preceding month and the
 19 treasurer of state shall deposit ~~ninety-five percent~~
 20 ~~of the receipts in the general fund of the state and~~
 21 ~~transfer five percent of the receipts to the shelter~~
 22 ~~assistance fund created in section 15.349 as provided~~
 23 in subsection 2.

24 The county recorder shall deposit the remaining
 25 seventeen and one-fourth percent of the receipts in
 26 the county general fund.

27 Any tax or additional tax found to be due shall be
 28 collected by the county recorder. If the county
 29 recorder is unable to collect the tax, the director of
 30 revenue shall collect the tax in the same manner as
 31 taxes are collected in chapter 422, division III. If
 32 collected by the director of revenue, the director
 33 shall pay the county its proportionate share of the
 34 tax. Section 422.25, subsections 1, 2, 3, and 4, and
 35 sections 422.26, 422.28 through 422.30, and 422.73,
 36 consistent with this chapter, apply with respect to
 37 the collection of any tax or additional tax found to
 38 be due, in the same manner and with the same effect as
 39 if the deed, instrument, or writing were an income tax
 40 return within the meaning of those statutes.

41 The county recorder shall keep records and make
42 reports with respect to the real estate transfer tax
43 as the director of revenue prescribes.

44 2. The treasurer of state shall deposit or
45 transfer the receipts paid the treasurer of state
46 pursuant to subsection 1 to either the general fund of
47 the state, the housing trust fund created in section
48 16.181, or the shelter assistance fund created in
49 section 15.349 as follows:

50 a. For the fiscal year beginning July 1, 2009,

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1 ninety percent of the receipts shall be deposited in
2 the general fund, five percent of the receipts shall
3 be transferred to the housing trust fund, and five
4 percent of the receipts shall be transferred to the
5 shelter assistance fund.

6 b. For the fiscal year beginning July 1, 2010,
7 eighty-five percent of the receipts shall be deposited
8 in the general fund, ten percent of the receipts shall
9 be transferred to the housing trust fund, and five
10 percent of the receipts shall be transferred to the
11 shelter assistance fund.

12 c. For the fiscal year beginning July 1, 2011,
13 eighty percent of the receipts shall be deposited in
14 the general fund, fifteen percent of the receipts
15 shall be transferred to the housing trust fund, and
16 five percent of the receipts shall be transferred to
17 the shelter assistance fund.

18 d. For the fiscal year beginning July 1, 2012,
19 seventy-five percent of the receipts shall be
20 deposited in the general fund, twenty percent of the
21 receipts shall be transferred to the housing trust
22 fund, and five percent of the receipts shall be
23 transferred to the shelter assistance fund.

24 e. For the fiscal year beginning July 1, 2013,
25 seventy percent of the receipts shall be deposited in
26 the general fund, twenty-five percent of the receipts
27 shall be transferred to the housing trust fund, and
28 five percent of the receipts shall be transferred to
29 the shelter assistance fund.

30 f. For the fiscal year beginning July 1, 2014, and
31 each succeeding fiscal year, sixty-five percent of the
32 receipts shall be deposited in the general fund,
33 thirty percent of the receipts shall be transferred to
34 the housing trust fund, and five percent of the
35 receipts shall be transferred to the shelter
36 assistance fund.

37 3. Notwithstanding subsection 2, the amount of
38 money that shall be transferred pursuant to this
39 section to the housing trust fund in any one fiscal

40 year shall not exceed three million dollars. Any
 41 money that otherwise would be transferred pursuant to
 42 this section to the housing trust fund in excess of
 43 that amount shall be deposited in the general fund of
 44 the state.

45 Sec. 57. Section 602.8108A, Code Supplement 2007,
 46 is amended to read as follows:

47 602.8108A PRISON INFRASTRUCTURE FUND.

48 1. The Iowa prison infrastructure fund is created
 49 and established as a separate and distinct fund in the
 50 state treasury. Notwithstanding any other provision

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1 of this chapter to the contrary, the first eight
 2 million dollars and, beginning July 1, 1997, the first
 3 nine million five hundred thousand dollars, of moneys
 4 remitted to the treasurer of state from fines, fees,
 5 costs, and forfeited bail collected by the clerks of
 6 the district court in criminal cases, including those
 7 collected for both scheduled and nonscheduled
 8 violations, collected in each fiscal year commencing
 9 with the fiscal year beginning July 1, 1995, shall be
 10 deposited in the fund. Beginning July 1, 2009, the
 11 treasurer of state shall certify to the judicial
 12 branch the annual amount of funds necessary to be
 13 remitted for deposit into the fund for that fiscal
 14 year and such moneys shall be remitted to the
 15 treasurer of state from fines, fees, costs, and
 16 forfeited bail collected by the clerks of the district
 17 court in criminal cases, including those collected for
 18 both scheduled and nonscheduled violations, for debt
 19 payments expected to be paid from the fund. Interest
 20 and other income earned by the fund shall be deposited
 21 in the fund. However, beginning with the fiscal year
 22 beginning July 1, 1998, all fines and fees
 23 attributable to commercial vehicle violation citations
 24 issued after July 1, 1998, shall be deposited as
 25 provided in section 602.8108, subsection 8. ~~If the~~
 26 ~~treasurer of state determines pursuant to 1994 Iowa~~
 27 ~~Acts, ch. 1106, that bonds can be issued pursuant to~~
 28 ~~this section and section 16.177, then the~~ The moneys
 29 in the fund are appropriated ~~to~~ and shall have
 30 priority and precedence for the purpose of paying the
 31 principal of, premium, if any, and interest on bonds
 32 issued by the Iowa finance authority under section
 33 16.177. Any remaining moneys not otherwise
 34 appropriated for purposes of paying the principal,
 35 premium, and interest on the bonds issued by the Iowa
 36 finance authority pursuant to section 16.177 shall be
 37 available and appropriated to the treasurer of state
 38 pursuant to section 12.80. Except as otherwise

39 provided in subsection 2, amounts in the funds shall
 40 not be subject to appropriation for any purpose by the
 41 general assembly, but shall be used only for the
 42 purposes set forth in this section. The treasurer of
 43 state shall act as custodian of the fund and disburse
 44 amounts contained in it as directed by the department
 45 of corrections including the automatic disbursement of
 46 funds pursuant to the terms of bond indentures and
 47 documents and security provisions to trustees and
 48 custodians. The treasurer of state is authorized to
 49 invest the funds deposited in the fund subject to any
 50 limitations contained in any applicable bond

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1 proceedings. Any amounts remaining in the fund at the
 2 end of each fiscal year shall be transferred to the
 3 general fund of the state.
 4 2. If the treasurer of state determines that bonds
 5 cannot be issued pursuant to this section and ~~section~~
 6 sections 12.80 and 16.177; or if there are any
 7 remaining moneys at the end of a fiscal year after the
 8 appropriations are paid pursuant to sections 12.80 and
 9 16.177 the treasurer of state shall deposit the moneys
 10 in the prison infrastructure fund into the general
 11 fund of the state.

12 DIVISION X

13 MISCELLANEOUS

14 Sec. 58. IOWA VETERANS HOME DESIGN SERVICES
 15 CONTRACT. The department of administrative services
 16 is authorized to contract for design services related
 17 to the planned expansion project to be completed at
 18 the Iowa veterans home as provided in section 8A.311,
 19 subsection 3. It is the intent of the general
 20 assembly that this authorization is necessary to
 21 secure the award of federal funding recently made and
 22 to eliminate the uncertainty of securing such funding
 23 in the future.

24 Sec. 59. The section of this division of this Act,
 25 relating to the Iowa veterans home design services
 26 contract, being deemed of immediate importance, takes
 27 effect upon enactment."

Amendment H-8717 was adopted.

SENATE FILE 2432 SUBSTITUTED FOR HOUSE FILE 2701

Cohon of Des Moines asked and received unanimous consent to substitute Senate File 2432 for House File 2701.

Senate File 2432, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bonding fund, and related matters, and providing effective and retroactive applicability date provisions, was taken up for consideration.

Raecker of Polk offered the following amendment H-8725 filed by Raecker, Huseman of Cherokee, Gipp of Winneshiek and Rants of Woodbury from the floor and moved its adoption:

H-8725

1 Amend Senate File 2432, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 10, by striking the word
4 "notwithstanding" and inserting the following: "if
5 the project meets the definition of "vertical
6 infrastructure" in".

7 2. Page 1, line 14, by striking the word
8 "notwithstanding" and inserting the following: "if
9 the project meets the definition of "vertical
10 infrastructure" in".

11 3. Page 1, line 17, by striking the word
12 "notwithstanding" and inserting the following: "if
13 the project meets the definition of "vertical
14 infrastructure" in".

15 4. Page 1, line 23, by striking the word
16 "notwithstanding" and inserting the following: "if
17 the project meets the definition of "vertical
18 infrastructure" in".

19 5. Page 1, line 31, by striking the word
20 "notwithstanding" and inserting the following: "if
21 the project meets the definition of "vertical
22 infrastructure" in".

23 6. Page 2, line 8, by striking the word
24 "notwithstanding" and inserting the following: "if
25 the project meets the definition of "vertical
26 infrastructure" in".

27 7. Page 2, line 16, by striking the word
28 "notwithstanding" and inserting the following: "if
29 the project meets the definition of "vertical
30 infrastructure" in".

31 8. Page 2, line 27, by striking the word
32 "notwithstanding" and inserting the following: "if

33 the project meets the definition of "vertical
34 infrastructure" in".
35 9. Page 3, line 5, by striking the word
36 "notwithstanding" and inserting the following: "if
37 the project meets the definition of "vertical
38 infrastructure" in".
39 10. Page 3, line 10, by striking the word
40 "notwithstanding" and inserting the following: "if
41 the project meets the definition of "vertical
42 infrastructure" in".
43 11. Page 3, line 14, by striking the word
44 "notwithstanding" and inserting the following: "if
45 the project meets the definition of "vertical
46 infrastructure" in".
47 12. Page 3, line 18, by striking the word
48 "notwithstanding" and inserting the following: "if
49 the project meets the definition of "vertical
50 infrastructure" in".

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1 13. Page 4, line 18, by striking the word
2 "notwithstanding" and inserting the following: "if
3 the project meets the definition of "vertical
4 infrastructure" in".
5 14. Page 4, line 22, by striking the word
6 "notwithstanding" and inserting the following: "if
7 the project meets the definition of "vertical
8 infrastructure" in".
9 15. Page 5, line 5, by striking the word
10 "notwithstanding" and inserting the following: "if
11 the project meets the definition of "vertical
12 infrastructure" in".
13 16. Page 5, line 14, by striking the word
14 "notwithstanding" and inserting the following: "if
15 the project meets the definition of "vertical
16 infrastructure" in".
17 17. Page 5, line 27, by striking the word
18 "notwithstanding" and inserting the following: "if
19 the project meets the definition of "vertical
20 infrastructure" in".
21 18. Page 5, line 33, by striking the word
22 "notwithstanding" and inserting the following: "if
23 the project meets the definition of "vertical
24 infrastructure" in".
25 19. Page 6, line 11, by striking the word
26 "notwithstanding" and inserting the following: "if
27 the project meets the definition of "vertical
28 infrastructure" in".
29 20. Page 6, line 19, by striking the word
30 "notwithstanding" and inserting the following: "if

31 the project meets the definition of "vertical
32 infrastructure" in".
33 21. Page 8, line 32, by striking the word
34 "notwithstanding" and inserting the following: "if
35 the project meets the definition of "vertical
36 infrastructure" in".
37 22. Page 9, line 22, by striking the word
38 "notwithstanding" and inserting the following: "if
39 the project meets the definition of "vertical
40 infrastructure" in".
41 23. Page 9, line 28, by striking the word
42 "notwithstanding" and inserting the following: "if
43 the project meets the definition of "vertical
44 infrastructure" in".
45 24. Page 10, line 22, by striking the word
46 "notwithstanding" and inserting the following: "if
47 the project meets the definition of "vertical
48 infrastructure" in".
49 25. Page 10, line 33, by striking the word
50 "notwithstanding" and inserting the following: "if

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1 the project meets the definition of "vertical
2 infrastructure" in".
3 26. Page 11, line 10, by striking the word
4 "notwithstanding" and inserting the following: "if
5 the project meets the definition of "vertical
6 infrastructure" in".
7 27. Page 12, line 11, by striking the word
8 "notwithstanding" and inserting the following: "if
9 the project meets the definition of "vertical
10 infrastructure" in".
11 28. Page 12, line 35, by striking the word
12 "notwithstanding" and inserting the following: "if
13 the project meets the definition of "vertical
14 infrastructure" in".
15 29. Page 13, line 8, by striking the word
16 "notwithstanding" and inserting the following: "if
17 the project meets the definition of "vertical
18 infrastructure" in".
19 30. Page 14, line 16, by striking the word
20 "notwithstanding" and inserting the following: "if
21 the project meets the definition of "vertical
22 infrastructure" in".
23 31. By renumbering as necessary.

Roll call was requested by Raecker of Polk and Paulsen of Linn.

On the question "Shall amendment H-8725 be adopted?" (S.F. 2432)

The ayes were, 43:

Alons	Anderson	Arnold	Bailey
Baudler	Boal	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Horbach	Huseman	Kaufmann
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 52:

Abdul-Samad	Bell	Berry	Bukta
Chambers	Cohoon	Dandekar	Davitt
Foege	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 5:

Ford	Hoffman	Jacobs	Roberts
Van Engelenhoven			

Amendment H-8725 lost.

Van Fossen of Scott offered the following amendment H-8724 filed by him from the floor and moved its adoption:

H-8724

- 1 Amend Senate File 2432, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 5, by striking the figure
- 4 "2,000,000" and inserting the following: "3,000,000".

Roll call was requested by Rants of Woodbury and Van Fossen of Scott.

On the question "Shall amendment H-8724 be adopted?" (S.F. 2432)

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	Deyoe
Dolecheck	Drake	Forristall	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Horbach	Huseman	Kaufmann
Kuhn	Lukan	Lykam	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Fossen	Watts	Wienczek	Winckler
Windschitl	Worthan		

The nays were, 49:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Lensing
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wise	Zirkelbach
Mr. Speaker			
Murphy			

Absent or not voting, 5:

De Boef	Hoffman	Jacobs	Roberts
Van Engelenhoven			

Amendment H-8724 lost.

Wienczek of Black Hawk offered the following amendment H-8726 filed by her from the floor and moved its adoption:

H-8726

1 Amend Senate File 2432, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, by inserting after line 24 the
4 following:

5 "e. For providing a grant to the Grout museum
6 district at the Sullivan brothers veterans museum for
7 costs associated with the oral history exhibit
8 including but not limited to exhibit information
9 technology, computer connectivity, and interactive
10 display technologies, notwithstanding section 8.57,
11 subsection 6, paragraph "c":

12 \$986,250"

13 2. Page 20, by striking lines 15 through 21.

14 3. By striking page 22, line 21, through page 23,
15 line 3.

16 4. By renumbering as necessary.

Roll call was requested by Wiencek of Black Hawk and Grassley of
Butler.

On the question "Shall amendment H-8726 be adopted?" (S.F.
2432)

The ayes were, 42:

Arnold	Baudler	Berry	Boal
Chambers	Deyoe	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Kaufmann	Kelley	Kressig	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Fossen	Watts	Wiencek
Windschitl	Worthan		

The nays were, 50:

Abdul-Samad	Bailey	Bell	Bukta
Cohoon	Dandekar	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.

Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Murphy		

Absent or not voting, 8:

Alons	Anderson	Clute	De Boef
Dolecheck	Jacobs	Roberts	Van Engelenhoven

Amendment H-8726 lost.

Drake of Pottawattamie asked and received unanimous consent to withdraw amendment H-8719 filed by him from the floor, placing out of order amendment H-8727 filed by Wise of Lee from the floor.

Lukan of Dubuque offered the following amendment H-8722 filed by him and Rayhons of Hancock from the floor and moved its adoption:

H-8722

- 1 Amend Senate File 2432, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, by inserting after line 14 the
- 4 following:
- 5 "____. DEPARTMENT OF PUBLIC SAFETY
- 6 To provide grants to regional emergency response
- 7 training centers established under section 100B.22 for
- 8 infrastructure improvements:
- 9 \$3,400,000"
- 10 2. By renumbering as necessary.

Roll call was requested by Lukan of Dubuque and Rayhons of Hancock.

Rule 75 was invoked.

On the question "Shall amendment H-8722 be adopted?" (S.F. 2432)

The ayes were, 48:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Huser	Kaufmann	Kuhn	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rasmussen
Rayhons	Sands	Schickel	Schueller
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Fossen	Watts
Wienczek	Windschitl	Worthan	Zirkelbach

The nays were, 49:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Jacoby
Jochum	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Mr. Speaker Murphy			

Absent or not voting, 3:

Jacobs	Roberts	Van Engelenhoven
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Amendment H-8722 lost.

Windschitl of Harrison offered the following amendment H-8720 filed by Windschitl, Drake of Pottawattamie, Rayhons of Hancock, Kaufmann of Cedar, Dolecheck of Ringgold and Soderberg of Plymouth from the floor and moved its adoption:

H-8720

- 1 Amend Senate File 2432, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 12, by striking lines 29 through 33.
- 4 2. By striking page 44, line 4, through page 45,
- 5 line 18.

Roll call was requested by Windschitl of Harrison and Alons of Sioux.

On the question "Shall amendment H-8720 be adopted?" (S.F. 2432)

The ayes were, 47:

Alons	Anderson	Arnold	Bailey
Baudler	Bell	Boal	Chambers
Clute	De Boef	Deyoe	Dolecheck
Drake	Forristall	Gaskill	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Huseman	Kaufmann	Kuhn
Lukan	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 49:

Abdul-Samad	Berry	Bukta	Cohoon
Dandekar	Davitt	Foege	Ford
Frevert	Gayman	Heddens	Horbach
Hunter	Jacoby	Jochum	Kelley
Kressig	Lensing	Lykam	Mascher
May	McCarthy	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Mr. Speaker			
Murphy			

Absent or not voting, 3:

Jacobs	Roberts	Van Engelenhoven
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Amendment H-8720 lost.

RULE 76 INVOKED

Under the provision of Rule 76, conflict of interest, Huser of Polk refrained from voting on amendment H-8720.

Rants of Woodbury offered the following amendment H-8718 filed by Rants, Heaton of Henry, Huseman of Cherokee and Raecker of Polk from the floor and moved its adoption:

H-8718

1 Amend Senate File 2432, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 15, line 22, by inserting before the word
4 "For" the following: "1."

5 2. Page 15, line 27, by striking the word
6 "section" and inserting the following: "subsection".

7 3. Page 15, line 35, by striking the word
8 "section" and inserting the following: "subsection".

9 4. Page 16, by inserting after line 6 the
10 following:

11 "2. For costs associated with the building of a
12 new Iowa State Penitentiary at Fort Madison:

13	FY 2010-2011	\$ 3,840,000
14	FY 2011-2012	\$44,520,000
15	FY 2012-2013	\$54,500,000
16	FY 2013-2014	\$26,880,000
17	FY 2014-2015	\$ 937,500

18 Notwithstanding section 8.33, moneys appropriated
19 in this subsection for fiscal years during the fiscal
20 period beginning July 1, 2010, and ending June 30,
21 2015, shall not revert but shall remain available for
22 the purpose designated until the close of the fiscal
23 year that begins July 1, 2017, or until the project
24 for which the appropriation was made is completed,
25 whichever is earlier."

26 5. By striking page 29, line 34, through page 30,
27 line 20.

28 6. By striking page 42, line 5, through page 44,
29 line 3.

30 7. By striking page 51, line 21, through page 53,
31 line 9.

32 8. Title page, line 7, by striking the words and
33 figure "and the FY 2009 prison bonding fund,".

34 9. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Raecker of Polk.

On the question "Shall amendment H-8718 be adopted?" (S.F. 2432)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Horbach	Huseman	Kaufmann
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevrt	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 6:

Hoffman	Jacobs	Olson, R.	Roberts
Smith	Van Engelenhoven		

Amendment H-8718 lost.

Boal of Polk offered the following amendment H-8721 filed by her from the floor and moved its adoption:

H-8721

- 1 Amend Senate File 2432, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 21, by striking lines 2 through 20 and
- 4 inserting the following:
- 5 "e. For implementation of the provisions of
- 6 chapter 280A:

7 \$500,000"
8 2. By renumbering as necessary.

Amendment H-8721 lost.

Kaufmann of Cedar asked and received unanimous consent to withdraw amendment H-8723 filed by him from the floor.

Cohoon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2432)

The ayes were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 43:

Alons	Anderson	Arnold	Baudler
Chambers	Clute	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Horbach	Huseman	Kaufmann
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Fossen	Watts
Wiencek	Windschitl	Worthan	

Absent or not voting, 4:

Boal

Jacobs

Roberts

Van Engelenhoven

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 25, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2424, a bill for an act concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2539** and **Senate File 2425**.

MOTION TO RECONSIDER WITHDRAWN (House File 2662)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider **House File 2662**, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, filed by him on April 21, 2008.

MOTION TO RECONSIDER WITHDRAWN (Senate File 2394)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider **Senate File 2394**, a bill for an act relating to and making transportation and other infrastructure related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the

primary road fund, and including an effective date, filed by him on April 10, 2008.

On motion by McCarthy of Polk, the House was recessed at 8:07 p.m., until 9:30 p.m.

The House resumed session at 1:44 a.m., Speaker Murphy in the chair.

LEAVE OF ABSENCES

Leave of absences were granted as follows:

Forristall of Pottawattamie and May of Dickinson on request of Paulsen of Linn.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 25, 2008, adopted the conference committee report and passed House File 2539, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, health care transparency, and including an applicability provision.

Also: That the Senate has on April 24, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2645, a bill for an act concerning public employee collective bargaining and teacher discipline.

Also: That the Senate has on April 24, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2699, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters and providing effective dates.

Also: That the Senate has on April 25, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2700, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and

reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Oldson of Polk called up for consideration **House File 2700**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions, amended by the Senate amendment H-8728 as follows:

H-8728

1 Amend House File 2700, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 12, by striking the figure
 4 "1,439,884" and inserting the following: "1,400,261".
 5 2. Page 9, by striking lines 21 and 22 and
 6 inserting the following: "director, and the Iowa".
 7 3. Page 12, lines 12 and 13, by striking the
 8 words "secretary of the Iowa state fair board."
 9 4. Page 17, by inserting after line 28 the
 10 following:
 11 "Section 1. Section 173.10, Code 2007, is amended
 12 to read as follows:
 13 173.10 SALARY OF SECRETARY.
 14 ~~The secretary shall receive the salary fixed by the~~
 15 ~~board. The compensation and employment terms of the~~
 16 secretary shall be set by the Iowa state fair board
 17 with the approval of the governor, taking into
 18 consideration the level of knowledge and experience of
 19 the secretary."
 20 5. Page 17, by inserting after line 30 the
 21 following:
 22 "Sec. 2. Section 8.7, Code 2007, is amended to
 23 read as follows:
 24 8.7 REPORTING OF GIFTS AND BEQUESTS RECEIVED.
 25 All gifts, ~~and~~ bequests, ~~and~~ ~~grants~~ received by a
 26 department or accepted by the governor on behalf of

27 the state shall be reported to the Iowa ethics and
28 campaign disclosure board and the government oversight
29 committees. The ethics and campaign disclosure board
30 shall, by January 31 of each year, submit to the
31 fiscal services division of the legislative services
32 agency a written report listing all gifts, and
33 ~~bequests, and grants~~ received during the previous
34 calendar year with a value over one thousand dollars
35 and the purpose for each such gift, or bequest, ~~or~~
36 ~~grant~~. The submission shall also include a listing of
37 all gifts, and bequests, ~~and grants~~ received by a
38 department from a person if the cumulative value of
39 all gifts, and bequests, ~~and grants~~ received by the
40 department from the person during the previous
41 calendar year exceeds one thousand dollars, and the
42 ethics and campaign disclosure board shall include, if
43 available, the purpose for each such gift, or bequest,
44 ~~or grant~~. However, the reports on gifts, ~~grants~~, or
45 bequests filed by the state board of regents pursuant
46 to section 8.44 shall be deemed sufficient to comply
47 with the requirements of this section.

48 Sec. 3. Section 8.9, Code 2007, is amended to read
49 as follows:

50 8.9 GRANTS ENTERPRISE MANAGEMENT OFFICE.

Page 2

1 1. The office of grants enterprise management is
2 established in the department of management. The
3 function of the office is to develop and administer a
4 system to track, identify, advocate for, and
5 coordinate nonstate grants as defined in section 8.2,
6 subsections 1 and 3. Staffing for the office of
7 grants enterprise management shall be provided by a
8 facilitator appointed by the director of the
9 department of management. Additional staff may be
10 hired, subject to the availability of funding.
11 Funding for the office is from the appropriation to
12 the department pursuant to section 8A.505, subsection
13 2.

14 2. a. All grant applications submitted and grant
15 moneys received by a department on behalf of the state
16 shall be reported to the office of grants enterprise
17 management. The office shall by January 31 of each
18 year submit to the fiscal services division of the
19 legislative services agency a written report listing
20 all grants received during the previous calendar year
21 with a value over one thousand dollars and the funding
22 entity and purpose for each grant. However, the
23 reports on grants filed by the state board of regents
24 pursuant to section 8.44 shall be deemed sufficient to
25 comply with the requirements of this subsection.

26 b. The office of grants enterprise management
27 shall submit by July 1 and January 1 of each year to
28 the government oversight committees a written report
29 summarizing departmental compliance with the
30 requirements of this subsection.

31 Sec. 4. Section 12C.16, subsection 1, paragraph b,
32 subparagraph (4), Code Supplement 2007, is amended to
33 read as follows:

34 (4) To the extent of the guarantee, loans,
35 obligations, or nontransferable letters of credit upon
36 which the payment of principal and interest is fully
37 secured or guaranteed by the United States of America
38 or an agency or instrumentality of the United States
39 of America or the United States central credit union,
40 a corporate central credit union organized under
41 section 533.213, or a corporate credit union ~~organized~~
42 ~~under 12 C.F.R. § 704~~ whose activities are subject to
43 regulation by the national credit union
44 administration, and the rating of any one of such
45 credit unions remains within the two highest
46 classifications of prime established by at least one
47 of the standard rating services approved by the
48 superintendent of banking by rule pursuant to chapter
49 17A. The treasurer of state shall adopt rules
50 pursuant to chapter 17A to implement this section.

Page 3

1 Sec. 5. Section 12C.17, subsection 1, paragraph c,
2 Code Supplement 2007, is amended to read as follows:

3 c. The securities shall be deposited with the
4 federal reserve bank, the federal home loan bank of
5 Des Moines, Iowa, or the United States central credit
6 union, a corporate central credit union organized
7 under section 533.213, or a corporate credit union
8 ~~organized under 12 C.F.R. § 704~~ whose activities are
9 subject to regulation by the national credit union
10 administration pursuant to a bailment agreement or a
11 pledge custody agreement.

12 Sec. 6. Section 12C.17, subsection 4, Code
13 Supplement 2007, is amended to read as follows:

14 4. Upon written request from the appropriate
15 public officer but not less than monthly, the federal
16 reserve bank, the federal home loan bank of Des
17 Moines, Iowa, the United States central credit union,
18 a corporate central credit union organized under
19 section 533.213, or a corporate credit union ~~organized~~
20 ~~under 12 C.F.R. § 704~~ whose activities are subject to
21 regulation by the national credit union administration
22 shall report a description, the par value, and the
23 market value of any pledged collateral by a credit
24 union."

25 6. Page 19, line 13, by inserting after the word
26 "subsection" the following: ", or not otherwise
27 confidential,".

28 7. Page 22, by inserting before line 31 the
29 following:

30 "Sec. 7. Section 68B.32, subsection 1, Code 2007,
31 is amended to read as follows:

32 1. An Iowa ethics and campaign disclosure board is
33 established as an independent agency. The board shall
34 administer this chapter and set standards for,
35 investigate complaints relating to, and monitor the
36 ethics of officials, employees, lobbyists, and
37 candidates for office in the executive branch of state
38 government. The board shall administer and set
39 standards for, investigate complaints relating to, and
40 monitor the campaign finance practices of candidates
41 for public office. The board shall administer and
42 establish standards for, investigate complaints
43 relating to, and monitor the reporting of gifts, and
44 bequests, ~~and grants~~ under section 8.7. The board
45 shall consist of six members and shall be balanced as
46 to political affiliation as provided in section 69.16.
47 The members shall be appointed by the governor,
48 subject to confirmation by the senate.

49 Sec. 8. Section 68B.32A, subsection 4, Code
50 Supplement 2007, is amended to read as follows:

Page 4

1 4. Receive and file registration and reports from
2 lobbyists of the executive branch of state government,
3 client disclosure from clients of lobbyists of the
4 executive branch of state government, personal
5 financial disclosure information from officials and
6 employees in the executive branch of state government
7 who are required to file personal financial disclosure
8 information under this chapter, and gift, and bequest,
9 ~~and grant~~ disclosure information pursuant to section
10 8.7. The board, upon its own motion, may initiate
11 action and conduct a hearing relating to reporting
12 requirements under this chapter or section 8.7.

13 Sec. 9. Section 84A.5, subsection 1, paragraph a,
14 Code Supplement 2007, is amended to read as follows:

15 a. The workforce development system shall strive
16 to provide high quality services to its customers
17 including workers, families, and businesses. The
18 department of workforce development shall maintain a
19 common intake, assessment, and customer tracking
20 system and to the extent practical provide one-stop
21 services to customers at workforce development centers
22 and other service access points. The department of
23 workforce development shall administer a statewide

24 standard skills assessment to assess the employability
25 skills of adult workers statewide and shall instruct
26 appropriate department staff in the administration of
27 the assessment. The assessment shall be included in
28 the one-stop services provided to customers at
29 workforce development centers and other service access
30 points throughout the state.

31 Sec. 10. Section 85.1, subsection 6, Code

32 Supplement 2007, is amended to read as follows:

33 6. Employers may with respect to an employee or a
34 classification of employees exempt from coverage
35 provided by this chapter pursuant to subsection 1, 2,
36 or 3, other than the employee or classification of
37 employees with respect to whom a rule of liability or
38 a method of compensation is established by the
39 Congress of the United States, assume a liability for
40 compensation imposed upon employers by this chapter,
41 for the benefit of employees within the coverage of
42 this chapter, by the purchase of valid workers'
43 compensation insurance that does not specifically
44 exclude the employee or classification of employees.
45 In addition, an employer that assumed a liability for
46 compensation imposed upon employers by this chapter
47 pursuant to a collective bargaining agreement with
48 respect to an employee or a classification of
49 employees exempt from coverage provided by this
50 chapter pursuant to subsection 4 as of July 1, 2007.

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1 may continue to assume liability for that compensation
2 pursuant to a subsequent collective bargaining
3 agreement, for the benefit of such employees, by the
4 purchase of valid workers' compensation insurance that
5 does not specifically exclude that employee or
6 classification of employees. The purchase of and
7 acceptance by an employer of valid workers'
8 compensation insurance applicable to the employee or
9 classification of employees constitutes an assumption
10 by the employer of liability without any further act
11 on the part of the employer, but only with respect to
12 the employee or classification of employees as are
13 within the coverage of the workers' compensation
14 insurance contract and only for the time period in
15 which the insurance contract is in force. Upon an
16 election of such coverage, the employee or
17 classification of employees shall accept compensation
18 in the manner provided by this chapter and the
19 employer shall be relieved from any other liability
20 for recovery of damage, or other compensation for
21 injury.

22 Sec. 11. Section 96.3, subsection 5, Code 2007, is

23 amended to read as follows:

24 5. a. DURATION OF BENEFITS. The maximum total
25 amount of benefits payable to an eligible individual
26 during a benefit year shall not exceed the total of
27 the wage credits accrued to the individual's account
28 during the individual's base period, or twenty-six
29 times the individual's weekly benefit amount,
30 whichever is the lesser. The director shall maintain
31 a separate account for each individual who earns wages
32 in insured work. The director shall compute wage
33 credits for each individual by crediting the
34 individual's account with one-third of the wages for
35 insured work paid to the individual during the
36 individual's base period. However, the director shall
37 recompute wage credits for an individual who is laid
38 off due to the individual's employer going out of
39 business at the factory, establishment, or other
40 premises at which the individual was last employed, by
41 crediting the individual's account with one-half,
42 instead of one-third, of the wages for insured work
43 paid to the individual during the individual's base
44 period. Benefits paid to an eligible individual shall
45 be charged against the base period wage credits in the
46 individual's account which have not been previously
47 charged, in the inverse chronological order as the
48 wages on which the wage credits are based were paid.
49 However if the state "off indicator" is in effect and
50 if the individual is laid off due to the individual's

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1 employer going out of business at the factory,
2 establishment, or other premises at which the
3 individual was last employed, the maximum benefits
4 payable shall be extended to thirty-nine times the
5 individual's weekly benefit amount, but not to exceed
6 the total of the wage credits accrued to the
7 individual's account.

8 b. TRAINING EXTENSION BENEFITS. An individual who
9 is in training with the approval of the director at
10 the time regular benefits are exhausted may be
11 eligible for training extension benefits. The
12 training extension benefit amount shall be twenty-six
13 times the individual's weekly benefit amount, and the
14 weekly benefit amount shall be equal to the
15 individual's weekly benefit amount for the claim in
16 which benefits were exhausted while in training. An
17 individual who is receiving training extension
18 benefits shall not be denied benefits due to
19 application of section 96.4, subsection 3, or section
20 96.5, subsection 3. However, an employer's account
21 shall not be charged with benefits so paid. Relief of

22 charges under this paragraph applies to both
 23 contributory and reimbursable employers,
 24 notwithstanding section 96.8, subsection 5. In order
 25 for the individual to be eligible for training
 26 extension benefits the training must be for a
 27 high-demand or high-technology occupation, including
 28 fields of life sciences, advanced manufacturing,
 29 biotechnology, alternative fuels, insurance, and
 30 environmental technology. "High-demand occupation"
 31 means an occupation in a labor market area in which
 32 the department determines work opportunities are
 33 available and there is a lack of qualified
 34 applicants."

35 8. Page 26, by inserting after line 16 the
 36 following:

37 "Sec. 12. Section 135C.40, subsection 1, Code
 38 2007, is amended to read as follows:

39 1. If the director determines, based on the
 40 findings of an inspection or investigation of a health
 41 care facility, that the facility is in violation of
 42 this chapter, ~~or~~ rules adopted under this chapter, or
 43 the federal certification guidelines, the director
 44 within five ten working days after ~~making the~~
 45 ~~determination~~ completion of an on-site survey, ~~may~~
 46 ~~shall~~ issue a written citation all statements of
 47 deficiencies, including any state citations issued to
 48 the facility under rules adopted by the department.
 49 The citation shall be served upon the facility
 50 personally ~~or,~~ by electronic mail, or by certified

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1 mail, except that a citation for a Class III violation
 2 may be sent by ordinary mail. Each citation shall
 3 specifically describe the nature of the violation,
 4 identifying the Code section or subsection or the rule
 5 or standard violated, and the classification of the
 6 violation under section 135C.36. Where appropriate,
 7 the citation shall also state the period of time
 8 allowed for correction of the violation, which shall
 9 in each case be the shortest period of time the
 10 department deems feasible. Failure to correct a
 11 violation within the time specified, unless the
 12 licensee shows that the failure was due to
 13 circumstances beyond the licensee's control, shall
 14 subject the facility to a further penalty of fifty
 15 dollars for each day that the violation continues
 16 after the time specified for correction.

17 a. If a facility licensed under this chapter
 18 submits a plan of correction relating to a statement
 19 of deficiencies or a response to a citation issued
 20 under rules adopted by the department and the

21 department elects to conduct an on-site revisit
 22 survey, the department shall commence the revisit
 23 survey within ten business days of the date that the
 24 plan of correction is received, or the date specified
 25 within the plan of correction alleging compliance,
 26 whichever is later.

27 b. If the department recommends the issuance of
 28 federal remedies pursuant to 42 C.F.R. § 488.406
 29 (a)(2) or (a)(3), relating to a survey conducted by
 30 the department, the department shall issue the
 31 statement of deficiencies within twenty-four hours of
 32 the date that the centers for Medicare and Medicaid
 33 services of the United States department of health and
 34 human services was notified of the recommendation for
 35 the imposition of remedies."

36 9. Page 29, by inserting after line 22 the
 37 following:

38 "Sec. 13. NEW SECTION. 231C.20 CITATIONS –
 39 MONITORING VISITS.

40 1. All results of state monitoring visits,
 41 including complaint investigations or certification
 42 inspections conducted by the department pursuant to
 43 this chapter or rules adopted by the department shall
 44 be submitted by the department personally, by
 45 electronic mail, or by certified mail to the program
 46 no later than ten business days following completion
 47 of an on-site monitoring visit, if findings of
 48 noncompliance are cited.

49 2. If a program certified under this chapter
 50 submits a plan of correction relating to the statement

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1 of noncompliance or a response to a civil penalty
 2 issued under rules adopted by the department, and the
 3 department elects to conduct an on-site monitoring
 4 revisit, the department shall commence the monitoring
 5 revisit within ten business days of the date that the
 6 plan of correction is received, or the date specified
 7 within the plan of correction alleging compliance,
 8 whichever is later."

9 10. Page 29, by inserting after line 26 the
 10 following:

11 "Sec. 14. Section 280.7A, as enacted by 2008 Iowa
 12 Acts, Senate File 2251, section 1, is amended by
 13 adding the following new subsections:

14 NEW SUBSECTION. 4. A comprehensive vision
 15 screening by a certified vision screener provided by
 16 the school district shall be given within the first
 17 thirty days of the first day of the school year to
 18 students entering kindergarten, first grade, third
 19 grade, sixth grade, and eighth grade, and to transfer

20 students and students referred for screening by a
 21 parent or teacher. A student shall be required to
 22 receive a comprehensive vision screening only once
 23 within a thirty-six month period.

24 NEW SUBSECTION. 5. A student who is not able to
 25 pass the comprehensive vision screening, pursuant to
 26 subsection 4, shall be required to have a
 27 comprehensive eye examination performed by a licensed
 28 optometrist, ophthalmologist, or physician trained in
 29 providing comprehensive eye care. A student's parent
 30 or guardian shall be responsible for ensuring that a
 31 student receives a comprehensive eye examination
 32 pursuant to this subsection. No penalty shall be
 33 imposed as a result of a student not receiving a
 34 recommended comprehensive eye examination."

35 11. Page 29, by inserting after line 26 the
 36 following:

37 "Sec. 15. Section 321A.3, subsections 1, 5, and 6,
 38 Code Supplement 2007, are amended to read as follows:

39 1. The department shall upon request furnish any
 40 person a certified abstract of the operating record of
 41 a person subject to chapter 321, 321J, or this
 42 chapter. The abstract shall also fully designate the
 43 motor vehicles, if any, registered in the name of the
 44 person. If there is no record of a conviction of the
 45 person having violated any law relating to the
 46 operation of a motor vehicle or of any injury or
 47 damage caused by the person, the department shall so
 48 certify. A fee of five dollars and fifty cents shall
 49 be paid for each abstract except for state, county, or
 50 city officials, court officials, public transit

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1 officials, or other officials of a political
 2 subdivision of the state or a nonprofit charitable
 3 organization described in section 501(c)(3) of the
 4 Internal Revenue Code. The department shall transfer
 5 the moneys collected under this section to the
 6 treasurer of state who shall credit to the general
 7 fund all moneys collected.

8 ~~5. The department may permit any person to view~~
 9 ~~the operating record of a person subject to chapter~~
 10 ~~321 or this chapter through one of the department's~~
 11 ~~computer terminals or through a computer printout~~
 12 ~~generated by the department.~~ The department shall not
 13 require a fee for a person to view their own operating
 14 record, ~~but the department shall impose a fee of one~~
 15 ~~dollar for each of the first five operating records~~
 16 ~~viewed within a calendar day and two dollars for each~~
 17 ~~additional operating record viewed within the calendar~~
 18 ~~day.~~

19 6. Fees under ~~subsections~~ subsection 1 and 5 may
20 be paid by credit cards, as defined in section
21 537.1301, subsection 17, approved for that purpose by
22 the department of transportation. The department
23 shall enter into agreements with financial
24 institutions extending credit through the use of
25 credit cards to ensure payment of the fees. The
26 department shall adopt rules pursuant to chapter 17A
27 to implement the provisions of this subsection.
28 Sec. 16. Section 321A.3, Code Supplement 2007, is
29 amended by adding the following new subsection:
30 NEW SUBSECTION. 8. A person making a request for
31 a record or an abstract under this section that is
32 subject to a fee shall only use the record or abstract
33 requested one time, for one purpose, and it shall not
34 supply that record to more than one other person. Any
35 subsequent use of the same record or abstract shall
36 require that the person make a subsequent request for
37 the record or abstract and pay an additional fee for
38 the request in the same manner as provided for the
39 initial request. A person requesting a record or an
40 abstract pursuant to this section shall keep records
41 identifying who the record or abstract is provided to,
42 and the use of the record or abstract, for a period of
43 five years. Records maintained pursuant to this
44 subsection shall be made available to the department
45 upon request. A person shall not sell, retain,
46 distribute, provide, or transfer any record or
47 abstract information or portion of the record or
48 abstract information acquired under this agreement
49 except as authorized by the department and the federal
50 Driver's Privacy Protection Act, 18 U.S.C. §

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1 2721-2725."
2 12. Page 32, by inserting after line 33 the
3 following:
4 "Sec. 17. Section 423B.1, subsection 6, Code
5 Supplement 2007, is amended by adding the following
6 new paragraph:
7 NEW PARAGRAPH. c. Notwithstanding any other
8 provision in this section, a change in use of the
9 local sales and services tax revenues for purposes of
10 funding an urban renewal project pursuant to section
11 423B.10 does not require an election.
12 Sec. 18. Section 423B.7, subsection 1, Code 2007,
13 is amended to read as follows:
14 1. a. The Except as provided in paragraph "b".
15 the director shall credit the local sales and services
16 tax receipts and interest and penalties from a
17 county-imposed tax to the county's account in the

18 local sales and services tax fund and from a
19 city-imposed tax under section 423B.1, subsection 2,
20 to the city's account in the local sales and services
21 tax fund. If the director is unable to determine from
22 which county any of the receipts were collected, those
23 receipts shall be allocated among the possible
24 counties based on allocation rules adopted by the
25 director.

26 b. Notwithstanding paragraph "a", the director
27 shall credit the designated amount of the increase in
28 local sales and services tax receipts, as computed in
29 section 423B.10, collected in an urban renewal area of
30 an eligible city that has adopted an ordinance
31 pursuant to section 423B.10, subsection 2, into a
32 special city account in the local sales and services
33 tax fund.

34 Sec. 19. Section 423B.7, Code 2007, is amended by
35 adding the following new subsection:

36 NEW SUBSECTION. 5A. From each special city
37 account, the revenues shall be remitted to the city
38 council for deposit in the special fund created in
39 section 403.19, subsection 2, to be used by the city
40 as provided in section 423B.10. The distribution from
41 the special city account is not subject to the
42 distribution formula provided in subsections 3, 4, and
43 5.

44 Sec. 20. NEW SECTION. 423B.10 FUNDING URBAN
45 RENEWAL PROJECTS.

46 1. For purposes of this section, unless the
47 context otherwise requires:

48 a. "Base year" means the fiscal year during which
49 an ordinance is adopted that provides for funding of
50 an urban renewal project by a designated amount of the

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1 increased sales and services tax revenues.

2 b. "Eligible city" means a city in which a local
3 sales and services tax imposed by the county applies
4 or a city described in section 423B.1, subsection 2,
5 paragraph "a", and in which an urban renewal area has
6 been designated.

7 c. "Retail establishment" means a business
8 operated by a retailer as defined in section 423.1.

9 d. "Urban renewal area" and "urban renewal
10 project" mean the same as defined in section 403.17.

11 2. An eligible city may by ordinance of the city
12 council provide for the use of a designated amount of
13 the increased local sales and services tax revenues
14 collected under this chapter which are attributable to
15 retail establishments in an urban renewal area to fund
16 urban renewal projects located in the area. The

17 designated amount may be all or a portion of such
 18 increased revenues.

19 3. To determine the revenue increase for purposes
 20 of subsection 2, revenue amounts shall be calculated
 21 by the department of revenue as follows:

22 a. Determine the amount of local sales and
 23 services tax revenue collected from retail
 24 establishments located in the area comprising the
 25 urban renewal area during the base year.

26 b. Determine the current year revenue amount for
 27 each fiscal year following the base year in the manner
 28 specified in paragraph "a".

29 c. The excess of the amount determined in
 30 paragraph "b" over the base year revenue amount
 31 determined in paragraph "a" is the increase in the
 32 local sales and services tax revenues of which the
 33 designated amount is to be deposited in the special
 34 city account created in section 423B.7, subsection 5A.

35 4. The ordinance adopted pursuant to this section
 36 is repealed when the area ceases to be an urban
 37 renewal area or twenty years following the base year,
 38 whichever is the earlier.

39 5. In addition to the moneys received pursuant to
 40 the ordinance authorized under subsection 2, an
 41 eligible city may deposit any other local sales and
 42 services tax revenues received by it pursuant to the
 43 distribution formula in section 423B.7, subsections 3,
 44 4, and 5, to the special fund described in section
 45 403.19, subsection 2.

46 6. For purposes of this section, the eligible city
 47 shall assist the department of revenue in identifying
 48 retail establishments in the urban renewal area that
 49 are collecting the local sales and services tax. This
 50 process shall be ongoing until the ordinance is

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1 repealed."

2 13. Page 34, by inserting after line 7 the
 3 following:

4 "Sec. 21. Section 423F.3, subsection 3, paragraph
 5 c, as enacted by 2008 Iowa Acts, House File 2663,
 6 section 29, if enacted, is amended to read as follows:

7 c. The board secretary shall notify the county
 8 commissioner of elections of the intent to take the
 9 issue to the voters. The county commissioner of
 10 elections shall publish the notices required by law
 11 for special or general elections, and the election
 12 shall be held ~~not sooner than thirty days nor later~~
 13 ~~than forty days after notice from the school board on~~
 14 a date specified in section 39.2, subsection 4,
 15 paragraph "c". A majority of those voting on the

16 question must favor approval of the revenue purpose
 17 statement. If the proposal is not approved, the
 18 school district shall not submit the same or new
 19 revenue purpose statement to the electors for a period
 20 of six months from the date of the previous election."

21 14. Page 35, by inserting after line 20 the
 22 following:

23 "Sec. 22. Section 441.38, subsection 1, Code 2007,
 24 is amended to read as follows:

25 1. Appeals may be taken from the action of the
 26 local board of review with reference to protests of
 27 assessment, to the district court of the county in
 28 which the board holds its sessions within twenty days
 29 after its adjournment or May 31, whichever date is
 30 later. Appeals may be taken from the action of the
 31 property assessment appeal board to the district court
 32 of the county where the property which is the subject
 33 of the appeal is located within twenty days after the
 34 letter of disposition of the appeal by the property
 35 assessment appeal board is postmarked to the
 36 appellant. No new grounds in addition to those set
 37 out in the protest to the local board of review as
 38 provided in section 441.37, or in addition to those
 39 set out in the appeal to the property assessment
 40 appeal board, if applicable, can be pleaded, ~~but~~
 41 ~~additional. Additional~~ evidence to sustain those
 42 grounds may be introduced ~In an appeal from the local
 43 board of review to the district court. However, no
 44 new evidence to sustain those grounds may be
 45 introduced in an appeal from the property assessment
 46 appeal board to the district court. The assessor
 47 shall have the same right to appeal and in the same
 48 manner as an individual taxpayer, public body, or
 49 other public officer as provided in section 441.42.
 50 Appeals shall be taken by filing a written notice of

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1 appeal with the clerk of district court. Filing of
 2 the written notice of appeal shall preserve all rights
 3 of appeal of the appellant."

4 15. By striking page 43, line 25, through page
 5 45, line 5.

6 16. Page 45, by inserting before line 6 the
 7 following:

8 "Sec. 23. 2007 Iowa Acts, chapter 206, section 6,
 9 unnumbered paragraph 3, is amended to read as follows:

10 Notwithstanding section 8.33, moneys appropriated
 11 in this section that remain unencumbered or
 12 unobligated at the close of the fiscal year shall not
 13 revert but shall remain available for expenditure for
 14 the purposes designated until the close of the

15 ~~succeeding~~ fiscal year beginning July 1, 2008."

16 17. Page 45, by inserting after line 19 the
17 following:

18 "Sec. 24. MEDICAL ASSISTANCE – APPROPRIATION.

19 There is appropriated from the general fund of the
20 state to the department of human services for the
21 fiscal year beginning July 1, 2008, and ending June
22 30, 2009, the following amount, or so much thereof as
23 is necessary, for the purpose designated:

24 Notwithstanding the reimbursement provisions in
25 2008 Iowa Acts, Senate File 2425, if enacted, or any
26 other provision requiring budget neutrality in setting
27 hospital reimbursement rates, as additional funding
28 for the medical assistance program to be used for the
29 rebasing of hospital reimbursement rates under the
30 medical assistance program:

31 \$5,500,000"

32 18. Page 46, by inserting after line 7 the
33 following:

34 "Sec. 25. 2008 Iowa Acts, House File 2699, section
35 4, subsection 3, if enacted, is amended by adding the
36 following new paragraph:

37 NEW PARAGRAPH. e. The department of economic
38 development shall coordinate with the department of
39 natural resources, the Iowa finance authority, and the
40 United States department of agriculture in maximizing
41 community development block grants and loans available
42 for water, wastewater, and unsewered communities. It
43 is the intent of the general assembly that the
44 department recognize and provide the appropriate level
45 of funding needed for wastewater and sewer projects in
46 communities with populations of 200 persons or less.

47 Sec. 26. 2008 Iowa Acts, House File 2699, section
48 16, subsection 4, if enacted, is amended by striking
49 the subsection and inserting in lieu thereof the
50 following:

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1 4. STATEWIDE STANDARD SKILLS ASSESSMENT

2 For development and administration of a statewide
3 standard skills assessment to assess the employability
4 skills of adult workers statewide and to provide
5 instruction to department staff in the administration
6 of the assessment in accordance with section 84A.5,
7 subsection 1, as amended by the Eighty-second General
8 Assembly, 2008 Session:

9 \$500,000"

10 19. Page 46, by inserting after line 7 the
11 following:

12 "Sec. 27. HEALTHY IOWANS TOBACCO TRUST –
13 APPROPRIATION – TOBACCO USE PREVENTION AND TREATMENT.

14 There is appropriated from the healthy Iowans tobacco
 15 trust created in section 12.65 to the department of
 16 public health for the fiscal year beginning July 1,
 17 2008, and ending June 30, 2009, the following amount,
 18 or so much thereof as is necessary, for the purpose
 19 designated:

20 For tobacco use prevention, cessation, and
 21 treatment, in addition to other appropriations made
 22 for this purpose:
 23 \$1,000,000

24 Sec. 28. DEPARTMENT OF HUMAN SERVICES – SHELTER
 25 CARE. There is appropriated from the general fund of
 26 the state to the department of human services for the
 27 fiscal year beginning July 1, 2008, and ending June
 28 30, 2009, the following amount, or so much thereof as
 29 is necessary, to be used for the purposes designated:

30 For supplementing the appropriation made for child
 31 and family services in 2008 Iowa Acts, Senate File
 32 2425, if enacted, to be used to increase the amount
 33 allocated in that appropriation for shelter care to
 34 \$8,072,215:
 35 \$1,000,000

36 Sec. 29. INTERPRETERS FOR THE DEAF. There is
 37 appropriated from the general fund of the state to the
 38 department of education for the fiscal year beginning
 39 July 1, 2008, and ending June 30, 2009, the following
 40 amount, or so much thereof as is necessary, to be used
 41 for the purpose designated:

42 Due to the high numbers of articulation agreements
 43 between the state school for the deaf and Iowa western
 44 community college, for allocation for arrangements
 45 made between the state school for the deaf and Iowa
 46 western community college for deaf interpreters:
 47 \$200,000

48 Sec. 30. UNITED STATES CENTER FOR CITIZEN
 49 DIPLOMACY. There is appropriated from the general
 50 fund of the state to the department of economic

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1 development for the fiscal year beginning July 1,
 2 2008, and ending June 30, 2009, the following amount,
 3 or so much thereof as is necessary, to be used for the
 4 purposes designated:

5 For a grant to support the United States center for
 6 citizen diplomacy:
 7 \$150,000

8 The director of the department of economic
 9 development shall condition the grant upon the grantee
 10 submitting all of the following: evidence of a
 11 matching amount from nongovernmental sources received
 12 during calendar year 2008, a financial plan for

13 program sustainability, evidence that the center's
 14 principal place of business is in this state, and
 15 agreement to submit quarterly reports demonstrating
 16 that the center's programs are directed to assisting
 17 the citizens of this state and beyond in promoting
 18 citizen diplomacy through individual, educational,
 19 business, and cultural efforts. The director shall
 20 submit the reports required under this section to the
 21 governor and the legislative council.

22 Sec. 31. DEPARTMENT OF NATURAL RESOURCES. There
 23 is appropriated from any interest or earning moneys in
 24 the federal economic stimulus and jobs holding fund to
 25 the department of natural resources for the fiscal
 26 year beginning July 1, 2008, and ending June 30, 2009,
 27 the following amounts, or so much thereof as is
 28 necessary, to be used for the purposes designated:

29 For the abatement, control, and prevention of
 30 ambient air pollution in this state, including
 31 measures as necessary to assure attainment and
 32 maintenance of ambient air quality standards from
 33 particulate matter:

34 \$195,000"

35 20. Page 46, by inserting after line 12 the
 36 following:

37 "Sec. 32. DEPARTMENT OF CULTURAL AFFAIRS – BATTLE
 38 FLAG EMPLOYEES. The department of cultural affairs is
 39 authorized an additional 1.50 full-time equivalent
 40 positions for a conservation assistant and a part-time
 41 historian for work related to the stabilization and
 42 preservation of the battle flag collection."

43 21. Page 47, by inserting after line 18 the
 44 following:

45 "Sec. 33. EFFECTIVE DATE. The section of this
 46 division of this Act amending 2007 Iowa Acts, chapter
 47 206, section 6, being deemed of immediate importance,
 48 takes effect upon enactment."

49 22. Page 56, by inserting after line 2 the
 50 following:

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1 "Sec. 34. Section 100C.6, subsection 3, as enacted
 2 by 2008 Iowa Acts, House File 2646, section 1, is
 3 amended to read as follows:

4 3. Relieve any person engaged in fire sprinkler
 5 installation, maintenance, repair, service, or
 6 inspection as defined in section 100D.1 from obtaining
 7 a fire sprinkler installer ~~or fire sprinkler and~~
 8 maintenance worker license as required pursuant to
 9 chapter 100D."

10 23. Page 58, line 25, by striking the words and
 11 figure "Sec. 106. NEW SECTION".

12 24. Page 61, by inserting after line 24 the
13 following:

14 "Sec. 35. 2008 Iowa Acts, House File 2689, section
15 35, if enacted, is amended by striking the section and
16 inserting in lieu thereof the following:

17 SEC. ____ . EFFECTIVE DATE. This division of this
18 Act takes effect January 1, 2009."

19 25. Page 62, by inserting after line 29 the
20 following:

21 "Sec. 36. 2008 Iowa Acts, Senate File 2432,
22 section 1, subsection 5, paragraph c, if enacted, is
23 amended to read as follows:

24 "c. For equal distribution to regional sports
25 authority districts certified by the department
26 pursuant to section 15E.321, notwithstanding section
27 8.57, subsection 6, paragraph "c":

28 \$500,000

29 Sec. 37. 2008 Iowa Acts, Senate File 2432, section
30 1, subsection 9, paragraph a, if enacted, is amended
31 to read as follows:

32 a. For purposes of supporting a water trails
33 development program and a lowhead dam public hazard
34 improvement program, notwithstanding section 8.57,
35 subsection 6, paragraph "c":

36 \$1,000,000

37 The department shall award grants to dam owners
38 including counties, cities, state agencies,
39 cooperatives, and individuals, to support projects
40 approved by the department.

41 The department shall require each dam owner
42 applying for a project grant to submit a project plan
43 for the expenditure of the moneys, and file a report
44 with the department regarding the project, as required
45 by the department.

46 The funds can be used for signs, posts, and related
47 cabling, and the department shall only award money on
48 a matching basis, pursuant to the dam owner
49 contributing at least 20 cents for every 80 cents
50 awarded by the department, in order to finance the

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1 project. For the remainder of the funds, including
2 any balance of money not awarded for signs, posts, and
3 related cabling, the department shall only award
4 ~~moneys to a dam owner on a matching basis. A dam~~
5 ~~owner shall contribute one dollar for each dollar~~
6 ~~awarded by the department in order to finance a~~
7 project moneys for the water trails development
8 program or to the lowhead dam public hazard
9 improvement program on a matching basis according to
10 departmental rules."

11 26. Page 62, by inserting after line 29 the
12 following:

13 "DIVISION _____
14 ANIMAL AGRICULTURE

15 Sec. 38. Section 459.102, subsection 4, Code 2007,
16 is amended to read as follows:

17 4. "Animal feeding operation" means a lot, yard,
18 corral, building, or other area in which animals are
19 confined and fed and maintained for forty-five days or
20 more in any twelve-month period, and all structures
21 used for the storage of manure from animals in the
22 operation. ~~As~~ Except as required for a national
23 pollutant discharge elimination system permit required
24 pursuant to the federal Water Pollution Control Act,
25 33 U.S.C. ch. 26, as amended, an animal feeding
26 operation does not include a livestock market.

27 Sec. 39. Section 459A.103, subsection 3, Code
28 2007, is amended to read as follows:

29 3. a. In calculating the animal unit capacity of
30 an open feedlot operation, the animal unit capacity
31 shall not include the animal unit capacity of any
32 confinement feeding operation building as defined in
33 section 459.102, which is part of the open feedlot
34 operation.

35 b. Notwithstanding paragraph "a", only for
36 purposes of determining whether an open feedlot
37 operation must obtain an operating permit, the animal
38 unit capacity of the animal feeding operation includes
39 the animal unit capacities of both the open feedlot
40 operation and the confinement feeding operation if the
41 animals in the open feedlot operation and the
42 confinement feeding operation are all in the same
43 category or type of animals as used in the definitions
44 of large and medium concentrated animal feeding
45 operations in 40 C.F.R. pt. 122. In all other
46 respects the confinement feeding operation shall be
47 governed by chapter 459 and the open feedlot operation
48 shall be governed by this chapter.

49 Sec. 40. Section 459A.401, subsection 2, paragraph
50 a, unnumbered paragraph 1, Code Supplement 2007, is

Page 18

1 amended to read as follows:

2 An open feedlot operation in compliance with the
3 inspection and recordkeeping requirements of 40 C.F.R.
4 pt. 122 and 40 C.F.R. pt. 412 applicable to the
5 operation may discharge open feedlot effluent into any
6 waters of the United States due to a precipitation
7 event, if any of the following apply:

8 Sec. 41. COMPLIANCE EDUCATION EFFORT. The
9 department of natural resources shall provide for a

10 compliance education effort. In administering the
 11 effort, the department, in cooperation with
 12 associations that represent livestock producers and
 13 organizations that represent farmers generally, shall
 14 provide information on a statewide basis to persons
 15 involved with maintaining animals in a confinement
 16 feeding operation or open feedlot operation regarding
 17 methods and practices to ensure compliance with this
 18 Act.

19 Sec. 42. APPLICABILITY AND ENFORCEMENT.

20 1. A person required to obtain an operating permit
 21 for an animal feeding operation by the department of
 22 natural resources pursuant to 567 IAC ch. 65, and
 23 section 459.102, subsection 4, as amended by this
 24 division of this Act, or section 459A.103, subsection
 25 3, as amended by this division of this Act, shall
 26 submit an application for the operating permit to the
 27 department of natural resources on or before December
 28 31, 2008. The application for the operating permit
 29 must be complete, including all information required
 30 to be included in the application according to rules
 31 adopted by the department.

32 2. a. The state shall not take an enforcement
 33 action against a person arising from the person's
 34 failure to obtain an operating permit by the
 35 department of natural resources as required pursuant
 36 to this division of this Act if the person's
 37 application for the operating permit application is
 38 pending in accordance with subsection 1.

39 b. The state shall not take an enforcement action
 40 against a person arising from the person's failure to
 41 obtain an operating permit as required pursuant to
 42 this division of this Act for the period beginning on
 43 the day when the department of natural resources
 44 denies the person's application for the operation
 45 permit and ending on the thirtieth day after the
 46 person receives written notice that such application
 47 has been denied.

48 Sec. 43. EFFECTIVE DATE.

49 1. Except as provided in subsection 2, this
 50 division of this Act takes effect on December 31,

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1 2008.

2 2. The section of this division of this Act
 3 establishing a compliance education effort takes
 4 effect upon enactment.

5 DIVISION _____

6 RETIREMENT FOR SENIOR JUDGES

7 Sec. 44. Section 602.9202, Code 2007, is amended
 8 by adding the following new subsection:

9 NEW SUBSECTION. 3A. "Senior judge retirement age"
 10 means seventy-eight years of age or, if the senior
 11 judge is reappointed as a senior judge for an
 12 additional two-year term upon attaining seventy-eight
 13 years of age pursuant to section 602.9203, eighty
 14 years of age.

15 Sec. 45. Section 602.9203, subsection 5, Code
 16 2007, is amended to read as follows:

17 5. a. A senior judge may be reappointed to
 18 additional two-year terms, at the discretion of the
 19 supreme court, if the judicial officer meets the
 20 requirements of subsection 2.

21 b. A senior judge may be reappointed to an
 22 additional two-year term upon attaining seventy-eight
 23 years of age, at the discretion of the supreme court,
 24 if the judicial officer meets the requirements of
 25 subsection 2.

26 Sec. 46. Section 602.9204, subsection 1, Code
 27 2007, is amended to read as follows:

28 1. A judge who retires on or after July 1, 1994,
 29 and who is appointed a senior judge under section
 30 602.9203 shall be paid a salary as determined by the
 31 general assembly. A senior judge or retired senior
 32 judge shall be paid an annuity under the judicial
 33 retirement system in the manner provided in section
 34 602.9109, but computed under this section in lieu of
 35 section 602.9107, as follows: The annuity paid to a
 36 senior judge or retired senior judge shall be an
 37 amount equal to the applicable percentage multiplier
 38 of the basic senior judge salary, multiplied by the
 39 judge's years of service prior to retirement as a
 40 judge of one or more of the courts included under this
 41 article, for which contributions were made to the
 42 system, except the annuity of the senior judge or
 43 retired senior judge shall not exceed an amount equal
 44 to the applicable specified percentage of the basic
 45 senior judge salary used in calculating the annuity.
 46 However, following the twelve-month period during
 47 which the senior judge or retired senior judge attains
 48 ~~seventy-eight years of senior judge retirement age,~~
 49 the annuity paid to the person shall be an amount
 50 equal to the applicable percentage multiplier of the

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1 basic senior judge salary cap, multiplied by the
 2 judge's years of service prior to retirement as a
 3 judge of one or more of the courts included under this
 4 article, for which contributions were made to the
 5 system, except that the annuity shall not exceed an
 6 amount equal to the applicable specified percentage of
 7 the basic senior judge salary cap. A senior judge or

8 retired senior judge shall not receive benefits
9 calculated using a basic senior judge salary
10 established after the twelve-month period in which the
11 senior judge or retired senior judge attains
12 ~~seventy-eight years of senior judge retirement~~ age.
13 The state shall provide, regardless of age, to an
14 active senior judge or a senior judge with six years
15 of service as a senior judge and to the judge's
16 spouse, and pay for medical insurance until the judge
17 attains ~~the senior judge retirement~~ age of
18 ~~seventy-eight years~~.

19 Sec. 47. Section 602.9204, subsection 2,
20 paragraphs d and e, Code 2007, is amended to read as
21 follows:

22 d. "Basic senior judge salary cap" means the basic
23 senior judge salary, at the end of the twelve-month
24 period during which the senior judge or retired senior
25 judge attained ~~seventy-eight years of senior judge~~
26 ~~retirement~~ age, of the office in which the person last
27 served as a judge before retirement as a judge or
28 senior judge.

29 e. "Escalator" means the difference between the
30 current basic salary, as of the time each payment is
31 made up to and including the twelve-month period
32 during which the senior judge or retired senior judge
33 attains ~~seventy-eight years of senior judge retirement~~
34 age, of the office in which the senior judge last
35 served as a judge before retirement as a judge or
36 senior judge, and the basic annual salary which the
37 judge is receiving at the time the judge becomes
38 separated from full-time service as a judge of one or
39 more of the courts included in this article, as would
40 be used in computing an annuity pursuant to section
41 602.9107 without service as a senior judge.

42 Sec. 48. Section 602.9207, subsection 1, Code
43 2007, is amended to read as follows:

44 1. A senior judge shall cease to be a senior judge
45 upon completion of the twelve-month period during
46 which the judge attains ~~seventy-eight years of senior~~
47 ~~judge retirement~~ age. The clerk of the supreme court
48 shall make a notation of the retirement of a senior
49 judge in the roster of senior judges, at which time
50 the senior judge shall become a retired senior judge.

Page 21

1 Sec. 49. Section 602.9208, subsection 1, Code
2 2007, is amended to read as follows:

3 1. A senior judge, at any time prior to the end of
4 the twelve-month period during which the judge attains
5 ~~seventy-eight years of senior judge retirement~~ age,
6 may submit to the clerk of the supreme court a written

7 request that the judge's name be stricken from the
8 roster of senior judges. Upon the receipt of the
9 request the clerk shall strike the name of the person
10 from the roster of senior judges, at which time the
11 person shall cease to be a senior judge. A person who
12 relinquishes a senior judgeship as provided in this
13 subsection may be assigned to temporary judicial
14 duties as provided in section 602.1612.

15 DIVISION _____

16 CORE CURRICULUM FOR SCHOOLS

17 Sec. 50. Section 256.7, subsection 26, Code
18 Supplement 2007, as amended by 2008 Iowa Acts, Senate
19 File 2216, section 1, is amended to read as follows:

20 26. a. Adopt rules that establish a core
21 curriculum and requiring, beginning with the students
22 in the 2010--2011 school year graduating class, high
23 school graduation requirements for all students in
24 school districts and accredited nonpublic schools that
25 include at a minimum satisfactory completion of four
26 years of English and language arts, three years of
27 mathematics, three years of science, and three years
28 of social studies. The core curriculum adopted shall
29 address the core content standards in subsection 28
30 and the skills and knowledge students need to be
31 successful in the twenty-first century. The core
32 curriculum shall include social studies and
33 twenty-first century learning skills which include but
34 are not limited to civic literacy, health literacy,
35 technology literacy, financial literacy, and
36 employability skills; and shall address the curricular
37 needs of students in kindergarten through grade twelve
38 in those areas. ~~For purposes of this subsection,~~
39 ~~"financial literacy" shall include but not be limited~~
40 ~~to financial responsibility and planning skills; money~~
41 ~~management skills, including setting financial goals,~~
42 ~~creating spending plans, and using financial~~
43 ~~instruments; applying decision making skills to~~
44 ~~analyze debt incurrence and debt management;~~
45 ~~understanding risk management, including the features~~
46 ~~and functions of insurance; and understanding saving~~
47 ~~and investing as applied to long term financial~~
48 ~~security and asset building. The department shall~~
49 ~~further define the twenty-first century learning~~
50 ~~skills components by rule.~~

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1 b. Continue the inclusive process begun during the
2 initial development of a core curriculum for grades
3 nine through twelve including stakeholder involvement,
4 including but not limited to representatives from the
5 private sector and the business community, and

6 alignment of the core curriculum to other recognized
7 sets of national and international standards. The
8 state board shall also recommend quality assessments
9 to school districts and accredited nonpublic schools
10 to measure the core curriculum.

11 ~~The state board shall not require school districts~~
12 ~~or accredited nonpublic schools to adopt a specific~~
13 ~~textbook or textbook series to meet the core~~
14 ~~curriculum requirements of~~ Neither the state board nor
15 the department shall require school districts or
16 accredited nonpublic schools to adopt a specific
17 textbook, textbook series, or specific instructional
18 methodology, or acquire specific textbooks, curriculum
19 materials, or educational products from a specific
20 vendor in order to meet the core curriculum
21 requirements of this subsection or the core content
22 standards adopted pursuant to subsection 28.

23 Sec. 51. Section 256.9, subsection 57, as enacted
24 by 2008 Iowa Acts, section 2, is amended to read as
25 follows:

26 57. a. Develop and distribute, in collaboration
27 with the area education agencies, core curriculum
28 technical assistance and implementation strategies
29 that school districts and accredited nonpublic schools
30 ~~may shall~~ utilize, including but not limited to the
31 development and delivery of formative and
32 end-of-course ~~model~~ assessments classroom teachers ~~can~~
33 may use to measure student progress on the core
34 curriculum adopted pursuant to section 256.7,
35 subsection 26. The department shall ~~continue to~~
36 ~~collaborate with Iowa testing programs on the~~
37 ~~development of, in collaboration with the advisory~~
38 group convened in accordance with paragraph "b" and
39 educational assessment providers, identify and make
40 available to school districts end-of-course and
41 additional model end-of-course and additional
42 assessments to align with the expectations included in
43 the Iowa core curriculum. The model assessments shall
44 be suitable to meet the multiple assessment measures
45 requirement specified in section 256.7, subsection 21,
46 paragraph "c".

47 b. Convene an advisory group comprised of
48 education stakeholders including but not limited to
49 school district and accredited nonpublic school
50 teachers, school administrators, higher education

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1 faculty who teach in the subjects for which the
2 curriculum is being adopted, private sector employers,
3 members of the boards of directors of school
4 districts, and individuals representing the

5 educational assessment providers. The task force
 6 shall review the national assessment of educational
 7 progress standards and assessments used by other
 8 states, and shall consider standards identified as
 9 best practices in the field of study by the national
 10 councils of teachers of English and mathematics, the
 11 national council for the social studies, the national
 12 science teachers association, and other recognized
 13 experts.

14 Sec. 52. Section 257.11, Code Supplement 2007, is
 15 amended by adding the following new subsection:
 16 NEW SUBSECTION. 8A. A school district shall
 17 ensure that any course made available to a student
 18 through any sharing agreement between the school
 19 district and a community college or any other entity
 20 providing course programming pursuant to this section
 21 to students enrolled in the school district meets the
 22 expectations contained in the core curriculum adopted
 23 pursuant to section 256.7, subsection 26. The school
 24 district shall ensure that any course that has the
 25 capacity to generate college credit shall be
 26 equivalent to college-level work.

27 Sec. 53. Section 280.2, Code 2007, is amended to
 28 read as follows:
 29 280.2 DEFINITIONS.

30 The term "public school" means any school directly
 31 supported in whole or in part by taxation. The term
 32 "nonpublic school" means any other school which is
 33 accredited ~~or which uses licensed practitioners as~~
 34 ~~instructors~~ pursuant to section 256.11.

35 Sec. 54. 2008 Iowa Acts, Senate File 2216, section
 36 6, is amended to read as follows:

37 SEC. 6. DEPARTMENT OF EDUCATION – CORE CURRICULUM

38 STUDY. The department of education shall conduct a
 39 study of the measures necessary for the successful
 40 adoption by the state's school districts and
 41 accredited nonpublic schools of core curriculums and
 42 core content standards established by rule pursuant to
 43 section 256.7, subsections 26 and 28. The study shall
 44 include an examination of the possible future
 45 expansion of the core curriculum to include content
 46 areas not currently included under section 256.7,
 47 subsection 26, including but not limited to fine arts,
 48 applied arts, humanities, and world languages. The
 49 department shall submit its findings and
 50 recommendations, including recommendations for

4 PUBLIC INFORMATION BOARD – APPROPRIATION

5 Sec. 55. Section 21.6, subsection 3, paragraph a,
6 subparagraph (3), Code 2007, is amended to read as
7 follows:

8 (3) Reasonably relied upon a decision of a court,
9 ~~or~~ a formal opinion of the Iowa public information
10 board, the attorney general, or the attorney for the
11 governmental body, given in writing, or as
12 memorialized in the minutes of the meeting at which a
13 formal oral opinion was given, or an advisory opinion
14 of the Iowa public information board, the attorney
15 general, or the attorney for the governmental body,
16 given in writing.

17 Sec. 56. Section 21.6, subsection 3, paragraph d,
18 Code 2007, is amended to read as follows:

19 d. Shall issue an order removing a member of a
20 governmental body from office if that member has
21 engaged in a prior violation of this chapter for which
22 damages were assessed against the member during the
23 member's term. In making this determination, the
24 court shall recognize violations for which damages
25 were assessed by the Iowa public information board
26 created in section 23.3.

27 Sec. 57. Section 22.10, subsection 3, paragraphs b
28 and d, Code 2007, are amended to read as follows:

29 b. Shall assess the persons who participated in
30 its violation damages in the amount of not more than
31 five hundred dollars nor less than one hundred
32 dollars. These damages shall be paid by the court
33 imposing them to the state of Iowa if the body in
34 question is a state government body, or to the local
35 government involved if the body in question is a local
36 government body. A person found to have violated this
37 chapter shall not be assessed such damages if that
38 person proves that the person either voted against the
39 action violating this chapter, refused to participate
40 in the action violating this chapter, or engaged in
41 reasonable efforts under the circumstances to resist
42 or prevent the action in violation of this chapter;
43 had good reason to believe and in good faith believed
44 facts which, if true, would have indicated compliance
45 with the requirements of this chapter; or reasonably
46 relied upon a decision of a court ~~or as a formal~~
47 opinion of the Iowa public information board, the
48 attorney general or the attorney for the government
49 body, given in writing or as memorialized in the
50 minutes of the meeting at which a formal oral opinion

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1 was given, or an advisory opinion of the Iowa public
2 information board, the attorney general, or the

3 attorney for the government body, given in writing.

4 d. Shall issue an order removing a person from
5 office if that person has engaged in a prior violation
6 of this chapter for which damages were assessed
7 against the person during the person's term. In
8 making this determination, the court shall recognize
9 violations for which damages were assessed by the Iowa
10 public information board created in section 23.3.

11 Sec. 58. NEW SECTION. 23.1 CITATION AND PURPOSE.

12 This chapter may be cited as the "Iowa Public
13 Information Board Act". The purpose of this chapter
14 is to provide an alternative means by which to secure
15 compliance with and enforcement of the requirements of
16 chapters 21 and 22 through the provision by the Iowa
17 public information board to all interested parties of
18 an efficient, informal, and cost-effective process for
19 resolving disputes.

20 Sec. 59. NEW SECTION. 23.2 DEFINITIONS.

21 1. "Board" means the Iowa public information board
22 created in section 23.3.

23 2. "Complainant" means a person who files a
24 complaint with the board.

25 3. "Complaint" means a written and signed document
26 filed with the board alleging a violation of chapter
27 21 or 22.

28 4. "Custodian" means a government body, government
29 official, or government employee designated as the
30 lawful custodian of a government record pursuant to
31 section 22.1.

32 5. "Government body" means the same as defined in
33 section 22.1.

34 6. "Person" means an individual, partnership,
35 association, corporation, legal representative,
36 trustee, receiver, custodian, government body, or
37 official, employee, agency, or political subdivision
38 of this state.

39 7. "Respondent" means any agency or other unit of
40 state or local government, custodian, government
41 official, or government employee who is the subject of
42 a complaint.

43 Sec. 60. NEW SECTION. 23.3 BOARD APPOINTED.

44 1. An Iowa public information board is created
45 consisting of five members appointed by the governor,
46 subject to confirmation by the senate. Membership
47 shall be balanced as to political affiliation as
48 provided in section 69.16 and gender as provided in
49 section 69.16A. Members appointed to the board shall
50 serve staggered, four-year terms, beginning and ending

2 of three members.

3 2. A vacancy on the board shall be filled by the
4 governor by appointment for the unexpired part of the
5 term. A board member may be removed from office by
6 the governor for good cause. The board shall select
7 one of its members to serve as chair and shall employ
8 a director who shall serve as the executive officer of
9 the board.

10 Sec. 61. NEW SECTION. 23.4 COMPENSATION AND
11 EXPENSES.

12 Board members shall be paid a per diem as specified
13 in section 7E.6 and shall be reimbursed for actual and
14 necessary expenses incurred while on official board
15 business. Per diem and expenses shall be paid from
16 funds appropriated to the board.

17 Sec. 62. NEW SECTION. 23.5 ELECTION OF REMEDIES.

18 1. An aggrieved person, any taxpayer to or citizen
19 of this state, the attorney general, or any county
20 attorney may seek enforcement of the requirements of
21 chapters 21 and 22 by electing either to file an
22 action pursuant to section 17A.19, 21.6, or 22.10,
23 whichever is applicable, or in the alternative, to
24 file a timely complaint with the board.

25 2. If more than one person seeks enforcement of
26 chapter 21 or 22 with respect to the same incident
27 involving an alleged violation, and one or more of
28 such persons elects to do so by filing an action under
29 section 17A.19, 21.6, or 22.10 and one or more of such
30 persons elects to do so by filing a timely complaint
31 with the board, the court in which the action was
32 filed shall dismiss the action without prejudice,
33 authorizing the complainant to file a complaint with
34 respect to the same incident with the board without
35 regard to the timeliness of the filing of the
36 complaint at the time the action in court is
37 dismissed.

38 3. If a person files an action pursuant to section
39 22.8 seeking to enjoin the inspection of a public
40 record, the respondent or person requesting access to
41 the record which is the subject of the request for
42 injunction may remove the proceeding to the board for
43 its determination by filing, within thirty days of the
44 commencement of the judicial proceeding, a complaint
45 with the board alleging a violation of chapter 22 in
46 regard to the same matter.

47 Sec. 63. NEW SECTION. 23.6 BOARD POWERS AND
48 DUTIES.

49 The board shall have all of the following powers
50 and duties:

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1 1. Employ such employees as are necessary to
2 execute its authority, including administrative law
3 judges, and attorneys to prosecute respondents in
4 proceedings before the board and to represent the
5 board in proceedings before a court. Notwithstanding
6 section 8A.412, all of the board's employees, except
7 for the executive director and attorneys, shall be
8 employed subject to the merit system provisions of
9 chapter 8A, subchapter IV.

10 2. Adopt rules with the force of law pursuant to
11 chapter 17A calculated to implement, enforce, and
12 interpret the requirements of chapters 21 and 22 and
13 to implement any authority delegated to the board by
14 this chapter.

15 3. Issue, consistent with the requirements of
16 section 17A.9, declaratory orders with the force of
17 law determining the applicability of chapter 21 or 22
18 to specified fact situations and issue informal advice
19 to any person concerning the applicability of chapters
20 21 and 22.

21 4. Receive complaints alleging violations of
22 chapter 21 or 22, seek resolution of such complaints
23 through informal assistance or through mediation and
24 settlement, formally investigate such complaints,
25 decide after such an investigation whether there is
26 probable cause to believe a violation of chapter 21 or
27 22 has occurred, and if probable cause has been found
28 prosecute the respondent before the board in a
29 contested case proceeding conducted according to the
30 provisions of chapter 17A.

31 5. Request and receive from a government body
32 assistance and information as necessary in the
33 performance of its duties. The board may examine a
34 record of a government body that is the subject matter
35 of a complaint, including any record that is
36 confidential by law. Confidential records provided to
37 the board by a governmental body shall continue to
38 maintain their confidential status. Any member or
39 employee of the board is subject to the same policies
40 and penalties regarding the confidentiality of the
41 document as an employee of the government body.

42 6. Issue subpoenas enforceable in court for the
43 purpose of investigating complaints and to facilitate
44 the prosecution and conduct of contested cases before
45 the board.

46 7. After appropriate board proceedings, issue
47 orders with the force of law, determining whether
48 there has been a violation of chapter 21 or 22,
49 requiring compliance with specified provisions of
50 those chapters, imposing civil penalties equivalent to

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1 and to the same extent as those provided for in
2 section 21.6 or 22.10, as applicable, on a respondent
3 who has been found in violation of chapter 21 or 22,
4 and imposing any other appropriate remedies calculated
5 to declare, terminate, or remediate any violation of
6 those chapters.

7 8. Represent itself in judicial proceedings to
8 enforce or defend its orders and rules through
9 attorneys on its own staff, through the office of the
10 attorney general, or through other attorneys retained
11 by the board, at its option.

12 9. Make training opportunities available to lawful
13 custodians, government bodies, and other persons
14 subject to the requirements of chapters 21 and 22 and
15 require, in its discretion, appropriate persons who
16 have responsibilities in relation to chapters 21 and
17 22 to receive periodic training approved by the board.

18 10. Disseminate information calculated to inform
19 members of the public about the public's right to
20 access government information in this state including
21 procedures to facilitate this access and including
22 information relating to the obligations of government
23 bodies under chapter 21 and lawful custodians under
24 chapter 22 and other laws dealing with this subject.

25 11. Prepare and transmit to the governor and to
26 the general assembly, at least annually, reports
27 describing complaints received, board proceedings,
28 investigations, hearings conducted, decisions
29 rendered, and other work performed by the board.

30 12. Make recommendations to the general assembly
31 proposing legislation relating to public access to
32 government information deemed desirable by the board
33 in light of the policy of this state to provide as
34 much public access as possible to government
35 information as is consistent with the public interest
36 and the need to protect individuals against undue
37 invasions of personal privacy.

38 Sec. 64. NEW SECTION. 23.7 FILING OF COMPLAINTS
39 WITH THE BOARD.

40 1. The board shall adopt rules with the force of
41 law and pursuant to chapter 17A providing for the
42 timing, form, content, and means by which any
43 aggrieved person, any taxpayer to or citizen of this
44 state, the attorney general, or any county attorney
45 may file a complaint with the board alleging a
46 violation of chapter 21 or 22. The complaint must be
47 filed within sixty days from the time the alleged
48 violation occurred or the complainant could have
49 become aware of the violation with reasonable
50 diligence.

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1 2. All board proceedings in response to the filing
2 of a complaint shall be conducted as expeditiously as
3 possible.

4 3. The board shall not charge a complainant any
5 fee in relation to the filing of a complaint, the
6 processing of a complaint, or any board proceeding or
7 judicial proceeding resulting from the filing of a
8 complaint.

9 Sec. 65. NEW SECTION. 23.8 INITIAL PROCESSING OF
10 COMPLAINT.

11 Upon receipt of a complaint alleging a violation of
12 chapter 21 or 22, the board shall do either of the
13 following:

14 1. Determine that, on its face, the complaint is
15 within the board's jurisdiction, appears legally
16 sufficient, and could have merit. In such a case the
17 board shall accept the complaint, and shall notify the
18 parties of that fact in writing.

19 2. Determine that, on its face, the complaint is
20 outside its jurisdiction, is legally insufficient, is
21 frivolous, is without merit, involves harmless error,
22 or relates to a specific incident that has previously
23 been finally disposed of on its merits by the board or
24 a court. In such a case the board shall decline to
25 accept the complaint. If the board refuses to accept
26 a complaint, the board shall provide the complainant
27 with a written order explaining its reasons for the
28 action.

29 Sec. 66. NEW SECTION. 23.9 INFORMAL ASSISTANCE
30 – MEDIATION AND SETTLEMENT.

31 1. After accepting a complaint, the board shall
32 promptly work with the parties through its employees
33 to reach an informal, expeditious resolution of the
34 complaint. If an informal resolution satisfactory to
35 the parties cannot be reached, the board or the
36 board's designee shall offer the parties an
37 opportunity to resolve the dispute through mediation
38 and settlement.

39 2. The mediation and settlement process shall
40 enable the complainant to attempt to resolve the
41 dispute with the aid of a neutral mediator employed
42 and selected by the board, in its discretion, from
43 either its own staff or an outside source.

44 3. Mediation shall be conducted as an informal,
45 nonadversarial process and in a manner calculated to
46 help the parties reach a mutually acceptable and
47 voluntary settlement agreement. The mediator shall
48 assist the parties in identifying issues and shall
49 foster joint problem solving and the exploration of
50 settlement alternatives.

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1 Sec. 67. NEW SECTION. 23.10 ENFORCEMENT.

2 1. If any party declines mediation or settlement
3 or if mediation or settlement fails to resolve the
4 matter to the satisfaction of all parties, the board
5 shall initiate a formal investigation concerning the
6 facts and circumstances set forth in the complaint.
7 The board shall, after an appropriate investigation,
8 make a determination as to whether the complaint is
9 within the board's jurisdiction and whether there is
10 probable cause to believe that the facts and
11 circumstances alleged in the complaint constitute a
12 violation of chapter 21 or 22.

13 2. If the board finds the complaint is outside the
14 board's jurisdiction or there is no probable cause to
15 believe there has been a violation of chapter 21 or
16 22, the board shall issue a written order explaining
17 the reasons for the board's conclusions and dismissing
18 the complaint, and shall transmit a copy to the
19 complainant and to the party against whom the
20 complaint was filed.

21 3. a. If the board finds the complaint is within
22 the board's jurisdiction and there is probable cause
23 to believe there has been a violation of chapter 21 or
24 22, the board shall issue a written order to that
25 effect and shall commence a contested case proceeding
26 under chapter 17A against the respondent. An attorney
27 selected by the director of the board shall prosecute
28 the respondent in the contested case proceeding. At
29 the termination of the contested case proceeding the
30 board shall, by a majority vote of its members, render
31 a final decision as to the merits of the complaint.
32 If the board finds that the complaint has merit, the
33 board may issue any appropriate order to ensure
34 enforcement of chapter 21 or 22 including but not
35 limited to an order requiring specified action or
36 prohibiting specified action and any appropriate order
37 to remedy any failure of the respondent to observe any
38 provision of those chapters.

39 b. If the board determines, by a majority vote of
40 its members, that the respondent has violated chapter
41 21 or 22, the board may also do any or all of the
42 following:

43 (1) Require the respondent to pay damages as
44 provided for in section 21.6 or 22.10, whichever is
45 applicable, to the extent that provision would make
46 such damages payable if the complainant had sought to
47 enforce a violation in court instead of through the
48 board.

49 (2) Void any action taken in violation of chapter
50 21 if a court would be authorized to do so in similar

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1 circumstances pursuant to section 21.6.
2 c. The board shall not have the authority to
3 remove a person from public office for a violation of
4 chapter 21 or 22. The board may file an action under
5 chapter 21 or 22 to remove a person from office for
6 violations that would subject a person to removal
7 under those chapters.

8 d. A final board order resulting from such
9 proceedings may be enforced by the board in court and
10 is subject to judicial review pursuant to section
11 17A.19.

12 Sec. 68. NEW SECTION. 23.11 DEFENSES IN A
13 CONTESTED CASE PROCEEDING.

14 A respondent may defend against a proceeding before
15 the board charging a violation of chapter 21 or 22 on
16 the ground that if such a violation occurred it was
17 only harmless error or that clear and convincing
18 evidence demonstrated that grounds existed to justify
19 a court to issue an injunction against disclosure
20 pursuant to section 22.8.

21 Sec. 69. NEW SECTION. 23.12 JURISDICTION.

22 The board shall not have jurisdiction over the
23 judicial or legislative branches of state government
24 or any entity, officer, or employee of those branches,
25 or over the governor or the office of the governor.

26 Sec. 70. IOWA PUBLIC INFORMATION BOARD –
27 TRANSITION PROVISIONS.

28 1. The initial members of the Iowa public
29 information board established pursuant to this
30 division of this Act shall be appointed by September
31 1, 2008.

32 2. Notwithstanding any provision of this division
33 of this Act to the contrary, the director of the board
34 and employees of the board shall not be hired prior to
35 July 1, 2009.

36 3. Prior to July 1, 2009, the board shall submit a
37 report to the governor and the general assembly. The
38 report shall include a job description for the
39 executive director of the board, goals for board
40 operations, and performance measures to measure
41 achievement of the board's goals.

42 Sec. 71. APPROPRIATION – IOWA PUBLIC INFORMATION
43 BOARD. There is appropriated from the general fund of
44 the state to the department of management for the
45 fiscal year beginning July 1, 2008, and ending June
46 30, 2009, the following amount, or so much thereof as
47 is necessary, to be used for the following purpose:

48 For the initial expenses of the Iowa public
49 information board as established in this division of
50 this Act:

1 \$6,000

2 Sec. 72. LEGISLATIVE INTENT – OPEN MEETINGS AND
3 PUBLIC RECORDS LAWS. It is the intent of the general
4 assembly to provide as much transparency in government
5 operations as possible consistent with the need to
6 avoid undue invasions of personal privacy and the need
7 to avoid significant interference with the achievement
8 of other important and legitimate state objectives.
9 To these ends, the general assembly will continue to
10 consider and make any necessary technical, practical,
11 and policy revisions to Iowa's open meetings law,
12 chapter 21, and Iowa's public records law, chapter 22.

13 DIVISION _____

14 WAGE-BENEFITS TAX CREDIT PROGRAM

15 Sec. 73. Section 15.335A, subsection 2, paragraphs
16 b and c, Code 2007, are amended by striking the
17 paragraphs and inserting in lieu thereof the
18 following:

19 b. "Average county wage" means the annualized,
20 average hourly wage based on wage information compiled
21 by the department of workforce development.

22 c. "Benefits" means all of the following:

23 (1) Medical and dental insurance plans. If an
24 employer offers medical insurance under both single
25 and family coverage plans, the employer shall be given
26 credit for providing medical insurance under family
27 coverage plans to all new employees.

28 (2) Pension and profit sharing plans.

29 (3) Child care services.

30 (4) Life insurance coverage.

31 (5) Other benefits identified by rule of the
32 department of revenue.

33 Sec. 74. Section 15.336, Code 2007, is amended to
34 read as follows:

35 15.336 OTHER INCENTIVES.

36 An eligible business may receive other applicable
37 federal, state, and local incentives and credits in
38 addition to those provided in this part. ~~However, a
39 business which participates in the program under this
40 part shall not receive any wage benefits tax credits
41 under chapter 15I.~~

42 Sec. 75. Section 15G.112, subsection 1, Code 2007,
43 is amended to read as follows:

44 1. In order to receive financial assistance from
45 the department from moneys appropriated from the grow
46 Iowa values fund, the average annual wage, including
47 benefits, of new jobs created must be equal to or
48 greater than one hundred thirty percent of the average
49 county wage. For purposes of this section, "average
50 county wage" and "benefits" mean the same as defined

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1 in section ~~15I.1~~ 15.335A.

2 Sec. 76. Section 422.33, subsection 18, Code
3 Supplement 2007, is amended by striking the
4 subsection.

5 Sec. 77. Section 422.60, subsection 10, Code
6 Supplement 2007, is amended by striking the
7 subsection.

8 Sec. 78. Section 533.329, subsection 2, paragraph
9 m, Code Supplement 2007, is amended by striking the
10 subsection.

11 Sec. 79. Sections 15I.2, 15I.3, and 422.11L, Code
12 Supplement 2007, are repealed.

13 Sec. 80. Sections 15I.1, 15I.4, 15I.5, and
14 432.12G, Code 2007, are repealed.

15 Sec. 81. CONTINUATION OF TAX CREDITS. The repeal
16 of chapter 15I in this division of this Act does not
17 affect the availability of tax credits for qualified
18 new jobs in existence on June 30, 2008. Qualified new
19 jobs in existence on June 30, 2008, shall continue to
20 be eligible to receive the tax credits for the
21 remainder of the five-year period. However, a
22 business is not entitled to a tax credit for a
23 qualified new job created on or after July 1, 2008."

24 27. By renumbering, relettering, or redesignating
25 and correcting internal references as necessary.

Wise of Lee offered the following amendment H-8729, to the Senate amendment H-8728, filed by him from the floor and moved its adoption:

H-8729

1 Amend the Senate amendment, H-8728, to House File
2 2700, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 4, line 31, through page 5,
5 line 21.

6 2. By striking page 5, line 22, through page 6,
7 line 34.

8 3. Page 8, by striking lines 9 through 34.

9 4. Page 15, by inserting after line 48 the

10 following:

11 "____. Page 50, by striking lines 3 through 30."

12 5. By striking page 24, line 3, through page 32,
13 line 12.

14 6. By renumbering as necessary.

Amendment H-8729 was adopted.

Oldson of Polk moved that the House concurred in the Senate amendment H-8728, as amended.

Oldson of Polk moved that the bill, as amended by the Senate further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2700)

The ayes were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 45:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Horbach	Huseman	Huser
Jacobs	Kaufmann	Lukan	Mertz
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Fossen	Watts	Wiencck	Windschitl
Worthan			

Absent or not voting, 4:

Forristall

May

Roberts

Van Engelenhoven

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2700** be immediately messaged to the Senate.

REMARKS BY MINORITY LEADER RANTS

Rants of Woodbury offered the following remarks:

Mr. Speaker, ladies and gentlemen of the House...I direct my first comments to the pages – who unlike most, understand the direct correlation between Guitar Hero and John Galt. I hope that this year was a rewarding one. I've got to say that I think this is the best group of pages we've ever had.

Before I get along too far I want to say how proud I am of the Republicans in this chamber. To my assistant leaders, Kraig, Rod, Linda, Doug, & Jeff, thank you, and thank you Representative Raecker.

To my staff, Jeff, Josie, Allison, Lon, Brad, Mary, Ann, Lew, Kelly, Noreen and Jason, thank you for all you do.

And to all the members of our Republican Caucus, thank you. We stood at the wall ready to fight for what we believed. That willingness allowed us to save Iowa's Right to Work Law. We did what we could to stop the tax increases, we tried to maintain the integrity of our spending limitation law and we worked in a bipartisan way, as long as we were included in the decision making, on health care reform this year.

Thank you. We fulfilled our responsibilities as representatives of our constituents.

Now, I'd like to take this chance to point out a few of the lessons I've learned sitting at this desk. Some of the lessons I admittedly did not want to learn, some of them may be of interest to no one but me, and some of them are about very serious things.

For example, I've learned quorum calls are like watching the Godfather trilogy...every time you think they are about to end, they just keep *going*. They never end and when they finally do and I'm not really sure what happened.

I've learned that the best way to ensure that your priorities become law is simply to make sure that they are the same priorities of Senator Gronstal. I joked last year that he'd become Speaker Leader Governor Gronstal. I don't think it's a joke anymore.

I learned that the best way to keep a secret in this building is to simply draft a plan that is a priority of organized labor. You can be assured that nobody gets to see it, read it or understand it before it hits the floor.

I was taught a lot of lessons over the years by a lot of people. People like Ron Corbett, Brent Siegrist and Chuck Gipp taught me how to be Majority Leader, and Dick Myers, Dave Schrader and Bob Arnold taught me how to be Minority Leader. One of those lessons was that regardless of how much you disagree with what the minority leader says in their remarks on the floor, as long as they are not being disrespectful, you always give them latitude. I can't tell you how many times I listened to Dave Schrader and Dick Myers excoriate the Republican majority without being cut off or hit with a point of order. They were extended latitude. I learned that is not the case anymore. Democrats will not extend the same courtesy to Republicans that we extended to you.

You know, one of the things that has always frustrated me is the notion that all of us up here are the same. That Republicans and Democrats aren't any different from each other. You hear it all the time from voters frustrated with their government – that it doesn't matter who they talk to because they results are always the same.

I think the last two sessions have put that misguided notion to permanent rest. There are *significant* differences between the two parties.

In the last two years, Democrats in this chamber have raised taxes and increased state spending by nearly ONE BILLION dollars and still had to brake the expenditure limitation law to satisfy their absolutely unquenchable need for more government spending.

Even on the last day – surprise! Another \$7 million dollar property tax increase that was never talked about.

All, *all*, in the face record revenues and with money literally pouring into the state treasury at a record level.

It's like watching a scary movie where the teenager goes outside to investigate a strange noise. You know he's going to do it, but when he's does, you still can't believe he actually went through with it. That's what it was like watching the majority party blow through the expenditure limitation law.

Watching Iowa's Agenda, I heard one Democrat say the following:

"We in the majority seek the assistance of the minority to help the majority party recognize when maybe there are things we've not seen and bring these issues forward, and hopefully we can influence enough people that our funding doesn't get out of control."

Well, Republicans have been holding up warning signs for the last *two years* – and you've run through them all. This time, the bridge really *is* out – we are facing \$500 million in built-in expenditures with *no new funding*, all in a time of economic uncertainty.

I know how Democrats bristle at the charge of being elitists. Nobody likes to be put into *that* club. I know those of you in the majority party certainly don't think you belong in that category.

Well, if that is truly the case, then explain the following:

You gave Microsoft a big tax break, but didn't extend the same to smaller Iowa-based technology companies.

You've been openly hostile to Iowa's homeschoolers, while literally dumping millions of new dollars into public schools.

You thought it was okay to mandate gym class, but it wasn't okay to mandate the Pledge of Allegiance.

You tried to force Iowans to pay union dues, regardless if they belong to union or not.

You let big casinos drive through a loophole in the smoking ban, but you stuck it to small town restaurants and bars.

You found money for an antique organ, but you couldn't find the money for the deaf and blind children.

You gave Principal a nice \$750,000 gift for the riverwalk here in Des Moines, but you couldn't find any money to help fix old buildings on main street.

You gave a big pay raise to the governor, but you raised taxes on hundreds of thousands of working class Iowans who just want to be left alone to live their lives and make their own way.

And you know, I think that is the enduring theme of this legislature. A legislature which has continually told Iowans that we're going to do this for your own good – whether you like it or not, because government knows best.

Why? *Why?*

This legislature has made a deliberate effort to limit liberties in the name of what some of you think is the public good. Now I'm about to do something that I didn't think I'd ever do. I'm going to quote Hillary Clinton. I apologize to the Obama supporters but I found this quote from Senator Clinton and I think it perfectly describes the attitude of this General Assembly for the last two years.

In 2004 Senator Clinton said, "We're going to take things away from you on behalf of the common good."

The pages who read Atlas Shrugged know what a looter sounds like when they've heard one. Well, that's a looter, and this chamber is full of them.

Republicans came in here looking to find bi-partisan consensus on things like education standards for kids, making healthcare more portable, and finding relief for the property tax payer. We worked with you where you let us. When we disagreed with you, we did it out in the open. But when the going got tough, you dropped the bi-partisan compromise in favor of political expedience behind closed doors.

You raised taxes, increased government spending, limited the ability of people to make informed decisions about their own behavior. All, I assume, in the name of helping those who can't help themselves. All in the name of the little guy, of the forgotten man.

Ladies and Gentleman, the forgotten man the last two sessions was the taxpayer.

REMARKS BY MAJORITY LEADER MCCARTHY

McCarthy of Polk offered the following remarks:

Mr. Speaker, ladies and gentlemen of the House. I will try to be brief because I know it is very late.

First, I just want to say a few thank you's. First to you, Speaker Murphy. It has been good to be a part of your team. You are a good, loyal friend. You wear your heart on your sleeve. I think you're an honest person. It has been a pleasure to serve with you.

Secondly, I want to thank my staff: Mark Langgin and Brian Meyer. And, I also want to thank Bonnie, you've been a great Page, I hope it has been a good experience for you.

I would like to thank all the staff in the Speakers office. They have been fantastic to work with and also Chief Clerk Mark Brandsgard and all of your staff, as well as Paulee Lipsman and the caucus staff. Thank you all very much for all your work.

It may surprise you to believe that I have a somewhat different take on this legislative session. Perhaps slightly more up beat. I think this has been an historic session. And I think these last two years will go down as one of the best general assemblies ever, in the history of Iowa. Let me tell you why I think that is the case.

When House Democrats first came into power, about a year and a half ago, we said that we were going to try to work in a bi-partisan way and we were going to be a party that would govern from the mainstream, not the extreme. I think we have done just that - and middle class families are better off now as a result.

Because we have made, for the first time in a long time, some historic commitments to people. And we have maintained those commitments.

Unlike past legislatures that have abandoned those commitments when the belt needs to be tightened...and we did have a tightened belt budget here this year, but we maintained the commitments we started to education, 42nd in the country to 25th in teacher pay. Lowest tuition increase of the public universities in a quarter of a century.

Health care, 17,000 more Iowans have health care than last year, 10,000 of them children.

And the start of a major commitment to a renewable energy, last year we became, for the first time, a net exporter in energy. We exported more energy than we imported

in foreign oil. We are on our way over the next quarter century to be energy independent. We have the largest surplus in our bank accounts in the history of Iowa. That's an investment in people.

We have thought outside of the box and implemented programs that started last year to create jobs. Through economic development programs we have companies such as Sensor in Elkader, Iowa that look to hire, moving forward hundreds of employees creating accelerometers - motion detectors.

Thanks to the work of Representative Mark Davitt and others the film bill and now Grasshorse Entertainment is moving their entire national headquarters from California to Iowa. We have wind turbine companies coming here. We will have high wage, high tech jobs moving forward because of our economic development strategies and our focus on renewable energy technologies. We did those in a bipartisan way.

During this session, we also passed historic public health legislation. 99.9 per cent of all public health places will be smoke free. That has been a cultural shift and I said this before, I remember coming in for a tour of the Capitol as a child and everyone in the House smoked. Everyone in the Senate smoked, and everyone in the rotunda smoked. And I remember looking up to see that wonderful dome and I really couldn't because it was full of smoke. Who would believe that three decades later that would seem strange to look back and have that sort of environment. With the culture changing regarding smoke free places as well. I believe looking back a few years from now this will be the year that one of the single biggest public health measures ever passed in the history of Iowa. We will wonder why we ever waited this long. Both Democrats and Republican who helped pass that historic piece of legislation. Lives will be saved as a result.

The beginning of this legislative session seven Republicans and seven Democrats co-sponsored SILO legislation for school infrastructure and property tax equity. The SILO bill brings needed help to rural Iowa and will generate nearly one billion dollars in property tax relief moving forward. Thank you to the representatives that helped make that pass and to the seventeen republicans that voted yes on final passage. Representatives Mike Reasoner and Roger Wendt, you worked tirelessly with Representative Kaufmann and Representative Dolecheck to pass this historic legislation. It will create equity and funding for our students throughout the state. Thank you very much.

I would also like to thank Representatives Tomenga, Representative Hoffman, Representative Upmeyer for their work with Representative Foege, Representative Abdul-Samad, Representative Heddens and Representative Smith on health care reform issues. Because of their bi-partisan work, Iowa is on the path toward universal, affordable health care and coverage for all Iowa children.

I am going to end there because it is getting late. I just want to say that it has been a pleasure to serve with all of you. I have great friends here on both sides of the isle. I think we do work in a bi-partisan way. In the end the majority party does have to govern, and we have to do the heavy lifting and I know because we have been on the other side of that majority party status, been in the minority and know what that is like as well. But, we do bi-partisan work and when we do it I think we are better for it. I think Iowa is a better place for the work we did this year. So, it has been a

pleasure serving will all of you and it has been an honor to serve as majority leader of this great house. Thank you.

REMARKS BY SPEAKER MURPHY

Speaker Murphy offered the following remarks:

I want to thank everybody in this chamber for the opportunity to be the Speaker of the House. I want to thank all of the House members, the Democrats and Republicans. This is a very unique job. Representative Rants said to me when you get into leadership, especially when you become Speaker, there are things that are unique that you don't know until you're in the job. The one thing I will guarantee and tell all of you though is I do sleep well every night because I am exhausted every night I go home, especially tonight.

I also want to thank Governor Culver and Lt. Governor Judge. They have been excellent to work with both last year and this year. I think the relationship that we have developed has made it possible to get a lot of legislation done. They have worked very much with us in as much of a bi-partisan fashion as possible so that we could move the state forward.

I also want to thank the Senate. Yes, there is a House member thanking the Senate. Senator Mike Gronstal has been an excellent person to work with and the Senators in the Senate have been very respectful of us in trying to work to move legislation forward and it has been very nice to work with them.

I would also like to mention Representative McCarthy as well. I feel like we have had an excellent relationship over the last year and a half to do the things that we need to and I appreciate all the support and backing that you have given me over the last eighteen months. I would not have been able to get much done without your help. But then I also need to talk about the people here in the well who make everything go so well and so easy. They are working diligently here all the time when we are doing amendments and bills and nobody ever notices the team that Mark has put together that does the excellent job.

I wouldn't be able to say enough thank you's to the people in my office this year. Especially Carolyn, Ed, Dean, and Sabrina. They have done an excellent job of doing everything that needs to be done and getting me in the places that I need to be and getting me to say and do the things that I need to get through the day.

I also would like to thank all the Pages this year. This has been an excellent class, as Representative Rants has mentioned. They have been a good group, they seem to work well together and when I have had the few opportunities to talk to many of them it is obvious that we have a very successful class. Hopefully, you have learned some good things from us because I think a number of you will someday be in this chamber or somewhere else leading people in many different walks of life. And when I hear how well many of you are doing in school I see a bright future for Iowa.

I would like to talk a little bit lastly about the LSA staff. They work quietly around here. They fix all of our mistakes. When we make a mistake, they come up quietly and fix it for us and nobody ever knows the difference. Denny Prouty has done an excellent job with the LSA staff making sure that we get everything that we need. The only time you see them slow down is when we get in a rush to adjourn, though we actually have to wait for amendments and bills. It is a very professional staff; they really do make all of us look good and we should feel very proud of the job they do for the State of Iowa.

I also want to thank our caucus staff. I am not going to mention names because I know I won't remember all of them off the top of my head. But, I do appreciate and the caucus does appreciate everything that you do for us. I will argue with Representative Rants and debate him on the issue of who has the best staff. But, I think that we have the best staff.

I would like to talk a little bit about our legislative session and some of the things we talked about coming into it. We feel very good about what we have done both last year and this year. We talked about a plan for prosperity. Focusing on education from pre-school through college. We focused on making Iowa a green state, renewable fuels, creating the Power Fund, rewarding hard work. We added 16 points to that plan and we came in with the goal of trying to implement all 16 of them. And we felt like we did a very good job by implementing 15 of those 16 and continuing to fund those programs this year. We also feel very proud of the job we've done managing the budget. We have a balanced budget that funds the programs that we feel supports middle class families and we have also filled all of our cash reserves to record levels.

We have even done a good job of putting money back into the Senior Living Trust Fund. But along with that we also address the needs of Iowans. Needless to say we all got the opportunity to drive back and forth to Des Moines here through one of the roughest winters that I can remember in the last twenty or thirty years. We were able to pass a TIME-21 bill that will put one hundred and thirty eight million dollars per year into that fund by the year 2012. We also addressed here today some of our aging prison needs so that we can make sure that we improve public safety.

We did a lot of bi-partisan things too. Representative McCarthy talked about that. The SILO bill was probably an excellent example of where Democrats and Republicans worked together. Not all Democrats were for it and not all Republicans were for it. But we made the decision to move forward in trying to address infrastructure needs for our schools throughout the state regardless of whether they were urban or rural. We also put tax relief in that package. We might not have ended up doing our sixteen points of our plan for prosperity, but we ended up doing property tax relief in that SILO bill so that we could address some property tax equity issues for education.

Along with that, this year the federal government passed a federal stimulus package and we made sure that Iowans got to keep whatever came to this state and that there wouldn't be any taxes from the State of Iowa on the money that they would collect. And hopefully, we will collect it soon.

We focused on education again this year. Focusing on preschool; focusing on K-12 education; focusing on making sure that we have the best education in the state and that we rewarded our teachers' hard work.

Along with that we also looked at a number of other things, making Iowa a healthy place. As Representative McCarthy knows, we talked about what we could do to improve people's health and doing the statewide smoking ban protects 99 per cent of all Iowa workers from second hand smoke.

We also passed a bill today that will help insure that within the next three years the forty-four thousand kids that currently don't have health insurance in this state will have access to health insurance. This might make Iowa the first state in the nation to say that we really value our kids in health and education.

We also passed legislation this year on HPV, making sure that we help find a link and cure for cancer and we passed a healthy kids act today as well. To help fight childhood obesity and to promote wellness.

Again, we continue to work at making Iowa a green state. Doing the second year of the Power Fund, passing the surface water protection act. We also took the REAP program and got it up to eighteen million dollars. That is the highest level that REAP has been at in 16 years. And, hopefully, within the next two years we will be fully funding REAP at twenty-million dollars a year.

We also focused on what we could do to create economic opportunities for Iowans. We established a new River Enhancement Community Attraction and Tourism program, or RECAT as it is known. We also made sure that we funded our workforce development centers. So if you are a person looking for a job, it doesn't matter if you are in Kossuth County or in Dubuque. You know that a workforce development center is near and that they can help you identify a job so that you can keep working.

We also focused on some tax breaks for small businesses. When we did the federal stimulus package, nine-hundred thousand dollars was targeted toward small business. And we established a four-hundred and fifty thousand dollar microenterprise development program.

But, most importantly, I think back to a year ago, when I gave my closing night address here. I talked about Representative Ray Zirkelbach who wasn't here. What we did to make Iowa a green state is to really focus on what we can do to cure some of our country's ills by cutting down our dependency on foreign oil. And one of the things that we did this year with him returning and chairing the Veterans Affairs Committee was put a huge focus on Iowa's veterans. Making sure that their jobs are protected when they come back from the National Guard and from reserve duty. We found a three-million dollar annual funding source for the Veterans Trust Fund. This is the first time that we have had guaranteed funding going into the Veteran's Trust Fund and we assured that every county will have a veteran's affairs office to address their needs.

I feel like we have tried to work in a bi-partisan fashion and to put Iowans' needs first. It is not a case of Democrats winning or Republicans winning. It is about Iowa winning and putting Iowans first. I feel like we have focused on an agenda that does that and I hope that the work that we have done last year and this year will be recognized in the future. As Representative McCarthy pointed out, we will continue to build upon the quality that we have in this state which is based on Iowa's strong education system, having health care accessible to as many as possible, and guaranteeing a vital rural economy and helping it grow by making Iowa a green state.

But, I have spoken enough. It is time for us to get back to our families. It is time for us to focus on other parts of our lives and it is time for us to see if the work we did is the right kind of work. So, again, I thank you for giving me this opportunity to be the Speaker of the House and it has been a wonderful opportunity. But at the same time, I want to go home and make sure I get some windows in for my wife that I told her I would do last December, which are still not done.

I thank you all and may God bless all of you and have a good summer and fall.

Thank you

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 26, 2008, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 2700, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions.

Also: That the Senate has on April 26, 2008, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 106, a Senate Concurrent Resolution to provide for adjournment sine die.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 106

McCarthy of Polk asked and received unanimous consent for the immediate consideration of the following **Senate Concurrent Resolution 106**, and moved it's adoption.

- 1 SENATE CONCURRENT RESOLUTION 106
- 2 By: Committee on Rules and Administration
- 3 A Senate Concurrent Resolution to provide for
- 4 adjournment sine die.
- 5 *Be It Resolved By The Senate, The House Concurring,*
- 6 That when adjournment is had on Saturday, April 26,
- 7 2008, it be the final adjournment of the 2008 Regular
- 8 Session of the Eighty-second General Assembly, and moved its adoption.

The motion prevailed and the resolution was adopted.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 25, 2008. Had I been present, I would have voted "aye" on the motion to suspend the rules to consider amendments H-8669, H-8670, H-8674, H-8680 and H-8688 to House File 2700. I would have voted "aye" on amendments H-8665 and H-8704 to House File 2700. I would have voted "nay" on amendment H-8705 to House File 2700 and on House File 2700.

ARNOLD of Lucas

On April 25, 2008, I inadvertently voted "nay" on H-8674 to House File 2700. I meant to vote "aye".

MERTZ of Kossuth

I was necessarily absent from the House chamber on April 25, 2008. Had I been present, I would have voted "aye" on amendments H-8675 and H-8704 to House File 2700.

SCHICKEL of Cerro Gordo

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 28th day of April, 2008: House Files 2197, 2266, 2283, 2526, 2556, 2558, 2601, 2612, 2628 and 2668.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 25, 2008, he approved and transmitted to the Secretary of State the following bills:

House File 2310, an Act requiring the departments of public health and human services to collect data and develop a protocol to address the relationship between substance misuse, abuse, or dependency by a child's parent, guardian, custodian, or other person responsible for the child's care and child abuse.

House File 2450, an Act relating to certain department of economic development programs including vision Iowa board membership, renewable fuels marketing, film project tax credits, the promotion of Iowa tourism experiences, the consolidation of reporting requirements, the administration of targeted industries development, and providing an effective date.

House File 2555, an Act relating to various matters under the purview of the insurance division of the department of commerce including uniform securities; duties of the insurance division including a consumer advocate and rate reviews; confidential information; examinations; insurance trade practices; insurance fraud; the Iowa life and health insurance guaranty association; viatical settlement contracts; general agents and third-party administrators; life insurance companies; health maintenance organizations; utilization and cost control; the Iowa comprehensive health insurance association; workers' compensation liability insurance; consolidation, merger, and reinsurance; licensing of insurance producers; cemetery and funeral merchandise and funeral services; and cemeteries, making appropriations, and providing an effective date.

House File 2651, an Act relating to policies for the administration of highways and the regulation of motor vehicles and to deposits made by a county to the secondary road fund, physical ability tests required for fire fighter applicants, and certain obligations guaranteed by highway funds including matters concerning utility facility relocation due to highway construction, the bid threshold for emergency highway repairs, providing for new collegiate motor vehicle registration plates and providing fees, the fee for replacement of special dealer registration plates, antique motor vehicle registration fees, used motor vehicle dealer education requirements, penalties for speeding violations committed in road work zones, access to persons with disabilities parking spaces for certain disabled veterans, and permits and fees for the movement of certain oversize or overweight vehicles, drinking driver courses offered at state correctional facilities, establishment of benefited secondary road services districts, and the defeasance of petroleum underground storage tank fund bonds, and providing an effective date.

House File 2653, an Act relating to foreclosure consultants and foreclosure reconveyances, providing for criminal and civil penalties, and providing an effective date.

Senate File 2161, an Act providing for the establishment of a council on homelessness.

Senate File 2276, an Act relating to the disposal of solid waste by changing permitting requirements and updating and clarifying existing provisions.

Senate File 2350, an Act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions.

Senate File 2354, an Act concerning the home ownership assistance program for members of the military.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fourth grade students from Meeker Elementary School, Ames, Iowa, accompanied by Dr. Harold, Mrs. Mylenbusch and Mrs. Richey. By Wessel-Kroeschell of Story and Heddens of Story.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|---|
| 2008\3045 | Jim and Marge Anderson, Clarinda – For celebrating their 60 th wedding anniversary. |
| 2008\3046 | Clarence Lick, Muscatine – For celebrating his 80 th birthday. |
| 2008\3047 | Morgan Krehbiel, Donnellson – For being a 2008 Iowa Academic All-State Team Honoree. |
| 2008\3048 | Robert Bergeson, Ames – For celebrating his 80 th birthday. |
| 2008\3049 | James B. Morris Elementary School Kindergarten Students and Teachers, Des Moines – For being the only Des Moines area elementary school to participate in the Earth Day Grocery Bags Program. |
| 2008\3050 | Ina Dittmer, Milo – For celebrating her 90 th birthday. |

- 2008\3051 Bob and Joyce Reynolds, New Virginia – For celebrating their 50th wedding anniversary.
- 2008\3052 Don and Eunice Coffman, Winterset – For celebrating their 50th wedding anniversary.
- 2008\3053 Alex Debner, Jesup – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\3054 Jack and Janet Perry, Ellsworth – For celebrating their 50th wedding anniversary.

RESOLUTIONS FILED

HCR 109, by McCarthy and Rants, a house concurrent resolution to provide for adjournment sine die.

Laid over under **Rule 25**.

HR 161, by Ford, a resolution urging the Iowa State Fair Board to seek greater diversity in its events and attractions.

Laid over under **Rule 25**.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 106, duly adopted, the day of April 25, 2008 having arrived, the Speaker of the House of Representative declare the 2008 Regular Session of the Eighty-second General Assembly adjourned sine die at 2:38 a.m.

SUPPLEMENT TO HOUSE JOURNAL**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 29th day of April, 2008: House Files 2663 and 2690.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

Also: The following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 5th day of May, 2008: House Files 901, 2177, 2367, 2539, 2633, 2645, 2647, 2660, 2662, 2669, 2672, 2673, 2674, 2679, 2685, 2687, 2688, 2689, 2694, 2699 and 2700.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

**BILLS APPROVED, VETOED. OR ITEM VETOED
SUBSEQUENT TO ADJOURNMENT**

The following is a record of the action of the Governor on the bills passed by the 2008 Regular Session of the Eighty-second General Assembly and which action was had subsequent to the date of final adjournment.

- H.F. 901– Concerning the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit and providing for fees. Approved 5-12-08.
- H.F. 2177– Relating to the placement of deer transportation tags on antlered deer that have been taken pursuant to a deer hunting license. Approved 5-10-08.

- H.F. 2197— Recommending institutions of higher learning to provide students with specific textbook information. Approved 5-7-08.
- H.F. 2266— Relating to the criminal offenses of eluding or attempting to elude a law enforcement vehicle and the possession of an incendiary or explosive device or material, and the regulation of explosives, and providing penalties. Approved 5-7-08.
- H.F. 2283— Concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service, providing a penalty, and including an effective date and retroactive applicability provision. Approved 5-5-08.
- H.F. 2367— Relating to the tally of absentee votes by precinct at certain elections. Approved 5-10-08.
- H.F. 2526— Relating to the disposition of school property. Approved 5-7-08.
- H.F. 2539— Relating to health care reform including health care coverage intended for children and adults, health information technology, long-term living planning and patient autonomy in health care, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, disease prevention and wellness initiatives, health care transparency, health care access, the direct care workforce, making appropriations, and including effective date and applicability provisions. Approved 5-13-08.
- H.F. 2556— Relating to the regulatory duties of the banking division of the department of commerce regarding banking, debt management, delayed deposit services, mortgage banking, and industrial loan companies, and providing penalties. Approved 5-10-08.
- H.F. 2558— Relating to economic development by providing for the confidentiality of certain details contained in contracts and applications for financial assistance. Approved 5-7-08.
- H.F. 2601— Providing for the state interagency Missouri river authority. Approved 5-7-08.
- H.F. 2612— Relating to natural resources, including by providing for the powers and duties of the department's director and natural resource commission, and the regulation of public lands, waters, and outdoor recreation, providing for fees, providing for penalties and making penalties applicable and providing an effective date. Approved 5-10-08.
- H.F. 2628— Including a portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the definition of a dangerous weapon and making penalties applicable. Approved 5-7-08.

- H.F. 2633— Relating to business associations, by providing for limited liability companies and conversion involving corporations, providing fees and penalties, and providing an effective date. Approved 5-10-08.
- H.F. 2645— Concerning public employee collective bargaining and teacher discipline. Vetoed 5-15-08. See Governor's Veto Message.
- H.F. 2647— Relating to and making appropriations to the judicial branch. Approved 5-10-08.
- H.F. 2660— Relating to and making appropriations to the justice system. Approved 5-9-08 with the exception of Section 21. See Governor's Item Veto Message.
- H.F. 2662— Relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection. Approved 5-13-08.
- H.F. 2663— Relating to the repeal of the local option sales and services tax for school infrastructure purposes by using the revenues from the increase in the state sales and use taxes for replacing lost school district revenues resulting from the repeal, providing property tax relief, providing for the reduction in the state sales and use tax, providing a penalty, and including an effective date provision. Approved 5-6-08.
- H.F. 2668— Relating to the disposal and recycling of used oil filters. Approved 5-12-08.
- H.F. 2669— Relating to the collection and recycling of mercury-added thermostats. Approved 5-12-08.
- H.F. 2672— Relating to water use permit fees, creating a new water use permit fund, and making appropriations. Approved 5-10-08.
- H.F. 2673— Relating to the inheritance tax on any interest in a qualified tuition plan. Approved 5-10-08.
- H.F. 2674— Concerning appropriations to the office of grants enterprise management and including an effective date provision. Approved 5-10-08.
- H.F. 2679— Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters and including effective date provisions. Approved 5-9-08 with the exception of Section 5, subsection 1, paragraph b. See Governor's Item Veto Message.
- H.F. 2685— Relating to rules for the discharge of wastewater from water well drilling sites and providing for a fee. Approved 5-10-08.

- H.F. 2687— Relating to certain economic development programs by providing tax credits for the redevelopment of underutilized properties. Approved 5-15-08.
- H.F. 2688— Providing for efforts to mitigate odor emitted from a livestock operation including by providing for basic and applied research and evaluations, providing for implementation, and including applicability and effective date provisions. Approved 5-15-08.
- H.F. 2689— Relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, providing for tax credits, providing for the purchase of renewable fuels by governmental entities, providing for renewable fuel marketing efforts, and providing for effective dates and applicability. Approved 5-12-08.
- H.F. 2690— Relating to student loans, including the protection of students and parents from certain lenders and institutions of higher education with conflicts of interest, establishing a student lending education fund, establishing penalties, and providing for properly related matters, and including an effective date. Approved 5-5-08.
- H.F. 2694— Relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation and providing an effective date. Approved 5-15-08.
- H.F. 2699— Relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters and providing effective dates. Approved 5-13-08.
- H.F. 2700— Relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions. Approved 5-15-08 with the exception of Section 12, Section 44, Section 45, the last sentence in Section 49, Section 50, Section 56, Section 98, Section 120, Section 126. See Governor's Item Veto Message.
- S.J.R. 2003— Authorizing the temporary use and consumption of alcoholic beverages on the State Capitol Complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date. Approved 5-7-08.
- S.J.R. 2005— Authorizing the temporary use and consumption of wine and beer in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation. Approved 5-7-08.

- S.F. 517— Relating to the development, management, and efficient use of energy resources, making energy-related modifications to the state building code, setting fees, making appropriations, and providing an effective date. Approved 4-29-08.
- S.F. 2124— Relating to income tax checkoffs and authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority and including a retroactive applicability date provision and providing an effective date. Approved 5-5-08.
- S.F. 2132— Relating to notices regarding the disposition of seized property and providing an effective date. Approved 5-10-08.
- S.F. 2134— Relating to veterans affairs by modifying training requirements, requiring executive directors and administrators to provide minimum hours of service in each county, specifying executive director, administrator, and employee duties, creating a county commission of veteran affairs training program, creating a county commissions of veteran affairs fund, providing an appropriation, concerning eligibility criteria for special gold star motor vehicle registration plates and providing an effective date. Approved 5-5-08.
- S.F. 2160— Relating to employers' participation in unemployment insurance adjudications and unemployment insurance tax penalties, and providing an effective date. Approved 5-15-08.
- S.F. 2203— Relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators. Approved 5-7-08.
- S.F. 2216— Concerning state and local measures for preparing a student for a career or for postsecondary education, including a statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system. Approved 5-1-08.
- S.F. 2222— Relating to payment of wages. Approved 5-7-08.
- S.F. 2303— Relating to workers' compensation provisions for continued medically related benefits in certain settlements of workers' compensation claims and to funding of the second injury fund and providing an effective date. Approved 5-7-08.
- S.F. 2308— Relating to identity theft by providing for the notification of a breach in the security of personal information, requesting the establishment of an interim study committee relating to disclosure of personal information by public officials, entities, and affiliated organizations, and providing penalties. Approved 5-10-08.
- S.F. 2321— Relating to the recycling of mercury-containing lamps by providing for a study. Approved 5-7-08.

- S.F. 2337– Relating to the purchase of liability insurance and to self-insurance by association of Iowa fairs. Approved 5-7-08.
- S.F. 2341– Relating to Alzheimer's disease and similar forms of irreversible dementia. Approved 5-7-08.
- S.F. 2348– Relating to the management of cooperative associations. Approved 5-7-08.
- S.F. 2364– Related to the emancipation of a minor. Vetoed 5-15-08. See Governor's Veto Message.
- S.F. 2386– Relating to energy efficiency by establishing a commission on energy efficiency standards and practices, providing for the reporting of energy efficiency results and savings by gas and electric public utilities, specifying procedures for assessing potential energy and capacity savings and developing energy efficiency goals by gas and electric utilities not subject to rate regulation, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing for the establishment of an interim study committee to conduct an examination of energy efficiency plans and programs with an emphasis on the demand or customer perspective, and providing an effective date. Approved 5-6-08.
- S.F. 2392– To regulate viatical settlements, and providing for fees and penalties. Approved 5-10-08.
- S.F. 2394– Relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and including an effective date. Approved 5-13-08.
- S.F. 2400– Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective and retroactive applicability date. Approved 5-12-08 with the exception of Section 15, unnumbered paragraph 5. See Governor's Item Veto Message.
- S.F. 2405– Relating to renewable energy, providing for state bank acquisition of equity interests in wind energy production facilities, providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing effective and retroactive applicability dates. Approved 5-1-08.
- S.F. 2406– Relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees,

- abolishing certain related entities, and including effective date and applicability provisions. Approved 5-10-08.
- S.F. 2413— Relating to school budgets, including by providing for requests and applications submitted by school districts to the school budget review committee and documents submitted to other state agencies concerning school district finances, and providing an effective date. Approved 5-7-08.
- S.F. 2415— Allowing certain counties to participate in a pilot project for emergency response districts and providing for a district tax levy. Approved 5-9-08.
- S.F. 2417— Relating to and making appropriations from the Healthy Iowans Tobacco Trust and the Tobacco Settlement Trust Fund and providing for the repeal of the Healthy Iowans Tobacco Trust, and providing effective dates. Approved 5-13-08 with the exception of Section 1, subsection 2, paragraph a, subparagraph (4), Section 1, subsection 2, paragraph b, subparagraphs (1) through (6). See Governor's Item Veto Message.
- S.F. 2418— Relating to notice provided to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits. Approved 5-10-08.
- S.F. 2419— Relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions. Approved 5-7-08.
- S.F. 2422— Relating to energy independence initiatives, specifying procedures applicable to Iowa power fund applications, authorizing allocations from the fund, directing that specified payments, repayments, or recaptures made to or received by the board shall be deposited in the fund, authorizing increased allocations for administrative costs, authorizing repayment of audit expenses to the auditor of state, and providing an effective date and applicability provision. Approved 5-7-08.
- S.F. 2424— Concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates. Approved 5-15-08.
- S.F. 2428— Relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to debt and tax collection practices and fees, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable. Approved 5-15-08.

- S.F. 2429– Relating to budget requirements by certain small cities and providing an effective date. Approved 5-7-08.
- S.F. 2430– Relating to economic development by creating a community microenterprise development organization grant program, a microenterprise development advisory committee, and a river enhancement community attraction and tourism fund, and by making changes to the requirements for individual development accounts and making appropriations, and including effective and retroactive applicability provisions. Approved 4-29-08.
- S.F. 2432– Relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bond fund, and related matters, and providing effective and retroactive applicability date provisions. Approved 5-9-08 with the exception of Section 35. See Governor's Item Veto Message.

GOVERNOR'S VETO MESSAGES

A copy of the following communication was received and placed on file:

May 15, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby disapprove and transmit to you **House File 2645**, an Act concerning public employee collective bargaining and teacher discipline, without my signature, in accordance with Article III, section 16 of the Constitution of the State of Iowa.

On January 15, 2008, when I delivered my Condition of the State address, I urged legislators to consider a number of reforms aimed at making Iowa a better place for its workers and managers. Included in the proposals I made at that time was the suggestion that members of the General Assembly openly debate labor-management issues. I said:

[F]or the benefit of working Iowans, I challenge you to try to find consensus, and to not be afraid to debate difficult issues, like, prevailing wage, independent contractor reform, choice of doctor, fair share, and the right to bargain matters like employee discipline and discharge.

This Administration stands ready to revise, amend and improve Iowa's labor laws and strongly supports the principles of collective bargaining. When we do so, however, we must exert care to assure that such changes are achieved in ways that use normal legislative processes, fully reflecting the gravity and importance of the issues under consideration, and in ways that assure that the citizens who grant us the privilege of holding public office have every opportunity to weigh-in and have their voices heard.

House File 2645 is a bill that does not simply modify, but, rather, completely re-writes, both our public sector collective bargaining law under Iowa Code chapter 20, and the teacher discipline and discharge provisions under Iowa Code chapter 279.

In 1973, after years of statewide effort and public debate, and after countless public hearings convened by the House and Senate here in the capitol, a bill for a law known as the Iowa Public Employment Relations Act, now chapter 20 of the Iowa Code, was brought to the floor of the general assembly for a debate that would extend over a two-year period. In the second session, the Act came up for consideration as a special order of business. The debate lasted for twelve days. One hundred ninety-eight amendments were offered, fifty-eight of which were adopted in whole or in part.

In contrast to the process undertaken thirty years ago, the core principles that normally guide the legislative process – fair advance notice to the public of what laws we intend to change or create, citizen access to the lawmaking process, and minimizing taxpayer uncertainty as to economic effects of a law by drafting laws with clarity – were not sufficiently respected in the case of House File 2645.

The result is a poorly written bill with sometimes-ambiguous language that raises troubling, unanswered questions and unresolved uncertainties for management, labor and taxpayers alike. At the heart of the ambiguities is the “open scope” language of the bill, which does not define what is, and what is not, a part of the “other terms and conditions not already excluded,” that could be made subject to mandatory bargaining. As a result, if House File 2645 were to become law, the reasonably settled expectations of thirty years of practice under existing law would be placed at risk. The hybrid law—unlike that of any other state in the nation—consisting of a substantially lengthened “laundry list” of Iowa’s statutorily-based mandatory bargaining issues, combined with “open scope” language borrowed from the federal National Labor Relations Act, could result in an almost unlimited reach of mandatory bargaining topics, all of which could be made subject to binding arbitration upon impasse and which could potentially result in untold and unintended obligations resulting in substantial tax increases.

Similarly, the proposed changes to chapter 279 would make Iowa’s education law an outlier in a number of significant ways. No other state has abolished the probationary, “at-will” period of new teacher employment. No other state assigns teacher termination and disciplinary decisions to a third-party adjudicator, and then denies the right of the parties to appeal and judicial review. No other area of Iowa administrative law so severely limits the use of hearsay evidence in agency proceedings as is provided in House File 2645.

Iowans from all walks of life have registered their concerns about House File 2645, and we have listened to those concerns. In addition to the nearly 6,000 citizens who have offered their opinions in e-mails, letters and telephone calls, the Lt. Governor and

I, along with our senior staff members, have collectively engaged in more than thirty meetings with individuals representing labor and management and elected officials from all public sectors: state, county and city governments; school districts and community colleges; municipal utilities and rural water districts. Our office has sought and received the counsel of some of Iowa's most experienced and respected public sector collective bargaining negotiators—from both the management and the public employee sides of the table.

That Iowans are concerned about the particular approach to change that House File 2645 represents does not mean that present laws should not be reformed. Indeed, in the course of our intensive review of this bill with stakeholders and citizens, we have become more convinced than ever before that, after full public debate and discussion, modifications to existing law under chapter 20 should be seriously considered to include additional areas of mandatory bargaining, such as discipline and discharge issues and matters related to worker safety.

Iowa's public sector labor law now comprises a rich, complex fabric, woven of many threads, both visible and invisible, that reach from the dome of the state capitol to every corner of the state. A sudden pull on a single thread of any fabric, if one is not careful, may render more destruction to it than a tailor ever intended. So, too, care must be taken not to inflict unintended adverse harms in a rush to modify complex laws and practices.

After this careful review of the bill, we understand what is right, and what is wrong, with it. Some people had urged this Administration to stitch together a compromise agreement in the closing days of the legislative session. We determined, however, that there was no common thread of sufficient strength, no shared understanding of sufficient breadth, to patch this bill together in a new way that would satisfy stakeholders and protect taxpayers, alike.

Further, we were determined not to replace one flawed, rushed legislative process that largely excluded the public with another, essentially closed, negotiation process, in an effort to draft yet another substitute bill. Iowa taxpayers would understandably have been wary of any sudden compromise that appeared to have been merely the result of political expediency rather than the end product of a careful, principled, deliberative legislative review conducted in the full light of day.

For all these reasons, I hereby disapprove and transmit to you, without my signature, **House File 2645**, in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Sincerely,
Chester J. Culver
Governor

May 15, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 2364**, an Act related to the emancipation of a minor. Iowa is one of several states without a statutory emancipation process, although particular sections of the Code and common law provide for some aspects of emancipation. While I recognize the need to consider adding a statutory emancipation process to the Iowa Code, and I commend the legislature for addressing this important issue, I am unable to approve Senate File 2364.

Accordingly, I hereby disapprove and transmit to you, without my signature, Senate File 2364, an Act related to the emancipation of a minor, in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2364 places the emancipation provisions in a little-used division of the juvenile justice chapter of the Code—Family in Need of Assistance Proceedings (FINA). FINA allows parents and children whose conflicts with each other have led to a breakdown of the familial relationship to seek assistance from the juvenile court. To allow emancipation of a minor in the context of a FINA proceeding is inconsistent with the intent of FINA proceedings. This point is illustrated by the fact that in order for an emancipation order to be entered, the court would have to make wholly inconsistent findings. To adjudicate the family to be a family in need of assistance, the court must find that there has been a breakdown in the family relationship, the family has sought services to maintain and improve the family relationship, and the court has at its disposal services for this purpose. However, to enter an emancipation order, the court must find “by clear and convincing evidence, that no remedy is available that would result in strengthening or maintaining the familial relationship.”

Perhaps the most troubling aspect of Senate File 2364 is the lack of criteria for the court to consider when making an emancipation decision. For example, the court need not determine that the minor is financially self-sufficient or able to maintain education or employment. The bill does not require the court to find that the minor clearly understands the risks and consequences of emancipation or even that emancipation is in the best interest of the minor. As a result, Senate File 2364 would allow parents in conflict with their minor child to seek emancipation of the child in order to evade financial responsibility for the child. Once an emancipation order is entered, the court has no continuing jurisdiction; therefore, there is no apparent remedy if the emancipated minor is unable to support himself or herself.

For the above reasons, I hereby respectfully disapprove **Senate File 2364**.

Sincerely,
Chester J. Culver
Governor

GOVERNOR'S ITEM VETO MESSAGES

A copy of the following communication was received and placed on file:

May 9, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **House File 2660**, an Act relating to and making appropriations to the justice system. House File 2660 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve Section 21 in its entirety. This section requires payment of a filing fee for all persons seeking post-conviction relief under Code Chapter 822.

Post-conviction relief actions may be brought based on various legal grounds, including challenges to convictions with constitutional and statutory implications and challenges to prison discipline, which may be less substantial. By requiring a filing fee in every case, this legislation could eliminate a small number of potentially frivolous lawsuits challenging, for instance, prison discipline, but would have a chilling effect on those indigent persons unjustly convicted whose only recourse may be post-conviction relief.

The potential diminishment such persons' fundamental right of access to our courts is of special concern to this Administration, in light of the disturbing fact that our State is now stung with an unfortunate reputation for incarcerating a higher percentage of our minority citizens than any other state in our nation.

While it may be true that most people who file for post-conviction relief are incarcerated, are most likely indigent and may be able to have the filing fees waived, it is also the case that obtaining such a waiver comes with a cost both in court-time, necessary to consider the application to proceed without paying the filing fee, and in indigent defense costs, arising from fees payable to a court-appointed attorney for preparing the papers to obtain the filing fee waiver.

While this Administration is intolerant of frivolous lawsuits, it is also of the belief that the serious costs and consequences in denying or inhibiting court access to those who are wrongfully convicted or incarcerated far out-weigh the benefits derived from any potential reduction in the number of frivolous law suits that this provision may well have been aimed to achieve.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **House File 2660** are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 9, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **House File 2679**, an Act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters and including effective date provisions. House File 2679 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the designated portion of section 5, subsection 1, paragraph b, of this bill. This paragraph specifies that the Department of Education will allocate 10 full-time equivalent positions to support management of the community college management information system, expansion of the State Board of Education's model core curriculum, development and implementation of strategic educational goals, collection and dissemination of resources related to the human growth and development curriculum, district sharing purposes, and the senior year plus program study.

This language was added to last year's appropriations bill for the Department of Education to correspond with the addition of new staff to perform the above-referenced functions. The Department of Education is currently performing all of the functions identified in the bill and understands that they are responsible to provide staff to support these purposes within the full-time equivalent limit assigned by the legislature. Therefore, this language is unnecessary, and, consistent with efforts to eliminate extraneous bill language, I am unable to approve it.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **House File 2679** are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 15, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **House File 2700**, an Act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions. House File 2700 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve Section 12 of House File 2700 in its entirety. This language increases the annual salary rate of the elective executive officials of the State, including the governor, lieutenant governor, secretary of agriculture, attorney general, auditor of state, secretary of state, and treasurer of state. As Iowans struggle to cope with rising costs and economic uncertainties, this is not the time to increase the salaries of the elected statewide officers of the State.

I am unable to approve Section 44 of House File 2700 in its entirety because this language provides an opportunity for only five active members of the Peace Officers' Retirement System (PORS) to receive undeserved special treatment that will be costly to Iowa taxpayers. Section 44 provides this small group of individuals the opportunity to purchase service for years of employment while at a city fire or police department prior to July 1, 1992. Those who would benefit from this section and Section 98 (see below) of House File 2700 had an opportunity to purchase this service from July 1, 2006 to July 1, 2007 and did not take advantage of this opportunity. In one case, an individual would receive an estimated \$33,000 annual increase in benefits. Overall, the unearned benefits for these five individuals could be as high as \$1.8 million. This action could establish a worrisome precedent for creating special carve-outs from our pension funds for small groups of employees.

I am unable to approve Section 45 of House File 2700 in its entirety because the section would reduce professional standards of the recently established statewide electrician licensing program. This language would require the Electrical Examining Board to adopt rules to create a specially designated license for those individuals who held a locally issued electrician license obtained by passing an examination not approved by the Board for purposes of granting a state Class A license. I am concerned that grandfathering in more electricians who cannot meet the established Class A license requirements creates a public safety concern. I encourage the Electrical Examining Board to take steps to make the examination process more accessible at the local level.

I am unable to approve the designated item of the last sentence in Section 49 of House File 2700. This proposed language requires that five members of the Hospital Licensing Board shall possess recognized ability in the field of hospital administration and one member shall represent the general public. We need more public

representation on the Hospital Licensing Board in order to reduce the inherent conflict of interest that members representing the hospital industry face and in order to provide greater voice for the consumers regarding licensing rules that directly affect hospital care.

I am unable to approve Section 50 of this bill in its entirety because state law has no jurisdiction over Federal regulatory actions. This section imposes timeline and procedural requirements that are in conflict with the Federal survey and certification processes for health care facilities. Even if this language only affected state requirements, the proposed timelines would have a significant fiscal impact on the Department of Inspections and Appeals and are unreasonable.

I am unable to approve Section 56 of House File 2700 in its entirety because the proposed timelines are unreasonable. This language would reduce the timeframe for reporting findings to an assisted living program from the current 20 working days to 10 working days. It would run counter to unannounced evaluations and make it impossible to ensure accurate compliance evaluations, which help protect the welfare of Iowans living in assisted living facilities.

I am unable to approve Section 98 of House File 2700 in its entirety. This section, which is related to the above-referenced Section 44, creates an unlimited appropriation from the General Fund to credit PORS for the amount of lost contributions to the Municipal System plus interest for this select group of individuals. As I have item vetoed Section 44, this section is no longer necessary.

I am unable to approve Sections 120 and 126 in their entirety. These sections provide corrective language to House File 2645, the collective bargaining bill. Since I have already vetoed House File 2645, these sections are no longer necessary.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **House File 2700** are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 12, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 2400**, an Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective and retroactive applicability date. Senate File 2400 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the designated portion of Section 15, unnumbered paragraph 5, in its entirety. This paragraph directs the Department of Management to include in its budget request funding for the salaries of the director and assistant director of the Tim Shields Center for Governing Excellence in Iowa and also requires the Governor to include such funding in his budget recommendation for Fiscal Year 2010. While I strongly support efforts to improve innovation in our state and local governments, this language requires an Executive Branch department to provide funding by a pass-through appropriation for yet-to-be-determined non-Executive Branch positions. Further, the proposed language is premature until the Local Government Innovation Commission determines where the Tim Shields Center for Governing Excellence in Iowa will be located. My understanding is that the Commission will be asking for proposals this fall and making a recommendation on awarding a contract and funding later this calendar year. I look forward to reviewing the work of the Local Government Innovation Commission and will seriously consider any proposals that are made.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **Senate File 2400** are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 13, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 2417**, an Act relating to and making appropriations from the Healthy Iowans Tobacco Trust and the Tobacco Settlement Trust Fund and providing for the repeal of the Healthy Iowans Tobacco Trust, and providing effective dates. Senate File 2417 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve item designated as Section 1, subsection 2, paragraph a, subparagraph (4) in its entirety. This designated language continues general language on substance abuse treatment expenditures. These directives are already in place, and, therefore, this language is unnecessary.

Finally, I am unable to approve item designated as Section 1, subsection 2, paragraph b, subparagraphs (1) through (6) in their entirety. This designated language continues general language on substance abuse treatment expenditures. These directives are in place, and, therefore, this annual report language is unnecessary.

These actions of disapproval are consistent with efforts to remove extraneous bill language.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **Senate File 2417** are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 9, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 2432**, an Act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bond fund, and related matters, and providing effective and retroactive applicability date provisions. Senate File 2432 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve section 35 of this bill in its entirety. This section changes the due date of the Public Transit Funding Study report called for in Senate File 2420 that the Department of Transportation must submit to the Governor and General Assembly from December 1, 2009 to December 31, 2008. The shortened deadline does not provide adequate time to conduct an effective and comprehensive study that will assure the provision of useful data and meaningful recommendations. This disapproval action will provide the Department of Transportation with adequate time to complete this statewide study by maintaining the original deadline of December 1, 2009.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **Senate File 2432** are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

AMENDMENTS FILED

Amendments filed during the Eighty-second General Assembly, 2008 Session, not otherwise printed in the House Journal:

H-8003

1 Amend Senate File 2023, as passed by the Senate, as
2 follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. UTILITY REPLACEMENT TAX TASK FORCE
6 REVIEW. The utility replacement tax task force
7 created pursuant to section 437A.15 shall review the
8 methodology in current law for distribution of
9 replacement generation tax revenues through the
10 property tax relief fund to reduce property taxes in
11 accordance with current law and the proposal for
12 instead crediting such revenues to the risk pool and
13 distributing the revenues for county funding of mental
14 health, mental retardation, and developmental
15 disabilities services. The tax task force shall
16 complete its review and shall provide findings and
17 recommendations to the governor and general assembly
18 on or before February 15, 2008.
19 Sec. 2. This Act, being deemed of immediate
20 importance, takes effect upon enactment."
21 2. Title page, line 1, by inserting after the
22 words "relating to" the following: "a review of the
23 methodologies for".

WATTS of Dallas

H-8004

1 Amend Senate File 2023, as passed by the Senate, as
2 follows:
3 1. By striking page 1, line 1, through page 3,
4 line 11, and inserting the following:
5 "Section 1. UTILITY REPLACEMENT GENERATION TAX
6 REVENUES –FY 2007-2008 AND FY 2008-2009.
7 Notwithstanding contrary provisions of sections
8 426B.2, 437A.8, and 437A.15, for the fiscal years
9 beginning July 1, 2007, and July 1, 2008, the
10 replacement generation tax revenues deposited in the
11 property tax relief fund pursuant to section 437A.8,
12 subsection 4, paragraph "d", and section 437A.15,
13 subsection 3, paragraph "f", shall be credited to the
14 risk pool in the property tax relief fund and shall be
15 distributed as provided in section 426B.5, subsection

16 2."
17 2. By renumbering as necessary.

WATTS of Dallas

H-8006

1 Amend Senate File 2023, as passed by the Senate, as
2 follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. RISK POOL APPROPRIATION. There is
6 appropriated from the general fund of the state to the
7 department of human services for the fiscal year
8 beginning July 1, 2007, and ending June 30, 2008, the
9 following amount, or so much thereof as is necessary,
10 to be used for the purposes designated:
11 To be credited to the risk pool of the property tax
12 relief fund created in section 426B.5, for
13 distribution in addition to other moneys available in
14 the risk pool for the fiscal year beginning July 1,
15 2007:
16 \$ 3,200,000
17 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
18 immediate importance, takes effect upon enactment."
19 2. Title page, by striking lines 1 and 2 and
20 inserting the following: "An Act making an
21 appropriation to the risk pool of the property tax".
22 3. By renumbering as necessary.

RAECKER of Polk

H-8008

1 Amend Senate File 261, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 25 and 26 and
4 inserting the following: "For the purposes of this
5 subsection, "transfer" means the transfer or
6 conveyance by sale, exchange, real estate contract, or
7 any other method by which real estate and improvements
8 are purchased, if the property includes at least one
9 but not more than four dwelling units. However,
10 "transfer" does not include any of the following:
11 (1) A transfer made pursuant to a court order,
12 including but not limited to a transfer under chapter
13 633 or 633A, the execution of a judgment, the
14 foreclosure of a real estate mortgage pursuant to
15 chapter 654, the forfeiture of a real estate contract
16 under chapter 656, a transfer by a trustee in
17 bankruptcy, a transfer by eminent domain, or a
18 transfer resulting from a decree for specific

- 19 performance.
- 20 (2) A transfer to a mortgagee by a mortgagor or
- 21 successor in interest who is in default, or a transfer
- 22 by a mortgagee who has acquired real property at a
- 23 sale conducted pursuant to chapter 654, a transfer
- 24 back to a mortgagor exercising a right of first
- 25 refusal pursuant to section 654.16A, a nonjudicial
- 26 voluntary foreclosure procedure under section 654.18
- 27 or chapter 655A, or a deed in lieu of foreclosure
- 28 under section 654.19.
- 29 (3) A transfer by a fiduciary in the course of the
- 30 administration of a decedent's estate, guardianship,
- 31 conservatorship, or trust.
- 32 (4) A transfer between joint tenants or tenants in
- 33 common.
- 34 (5) A transfer made to a spouse, or to a person in
- 35 the lineal line of consanguinity of a person making
- 36 the transfer.
- 37 (6) A transfer between spouses resulting from a
- 38 decree of dissolution of marriage, a decree of legal
- 39 separation, or a property settlement agreement which
- 40 is incidental to the decree, including a decree
- 41 ordered pursuant to chapter 598."
- 42 2. Page 1, line 31, by striking the words "one
- 43 year" and inserting the following: "three years".
- 44 3. By renumbering as necessary.

HUSER of Polk

H-8009

- 1 Amend Senate File 261, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 3, by inserting after the word
- 4 "building" the following: ", except a single-family
- 5 residence on a parcel consisting of three acres or
- 6 more,".

ALONS of Sioux	BAUDLER of Adair
S. OLSON of Clinton	DRAKE of Pottawattamie
SANDS of Louisa	DE BOEF of Keokuk
WINDSCHITL of Harrison	

H-8011

- 1 Amend House File 2140 as follows:
- 2 1. Page 1, by inserting after line 14 the
- 3 following:
- 4 "Sec.____. Section 257.8, Code Supplement 2007, is
- 5 amended by adding the following new subsection:
- 6 NEW SUBSECTION. 1A. It is the goal of this state
- 7 that every public employer provide every employee with

- 8 a competitive living wage."
 9 2. Title page, line 1, by inserting after the
 10 word "for" the following: "the well-being of Iowans
 11 through the provision of a competitive living wage
 12 and".
 13 3. By renumbering as necessary.

MASCHER of Johnson

H-8017

- 1 Amend House File 2212 as follows:
 2 1. By striking page 7, line 1, through page 8,
 3 line 12, and inserting the following:
 4 "_. Public places, places of employment, and
 5 outdoor areas to which only individuals twenty-one
 6 years of age and older are invited and allowed
 7 entrance."
 8 2. By renumbering as necessary.

STRUYK of Pottawattamie
 RASMUSSEN of Buchanan
 SANDS of Louisa

DOLECHECK of Ringgold
 WINDSCHITL of Harrison
 MAY of Dickinson

H-8018

- 1 Amend House File 2212 as follows:
 2 1. Page 5, by inserting after line 35, the
 3 following:
 4 "_. Notwithstanding any provision of this
 5 chapter to the contrary, motor vehicles when an
 6 individual under eighteen years of age is present."
 7 2. Page 7, line 34, by inserting after the word
 8 "place" the following: "and if not otherwise
 9 restricted under this chapter".
 10 3. By renumbering as necessary.

LUKAN of Dubuque

H-8021

- 1 Amend House File 2212 as follows:
 2 1. Page 12, by inserting after line 31 the
 3 following:
 4 "Sec. ___. Section 441.21, subsection 5, Code
 5 2007, is amended to read as follows:
 6 5. a. For valuations established as of January 1,
 7 1979, commercial property and industrial property,
 8 excluding properties referred to in section 427A.1,
 9 subsection 8, shall be assessed as a percentage of the
 10 actual value of each class of property. The
 11 percentage shall be determined for each class of

12 property by the director of revenue for the state in
13 accordance with the provisions of this section. For
14 valuations established as of January 1, 1979, the
15 percentage shall be the quotient of the dividend and
16 divisor as defined in this section. The dividend for
17 each class of property shall be the total actual
18 valuation for each class of property established for
19 1978, plus six percent of the amount so determined.
20 The divisor for each class of property shall be the
21 valuation for each class of property established for
22 1978, as reported by the assessors on the abstracts of
23 assessment for 1978, plus the amount of value added to
24 the total actual value by the revaluation of existing
25 properties in 1979 as equalized by the director of
26 revenue pursuant to section 441.49. For valuations
27 established as of January 1, 1979, property valued by
28 the department of revenue pursuant to chapters 428,
29 433, 437, and 438 shall be considered as one class of
30 property and shall be assessed as a percentage of its
31 actual value. The percentage shall be determined by
32 the director of revenue in accordance with the
33 provisions of this section. For valuations
34 established as of January 1, 1979, the percentage
35 shall be the quotient of the dividend and divisor as
36 defined in this section. The dividend shall be the
37 total actual valuation established for 1978 by the
38 department of revenue, plus ten percent of the amount
39 so determined. The divisor for property valued by the
40 department of revenue pursuant to chapters 428, 433,
41 437, and 438 shall be the valuation established for
42 1978, plus the amount of value added to the total
43 actual value by the revaluation of the property by the
44 department of revenue as of January 1, 1979. For
45 valuations established as of January 1, 1980,
46 commercial property and industrial property, excluding
47 properties referred to in section 427A.1, subsection
48 8, shall be assessed at a percentage of the actual
49 value of each class of property. The percentage shall
50 be determined for each class of property by the

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1 director of revenue for the state in accordance with
2 the provisions of this section. For valuations
3 established as of January 1, 1980, the percentage
4 shall be the quotient of the dividend and divisor as
5 defined in this section. The dividend for each class
6 of property shall be the dividend as determined for
7 each class of property for valuations established as
8 of January 1, 1979, adjusted by the product obtained
9 by multiplying the percentage determined for that year
10 by the amount of any additions or deletions to actual

11 value, excluding those resulting from the revaluation
12 of existing properties, as reported by the assessors
13 on the abstracts of assessment for 1979, plus four
14 percent of the amount so determined. The divisor for
15 each class of property shall be the total actual value
16 of all such property in 1979, as equalized by the
17 director of revenue pursuant to section 441.49, plus
18 the amount of value added to the total actual value by
19 the revaluation of existing properties in 1980. The
20 director shall utilize information reported on the
21 abstracts of assessment submitted pursuant to section
22 441.45 in determining such percentage. For valuations
23 established as of January 1, 1980, property valued by
24 the department of revenue pursuant to chapters 428,
25 433, 437, and 438 shall be assessed at a percentage of
26 its actual value. The percentage shall be determined
27 by the director of revenue in accordance with the
28 provisions of this section. For valuations
29 established as of January 1, 1980, the percentage
30 shall be the quotient of the dividend and divisor as
31 defined in this section. The dividend shall be the
32 total actual valuation established for 1979 by the
33 department of revenue, plus eight percent of the
34 amount so determined. The divisor for property valued
35 by the department of revenue pursuant to chapters 428,
36 433, 437, and 438 shall be the valuation established
37 for 1979, plus the amount of value added to the total
38 actual value by the revaluation of the property by the
39 department of revenue as of January 1, 1980. For
40 valuations established as of January 1, 1981, and each
41 year thereafter, the percentage of actual value as
42 equalized by the director of revenue as provided in
43 section 441.49 at which commercial property and
44 industrial property, excluding properties referred to
45 in section 427A.1, subsection 8, shall be assessed
46 shall be calculated in accordance with the methods
47 provided herein, except that any references to six
48 percent in this subsection shall be four percent. For
49 valuations established as of January 1, 1981, and each
50 year thereafter, the percentage of actual value at

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1 which property valued by the department of revenue
2 pursuant to chapters 428, 433, 437, and 438 shall be
3 assessed shall be calculated in accordance with the
4 methods provided herein, except that any references to
5 ten percent in this subsection shall be eight percent.
6 Beginning with valuations established as of January 1,
7 1979, and each year thereafter, property valued by the
8 department of revenue pursuant to chapter 434 shall
9 also be assessed at a percentage of its actual value

10 which percentage shall be equal to the percentage
 11 determined by the director of revenue for commercial
 12 property, industrial property, or property valued by
 13 the department of revenue pursuant to chapters 428,
 14 433, 437, and 438, whichever is lowest.
 15 b. For assessment years beginning on or after
 16 January 1, 2008, the percentage of actual value at
 17 which commercial property is assessed under paragraph
 18 "a" each year shall be reduced by one full percentage
 19 point for commercial property subject to chapter
 20 142D."
 21 2. Title page, line 1, by inserting after the
 22 word "Act" the following: "providing a commercial
 23 property tax reduction for businesses complying with
 24 the Act,".
 25 3. By renumbering as necessary.

LUKAN of Dubuque

H- 8023

1 Amend House File 2212 as follows:
 2 1. By striking page 6, line 29, through page 8,
 3 line 12 and inserting the following:
 4 "Sec. ____ . **NEW SECTION.** 142D.4 AREAS WHERE
 5 SMOKING NOT REGULATED.
 6 Notwithstanding any provision of this chapter to
 7 the contrary, a private residence, unless used as a
 8 child care facility, a child care home, or a health
 9 care provider location, is exempt from the
 10 prohibitions of section 142D.3."

RAECKER of Polk

H-8028

1 Amend House File 2066 as follows:
 2 1. By striking page 15, line 29, through page 16,
 3 line 14, and inserting the following:
 4 " ____ . a. If the board of directors adopts a
 5 resolution to use funds received under the operation
 6 of this chapter solely for providing property tax
 7 relief by reducing indebtedness from the levies
 8 specified under section 298.2 or 298.18, the board of
 9 directors may approve a revenue purpose statement for
 10 that purpose without submitting the revenue purpose
 11 statement to a vote of the electors.
 12 b. If the board of directors intends to use funds
 13 for purposes other than those listed in paragraph "a",
 14 or change the use of funds to purposes other than
 15 those listed in paragraph "a", the board shall adopt a
 16 revenue purpose statement, subject to approval of the

17 electors, listing the proposed use of the funds.
 18 School districts shall submit the statement to the
 19 voters no later than sixty days prior to the
 20 expiration of any existing revenue purpose statement
 21 or change in use not included in the existing revenue
 22 purpose statement.

23 c. The board secretary shall notify the county
 24 commissioner of elections of the intent to take the
 25 issue to the voters. The county commissioner of
 26 elections shall publish the notices required by law
 27 for special or general elections, and the election
 28 shall be held not sooner than thirty days nor later
 29 than forty days after notice from the school board. A
 30 majority of those voting on the question must favor
 31 approval of the revenue purpose statement. If the
 32 proposal is not approved, the school district shall
 33 not submit the same or new revenue purpose statement
 34 to the electors for a period of six months from the
 35 date of the previous election."

COMMITTEE ON EDUCATION

H-8029

1 Amend House File 2239 as follows:

2 1. Page 2, by inserting after line 5 the
 3 following:

4 "Sec. ____ Section 232.2, subsection 12, Code
 5 Supplement 2007, is amended by adding the following
 6 new paragraph:

7 NEW PARAGRAPH. d. The violation of section 299.6
 8 by a child ten years of age or older.

9 Sec. ____ Section 232.22, subsection 8, Code 2007,
 10 is amended to read as follows:

11 8. Notwithstanding any other provision of the Code
 12 to the contrary, a child shall not be placed in
 13 detention for a violation of section 123.47 or 299.6,
 14 or for failure to comply with a dispositional order
 15 which provides for performance of community service
 16 for a violation of section 123.47 or 299.6."

17 2. Page 22, by inserting after line 3 the
 18 following:

19 "Sec. ____ Section 299.5A, unnumbered paragraph 4,
 20 Code 2007, is amended to read as follows:

21 The school district shall be responsible for
 22 monitoring any agreements arrived at through
 23 mediation. If a parent, guardian, or legal or actual
 24 custodian, or the child if the child is ten years of
 25 age or older, refuses to engage in mediation or
 26 violates a term of the agreement, the matter shall be
 27 rereferred to the county attorney for prosecution
 28 under section 299.6. The county attorney's office or

29 the mediation service shall require the parent,
 30 guardian, or legal or actual custodian and the school
 31 to pay a fee to help defray the administrative cost of
 32 mediation services. The county attorney's office or
 33 the mediation service shall establish a sliding scale
 34 of fees to be charged parents, guardians, and legal or
 35 actual custodians based upon ability to pay. A
 36 parent, guardian, or legal or actual custodian shall
 37 not be denied the services of a mediator solely
 38 because of inability to pay the fee.

39 Sec. ____ Section 299.6, unnumbered paragraph 1,
 40 Code 2007, is amended to read as follows:

41 Any person who violates a mediation agreement under
 42 section 299.5A, who is referred for prosecution under
 43 section 299.5A and is convicted of a violation of any
 44 of the provisions of sections 299.1 through 299.5, who
 45 violates any of the provisions of sections 299.1
 46 through 299.5, or who refuses to participate in
 47 mediation under section 299.5A, for a first offense,
 48 is guilty of a simple misdemeanor. If a child ten
 49 years of age or older violates a mediation agreement
 50 under section 299.5A, or refuses to participate in

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1 mediation under section 299.5A, the child commits a
 2 delinquent act."

3 3. Title page, line 3, by inserting after the
 4 word "boards" the following: ", and providing for
 5 properly related matters".

6 4. By renumbering as necessary.

HORBACH of Tama

H-8030

1 Amend House File 2239 as follows:

2 1. Page 16, by inserting after line 31 the
 3 following:

4 "Sec. ____ Section 280.5, Code 2007, is amended to
 5 read as follows:

6 280.5 DISPLAY OF UNITED STATES FLAG AND IOWA STATE
 7 FLAG -- RECITATION OF PLEDGE OF ALLEGIANCE.

8 1. The board of directors of each public school
 9 district and the authorities in charge of each
 10 nonpublic school shall provide and maintain a suitable
 11 flagstaff on each school site under its control, and
 12 the United States flag and the Iowa state flag shall
 13 be raised on all school days when weather conditions
 14 are suitable.

15 2. The board of directors of each public school
 16 and the authorities in charge of each nonpublic school

17 shall cause the pledge of allegiance to be recited at
 18 the beginning of each school day. Persons reciting
 19 the pledge of allegiance shall stand holding their
 20 right hand over their heart. A student shall not be
 21 compelled, against the student's objections or those
 22 of the student's parent or guardian, to recite the
 23 pledge of allegiance, but shall be required to
 24 maintain a respectful silence. A nonpublic school is
 25 exempt from this requirement if the authorities in
 26 charge of a nonpublic school determine that this
 27 requirement conflicts with the school's religious
 28 doctrines."

29 2. By renumbering as necessary.

WINDSCHITL of Harrison

H-8031

1 Amend House File 2239 as follows:

2 1. Page 4, by inserting after line 8 the
 3 following:

4 "Sec. ____ Section 256.11, subsection 10,
 5 paragraph b, subparagraph (1), Code Supplement 2007,
 6 is amended by adding the following new subparagraph
 7 subdivision:
 8 NEW SUBPARAGRAPH SUBDIVISION. (f) In response to
 9 notification from the board of educational examiners
 10 or a principal that an arrest of a school employee has
 11 been reported pursuant to section 280.29."

12 2. Page 9, by inserting after line 33 the
 13 following:

14 "Sec. ____ Section 272.2, subsection 14, paragraph
 15 a, Code Supplement 2007, is amended to read as
 16 follows:

17 a. The board may deny a license to or revoke the
 18 license of a person upon the board's finding by a
 19 preponderance of evidence that either the person has
 20 been convicted of a crime or that there has been a
 21 founded report of child abuse against the person.
 22 Rules adopted in accordance with this paragraph shall
 23 provide that in determining whether a person should be
 24 denied a license or that a practitioner's license
 25 should be revoked, the board shall consider the nature
 26 and seriousness of the founded abuse or crime in
 27 relation to the position sought, the time elapsed
 28 since the crime was committed, the degree of
 29 rehabilitation which has taken place since the
 30 incidence of founded abuse or the commission of the
 31 crime, the likelihood that the person will commit the
 32 same abuse or crime again, and the number of founded
 33 abuses committed by or criminal convictions of the
 34 person involved. In addition, the board may revoke

35 the license of a person upon the board's finding by a
 36 preponderance of the evidence that the person failed
 37 to report an arrest as provided in section 280.29."

38 3. Page 16, by inserting after line 31 the
 39 following:
 40 "Sec.____. NEW SECTION. 280.29 REPORTING –
 41 ARREST.

42 1. A school employee who has been arrested for a
 43 criminal offense shall report the arrest to the board
 44 of educational examiners within seven days of the
 45 arrest. A school employee who is not licensed or
 46 certified by the board of educational examiners, or
 47 who does not have a statement of professional
 48 recognition issued by the board of educational
 49 examiners, shall report the arrest to the principal of
 50 the school within seven days of the arrest.

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1 2. When an arrest is reported pursuant to
 2 subsection 1, the board of educational examiners or
 3 the principal of the school who received the report
 4 shall notify the department of education and the
 5 department shall proceed as provided in section
 6 256.11, subsection 10, paragraph b, subparagraph (1),
 7 subparagraph subdivision (f).

8 3. The school employee may be subject to
 9 disciplinary action pursuant to section 272.2,
 10 subsection 14, paragraph "a".

11 4. By renumbering as necessary.

TYMESON of Madison

H-8032

1 Amend House File 2239 as follows:

2 1. Page 15, by inserting after line 13 the
 3 following:

4 "Sec.____. Section 279.13, subsection 1, paragraph
 5 a, Code Supplement 2007, is amended to read as
 6 follows:

7 a. Contracts with teachers, which for the purpose
 8 of this section means all licensed employees of a
 9 school district and nurses employed by the board,
 10 excluding superintendents, assistant superintendents,
 11 principals, and assistant principals, shall be in
 12 writing and shall state the number of contract days,
 13 the annual compensation to be paid, and any other
 14 matters as may be mutually agreed upon. However, the
 15 contract shall not provide for reimbursement by the
 16 school district or board for a discounted or free
 17 membership or admission to a private business. The

18 contract may include employment for a term not
 19 exceeding the ensuing school year, except as otherwise
 20 authorized.

21 Sec.____. Section 279.13, subsection 3, Code
 22 Supplement 2007, is amended to read as follows:

23 3. If the provisions of a contract executed or
 24 automatically renewed under this section conflict with
 25 a collective bargaining agreement negotiated under
 26 chapter 20 and effective when the contract is executed
 27 or renewed, the provisions of the collective
 28 bargaining agreement shall prevail. However, a
 29 collective bargaining agreement shall not provide for
 30 reimbursement by the school district or board for a
 31 discounted or free membership or admission to a
 32 private business."

33 2. By renumbering as necessary.

TYMESON of Madison

H-8036

1 Amend House File 2212 as follows:

2 1. By striking page 6, line 29, through page 8,
 3 line 12, and inserting the following:

4 "Sec.____. **NEW SECTION.** 142D.4 AREAS WHERE
 5 SMOKING NOT REGULATED.

6 1. Notwithstanding any provision of this chapter
 7 to the contrary, a private residence, unless used as a
 8 child care facility, a child care home, or a health
 9 care provider location, is exempt from the
 10 prohibitions of section 142D.3.

11 2. Notwithstanding any provision of this chapter
 12 to the contrary, a public place, place of employment,
 13 or other area in which smoking is otherwise prohibited
 14 under this chapter, is exempt from the prohibitions of
 15 section 142D.3, if the public place, place of
 16 employment, or other area, if applicable, utilizes
 17 equipment consistent with the standards established by
 18 the American society of heating, refrigerating and
 19 air-conditioning engineers, a combination
 20 high-efficiency particulate air filtration, charcoal
 21 activated carbon and ultraviolet light filtration
 22 system, or other filtration system, any of which
 23 exchanges the air at least ten times per hour."

STRUYK of Pottawattamie

H-8037

1 Amend House File 2239 as follows:

2 1. Page 15, by inserting after line 13 the
 3 following:

4 "Sec.____. Section 279.13, subsection 1, paragraph
5 b, subparagraph (1), Code Supplement 2007, is amended
6 to read as follows:
7 b. (1) Prior to entering into an initial contract
8 with a teacher who holds a license other than an
9 initial license issued by the board of educational
10 examiners under chapter 272, the school district shall
11 either request the division of criminal investigation
12 of the department of public safety to conduct a
13 background investigation of the applicant or request a
14 qualified background screening company accredited by
15 the national association of professional background
16 ~~check~~ screeners to conduct a background check on the
17 applicant."
18 2. By renumbering as necessary.

VAN FOSSEN of Scott

H-8041

1 Amend Senate File 591, as passed by the Senate, as
2 follows:
3 1. Page 12, line 5, by inserting after the word
4 "Code" the following: "Supplement".
5 2. Page 12, line 9, by inserting after the word
6 "Code" the following: "Supplement".
7 3. Page 13, line 8, by inserting after the word
8 "Code" the following: "Supplement".
9 4. Page 13, line 15, by inserting after the word
10 "Code" the following: "Supplement".
11 5. Page 13, line 22, by inserting after the word
12 "Code" the following: "Supplement".

COMMITTEE ON WAYS AND MEANS

H-8042

1 Amend House File 2219 as follows:
2 1. Page 4, by inserting after line 10 the
3 following:
4 "Sec.____. NEW SECTION. 68A.506 CONTRIBUTIONS
5 FROM CONVICTED FELONS – PROHIBITED.
6 1. A person convicted of a felony shall not make a
7 contribution to, or make an expenditure on behalf of,
8 a candidate, a committee, or a political party. A
9 candidate, a committee, or a political party shall not
10 knowingly receive funds from a contributor who is a
11 convicted felon.
12 2. If a candidate, a committee, or a political
13 party discovers, within one year from the time that a
14 contribution was listed on a report filed pursuant to
15 section 68A.401, that the contribution was received

16 from a person convicted of a felony, the candidate,
 17 committee, or political party shall remit the
 18 contribution to the board which shall forward the
 19 contribution to the treasurer of state for deposit in
 20 the general fund of the state."
 21 2. By renumbering as necessary.

PAULSEN of Linn

H-8050

1 Amend Senate File 445, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. Section 562A.12, subsection 7, Code
 6 2007, is amended to read as follows:
 7 7. The bad faith retention of a deposit by a
 8 landlord, or any portion of the rental deposit, in
 9 violation of this section ~~shall~~ may subject the
 10 landlord to punitive damages not to exceed ~~two hundred~~
 11 ~~dollars~~ two and one-half times the amount of the
 12 rental deposit wrongfully retained in addition to
 13 actual damages.
 14 Sec. 2. Section 562B.13, subsection 8, Code 2007,
 15 is amended to read as follows:
 16 8. The bad faith retention of a deposit by a
 17 landlord, or any portion of the rental deposit, in
 18 violation of this section ~~shall~~ may subject the
 19 landlord to punitive damages not to exceed ~~two hundred~~
 20 ~~dollars~~ two and one-half times the amount of the
 21 rental deposit wrongfully retained in addition to
 22 actual damages."
 23 2. Title page, line 2, by striking the word
 24 "wrongful" and inserting the following: "the bad
 25 faith".

COMMITTEE ON JUDICIARY

H-8051

1 Amend House File 2417 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 15.335, subsection 4,
 5 unnumbered paragraph 2, Code Supplement 2007, is
 6 amended to read as follows:
 7 For purposes of this section, "Internal Revenue
 8 Code" means the Internal Revenue Code in effect on
 9 ~~January 1, 2007~~ February 14, 2008.
 10 Sec. _____. Section 15A.9, subsection 8, paragraph
 11 e, unnumbered paragraph 2, Code Supplement 2007, is

12 amended to read as follows:
13 For purposes of this subsection, "Internal Revenue
14 Code" means the Internal Revenue Code in effect on
15 ~~January 1, 2007~~ February 14, 2008.
16 Sec. _____. Section 422.3, subsection 5, Code
17 Supplement 2007, is amended to read as follows:
18 5. "Internal Revenue Code" means the Internal
19 Revenue Code of 1954, prior to the date of its
20 redesignation as the Internal Revenue Code of 1986 by
21 the Tax Reform Act of 1986, or means the Internal
22 Revenue Code of 1986 as amended to and including
23 ~~January 1, 2007~~ February 14, 2008.
24 2. Page 1, by striking line 12 and inserting the
25 following:
26 "Sec. _____. Section 422.10, subsection 3,
27 unnumbered paragraph 2, Code Supplement 2007, is
28 amended to read as follows:
29 For purposes of this section, "Internal Revenue
30 Code" means the Internal Revenue Code in effect on
31 ~~January 1, 2007~~ February 14, 2008.
32 Sec. _____. Section 422.32, subsection 7, Code
33 Supplement 2007, is amended to read as follows:
34 7. "Internal Revenue Code" means the Internal
35 Revenue Code of 1954, prior to the date of its
36 redesignation as the Internal Revenue Code of 1986 by
37 the Tax Reform Act of 1986, or means the Internal
38 Revenue Code of 1986 as amended to and including
39 ~~January 1, 2007~~ February 14, 2008.
40 Sec. _____. Section 422.33, subsection 5, paragraph
41 d, unnumbered paragraph 2, Code Supplement 2007, is
42 amended to read as follows:
43 For purposes of this subsection, "Internal Revenue
44 Code" means the Internal Revenue Code in effect on
45 ~~January 1, 2007~~ February 14, 2008.
46 Sec. _____. EFFECTIVE AND RETROACTIVE APPLICABILITY
47 DATES.
48 1. Except as provided in subsection 2, this Act,
49 being deemed of immediate importance, takes effect
50 upon enactment and applies retroactively to January 1,

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1 2007, for tax years beginning on or after that date.
2 2. The section of this Act that amends section
3 422.9, applies".
4 3. Title page, line 1, by inserting after the
5 word "Act" the following: "updating references to the
6 Internal Revenue Code and".

RANTS of Woodbury

H-8055

1 Amend Senate File 348, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 99D.11, subsection 6,
6 paragraph b, Code 2007, is amended to read as follows:

7 b. (1) The commission may authorize the licensee
8 to simultaneously telecast within the racetrack
9 enclosure, for the purpose of pari-mutuel wagering, a
10 horse or dog race licensed by the racing authority of
11 another state. It is the responsibility of each
12 licensee to obtain the consent of appropriate racing
13 officials in other states as required by the federal
14 Interstate Horseracing Act of 1978, 15 U.S.C. §
15 3001-3007, to televise races for the purpose of
16 conducting pari-mutuel wagering.

17 (2) A licensee may also obtain the permission of a
18 person licensed by the commission to conduct horse or
19 dog races in this state to televise races conducted by
20 that person for the purpose of conducting pari-mutuel
21 racing. However, arrangements made by a licensee to
22 televise any race for the purpose of conducting
23 pari-mutuel wagering are subject to the approval of
24 the commission, and the commission shall select the
25 races to be televised. The races selected by the
26 commission shall be the same for all licensees
27 approved by the commission to televise races for the
28 purpose of conducting pari-mutuel wagering. The
29 commission shall not authorize the simultaneous
30 telecast or televising of and a licensee shall not
31 simultaneously telecast or televise any horse or dog
32 race for the purpose of conducting pari-mutuel
33 wagering unless the simultaneous telecast or
34 televising is done at the racetrack of a licensee that
35 schedules no less than sixty performances of nine live
36 races each day of the season or is done for an entity
37 licensed in another state to conduct pari-mutuel
38 wagering that accepts wagers only within states in
39 which it is licensed or authorized to accept wagers.

40 (3) For purposes of the taxes imposed under this
41 chapter, races televised by a licensee for purposes of
42 pari-mutuel wagering shall be treated as if the races
43 were held at the racetrack of the licensee.
44 Notwithstanding any contrary provision in this
45 chapter, the commission may allow a licensee to adopt
46 the same deductions as those of the pari-mutuel
47 racetrack from which the races are being
48 simultaneously telecast.

49 Sec. ____ Section 99F.4, Code Supplement 2007, is
50 amended by adding the following new subsections:

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1 NEW SUBSECTION. 26. To conduct or commission a
2 study on the economic impact of the horse racing
3 industry in Iowa every four years beginning in
4 calendar year 2009 and issue a report on that study.
5 The study shall also examine the costs and expenses
6 incurred by licensees in conducting horse racing. The
7 commission shall ensure that the results of each study
8 are readily accessible to the public and a copy of the
9 report on the study shall be submitted to the general
10 assembly by January 1 following the year in which the
11 study is conducted. The licensee of a pari-mutuel
12 horse racetrack enclosure authorized to conduct
13 gambling games under this chapter and representatives
14 of horse breeds subject to an agreement with the
15 licensee as provided in section 99F.6 shall provide
16 the commission such information as the commission
17 requests. Failure of the licensee to provide the
18 information requested if it is within the licensee's
19 control or possession shall subject the licensee to
20 penalty which may include but is not limited to fines
21 and the denial of an application to renew its license.
22 Failure of the representative of a horse breed to
23 provide the information requested if it is within the
24 representative's control or possession shall subject
25 that representative to penalty which may include but
26 is not limited to fines and the forfeiture of racing
27 performances and purses for that horse breed.
28 NEW SUBSECTION. 27. To conduct or commission a
29 study on the economic impact of the dog racing
30 industry in Iowa every four years beginning in
31 calendar year 2011 and issue a report on that study.
32 The study shall also examine the costs and expenses
33 incurred by licensees in conducting dog racing. The
34 commission shall ensure that the results of each study
35 are readily accessible to the public and a copy of the
36 report on the study shall be submitted to the general
37 assembly by January 1 following the year in which the
38 study is conducted. The licensee of a pari-mutuel dog
39 racetrack enclosure authorized to conduct gambling
40 games under this chapter and representatives of dogs
41 subject to an agreement with the licensee as provided
42 in section 99F.6 shall provide the commission such
43 information as the commission requests. Failure of
44 the licensee to provide the information requested if
45 it is within the licensee's control or possession
46 shall subject the licensee to penalty which may
47 include but is not limited to fines and the denial of
48 an application to renew its license. Failure of the
49 representative of dogs to provide the information
50 requested if it is within the representative's control

Page 3

1 or possession shall subject that representative to
2 penalty which may include but is not limited to fines
3 and the forfeiture of racing performances and purses.

4 Sec. ____ Section 99F.6, subsection 4, paragraph
5 a, Code Supplement 2007, is amended to read as
6 follows:

7 a. Before a license is granted, the division of
8 criminal investigation of the department of public
9 safety shall conduct a thorough background
10 investigation of the applicant for a license to
11 operate a gambling game operation on an excursion
12 gambling boat. The applicant shall provide
13 information on a form as required by the division of
14 criminal investigation. A qualified sponsoring
15 organization licensed to operate gambling games under
16 this chapter shall distribute the receipts of all
17 gambling games, less reasonable expenses, charges,
18 taxes, fees, and deductions allowed under this
19 chapter, as winnings to players or participants or
20 shall distribute the receipts for educational, civic,
21 public, charitable, patriotic, or religious uses as
22 defined in section 99B.7, subsection 3, paragraph "b".
23 However, a licensee to conduct gambling games under
24 this chapter shall, unless an operating agreement for
25 an excursion gambling boat otherwise provides,
26 distribute at least three percent of the adjusted
27 gross receipts for each license year for educational,
28 civic, public, charitable, patriotic, or religious
29 uses as defined in section 99B.7, subsection 3,
30 paragraph "b". However, if a licensee who is also
31 licensed to conduct pari-mutuel wagering at a horse
32 racetrack has unpaid debt from the pari-mutuel
33 racetrack operations, the first receipts of the
34 gambling games operated within the racetrack enclosure
35 less reasonable operating expenses, taxes, and fees
36 allowed under this chapter shall be first used to pay
37 the annual indebtedness. The commission shall
38 authorize, subject to ~~the debt payments for horse~~
39 ~~racetracks and the provisions of paragraph "b" for dog~~
40 ~~racetracks, and the debt payment provisions of this~~
41 paragraph and the provisions of paragraph "c" for
42 horse racetracks, a licensee who is also licensed to
43 conduct pari-mutuel dog or horse racing to use
44 receipts from gambling games within the racetrack
45 enclosure to supplement purses for races particularly
46 for Iowa-bred horses pursuant to an agreement which
47 shall be negotiated between the licensee and
48 representatives of the dog or horse owners. ~~For~~
49 ~~agreements subject to commission approval concerning~~
50 ~~purses for horse racing beginning on or after January~~

Page 4

1 ~~1, 2006, and ending before January 1, 2021, the~~
2 ~~agreements shall provide that total annual purses for~~
3 ~~all horse racing shall be no less than eleven percent~~
4 ~~of the first two hundred million dollars of net~~
5 ~~receipts, and six percent of net receipts above two~~
6 ~~hundred million dollars. Agreements that are subject~~
7 ~~to commission approval concerning horse purses for a~~
8 ~~particular period of time beginning on or after~~
9 ~~January 1, 2006, and ending before January 1, 2021,~~
10 ~~shall be jointly submitted to the commission for~~
11 ~~approval. A qualified sponsoring organization shall~~
12 ~~not make a contribution to a candidate, political~~
13 ~~committee, candidate's committee, state statutory~~
14 ~~political committee, county statutory political~~
15 ~~committee, national political party, or fund-raising~~
16 ~~event as these terms are defined in section 68A.102.~~
17 ~~The membership of the board of directors of a~~
18 ~~qualified sponsoring organization shall represent a~~
19 ~~broad interest of the communities. For purposes of~~
20 ~~this paragraph, "net receipts" means the annual~~
21 ~~adjusted gross receipts from all gambling games less~~
22 ~~the annual amount of money pledged by the owner of the~~
23 ~~facility to fund a project approved to receive vision~~
24 ~~Iowa funds as of July 1, 2004.~~

25 Sec. ____. Section 99F.6, subsection 4, Code
26 Supplement 2007, is amended by adding the following
27 new paragraph:

28 **NEW PARAGRAPH.** c. (1) The commission shall
29 authorize the licensee of a pari-mutuel horse
30 racetrack located in Polk county to conduct gambling
31 games as provided in section 99F.4A if the licensee
32 schedules, during a calendar year, seven hundred
33 eleven live racing performances for thoroughbred
34 horses and one hundred eighty live racing performances
35 for quarter horses. Live racing performances do not
36 include quarter horse trials for stake races. The
37 number of performances required by this subparagraph
38 for a particular horse breed may be modified by
39 written agreement between the pari-mutuel horse
40 racetrack and representatives of the affected horse
41 breed. However, the number of live races shall be
42 subject to availability of horses and competitive
43 field sizes and a live race shall not be conducted if
44 there are fewer than five betting interests for that
45 race at the time entries are closed.

46 (2) For agreements subject to commission approval
47 concerning purses for horse racing beginning on or
48 after January 1, 2006, the agreements shall provide
49 that total annual purses for all horse racing shall be
50 eleven percent of net receipts. Agreements that are

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1 subject to commission approval concerning horse purses
2 for a particular period of time beginning on or after
3 January 1, 2006, shall be jointly submitted to the
4 commission for approval. For purposes of this
5 subparagraph, "net receipts" means the annual adjusted
6 gross receipts from all gambling games less the annual
7 amount of money pledged by the owner of the facility
8 to fund a project approved to receive vision Iowa
9 funds as of July 1, 2004.

10 (3) (a) For agreements concerning horse racing
11 between the licensee operating the horse racetrack in
12 Polk county and representatives of standardbred horse
13 owners beginning on or after January 1, 2008, and
14 ending before January 1, 2011, the agreements shall
15 include a supplemental amount for standardbred horse
16 races held at county fair racetracks in the state in
17 the amount of one million dollars. The supplemental
18 amount shall be distributed to a nonprofit entity
19 established by the representatives of standardbred
20 horse owners.

21 (b) Beginning January 1, 2011, the licensee
22 operating the horse racetrack in Polk county shall not
23 be required to include a supplemental amount for
24 standardbred horse races held at county fair
25 racetracks in the state. Instead, money shall be
26 allocated for this purpose from money received for
27 standardbred horse races pursuant to section 99F.11,
28 subsection 3, paragraph "ee", subparagraph (1).

29 (c) The supplemental amount provided in this
30 subparagraph (3) shall not be included in determining
31 the total annual purses for all horse racing that is
32 required to be paid as provided by this paragraph "c".

33 Sec. ____ Section 99F.11, subsection 3, Code
34 Supplement 2007, is amended by adding the following
35 new paragraph:

36 NEW PARAGRAPH. ee. Two-tenths of one percent of
37 the adjusted gross receipts shall be allocated each
38 fiscal year as follows:

39 (1) One million dollars shall be appropriated to a
40 nonprofit entity established by the representatives of
41 standardbred horse owners for purposes of standardbred
42 horse races held at county fair racetracks.

43 (2) The moneys remaining after the appropriation
44 in subparagraph (1) is appropriated to the treasurer
45 of state for allocation as state aid to eligible fairs
46 as provided in chapter 174."

47 2. Page 1, line 1, by inserting after the word
48 "Code" the following: "Supplement".

49 3. Page 1, lines 3 and 4, by striking the words
50 "on an excursion gambling boat or at a racetrack

Page 6

- 1 ~~enclosure~~" and inserting the following: "~~on an~~
2 ~~excursion gambling boat~~".
- 3 4. Page 1, lines 12 and 13, by striking the words
4 "on an excursion gambling boat or at a racetrack
5 ~~enclosure~~" and inserting the following: "~~on an~~
6 ~~excursion gambling boat~~".
- 7 5. Page 1, lines 27 and 28, by striking the words
8 "~~on an excursion gambling boat are or at a racetrack~~
9 ~~enclosure~~" and inserting the following: "~~an excursion~~
10 ~~gambling boat are~~".
- 11 6. Page 1, lines 32 and 33, by striking the words
12 "on an excursion gambling ~~boats~~ boat or at a racetrack
13 ~~enclosure~~" and inserting the following: "~~on excursion~~
14 ~~gambling boats~~".
- 15 7. Page 3, line 8, by inserting after the word
16 "approved" the following: "or defeated".
- 17 8. Page 3, line 9, by inserting after the words
18 "favor of" and inserting the following: "or against".
- 19 9. Page 3, by striking lines 14 through 17 and
20 inserting the following:
21 "Sec. ____ . EFFECTIVE DATES – RETROACTIVE
22 APPLICABILITY.
23 1. The sections of this Act amending section
24 99F.6, subsection 4, being deemed of immediate
25 importance, take effect upon enactment and are
26 retroactively applicable to January 1, 2008, and are
27 applicable on and after that date.
28 2. The section of this Act amending section 99F.7,
29 subsection 11, being deemed of immediate importance,
30 takes effect upon enactment and is retroactively
31 applicable to elections occurring on and after January
32 1, 1994."
33 10. Title page, by striking lines 1 and 2 and
34 inserting the following: "An Act concerning gambling
35 and horse racing, by providing for pari-mutuel
36 wagering, minimum racing days and horse racing
37 agreements among representatives of horse breeds,
38 allocation of wagering tax receipts for county fairs
39 and horse races, and county gambling elections,
40 including effective date and retroactive applicability
41 provisions."
42 11. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT

H-8056

- 1 Amend the Senate amendment, H-8054, to House File
2 2212, as amended, passed, and reprinted by the House,
3 as follows:

- 4 1. Page 7, by inserting after line 32 the
 5 following:
 6 "____. An establishment at a specified time during
 7 which only individuals twenty-one years of age or
 8 older are invited or admitted, if the specified time
 9 is a regular, single, consecutive period of time and
 10 the specified time is conspicuously posted on all
 11 major entrances of the establishment."
 12 2. By renumbering as necessary.

BAILEY of Hamilton
 DOLECHECK of Ringgold

H-8057

- 1 Amend the Senate amendment, H-8054, to House File
 2 2212, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 7, by inserting after line 34, the
 5 following:
 6 "____. The Iowa veterans home."
 7 2. By renumbering as necessary.

BAILEY of Hamilton
 WENTHE of Fayette
 WINDSCHITL of Harrison

D. TAYLOR of Linn
 SMITH of Marshall

H-8058

- 1 Amend House File 2219 as follows:
 2 1. Page 4, by striking lines 1 through 10.

WESSEL-KROESCHELL of Story

H-8059

- 1 Amend House File 2390 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. 2007 Iowa Acts, chapter 198, section
 5 11, subsections 1 and 2, are amended to read as
 6 follows:
 7 1. Apply to a person licensed as an engineer
 8 pursuant to chapter 542B, licensed as a manufactured
 9 home retailer or certified as a manufactured home
 10 installer pursuant to chapter 103A, registered as an
 11 architect pursuant to chapter 544A, or licensed as a
 12 landscape architect pursuant to chapter 544B who
 13 provides consultations or develops plans or other work
 14 concerning plumbing, HVAC, refrigeration, or hydronic
 15 work who is exclusively engaged in the practice of the
 16 person's profession.

17 2. Require employees of municipal ~~corporations~~
 18 ~~utilities~~, electric membership or cooperative
 19 associations, public utility corporations, rural water
 20 associations or districts, railroads, or commercial
 21 retail or industrial companies performing
 22 manufacturing, installation, service, or repair work
 23 for such employer to hold licenses while acting within
 24 the scope of their employment.
 25 Sec. ____ 2007 Iowa Acts, chapter 198, section 11,
 26 is amended by adding the following new subsection:
 27 NEW SUBSECTION. 9. Apply to a person performing
 28 routine maintenance on a mechanical system or
 29 plumbing.
 30 Sec. ____ 2007 Iowa Acts, chapter 198, section 17,
 31 subsection 1, is amended to read as follows:
 32 1. The provisions of this chapter regarding the
 33 licensing of plumbing, HVAC, refrigeration, and
 34 hydronic professionals and contractors shall supersede
 35 and preempt all plumbing, HVAC, refrigeration, or
 36 hydronic licensing provisions of all governmental
 37 subdivisions. ~~On and after the effective date of this~~
 38 ~~Act~~
 39 a. A governmental subdivision that issues licenses
 40 on July 1, 2008, shall continue to issue licenses
 41 until June 30, 2009. On July 1, 2009, all plumbing
 42 and mechanical licensing provisions promulgated by any
 43 governmental subdivision shall be null and void,
 44 except reciprocal licenses as provided in section
 45 104C.21, and of no further force and effect, and,
 46 b. On and after July 1, 2008, a governmental
 47 subdivision may shall not prohibit a plumbing, HVAC,
 48 refrigeration, or hydronic professional licensed
 49 pursuant to this chapter from performing services for
 50 which that person is licensed pursuant to this chapter

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1 or enforce any plumbing and mechanical licensing
 2 provisions promulgated by the governmental subdivision
 3 against a person licensed pursuant to this chapter."
 4 2. Page 1, by striking lines 16 and 17 and
 5 inserting the following:
 6 "Sec. ____ EFFECTIVE DATE. 2007 Iowa Acts,
 7 chapter 198, sections 5 through 27 and sections 30
 8 through 34, take effect July 1, 2008.
 9 Sec. ____ EFFECTIVE DATE. 2007 Iowa Acts,
 10 chapter 198, sections 28 and 29, take effect January
 11 1, 2009."

QUIRK of Chickasaw

H-8060

1 Amend House File 2436 as follows:

- 2 1. Page 1, line 13, by inserting after the word
 3 "minorities," the following: "the impact of the
 4 legislation on victims and public safety".
 5 2. Page 1, line 26, by inserting after the word
 6 "rights" the following: "and the department of public
 7 safety".
 8 3. Page 1, line 28, by inserting after the word
 9 "minorities" the following: ", victims, and public
 10 safety".
 11 4. Title page, line 2, by inserting after the
 12 word "minorities" the following: ", victims, and
 13 public safety".

BAUDLER of Adair
 BOAL of Polk

H-8061

1 Amend House File 2338 as follows:

- 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 232.2, subsection 12, Code
 5 Supplement 2007, is amended by adding the following
 6 new paragraph:
 7 NEW PARAGRAPH. d. The violation of section 299.6
 8 by a child ten years of age or older.
 9 Sec.____. Section 232.22, subsection 8, Code 2007,
 10 is amended to read as follows:
 11 8. Notwithstanding any other provision of the Code
 12 to the contrary, a child shall not be placed in
 13 detention for a violation of section 123.47 or 299.6,
 14 or for failure to comply with a dispositional order
 15 which provides for performance of community service
 16 for a violation of section 123.47 or 299.6."
 17 2. Page 1, by inserting after line 12 the
 18 following:
 19 "Sec.____. Section 299.5A, unnumbered paragraph 4,
 20 Code 2007, is amended to read as follows:
 21 The school district shall be responsible for
 22 monitoring any agreements arrived at through
 23 mediation. If a parent, guardian, or legal or actual
 24 custodian, or the child if the child is ten years of
 25 age or older, refuses to engage in mediation or
 26 violates a term of the agreement, the matter shall be
 27 rereferred to the county attorney for prosecution
 28 under section 299.6. The county attorney's office or
 29 the mediation service shall require the parent,
 30 guardian, or legal or actual custodian and the school
 31 to pay a fee to help defray the administrative cost of

32 mediation services. The county attorney's office or
 33 the mediation service shall establish a sliding scale
 34 of fees to be charged parents, guardians, and legal or
 35 actual custodians based upon ability to pay. A
 36 parent, guardian, or legal or actual custodian shall
 37 not be denied the services of a mediator solely
 38 because of inability to pay the fee.

39 Sec. ____ Section 299.6, unnumbered paragraph 1,
 40 Code 2007, is amended to read as follows:

41 Any person who violates a mediation agreement under
 42 section 299.5A, who is referred for prosecution under
 43 section 299.5A and is convicted of a violation of any
 44 of the provisions of sections 299.1 through 299.5, who
 45 violates any of the provisions of sections 299.1
 46 through 299.5, or who refuses to participate in
 47 mediation under section 299.5A, for a first offense,
 48 is guilty of a simple misdemeanor. If a child ten
 49 years of age or older violates a mediation agreement
 50 under section 299.5A, or refuses to participate in

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1 mediation under section 299.5A, the child commits a
 2 delinquent act."

3 3. Title page, line 1, by inserting after the
 4 words "relating to" the following: "juvenile justice,
 5 including".

6 4. Title page, line 2, by inserting after the
 7 word "proceedings" the following: ", and compulsory
 8 attendance at school, and making penalties
 9 applicable".

HORBACH of Tama

H-8165

1 Amend House File 2645 as follows:

2 1. Page 12, by inserting after line 25 the
 3 following:

4 "Sec. ____ Section 20.22, subsection 9, paragraph
 5 d, Code 2007, is amended by striking the paragraph and
 6 inserting in lieu thereof the following:

7 d. Whether any proposed increase in wages to
 8 public employees is justified based upon an increase
 9 in productivity and performance of the employees and
 10 based upon the ability of the public employer to pay
 11 the award using existing resources without any
 12 increase in taxes."

13 2. By renumbering as necessary.

RAECKER of Polk

H-8066

1 Amend House File 2500 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. NEW SECTION. 719.1A INTERFERENCE
5 WITH OFFICIAL ACTS INVOLVING FAMILY MEMBERS OF A PEACE
6 OFFICER, EMERGENCY PERSONNEL, OR COUNTY ATTORNEY.

7 1. As used in this section "family member" means a
8 spouse, son, daughter, brother, sister, uncle, aunt,
9 first cousin, nephew, niece, father-in-law,
10 mother-in-law, son-in-law, daughter-in-law,
11 brother-in-law, sister-in-law, father, mother,
12 stepfather, stepmother, stepson, stepdaughter,
13 stepbrother, stepsister, half brother, or half sister
14 of a peace officer, emergency medical care provider
15 under chapter 147A, fire fighter, whether paid or
16 volunteer, or county attorney.

17 2. A person who harasses a family member in
18 violation of section 708.7, with the intent to
19 interfere with or improperly influence, or in
20 retaliation for, the official acts of a peace officer,
21 emergency medical care provider under chapter 147A,
22 fire fighter, whether paid or volunteer, or county
23 attorney, commits an aggravated misdemeanor."

24 2. Title page, line 1, by striking the word
25 "offense" and inserting the following: "offenses".

26 3. Title page, line 2, by inserting after the
27 word "acts" the following: "and interference with
28 official acts involving family members of a peace
29 officer, emergency personnel, or a county attorney".

30 4. By renumbering as necessary.

BAUDLER of Adair

H-8071

1 Amend the Senate amendment, H-8054, to House File
2 2212, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 10, by inserting after line 35 the
5 following:

6 "Sec. . NEW SECTION. 142D.10 CONTINGENCY –
7 AREAS WHERE SMOKING NOT REGULATED.

8 If any provision of law exempts an entity licensed
9 under chapter 99D or 99F from the prohibitions of
10 section 142D.3, the premises on which a qualified
11 organization representing veterans lawfully conducts a
12 card game tournament pursuant to section 99B.7B shall
13 not be subject to the prohibitions of section 142D.3
14 during the period of time in which the card game

15 tournament is being conducted."
16 2. By renumbering as necessary.

BAILEY of Hamilton
WINDSCHITL of Harrison

H-8072

1 Amend House File 2509 as follows:
2 1. Page 2, by inserting after line 16 the
3 following:
4 "h. Whether the candidate has received treatment
5 for a mental illness."
6 2. Page 2, line 22, by inserting after the word
7 "board." the following: "At the time of filing a
8 complaint, a candidate who alleges a violation of
9 subsection 3, paragraph "h", shall submit a sworn
10 affidavit that the candidate has not received
11 treatment for a mental illness. The filing of such an
12 affidavit shall serve as a sufficient basis for the
13 board to conduct an investigation under this section
14 regarding the affidavit's assertion."

RAECKER of Polk

H-8073

1 Amend House File 2493 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 225C.5, subsection 1,
5 unnumbered paragraph 1, Code 2007, is amended to read
6 as follows:
7 A mental health, mental retardation, developmental
8 disabilities, and brain injury commission is created
9 as the state policy-making body for the provision of
10 services to persons with mental illness, mental
11 retardation or other developmental disabilities, or
12 brain injury. The commission shall consist of ~~sixteen~~
13 seventeen voting members appointed to three-year
14 staggered terms by the governor and subject to
15 confirmation by the senate. Commission members shall
16 be appointed on the basis of interest and experience
17 in the fields of mental health, mental retardation or
18 other developmental disabilities, and brain injury, in
19 a manner so as to ensure adequate representation from
20 persons with disabilities and individuals
21 knowledgeable concerning disability services. The
22 department shall provide staff support to the
23 commission, and the commission may utilize staff
24 support and other assistance provided to the
25 commission by other persons. The commission shall

26 meet at least four times per year. Members of the
 27 commission shall include the following persons who, at
 28 the time of appointment to the commission, are active
 29 members of the indicated groups:"
 30 2. By renumbering as necessary.

WESSEL-KROESCHELL of Story

H-8074

1 Amend Senate File 2122, as passed by the Senate, as
 2 follows:
 3 1. Page 15, by inserting after line 32 the
 4 following:
 5 "Sec. ____ . OFFICE OF CITIZENS' AIDE STUDY
 6 REQUESTED – VOTER REGISTRATION.
 7 1. The office of citizens' aide is directed to
 8 study and investigate the decision by the department
 9 of natural resources to discontinue accepting voter
 10 registration in the state as proof of residency in the
 11 state for the reason that it is too easy to register
 12 to vote and obtain a voter registration card under
 13 false premises. The state registrar of voters and the
 14 department of natural resources shall cooperate with
 15 the office of citizens' aide in its study and
 16 investigation.
 17 2. The office of citizens' aide shall report the
 18 results of its study and investigation to the general
 19 assembly on or before January 15, 2009."
 20 2. Title page, line 2, by inserting after the
 21 word "registration" the following: ", requesting a
 22 study of voter registration,".
 23 3. By renumbering as necessary.

JACOBS of Polk

H-8082

1 Amend House File 2364 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Sec. ____ . Section 257.2, subsection 9, Code 2007,
 5 is amended by adding the following new paragraph:
 6 NEW PARAGRAPH. d. Receipts obtained from debt
 7 proceeds."

HEDDENS of Story

H-8083

1 Amend Senate File 482, as passed by the Senate, as

- 2 follows:
3 1. Page 2, by striking lines 32 through 34 and
4 inserting the following:
5 "5. A person shall not make a".

COMMITTEE ON STATE GOVERNMENT

H-8085

- 1 Amend House File 2540 as follows:
2 1. Page 1, line 4, by striking the word "A" and
3 inserting the following:
4 "1. A".
5 2. Page 1, by inserting after line 15, the
6 following:
7 "2. The state shall have the same duty of
8 disposing of the carcass of an animal for which it
9 claimed title under section 481A.2 that weighs twenty
10 pounds or more and that is on a public road or
11 highway, including an adjacent right-of-way, as any
12 other person who owns an animal that has died pursuant
13 to subsection 1. A person who disposes of the carcass
14 of an animal for which the state had claimed title,
15 may file a claim with the department of natural
16 resources for all costs necessary to be reimbursed for
17 the disposal. The department shall pay the claim
18 within thirty days of its filing. The department may
19 require that a claim include proof that the animal was
20 found on the public road or highway and that actual
21 disposal expenses were incurred."
22 3. Title page, lines 1 and 2, by striking the
23 words "in a water of this state,".
24 4. By renumbering as necessary.

PAULSEN of Linn

H-8090

- 1 Amend the Senate amendment, H-8054, to House File
2 2212, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, line 34, by striking the word
5 "private".
6 2. Page 1, by inserting after line 34 the
7 following:
8 "___. "Club" means club as defined in section
9 123.3."
10 3. Page 3, by striking lines 34 through 50.
11 4. Page 4, line 40, by striking the words
12 "Private clubs" and inserting the following: "Clubs".
13 5. Page 7, by striking lines 9 through 16.
14 6. Page 7, by inserting after line 34 the

15 following:

16 "____. A restaurant, bar, hotel or motel as defined
17 in section 123.3, club, or a licensee pursuant to
18 chapter 99D or 99F, subject to the following:

19 a. The restaurant, bar, hotel or motel, club, or
20 licensee pursuant to chapter 99D or 99F is the holder
21 of a class "A", class "B", class "C", or class "D",
22 liquor control license for on-premises consumption
23 pursuant to chapter 123, as applicable.

24 b. The exemption from the prohibitions of section
25 142D.3 applies only to the licensed premises as
26 defined in section 123.3 of an entity specified under
27 this subsection, subject to the following limitations:

28 (1) If the holder of the liquor control license is
29 a licensee pursuant to chapter 99D or 99F, in addition
30 to any restaurants or bars located within the licensed
31 premises, only the portion of the licensed premises
32 which is the wagering area of a licensee pursuant to
33 chapter 99D, or the gaming floor of a licensee
34 pursuant to chapter 99F.

35 (2) If the holder of the liquor control license is
36 a hotel or motel, only the portion of the licensed
37 premises which is a restaurant or bar.

38 (3) If the licensed premises or a portion of the
39 licensed premises is a restaurant or bar, only that
40 portion of the restaurant or bar that is a designated
41 smoking area. A smoking area shall be designated by
42 the person having custody or control of the restaurant
43 or bar, except in places in which smoking is
44 prohibited by the fire marshal or by other law,
45 ordinance, or regulation. Where smoking areas are
46 designated, existing physical barriers and existing
47 ventilation systems shall be used to minimize the
48 toxic effect of smoke in adjacent nonsmoking areas.
49 In the case of a restaurant or bar consisting of a
50 single room, the provisions of this law shall be

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1 considered met if one side of the room is reserved and
2 posted as a no-smoking area. A bar may be designated
3 as a smoking area in its entirety. If a bar has
4 within its premises a nonsmoking area, this
5 designation shall be posted on all entrances normally
6 used by the public. The person having custody or
7 control of the restaurant or bar shall post
8 appropriate signs indicating no-smoking or smoking
9 areas and arrange seating accordingly. In addition,
10 the statement "Smoking prohibited except in designated
11 areas" shall be conspicuously posted on all major
12 entrances to the restaurant or bar.

13 c. The restaurant, bar, hotel or motel, club, or
14 licensee pursuant to chapter 99D or 99F allows smoking

15 only at a specified time during which only individuals
16 twenty-one years of age or older are invited or
17 admitted; the specified time is a regular, single,
18 consecutive period of time; and the specified time is
19 conspicuously posted on all major entrances of the
20 licensed premises or the portion of the licensed
21 premises as specified in paragraph "b", as
22 applicable."
23 7. By renumbering as necessary.

BAILEY of Hamilton

H-8091

1 Amend House File 2537 as follows:
2 1. Page 1, by striking line 24 and inserting the
3 following:
4 "h. Milk or other primarily dairy-based drinks or
5 drinks packaged or distributed by an entity primarily
6 marketing dairy-based products including but not
7 limited to fruit juices or drinks such as lemonade,
8 orange juice, or apple juice."

R. OLSON of Polk

H-8092

1 Amend House File 2560 as follows:
2 1. Page 6, by inserting after line 21 the
3 following:
4 "Sec. ____. Section 331.907, subsection 3, Code
5 2007, is amended to read as follows:
6 3. The elected county officers are also entitled
7 to receive their actual and necessary expenses
8 incurred in performance of official duties of their
9 respective offices. The board of supervisors may
10 authorize the reimbursement of expenses related to an
11 educational course, seminar, or school which is
12 attended by a county officer after the county officer
13 it elected, but prior to the county officer taking
14 office."
15 2. Title page, line 1, by striking the words "the
16 office of the county recorder by" and inserting the
17 following: "county officers by authorizing
18 reimbursement of certain expenses,".
19 3. By renumbering as necessary.

GASKILL of Wapello

H-8093

1 Amend House File 2560 as follows:

- 2 1. Page 6, by inserting after line 21 the
 3 following:
 4 "Sec. ____ Section 331.907, subsection 3, Code
 5 2007, is amended to read as follows:
 6 3. The elected county officers are also entitled
 7 to receive their actual and necessary expenses
 8 incurred in performance of official duties of their
 9 respective offices. The board of supervisors may
 10 authorize the reimbursement of expenses related to an
 11 educational course, seminar, or school which is
 12 attended by a county officer after the county officer
 13 is elected, but prior to the county officer taking
 14 office."
 15 2. Title page, line 1, by striking the words "the
 16 office of the county recorder by" and inserting the
 17 following: "county officers by authorizing
 18 reimbursement of certain expenses,".
 19 3. By renumbering as necessary.

GASKILL of Wapello

H-8094

- 1 Amend House File 2560 as follows:
 2 1. Page 5, by striking lines 15 through 26 and
 3 inserting the following:
 4 "Sec. ____ Section 331.606B, subsection 2,
 5 paragraph b, Code 2007, is amended to read as follows:
 6 b. ~~The For any instrument of conveyance, the name~~
 7 ~~of the taxpayer and a complete mailing address for any~~
 8 ~~document or instrument of conveyance."~~
 9 2. Page 6, line 4, by inserting after the words
 10 "and "e." the following: "or subsection 2, paragraph
 11 "b"."
 12 3. By renumbering as necessary.

GASKILL of Wapello

H-8095

- 1 Amend House File 2540 as follows:
 2 1. Page 1, line 3, by striking the words "DUTY TO
 3 DISPOSE" and inserting the following: "~~DUTY TO~~
 4 ~~DISPOSE DISPOSAL~~"
 5 2. Page 1, line 4, by striking the word "A" and
 6 inserting the following: "1 A".
 7 3. Page 1, by striking line 8 and inserting the
 8 following: "death,
 9 2. Regardless of whether a person owns or cares
 10 for an animal, the person shall only dispose of an

11 animal carcass by cooking."
12 4. By renumbering as necessary.

STRUYK of Pottawattamie

H-8096

1 Amend House File 2393 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 2.56, subsection 1, Code 2007,
5 is amended to read as follows:
6 1. Prior to debate on the floor of a chamber of
7 the general assembly, a correctional impact statement
8 shall be attached to any bill, joint resolution, or
9 amendment which proposes a change in the law which
10 creates a public offense, significantly changes an
11 existing public offense or the penalty for an existing
12 offense, or changes existing sentencing, parole, or
13 probation procedures. The statement shall include
14 information concerning the estimated number of
15 criminal cases per year that the legislation will
16 impact, the fiscal impact of confining persons
17 pursuant to the legislation, the impact of the
18 legislation on minorities, the impact of the
19 legislation upon existing correctional institutions,
20 community-based correctional facilities and services,
21 and jails, the likelihood that the legislation may
22 create a need for additional prison capacity, and
23 other relevant matters. The statement shall be
24 factual and shall, if possible, provide a reasonable
25 estimate of both the immediate effect and the
26 long-range impact upon prison capacity.
27 Sec. 2. Section 2.56, Code 2007, is amended by
28 adding the following new subsection:
29 NEW SUBSECTION. 4A. The legislative services
30 agency in cooperation with the division of criminal
31 and juvenile justice planning of the department of
32 human rights shall develop a protocol for analyzing
33 the impact of the legislation on minorities.
34 Sec. 3. NEW SECTION. 8.11 GRANT APPLICATIONS –
35 MINORITY IMPACT STATEMENTS.
36 1. Each application for a grant from a state
37 agency shall include a minority impact statement that
38 contains the following information:
39 a. Any disproportionate or unique impact of
40 proposed policies or programs on minority persons in
41 this state.
42 b. A rationale for the existence of programs or
43 policies having an impact on minority persons in this
44 state.
45 c. Evidence of consultation of representatives of

46 minority persons in cases where a policy or program
 47 has an identifiable impact on minority persons in this
 48 state.
 49 2. For the purposes of this section, the following
 50 definitions shall apply:

Page 2

1 a. "Disability" means the same as provided in
 2 section 15.102, subsection 5, paragraph "b",
 3 subparagraph (1).
 4 b. "Minority persons" includes individuals who are
 5 women, persons with a disability, Blacks, Latinos,
 6 Asians or Pacific Islanders, American Indians, and
 7 Alaskan Native Americans.
 8 c. "State agency" means a department, board,
 9 bureau, commission, or other agency or authority of
 10 the state of Iowa.
 11 3. The office of grants enterprise management
 12 shall create and distribute a minority impact
 13 statement form for state agencies and ensure its
 14 inclusion with applications for grants.
 15 4. The directives of this section shall be carried
 16 out to the extent consistent with federal law.
 17 Sec. 4. EFFECTIVE AND APPLICABILITY DATES. This
 18 Act takes effect July 1, 2008, and shall apply to
 19 grants for which applications are due beginning
 20 January 1, 2009."
 21 2. Title page, by striking lines 1 through 4 and
 22 inserting the following: "An Act providing
 23 requirements for minority impact statements in
 24 relation to state grant applications and correctional
 25 impact statements for legislation, and providing
 26 effective and applicability dates."
 27 3. By renumbering as necessary.

SMITH of Marshall

H-8097

1 Amend House File 2540 as follows:
 2 1. Page 1, line 4, by striking the word "A" and
 3 inserting the following:
 4 "1. A".
 5 2. Page 1, by inserting after line 15, the
 6 following:
 7 "2. The state, a county, or a city shall have the
 8 same duty of disposing of the carcass of an animal for
 9 which the state claimed title under section 481A.2
 10 that weighs twenty pounds or more and that is on a
 11 public road or highway under the jurisdiction of the
 12 state, county, or city, including an adjacent

- 13 right-of-way, as any other person who owns an animal
 14 that has died pursuant to subsection 1."
 15 3. Title page, lines 1 and 2, by striking the
 16 words "in a water of this state,".
 17 4. By renumbering as necessary.

PAULSEN of Linn
 THOMAS of Clayton

H-8098

- 1 Amend Senate File 2122, as passed by the Senate, as
 2 follows:
 3 1. Page 3, by inserting after line 4 the
 4 following:
 5 "Sec. _____. Section 48A.7A, Code Supplement 2007,
 6 is amended by adding the following new subsection:
 7 NEW SUBSECTION. 3A. A person registering to vote
 8 under this section shall cast a provisional ballot in
 9 the manner prescribed by section 49.81."
 10 2. Page 6, by inserting after line 26 the
 11 following:
 12 "Sec. _____. Section 49.77, subsection 4, paragraph
 13 b, Code Supplement 2007, is amended to read as
 14 follows:
 15 b. If the voter informs the precinct election
 16 official that the voter resides in the precinct and is
 17 not registered to vote, the voter may register to vote
 18 pursuant to section 48A.7A and cast a ballot. ~~If in~~
 19 the manner prescribed by section 49.81, including when
 20 such a voter is unable to establish identity and
 21 residency in the manner provided in section 48A.7A,
 22 subsection 1, paragraph "b" or "c", the voter shall be
 23 allowed to cast a ballot in the manner prescribed by
 24 section 49.81."
 25 3. By renumbering as necessary.

TYMESON of Madison

H-8099

- 1 Amend the amendment, H-8074, to Senate File 2122,
 2 as passed by the Senate, as follows:
 3 1. Page 1, by striking lines 18 and 19 and
 4 inserting the following: "results of its study and
 5 investigation to the government oversight committee by
 6 October 1, 2008.
 7 3. Beginning in 2009, the office of citizens' aide
 8 shall annually conduct an audit of the reliability of
 9 information provided by persons registering to vote in
 10 the state and the reliability of the methods used to
 11 verify residency of voter registrants. The office of

12 citizens' aide shall, by October 1, 2009, and by
 13 October 1 of each year thereafter, submit a report to
 14 the government oversight committee on the results of
 15 the audit conducted and on the credibility of the
 16 voter registration system in general."''

BAUDLER of Adair
 JACOBS of Polk

H-8101

1 Amend House File 2537 as follows:
 2 1. Page 1, by striking lines 4 through 29 and
 3 inserting the following:
 4 "1. "Beverage" means a liquid drink intended
 5 primarily for human consumption and packaged in a
 6 beverage container for sale to consumers. Beverage
 7 includes but is not limited to water, mineral water,
 8 flavored water, soda water, carbonated soft drinks,
 9 noncarbonated soft drinks, fruit and other juice
 10 drinks, coffee and tea drinks, wine, distilled spirits
 11 or other liquors, and beer and other malt beverages.
 12 Beverage does not include:
 13 a. Farm-produced apple cider which has not been
 14 heated, pasteurized, or otherwise processed.
 15 b. Milk or other primarily dairy-based drinks
 16 including unflavored soymilk and unflavored rice-milk.
 17 2. "Beverage container" means a glass, plastic, or
 18 metal container, sealed by the manufacturer,
 19 containing any of the following:
 20 a. A beverage of at least five and one-half fluid
 21 ounces or one hundred sixty-two milliliters but not
 22 more than thirty-four fluid ounces or one liter in
 23 size.
 24 b. A carbonated beverage of at least five and
 25 one-half fluid ounces or one hundred sixty-two
 26 milliliters but not more than sixty-eight fluid ounces
 27 or two liters in size."

WESSEL-KROESCHELL of Story

H-8103

1 Amend House File 2588 as follows:
 2 1. Page 2, by inserting after line 11 the
 3 following:
 4 "Sec. _____. Section 483A.8B, unnumbered paragraph
 5 1, Code 2007, is amended to read as follows:
 6 A person who is a resident and who is ~~seventy~~
 7 sixty-five years of age or older may be issued one
 8 special senior statewide antlerless deer only crossbow
 9 deer hunting license to hunt deer during bow season as

10 established by rule by the commission. A person who
 11 obtains a license to hunt deer under this section is
 12 not required to pay the wildlife habitat fee but shall
 13 be otherwise qualified to hunt deer in this state and
 14 shall have a resident hunting license."

15 2. Title page, line 1, by inserting after the
 16 word "Act" the following: "relating to the issuance
 17 of hunting licenses by".

18 3. Title page, line 2, by inserting after the
 19 word "license" the following: ", allowing the
 20 issuance of special senior crossbow deer hunting
 21 licenses to residents who are sixty-five years of age
 22 or older,".

23 4. By renumbering as necessary.

ALONS of Sioux
 D. TAYLOR of Linn

H-8105

1 Amend House File 2381 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. Section 717D.4, subsection 2, Code
 5 2007, is amended to read as follows:

6 2. A person who violates section 717D.2 by acting
 7 as a spectator of a contest event conducted in this
 8 state is guilty of ~~an aggravated misdemeanor a class~~
 9 "C" felony.

10 Sec. 2. Section 902.12, Code 2007, is amended by
 11 adding the following new subsection:

12 NEW SUBSECTION. 7. Acting as a spectator of a
 13 contest event conducted in this state in violation of
 14 section 717D.2."

R. OLSON of Polk
 TOMENGA of Polk

H-8106

1 Amend Senate File 2203 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. Section 717D.4, subsection 2, Code
 5 2007, is amended to read as follows:

6 2. A person who violates section 717D.2 by acting
 7 as a spectator of a contest event conducted in this
 8 state is guilty of ~~an aggravated misdemeanor a class~~
 9 "C" felony.

10 Sec. 2. Section 902.12, Code 2007, is amended by
 11 adding the following new subsection:

12 NEW SUBSECTION. 7. Acting as a spectator of a

13 contest event conducted in this state in violation of
14 section 717D.2."

R. OLSON of Polk
TOMENGA of Polk

H-8107

1 Amend House File 2612 as follows:
2 1. Page 3, by striking line 9, and inserting the
3 following:
4 "e. Is registered to vote in this state."
5 2. By renumbering as necessary.

BAUDLER of Adair

H-8108

1 Amend House File 2613 as follows:
2 1. Page 7, line 3, by inserting after the word
3 "has" the following: "eligibility and".
4 2. Page 7, line 4, by inserting after the word
5 "the" the following: "eligibility and".

R. OLSON of Polk

H-8109

1 Amend House File 2540 as follows:
2 1. Page 1, by inserting after line 15, the
3 following:
4 "Sec. ____ NEW SECTION. 167.18A STATE REMOVAL OF
5 ANIMAL CARCASS FROM PUBLIC ROADWAY.
6 The state shall remove an animal carcass weighing
7 more than twenty pounds from a public road or highway,
8 including an adjacent right-of-way, under the
9 jurisdiction of the department of transportation,
10 within twenty-four hours after the animal's death
11 becomes known to the state. The department of public
12 safety shall cooperate with the department of
13 transportation in administering this section. The
14 department of transportation shall enter into chapter
15 28E agreements as necessary with political
16 subdivisions in order to administer this section.
17 Sec. ____ NEW SECTION. 167.18B COUNTY REMOVAL OF
18 ANIMAL CARCASS FROM PUBLIC ROADWAY.
19 A county shall remove an animal carcass weighing
20 more than twenty pounds from a public road or highway,
21 including an adjacent right-of-way, under the
22 jurisdiction of the county within twenty-four hours
23 after the animal's death becomes known to the county.
24 The county board of supervisors shall cooperate with

25 the department of transportation and the department of
26 public safety in administering this section. A county
27 shall enter into chapter 28E agreements as necessary
28 with other political subdivisions or a state agency,
29 including the department of transportation and the
30 department of public safety, in order to administer
31 this section."

32 2. Title page, lines 1 and 2, by striking the
33 words "in a water of this state".

34 3. By renumbering as necessary.

PAULSEN of Linn

H-8110

1 Amend House File 2557 as follows:

2 1. Page 2, by inserting before line 1 the
3 following:

4 "Sec. ____ NEW SECTION. 256.100 DATA AND
5 REPORTING EVALUATION COMMITTEE.

6 1. The department shall establish a data and
7 reporting evaluation committee. The committee shall
8 annually review department data and reporting
9 requirements of school districts and accredited
10 nonpublic schools, and may make recommendations to the
11 department and the general assembly to modify or
12 eliminate any data or reporting requirements. The
13 committee shall meet at least twice a year. The
14 committee's annual report shall be due the first day
15 of the legislative session each year.

16 2. Membership of the data and reporting evaluation
17 committee shall consist of the director of the
18 department of education or the director's designee; an
19 organizational representative and three practitioners
20 from each of the state's area education agencies; an
21 organizational representative and three practitioners
22 each from the Iowa state education association, the
23 Iowa association of school boards, and the school
24 administrators of Iowa. The organizational
25 representatives of the agencies and associations shall
26 ensure that a variety of school districts are
27 represented including but not limited to school
28 districts with diverse geographic, population, rural,
29 urban, school size, and socioeconomic characteristics.
30 Membership shall include four ex officio, nonvoting
31 legislative members: two state senators, one
32 appointed by the majority leader of the senate, and
33 one appointed by the minority leader of the senate;
34 and two state representatives, one appointed by the
35 speaker of the house of representatives and one
36 appointed by the minority leader of the house of

37 representatives."
 38 2. By renumbering as necessary.

WENDT of Woodbury

H-8112

1 Amend House File 2544 as follows:
 2 1. Page 1, line 9, by inserting after the word
 3 "subsection." the following: "A student is not
 4 required to receive an eye examination if the
 5 student's parent or guardian files a signed affidavit
 6 with the school principal that the eye examination
 7 conflicts with a genuine and sincere religious
 8 belief."

MASCHER of Johnson

H-8114

1 Amend House File 2623 as follows:
 2 1. Page 4, line 23, by striking the word
 3 "section" and inserting the following: "sections".
 4 2. Page 4, by striking line 24 and inserting the
 5 following: "providing for a school district
 6 compulsory attendance support review and for a
 7 compulsory attendance working group take".

HEDDENS of Story

H-8115

1 Amend House File 2646 as follows:
 2 1. Page 1, line 25, by striking the words
 3 "subsection 6,".
 4 2. Page 7, by striking lines 19 and 20 and
 5 inserting the following: "Nicet I exam or an
 6 equivalent exam from a nationally".
 7 3. Page 8, line 2, by inserting before the word
 8 "The" the following: "1."
 9 4. Page 8, by inserting after line 6 the
 10 following:
 11 "2. The provisions of this chapter shall not be
 12 construed to apply to a person employed full time as a
 13 custodian for a school corporation, hospital, or
 14 public facility, who performs fire sprinkler
 15 maintenance work involving no more than one sprinkler
 16 head or nozzle."
 17 5. Page 9, line 15, by striking the words "shall
 18 take effect" and inserting the following: "takes
 19 effect".

QUIRK of Chickasaw

H-8117

1 Amend House File 2610 as follows:

- 2 1. Page 1, by striking lines 17 through 23 and
3 inserting the following: "employer's designee has
4 examined the driver's license or nonoperator's
5 identification card issued by the state of Iowa,
6 Minnesota, South Dakota, Nebraska, Missouri, Illinois,
7 or Wisconsin of every employee, as defined in section
8 91A.2, who has been hired in this state for facial
9 validity in order to verify the employee's identity."
10 2. Page 1, line 25, by striking the words "the
11 new", and inserting the following: "every".
12 3. Page 1, line 27, by striking the words "the
13 new", and inserting the following: "every".
14 4. Page 2, line 22, by striking the words "each
15 new", and inserting the following: "every".
16 5. Page 2, line 26, by striking the word "new".
17 6. Page 16, line 10, by striking the words "This
18 Act takes" and inserting the following: "Divisions II
19 and III of this Act take".

HORBACH of Tama

H-8119

1 Amend House File 2623 as follows:

- 2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 232.2, subsection 12, Code
5 Supplement 2007, is amended by adding the following
6 new paragraph:
7 NEW PARAGRAPH. d. The violation of section 299.6
8 by a child ten years of age or older.
9 Sec. ____ Section 232.22, subsection 8, Code 2007,
10 is amended to read as follows:
11 8. Notwithstanding any other provision of the Code
12 to the contrary, a child shall not be placed in
13 detention for a violation of section 123.47 or 299.6,
14 or for failure to comply with a dispositional order
15 which provides for performance of community service
16 for a violation of section 123.47 or 299.6."
17 2. Page 2, by inserting after line 23 the
18 following:
19 "Sec. ____ Section 299.5A, unnumbered paragraph 4,
20 Code 2007, is amended to read as follows:
21 The school district shall be responsible for
22 monitoring any agreements arrived at through
23 mediation. If a parent, guardian, or legal or actual
24 custodian, or the child if the child is ten years of
25 age or older, refuses to engage in mediation or
26 violates a term of the agreement, the matter shall be

27 rereferred to the county attorney for prosecution
 28 under section 299.6. The county attorney's office or
 29 the mediation service shall require the parent,
 30 guardian, or legal or actual custodian and the school
 31 to pay a fee to help defray the administrative cost of
 32 mediation services. The county attorney's office or
 33 the mediation service shall establish a sliding scale
 34 of fees to be charged parents, guardians, and legal or
 35 actual custodians based upon ability to pay. A
 36 parent, guardian, or legal or actual custodian shall
 37 not be denied the services of a mediator solely
 38 because of inability to pay the fee.

39 Sec.____. Section 299.6, unnumbered paragraph 1,
 40 Code 2007, is amended to read as follows:

41 Any person who violates a mediation agreement under
 42 section 299.5A, who is referred for prosecution under
 43 section 299.5A and is convicted of a violation of any
 44 of the provisions of sections 299.1 through 299.5, who
 45 violates any of the provisions of sections 299.1
 46 through 299.5, or who refuses to participate in
 47 mediation under section 299.5A, for a first offense,
 48 is guilty of a simple misdemeanor. If a child ten
 49 years of age or older violates a mediation agreement
 50 under section 299.5A, or refuses to participate in

Page 2

1 mediation under section 299.5A, the child commits a
 2 delinquent act."

3 3. Title page, line 1, by inserting after the
 4 word "age" the following: ", making penalties
 5 applicable,".

6 4. By renumbering as necessary.

HORBACH of Tama

H-8122

1 Amend House File 2364 as follows:

2 1. Page 1, by inserting after line 7 the
 3 following:

4 "Sec.____. Section 423E.4, subsection 3, paragraph
 5 a, Code 2007, is amended to read as follows:

6 a. The director of revenue by August 15 of each
 7 fiscal year shall compute the guaranteed school
 8 infrastructure amount for each school district, each
 9 school district's sales tax capacity per student for
 10 each county, the statewide tax revenues per student,
 11 and the supplemental school infrastructure amount for
 12 the ~~coming~~ fiscal year.

13 Sec.____. Section 423E.4, subsection 3, paragraph
 14 b, subparagraph (3), Code 2007, is amended by striking

15 the subparagraph and inserting in lieu thereof the
 16 following:
 17 (3) "Statewide tax revenues per student" means the
 18 amount determined by estimating the total revenues
 19 that would be generated by a one percent local option
 20 sales and services tax for school infrastructure
 21 purposes if imposed by the counties during the entire
 22 fiscal year which had authorized imposition of the tax
 23 prior to July 1, 2005, and dividing this estimated
 24 revenue amount by the sum of the combined actual
 25 enrollment for all counties as determined in section
 26 423E.3, subsection 5, paragraph "d", subparagraph
 27 (2)."
 28 2. Title page, line 1, by inserting after the
 29 word "Act" the following: "relating to specified
 30 forms of school district tax revenue modifying
 31 provisions relating to the statewide tax revenues per
 32 student calculation under the local option sales and
 33 services tax for school infrastructure purposes and".
 34 3. By renumbering as necessary.

GIPP of Winneshiek

H-8123

1 Amend House File 2610 as follows:
 2 1. Page 6, by inserting after line 7 the
 3 following:
 4 "DIVISION _____
 5 IMMIGRATION LAW ENFORCEMENT
 6 Sec.____. MEMORANDUM OF UNDERSTANDING –
 7 ENFORCEMENT OF FEDERAL IMMIGRATION LAW.
 8 1. The attorney general is authorized and directed
 9 to negotiate the terms of a memorandum of
 10 understanding between the state of Iowa and the United
 11 States department of justice or the United States
 12 department of homeland security concerning the
 13 enforcement of federal immigration and custom laws,
 14 detention removals, and investigations in the state of
 15 Iowa. The agreement shall provide that costs incurred
 16 by the state for the detention and deportation of an
 17 unauthorized alien shall be reimbursed by the federal
 18 government.
 19 2. The memorandum of understanding negotiated
 20 pursuant to subsection 1 shall be signed on behalf of
 21 this state by the attorney general and the governor or
 22 as otherwise required by the appropriate federal
 23 agency but shall not be implemented until money is
 24 appropriated for such purpose.
 25 3. A local government, whether acting through its
 26 governing body or by an initiative, referendum, or any
 27 other process, shall not enact any ordinance,

28 resolution, or policy that limits or prohibits a law
 29 enforcement officer, local officer, or local
 30 government employee from communicating or cooperating
 31 with federal officials with regard to the immigration
 32 status of any person within this state.

33 4. Notwithstanding any other provision of law, a
 34 government entity or official within the state of Iowa
 35 shall not prohibit, or in any way restrict, any
 36 government entity or official from sending to, or
 37 receiving from, the United States department of
 38 homeland security information regarding the
 39 citizenship or immigration status, lawful or unlawful,
 40 of any individual.

41 5. Notwithstanding any other provision of law, a
 42 person or agency shall not prohibit, or in any way
 43 restrict, a public employee from doing any of the
 44 following with respect to information regarding the
 45 immigration status, lawful or unlawful, of any
 46 individual:

47 a. Sending such information to, or requesting or
 48 receiving such information from, the United States
 49 department of homeland security.

50 b. Maintaining such information.

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1 c. Exchanging such information with any other
 2 federal, state, or local government entity.

3 6. Any natural or legal person lawfully domiciled
 4 in this state may file for a writ of mandamus to
 5 compel any noncooperating local or state governmental
 6 agency to comply with this section."

7 2. Title page, line 1, by inserting after the
 8 word "to" the following: "identity determination and
 9 protection and"

10 3. Title page, line 3, by inserting after the
 11 word "individuals," the following: "and providing for
 12 enforcement of immigration laws in the state,".

13 4. By renumbering as necessary.

STRUYK of Pottawattamie

H-8124

1 Amend House File 2610 as follows:

2 1. Page 6, by inserting after line 7 the
 3 following:

4 "DIVISION _____
 5 COUNTY PROHIBITION

6 Sec.____. Section 331.303, Code 2007, is amended
 7 by adding the following new subsection:

8 NEW SUBSECTION. 10A. a. A county shall not adopt

9 or enforce county legislation prohibiting a county
 10 sheriff or deputy sheriff, county official, or county
 11 employee from communicating or cooperating with
 12 federal officials with regard to the immigration
 13 status of any person within the state. Members of the
 14 board of supervisors who vote to approve such county
 15 legislation may be personally liable under section
 16 670.12 for damages resulting from enforcement of the
 17 county legislation.

18 b. The internal rules of a county office or
 19 department shall not prohibit a county sheriff or
 20 deputy sheriff, county official, or county employee
 21 from communicating or cooperating with federal
 22 officials with regard to the immigration status of any
 23 person within the state.

24 Sec.____. Section 364.3, Code 2007, is amended by
 25 adding the following new subsection:

26 NEW SUBSECTION. 10. a. A city shall not adopt or
 27 enforce an ordinance prohibiting a city peace officer,
 28 city official, or city employee from communicating or
 29 cooperating with federal officials with regard to the
 30 immigration status of any person within the state.
 31 City council members who vote to approve such an
 32 ordinance may be personally liable under section
 33 670.12 for damages resulting from enforcement of the
 34 ordinance.

35 b. The internal rules of a city office or
 36 department shall not prohibit a city peace officer,
 37 city official, or city employee from communicating or
 38 cooperating with federal officials with regard to the
 39 immigration status of any person within the state.

40 Sec.____. Section 670.12, Code 2007, is amended to
 41 read as follows:

42 670.12 OFFICERS AND EMPLOYEES – PERSONAL
 43 LIABILITY.

44 All officers and employees of municipalities are
 45 not personally liable for claims which are exempted
 46 under section 670.4, except claims for punitive
 47 damages, claims for damages pursuant to section
 48 331.303, subsection 10A, or section 364.3, subsection
 49 10, and actions permitted under section 85.20. An
 50 officer or employee of a municipality is not liable

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1 for punitive damages as a result of acts in the
 2 performance of a duty, unless actual malice or
 3 willful, wanton and reckless misconduct is proven."

4 2. Title page, line 1, by inserting after the
 5 word "to" the following: "identity determination and
 6 protection and".

7 3. Title page, line 3, by inserting after the

8 word "individuals," the following: "and providing for
 9 cooperation with federal officials with regard to a
 10 person's immigration status,"
 11 4. By renumbering as necessary.

STRUYK of Pottawattamie

H-8125

1 Amend House File 2610 as follows:
 2 1. Page 6, by inserting after line 7 the
 3 following:
 4 "DIVISION _____
 5 COLLEGE ADMISSION REQUIREMENTS
 6 Sec.____. Section 260C.14, Code 2007, is amended
 7 by adding the following new subsection:
 8 NEW SUBSECTION. 22. Require an individual who
 9 submits an application for admission to the community
 10 college to provide proof of United States citizenship
 11 or proof that the individual is lawfully present in
 12 the United States. An individual who cannot provide
 13 such proof shall not be admitted by the community
 14 college as a student. The department of education, in
 15 consultation with the legislative services agency,
 16 shall annually calculate the education funding per
 17 student for community colleges. State assistance to a
 18 community college for a fiscal year shall be reduced
 19 by the education funding per student amount calculated
 20 for community colleges multiplied by the number of
 21 students enrolled in the community college in the
 22 prior fiscal year who failed to provide proof as
 23 required under this section. This section shall not
 24 apply to students who are taking courses offered by
 25 the community college under the provisions of section
 26 257.11 or under the provisions of chapter 261C.
 27 Sec.____. Section 262.9, Code Supplement 2007, is
 28 amended by adding the following new subsection:
 29 NEW SUBSECTION. 32. Direct each of the
 30 institutions of higher education under the board's
 31 control to require an individual who submits an
 32 application for admission to the institution to
 33 provide proof of United States citizenship or proof
 34 that the individual is lawfully present in the United
 35 States. An individual who cannot provide such proof
 36 shall not be admitted by the institution as a student.
 37 The department of management, in consultation with the
 38 legislative services agency, shall annually calculate
 39 the education funding per student for regents
 40 universities. State assistance to an institution for
 41 a fiscal year shall be reduced by the education
 42 funding per student amount calculated for regents
 43 universities multiplied by the number of students

44 enrolled in the institution in the prior fiscal year
 45 who failed to provide proof as required under this
 46 section. This section shall not apply to students who
 47 are taking courses offered by the institution under
 48 the provisions of chapter 261C.
 49 Sec.____. APPLICABILITY. Notwithstanding section
 50 260C.14, subsection 22, as enacted by this Act, and

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1 section 262.9, subsection 32, as enacted by this Act,
 2 state assistance to an institution shall not be
 3 reduced as provided in those subsections on the basis
 4 of students who were enrolled in a community college
 5 or regents university on or before July 1, 2008."
 6 2. Title page, line 1, by inserting after the
 7 word "to" the following: "identity determination and
 8 protection and".
 9 3. Title page, line 3, by inserting after the
 10 word "individuals," the following: "and requiring
 11 students at state postsecondary institutions to
 12 provide proof of legal status,".
 13 4. By renumbering as necessary.

STRUYK of Pottawattamie

H-8128

1 Amend House File 2619 as follows:
 2 1. Page 1, by striking lines 1 through 6.

R. OLSON of Polk

H-8132

1 Amend House File 2610 as follows:
 2 1. Page 6, by inserting after line 7 the
 3 following:
 4 "DIVISION_____
 5 BAIL RESTRICTIONS
 6 Sec.____. Section 811.1, Code 2007, is amended by
 7 adding the following new subsection:
 8 NEW SUBSECTION. 4. A defendant who is an
 9 identified unauthorized alien and is not lawfully
 10 present in the United States.
 11 Sec.____. NEW SECTION. 811.1B UNAUTHORIZED ALIEN
 12 - NOTIFICATION.
 13 The law enforcement agency responsible for the
 14 arrest of a defendant who has been denied bail
 15 pursuant to section 811.1, subsection 4, shall notify
 16 the United States immigration and customs enforcement
 17 about the defendant who has been denied bail.

18 Sec. ____ IMPLEMENTATION OF ACT. Section 25B.2,
 19 subsection 3, shall not apply to the sections of this
 20 Act amending section 811.1 and enacting section
 21 811.1B."
 22 2. Title page, line 1, by inserting after the
 23 word "to" the following: "determination and identity
 24 protection and".
 25 3. Title page, line 3, by inserting after the
 26 word "individuals," the following: "and imposing bail
 27 restrictions against a person who is an unauthorized
 28 alien,".
 29 4. By renumbering as necessary.

BAUDLER of Adair

H-8133

1 Amend House File 2610 as follows:
 2 1. Page 4, by inserting after line 27 the
 3 following:
 4 "Sec. ____ NEW SECTION. 22.15 SOCIAL SECURITY
 5 NUMBERS IN PUBLIC RECORDS – RIGHT OF REDACTION.
 6 1. a. To the greatest extent feasible, a
 7 government body shall not disclose an individual's
 8 social security number, unless the disclosure is
 9 authorized by law.
 10 b. If a public record contains a social security
 11 number, the government body shall determine a method
 12 to redact the social security number prior to
 13 releasing the record if such redaction does not
 14 materially affect the value of the public record and
 15 is permitted by law. The redaction of a social
 16 security number from a public record shall not delay
 17 public access to the public record except for the time
 18 required to perform the actual redaction. As used in
 19 this section, "redact" means to render the social
 20 security number unreadable or to truncate the social
 21 security number so that no more than the last four
 22 digits are accessible.
 23 2. A government body shall make reasonable efforts
 24 to exclude social security numbers from public
 25 records, as follows:
 26 a. Exclude social security numbers on licenses,
 27 permits, or other documents that may be readily
 28 observed by the public.
 29 b. Give individuals the option to not submit a
 30 social security number to the government body.
 31 c. Remove an individual's social security number
 32 from a public record following a request for redaction
 33 submitted pursuant to subsection 3.
 34 d. Any other efforts to prevent social security
 35 numbers from being included in public records and

36 protect such numbers from disclosure.
37 3. a. An individual has the right to request that
38 a government body redact the individual's social
39 security number from a public record, an image or copy
40 of a public record available to the general public, or
41 on a web site available to the general public.
42 b. The request shall be made in writing, except as
43 provided under paragraph "c", legibly signed by the
44 requester, and delivered by mail, facsimile, or
45 electronic transmission, or delivered in person to the
46 citizens' aide. A request must specify the social
47 security number to be redacted and the location of the
48 document that contains the social security number.
49 The citizens' aide shall receive all requests under
50 this subsection and forward each request to the lawful

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1 custodian of the public record.
2 c. The citizens' aide shall create and maintain a
3 web site where individuals may electronically request
4 that the individual's social security number be
5 redacted from a public record. Except for the
6 requestor's signature, an electronic request received
7 through the web site shall contain the same
8 information required under paragraph "b". The
9 citizens' aide shall forward each electronic request
10 to the public record's lawful custodian in the same
11 manner as provided in paragraph "b".
12 d. After receiving a forwarded request from the
13 citizens' aide, the lawful custodian of the public
14 record shall have no duty to inquire beyond the
15 request to verify the identity of the individual
16 requesting the redaction. A fee shall not be charged
17 for a redaction pursuant to this subsection.
18 e. Any person who requests a redaction under this
19 section without proper authority to do so shall be
20 guilty of a simple misdemeanor.
21 4. Nothing in this section shall be construed to
22 limit any duty of a county recorder under section
23 331.606A."
24 2. Title page, line 1, by inserting after the
25 word "to" the following: "identify protection and".
26 3. Title page, line 3, by inserting after the
27 word "individuals," the following: "the
28 identification of information readily available to the
29 public".
30 4. By renumbering as necessary.

VAN FOSSEN of Scott

H-8134

1 Amend House File 2610 as follows:

2 1. Page 4, by inserting after line 27 the
3 following:

4 "Sec. ____ NEW SECTION. 23.1 DEFINITIONS.

5 1. "Breach of security" means the unauthorized
6 access and acquisition of unencrypted or unredacted
7 personal information that compromises the security,
8 confidentiality, or integrity of an individual's
9 personal information maintained by a person and that
10 causes, or the person reasonably believes has caused
11 or will cause, identity theft to the individual. Good
12 faith acquisition of personal information by a person
13 or a person's agent is not a breach of security,
14 provided the personal information is not used for or
15 is not subject to further unauthorized disclosure.

16 2. "Person" means any individual, partnership,
17 corporation, trust, estate, cooperative, association,
18 other entity, or government body as defined in section
19 22.1.

20 3. "Personal information" means an individual's
21 first name or first initial and last name in
22 combination with any one or more of the following data
23 elements that relate to the individual if neither the
24 name nor the data elements are encrypted, redacted, or
25 otherwise altered by any method or technology in such
26 a manner that the name or data elements are
27 unreadable:

28 a. Social security number.

29 b. Driver's license number or other unique
30 identification number.

31 c. Financial account number, credit card number,
32 or debit card number in combination with any required
33 security code, access code, or password that would
34 permit access to an individual's financial account.

35 d. Unique electronic identifier or routing code,
36 in combination with any required security code, access
37 code, or password.

38 e. Unique biometric data, such as a fingerprint,
39 voice print or recording, retina or iris image, or
40 other unique physical representation or digital
41 representation of the biometric data.

42 4. "Record" means information that is inscribed on
43 a tangible medium, or that is stored in an electronic
44 or other medium and is retrievable in perceivable
45 form.

46 5. "Redact" means alteration or truncation of data
47 such that no more than any of the following are
48 accessible as part of the personal information:

49 a. Five digits of a social security number.

50 b. The last four digits of any account or

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1 identification number specified under subsection 3.
2 Sec.____. NEW SECTION. 23.2 BREACH OF SECURITY
3 – NOTICE.
4 1. a. A person that collects, maintains,
5 licenses, or processes a record containing personal
6 information shall disclose any breach of security to
7 each affected individual upon discovery of the breach
8 of security. Notice of the breach of security shall
9 also be provided to an appropriate law enforcement
10 agency. Notice to the affected individual shall be
11 made in the most expedient time and manner possible
12 and without unreasonable delay, consistent with any
13 measures necessary to determine the scope of the
14 breach of security and with the legitimate needs of
15 law enforcement as provided in subsection 2.
16 b. If the affected individual is a minor, the
17 person shall provide notice to the minor's parent or
18 guardian.
19 c. In the event that a person discovers
20 circumstances requiring notification pursuant to this
21 section of more than one thousand individuals at one
22 time, the person shall also notify, without
23 unreasonable delay, all consumer reporting agencies
24 that compile and maintain files on individuals on a
25 nationwide basis, as defined by 15 U.S.C. § 1681a(p),
26 of the timing, distribution, and content of the notice
27 provided to the affected individuals.
28 d. A person that is regulated by state or federal
29 law and that maintains procedures for a breach of the
30 security pursuant to the rules, regulations, or
31 guidelines established by the person's state or
32 federal regulator is deemed to be in compliance with
33 this section. This section shall not relieve a person
34 from a duty to comply with other requirements of state
35 or federal law regarding the protection and privacy of
36 personal information.
37 2. If requested by a law enforcement agency, the
38 person shall delay giving notice to the affected
39 individual if notice may impede a criminal
40 investigation or endanger state or national security.
41 The request by a law enforcement agency shall be in
42 writing or documented in writing by the person. After
43 the law enforcement agency notifies the person that
44 notice of the breach of security will no longer impede
45 the investigation or endanger state or national
46 security, the person shall give notice to the affected
47 individuals without unreasonable delay.
48 Sec.____. NEW SECTION. 23.3 FORM OF NOTICE.
49 1. Notice provided to an affected individual
50 pursuant to section 23.2 shall be clear and

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1 conspicuous and shall include all of the following:

2 a. A description of the incident causing the
3 breach of security.

4 b. The type of personal information compromised by
5 the breach of security.

6 c. A description of any remedial action taken by
7 the person.

8 d. Contact information for the person with whom
9 the affected individual may communicate in order to
10 receive further information and assistance.

11 e. A statement advising the affected individual to
12 thoroughly and continually review financial account
13 information and credit reports.

14 2. Notice to an affected individual pursuant to
15 section 23.2 shall be provided by at least one of the
16 following:

17 a. Written notice to the affected individual's
18 last address of record.

19 b. Electronic mail notice, if the affected
20 individual has agreed to receive communications
21 electronically from the person.

22 c. Telephonic notice, if the communication is made
23 directly with the affected individual.

24 d. Substitute notice, if the person determines
25 that the cost of providing notice to all affected
26 individuals under paragraphs "a" through "c" exceeds
27 one hundred thousand dollars, that the number of
28 affected individuals exceeds five thousand, or that
29 the person does not have sufficient contact
30 information needed to provide notice under paragraphs
31 "a" through "c". Substitute notice shall consist of
32 any of the following:

33 (1) Electronic mail notice.

34 (2) Conspicuous notice posted on the person's web
35 site.

36 (3) Notification through local or statewide media.

37 Sec.____. NEW SECTION. 23.4 ENFORCEMENT BY
38 ATTORNEY GENERAL – PENALTY.

39 1. A person, other than a government body, who
40 violates this chapter is subject to a civil penalty
41 not to exceed ten thousand dollars for each breach of
42 security unless the person is subject to a civil
43 penalty for the same breach of security under another
44 provision of state or federal law.

45 2. The office of attorney general shall initiate
46 an action against a person who violates this chapter
47 to enforce payment of a civil penalty.

48 3. A civil penalty imposed under this section
49 shall not preclude a civil action filed by an affected
50 individual.

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- 1 2. Title page, line 1, by inserting after the
- 2 word "to" the following: "identity determination and
- 3 protection and".
- 4 3. Title page, line 3, by inserting after the
- 5 word "individuals," the following: "and specifying
- 6 notice procedures following a breach of security,".
- 7 4. By renumbering as necessary.

DEYOE of Story

H-8135

- 1 Amend House File 2537 as follows:
- 2 1. Page 2, by inserting after line 5 the
- 3 following:
- 4 "Sec. ____ Section 455C.6, Code 2007, is amended
- 5 by adding the following new subsections:
- 6 NEW SUBSECTION. 4A. In determining or reviewing
- 7 whether a redemption center provides a convenient
- 8 service, the department shall consider all of the
- 9 following:
- 10 a. The geographic location of the redemption
- 11 center relative to a dealer's location.
- 12 b. The population served by the redemption center
- 13 and the population served by a dealer.
- 14 c. The ease of consumer access to the redemption
- 15 center.
- 16 d. The hours of operation of the redemption
- 17 center.
- 18 e. Whether the redemption center provides a safe
- 19 environment for both the public and employees.
- 20 f. Any other factors the department reasonably
- 21 considers relevant.
- 22 NEW SUBSECTION. 4B. An approved redemption center
- 23 may negotiate with a dealer and a distributor for
- 24 terms of service including terms for payment for
- 25 services."
- 26 2. By renumbering as necessary.

D. OLSON of Boone

H-8137

- 1 Amend House File 2570 as follows:
- 2 1. Page 8, by inserting after line 16 the
- 3 following:
- 4 "Sec. ____ COMPREHENSIVE RECYCLING PLANNING TASK
- 5 FORCE.
- 6 1. ESTABLISHMENT AND PURPOSE. A comprehensive
- 7 recycling planning task force is established. The

8 task force shall be initially convened by July 1,
9 2008, and shall be regularly convened as often as
10 necessary. The task force shall be convened for the
11 following purposes:
12 a. Studying and making recommendations for the
13 planning and implementation of comprehensive statewide
14 recycling programs, including an evaluation of the
15 current beverage container control law commonly
16 referred to as the bottle bill.
17 b. Making recommendations for reducing the amount
18 of recyclable materials contained in the waste stream
19 and for reducing litter.

20 2. MEMBERSHIP.

21 a. The task force shall consist of the following
22 voting members:

23 (1) One member selected by the Iowa recycling
24 association.
25 (2) One member selected by the Iowa society of
26 solid waste operations.
27 (3) Three members selected by solid waste planning
28 areas of various sizes and from various locations
29 across the state.
30 (4) One member selected by the Iowa league of
31 cities.
32 (5) One member selected by the solid waste
33 association of north America representing private
34 solid waste disposal entities.
35 (6) The director of the department of natural
36 resources, or the director's designee.
37 (7) One member selected by the Iowa environmental
38 council.
39 (8) One member selected by the league of women
40 voters of Iowa.
41 (9) One member selected by the Iowa beverage
42 association representing beer and alcoholic beverage
43 distributors.
44 (10) One member selected by the Iowa beverage
45 association representing juice and soft drink
46 distributors.
47 (11) One member selected by the Iowa bottle bill
48 coalition representing independent redemption centers.
49 (12) One member selected by the Iowa association
50 of counties.

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1 (13) One member selected by the Iowa farm bureau
2 federation.
3 (14) One member selected by the association of
4 business and industry.
5 (15) One member selected by the home builders
6 association of Iowa.

7 (16) The director of the alcoholic beverages
8 division of the department of commerce, or the
9 director's designee.

10 (17) One member selected by keep Iowa beautiful.

11 b. Nonvoting members of the task force shall
12 include all of the following:

13 (1) Two members of the senate. One senator shall
14 be appointed by the majority leader of the senate and
15 one senator shall be appointed by the minority leader
16 of the senate.

17 (2) Two members of the house of representatives.
18 One member shall be appointed by the speaker of the
19 house of representatives and one member shall be
20 appointed by the minority leader of the house of
21 representatives.

22 c. The voting members shall be appointed in
23 compliance with the requirements of sections 69.16,
24 69.16A, and 69.19, and shall serve for the duration of
25 the task force.

26 d. The members of the task force are entitled to
27 receive reimbursement for actual expenses incurred
28 while engaged in the performance of official duties.

29 e. The task force shall elect a chairperson and
30 the recommendations of the task force shall be
31 approved by a majority of the voting members. A
32 majority of the task force constitutes a quorum and an
33 affirmative vote of the majority of members is
34 necessary to approve the recommendations of the task
35 force. A vacancy in the membership does not impair
36 the right of a quorum to exercise all rights and
37 perform all duties of the task force.

38 3. DUTIES. The task force shall do all of the
39 following:

40 a. Evaluate in a comprehensive manner the nature,
41 extent, and effectiveness of recycling programs
42 throughout the state.

43 b. Make recommendations for creating and enhancing
44 comprehensive sustainable recycling programs. Such
45 recommendations may include methods of collecting and
46 paying for the recycling of residential, industrial,
47 and commercial waste, mechanisms for increasing the
48 recycling of construction and demolition waste, and
49 incentives for increasing the recycling of yard waste,
50 food or other organic waste, hazardous household

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1 waste, and electronic waste.

2 c. Assess the viability of a statewide curbside
3 recycling program and make recommendations regarding
4 the manner in which such a program might be
5 implemented. If the assessment determines that such a

6 program is viable, the task force shall provide an
 7 evaluation of available funding sources for a
 8 statewide curbside recycling program and include a
 9 detailed budget proposal for funding, implementing,
 10 and conducting such a program. The evaluation of
 11 funding sources and the proposed budget shall ensure
 12 adequate funding of recycling efforts throughout this
 13 state until a transition from the current beverage
 14 container control system to a statewide curbside
 15 recycling program can be fully completed and
 16 implemented.

17 d. Make recommendations for facilitating the
 18 elimination of illegal dumping and littering
 19 throughout the state, including an evaluation of
 20 enhanced fines to increase deterrence. If
 21 appropriate, the recommendations may include an
 22 examination or incorporation of recommendations made
 23 by other task forces or government agencies.

24 e. Make recommendations for the establishment and
 25 funding of regional recycling centers.

26 f. Develop a plan to assist existing redemption
 27 and recycling businesses in adapting to any industry
 28 changes resulting from recommendations of the task
 29 force.

30 g. Make recommendations for marketing programs
 31 that increase education and awareness of recycling
 32 issues and enhance the understanding of and commitment
 33 to effective environmental stewardship.

34 h. Assess the effectiveness and sustainability of
 35 the beverage container control law in Code chapter
 36 455C, commonly referred to as the bottle bill, and
 37 consider possible alternatives.

38 4. REPORT. The task force shall submit a written
 39 report containing its findings and recommendations to
 40 the governor and the general assembly by January 1,
 41 2009.

42 5. DISSOLUTION. The task force shall complete its
 43 duties no later than January 1, 2009, but may complete
 44 its duties and dissolve itself prior to that date."

45 2. Title page, line 4, by inserting after the
 46 word "council" the following: "and comprehensive
 47 recycling planning task force".

48 3. By renumbering as necessary.

D. OLSON of Boone

H-8140

1 Amend House File 2633 as follows
 2 1. Page 11, line 28, by striking the words "A
 3 operating" and inserting the following: "An
 4 operating".
 5 2. Page 16, line 29, by striking the figure

- 6 "489.110" and inserting the following: "489.112".
 7 3. Page 29, line 8, by inserting after the word
 8 "becomes" the following: "a".
 9 4. Page 49, line 33, by striking the word
 10 "transferree" the following: "transferee".
 11 5. Page 51, line 10, by striking the word
 12 "applies" and inserting the following: "apply".
 13 6. Page 101, line 9, by striking the word "'a',"
 14 and inserting the following: "'a'".
 15 7. Page 107, line 27, by striking the word
 16 "entity" and inserting the following: "entity,".
 17 8. Page 118, line 12, by striking the figure
 18 "~~289.108~~" and inserting the following: "489.108".
 19 9. By renumbering as necessary.

SWAIM of Davis

H-8145

- 1 Amend House File 2570 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. NEW SECTION. 455B.118 EXPIRATION OF
 5 PERMITS.
 6 Notwithstanding section 17A.18, subsection 2, a
 7 permit issued pursuant to this chapter which is not
 8 renewed by the department expires regardless of
 9 whether the department has made a final determination
 10 as to the application for renewal and regardless of
 11 whether the applicant is seeking judicial review."
 12 2. Title page, line 2, by inserting after the
 13 word "by" the following: "providing for the
 14 expiration of certain permits issued by the department
 15 of natural resources."
 16 3. By renumbering as necessary.

TYMESON of Madison

H-8147

- 1 Amend House File 2646 as follows:
 2 1. Page 1, line 25, by striking the words
 3 "subsection 6,".
 4 2. Page 7, by striking lines 16 through 21 and
 5 inserting the following: "one of the following:
 6 1. Presentation of a certificate of completion of
 7 a United States department of labor, office of
 8 apprenticeship, four-year or five-year apprenticeship
 9 program.
 10 2. A passing score on the national inspection,
 11 testing and certification star fire sprinkler mastery
 12 exam or an equivalent exam from a nationally

- 13 recognized third-party testing agency.
 14 3. A passing score on the NICET level I
 15 examination."
 16 3. Page 8, line 2, by inserting before the word
 17 "The" the following: "1."
 18 4. Page 8, by inserting after line 6 the
 19 following:
 20 "2. The provisions of this chapter shall not be
 21 construed to apply to a person employed full time as a
 22 custodian for a school corporation, hospital, or
 23 public facility, who performs fire sprinkler
 24 maintenance work involving no more than one sprinkler
 25 head or nozzle."
 26 5. Page 8, line 17, by striking the words "state
 27 fire marshal" and inserting the following:
 28 "department of public safety".
 29 6. Page 9, line 15, by striking the words "shall
 30 take effect" and inserting the following: "takes
 31 effect".
 32 7. By renumbering as necessary.

QUIRK of Chickasaw

H-8148

- 1 Amend House File 2570 as follows:
 2 1. Page 8, by inserting after line 16 the
 3 following:
 4 "Sec.____. COMPREHENSIVE RECYCLING PLANNING TASK
 5 FORCE.
 6 1. ESTABLISHMENT AND PURPOSE. A comprehensive
 7 recycling planning task force is established. The
 8 task force shall be initially convened by July 1,
 9 2008, and shall be regularly convened as often as
 10 necessary. The task force shall be convened for the
 11 following purposes:
 12 a. Studying and making recommendations for the
 13 planning and implementation of comprehensive statewide
 14 recycling programs, including an evaluation of the
 15 current beverage container control law commonly
 16 referred to as the bottle bill.
 17 b. Making recommendations for reducing the amount
 18 of recyclable materials contained in the waste stream
 19 and for reducing litter.
 20 2. MEMBERSHIP.
 21 a. The task force shall consist of the following
 22 voting members:
 23 (1) One member selected by the Iowa recycling
 24 association.
 25 (2) One member selected by the Iowa society of
 26 solid waste operations.
 27 (3) Three members selected by the Iowa society of

28 solid waste operations representing solid waste
29 planning areas of various sizes and from various
30 locations across the state.
31 (4) One member selected by the Iowa league of
32 cities.
33 (5) One member selected by the solid waste
34 association of north America representing private
35 solid waste disposal entities.
36 (6) The director of the department of natural
37 resources, or the director's designee.
38 (7) One member selected by the Iowa environmental
39 council.
40 (8) One member selected by the league of women
41 voters of Iowa.
42 (9) One member selected by the Iowa wholesale beer
43 distributors association.
44 (10) One member selected by the Iowa beverage
45 association representing juice and soft drink
46 distributors.
47 (11) One member selected by the Iowa bottle bill
48 coalition representing independent redemption centers.
49 (12) One member selected by the Iowa association
50 of counties.

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1 (13) One member selected by the Iowa farm bureau
2 federation.
3 (14) One member selected by the association of
4 business and industry.
5 (15) One member selected by the home builders
6 association of Iowa.
7 (16) The director of the alcoholic beverages
8 division of the department of commerce, or the
9 director's designee.
10 (17) One member selected by keep Iowa beautiful.
11 (18) One member selected by the Iowa grocery
12 industry association.
13 (19) One member selected by the Iowa dairy foods
14 association.
15 (20) One member selected by the petroleum
16 marketers and convenience stores of Iowa.
17 (21) One member selected by the Iowa retail
18 federation.
19 b. Nonvoting members of the task force shall
20 include all of the following:
21 (1) Two members of the senate. One senator shall
22 be appointed by the majority leader of the senate and
23 one senator shall be appointed by the minority leader
24 of the senate.
25 (2) Two members of the house of representatives.
26 One member shall be appointed by the speaker of the

27 house of representatives and one member shall be
28 appointed by the minority leader of the house of
29 representatives.

30 c. The voting members shall be appointed in
31 compliance with the requirements of sections 69.16,
32 69.16A, and 69.19, and shall serve for the duration of
33 the task force.

34 d. The members of the task force are entitled to
35 receive reimbursement for actual expenses incurred
36 while engaged in the performance of official duties.

37 e. The task force shall elect a chairperson and
38 the recommendations of the task force shall be
39 approved by a majority of the voting members. A
40 majority of the task force constitutes a quorum and an
41 affirmative vote of the majority of members is
42 necessary to approve the recommendations of the task
43 force. A vacancy in the membership does not impair
44 the right of a quorum to exercise all rights and
45 perform all duties of the task force.

46 3. DUTIES. The task force shall do all of the
47 following:

48 a. Evaluate in a comprehensive manner the nature,
49 extent, and effectiveness of recycling programs
50 throughout the state.

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1 b. Make recommendations for creating and enhancing
2 comprehensive sustainable recycling programs. Such
3 recommendations may include methods of collecting and
4 paying for the recycling of residential, industrial,
5 and commercial waste, mechanisms for increasing the
6 recycling of construction and demolition waste, and
7 incentives for increasing the recycling of yard waste,
8 food or other organic waste, hazardous household
9 waste, and electronic waste.

10 c. Assess the viability of a statewide curbside
11 recycling program and make recommendations regarding
12 the manner in which such a program might be
13 implemented. If the assessment determines that such a
14 program is viable, the task force shall provide an
15 evaluation of available funding sources for a
16 statewide curbside recycling program and include a
17 detailed budget proposal for funding, implementing,
18 and conducting such a program. The evaluation of
19 funding sources and the proposed budget shall ensure
20 adequate funding of recycling efforts throughout this
21 state until a transition from the current beverage
22 container control system to a statewide curbside
23 recycling program can be fully completed and
24 implemented.

25 d. Make recommendations for facilitating the

26 elimination of illegal dumping and littering
 27 throughout the state, including an evaluation of
 28 enhanced fines to increase deterrence. If
 29 appropriate, the recommendations may include an
 30 examination or incorporation of recommendations made
 31 by other task forces or government agencies.
 32 e. Make recommendations for the establishment and
 33 funding of regional recycling centers.
 34 f. Develop a plan to assist existing redemption
 35 and recycling businesses in adapting to any industry
 36 changes resulting from recommendations of the task
 37 force.
 38 g. Make recommendations for marketing programs
 39 that increase education and awareness of recycling,
 40 littering, and illegal dumping issues and that enhance
 41 the understanding of and commitment to effective
 42 environmental stewardship.
 43 h. Assess the effectiveness and sustainability of
 44 the beverage container control law in Code chapter
 45 455C, commonly referred to as the bottle bill, and
 46 consider possible alternatives.
 47 4. REPORT. The task force shall submit a written
 48 report containing its findings and recommendations to
 49 the governor and the general assembly by January 1,
 50 2009.

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1 5. DISSOLUTION. The task force shall complete its
 2 duties no later than January 1, 2009, but may complete
 3 its duties and dissolve itself prior to that date."
 4 2. Title page, line 4, by inserting after the
 5 word "council" the following: "and comprehensive
 6 recycling planning task force".
 7 3. By renumbering as necessary.

D. OLSON of Boone

H-8156

1 Amend House File 2645 as follows:
 2 1. Page 1, by inserting after line 32 the
 3 following:
 4 "Sec.____. Section 20.9, unnumbered paragraph 1,
 5 Code 2007, is amended to read as follows:
 6 The public employer and the employee organization
 7 shall meet at reasonable times, including meetings
 8 reasonably in advance of the public employer's
 9 budget-making process, to negotiate in good faith with
 10 respect to wages, hours, vacations, insurance,
 11 holidays, leaves of absence, shift differentials,
 12 overtime compensation, supplemental pay, seniority,

13 transfer procedures, job classifications, health and
 14 safety matters, evaluation procedures, procedures for
 15 staff reduction, in-service training and other matters
 16 mutually agreed upon. However, negotiations shall not
 17 include terms authorizing furlough days. Negotiations
 18 shall also include terms authorizing dues checkoff for
 19 members of the employee organization and grievance
 20 procedures for resolving any questions arising under
 21 the agreement, which shall be embodied in a written
 22 agreement and signed by the parties. If an agreement
 23 provides for dues checkoff, a member's dues may be
 24 checked off only upon the member's written request and
 25 the member may terminate the dues checkoff at any time
 26 by giving thirty days' written notice. Such
 27 obligation to negotiate in good faith does not compel
 28 either party to agree to a proposal or make a
 29 concession."
 30 2. By renumbering as necessary.

HORBACH of Tama

H-8157

1 Amend House File 2645 as follows:
 2 1. Page 1, by inserting after line 32 the
 3 following:
 4 "Sec.____. Section 20.9, unnumbered paragraph 1,
 5 Code 2007, is amended to read as follows:
 6 The public employer and the employee organization
 7 shall meet at reasonable times, including meetings
 8 reasonably in advance of the public employer's
 9 budget-making process, to negotiate in good faith with
 10 respect to wages, hours, vacations, insurance,
 11 holidays, leaves of absence, shift differentials,
 12 overtime compensation, supplemental pay, seniority,
 13 transfer procedures, job classifications, health and
 14 safety matters, evaluation procedures, procedures for
 15 staff reduction, in-service training and other matters
 16 mutually agreed upon. Negotiations shall also include
 17 terms authorizing dues checkoff for members of the
 18 employee organization and grievance procedures for
 19 resolving any questions arising under the agreement,
 20 which shall be embodied in a written agreement and
 21 signed by the parties. However, an agreement
 22 authorizing dues checkoff shall not permit the
 23 deduction of dues or contributions for the benefit of
 24 a political organization, as defined in section 13C.1,
 25 from an employee's earnings, wages, or compensation.
 26 ~~If~~ In addition, if an agreement provides for dues
 27 checkoff, a member's dues may be checked off only upon
 28 the member's written request and the member may
 29 terminate the dues checkoff at any time by giving

30 thirty days' written notice. Such obligation to
 31 negotiate in good faith does not compel either party
 32 to agree to a proposal or make a concession."
 33 2. By renumbering as necessary.

GIPP of Winneshiek

H-8163

1 Amend House File 2645 as follows:
 2 1. Page 1, by inserting after line 32 the
 3 following:
 4 "Sec. _____. Section 20.9, unnumbered paragraph 1,
 5 Code 2007, is amended to read as follows:
 6 The public employer and the employee organization
 7 shall meet at reasonable times, including meetings
 8 reasonably in advance of the public employer's
 9 budget-making process, to negotiate in good faith with
 10 respect to wages, hours, vacations, insurance,
 11 holidays, leaves of absence, shift differentials,
 12 overtime compensation, supplemental pay, seniority,
 13 transfer procedures, job classifications, health and
 14 safety matters, evaluation procedures, procedures for
 15 staff reduction, in-service training and other matters
 16 mutually agreed upon. Negotiations shall also include
 17 multicultural diversity policies, harassment policies,
 18 discipline policies, shift assignments, transfer and
 19 promotion procedures, participation in workplace
 20 committees, terms authorizing dues checkoff for
 21 members of the employee organization, and grievance
 22 procedures for resolving any questions arising under
 23 the agreement, which shall be embodied in a written
 24 agreement and signed by the parties. If an agreement
 25 provides for dues checkoff, a member's dues may be
 26 checked off only upon the member's written request and
 27 the member may terminate the dues checkoff at any time
 28 by giving thirty days' written notice. Such
 29 obligation to negotiate in good faith does not compel
 30 either party to agree to a proposal or make a
 31 concession."
 32 2. By renumbering as necessary.

UPMEYER of Hancock

H-8166

1 Amend the amendment, H-8055, to Senate File 348, as
 2 passed by the Senate, as follows:
 3 1. Page 2, line 31, by striking the words
 4 "calendar year 2011" and inserting the following:
 5 "the calendar year preceding the year in which the
 6 contract concerning purses for dog racing is to be

7 renewed".

JOCHUM of Dubuque

H-8167

- 1 Amend the amendment, H-8164, to House File 2645 as
2 follows:
3 1. Page 7, by striking lines 9 through 10.
4 2. By renumbering as necessary.

RANTS of Woodbury

H-8169

- 1 Amend the amendment, H-8164, to House File 2645 as
2 follows:
3 1. Page 9, lines 32 and 33, by striking the words
4 "Hearsay evidence shall not form a sufficient basis
5 for termination."

RANTS of Woodbury

H-8170

- 1 Amend the amendment, H-8164, to House File 2645 as
2 follows:
3 1. Page 13, by striking lines 28 through 32 and
4 inserting the following: "instrument provided by the
5 department. The comprehensive evaluation and
6 instrument are not subject to negotiations or
7 grievance procedures pursuant to chapter 20 or
8 determinations made by the board of directors under
9 section 279.14. A local".

RANTS of Woodbury

H-8171

- 1 Amend the amendment, H-8164, to House File 2645 as
2 follows:
3 1. By striking page 4, line 43, through page 6,
4 line 42.
5 2. Page 11, line 36, by inserting after the word
6 "final" the following: "subject to appeal to district '
7 court pursuant to section 279.18".
8 3. Page 14, by striking line 11.
9 4. By renumbering as necessary.

RANTS of Woodbury

H-8173

- 1 Amend the amendment, H-8164, to House File 2645 as
2 follows:
3 1. Page 12, by striking lines 6 through 18 and
4 inserting the following: "279.16 shall apply."

RANTS of Woodbury

H-8178

- 1 Amend House File 2645 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 20.9A EMPLOYEE
5 ORGANIZATION MEMBERSHIP – PENALTY.
6 1. It is declared to be the policy of the state of
7 Iowa that no person within its boundaries shall be
8 deprived of the right to work at the person's chosen
9 occupation for any public employer because of
10 membership in, affiliation with, withdrawal or
11 expulsion from, or refusal to join, any employee
12 organization, and any collective bargaining agreement
13 which contravenes this policy is illegal and void.
14 2. It shall be unlawful for any public employer to
15 refuse or deny employment to any person because of
16 membership in, or affiliation with, or resignation or
17 withdrawal from, an employee organization, or because
18 of refusal to join or affiliate with an employee
19 organization.
20 3. It shall be unlawful for any public employer or
21 employee organization to enter into any understanding,
22 contract, or agreement, whether written or oral, to
23 exclude from employment members of an employee
24 organization, or persons who do not belong to, or who
25 refuse to join, an employee organization, or because
26 of resignation or withdrawal therefrom.
27 4. It shall be unlawful for any public employer or
28 employee organization, either directly or indirectly,
29 or in any manner or by any means as a prerequisite to
30 or a condition of employment to require any person to
31 pay dues, charges, fees, contributions, fines or
32 assessments to any employee organization.
33 5. Notwithstanding any provision of this chapter
34 to the contrary, it shall be unlawful for any public
35 employer or employee organization to deduct employee
36 organization dues, charges, fees, contributions, fines
37 or assessments from a public employee's earnings,
38 wages or compensation, unless the public employer has
39 first been presented with an individual written order
40 therefore signed by the public employee, which written
41 order shall be terminable at any time by the public

42 employee giving at least thirty days' written notice
 43 of such termination to the public employer.
 44 6. Any public employer or employee organization,
 45 or any director, officer, representative, agent, or
 46 member thereof, who shall violate any of the
 47 provisions of this section or who shall aid and abet
 48 in such violation shall be guilty of a serious
 49 misdemeanor.
 50 7. Additional to the penal provisions of this

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1 section, any public employer or employee organization,
 2 or any officer, representative, agent, or member
 3 thereof, may be restrained by injunction from doing or
 4 continuing to do any of the matters and things
 5 prohibited by this section, and all of the provisions
 6 of the law relating to the granting of restraining
 7 orders and injunctions, either temporary or permanent,
 8 shall be applicable."
 9 2. By renumbering as necessary.

RANTS of Woodbury

H-8181

1 Amend the amendment, H-8164, to House File 2645 as
 2 follows:
 3 1. Page 1, line 15, by striking the words "but
 4 not limited to".
 5 2. Page 1, by striking lines 25 through 26 and
 6 inserting the following:
 7 "f. leaves Leaves of absence."
 8 3. Page 2, by striking lines 10 through 11 and
 9 inserting the following:
 10 "w. Other matters mutually agreed upon."

RANTS of Woodbury

H-8182

1 Amend the amendment, H-8164, to House File 2645 as
 2 follows:
 3 1. Page 2, by inserting before line 49 the
 4 following:
 5 "Sec. . NEW SECTION. 20.9A EMPLOYEE
 6 ORGANIZATION MEMBERSHIP – PENALTY.
 7 1. It is declared to be the policy of the state of
 8 Iowa that no person within its boundaries shall be
 9 deprived of the right to work at the person's chosen
 10 occupation for any public employer because of
 11 membership in, affiliation with, withdrawal or

12 expulsion from, or refusal to join, any employee
13 organization, and any collective bargaining agreement
14 which contravenes this policy is illegal and void.

15 2. It shall be unlawful for any public employer to
16 refuse or deny employment to any person because of
17 membership in, or affiliation with, or resignation or
18 withdrawal from, an employee organization, or because
19 of refusal to join or affiliate with an employee
20 organization.

21 3. It shall be unlawful for any public employer or
22 employee organization to enter into any understanding,
23 contract, or agreement, whether written or oral, to
24 exclude from employment members of an employee
25 organization, or persons who do not belong to, or who
26 refuse to join, an employee organization, or because
27 of resignation or withdrawal therefrom.

28 4. It shall be unlawful for any public employer or
29 employee organization, either directly or indirectly,
30 or in any manner or by any means as a prerequisite to
31 or a condition of employment to require any person to
32 pay dues, charges, fees, contributions, fines or
33 assessments to any employee organization.

34 5. Notwithstanding any provision of this chapter
35 to the contrary, it shall be unlawful for any public
36 employer or employee organization to deduct employee
37 organization dues, charges, fees, contributions, fines
38 or assessments from a public employee's earnings,
39 wages or compensation, unless the public employer has
40 first been presented with an individual written order
41 therefore signed by the public employee, which written
42 order shall be terminable at any time by the public
43 employee giving at least thirty days' written notice
44 of such termination to the public employer.

45 6. Any public employer or employee organization,
46 or any director, officer, representative, agent, or
47 member thereof, who shall violate any of the
48 provisions of this section or who shall aid and abet
49 in such violation shall be guilty of a serious
50 misdemeanor.

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1 7. Additional to the penal provisions of this
2 section, any public employer or employee organization,
3 or any officer, representative, agent or member
4 thereof, may be restrained by injunction from doing or
5 continuing to do any of the matters and things
6 prohibited by this section, and all of the provisions
7 of the law relating to the granting of restraining
8 orders and injunctions, either temporary or permanent,

- 9 shall be applicable."
 10 2. By renumbering as necessary.

RANTS of Woodbury

H-8185

- 1 Amend the amendment, H-8164, to House File 2645 as
 2 follows:
 3 1. Page 1, line 15, by striking the words "but
 4 not limited to".
 5 2. Page 1, by striking line 47.
 6 3. Page 2, by striking lines 10 through 11 and
 7 inserting the following:
 8 "w. Other matters mutually agreed upon."
 9 4. By renumbering as necessary.

RANTS of Woodbury

H-8186

- 1 Amend the amendment, H-8164, to House File 2645 as
 2 follows:
 3 1. Page 1, line 15, by striking the words "but
 4 not limited to".
 5 2. Page 1, by striking lines 29 through 33 and
 6 inserting the following:
 7 "i. supplemental Supplemental pay."
 8 3. Page 2, by striking lines 10 through 11 and
 9 inserting the following:
 10 "w. Other matters mutually agreed upon."
 11 4. By renumbering as necessary.

RANTS of Woodbury

H-8187

- 1 Amend the amendment, H-8164, to House File 2645 as
 2 follows:
 3 1. Page 1, line 15, by striking the words "but
 4 not limited to".
 5 2. Page 1, by striking lines 38 through 43 and
 6 inserting the following:
 7 "n. ~~evaluation~~ Evaluation procedures."
 8 3. Page 2, by striking lines 10 through 11 and
 9 inserting the following:
 10 "w. Other matters mutually agreed upon."
 11 4. By renumbering as necessary.

RANTS of Woodbury

H-8188

1 Amend House File 2610 as follows:

2 1. Page 5, by inserting after line 12 the
3 following:

4 "Sec. ____ NEW SECTION. 422.72A SUSPECTED MISUSE
5 OF PERSONAL INFORMATION – NOTICE REQUIRED.

6 1. For the purposes of this section, the following
7 definitions apply:

8 a. "Affected individual" means an individual who
9 is identified by or connected with personal
10 information contained in the department's records.

11 b. "Personal information" means all of the
12 following:

13 (1) Social security number.

14 (2) Tax identification number.

15 (3) Driver's license number or other unique
16 identification number created or collected by a
17 government body.

18 (4) Financial account number, credit card number,
19 or debit card number in combination with any required
20 security code, access code, or password that would
21 permit access to an individual's financial account.

22 (5) Unique electronic identifier or routing code,
23 in combination with any required security code, access
24 code, or password.

25 c. "Suspected misuse of personal information"
26 means circumstances exist which would cause a
27 reasonable person to believe that an individual's
28 personal information is being used by an unauthorized
29 individual. Such circumstances include but are not
30 limited to either of the following:

31 (1) A tax identification number under which wages
32 are being reported by two or more individuals.

33 (2) A tax identification number of an individual
34 under the age of sixteen with reported wages exceeding
35 one thousand dollars for a single quarterly period.

36 2. a. Unless otherwise prohibited by state or
37 federal law, the department shall provide notice to
38 each affected individual if department records
39 indicate a suspected misuse of personal information.
40 Notice shall be made without unreasonable delay. If
41 the affected individual is a minor, notice shall be
42 provided to the minor's parent or guardian.

43 b. Notice of the suspected misuse of personal
44 information shall also be provided to an appropriate
45 law enforcement agency.

46 3. Notice provided to an affected individual shall
47 be clear and conspicuous and be provided by at least
48 one of the following:

49 a. Written notice to the affected individual's
50 last address of record.

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- 1 b. Electronic mail notice, if the affected
 2 individual has agreed to receive communications
 3 electronically.
 4 c. Telephonic notice, if the communication is made
 5 directly with the affected individual."
 6 2. Title page, line 1, by inserting after the
 7 word "to" the following: "identity determination and
 8 protection and".
 9 3. Title page, line 3, by inserting after the
 10 word "individuals," the following: "and requiring the
 11 department of revenue to provide notice of suspected
 12 misuse of personal information,".
 13 4. By renumbering as necessary.

SANDS of Louisa

H-8189

- 1 Amend House File 2610 as follows:
 2 1. Page 1, by inserting before line 3 the
 3 following:
 4 "Section 1. Section 2C.18, Code 2007, is amended
 5 to read as follows:
 6 2C.18 ~~REPORT~~ **REPORTS** TO GENERAL ASSEMBLY.
 7 1. The citizens' aide shall by April 1 of each
 8 year submit an economically designed and reproduced
 9 report to the general assembly and to the governor
 10 concerning the exercise of the citizens' aide
 11 functions during the preceding calendar year. In
 12 discussing matters with which the citizens' aide has
 13 been concerned, the citizens' aide shall not identify
 14 specific persons if to do so would cause needless
 15 hardship. If the annual report criticizes a named
 16 agency or official, it shall also include unedited
 17 replies made by the agency or official to the
 18 criticism, unless excused by the agency or official
 19 affected.
 20 2. The citizens' aide shall by January 1 of each
 21 year submit a report to the general assembly and to
 22 the governor concerning all notices received pursuant
 23 to section 22.15. The report shall not disclose the
 24 name or personal information of any affected
 25 individual. If the report criticizes a named agency
 26 or official, it shall also include unedited replies
 27 made by the agency or official to the criticism,
 28 unless excused by the agency or official."
 29 2. Page 4, by inserting after line 27 the
 30 following:
 31 "Sec. ____ NEW SECTION. 22.15 BREACH OF SECURITY
 32 - NOTICE REQUIRED.
 33 1. For purposes of this section, the following

34 definitions apply:

35 a. "Breach of security" means any of the
36 following:

37 (1) The unauthorized access to or acquisition of
38 personal information.

39 (2) The unauthorized access to or acquisition of
40 any electronic device containing personal information
41 that compromises the security, confidentiality, or
42 integrity of such personal information.

43 (3) The unauthorized disclosure of personal
44 information subsequent to a good faith, authorized
45 access to or acquisition of personal information.

46 b. "Personal information" means an individual's
47 first name or first initial and last name in
48 combination with any one or more of the following data
49 elements that relate to the individual if neither the
50 name nor the data elements are encrypted, redacted, or

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1 otherwise altered by any method or technology in such
2 a manner that the name or data elements are
3 unreadable:

4 (1) Social security number.

5 (2) Driver's license number or other unique
6 identification number created or collected by a
7 government body.

8 (3) Financial account number, credit card number,
9 or debit card number in combination with any required
10 security code, access code, or password that would
11 permit access to an individual's financial account.

12 (4) Unique electronic identifier or routing code,
13 in combination with any required security code, access
14 code, or password.

15 (5) Unique biometric data, such as a fingerprint,
16 voice print or recording, retina or iris image, or
17 other unique physical representation or digital
18 representation of the biometric data.

19 2. a. A government body that collects, maintains,
20 or processes a public record containing personal
21 information shall disclose any breach of security to
22 each affected individual upon discovery or
23 notification of the breach of security. Notice shall
24 be made in the most expedient time and manner possible
25 and without unreasonable delay, consistent with any
26 measures necessary to determine the scope of the
27 breach of security and consistent with the legitimate
28 needs of law enforcement as provided in paragraph "b".
29 If the affected person is a minor, the government body
30 shall provide notice to the minor's parent or
31 guardian.

32 b. If requested by a law enforcement agency, the

33 government body shall delay giving notice if notice
34 may impede a criminal investigation or endanger state
35 or national security. The request by a law
36 enforcement agency shall be in writing or documented
37 in writing by the government body. After the law
38 enforcement agency notifies the government body that
39 notice of the breach of security will no longer impede
40 the investigation or endanger state or national
41 security, the government body shall give notice to the
42 affected individuals without unreasonable delay.
43 c. Following disclosure to the affected
44 individual, a government body shall provide written
45 notice of the breach to the citizens' aide. The
46 notice provided to the citizens' aide shall include
47 the same information as required under subsection 3,
48 paragraph "a". The citizens' aide shall compile and
49 summarize all notices received under this paragraph
50 and prepare an annual report to the general assembly

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1 and the governor pursuant to section 2C.18, subsection
2 2.
3 3. a. Notice provided by a government body shall
4 be clear and conspicuous and shall include all of the
5 following:
6 (1) A description of the incident causing the
7 breach of security.
8 (2) The type of personal information compromised
9 by the breach of security.
10 (3) A description of any remedial action taken by
11 the government body.
12 (4) Contact information for an individual within
13 the government body with whom the individual may
14 communicate in order to receive further information
15 and assistance.
16 (5) A statement advising the affected individual
17 to thoroughly and continually review financial account
18 information and credit reports.
19 b. Notice shall be provided by at least one of the
20 following:
21 (1) Written notice to the affected individual's
22 last address of record.
23 (2) Electronic mail notice, if the affected
24 individual has agreed to receive communications
25 electronically.
26 (3) Telephonic notice, if the communication is
27 made directly with the affected individual.
28 (4) Substitute notice, if the government body
29 determines that the cost of providing notice to the
30 affected individual under subparagraphs (1) through
31 (3) exceeds one hundred thousand dollars, the total

32 cost of providing notice to all affected individuals
 33 exceeds two hundred fifty thousand dollars, or the
 34 government body does not have sufficient contact
 35 information needed to provide notice under
 36 subparagraphs (1) through (3). Substitute notice
 37 shall consist of any of the following:
 38 (a) Electronic mail notice.
 39 (b) Conspicuous notice posted on the government
 40 body's internet site.
 41 (c) Notification through local or statewide media.
 42 4. Notwithstanding the requirements of this
 43 section, a government body that has approved its own
 44 notification procedures for a breach of security
 45 involving personal information, which are otherwise
 46 consistent with the requirements of this section,
 47 shall be deemed to be in compliance with this section
 48 if the government body notifies the affected
 49 individuals of the breach of security in accordance
 50 with its own procedures."

Page 4

1 3. Title page, line 1, by inserting after the
 2 word "to" the following: "identity determination and
 3 protection and".
 4 4. Title page, line 3, by inserting after the
 5 word "individuals," the following: "and requiring
 6 government bodies to report breaches of security
 7 involving personal information,".
 8 5. By renumbering as necessary.

GRANZOW of Hardin

H-8190

1 Amend Senate File 487, as passed by the Senate, as
 2 follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. NOVELTY LIGHTER SALES – IMPACT
 6 ASSESSMENT.
 7 1. The department of public safety shall conduct a
 8 study relating to novelty lighters. The study shall
 9 include determination of a definition for the term
 10 novelty lighter, as distinguished from standard
 11 lighters; identification of options for reasonable
 12 restrictions on the sale, possession, or use of
 13 novelty lighters; and options for enforcement of any
 14 such restrictions. To the extent practical, the study
 15 shall assess the degree to which the sale, possession,
 16 or use of novelty lighters may increase the likelihood
 17 of accidental fire and related property damage,

18 injury, or death, and any other identifiable risk of
 19 property damage, injury, or death posed by novelty
 20 lighters, and the extent to which novelty lighters may
 21 pose special risks to children and youth.
 22 2. The department shall prepare a report based on
 23 the study, which shall include any recommendations the
 24 department determines appropriate, and shall submit
 25 the report to the general assembly by January 1,
 26 2009."
 27 2. Title page, by striking lines 1 and 2 and
 28 inserting the following: "An Act requiring the
 29 department of public safety to conduct a study
 30 relating to the sale, possession, and use of novelty
 31 lighters."

COMMITTEE ON STATE GOVERNMENT

H-8192

1 Amend House File 2610 as follows:
 2 1. Page 1, line 26, by striking the words
 3 "Iowa-issued".
 4 2. Page 2, line 27, by striking the words
 5 "Iowa-issued".
 6 3. Page 3, line 35, by striking the word
 7 "chapter" and inserting the following: "article".
 8 4. Page 4, line 1, by striking the word "chapter"
 9 and inserting the following: "article".
 10 5. Page 4, line 3, by striking the word "chapter"
 11 and inserting the following: "article".
 12 6. Page 4, line 35, by striking the figure
 13 "91F.1" and inserting the following: "10A.902".
 14 7. Page 13, by striking lines 25 through 27 and
 15 inserting the following: "duty of office for the
 16 heads of state agencies or their designees. Failure
 17 to so cooperate".
 18 8. Page 13, by inserting after line 28 the
 19 following:
 20 "Sec.____. Section 84A.5, subsection 4, Code
 21 Supplement 2007, is amended to read as follows:
 22 4. The division of labor services is responsible
 23 for the administration of the laws of this state under
 24 chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91, 91A,
 25 91C, 91D, 91E, 91G, 92, and 94A, and section 85.68.
 26 The executive head of the division is the labor
 27 commissioner, appointed pursuant to section 91.2."
 28 9. Page 14, by inserting after line 21 the
 29 following:
 30 "Sec.____. Section 91.4, subsection 5, Code
 31 Supplement 2007, is amended to read as follows:
 32 5. The director of the department of workforce
 33 development, in consultation with the labor

34 commissioner, shall, at the time provided by law, make
 35 an annual report to the governor setting forth in
 36 appropriate form the business and expense of the
 37 division of labor services for the preceding year, the
 38 number of disputes or violations processed by the
 39 division and the disposition of the disputes or
 40 violations, and other matters pertaining to the
 41 division which are of public interest, together with
 42 recommendations for change or amendment of the laws in
 43 this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
 44 90A, 91A, 91C, 91D, 91E, 91G, 92, and 94A, and section
 45 85.68, and the recommendations, if any, shall be
 46 transmitted by the governor to the first general
 47 assembly in session after the report is filed."
 48 10. Page 15, by striking lines 6 and 7 and
 49 inserting the following: "duty of office for the
 50 heads of the state agencies or their designees.

Page 2

1 Failure to so cooperate".
 2 11. By striking page 15, line 15, through page
 3 16, line 5.
 4 12. By renumbering as necessary.

R. OLSON of Polk

H-8193

1 Amend the amendment, H-8164, to House File 2645 as
 2 follows:
 3 1. Page 2, by striking lines 36 through 38 and
 4 inserting the following:
 5 "4. All retirement systems shall be excluded from
 6 the scope of negotiations."
 7 2. Page 2, by striking lines 45 through 48.
 8 3. By renumbering as necessary.

RANTS of Woodbury

H-8194

1 Amend the amendment, H-8164, to House File 2645 as
 2 follows:
 3 1. Page 1, line 15, by striking the words "but
 4 not limited to".
 5 2. Page 2, by striking line 8 through 9.
 6 3. Page 2, by striking lines 10 through 11 and
 7 inserting the following:
 8 "w. Other matters mutually agreed upon."

9 4. By renumbering as necessary.

RANTS of Woodbury

H-8195

1 Amend the amendment, H-8164, to House File 2645 as
 2 follows:
 3 1. Page 1, line 15, by striking the words "but
 4 not limited to".
 5 2. By striking page 1, line 49, through page 2,
 6 line 2.
 7 3. Page 2, by striking lines 10 through 11 and
 8 inserting the following:
 9 "w. Other matters mutually agreed upon."
 10 4. By renumbering as necessary.

RANTS of Woodbury

H-8197

1 Amend the amendment, H-8164, to House File 2645 as
 2 follows:
 3 1. Page 1, by inserting after line 37 the
 4 following:
 5 ". Provision of paid or unpaid break time and a
 6 room or other private area other than a toilet stall
 7 for an employee who needs to breastfeed or express
 8 breast milk."
 9 2. By renumbering as necessary.

ABDUL-SAMAD of Polk
 PETERSEN of Polk

H-8199

1 Amend House File 2537 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. NEW SECTION. 314.29 LITTERING SIGNS.
 5 The department shall post signs along all
 6 interstate and primary highways in this state
 7 informing motorists of the fine for littering in
 8 violation of section 321.369 or 321.70.
 9 Sec. 2. NEW SECTION. 455B.116A LITTERING AND
 10 ILLEGAL DUMPING HOTLINE PROGRAM.
 11 1. The department shall establish a toll-free
 12 telephone number to allow citizens to report incidents
 13 of littering or illegal dumping.
 14 2. The department shall receive and evaluate the
 15 reports and refer them to the appropriate state or
 16 local jurisdiction for initial investigation. The

17 agency receiving a referral shall investigate the
 18 complaint, attempt to resolve the problem, and upon
 19 completion of the investigation, report to the
 20 department on the disposition of each complaint
 21 indicating how the problem was resolved.
 22 3. The department shall use moneys appropriated to
 23 the waste volume reduction and recycling fund for the
 24 purpose of implementation of the program and shall use
 25 the moneys appropriated under section 455E.11 for the
 26 program to provide financial assistance to counties
 27 for investigation of complaints."
 28 2. Page 2, by inserting after line 5 the
 29 following:
 30 "Sec.____. Section 805.8A, subsection 14,
 31 paragraph d, Code 2007, is amended to read as follows:
 32 d. LITTER AND DEBRIS VIOLATIONS. For violations
 33 under sections 321.369 and 321.370, the scheduled fine
 34 is ~~seventy one hundred fifty~~ dollars."
 35 3. Title page, line 2, by inserting after the
 36 word "covered" the following: ", providing for litter
 37 reduction,".
 38 4. Title page, line 3, by inserting after the
 39 word "dealers" the following: "and increasing
 40 penalties".
 41 5. By renumbering as necessary.

LUKAN of Dubuque

H-8204

1 Amend House File 2610 as follows:
 2 1. Page 5, by inserting after line 12 the
 3 following:
 4 "Sec.____. NEW SECTION. 714.16D DISCLOSURE OF
 5 PERSONAL INFORMATION BY A PUBLIC OFFICIAL – CRIMINAL
 6 PENALTY.
 7 1. For the purposes of this section:
 8 a. "Compensation" means any money, thing of value,
 9 or financial benefit conferred to a public official by
 10 a person other than the government body that employs
 11 the public official.
 12 b. "Personal information" means an individual's
 13 first name or first initial and last name in
 14 combination with any one or more of the following data
 15 elements that relate to the individual if neither the
 16 name nor the data elements are encrypted, redacted, or
 17 otherwise altered by any method or technology in such
 18 a manner that the name or data elements are
 19 unreadable:
 20 (1) Social security number.
 21 (2) Driver's license number or other unique
 22 identification number created or collected by a

23 government body.

24 (3) Financial account number, credit card number,
 25 or debit card number in combination with any required
 26 security code, access code, or password that would
 27 permit access to an individual's financial account.

28 (4) Unique electronic identifier or routing code,
 29 in combination with any required security code, access
 30 code, or password.

31 (5) Unique biometric data, such as a fingerprint,
 32 voice print or recording, retina or iris image, or
 33 other unique physical representation or digital
 34 representation of the biometric data.

35 c. "Public official" means an official or employee
 36 of the state or a local government, or an elected
 37 official of the state or a local government.

38 2. Unless otherwise authorized by state or federal
 39 law, a public official in possession or control of an
 40 individual's personal information who intentionally
 41 discloses or releases the personal information for
 42 compensation is guilty of a class "D" felony."

43 2. Title page, line 1, by inserting after the
 44 word "to" the following: "identity determination and
 45 protection and".

46 3. Title page, line 3, by inserting after the
 47 word "individuals," the following: "and prohibiting
 48 public officials from intentionally disclosing
 49 personal information for compensation,".

50 4. By renumbering as necessary.

TJEPKES of Webster

H-8205

1 Amend House File 2537 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. CURBSIDE RECYCLING INTERIM STUDY
 5 COMMITTEE.

6 1. FINDINGS. The general assembly finds all of
 7 the following:

8 a. Preserving the quality of the environment by
 9 conserving resources and energy, reducing the quantity
 10 of household solid waste deposited in landfills,
 11 reducing litter, and encouraging recycling of
 12 household waste, while balancing the costs of
 13 consumers and businesses against job preservation and
 14 creation are all of vital interest to Iowa.

15 b. Since the enactment of Iowa's beverage
 16 container control law in 1978, distribution systems
 17 have advanced, new products have been introduced,
 18 waste management and recycling have evolved, and new
 19 markets for recycled materials have developed.

20 c. Several proposals to expand or alter the
21 beverage container control law have been introduced in
22 the general assembly.

23 d. Issues of waste management, collection and
24 disposal of waste, recycling of materials, and the
25 efficacy of the beverage container control law should
26 be comprehensively reviewed by a broad-based study
27 committee and recommendations should be made to the
28 general assembly regarding the following:

29 (1) The viability of a statewide curbside
30 recycling program and how such a program might be
31 implemented.

32 (2) The manner in which the current beverage
33 container control law might be phased out and replaced
34 by a statewide curbside recycling program.

35 (3) The source and sustainability of adequate
36 funding for statewide recycling programs during the
37 period of transition from the current beverage
38 container control law to a statewide curbside
39 recycling program.

40 2. MEMBERSHIP. The legislative council shall
41 establish a study committee composed of fourteen
42 voting members who shall be appointed as follows:

43 a. Two members of the house of representatives
44 appointed by the speaker of the house of
45 representatives.

46 b. Two members of the senate appointed by the
47 majority leader of the senate.

48 c. Two members of the house of representatives,
49 appointed by the minority leader of the house of
50 representatives.

Page 2

1 d. Two members of the senate appointed by the
2 minority leader of the senate.

3 e. Six public members as representatives of the
4 public and private sectors for business, industry,
5 local governments, retailers, distributors, consumers,
6 or other particularly affected groups, appointed by
7 the legislative council.

8 3. MEETINGS AND REPORT. The study committee shall
9 hold its first meeting within sixty days of its
10 establishment by the council and shall submit a final
11 report with recommendations to the legislative council
12 and the general assembly by January 1, 2009."

13 2. Title page, by striking lines 1 through 3 and
14 inserting the following: "An Act relating to
15 recycling by providing for the establishment of an

16 interim study committee to make recommendations
 17 regarding beverage container control laws."

LUKAN of Dubuque

H-8206

1 Amend House File 2583 as follows:

- 2 1. Page 1, line 7, by inserting after the word
- 3 "days" the following: "of receiving the request".
- 4 2. Page 1, line 16, by inserting after the word
- 5 "discovery" the following: "by the insurance
- 6 company".
- 7 3. Page 1, by inserting after line 17 the
- 8 following:
- 9 "3. A written request made by a claimant or a
- 10 claimant's representative pursuant to this section
- 11 shall be made to the claims department of an insurance
- 12 company and not to an insurance producer. A claims
- 13 department that receives such a request shall notify
- 14 the insured under the policy of insurance that is
- 15 providing or may provide liability insurance coverage
- 16 of the claimant's claim, that such a request has been
- 17 made."

WESSEL-KROESCHELL of Story

H-8210

1 Amend Senate File 348, as passed by the Senate, as
 2 follows:

- 3 1. Page 1, line 5, by striking the word
- 4 "approves" and inserting the following: "~~approves~~ has "
- 5 approved".
- 6 2. Page 1, line 7, by inserting after the word
- 7 "subsection" the following: "prior to January 1,
- 8 2008".
- 9 3. Page 1, line 11, by striking the words
- 10 "approve or" and inserting the following: "~~approve~~
- 11 ~~or~~".
- 12 4. Page 1, line 20, by inserting after the word
- 13 "proposition" the following: "to disapprove the
- 14 conduct of gambling games still".
- 15 5. Page 1, line 21, by striking the word "issue"
- 16 and inserting the following: "still issue, but in no
- 17 event later than January 1, 2008".
- 18 6. Page 1, line 25, by inserting after the word
- 19 "issued" the following: "and another proposition to
- 20 approve the conduct of gambling games shall not be
- 21 held".
- 22 7. Page 2, lines 34 and 35, by striking the words
- 23 "approved or defeated" and inserting the following:

24 "~~defeated~~ approved".

RAECKER of Polk

H-8212

1 Amend the amendment, H-8164, to House File 2645 as
2 follows:

3 1. Page 1, by inserting after line 37 the
4 following:

5 ". Provision of paid or unpaid break time and a
6 room or other private area other than a toilet stall
7 for an employee who needs to express breast milk or
8 breastfeed a child."

9 2. By renumbering as necessary.

ABDUL-SAMAD of Polk
PETERSEN of Polk

H-8213

1 Amend House File 2612 as follows:

2 1. By striking page 1, line 19, through page 3,
3 line 31, and inserting the following:

4 "DIVISION _____
5 RESIDENCY REQUIREMENTS

6 Sec. ____ Section 483A.1A, subsection 7, paragraph
7 e, Code 2007, is amended by striking the paragraph."

8 2. By renumbering as necessary.

BAUDLER of Adair

H-8215

1 Amend the amendment, H-8164, to House File 2645 as
2 follows:

3 1. Page 2, by inserting after line 48 the
4 following:

5 "5. This section shall not be construed to
6 abrogate the rights of public employees as provided in
7 section 20.8 and nothing in this section shall be
8 construed to alter section 20.8 which shall remain in
9 full force and effect."

10 2. By renumbering as necessary.

ANDERSON of Page

H-8216

1 Amend the amendment, H-8164, to House File 2645 as
2 follows:

3 1. By striking page 1, line 2, through page 14,

4 line 14, and inserting the following:
 5 "____. Page 13, by inserting after line 34 the
 6 following:
 7 "Sec.____. LEGISLATIVE INTERIM STUDY COMMITTEE –
 8 PUBLIC SECTOR COLLECTIVE BARGAINING AND TEACHER
 9 DISCIPLINE. The legislative council shall establish a
 10 legislative interim study committee to consider issues
 11 relative to the scope of negotiations concerning
 12 collective bargaining under chapter 20 and procedures
 13 for teacher discipline and discharge under chapter
 14 279. The committee shall submit its findings,
 15 together with any recommendations, in a report to the
 16 general assembly prior to January 1, 2009."
 17 2. By renumbering as necessary.

STRUYK of Pottawattamie

H-8217

1 Amend House File 2610 as follows:
 2 1. Page 6, by inserting after line 7 the
 3 following:
 4 "DIVISION _____
 5 EMPLOYEE HARASSMENT
 6 Sec.____. Section 216.2, subsection 15, Code
 7 Supplement 2007, is amended to read as follows:
 8 15. "Unfair practice" or "discriminatory practice"
 9 means those practices specified as unfair or
 10 discriminatory in sections 216.6, 216.6A, 216.7,
 11 216.8, 216.8A, 216.9, 216.10, 216.11, and 216.11A.
 12 Sec.____. NEW SECTION. 216.6A ADDITIONAL UNFAIR
 13 EMPLOYMENT PRACTICES.
 14 1. It shall be an unfair practice for any
 15 employer, employee, or labor organization to harass,
 16 bully, or profile lawful resident alien employees.
 17 2. "Harass" and "bully" shall be construed to mean
 18 any electronic, written, verbal, or physical act or
 19 conduct toward a lawful resident alien which is based
 20 on any actual or perceived trait or characteristic of
 21 the lawful resident alien and which creates an
 22 objectively hostile work environment.
 23 3. Each violation is subject to a penalty up to
 24 but not more than five hundred dollars."
 25 2. Title page, line 3, by inserting after the
 26 word "individuals," the following: "and providing a
 27 penalty for individuals who bully and harass lawful
 28 resident alien employees at work."
 29 3. By renumbering as necessary.

DE BOEF of Keokuk
 CHAMBERS of O'Brien
 LUKAN of Dubuque

HUSEMAN of Cherokee
 SANDS of Louisa
 ROBERTS of Carroll

STRUYK of Pottawattamie
UPMEYER of Hancock

SCHICKEL of Cerro Gordo

H-8218

- 1 Amend House File 2610 as follows:
- 2 1. Page 8, line 12, by striking the words "both
- 3 English" and inserting the following: "English,".
- 4 2. Page 8, by striking line 13 and inserting the
- 5 following: "Spanish, and any other language necessary
- 6 summarizing the requirements of this chapter. The".
- 7 3. Page 8, by striking lines 21 and 22 and
- 8 inserting the following: "contractor shall post the
- 9 English version and any other language version as
- 10 deemed appropriate by the commissioner. The posters
- 11 shall be".

DE BOEF of Keokuk

H-8219

- 1 Amend House File 2610 as follows:
- 2 1. Page 1, by striking line 13 and inserting the
- 3 following:
- 4 "1. a. An employer, as defined in section 91A.2
- 5 and including labor organizations, or the".
- 6 2. By renumbering as necessary.

ALONS of Sioux
GREINER of Washington
BOAL of Polk
HUSEMAN of Cherokee
TYMESON of Madison
SANDS of Louisa
LUKAN of Dubuque
ROBERTS of Carroll
STRUYK of Pottawattamie

PETTENGILL of Benton
L. MILLER of Scott
HORBACH of Tama
CHAMBERS of O'Brien
DRAKE of Pottawattamie
MAY of Dickinson
FORRESTALL of Pottawattamie
RAECKER of Polk
GRASSLEY of Butler

H-8220

- 1 Amend House File 2610 as follows:
- 2 1. Page 6, by inserting after line 7 the
- 3 following:
- 4 "DIVISION _____
- 5 UNFAIR TRADE PRACTICE
- 6 Sec. ____ NEW SECTION. 644.1 UNFAIR TRADE
- 7 PRACTICE.
- 8 The discharge of a United States citizen or lawful
- 9 permanent resident alien employee by an employer of
- 10 this state, who, on the date of the discharge employs
- 11 an unauthorized alien, shall be an unfair trade
- 12 practice. For the purpose of this section, "unfair

13 trade practice" means any practice which offends
 14 established public policy. The discharged employee
 15 shall have a private cause of action for such unfair
 16 trade practice for damages due to discharge."

17 2. Page 16, by striking line 10 and inserting the
 18 following:

19 "Sec. ____ EFFECTIVE DATE. Divisions I, II, and
 20 III of this Act take effect January 1,".

21 3. Title page, line 3, by inserting after the
 22 word "individuals," the following: "and granting
 23 discharged lawful employees a private cause of action
 24 if employers retain unauthorized aliens,".

25 4. By renumbering as necessary.

GREINER of Washington
 BOAL of Polk
 WINDSCHITL of Harrison

ALONS of Sioux
 LUKAN of Dubuque

H-8221

1 Amend House File 2610 as follows:

2 1. Page 1, by striking line 3.

3 2. Page 1, line 5, by striking the figure

4 "10A.901" and inserting the following: "80.26".

5 3. Page 1, by striking line 6 and inserting the
 6 following:

7 "1. As used in this section:"

8 4. Page 1, by striking lines 7 through 10 and
 9 inserting the following:

10 "a. "Director" means the director of the
 11 division.

12 b. "Division" means the division of criminal
 13 investigation of the department of public safety."

14 5. Page 1, by striking lines 11 and 12.

15 6. Page 1, line 13, by striking the figure "1."
 16 and inserting the following: "2."

17 7. Page 1, line 15, by striking the figure "2"
 18 and inserting the following: "3".

19 8. Page 1, line 16, by striking the figure "3"
 20 and inserting the following: "4".

21 9. Page 2, line 6, by striking the word
 22 "administrator" and inserting the following:
 23 "director".

24 10. Page 2, line 10, by striking the word
 25 "administrator" and inserting the following:
 26 "director".

27 11. Page 2, line 14, by striking the word
 28 "administrator" and inserting the following:
 29 "director".

30 12. Page 2, line 15, by striking the word
 31 "administrator" and inserting the following:
 32 "director".

- 33 13. Page 2, line 17, by striking the word
34 "administrator" and inserting the following:
35 "director".
- 36 14. Page 2, line 21, by striking the figure "2."
37 and inserting the following: "3."
- 38 15. Page 3, line 3, by striking the figure "3."
39 and inserting the following: "4."
- 40 16. Page 3, line 9, by striking the figure "4."
41 and inserting the following: "5."
- 42 17. Page 3, by striking line 11.
- 43 18. Page 3, by striking line 12 and inserting the
44 following:
45 "6. a. The commissioner shall adopt rules
46 pursuant to and".
- 47 19. Page 3, line 14, by striking the word
48 "article" and inserting the following: "section".
- 49 20. Page 3, line 15, by striking the word
50 "article" and inserting the following: "section".

Page 2

- 1 21. Page 3, by striking line 16 and inserting the
2 following:
3 "b. The director and officials of the division
4 shall".
- 5 22. Page 3, by striking lines 19 through 21 and
6 inserting the following: "this section or rules
7 adopted pursuant to this section.
- 8 c. If, upon investigation, the director or the
9 director's authorized representative believes that
10 an".
- 11 23. Page 3, line 22, by striking the word
12 "article" and inserting the following: "section".
- 13 24. Page 3, line 23, by striking the word
14 "administrator" and inserting the following:
15 "director".
- 16 25. Page 3, line 25, by striking the figure "4."
17 and inserting the following: "d."
- 18 26. Page 3, by striking line 29 and inserting the
19 following:
20 "e. If a citation is issued, the director shall,".
- 21 27. Page 3, by striking line 34 and inserting the
22 following:
23 "f. A determination by the director as to whether
24 a".
- 25 28. Page 3, line 35, by striking the word
26 "chapter" and inserting the following: "section".
- 27 29. Page 4, line 1, by striking the word
28 "chapter" and inserting the following: "section".
- 29 30. Page 4, line 2, by striking the figure "7."
30 and inserting the following: "g."
- 31 31. Page 4, by striking line 3 and inserting the

32 following: "director taken pursuant to this section
 33 may be sought in".
 34 32. Page 4, by striking line 6 and inserting the
 35 following: "of the determination of the director, the
 36 director's".
 37 33. Page 4, line 8, by striking the word
 38 "administrator" and inserting the following:
 39 "director".
 40 34. Page 4, line 12, by striking the word
 41 "administrator" and inserting the following:
 42 "director".
 43 35. Page 4, by striking line 14.
 44 36. Page 4, by striking line 15 and inserting the
 45 following:
 46 "7. a. All state agencies shall cooperate under
 47 this section".
 48 37. Page 4, line 18, by striking the word
 49 "article" and inserting the following: "section".
 50 38. Page 4, line 19, by striking the figure "2."

Page 3

1 and inserting the following: "b."
 2 39. Page 4, by striking line 20 and inserting the
 3 following: "designee violated subsection 2, the
 4 director shall".
 5 40. Page 4, by striking line 24 and inserting the
 6 following:
 7 "c. Cooperation under this section shall be
 8 considered a".
 9 41. By renumbering as necessary.

PAULSEN of Linn	UPMEYER of Hancock
PETTENGILL of Benton	S. OLSON of Clinton
ALONS of Sioux	BAUDLER of Adair
GREINER of Washington	L. MILLER of Scott
JACOBS of Polk	DOLECHECK of Ringgold
BOAL of Polk	TYMESON of Madison
HORBACH of Tama	HUSEMAN of Cherokee
CHAMBERS of O'Brien	DRAKE of Pottawattamie
SANDS of Louisa	MAY of Dickinson
LUKAN of Dubuque	HEATON of Henry
FORRISTALL of Pottawattamie	ROBERTS of Carroll
WINDSCHITL of Harrison	RAECKER of Polk
STRUYK of Pottawattamie	GRASSLEY of Butler
SCHICKEL of Cerro Gordo	

H-8222

1 Amend Senate File 2312, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 1, line 1, through page 12,

4 line 26.
5 2. By striking page 13, line 28, through page 38,
6 line 12.
7 3. Page 59, by inserting after line 17 the
8 following:
9 "DIVISION _____
10 LOCAL GOVERNMENT ELECTIONS
11 Sec. ____ LOCAL GOVERNMENT ELECTIONS COMMITTEE.
12 1. There is established a local government
13 elections committee. The committee shall study the
14 following issues:
15 a. Specified dates of special elections for
16 counties, cities, school districts, and community
17 colleges.
18 b. The length of terms of office of school
19 district boards of directors and community college
20 boards of directors.
21 2. The local government elections committee shall
22 be comprised of the following members:
23 a. The secretary of state.
24 b. Two county auditors appointed by the Iowa state
25 association of counties.
26 c. Two representatives of cities appointed by the
27 Iowa league of cities.
28 d. Two representatives of school districts
29 appointed by the Iowa association of school boards.
30 e. Two representatives of community colleges
31 appointed by the Iowa association of community college
32 trustees.
33 f. Two members of the house of representatives,
34 one appointed by the speaker of the house of
35 representatives and one appointed by the minority
36 leader of the house of representatives.
37 g. Two members of the senate, one appointed by the
38 majority leader of the senate and one appointed by the
39 minority leader of the senate.
40 3. The secretary of state shall serve as
41 chairperson of the committee. Staffing assistance
42 shall be provided to the committee by the office of
43 secretary of state. Meetings of the committee shall
44 be at the call of the chairperson.
45 4. The local government elections committee shall
46 report to the general assembly no later than January
47 15, 2009. The report shall contain findings and
48 recommendations related to the issues described in
49 subsection 1."
50 4. Title page, by striking lines 2 and 3 and

Page 2

1 inserting the following: "registration and making
2 penalties applicable."

3 5. By renumbering as necessary.

WENDT of Woodbury

H-8223

1 Amend House File 2610 as follows:
2 1. Page 5, by inserting after line 25 the
3 following:
4 "Sec. ____, NEW SECTION. 715A.8A IDENTITY THEFT
5 - FALSIFYING DOCUMENTS.
6 It is an aggravated misdemeanor for a person to do
7 any of the following:
8 1. Make a driver's license, a nonoperator's
9 identification card, a blank driver's license form, or
10 any other form or document used to establish a
11 person's identity if the person has no authority or
12 right to make the license, card, or form in order to
13 assist an unauthorized alien to obtain employment.
14 2. Obtain, possess, or have in the person's
15 control or on the person's premises, driver's license
16 or nonoperator's identification card forms, or any
17 other forms or documents used to establish a person's
18 identity in order to assist an unauthorized alien to
19 obtain employment.
20 3. Obtain, possess, or have in the person's
21 control or on the person's premises, a driver's
22 license or a nonoperator's identification card, or
23 blank driver's license or nonoperator's identification
24 card form, or any other form or document which could
25 be used to establish a person's identity, which has
26 been made by a person having no authority or right to
27 make the license, card, or form in order to assist an
28 unauthorized alien to obtain employment.
29 4. Use a false or fictitious name in any
30 application for a driver's license or nonoperator's
31 identification card or to knowingly make a false
32 statement or knowingly conceal a material fact or
33 otherwise commit fraud on an application in order to
34 assist an unauthorized alien to obtain employment."
35 2. By renumbering as necessary.

- | | |
|------------------------|-----------------------------|
| S. OLSON of Clinton | ALONS of Sioux |
| GREINER of Washington | JACOBS of Polk |
| L. MILLER of Scott | DOLECHECK of Ringgold |
| BOAL of Polk | TYMESON of Madison |
| HORBACH of Tama | ROBERTS of Carroll |
| GRASSLEY of Butler | DE BOEF of Keokuk |
| HUSEMAN of Cherokee | CHAMBERS of O'Brien |
| DRAKE of Pottawattamie | SANDS of Louisa |
| MAY of Dickinson | WINDSCHITL of Harrison |
| LUKAN of Dubuque | RAECKER OF Polk |
| HEATON OF Henry | FORRISTALL of Pottawattamie |

H-8225

- 1 Amend House File 2610 as follows:
 2 1. Page 6, by inserting after 7 the following:
 3 "DIVISION _____
 4 MEMORANDUM OF UNDERSTANDING PROHIBITION
 5 Sec.____. NEW SECTION. MEMORANDUM OF
 6 UNDERSTANDING – PROHIBITION.
 7 This state and its political subdivisions and their
 8 employees are prohibited from signing any memorandum
 9 of understanding or other agreement with the United
 10 States department of homeland security or any other
 11 federal agency that would prevent or hinder the
 12 prosecution of employers, labor organizations, or
 13 individuals who knowingly aid unauthorized aliens."
 14 2. Title page, line 1, by inserting after the
 15 word "to" the following: "identity determination and
 16 protection and".
 17 3. Title page, line 3, by inserting after the
 18 word "individuals," the following: "and prohibiting
 19 the state from signing agreements that prevent
 20 employers and others from being prosecuted for aiding
 21 unauthorized aliens,".
 22 4. By renumbering as necessary.

GREINER of Washington	BOAL of Polk
DOLECHECK of Ringgold	TYMESON of Madison
HUSEMAN of Cherokee	SANDS of Louisa
MAY of Dickinson	LUKAN of Dubuque
WINDSCHITL of Harrison	STRUYK of Pottawattamie

H-8226

- 1 Amend House File 2610 as follows:
 2 1. Page 6, by inserting after line 7 the
 3 following:
 4 "DIVISION _____
 5 POLITICAL COMMITTEES
 6 Sec.____. NEW SECTION. 68A.506 PROHIBITED
 7 CONTRIBUTIONS.
 8 A political committee shall not contribute, act as
 9 an agent or intermediary for contributions, or arrange
 10 for the making of monetary contributions to a
 11 candidate or to a candidate's committee unless the
 12 political committee certifies that all individuals
 13 paying dues or making contributions to the political
 14 committee are United States citizens."
 15 2. Title page, line 1, by inserting after the
 16 word "to" the following: "identity determination and
 17 protection and".
 18 3. Title page, line 3, by inserting after the
 19 word "individuals," the following: "and requiring

20 political committees to verify the United States
 21 citizenship status of contributors."
 22 4. By renumbering as necessary.

BAUDLER of Adair
 L. MILLER of Scott
 DOLECHECK of Ringgold
 LUKAN of Dubuque
 WINDSCHITL of Harrison
 STRUYK of Pottawattamie

ALONS of Sioux
 GREINER of Washington
 HUSEMAN of Cherokee
 FORRISTALL of Pottawattamie
 RAECKER of Polk

H-8227

1 Amend House File 2610 as follows:
 2 1. Page 6, by inserting after line 7 the
 3 following:
 4 "DIVISION _____
 5 EMPLOYER INCENTIVE
 6 Sec. ____ NEW SECTION. 421.71 STATE AIDE –
 7 EMPLOYER ELIGIBILITY.
 8 1. An employer who chooses not to use the federal
 9 employment eligibility program as authorized by the
 10 federal Illegal Immigration Reform and Immigrant Act
 11 of 1996, Pub. L. No. 104-208, shall not be eligible
 12 for any developmental assistance.
 13 2. For the purposes of this section,
 14 "developmental assistance" means any form of public
 15 assistance, including tax expenditures, made for the
 16 purpose of stimulating the economic development of a
 17 corporation, industry, geographic jurisdiction, or any
 18 other sector of the state's economy, including but not
 19 limited to public assistance involving industrial
 20 development bonds, training grants, loans, loan
 21 guarantees, enterprise zones, empowerment zones, tax
 22 increment financing, fee waivers, land price
 23 subsidies, infrastructure constructed or improved for
 24 the benefit of a single business or defined group of
 25 businesses at the time it is built or improved,
 26 matching funds, tax abatements, tax credits and tax
 27 discounts of every kind, including corporate,
 28 franchise, personal income, sales and use, raw
 29 materials, real property, job creation, individual
 30 investment, excise, utility, inventory, accelerated
 31 depreciation, and research and development tax credits
 32 and discounts."
 33 2. Title page, line 3, by inserting after the
 34 word "individuals," the following: "and denying
 35 developmental assistance to employers who choose not
 36 to use the federal employment eligibility program,".
 37 3. By renumbering as necessary.

S. OLSON of Clinton

BAUDLER of Adair

ALONS of Sioux	GREINER of Washington
BOAL of Polk	DE BOEF of Keokuk
HUSEMAN of Cherokee	CHAMBERS of O'Brien
SANDS of Louisa	MAY of Dickinson
LUKAN of Dubuque	WINDSCHITL of Harrison
RAECKER of Polk	STRUYK of Pottawattamie
VAN ENGELNHOVEN of Marion	ARNOLD of Lucas
RASMUSSEN of Buchanan	

H-8228

1 Amend House File 2610 as follows:
 2 1. Page 5, by inserting after line 25 the
 3 following:
 4 "Sec. ____ NEW SECTION. 715A.8A IDENTITY THEFT
 5 – AIDING AND ABETTING.
 6 A person who knowingly assists an unauthorized
 7 alien obtain false identification in order to obtain
 8 employment commits the offense of identity theft under
 9 section 715A.8 by aiding and abetting the commission
 10 of the offense as provided in section 703.1."
 11 2. By renumbering as necessary.

ALONS of Sioux	PAULSEN of Linn
UPMEYER of Hancock	S. OLSON of Clinton
BAUDLER of Adair	L. MILLER of Scott
JACOBS of Polk	GREINER of Washington
BOAL of Polk	DOLECHECK of Ringgold
DE BOEF of Keokuk	HUSEMAN of Cherokee
CHAMBERS of O'Brien	TYMESON of Madison
DRAKE of Pottawattamie	MAY of Dickinson
SANDS of Louisa	LUKAN of Dubuque
HEATON of Henry	FORRISTALL of Pottawattamie
WINDSCHITL of Harrison	ROBERTS of Carroll
RAECKER of Polk	STRUYK of Pottawattamie
GRASSLEY of Butler	SCHICKEL of Cerro Gordo
VAN ENGELNHOVEN of Marion	ARNOLD of Lucas
RASMUSSEN of Buchanan	

H-8229

1 Amend House File 2610 as follows:
 2 1. Page 4, by inserting after line 27 the
 3 following:
 4 "Sec. ____ Section 321.177, Code 2007, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 10. To any person who is an
 7 unauthorized alien. For the purpose of this section,
 8 an "unauthorized alien" means a person who is not a
 9 citizen or legal resident and who has not been
 10 lawfully admitted to the United States pursuant to
 11 federal law."

12 2. Page 5, by inserting after line 12 the
 13 following:
 14 "Sec. ____ Section 321.190, subsection 1, Code
 15 2007, is amended by adding the following new
 16 paragraph:
 17 NEW PARAGRAPH. e. The department shall not issue
 18 a card to a person who is an unauthorized alien as
 19 defined in section 321.177."
 20 3. By renumbering as necessary.

PAULSEN of Linn	UPMEYER of Hancock
PETTENGILL of Benton	BAUDLER of Adair
ALONS of Sioux	JACOBS of Polk
BOAL of Polk	DOLECHECK of Ringgold
CHAMBERS of O'Brien	HUSEMAN of Cherokee
DRAKE of Pottawattamie	MAY of Dickinson
SANDS of Louisa	LUKAN of Dubuque
HEATON of Henry	FORRISTALL of Pottawattamie
WINDSCHITL of Harrison	ROBERTS of Carroll
RAECKER of Polk	STRUYK of Pottawattamie
GRASSLEY of Butler	SCHICKEL of Cerro Gordo
VAN ENGELENHOVEN of Marion	ARNOLD of Lucas
RASMUSSEN of Buchanan	

H-8230

1 Amend House File 2610 as follows:
 2 1. Page 6, by inserting after line 7 the
 3 following:
 4 "DIVISION _____
 5 EMPLOYMENT ELIGIBILITY
 6 Sec. ____ NEW SECTION. 91F.1 DEFINITIONS.
 7 1. "Commissioner" means the labor commissioner of
 8 the division of labor services of the department of
 9 workforce development.
 10 2. "Employee" means a natural person who is
 11 employed in this state for wages paid on an hourly
 12 basis by an employer.
 13 3. "Employer" means a person, as defined in
 14 section 4.1, who in this state employs for wages a
 15 natural person. An employer does not include a
 16 client, patient, customer, or other person who obtains
 17 professional services from a licensed person who
 18 provides the services on a fee service basis or as an
 19 independent contractor.
 20 Sec. ____ NEW SECTION. 91F.2 LEGAL RESIDENCY
 21 VERIFICATION.
 22 1. a. Every employer shall verify the lawful
 23 presence of its employees in the state.
 24 b. Employers shall use the federal employment
 25 eligibility program as authorized by the federal
 26 Illegal Immigration Reform and Immigrant

27 Responsibility Act of 1996, Pub. L. No. 104-208, and
 28 as administered by the department of homeland
 29 security's United States citizenship and immigration
 30 services bureau and the social security
 31 administration, to verify the legal residency or work
 32 status of all employees physically present in the
 33 state. An employer shall be required to show receipts
 34 from the federal program as proof of employees' legal
 35 residency or work status.
 36 2. The commissioner shall adopt rules pursuant to
 37 chapter 17A to establish a reasonable schedule and
 38 process for verification of legal residency of
 39 employees under this chapter."
 40 2. Page 15, line 21, by inserting after the
 41 figure "91E," the following: "91F".
 42 3. Page 16, line 2, by inserting after the figure
 43 "91E," the following: "91F".
 44 4. Title page, line 3, by inserting after the
 45 word "individuals," the following: "and requiring
 46 employers to verify employees' legal presence in the
 47 state,".
 48 5. By renumbering as necessary.

ALONS of Sioux	UPMEYER of Hancock
L. MILLER of Scott	GREINER of Washington
HUSEMAN of Cherokee	CHAMBERS of O'Brien
DRAKE of Pottawattamie	SANDS of Louisa
HEATON of Henry	WINDSCHITL of Harrison
GRASSLEY of Butler	SCHICKEL of Cerro Gordo

H-8231

1 Amend House File 2610 as follows:
 2 1. Page 6, by inserting after line 7 the
 3 following:
 4 "DIVISION _____
 5 EMPLOYMENT PROHIBITIONS
 6 Sec. . NEW SECTION. 91F.1 DEFINITIONS.
 7 As used in this chapter:
 8 1. "Commissioner" means the labor commissioner
 9 appointed pursuant to section 91.2 or the labor
 10 commissioner's designee.
 11 2. "Employee" means a natural person who is
 12 employed in this state for wages paid on an hourly
 13 basis by an employer.
 14 3. "Employer" means a person, as defined in
 15 section 4.1, who in this state employs for wages, paid
 16 on an hourly basis, one or more natural persons. An
 17 employer does not include a client, patient, customer,
 18 or other person who obtains professional services from
 19 a licensed person who provides the services on a fee
 20 service basis or as an independent contractor, or the

21 state, or an agency or governmental subdivision of the
22 state.

23 4. "Unauthorized alien" means a person who is not
24 lawfully present in the United States.

25 Sec. ____ NEW SECTION. 91F.2 UNAUTHORIZED ALIENS
26 – EMPLOYER PROHIBITION.

27 An employer shall not knowingly employ as an
28 employee an unauthorized alien. For purposes of this
29 section, "knowingly employ as an employee an
30 unauthorized alien" means an employer has actual
31 knowledge that a person is an unauthorized alien and
32 employs the person as an employee. An employer who
33 obtains a verification receipt of employment
34 eligibility from the program authorized by the federal
35 Illegal Immigration Reform and Immigrant
36 Responsibility Act of 1996, Pub. L. No. 104-208, shall
37 not be considered in violation of this chapter.

38 Sec. ____ NEW SECTION. 91F.3 PENALTIES.

39 1. An employer who violates section 91F.2 is
40 subject to a civil penalty of up to ten thousand
41 dollars.

42 2. A corporate officer of an employer who, by
43 knowingly directing the repeated violation of section
44 91F.2, demonstrates a pattern of employing
45 unauthorized aliens commits a serious misdemeanor.

46 3. An employer who, through repeated violation of
47 section 91F.2, demonstrates a pattern of employing
48 unauthorized aliens may be ordered to pay punitive
49 damages.

50 Sec. ____ NEW SECTION. 91F.4 DUTIES AND

Page 2

1 AUTHORITY OF THE COMMISSIONER – ENFORCEMENT BY COUNTY
2 ATTORNEY.

3 1. The commissioner shall adopt rules to implement
4 and enforce this chapter.

5 2. In order to carry out the purposes of this
6 chapter, the commissioner or the commissioner's
7 representative, upon presenting appropriate
8 credentials to an employer's owner, operator, or agent
9 in charge, may:

10 a. Inspect employment records relating to the
11 employees of the employer.

12 b. Interview an employer, owner, operator, agent,
13 or employee, during working hours or at other
14 reasonable times.

15 3. If the commissioner has reason to believe that
16 an employer may be in violation of this chapter, the
17 commissioner shall notify the appropriate county
18 attorney, and provide the county attorney with any
19 supporting information, for prosecution of the

20 violation.
 21 Sec.____. NEW SECTION. 91F.5 PROHIBITIONS
 22 RELATING TO CERTAIN ACTIONS BY EMPLOYEES – PENALTY –
 23 CIVIL REMEDY.
 24 1. An employer shall not discharge an employee or
 25 take or fail to take action regarding an employee's
 26 appointment or proposed appointment or promotion or
 27 proposed promotion, or regarding any advantage of an
 28 employee as a reprisal for a failure by that employee
 29 to inform the employer that the employee made a
 30 disclosure of information to any law enforcement
 31 agency if the employee reasonably believes the
 32 information evidences a violation of section 91F.2.
 33 2. Subsection 1 does not apply if the disclosure
 34 of the information is prohibited by statute.
 35 3. An employer who violates subsection 1 commits a
 36 serious misdemeanor.
 37 4. Subsection 1 may be enforced through a civil
 38 action.
 39 a. An employer who violates subsection 1 is liable
 40 to an aggrieved employee for affirmative relief,
 41 including reinstatement, with or without back pay, or
 42 any other equitable relief the court deems
 43 appropriate, including attorney fees and costs.
 44 b. If an employer commits, is committing, or
 45 proposes to commit an act in violation of subsection
 46 1, an injunction may be granted through an action in
 47 district court to prohibit the person from continuing
 48 such acts. The action for injunctive relief may be
 49 brought by an aggrieved employee or the county
 50 attorney."

Page 3

1 2. Title page, line 3, by inserting after the
 2 word "individuals," the following: "and prohibiting
 3 employers from knowingly employing unauthorized
 4 aliens,".
 5 3. By renumbering as necessary.

PAULSEN of Linn	UPMEYER of Hancock
PETTENGILL of Benton	BAUDLER of Adair
ALONS of Sioux	JACOBS of Polk
GREINER of Washington	BOAL of Polk
DOLECHECK of Ringgold	HORBACH of Tama
TYMESON of Madison	DRAKE of Pottawattamie
HEATON of Henry	FORRISTALL of Pottawattamie
WINDSCHITL of Harrison	RAECKER of Polk
STRUYK of Pottawattamie	GRASSLEY of Butler
SCHICKEL of Cerro Gordo	VAN ENGELENHOVEN of Marion
ARNOLD of Lucas	RASMUSSEN of Buchanan

H-8232

1 Amend House File 2610 as follows:
 2 1. Page 4, by inserting after line 27 the
 3 following:
 4 "Sec. ____ NEW SECTION. 10A.905 REPORTING
 5 REQUIREMENT.
 6 The administrator shall submit an annual report
 7 about the administration of this article to the
 8 general assembly by January 15. The first annual
 9 report shall be due January 15, 2010."
 10 2. Page 13, by inserting after line 28 the
 11 following:
 12 "Sec. ____ NEW SECTION. 91G.12 REPORTING
 13 REQUIREMENT.
 14 The commissioner shall submit an annual report
 15 about the administration of this chapter to the
 16 general assembly by January 15. The first annual
 17 report shall be due January 15, 2010."
 18 3. By renumbering as necessary.

GREINER of Washington	ALONS of Sioux
L. MILLER of Scott	BOAL of Polk
HUSEMAN of Cherokee	DRAKE of Pottawattamie
SANDS of Louisa	MAY of Dickinson
LUKAN of Dubuque	FORRISTALL of Pottawattamie
ROBERTS of Carroll	RAECKER of Polk

H-8233

1 Amend House File 2610 as follows:
 2 1. Page 6, by inserting after line 7 the
 3 following:
 4 "DIVISION _____
 5 TRANSPORTATION OF UNAUTHORIZED ALIENS
 6 Sec. ____ NEW SECTION. 710B.1 TRANSPORTATION AND
 7 CONCEALMENT OF UNAUTHORIZED ALIENS.
 8 1. It shall be unlawful for any person to
 9 transport, move, conceal, harbor, or shelter, or
 10 attempt to transport, an unauthorized alien in this
 11 state knowing or in reckless disregard of the fact
 12 that the person is an unauthorized alien.
 13 2. For purposes of this section, "unauthorized
 14 alien" means a person who is not a citizen or legal
 15 resident and who has not been lawfully admitted to the
 16 United States pursuant to federal law.
 17 3. A person who violates this section commits a
 18 class "D" felony.
 19 4. To the extent that acts of transporting or
 20 harboring of an unauthorized alien is permitted under
 21 federal law or are the result of regulated public
 22 health services provided by a private charity funded

- 23 by private moneys, such acts do not constitute a
- 24 violation under this section."
- 25 2. Title page, line 1, by inserting after the
- 26 word "to" the following: "the perpetration of
- 27 identity theft and".
- 28 3. Title page, line 3, by inserting after the
- 29 word "individuals," the following: "and criminalizing
- 30 the transporting and harboring of unauthorized
- 31 aliens,".
- 32 4. By renumbering as necessary.

BAUDLER of Adair	ALONS of Sioux
BOAL of Polk	JACOBS of Polk
L. MILLER of Scott	GREINER of Washington
DOLECHECK of Ringgold	HUSEMAN of Cherokee
DE BOEF of Keokuk	CHAMBERS of O'Brien
HORBACH of Tama	VAN ENGELNHOVEN of Marion
GRASSLEY of Butler	TYMESON of Madison
MAY of Dickinson	DRAKE of Pottawattamie
SANDS of Louisa	LUKAN of Dubuque
HEATON of Henry	FORRISTALL of Pottawattamie
WINDSCHITL of Harrison	RAECKER of Polk
STRUYK of Pottawattamie	ARNOLD of Lucas
RASMUSSEN of Buchanan	

H-8234

- 1 Amend Senate File 2312, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 1, through page 12,
- 4 line 26.
- 5 2. By striking page 13, line 32, through page 14,
- 6 line 20, and inserting the following:
- 7 "NEW SUBSECTION. 4. Unless otherwise provided by
- 8 law, for a county, special elections on public
- 9 measures are limited to the day of the general
- 10 election, the day of the regular city election, on the
- 11 date of a special election held to fill a vacancy in
- 12 the same county, on the first Tuesday in March or the
- 13 first Tuesday in May of each year, or on a Tuesday in
- 14 one other month during the year as determined by the
- 15 board of supervisors."
- 16 3. Page 14, line 34, by striking the words "city
- 17 council or a".
- 18 4. Page 16, by striking lines 17 through 19 and
- 19 inserting the following: "regular or special election
- 20 and, for a county, may only be submitted on a date
- 21 specified in section 39.2, subsection 4."
- 22 5. Page 16, line 33, by striking the words "1
- 23 paragraph "a"".
- 24 6. Page 17, line 18, by striking the words "1
- 25 paragraph "a"".

26 7. Page 17, by striking lines 30 through 32 and
 27 inserting the following: "setting out the proposed
 28 merger plan. If the political subdivision is a
 29 county, the election shall be held on a date specified
 30 in section 39.2, subsection 4. The vote will be
 31 taken".

32 8. By striking page 18, line 4, through page 30,
 33 line 9.

34 9. Page 30, by striking lines 16 through 21 and
 35 inserting the following: "331.306 shall, ~~at a regular~~
 36 ~~city election or a general election if one is to be~~
 37 ~~held within seventy four days from the filing of the~~
 38 ~~petition, or otherwise at a special election called~~
 39 ~~for that purpose,~~ submit to the voters the question as
 40 to whether".

41 10. Page 30, line 23, by inserting after the word
 42 "commission." the following: "If the election is
 43 called by a city, the election shall be held at a
 44 regular city election or a general election if one is
 45 to be held within seventy-four days from the filing of
 46 the petition, or otherwise at a special election
 47 called for that purpose. If the election is called by
 48 a county, the election shall be held on a date
 49 specified in section 39.2, subsection 4."

50 11. Page 31, by striking lines 8 and 9 and

Page 2

1 inserting the following: "held on a date specified in
 2 section 39.2, subsection 4. An affirmative vote of
 3 a".

4 12. By striking page 33, line 22, through page
 5 36, line 16.

6 13. Title page, by striking line 3 and inserting
 7 the following: "an applicability date provision."

8 14. By renumbering as necessary.

WENDT of Woodbury

H-8236

1 Amend House File 2651 as follows:

2 1. Page 1, by inserting after line 4 the
 3 following:

4 "Sec. . NEW SECTION. 321.34A RESTRICTED
 5 DRIVER REGISTRATION PLATES.

6 1. Upon application to the county treasurer, the
 7 owner of a motor vehicle subject to registration shall
 8 be issued restricted driver registration plates at no
 9 charge in exchange for the regular or special
 10 registration plates issued for the vehicle under
 11 section 321.34. If the application is for a new

12 registration, the restricted driver registration
13 plates shall be issued in lieu of regular registration
14 plates upon payment of the regular annual registration
15 fee for the vehicle.

16 2. Restricted driver registration plates, to be
17 designed by the department, shall be of a different
18 color than regular registration plates and bear a
19 unique series of alphanumeric characters so as to be
20 readily identified by peace officers. Application for
21 or acceptance of restricted driver registration plates
22 constitutes implied consent for a peace officer to
23 stop the vehicle bearing the restricted driver
24 registration plates at any time. A peace officer who
25 observes the operation of a motor vehicle displaying
26 restricted driver registration plates may stop the
27 vehicle for the purpose of determining whether the
28 driver is operating the vehicle lawfully under a valid
29 driver's license.

30 3. Restricted driver registration plates expire on
31 the same date as the registration plates they replace
32 and shall be validated by the county treasurer in the
33 same manner as regular registration plates are
34 validated upon payment of the annual registration fee
35 for the vehicle.

36 4. Except as provided in section 321J.20,
37 subsection 8, upon application by the owner of a motor
38 vehicle, the county treasurer shall issue regular or
39 special registration plates, under the terms and
40 conditions in section 321.34 and subject to applicable
41 fees, in exchange for restricted driver registration
42 plates.

43 5. It is a simple misdemeanor for a person to do
44 any of the following:

45 a. Knowingly disguise or obscure the color of
46 restricted driver registration plates.

47 b. Knowingly operate a motor vehicle displaying
48 restricted driver registration plates that have been
49 disguised or obscured."

50 2. Page 6, by inserting after line 12 the

Page 2

1 following:

2 "Sec.____. Section 321J.20, Code Supplement 2007,
3 is amended by adding the following new subsection:

4 NEW SUBSECTION. 8. a. Prior to issuing a
5 temporary restricted license under this section to a
6 person whose driver's license or nonresident operating
7 privilege has been revoked for a second or subsequent
8 time under this chapter, the department shall require
9 the surrender of the registration plates issued under
10 section 321.34 for the following motor vehicles, as

11 identified by the department, which are not already
12 legally impounded:

13 (1) Any motor vehicle registered to the person
14 whose license is revoked, individually or jointly.

15 (2) Any motor vehicle for which the person whose
16 license is revoked is listed on the certificate of
17 title as the owner or co-owner.

18 (3) Any leased motor vehicle required to be
19 registered under section 321F.8, if the person whose
20 license is revoked is listed as the lessee or
21 co-lessee.

22 b. The department shall issue restricted driver
23 registration plates as provided in section 321.34A in
24 exchange for the surrendered plates for each motor
25 vehicle listed under paragraph "a".

26 c. A registered owner of a motor vehicle issued
27 restricted driver registration plates under this
28 subsection shall not sell the motor vehicle during the
29 time it is registered with restricted driver
30 registration plates unless the registered owner
31 applies to the department for consent to transfer
32 title to the motor vehicle. If the department is
33 satisfied that the proposed sale is in good faith and
34 for valid consideration, that the registered owner
35 will be deprived of custody and control of the motor
36 vehicle, and that the sale is not for the purpose of
37 circumventing the provisions of this subsection, the
38 department may certify its consent to the county
39 treasurer. The county treasurer shall then transfer
40 the title to the new owner upon proper application and
41 issue new registration plates. If the title to the
42 motor vehicle is transferred by the cancellation of a
43 conditional sales contract, a sale upon execution, or
44 by decree or order of a court of competent
45 jurisdiction after the registration plates have been
46 ordered surrendered under this subsection, the
47 department shall order the title surrendered to the
48 new registered owner. The county treasurer shall then
49 transfer the title to the new owner and issue new
50 registration plates pursuant to section 321.34. If a

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1 person holding a temporary restricted license issued
2 under this section following a second or subsequent
3 revocation under this chapter applies for a new motor
4 vehicle registration of a type listed under paragraph
5 "a", the county treasurer shall issue restricted
6 driver registration plates for the vehicle upon
7 payment of the annual registration fee for the

8 vehicle.

9 d. When the period of revocation of the person's
 10 noncommercial driver's license under this chapter
 11 expires, the owner of a motor vehicle issued
 12 restricted driver registration plates under this
 13 subsection may apply to the county treasurer for
 14 regular or special registration plates for the
 15 vehicle, under the terms and conditions in section
 16 321.34 and subject to applicable fees. When satisfied
 17 that the period of license revocation under this
 18 chapter is expired, and upon payment of any required
 19 fees, the county treasurer shall issue regular or
 20 special registration plates for the vehicle in
 21 exchange for the restricted driver registration
 22 plates.

23 e. A person holding a temporary restricted license
 24 issued by the department under this section following
 25 a second or subsequent revocation under this chapter
 26 shall not operate a motor vehicle other than a motor
 27 vehicle displaying restricted driver registration
 28 plates issued pursuant to section 321.34A and this
 29 section."

30 3. Title page, line 15, by inserting after the
 31 word "vehicles," the following: "the use of
 32 restricted driver motor vehicle registration plates to
 33 identify certain drivers issued a temporary restricted
 34 driver's license,".

35 4. Title page, line 17, by inserting after the
 36 word "bonds," the following: "providing penalties,".

37 5. By renumbering as necessary.

KAUFMANN of Cedar

H-8237

1 Amend Senate File 2312, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 40, by inserting after line 22 the
 4 following:

5 "Sec. _____. Section 48A.7A, subsection 1, paragraph
 6 b, subparagraph (1), unnumbered paragraph 1, Code
 7 Supplement 2007, is amended to read as follows:

8 For purposes of this section, a person may
 9 establish identity and residence by presenting to the
 10 appropriate precinct election official a current and
 11 valid Iowa driver's license or Iowa nonoperator's
 12 identification card or by presenting any of the
 13 following current and valid forms of identification if
 14 such identification contains the person's photograph,
 15 ~~and~~ a validity expiration date, and proof that the
 16 person has resided in Iowa for at least the previous
 17 eleven days:"

- 18 2. Page 40, line 29, by inserting after the word
 19 "precinct" the following: "and proof that the person
 20 has resided in Iowa for at least the previous eleven
 21 days".
 22 3. By renumbering as necessary.

JACOBS of Polk

H-8238

- 1 Amend Senate File 2312, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 41, by inserting after line 13 the
 4 following:
 5 "Sec. _____. Section 48A.7A, Code Supplement 2007,
 6 is amended by adding the following new subsection:
 7 NEW SUBSECTION. 3A. A person registering to vote
 8 under this section shall cast a provisional ballot in
 9 the manner prescribed by section 49.81."
 10 2. Page 44, by inserting after line 31 the
 11 following:
 12 "Sec. _____. Section 49.77, subsection 4, paragraph
 13 b, Code Supplement 2007, is amended to read as
 14 follows:
 15 b. If the voter informs the precinct election
 16 official that the voter resides in the precinct and is
 17 not registered to vote, the voter may register to vote
 18 pursuant to section 48A.7A and cast a ballot—~~If in~~
 19 the manner prescribed by section 49.81, including when
 20 such a voter is unable to establish identity and
 21 residency in the manner provided in section 48A.7A,
 22 subsection 1, paragraph "b" or "c",~~the voter shall be~~
 23 ~~allowed to cast a ballot in the manner prescribed by~~
 24 ~~section 49.81."~~
 25 3. By renumbering as necessary.

TYMESON of Madison

H-8239

- 1 Amend House File 2610 as follows:
 2 1. Page 4, by inserting after line 23 the
 3 following:
 4 "_____. a. Upon determining that an employee is
 5 using false identity information, all state agencies
 6 shall investigate whether the employee has violated
 7 any laws.
 8 b. The following state agencies shall take the
 9 following action:
 10 (1) The secretary of state's office shall remove
 11 the employee's false identity information from the
 12 voter registration list, as applicable, pursuant to
 13 voter qualification requirements in section 48A.5.

- 14 (2) The department of transportation shall remove
 15 the employee's false identity information from the
 16 agency's driver's license records, as applicable.
 17 (3) The department of human services shall
 18 investigate the employee's possible use of the false
 19 identity information to gain access to federal and
 20 state resources."
 21 2. By renumbering as necessary.

PETTENGILL of Benton

H-8240

- 1 Amend House File 2610 as follows:
 2 1. Page 4, by inserting after line 27 the
 3 following:
 4 "Sec. . NEW SECTION. 22.15 PROTECTION OF
 5 PERSONAL INFORMATION – DESTRUCTION OF PUBLIC RECORDS
 6 – PENALTY.
 7 1. "Personal information" means an individual's
 8 first name or first initial and last name in
 9 combination with any one or more of the following data
 10 elements that relate to the individual if neither the
 11 name nor the data elements are encrypted, redacted, or
 12 otherwise altered by any method or technology in such
 13 a manner that the name or data elements are
 14 unreadable:
 15 a. Social security number.
 16 b. Driver's license number or other unique
 17 identification number created or collected by a
 18 government body.
 19 c. Financial account number, credit card number,
 20 or debit card number in combination with any required
 21 security code, access code, or password that would
 22 permit access to an individual's financial account.
 23 d. Unique electronic identifier or routing code,
 24 in combination with any required security code, access
 25 code, or password.
 26 e. Unique biometric data, such as a fingerprint,
 27 voice print or recording, retina or iris image, or
 28 other unique physical representation or digital
 29 representation of the biometric data.
 30 2. Unless otherwise required by federal or state
 31 law, each government body shall take reasonable steps
 32 to destroy or arrange for the destruction of a public
 33 record, or portion thereof, containing personal
 34 information within its control, which is no longer
 35 required to be retained by the government body.
 36 Destruction of a public record, or portion thereof,
 37 shall be in accordance with the following minimum
 38 standards:
 39 a. Paper documents containing personal information

40 shall be either redacted, burned, pulverized, or
 41 shredded so that personal information cannot
 42 practicably be read or reconstructed.
 43 b. Electronic media and other nonpaper media
 44 containing personal information shall be destroyed or
 45 erased so that personal information cannot practicably
 46 be read, reconstructed, or deciphered through any
 47 means.
 48 3. A government body may contract with a third
 49 party to destroy public records containing personal
 50 information in accordance with the requirements of

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1 this section. Any third party hired to destroy public
 2 records containing personal information shall
 3 implement and monitor compliance with policies and
 4 procedures that prohibit unauthorized access to or
 5 acquisition of or use of personal information during
 6 the collection, transportation, and destruction of
 7 personal information.

8 4. A government body or third party that violates
 9 the provisions of this section shall be subject to a
 10 civil penalty of not more than one hundred dollars per
 11 public record affected, provided such penalty shall
 12 not exceed fifty thousand dollars for each instance of
 13 improper destruction. The office of attorney general
 14 or a county attorney may enforce the provisions of
 15 this section."

16 2. Page 6, by inserting after line 7 the
 17 following:

18 "Sec.____. IMPLEMENTATION OF ACT. Section 25B.2,
 19 subsection 3, shall not apply to the section of this
 20 Act enacting section 22.15."

21 3. Title page, line 1, by inserting after the
 22 word "to" the following: "identity determination and
 23 protection and".

24 4. Title page, line 3, by inserting after the
 25 word "individuals," the following: "and requiring the
 26 destruction of certain public records containing
 27 personal information,".

28 5. By renumbering as necessary.

PETTENGILL of Benton

H-8243

1 Amend House File 2393 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. Section 2.56, subsection 1, Code 2007,
 5 is amended to read as follows:

6 1. Prior to debate on the floor of a chamber of

7 the general assembly, a correctional impact statement
 8 shall be attached to any bill, joint resolution, or
 9 amendment which proposes a change in the law which
 10 creates a public offense, significantly changes an
 11 existing public offense or the penalty for an existing
 12 offense, or changes existing sentencing, parole, or
 13 probation procedures. The statement shall include
 14 information concerning the estimated number of
 15 criminal cases per year that the legislation will
 16 impact, the fiscal impact of confining persons
 17 pursuant to the legislation, the impact of the
 18 legislation on minorities, the impact of the
 19 legislation upon existing correctional institutions,
 20 community-based correctional facilities and services,
 21 and jails, the likelihood that the legislation may
 22 create a need for additional prison capacity, and
 23 other relevant matters. The statement shall be
 24 factual and shall, if possible, provide a reasonable
 25 estimate of both the immediate effect and the
 26 long-range impact upon prison capacity.

27 Sec. 2. Section 2.56, Code 2007, is amended by
 28 adding the following new subsection:

29 NEW SUBSECTION. 4A. The legislative services
 30 agency in cooperation with the division of criminal
 31 and juvenile justice planning of the department of
 32 human rights shall develop a protocol for analyzing
 33 the impact of the legislation on minorities.

34 Sec. 3. NEW SECTION. 8.11 GRANT APPLICATIONS –
 35 MINORITY IMPACT STATEMENTS.

36 1. Each application for a grant from a state
 37 agency shall include a minority impact statement that
 38 contains the following information:

- 39 a. Any disproportionate or unique impact of
 40 proposed policies or programs on minority persons in
 41 this state.
- 42 b. A rationale for the existence of programs or
 43 policies having an impact on minority persons in this
 44 state.
- 45 c. Evidence of consultation of representatives of
 46 minority persons in cases where a policy or program
 47 has an identifiable impact on minority persons in this
 48 state.

49 2. For the purposes of this section, the following
 50 definitions shall apply:

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1 a. "Disability" means the same as provided in
 2 section 15.102, subsection 5, paragraph "b",
 3 subparagraph (1).

4 b. "Minority persons" includes individuals who are
 5 women, persons with a disability, Blacks, Latinos,
 6 Asians or Pacific Islanders, American Indians, and

7 Alaskan Native Americans.

8 c. "State agency" means a department, board,
9 bureau, commission, or other agency or authority of
10 the state of Iowa.

11 3. The office of grants enterprise management
12 shall create and distribute a minority impact
13 statement form for state agencies and ensure its
14 inclusion with applications for grants.

15 4. The directives of this section shall be carried
16 out to the extent consistent with federal law.

17 5. The minority impact statement shall be used for
18 informational purposes.

19 Sec. 4. EFFECTIVE AND APPLICABILITY DATES. This
20 Act takes effect July 1, 2008, and shall apply to
21 grants for which applications are due beginning
22 January 1, 2009."

23 2. Title page, by striking lines 1 through 4 and
24 inserting the following: "An Act providing
25 requirements for minority impact statements in
26 relation to state grant applications and correctional
27 impact statements for legislation, and providing
28 effective and applicability dates."

29 3. By renumbering as necessary.

SMITH of Marshall
SWAIM of Davis
TOMENGA of Polk

FORD of Polk
ABDUL-SAMAD of Polk
HEATON of Henry

H-8244

1 Amend Senate File 2347, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, lines 12 and 13, by striking the words
4 "rebuild Iowa infrastructure fund" and inserting the
5 following: "general fund of the state".

6 2. Page 2, by striking lines 18 and 19 and
7 inserting the following: "established in section
8 47.10:"

9 3. Page 2, line 26, by striking the words
10 "rebuild Iowa infrastructure fund" and inserting the
11 following: "general fund of the state".

12 4. By striking page 3, line 7, through page 4,
13 line 9.

14 5. Title page, line 4, by striking the words
15 "reducing certain appropriations,".

16 6. By renumbering as necessary.

JACOBS of Polk
RAECKER of Polk

H-8246

- 1 Amend House File 2624 as follows:
2 1. Page 1, line 6, by striking the words
3 "exonerate the person" and inserting the following:
4 "expunge the record".
5 2. Page 1, by striking lines 9 and 10 and
6 inserting the following: "two-year period, the
7 records shall be expunged. The court shall enter an
8 order".
9 3. Page 1, line 11, by striking the words
10 "exonerating the person" and inserting the following:
11 "expunging the record".
12 4. Page 1, line 11, by striking the word
13 "ordering" and inserting the following: "order".

STRUYK of Pottawattamie

H-8247

- 1 Amend House File 2617 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 504.132 SECRETARY OF
5 STATE – INTERNET SITE.
6 The secretary of state shall place on the secretary
7 of state's internet site a link to the internal
8 revenue service's internet site for internal revenue
9 service forms 990 and 990EZ."
10 2. Title page, by striking lines 1 through 4 and
11 inserting the following: "An Act requiring certain
12 links on the internet site of the secretary of state."

MASCHER of Johnson

H-8248

- 1 Amend House File 2527 as follows:
2 1. Page 1, line 25, by striking the words "an
3 aggravated misdemeanor" and inserting the following:
4 "indecent exposure by electronic transmission of an
5 image".
6 2. By striking page 1, line 30, through page 2,
7 line 3, and inserting the following:
8 "2. A person who commits indecent exposure by
9 electronic transmission of an image is guilty of an
10 aggravated misdemeanor."

BERRY of Black Hawk

H-8249

1 Amend House File 2326 as follows:

2 1. Page 1, by striking lines 1 and 2 and
3 inserting the following:

4 "Section 1. Section 88A.3, Code 2007, is amended
5 to read as follows:

6 88A.3 RULES.

7 The commissioner shall adopt ~~and issue~~ rules for
8 the safe installation, repair, maintenance, use,
9 operation, and inspection of amusement devices,
10 amusement rides, concession booths, and related
11 electrical equipment at carnivals and fairs to the
12 extent necessary for the protection of the public.
13 The rules shall be based ~~upon~~ on generally accepted
14 engineering standards and shall be concerned with, but
15 not necessarily limited to, engineering force
16 stresses, safety devices, and preventive maintenance.
17 ~~Whenever such~~ If standards are available in suitable
18 form ~~they, the standards~~ may be incorporated by
19 reference. The rules shall provide for the reporting
20 of accidents and injuries incurred from the operation
21 of amusement devices or rides, concession booths, or
22 related electrical equipment.

23 The commissioner may modify or repeal any rule
24 adopted under the provisions of this chapter.

25 Sec. 2. Section 88A.4, Code 2007, is amended to
26 read as follows:

27 88A.4 PERMIT AND INSPECTION FEES ~~NONLIABILITY~~
28 AND SPECIAL INSPECTORS.

29 Annual inspection fees under this chapter shall be
30 as follows:

31 1. Permit fees.

32 a. One through ten rides, or devices or
33 concessions, ~~twenty thirty~~ dollars.

34 b. Eleven or more rides, or devices or
35 concessions, ~~thirty forty~~ dollars.

36 2. Mechanical and electrical inspection fees for
37 amusement rides and devices.

38 a. For rides which are designed for seventy-five
39 pounds or less per passenger unit, ~~sixty seventy-five~~
40 dollars for each inspection.

41 b. For rides which are designed for seventy-five
42 pounds or more and for which the manufacturer's
43 recommended assembly time is less than forty work
44 hours, ~~ninety one hundred ten~~ dollars for each
45 inspection.

46 c. For rides for which the manufacturer's
47 recommended assembly time is forty work hours or more,
48 ~~one hundred twenty~~ two hundred fifty dollars for each
49 inspection.

50 3. Electrical inspection of concession booths, and

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1 amusement devices fees, ~~thirty five~~ forty dollars
 2 each.

3 ~~4. Special inspectors authorization fee,
 4 twenty five dollars each. The special inspectors
 5 authorization shall allow a person to perform
 6 inspections only on rides, devices, and concession
 7 booths of an operator who makes the request for the
 8 special inspectors authorization. The failure of a
 9 special inspector to inform the commissioner of
 10 violations shall not subject the commissioner to
 11 liability for any damages incurred.~~

12 Sec. 3. EFFECTIVE DATE. The portion of the
 13 section of this Act amending section 88A.4,
 14 subsections 1 through 3, takes effect January 1,
 15 2009."

16 2. Title page, line 1, by striking the words
 17 "inspections conducted by" and inserting the
 18 following: "inspection fees and".

19 3. Title page, line 3, by inserting after the
 20 word "development" the following: "and providing an
 21 effective date".

HUSER of Polk

H-8252

1 Amend House File 2621 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following:

4 "Section 1. Section 6A.22, subsection 2, Code
 5 2007, is amended by adding the following new
 6 paragraph:

7 NEW PARAGRAPH. d. Notwithstanding paragraphs "a",
 8 "b", and "c", "public use", "public purpose", or
 9 "public improvement" does not include any project that
 10 receives a state appropriation or that receives or is
 11 awarded state funds or other funding by means of
 12 incentives, as authorized pursuant to chapter 12, 15,
 13 15A, 15E, 15F, 15G, or 16."

14 2. Page 1, by inserting after line 8 the
 15 following:

16 "Sec.____. EFFECTIVE DATE. The section of this
 17 Act amending section 6A.22, being deemed of immediate
 18 importance, takes effect upon enactment."

19 3. Title page, line 1, by inserting after the
 20 words "relating to" the following: "economic
 21 development by affecting eminent domain authority for
 22 certain projects and modifying".

23 4. Title page, line 2, by inserting after the
 24 word "fund" the following: ", and providing an

25 effective date".

KAUFMANN of Cedar
TYMESON of Madison

H-8254

1 Amend the amendment, H-8150, to House File 2651 as
2 follows:

3 1. Page 2, by inserting after line 11 the
4 following:

5 "____. Page 10, by inserting after line 31 the
6 following:

7 "Sec.____. HEAVY HAULER FEE STUDY. The department
8 of transportation, in consultation with
9 representatives of the trucking industry in Iowa and
10 other interested parties, shall conduct a study of the
11 registration and permit fees imposed on owners of
12 commercial vehicles used for hauling loads in excess
13 of two hundred fifty thousand pounds. In conducting
14 the study, the department shall compare Iowa's fees
15 with fees imposed on similar vehicles registered in
16 states bordering Iowa and identify any areas in which
17 the difference in fees creates a competitive
18 disadvantage for the owner of a commercial vehicle in
19 Iowa who competes for business with owners of
20 commercial vehicles registered in a neighboring state.
21 The department, in consultation with participants in
22 the study, shall consider a waiver process or other
23 methods by which Iowa's registration and permit fees
24 could be modified as necessary to minimize or
25 eliminate any competitive disadvantage identified in
26 the study while minimizing the impact on overall
27 revenue accruing to the road use tax fund. The
28 department shall report its findings and
29 recommendations, including a legislative proposal, to
30 the general assembly on or before January 1, 2009."
31 2. By renumbering as necessary.

ALONS of Sioux

H-8256

1 Amend the amendment, H-8206, to House File 2583 as
2 follows:

3 1. Page 1, by inserting after line 1 the
4 following:

5 "____. Page 1, line 7, by inserting after the word
6 "thirty" the following: "business".

7 2. Page 1, by inserting after line 3 the
8 following:

9 "____. Page 1, line 16, by inserting after the

10 word "fourteen" the following: "business".
 11 3. By renumbering as necessary.

HORBACH of Tama

H-8257

1 Amend House File 2583 as follows:
 2 1. Page 1, line 7, by inserting after the word
 3 "thirty" the following: "business".
 4 2. Page 1, line 16, by inserting after the word
 5 "fourteen" the following: "business".

HORBACH of Tama

H-8259

1 Amend House File 2567 as follows:
 2 1. Page 1, line 14, by inserting after the figure
 3 "3." the following: "This paragraph "w" is not
 4 applicable to the payment of compensation for an
 5 injury described in paragraph "u"."

R. OLSON of Polk

H-8260

1 Amend the amendment, H-8096, to House File 2393 as
 2 follows:
 3 1. Page 2, by inserting after line 16 the
 4 following:
 5 "5. The minority impact statement shall be used
 6 for informational purposes."

FORD of Polk

H-8262

1 Amend House File 2660 as follows:
 2 1. Page 1, line 14, by striking the figure
 3 "9,437,720" and inserting the following: "9,055,432".
 4 2. Page 1, by inserting after line 15 the
 5 following:
 6 "It is the intent of the general assembly that if
 7 \$382,288 in additional funding becomes available, the
 8 funds will be appropriated to the department of
 9 justice."
 10 3. Page 3, line 26, by striking the figure
 11 "30,894,866" and inserting the following:
 12 "31,086,010".
 13 4. Page 4, line 7, by striking the figure
 14 "26,331,092" and inserting the following:

15 "26,522,236".

16 5. Page 5, by striking lines 5 through 9.

HORBACH of Tama

H-8263

1 Amend Senate File 2312, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by striking lines 11 and 12 and
4 inserting the following: "260C.17, the voters in ~~any~~
5 a merged area may at the annual school election vote
6 tax not exceeding twenty and".

7 2. Page 3, line 20, by inserting after the word
8 "area." the following: "In odd-numbered years, a
9 special election for the renewal of the twenty and
10 one-fourth cents per thousand dollars of assessed
11 valuation levy authorized in this section shall be
12 held on the day of the regular school election. In
13 even-numbered years, a special election for renewal of
14 such levy shall be held on the second Tuesday in
15 September."

WENDT of Woodbury

H-8264

1 Amend House File 2620 as follows:

2 1. Page 3, by striking lines 11 and 12 and
3 inserting the following: "260C.17, the voters in ~~any~~
4 a merged area may at the annual school election vote
5 tax not exceeding twenty and".

6 2. Page 3, line 20, by inserting after the word
7 "area." the following: "In odd-numbered years, a
8 special election for the renewal of the twenty and
9 one-fourth cents per thousand dollars of assessed
10 valuation levy authorized in this section shall be
11 held on the day of the regular school election. In
12 even-numbered years, a special election for renewal of
13 such levy shall be held on the second Tuesday in
14 September."

WENDT of Woodbury

H-8266

1 Amend House File 2660 as follows:

2 1. Page 5, line 20, by striking the figure
3 "5,050,732" and inserting the following: "5,020,732".

4 2. Page 7, by inserting after line 31 the
5 following:

6 "f. For a transitional housing pilot project for

7 offenders on parole who are in the early stages of
8 recovery from substance abuse:
9 \$ 30,00
10 The department of corrections shall contract with a
11 private nonprofit substance abuse treatment provider
12 in a city with a population exceeding sixty-five
13 thousand but not exceeding seventy thousand to
14 implement the pilot project. The department shall
15 file a report with the co-chairpersons and ranking
16 members of the appropriations subcommittee on the
17 justice system and the legislative services agency by
18 February 1, 2009, detailing the number of offenders
19 served by the pilot project, the recidivism rate, a
20 description of the type of services received by the
21 offenders, and the number of prison bed days saved by
22 the pilot project."

HORBACH of Tama

H-8271

1 Amend the amendment, H-8055, to Senate File 348, as
2 passed by the Senate, as follows:
3 1. By striking page 5, line 49, through page 6,
4 line 14, and inserting the following:
5 "____. Page 1, lines 3 and 4, by striking the
6 words "on an excursion gambling boat" and inserting
7 the following: "~~on an excursion at a gambling boat~~
8 facility".
9 _____. Page 1, line 12, by striking the words "on
10 an excursion gambling boat" and inserting the
11 following: "~~on an excursion at a gambling boat~~
12 facility".
13 _____. Page 1, line 27, by striking the words "on
14 an excursion gambling boat ~~are~~" and inserting the
15 following: "~~an excursion at a gambling boat are~~
16 facility".
17 _____. Page 1, line 32, by striking the words "on
18 an excursion gambling boats boat" and inserting the
19 following: "~~on excursion at a gambling boats~~
20 facility".
21 _____. Page 2, lines 16 and 17, by striking the
22 words "~~on an excursion gambling boat or at a racetrack~~
23 ~~enclosure~~" and inserting the following: "~~on an~~
24 ~~excursion at a gambling boat facility~~ or at a
25 racetrack enclosure".
26 _____. Page 2, line 20, by inserting after the word
27 "games" the following: "at a gambling facility or
28 racetrack enclosure, as applicable".
29 _____. Page 2, line 29, by inserting after the word
30 "games" the following: "at a gambling facility or
31 racetrack enclosure".

32 _____. Page 2, line 33, by inserting after the word
 33 "games" the following: "at a gambling facility or
 34 racetrack enclosure, as applicable.".
 35 _____. Page 3, by striking lines 1 and 2 and
 36 inserting the following: "at a gambling boate
 37 facility or which defeated a proposal to conduct
 38 gambling games at a licensed pari-mutuel racetrack
 39 enclosure".
 40 _____. Page 3, lines 4 and 5, by striking the words
 41 "on an excursion gambling boat or at a licensed
 42 pari-mutuel racetrack" and inserting the following:
 43 "on an excursion at a gambling boat facility or at a
 44 licensed pari-mutuel racetrack enclosure".
 45 _____. Page 3, line 8, by inserting after the word
 46 "games" the following: "at a gambling facility or
 47 racetrack enclosure".
 48 2. Page 6, by inserting after line 18 the
 49 following:
 50 "_____. Page 3, line 11, by inserting after the

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1 word "games" the following: "as provided in that
 2 proposition".
 3 _____. Page 3, by inserting after line 13 the
 4 following:
 5 "f. For purposes of this subsection, "gambling
 6 facility" includes an excursion gambling boat and a
 7 gambling structure, and a vote on a proposition to
 8 approve or disapprove gambling games on an excursion
 9 gambling boat shall be deemed to be a vote on a
 10 proposition to approve or disapprove gambling games at
 11 a gambling facility."
 12 3. By renumbering as necessary.

RANTS of Woodbury

H-8273

1 Amend House File 2610 as follows:
 2 1. Page 15, by inserting before line 15 the
 3 following:
 4 "DIVISION _____
 5 DEPARTMENT OF HUMAN SERVICES
 6 Sec.____. NEW SECTION. 217.24 IDENTITY THEFT
 7 PREVENTION – DEPARTMENT EMPLOYEES.
 8 1. a. An employee, as defined in section 91A.2,
 9 of the department and including volunteers as
 10 described in section 217.44, who accepts applications
 11 for state services on behalf of the department shall
 12 certify under oath or affirmation by signing the form
 13 described in subsection 2, under penalty of perjury

14 under subsection 3, that the employee has examined the
15 Iowa driver's license or Iowa nonoperator's
16 identification card of each applicant, who has applied
17 for state services through the department and whose
18 application the employee has accepted on behalf of the
19 department, for facial validity in order to verify the
20 applicant's identity.

21 b. The employee shall make a photocopy of the
22 applicant's driver's license or nonoperator's
23 identification card. The department shall retain the
24 photocopy of the applicant's driver's license or
25 nonoperator's identification card and the certified
26 form for one year after the applicant's application is
27 received or, if the application receives services, for
28 the entire period that the applicant receives state
29 services and for one year after the last date the
30 applicant receives state services through the
31 department.

32 c. Failure by an employee to fulfill the
33 requirements pursuant to paragraphs "a" and "b" shall
34 subject the department to a civil penalty not to
35 exceed one thousand two hundred fifty dollars for a
36 first violation as determined by the administrator of
37 the investigations division of the department of
38 inspections and appeals. A second violation by a
39 departmental employee within six years of the first
40 violation shall result in a civil penalty not to
41 exceed one thousand eight hundred seventy-five dollars
42 as determined by the administrator of the
43 investigations division of the department of
44 inspections and appeals. A third or subsequent
45 violation by a departmental employee within six years
46 of the first violation shall result in a civil penalty
47 not to exceed three thousand one hundred twenty-five
48 dollars as determined by the administrator of the
49 investigations division of the department of
50 inspections and appeals.

Page 2

1 2. The investigations division of department of
2 inspections and appeals shall prescribe and provide a
3 form that the departmental employee shall sign for
4 each applicant who applies for state services through
5 the department of human services. The form shall
6 include a statement that the employee has personally
7 certified under oath or affirmation that the employee
8 has examined the applicant's Iowa driver's license or
9 Iowa nonoperator's identification card and determined
10 that the license or card was facially valid to the
11 best of the employee's knowledge, information, and
12 belief, under penalty of perjury under subsection 3.

13 For informational purposes for the employee, the form
 14 shall include color examples of the back and front of
 15 an Iowa driver's license and an Iowa nonoperator's
 16 identification card.

17 3. a. A person who certifies under oath or
 18 affirmation a false statement under subsection 1
 19 commits a class "D" felony.

20 b. A person who procures or offers any inducement
 21 to another to certify under oath or affirmation the
 22 requirements of subsection 1 with the intent that the
 23 other will conceal material facts commits a class "D"
 24 felony.

25 4. This section shall not infringe upon the
 26 authority of the civil rights commission pursuant to
 27 chapter 216.

28 5. The director of human services shall prescribe
 29 rules and procedures consistent with this section and
 30 sections 10A.903 and 10A.904.

31 6. This section shall be enforced pursuant to
 32 section 10A.903."

33 2. Title page, line 1, by inserting after the
 34 word "to" the following: "identity determination and
 35 protection and".

36 3. Title page, line 3, by inserting after the
 37 word "individuals," the following: "requiring
 38 department of human services' employees to verify the
 39 identities of applicants who apply for state
 40 services,".

41 4. By renumbering as necessary.

HORBACH of Tama

H-8275

1 Amend House File 2583 as follows:

2 1. Page 1, by inserting after line 13 the
 3 following:

4 "2. If a written request is made pursuant to
 5 subsection 1 by a claimant's representative, the
 6 claimant's representative shall provide the following
 7 to the insurer:

8 a. A written financial statement showing the
 9 claimant's representative has adequate resources to
 10 bring a lawsuit.

11 b. A copy of the professional liability insurance
 12 policy of the claimant's representative that discloses
 13 the policy limits of the policy."

14 2. Page 1, by striking line 14 and inserting the
 15 following:

16 "3. Information provided to a claimant, a
 17 claimant's".

18 3. Page 1, line 15, by inserting after the word
 19 "representative" the following: ", or insurer".

HOFFMAN of Crawford

H-8276

1 Amend House File 2549 as follows:
 2 1. Page 1, line 27, by inserting after the word
 3 "officers." the following: "A decrease in
 4 compensation paid to supervisors shall be adopted by
 5 the board of supervisors no less than thirty days
 6 before the county budget is certified under section
 7 24.17."

KAUFMANN of Cedar
 D. TAYLOR of Linn

H-8277

1 Amend House File 2652 as follows:
 2 1. Page 7, line 5, by inserting after the word
 3 "university." the following: "A participating person
 4 required to complete a level three evaluation shall
 5 not be issued a certificate unless the person makes
 6 modifications to the proposed site or the proposed
 7 construction to an extent that the person would have
 8 been issued a certificate after completing a level two
 9 evaluation."
 10 2. By renumbering as necessary.

MAY of Dickinson
 KUHN of Floyd

H-8278

1 Amend House File 2583 as follows:
 2 1. Page 1, line 9, by inserting after the word
 3 "coverage." the following: "The written request by
 4 the claimant or claimant's representative shall
 5 contain a statement, in good faith, as to the facts
 6 giving rise to the claim."
 7 2. Page 1, line 9, by striking the word
 8 "statement" and inserting the following: "written
 9 statement by the insurer".
 10 3. Page 1, line 14, by striking the words
 11 "claimant or a" and inserting the following:
 12 "claimant,".
 13 4. Page 1, line 15, by inserting after the word
 14 "representative" the following: ", or insurer".

PAULSEN of Linn

H-8281

1 Amend House File 2652 as follows:

- 2 1. Page 2, line 3, by inserting after the word
 3 "constructed" the following: "or an existing swine
 4 operation as proposed to be expanded".
 5 2. Page 5, line 18, by inserting after the figure
 6 "266.42." the following: "The effort shall apply to
 7 the construction of a structure associated with a new
 8 operation or the construction of a structure
 9 associated with an existing swine operation."
 10 3. Page 7, line 13, by inserting after the figure
 11 "266.48." the following: "The applicant shall obtain
 12 the certificate as part of the application for the
 13 construction of a structure associated with a new
 14 confinement feeding operation, or for the construction
 15 of a structure associated with an existing confinement
 16 feeding operation that keeps swine."
 17 4. Page 7, line 15, by inserting after the word
 18 "certificate" the following: "as part of the
 19 application to construct a confinement feeding
 20 operation that does not keep swine,".
 21 5. Page 8, line 8, by striking the word
 22 "structure" the following: "not associated with
 23 keeping swine,".

KUHN of Floyd
 WHITEAD of Woodbury

H-8282

1 Amend House File 2652 as follows:

- 2 1. Page 5, line 16, by striking the words "If
 3 funding is available,".
 4 2. Page 8, by striking lines 1 through 4.
 5 3. Page 8, by striking lines 12 through 18.
 6 4. By renumbering as necessary.

KUHN of Floyd
 SMITH of Marshall
 MAY of Dickinson

H-8283

1 Amend House File 2652 as follows:

- 2 1. Page 2, by inserting after line 25 the
 3 following:
 4 "____. Applied research projects conducted on the
 5 site of a livestock operation shall be financed on a
 6 cost-share basis with the university contributing not
 7 more than fifty percent of the actual cost of
 8 conducting the research. The university may accept

9 contributions from persons interested in financing the
 10 research projects."

11 2. Page 3, by inserting after line 15 the
 12 following:

13 "____. Applied research projects conducted on the
 14 site of a livestock operation shall be financed on a
 15 cost-share basis with the university contributing not
 16 more than fifty percent of the actual cost of
 17 conducting the research. The university may accept
 18 contributions from persons interested in financing the
 19 research projects."

20 3. By renumbering as necessary.

KUHN of Floyd
 FREVERT of Palo Alto
 JOCHUM of Dubuque
 SMITH of Marshall

H-8284

1 Amend House File 2652 as follows:

2 1. Page 7, lines 13 and 14, by striking the words
 3 "The department shall not obtain, maintain, or
 4 consider the results of an evaluation." and inserting
 5 the following: "The application must contain the
 6 final results of the level of the evaluation that the
 7 applicant was last required to complete. The
 8 application must include that part of the report
 9 resulting from any such evaluation including the
 10 location of a proposed confinement feeding operation
 11 building, the configuration of the confinement feeding
 12 operation building and surrounding landscape, and
 13 other odor mitigation measures to produce the best
 14 possible reduction of odors from the confinement
 15 feeding operation."

16 2. By renumbering as necessary.

WHITAKER of Van Buren
 WHITEAD of Woodbury
 GASKILL of Wapello

KUHN of Floyd
 SMITH of Marshall
 MAY of Dickinson

H-8285

1 Amend House File 2652 as follows:

2 1. Page 2, by inserting after line 25 the
 3 following:
 4 "____. A livestock producer who is classified as a
 5 habitual violator pursuant to section 459.604 or a
 6 chronic violator pursuant to section 657.11 shall not
 7 participate in an applied on-site research project
 8 under this section unless the livestock producer
 9 contributes one hundred percent of the total costs of

10 conducting the project."

11 2. Page 3, line 15, by inserting after the figure
12 "266.43." the following: "A livestock producer who is
13 classified as a habitual violator pursuant to section
14 459.604 or a chronic violator pursuant to section
15 657.11 shall not participate in a basic or applied
16 research project under this section unless the
17 livestock producer contributes one hundred percent of
18 the total costs of conducting the project."

19 3. Page 3, line 27, by inserting after the figure
20 "266.43." the following: "A livestock producer who is
21 classified as a habitual violator pursuant to section
22 459.604 or a chronic violator pursuant to section
23 657.11 shall not participate in a basic research
24 project under this section unless the livestock
25 producer contributes one hundred percent of the total
26 costs of conducting the project."

27 4. By renumbering as necessary.

WHITAKER of Van Buren
JOCHUM of Dubuque
D. OLSON of Boone
SWAIM of Davis

KUHN of Floyd
SMITH of Marshall
WESSELL-KROESCHELL of Story

H-8286

1 Amend House File 2652 as follows:

2 1. Page 7, by inserting after line 8 the
3 following:

4 "Sec. ____ **NEW SECTION.** 266.49 UNIVERSITY OF
5 IOWA STUDY – HEALTH EFFECTS.

6 1. The university of Iowa college of public health
7 shall conduct research regarding the possible
8 short-term and long-term effects on human health from
9 the exposure to odor from livestock operations. The
10 research shall include but is not limited to the
11 effect of livestock odor on respiratory diseases,
12 cardiovascular events, and neuropsychiatric
13 conditions. The research shall include effects on
14 subgroups of especially susceptible individuals, such
15 as the elderly, children, and those with preexisting
16 impairments.

17 2. a. The university of Iowa college of public
18 health shall submit an interim report to the general
19 assembly by January 15 of each year through January
20 15, 2012. An interim report shall include data
21 collected from the research and any recommendations
22 deemed necessary by the college to protect the public
23 health of individuals exposed to air emissions from
24 livestock operations.

25 b. The university of Iowa college of public health
26 shall submit a final report to the general assembly by

27 January 30, 2013. The report shall include a summary
 28 of efforts, the university's findings and conclusions,
 29 and recommendations necessary to protect the health of
 30 the public from the long-term effects of exposure to
 31 odor from livestock operations."
 32 2. By renumbering as necessary.

KUHN of Floyd	MASCHER of Johnson
LENSING of Johnson	FOEGE of Linn
PETERSEN of Polk	FREVERT of Palo Alto
WHITEAD of Woodbury	HUNTER of Polk
WESSEL-KROESCHELL of Story	JOCHUM of Dubuque
SMITH of Marshall	R. OLSON of Polk
GASKILL of Wapello	D. OLSON of Boone
SWAIM of Davis	BUKTA of Clinton

H-8287

1 Amend the amendment, H-8055, to Senate File 348, as
 2 passed by the Senate, as follows:
 3 1. Page 4, by striking lines 34 and 35 and
 4 inserting the following: "horses, one hundred eighty
 5 live racing performances for quarter horses, and one
 6 hundred seventy live racing performances for
 7 standardbred horses. Live racing performances do
 8 not".

PALMER of Mahaska	SANDS of Louisa
DE BOEF of Keokuk	MAY of Dickinson
CHAMBERS of O'Brien	GREINER of Washington
WHITAKER of Van Buren	HUSEMAN of Cherokee
ALONS of Sioux	DOLECHECK of Ringgold
PETTENGILL of Benton	SMITH of Marshall
DEYOE of Story	S. OLSON of Clinton
MERTZ of Kosssuth	WORTHAN of Buena Vista
ANDERSON of Page	GRANZOW of Hardin
WENTHE of Fayette	LUKAN of Dubuque
JOCHUM of Dubuque	RASMUSSEN of Buchanan
HEATON of Henry	HORBACH of Tama
SODERBERG of Plymouth	BAUDLER of Adair
TJEPKES of Webster	RAYHONS of Hancock
WIENCEK of Black Hawk	THOMAS of Clayton
SCHUELLER of Jackson	FREVERT of Palo Alto
FOEGE of Linn	ZIRKELBACH of Jones
WISE of Lee	VAN FOSSEN of Scott
GASKILL of Wapello	

H-8290

1 Amend Senate File 2329, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the

4 following:

5 "Sec.____. Section 256D.2, Code 2007, is amended
6 to read as follows:

7 256D.2 PROGRAM EXPENDITURES.

8 1. A school district shall expend funds received
9 pursuant to section 256D.4 at the kindergarten through
10 grade three levels to reduce class sizes to the state
11 goal of seventeen students for every one teacher and
12 to achieve a higher level of student success in the
13 basic skills, especially reading. In order to support
14 these efforts, school districts may expend funds
15 received pursuant to section 256D.4 at the
16 kindergarten through grade three level on programs,
17 instructional support, and materials that include, but
18 are not limited to, the following: additional
19 licensed instructional staff; additional support for
20 students, such as before and after school programs,
21 tutoring, and intensive summer programs; the
22 acquisition and administration of diagnostic reading
23 assessments; the implementation of research-based
24 instructional intervention programs for students
25 needing additional support; the implementation of
26 all-day, everyday kindergarten programs; and the
27 provision of classroom teachers with intensive
28 training programs to improve reading instruction and
29 professional development in best practices, including
30 but not limited to training programs related to
31 instruction to increase students' phonemic awareness,
32 reading abilities, and comprehension skills.

33 2. This section is repealed June 30, 2009.

34 Sec.____. NEW SECTION. 256D.2A PROGRAM FUNDING.

35 Beginning July 1, 2009, and each succeeding year, a
36 school district shall expend funds received pursuant
37 to section 257.10, subsection 11, at the kindergarten
38 through grade three levels to reduce class sizes to
39 the state goal of seventeen students for every one
40 teacher and to achieve a higher level of student
41 success in the basic skills, especially reading. In
42 order to support these efforts, school districts may
43 expend funds received pursuant to section 257.10,
44 subsection 11, at the kindergarten through grade three
45 level on programs, instructional support, and
46 materials that include but are not limited to the
47 following: additional licensed instructional staff;
48 additional support for students, such as before and
49 after school programs, tutoring, and intensive summer
50 programs; the acquisition and administration of

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1 diagnostic reading assessments; the implementation of
2 research-based instructional intervention programs for

3 students needing additional support; the
 4 implementation of all-day, everyday kindergarten
 5 programs; and the provision of classroom teachers with
 6 intensive training programs to improve reading
 7 instruction and professional development in best
 8 practices including but not limited to training
 9 programs related to instruction to increase students'
 10 phonemic awareness, reading abilities, and
 11 comprehension skills.

12 Sec.____. Section 256D.4, subsection 3, Code 2007,
 13 is amended to read as follows:

14 3. For each year in which an appropriation is made
 15 to the Iowa early intervention block grant program,
 16 the department of education shall notify the
 17 department of administrative services of the amount of
 18 the allocation to be paid to each school district as
 19 provided in subsections 1 and 2. The allocation to
 20 each school district shall be made in one payment on
 21 or about October 15 of the fiscal year for which the
 22 appropriation is made, taking into consideration the
 23 relative budget and cash position of the state
 24 resources. Moneys received under this section shall
 25 not be commingled with state aid payments made under
 26 section 257.16 to a school district and shall be
 27 accounted for by the local school district separately
 28 from state aid payments. Payments made to school
 29 districts under this section are miscellaneous income
 30 for purposes of chapter 257. ~~A school district shall~~
 31 ~~maintain a separate listing within its budget for~~
 32 ~~payments received and expenditures made pursuant to~~
 33 ~~this section. A school district shall certify to the~~
 34 ~~department of education that moneys received under~~
 35 ~~this section were used to supplement, not supplant,~~
 36 ~~moneys otherwise received and used by the school~~
 37 ~~district.~~

38 Sec.____. Section 256D.4, subsection 4, Code 2007,
 39 is amended by striking the subsection and inserting in
 40 lieu thereof the following:

41 This section is repealed June 30, 2009.

42 Sec.____. NEW SECTION. 256D.4A PROGRAM
 43 REQUIREMENTS.

44 A school district shall maintain a separate listing
 45 within its budget for payments received and
 46 expenditures made pursuant to this section. A school
 47 district shall certify to the department of education
 48 that moneys received under this section were used to
 49 supplement, not supplant, moneys otherwise received
 50 and used by the school district.

Page 3

1 Sec.____. Section 256D.5, subsection 4, Code

2 Supplement 2007, is amended to read as follows:

3 4. For each fiscal year of the fiscal period
4 beginning July 1, 2004, and ending June 30, ~~2012~~ 2009
5 the sum of twenty-nine million two hundred fifty
6 thousand dollars."

7 2. Page 6, line 23, by striking the words "one
8 hundred one" and inserting the following: "one
9 hundred".

10 3. Page 7, line 22, by striking the words "one
11 hundred one" and inserting the following: "one
12 hundred".

13 4. Page 8, line 21, by striking the words "one
14 hundred one" and inserting the following: "one
15 hundred".

16 5. Page 10, line 11, by striking the words "one
17 hundred one" and inserting the following: "one
18 hundred".

19 6. Page 11, line 16, by striking the word "one".

20 7. Page 12, by inserting after line 10 the
21 following:

22 "Sec.____. Section 294A.9, Code 2007, is amended
23 to read as follows:

24 294A.9 PHASE II PROGRAM.

25 1. Phase II is established to improve the salaries
26 of teachers.

27 2. For each fiscal year beginning on or after July
28 1, 1992, the per pupil amount upon which the phase II
29 moneys are based is equal to the per pupil allocation
30 plus supplemental allocations for the immediately
31 preceding fiscal year.

32 3. The department of education shall certify the
33 amounts of the allocations for each school district
34 and area education agency to the department of
35 administrative services and the department of
36 administrative services shall make the payments to
37 school districts and area education agencies.

38 4. If a school district has discontinued grades
39 under section 282.7, subsection 1, or students attend
40 school in another school district, under an agreement
41 with the board of the other school district, the board
42 of directors of the district of residence either shall
43 transmit the phase II moneys allocated to the district
44 for those students based upon the full-time equivalent
45 attendance of those students to the board of the
46 school district of attendance of the students or shall
47 transmit to the board of the school district of
48 attendance of the students a portion of the phase II
49 moneys allocated to the district of residence based
50 upon an agreement between the board of the resident

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1 district and the board of the district of attendance.
 2 5. If a school district uses teachers under a
 3 contract between the district and the area education
 4 agency in which the district is located, the school
 5 district shall transmit to the employing area
 6 education agency a portion of its phase II allocation
 7 based upon the portion that the salaries of teachers
 8 employed by the area education agency and assigned to
 9 the school district for a school year bears to the
 10 total teacher salaries paid in the district for that
 11 school year, including the salaries of the teachers
 12 employed by the area education agency.

13 6. If the school district or area education agency
 14 is organized under chapter 20 for collective
 15 bargaining purposes, the board of directors and
 16 certified bargaining representative for the licensed
 17 employees shall mutually agree upon a formula for
 18 distributing the phase II allocation among the
 19 teachers.

20 7. For the school year beginning July 1, 1987,
 21 only, the parties shall follow the procedures
 22 specified in chapter 20 except that if the parties
 23 reach an impasse, neither impasse procedures agreed to
 24 by the parties nor sections 20.20 through 20.22 shall
 25 apply and the phase II allocation shall be divided as
 26 provided in section 294A.10. Negotiations under this
 27 section are subject to the scope of negotiations
 28 specified in section 20.9. If a board of directors
 29 and certified bargaining representative for licensed
 30 employees have not reached mutual agreement by July
 31 15, 1987, for the distribution of the phase II
 32 payment, section 294A.10 will apply.

33 8. If the school district or area education agency
 34 is not organized for collective bargaining purposes,
 35 the board of directors shall determine the method of
 36 distribution.

37 9. Subsections 2, 3, 4, and 7 are repealed June
 38 30, 2009.

39 Sec.____. Section 294A.10, Code 2007, is amended
 40 by adding the following new subsection:

41 NEW SUBSECTION. 5. This section is repealed June
 42 30, 2009.

43 Sec.____. Section 294A.22, Code 2007, is amended
 44 to read as follows:

45 294A.22 PAYMENTS.

46 1. Payments for each phase of the educational
 47 excellence program shall be made by the department of
 48 administrative services on a monthly basis commencing
 49 on October 15 and ending on June 15 of each fiscal
 50 year, taking into consideration the relative budget

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1 and cash position of the state resources. The
 2 payments shall be separate from state aid payments
 3 made pursuant to sections 257.16 and 257.35. The
 4 payments made under this section to a school district
 5 or area education agency may be combined and a
 6 separate accounting of the amount paid for each
 7 program shall be included.

8 2. Any payments made to school districts or area
 9 education agencies under this chapter are
 10 miscellaneous income for purposes of chapter 257.

11 3. Payments made to a teacher by a school district
 12 or area education agency under this chapter are wages
 13 for the purposes of chapter 91A.

14 4. If funds appropriated are insufficient to pay
 15 phase II allocations in full, the department of
 16 administrative services shall prorate payments to
 17 school districts and area education agencies.

18 This subsection is repealed June 30, 2009.

19 Sec.____. Section 294A.25, subsection 1, Code
 20 2007, is amended to read as follows:

21 1. For the fiscal ~~year period~~ beginning July 1,
 22 2003, and ~~for each succeeding year ending June 30,~~
 23 2009, there is appropriated each fiscal year from the
 24 general fund of the state to the department of
 25 education the amount of fifty-six million eight
 26 hundred ninety-one thousand three hundred thirty-six
 27 dollars to be used to improve teacher salaries. The
 28 moneys shall be distributed as provided in this
 29 section.

30 Sec.____. Section 294A.25, Code 2007, is amended
 31 by adding the following new subsection:

32 NEW SUBSECTION. 1A. For the fiscal year beginning
 33 July 1, 2009, and for each succeeding year, there is
 34 appropriated from the general fund of the state to the
 35 department of education an amount not to exceed
 36 fifteen million six hundred thirty-three thousand two
 37 hundred forty-five dollars. The moneys shall be
 38 distributed as provided in this section.

39 Sec.____. Section 294A.25, subsection 6, Code
 40 2007, is amended to read as follows:

41 6. Except as otherwise provided in this section,
 42 for the fiscal ~~year period~~ beginning July 1, 2003, and
 43 ~~succeeding fiscal years ending June 30, 2009~~, the
 44 remainder of moneys appropriated in subsection 1 to
 45 the department of education shall be deposited each
 46 fiscal year in the educational excellence fund to be
 47 allocated in an amount to meet the requirements of
 48 this chapter for phase I and phase II.

49 Sec.____. Section 294A.25, Code 2007, is amended
 50 by adding the following new subsection:

Page 6

- 1 NEW SUBSECTION. 6A. Except as otherwise provided
 2 in this section, for the fiscal year beginning July 1,
 3 2009, and succeeding fiscal years, the remainder of
 4 moneys appropriated in subsection 1 to the department
 5 of education shall be deposited in the educational
 6 excellence fund to be allocated in an amount to meet
 7 the requirements of this chapter for phase I."
 8 8. Title page, line 4, by inserting after the
 9 word "basis" the following: ", and providing
 10 appropriations".
 11 9. By renumbering as necessary.

COMMITTEE ON EDUCATION

H-8291

- 1 Amend the amendment, H-8150, to House File 2651, as
 2 follows:
 3 1. Page 1, by inserting after line 1 the
 4 following:
 5 "____. Page 1, line 21, by striking the word
 6 "subsection" and inserting the following:
 7 "subsections".
 8 ____ Page 1, by inserting after line 31 the
 9 following:
 10 "NEW SUBSECTION. 2B. a. A person who is
 11 disqualified from operating a commercial motor vehicle
 12 pursuant to subsection 1, 2, or 2A, who prevails in a
 13 hearing on the criminal action on the charge of a
 14 violation of section 321J.2 resulting from the same
 15 circumstances that resulted in the administrative
 16 disqualification, is entitled to reinstatement of the
 17 person's privilege to operate a commercial motor
 18 vehicle if the court held either of the following:
 19 (1) That the peace officer did not have reasonable
 20 grounds to believe that a violation of section 321J.2
 21 had occurred to support a request for or to administer
 22 a chemical test.
 23 (2) That the chemical test was otherwise
 24 inadmissible or invalid.
 25 b. Such a holding by the court in the criminal
 26 action is binding on the department, and the
 27 department shall rescind the disqualification.""
 28 2. By renumbering as necessary.

R. OLSON of Polk

H-8293

- 1 Amend the amendment, H-8055, to Senate File 348, as

2 passed by the Senate, as follows:

3 1. By striking page 5, line 49, through page 6,
4 line 14, and inserting the following:

5 "____. Page 1, lines 3 and 4, by striking the
6 words "on an excursion gambling boat" and inserting
7 the following: "~~on an excursion at a gambling boat~~
8 facility".

9 _____. Page 1, line 12, by striking the words "on
10 an excursion gambling boat" and inserting the
11 following: "~~on an excursion at a gambling boat~~
12 facility".

13 _____. Page 1, line 27, by striking the words "on
14 an excursion gambling boat ~~are~~" and inserting the
15 following: "~~an excursion at a gambling boat are~~
16 facility".

17 _____. Page 1, line 32, by striking the words "on
18 an excursion gambling ~~boats boat~~" and inserting the
19 following: "~~on excursion at a gambling boats~~
20 facility".

21 _____. Page 2, lines 16 and 17, by striking the
22 words "~~on an excursion gambling boat or at a racetrack~~
23 ~~enclosure~~" and inserting the following: "~~on an~~
24 ~~excursion at a gambling boat facility~~ or at a
25 racetrack enclosure".

26 _____. Page 2, line 20, by inserting after the word
27 "games" the following: "at a gambling facility or
28 racetrack enclosure, as applicable".

29 _____. Page 2, line 29, by inserting after the word
30 "games" the following: "at a gambling facility or
31 racetrack enclosure".

32 _____. Page 2, line 33, by inserting after the word
33 "games" the following: "at a gambling facility or
34 racetrack enclosure, as applicable".

35 _____. Page 3, by striking lines 1 and 2 and
36 inserting the following: "at a gambling boats
37 facility or ~~which defeated a proposal to conduct~~
38 ~~gambling games at a licensed pari-mutuel racetrack~~
39 enclosure".

40 _____. Page 3, lines 4 and 5, by striking the words
41 "~~on an excursion gambling boat or at a licensed~~
42 ~~pari-mutuel racetrack~~" and inserting the following:
43 "~~on an excursion at a gambling boat facility~~ or at a
44 ~~licensed pari-mutuel racetrack enclosure~~".

45 _____. Page 3, line 8, by inserting after the word
46 "games" the following: "at a gambling facility or
47 racetrack enclosure".

48 2. Page 6, by inserting after line 18 the
49 following:

50 "____. Page 3, line 11, by inserting after the

Page 2

1 word "games" the following: "at a gambling facility
 2 or racetrack enclosure".
 3 _____. Page 3, by inserting after line 13 the
 4 following:
 5 "f. For purposes of this subsection, "gambling
 6 facility" includes an excursion gambling boat and a
 7 gambling structure, and a vote on a proposition to
 8 approve or disapprove gambling games on an excursion
 9 gambling boat shall be deemed to be a vote on a
 10 proposition to approve or disapprove gambling games at
 11 a gambling facility."
 12 3. By renumbering as necessary.

RANTS of Woodbury

H-8294

1 Amend House File 2623 as follows:
 2 1. Page 2, by inserting after line 23 the
 3 following:
 4 "Sec. _____. Section 299.2, subsection 1, Code 2007,
 5 is amended to read as follows:
 6 1. a. Who has completed the requirements for
 7 graduation in an accredited school or has obtained a
 8 high school equivalency diploma under chapter 259A.
 9 b. Who is making satisfactory progress towards
 10 completion of the requirements for a high school
 11 equivalency diploma under chapter 259A after obtaining
 12 a written statement from the school district of
 13 enrollment affirming that the child has withdrawn from
 14 high school. A school district or accredited
 15 nonpublic school shall provide the written statement
 16 to a former student upon request."
 17 2. By renumbering as necessary.

GAYMAN of Scott

H-8295

1 Amend House File 2610 as follows:
 2 1. Page 1, by striking lines 1 and 2.
 3 2. By striking page 6, line 8, through page 16,
 4 line 9.
 5 3. Title page, by striking line 3.
 6 4. By renumbering as necessary.

HORBACH of Tama

H-8299

1 Amend the amendment, H-8055, to Senate File 348, as
2 passed by the Senate, as follows:

3 1. Page 6, by inserting after line 18 the
4 following:

5 "____. Page 3, by inserting after line 13 the
6 following:

7 "Sec.____. GAMBLING GAMES WAGERING TAX –
8 ALLOCATION FOR STANDARDBRED HORSE RACES AND COUNTY
9 FAIRS.

10 Notwithstanding any other provision of law to the
11 contrary, for the fiscal period beginning January 1,
12 2011, and ending June 30, 2011, of the taxes imposed
13 by section 99F.11, an amount equal to two-tenths of
14 one percent of the adjusted gross receipts for that
15 fiscal period shall be allocated during the fiscal
16 period as follows:

17 1. Five hundred thousand dollars shall be
18 appropriated to a nonprofit entity established by the
19 representatives of standardbred horse owners for
20 purposes of standardbred horse races held at county
21 fair racetracks.

22 2. The moneys remaining after the appropriation in
23 subsection 1 are appropriated to the treasurer of
24 state for allocation as state aid to eligible fairs as
25 provided in chapter 174."

26 2. Page 6, by inserting after line 32 the
27 following:

28 "3. The section of this Act amending section
29 99F.11, subsection 3, takes effect July 1, 2011."

30 3. By renumbering as necessary.

QUIRK of Chickasaw

H-8300

1 Amend the amendment, H-8144, to House File 2508 as
2 follows:

3 1. Page 1, by inserting after line 6 the
4 following:

5 "____. Page 1, by inserting after line 8 the
6 following: "This chapter does not apply to claims
7 made under a policy or contract of dental insurance
8 if, throughout the course of treatment, the liability
9 to the enrollee for any procedure that is the subject
10 of a coverage decision, is two hundred fifty dollars
11 or less."

12 2. By renumbering as necessary.

HOFFMAN of Crawford
QUIRK of Chickasaw

SODERBERG of Plymouth
DANDEKAR of Linn

H-8301

- 1 Amend the amendment, H-8281, to House File 2652 as
2 follows
3 1. Page 1, by inserting after line 9 the
4 following:
5 "____. Page 7, by inserting after line 8 the
6 following:
7 "Sec.____. Section 459.202, Code 2007, is amended
8 by adding the following new subsection:
9 NEW SUBSECTION. 7. A confinement feeding
10 operation structure shall not be constructed or
11 expanded within three thousand feet of an antique
12 airport museum."
13 2. By renumbering as necessary.

GASKILL of Wapello

H-8302

- 1 Amend Senate File 203, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 18 and 19.
4 2. Title page, line 3, by striking the words "and
5 an effective date".

BAUDLER of Adair

H-8303

- 1 Amend Senate File 203, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 14 through 17.
4 2. By renumbering as necessary.

BAUDLER of Adair

H-8307

- 1 Amend the amendment, H-8150, to House File 2651, as
2 follows:
3 1. Page 1, by inserting after line 1 the
4 following:
5 "____. Page 1, by inserting after line 19 the
6 following:
7 "Sec.____. Section 321.189, subsection 6, Code
8 Supplement 2007, is amended to read as follows:
9 6. LICENSES ISSUED TO PERSONS UNDER AGE
10 TWENTY-ONE. A driver's license issued to a person
11 under eighteen years of age shall contain the same

12 information as any other driver's license except that
 13 the words "under eighteen" shall appear prominently on
 14 the face of the license. A driver's license issued to
 15 a person eighteen years of age or older but less than
 16 twenty-one years of age shall contain the same
 17 information as any other driver's license except that
 18 the words "under twenty-one" shall appear prominently
 19 on the face of the license. Upon attaining the age of
 20 eighteen ~~or upon attaining the age of twenty-one~~, and
 21 upon payment of a one dollar fee, the person shall be
 22 entitled to a new driver's license or nonoperator's
 23 identification card for the unexpired months of the
 24 driver's license or card. Upon attaining the age of
 25 twenty-one, the person shall surrender the person's
 26 driver's license or nonoperator's identification card
 27 to the department in exchange for a replacement
 28 license or card valid for the unexpired months of the
 29 surrendered license or card. The fee for issuance of
 30 the replacement driver's license or nonoperator's
 31 identification card is one dollar. An instruction
 32 permit or intermediate license issued under section
 33 321.180B, subsection 1 or 2, shall include a
 34 distinctive color bar. An intermediate license issued
 35 under section 321.180B, subsection 2, shall include
 36 the words "intermediate license" printed prominently
 37 on the face of the license."

38 2. Page 2, by inserting after line 26 the
 39 following:

40 "____. Title page, line 8, by inserting after the
 41 word "plates," the following: "driver's licenses and
 42 nonoperator's identification cards for persons
 43 twenty-one years of age,"."

44 3. By renumbering as necessary.

DAVITT of Warren

H-8308

1 Amend House File 2527 as follows:

2 1. Page 1, by inserting after line 16 the
 3 following:

4 "Sec.____. Section 709.4, subsection 2, unnumbered
 5 paragraph 1, Code 2007, is amended to read as follows:

6 The act is between persons who are not ~~at the time~~
 7 ~~cohabiting as husband and wife~~ married to each other
 8 and if any of the following are true:"

9 2. By renumbering as necessary.

RANTS of Woodbury

H-8309

1 Amend the amendment, H-8150, to House File 2651 as

2 follows:

3 1. Page 1, by inserting after line 1 the

4 following:

5 "____. Page 1, by inserting before line 1 the

6 following:

7 "Section 1. NEW SECTION. 306.47 UTILITY
8 FACILITIES RELOCATION POLICY.

9 It is the policy of the general assembly that a
10 proactive, cooperative coordination between the
11 department, local governments, private and public
12 utility companies, and other affected parties is the
13 most effective way to minimize costs, eliminate the
14 need for utilities to relocate facilities, limit
15 disruption of utility services related to federal,
16 state, or local highway construction projects, and
17 limit the potential need for relocation of utility
18 facilities.

19 All potentially affected parties shall be included
20 in meetings at the design phase of a highway
21 construction project to review plans, understand goals
22 and objectives of the proposed project, and discuss
23 design options that would limit the impact of the
24 construction on utility facilities and thereby
25 minimize or even eliminate costs associated with
26 utility facility relocation. All jurisdictions shall
27 utilize the Iowa one call design request system in the
28 design phase of a highway construction project. As a
29 point of review in the design phase, a statement shall
30 be provided to affected parties as to whether federal
31 funds are available for a given highway project and,
32 if so, how the jurisdiction intends to allocate such
33 funds to the utility companies for the relocation of
34 facilities. In the case of a nonfederally funded
35 project, a statement shall be provided acknowledging
36 the efforts of the parties involved to review the
37 project and discuss options to minimize the cost of
38 facility relocation and stating that the requesting
39 parties have been advised of the reimbursement costs
40 that will be sought by the affected public or private
41 utility companies.""

42 2. Page 2, by inserting after line 26 the

43 following:

44 "____. Title page, line 6, by inserting after the
45 word "concerning" the following: "utility facility
46 relocation due to highway construction,""

47 3. By renumbering as necessary.

HUSER of Polk

H-8310

1 Amend Senate File 2328, as amended, passed, and

- 2 reprinted by the Senate, as follows:
 3 1. Page 4, by inserting after line 12 the
 4 following:
 5 "Sec.____. Section 483A.1A, subsection 7,
 6 paragraph e, Code 2007, is amended by striking the
 7 paragraph."
 8 2. By renumbering as necessary.

BAUDLER of Adair

H-8311

- 1 Amend Senate File 2216, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 16, by inserting after the words
 4 "health literacy" the following: "including
 5 comprehensive sexual health education".
 6 2. Page 1, line 28, by inserting after the word
 7 "building." the following: "For purposes of this
 8 subsection, "comprehensive sexual health education"
 9 includes but is not limited to the following:
 10 abstinence; information about contraceptive pills and
 11 devices and their effectiveness; sexually transmitted
 12 infections and their transmission, including HIV and
 13 HPV; recognizing and effectively rejecting unwanted
 14 sexual advances; the counseling, medical, and legal
 15 resources available to victims of sexual abuse or
 16 sexual assault; techniques for escaping violent
 17 relationships; and skills for making and implementing
 18 responsible decisions about sexuality."

MASCHER of Johnson

H-8312

- 1 Amend the amendment, H-8055, to Senate File 348, as
 2 passed by the Senate, as follows:
 3 1. Page 1, by inserting after line 4 the
 4 following:
 5 ""Sec.____. Section 99D.7, Code 2007, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 22A. To require a licensee to
 8 publish in a newspaper of general circulation in the
 9 county in which the racetrack enclosure is located a
 10 notice that it has filed with the commission an
 11 application to renew its license and the date and
 12 location at which the commission will consider and act
 13 upon the application. The notice shall contain
 14 language informing the public that public comments
 15 concerning the application may be provided at the time
 16 the commission considers and acts upon the
 17 application. The notice shall be published no sooner

18 than three weeks prior to the date the commission will
 19 consider and act upon the application."

20 2. Page 3, by inserting after line 3 the
 21 following:

22 "NEW SUBSECTION. 28. To require a licensee to
 23 publish in a newspaper of general circulation in the
 24 county in which the licensed facility is located a
 25 notice that it has filed with the commission an
 26 application to renew its license and the date and
 27 location at which the commission will consider and act
 28 upon the application. The notice shall contain
 29 language informing the public that public comments
 30 concerning the application may be provided at the time
 31 the commission considers and acts upon the
 32 application. The notice shall be published no sooner
 33 than three weeks prior to the date the commission will
 34 consider and act upon the application."

35 3. By renumbering as necessary.

QUIRK of Chickasaw

H-8313

1 Amend House File 2623 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following:

4 "Section 1. Section 256.7, subsection 21,
 5 paragraph c, Code Supplement 2007, is amended to read
 6 as follows:

7 c. A requirement that all school districts and
 8 accredited nonpublic schools annually report to the
 9 department and the local community the district-wide
 10 progress made in attaining student achievement goals
 11 on the academic and other core indicators and the
 12 district-wide progress made in attaining locally
 13 established student learning goals. The school
 14 districts and accredited nonpublic schools shall
 15 demonstrate the use of multiple assessment measures in
 16 determining student achievement levels. The school
 17 districts and accredited nonpublic schools shall also
 18 report the number of students who graduate, utilizing
 19 the definition of graduation rate specified by the
 20 national governors association; the number of students
 21 who drop out of school; the number of students
 22 pursuing a high school equivalency diploma pursuant to
 23 chapter 259A; the number of students who were enrolled
 24 in the district within the past five years and who
 25 received a high school equivalency diploma; the
 26 percentage of students who receive a high school
 27 diploma and who were not proficient in reading,
 28 mathematics, and science in grade eleven; the number
 29 of students in the prior year who were enrolled as
 30 high school juniors who are within four units of

31 meeting the district's graduation requirements; the
 32 number of students in the prior year who were enrolled
 33 as high school freshmen and did not earn enough
 34 credits to become sophomores; the number of students
 35 who are tested and the percentage of students who are
 36 so tested annually; and the percentage of students who
 37 graduated during the prior school year and who
 38 completed a core curriculum. The board shall develop
 39 and adopt uniform definitions consistent with the
 40 federal No Child Left Behind Act of 2001, Pub. L. No.
 41 107-110 and any federal regulations adopted pursuant
 42 to the federal Act. The school districts and
 43 accredited nonpublic schools may report on other
 44 locally determined factors influencing student
 45 achievement. The school districts and accredited
 46 nonpublic schools shall also report to the local
 47 community their results by individual attendance
 48 center.
 49 Sec. 2. Section 279.61, subsection 2, Code
 50 Supplement 2007, is amended to read as follows:

Page 2

1 2. a. For the school year beginning July 1, 2007,
 2 and each succeeding school year, the board of
 3 directors of each school district shall report
 4 annually to each student enrolled in grades nine
 5 through twelve in the school district, and, if the
 6 student is under the age of eighteen, to each
 7 student's parent or guardian, the student's progress
 8 toward meeting the goal of successfully completing the
 9 high school graduation requirements adopted by the
 10 state board of education pursuant to section 256.7,
 11 subsection 26.
 12 b. If a student is not progressing toward
 13 successful and timely fulfillment of the student's
 14 core curriculum plan, a school counselor or other
 15 school official shall provide advisory services for
 16 the purpose of advising the student and the student's
 17 parent or guardian, if the student is under the age of
 18 eighteen, of options and programs available to assist
 19 the student in graduating on time."
 20 2. Title page, by striking line 1 and inserting
 21 the following: "An Act relating to efforts
 22 encouraging the successful completion of high school,
 23 including reporting and advisory services and a change
 24 in the compulsory school attendance age, and".
 25 3. By renumbering as necessary.

H-8314

1 Amend House File 2545 as follows:

2 1. Page 1, line 6, by inserting after the word
3 "department." the following: "A department or agency
4 of the state or a political subdivision of the state
5 may purchase such products, goods, staples, or other
6 items from the central warehouse and supply depot."

7 2. Page 1, by inserting after line 12 the
8 following:

9 "Sec.____. CENTRAL WAREHOUSE AND SUPPLY DEPOT OF
10 DEPARTMENT OF HUMAN SERVICES. It is the intent of the
11 general assembly that upon completion of the central
12 warehouse and supply depot of the department of
13 corrections established pursuant to section 904.118A,
14 the department of human services shall cease utilizing
15 the central warehouse and supply depot of the
16 department of human services established pursuant to
17 section 218.100."

18 3. Title page, line 2, by inserting after the
19 word "corrections" the following: "and including
20 provisions pertaining to the central warehouse and
21 supply depot operated by the department of human
22 services".

ZIRKELBACH of Jones

H-8316

1 Amend House File 2652 as follows:

2 1. Page 7, by inserting after line 8 the
3 following:

4 "Sec.____. Section 459.202, Code 2007, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 7. A confinement feeding
7 operation structure shall not be constructed or
8 expanded within three thousand feet of an antique
9 airport museum."

10 2. By renumbering as necessary.

GASKILL of Wapello

H-8317

1 Amend Senate File 2159, as passed by the Senate, as
2 follows:

3 1. Page 1, line 12, by striking the word
4 "paragraph" and inserting the following:
5 "paragraphs".

6 2. Page 1, by inserting after line 12 the
7 following:

8 "NEW PARAGRAPH. dd. Notwithstanding paragraph

9 "d", if a district is providing preschool programming
 10 for children who are five years of age by September 15
 11 and such children are included in the district's
 12 enrollment count in accordance with section 257.6,
 13 subsection 1, paragraph "a", subparagraph (7), the
 14 funding for such children may be accounted for with
 15 the district's preschool aid foundation funding. The
 16 district shall ensure that such children receive
 17 comprehensive full-day service including support
 18 programs in addition to the services provided through
 19 the district's preschool program."

20 3. Page 1, by inserting after line 21 the
 21 following:

22 "Sec.____. Section 256C.4, subsection 2, Code
 23 Supplement 2007, is amended by adding the following
 24 new paragraph:

25 NEW PARAGRAPH. c. The department of management
 26 shall apply the provisions of section 257.6,
 27 subsection 1, paragraph "d", in adjusting a school
 28 district's eligible student enrollment for an audit
 29 year and in applying any resulting budget adjustment
 30 for the district's preschool foundation aid."

31 4. Page 2, by inserting after line 26 the
 32 following:

33 "Sec.____. Section 257.6, subsection 1, paragraph
 34 a, Code Supplement 2007, is amended by adding the
 35 following new subparagraph:

36 NEW SUBPARAGRAPH. (7) Unless counted under
 37 another subparagraph, resident children who are five
 38 years of age or older by September 15 and attending a
 39 school district's local preschool program for
 40 four-year-old children approved by the department
 41 under chapter 256C."

42 5. Page 3, by inserting after line 16 the
 43 following:

44 "Sec.____. APPLICABILITY. The section of this Act
 45 amending section 257.6 applies retroactively to
 46 September 15, 2007, to children who were five years of
 47 age or older by that date and attending a school
 48 district's local preschool program for four-year-old
 49 children approved by the department under chapter
 50 256C. Any adjustment in the school district's

Page 2

1 enrollment count and budget resulting from the
 2 enactment of this Act shall be addressed as provided
 3 in section 256C.4, subsection 2, paragraph "c", as
 4 enacted by this Act, or section 257.6, subsection 1,
 5 paragraph "d", as applicable."

6 6. Title page, by striking line 3 and inserting
 7 the following: "and including effective and

8 applicability date provisions."
 9 7. By renumbering as necessary.

MASCHER of Johnson

H-8318

1 Amend the amendment, H-8310, to Senate File 2328,
 2 as amended, passed, and reprinted by the Senate as
 3 follows:
 4 1. Page 1, by inserting after line 7 the
 5 following:
 6 "Sec. ____ Section 483A.8B, unnumbered paragraph
 7 1, Code 2007, is amended to read as follows:
 8 A person who is a resident and who is ~~seventy~~
 9 sixty-five years of age or older may be issued one
 10 special senior statewide antlerless deer only crossbow
 11 deer hunting license to hunt deer during bow season as
 12 established by rule by the commission. A person who
 13 obtains a license to hunt deer under this section is
 14 not required to pay the wildlife habitat fee but shall
 15 be otherwise qualified to hunt deer in this state and
 16 shall have a resident hunting license."
 17 ____ Title page, line 2, by inserting after the
 18 word "committee," the following: "allowing the
 19 issuance of special senior crossbow deer hunting
 20 licenses to residents who are sixty-five years of age
 21 or older,"."

ALONS of Sioux

H-8319

1 Amend the amendment, H-8055, to Senate File 348, as
 2 passed by the Senate, as follows:
 3 1. By striking page 5, line 49, through page 6,
 4 line 14, and inserting the following:
 5 "____. Page 1, lines 3 and 4, by striking the
 6 words "on an excursion gambling boat" and inserting
 7 the following: "~~on an excursion at a gambling boat~~
 8 facility".
 9 ____ Page 1, line 12, by striking the words "on
 10 an excursion gambling boat" and inserting the
 11 following: "~~on an excursion at a gambling boat~~
 12 facility".
 13 ____ Page 1, line 27, by striking the words "~~on~~
 14 an excursion gambling boat ~~are~~" and inserting the
 15 following: "~~an excursion at a gambling boat are~~
 16 facility".
 17 ____ Page 1, line 32, by striking the words "on
 18 an excursion gambling ~~boats~~ boat" and inserting the
 19 following: "~~on excursion at a gambling boats~~

20 facility".

21 ____ Page 2, lines 16 and 17, by striking the
22 words "~~on an excursion gambling boat or at a racetrack~~
23 ~~enclosure~~" and inserting the following: "~~on an~~
24 ~~excursion at a gambling boat~~ facility or at a
25 racetrack enclosure".

26 ____ Page 2, line 20, by inserting after the word
27 "games" the following: "at a gambling facility or
28 racetrack enclosure, as applicable.".

29 ____ Page 2, line 29, by inserting after the word
30 "games" the following: "at a gambling facility or a
31 proposition to operate gambling games at a racetrack
32 enclosure".

33 ____ Page 2, line 31, by striking the word
34 "proposition" and inserting the following:
35 "additional proposition to operate gambling games at a
36 gambling facility or additional proposition to operate
37 gambling games at a racetrack enclosure".

38 ____ Page 2, line 33, by inserting after the word
39 "games" the following: "at a gambling facility or
40 racetrack enclosure, as applicable.".

41 ____ Page 3, by striking lines 1 and 2 and
42 inserting the following: "at a gambling boat
43 facility or which defeated a proposal to conduct
44 gambling games at a licensed pari-mutuel racetrack
45 enclosure".

46 ____ Page 3, lines 4 and 5, by striking the words
47 "~~on an excursion gambling boat or at a licensed~~
48 ~~pari-mutuel racetrack~~" and inserting the following:
49 "~~on an excursion at a gambling boat~~ facility or at a
50 licensed pari-mutuel racetrack enclosure".

Page 2

1 ____ Page 3, line 8, by inserting after the word
2 "games" the following: "at a gambling facility or
3 racetrack enclosure"."

4 2. Page 6, by inserting after line 18 the
5 following:

6 "____ Page 3, line 11, by inserting after the
7 word "games" the following: "at a gambling facility
8 or racetrack enclosure".

9 ____ Page 3, by inserting after line 13 the
10 following:

11 "f. For purposes of this subsection, "gambling
12 facility" includes an excursion gambling boat and a
13 gambling structure, and a vote on a proposition to
14 approve or disapprove gambling games on an excursion
15 gambling boat shall be deemed to be a vote on a
16 proposition to approve or disapprove gambling games at

17 a gambling facility."

18 3. By renumbering as necessary.

RANTS of Woodbury

H-8320

1 Amend House File 2538 as follows:

2 1. Page 1, line 3, by inserting after the word

3 "a." the following: "(1)".

4 2. Page 1, by striking lines 11 through 31 and

5 inserting the following:

6 "(2) An eligible housing business claiming a tax
 7 credit pursuant to subparagraph (1) for a construction
 8 or rehabilitation project which meets or exceeds the
 9 sustainable design standards established by the state
 10 building code commissioner pursuant to section 103A.8B
 11 may claim an additional tax credit of two percent, for
 12 a maximum combined tax credit pursuant to this
 13 paragraph "a" of twelve percent. Documentation that
 14 the sustainable design standards have been met or
 15 exceeded shall be provided by the eligible housing
 16 business to the state building code commissioner for
 17 verification. The commissioner shall notify the
 18 department when compliance has been verified.

19 (3) Prior to the effective date of the rules
 20 adopted pursuant to section 103A.8B establishing the
 21 sustainable design standards, an eligible housing
 22 business may claim the additional tax credit of two
 23 percent by submitting documentation to the state
 24 building code commissioner of compliance with the
 25 energy star or target finder rating performance
 26 requirements established pursuant to a joint program
 27 sponsored by the United States environmental
 28 protection agency and the United States department of
 29 energy, as follows:

30 (i) Multifamily unit projects with three floors or
 31 less above-grade that achieve the energy star label
 32 and a home energy rating system index of eighty or
 33 better.

34 (ii) Single-family unit projects with three floors
 35 or less above-grade that achieve the energy star label
 36 and a home energy rating system index of eighty or
 37 better.

38 (iii) Projects that include both commercial space
 39 and residential units and have more than three floors
 40 above-grade that achieve an energy star target finder
 41 rating of seventy-five or better.

42 (4) The new investment that may be used to".

43 3. Page 2, by inserting after line 15 the

44 following:

45 "Sec.____. Section 103A.3, Code 2007, is amended

46 by adding the following new subsection:
 47 NEW SUBSECTION. 23. "Sustainable design" means
 48 construction design intended to minimize negative
 49 environmental impacts and to promote the health and
 50 comfort of building occupants including but not

Page 2

1 limited to measures to reduce consumption of
 2 nonrenewable resources, minimize waste, and create
 3 healthy, productive environments.
 4 Sec.____. Section 103A.7, Code 2007, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 7. Standards for sustainable
 7 design, also known and referred to as green building
 8 standards.
 9 Sec.____. NEW SECTION. 103A.8B SUSTAINABLE
 10 DESIGN OR GREEN BUILDING STANDARDS.
 11 The commissioner, after consulting with and
 12 receiving recommendations from the department of
 13 natural resources and the office of energy
 14 independence, shall adopt rules pursuant to chapter
 15 17A specifying standards and requirements for
 16 sustainable design and construction based upon or
 17 incorporating nationally recognized ratings,
 18 certifications, or classification systems, and
 19 procedures relating to documentation of compliance.
 20 The standards and requirements shall be incorporated
 21 into rules implementing the provisions of the state
 22 building code established in section 103A.7 and shall
 23 be applicable to construction projects specified in
 24 the state building code, projects as specified in
 25 other statutory provisions, or as established by other
 26 state agencies by rule."
 27 4. Page 2, line 17, by striking the words "This
 28 Act," and inserting the following: "The section of
 29 this Act amending section 15E.193B,".
 30 5. Title page, by striking lines 1 through 3 and
 31 inserting the following: "An Act relating to
 32 energy-efficient building or construction standards,
 33 providing for the establishment of sustainable design
 34 standards and requirements by the state building code
 35 commissioner, increasing the amount of investment tax
 36 credit for which an eligible housing business may
 37 qualify if the standards and requirements are met, and
 38 including effective and".

COMMITTEE ON COMMERCE

H-8322

1 Amend House File 2533 as follows:

2 1. By striking page 2, line 27, through page 3,
 3 line 17, and inserting the following:
 4 "Sec.____. 2007 Iowa Acts, chapter 214, section 6,
 5 subsection 13, is amended by adding the following new
 6 unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 8 8.33, moneys appropriated in this subsection that
 9 remain unencumbered or unobligated at the close of the
 10 fiscal year shall not revert but shall remain
 11 available for expenditure for the purposes designated
 12 until the close of the succeeding fiscal year.
 13 Sec.____. STATEWIDE EARLY CHILDHOOD PROFESSIONAL
 14 DEVELOPMENT SYSTEM. It is the intent of the general
 15 assembly that if funding is designated or is otherwise
 16 made available for purposes of implementing a
 17 statewide early childhood professional development
 18 system during the fiscal year beginning July 1, 2007,
 19 or the succeeding fiscal year, that the system shall
 20 be implemented by the department of education through
 21 the area education agencies and shall be designed to
 22 support the statewide preschool program for
 23 four-year-old children offered in accordance with
 24 chapter 256C. The department of education shall
 25 collaborate with early childhood Iowa and its public
 26 and private member agencies to ensure that the system
 27 complements existing programs and resources committed
 28 by the agencies to professional development. To the
 29 extent possible, the system shall support
 30 professionals engaged in other early childhood
 31 programs."
 32 2. Title page, by striking line 3 and inserting
 33 the following: "and providing an effective date."

MASCHER of Johnson

H-8325

1 Amend Senate File 2132, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, line 28, by inserting after the word
 4 "firearms" the following: "~~and ammunition, if not~~
 5 ~~forfeited pursuant to chapter 809A, shall be disposed~~
 6 ~~of by the department of public safety or the~~
 7 ~~department of natural resources pursuant to section~~
 8 ~~809.21."~~
 9 2. By striking page 2, line 33, through page 3,
 10 line 1, and inserting the following:
 11 "(3) Notwithstanding subparagraph (2), firearms or
 12 ammunition with a value equal to or less than five
 13 hundred dollars shall be deposited with the department
 14 of public safety. The firearms or ammunition may be
 15 held by the department of public safety and be used
 16 for law enforcement, testing, or comparisons by the

17 criminalistics laboratory, or may be destroyed or
 18 disposed of by the department of public safety in
 19 accordance with section 809.21."

COMMITTEE ON PUBLIC SAFETY

H-8326

1 Amend Senate File 2174, as passed by the Senate, as
 2 follows:

3 1. Page 1, by inserting after line 15 the
 4 following:

5 "Sec.____. Section 422.12E, subsection 1, Code
 6 Supplement 2007, is amended to read as follows:

7 1. For tax years beginning on or after January 1,
 8 2004, there shall be allowed no more than four income
 9 tax return checkoffs on each income tax return. When
 10 the same four income tax return checkoffs have been
 11 provided on the income tax return for two consecutive
 12 years, the two checkoffs for which the least amount
 13 has been contributed, in the aggregate for the first
 14 tax year and through March 15 of the second tax year,
 15 are repealed. This section does not apply to the
 16 income tax return ~~checkoff~~ checkoffs provided in
 17 ~~section sections~~ 68A.601, ~~422.12G, and 422.12I.~~

18 Sec.____. Section 422.12G, subsection 4, Code
 19 2007, is amended to read as follows:

20 4. This section is not subject to repeal under
 21 section 422.12E.

22 Sec.____. Section 422.12I, subsection 4, Code
 23 Supplement 2007, is amended to read as follows:

24 4. This section is not subject to repeal under
 25 section 422.12E."

26 2. Title page, line 1, by striking the words
 27 "providing an Iowa individual income tax checkoff for
 28 the" and inserting the following: "relating to Iowa
 29 individual income tax checkoffs, including a checkoff
 30 for a".

31 3. Title page, lines 3 and 4, by striking the
 32 word "Act's implementation" and inserting the
 33 following: "program's implementation and preventing
 34 the repeal of the veterans trust fund and keep Iowa
 35 beautiful fund and volunteer fire fighter preparedness
 36 fund checkoffs,".

37 4. By renumbering as necessary.

HUSER of Polk

H-8327

1 Amend the amendment, H-8289, to Senate File 2216,
 2 as amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 1, by striking lines 3 through 7.
- 5 2. By renumbering as necessary.

ZIRKELBACH of Jones

H-8328

1 Amend Senate File 2279, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 3, line 18, by striking the word
4 "successfully".
- 5 2. Page 3, line 21, by inserting after the word
6 "training," the following: "A student is exempt from
7 the requirement of this paragraph if the student
8 presents satisfactory evidence to the school district
9 or accredited nonpublic school that the student
10 possesses cardiopulmonary resuscitation
11 certification."

COMMITTEE ON EDUCATION

H-8329

1 Amend Senate File 2267, as passed by the Senate, as
2 follows:

- 3 1. Page 1, by striking lines 18 and 19 and
4 inserting the following: "a fee sufficient to recover
5 the costs of issuing a general permit, which shall not
6 exceed fifty dollars. The fees shall be remitted to
7 the department and shall be used by the department to
8 administer the permitting requirements of this
9 section."
- 10 2. Title page, line 2, by inserting after the
11 word "sites" the following: "and providing for a
12 fee".

COMMITTEE ON WAYS AND MEANS

H-8330

1 Amend Senate File 385, as passed by the Senate, as
2 follows:

- 3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. NEW SECTION. 90B.1 TITLE.
6 This chapter shall be known and may be cited as the
7 "Unarmed Combat Fighting Regulation Act".
8 Sec. 2. NEW SECTION. 90B.2 DEFINITIONS –
9 APPLICABILITY.
10 As used in this chapter, unless the context
11 otherwise requires:

12 1. "Commissioner" means the state commissioner of
 13 athletics, who is also the labor commissioner
 14 appointed pursuant to section 91.2, or the labor
 15 commissioner's designee.

16 2. "Official" means a person who is employed as a
 17 referee, judge, timekeeper, or physician for an event.

18 3. "Participant" means a person involved in an
 19 unarmed combat fighting event and includes unarmed
 20 combat fighters, seconds, managers, and event
 21 personnel.

22 4. "Promoter" means a person or business that does
 23 at least one of the following:

24 a. Organizes or conducts an unarmed combat
 25 fighting event.

26 b. Charges admission for the viewing of a
 27 professional unarmed combat fighting event received
 28 through a closed-circuit, pay-per-view, or similarly
 29 distributed signal.

30 5. "Unarmed combat fighting" means mixed martial
 31 arts fighting, extreme fighting, shootfighting, or any
 32 other fighting, in which the unarmed combat fighters
 33 are permitted to use a combination of combative
 34 contact techniques, including punches, kicks, chokes,
 35 joint locks, and other maneuvers.

36 This chapter does not apply to the training of
 37 unarmed combat fighters.

38 Sec. 3. NEW SECTION. 90B.3 COMPETITION
 39 REGULATIONS.

40 An unarmed combat fighting event may be allowed if
 41 all of the following apply:

42 1. The unarmed combat fighters pass a physical
 43 examination prior to the unarmed combat fighting
 44 event.

45 2. The licensed promoter and unarmed combat
 46 fighters are not under suspension by any other state
 47 or sporting regulatory organization.

48 3. The unarmed combat fighting event is held under
 49 rules or restrictions that protect the safety of the
 50 unarmed combat fighters.

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1 4. The unarmed combat fighting event is held under
 2 the direction and control of an adult referee in the
 3 ring who has at least one year of experience in
 4 refereeing an event involving a combination of
 5 combative techniques and who has passed a physical
 6 examination by a licensed physician, including an eye
 7 exam, within two years prior to the event.

8 5. The unarmed combat fighting event is held under
 9 the medical supervision of a physician licensed
 10 pursuant to chapter 148 or 150A who is present at the

11 event.

12 6. The unarmed combat fighting event is held in a
 13 manner that will promote maximum safety of the
 14 participants and spectators to the extent feasible.

15 Sec. 4. NEW SECTION. 90B.4 LICENSE.

16 1. A person shall not act as a promoter as defined
 17 in section 90B.2, subsection 4, paragraph "a", without
 18 first obtaining a license for each unarmed combat
 19 fighting event from the commissioner. This subsection
 20 shall not apply to a promoter as defined in section
 21 90B.2, subsection 4, paragraph "b", to a person
 22 distributing a closed-circuit, pay-per-view, or
 23 similarly distributed signal to a person acting as a
 24 promoter as defined in section 90B.2, subsection 4,
 25 paragraph "b", or to a person viewing the signal in a
 26 private residence.

27 2. The license application shall be in the form
 28 prescribed by the commissioner and shall contain
 29 information that is substantially complete and
 30 accurate. Any change in the information provided in
 31 the application shall be reported promptly to the
 32 commissioner.

33 3. a. The application shall be submitted no later
 34 than thirty days prior to the intended date of the
 35 unarmed combat fighting event. The commissioner shall
 36 inform the promoter within seven days after the
 37 application is submitted whether or not the
 38 commissioner will grant a license for the event.

39 b. If a license is not granted, the commissioner
 40 shall notify the applicant of the reason or reasons
 41 for the denial. If the denial of the license is due
 42 to the lack of available state officials to attend the
 43 unarmed combat fighting event, the commissioner shall
 44 suggest alternative dates for the unarmed combat
 45 fighting event.

46 4. Each application for a license shall be
 47 accompanied by a surety or cash bond in the sum of
 48 five thousand dollars, payable to the state of Iowa,
 49 which shall be conditioned upon the payment of the tax
 50 and any penalties imposed pursuant to this chapter.

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1 5. Each application for an unarmed combat fighting
 2 license presented by a promoter shall be accompanied
 3 by a license fee to be set by rule, not to exceed two
 4 thousand dollars. Fees collected under this
 5 subsection shall be paid into the general fund of the
 6 state and expended as provided in section 90A.10.

7 Sec. 5. NEW SECTION. 90B.5 UNARMED COMBAT
 8 FIGHTER PERMIT.

9 1. Each unarmed combat fighter planning to fight

10 in Iowa shall apply to the commissioner for a permit.
 11 The permit application shall be in the form prescribed
 12 by the commissioner. The permit application shall be
 13 submitted no later than fourteen days prior to the
 14 intended date of the unarmed combat fighter event.

15 2. The commissioner shall establish by rule a
 16 permit fee not to exceed one hundred fifty dollars for
 17 any unarmed combat fighter seeking to participate in
 18 an unarmed combat fighting event held in Iowa. Fees
 19 collected under this subsection shall be paid into the
 20 general fund of the state and expended as provided in
 21 section 90A.10.

22 3. The permit application information required by
 23 the commissioner shall include but is not limited to
 24 the following:

25 a. The unarmed combat fighter's name and address.

26 b. The unarmed combat fighter's gender.

27 c. The unarmed combat fighter's date of birth.

28 d. The unarmed combat fighter's social security
 29 number or, if a foreign unarmed combat fighter, any
 30 similar citizen identification number or professional
 31 unarmed combat fighter number from the country of
 32 residence of the unarmed combat fighter.

33 e. If an unarmed combat fighter applying to the
 34 commissioner for a permit pursuant to this section has
 35 been assigned a personal identification number by a
 36 professional unarmed combat fighter registry certified
 37 by an unarmed combat fighter association or
 38 commission, the unarmed combat fighter shall submit to
 39 the commissioner the identification number assigned to
 40 the unarmed combat fighter by the registry.

41 f. Two copies of a recent photograph of the
 42 unarmed combat fighter.

43 g. An official government-issued photo
 44 identification containing the unarmed combat fighter's
 45 photograph and social security number or similar
 46 foreign identification number.

47 4. The commissioner shall issue a permit to an
 48 unarmed combat fighter pursuant to this section. The
 49 permit shall contain a recent photograph, the unarmed
 50 combat fighter's social security number or similar

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1 foreign identification number, and a personal
 2 identification number assigned to the unarmed combat
 3 fighter if the unarmed combat fighter submitted such a
 4 number to the commissioner in accordance with
 5 subsection 3, paragraph "e".

6 5. A permit issued pursuant to this section shall
 7 be valid for one year from the date of issue.

8 Sec. 6. NEW SECTION. 90B.6 EVENT PROMOTER

9 RESPONSIBILITY.

10 A licensed promoter, as defined in section 90B.2,
 11 subsection 4, paragraph "a", shall be responsible for
 12 the conduct of all participants and officials at an
 13 unarmed combat fighting event. The commissioner may
 14 reprimand, suspend, deny, or revoke the participation
 15 of any promoter, official, or participant for
 16 violations of rules adopted by the commissioner.
 17 Rulings or decisions of a licensed promoter or an
 18 official are not decisions of the commissioner and are
 19 not subject to procedures under chapter 17A. The
 20 commissioner may take action based upon the rulings or
 21 decisions of a licensed promoter or an official. This
 22 section shall not apply to a promoter as defined in
 23 section 90B.2, subsection 4, paragraph "b".

24 Sec. 7. NEW SECTION. 90B.7 EMERGENCY LICENSE
 25 SUSPENSIONS.

26 1. Notwithstanding the procedural requirements of
 27 chapter 17A, the commissioner may orally suspend a
 28 license, permit, or participation immediately if the
 29 commissioner determines that any of the following have
 30 occurred:

- 31 a. A license or permit was fraudulently or
 32 deceptively obtained.
- 33 b. The holder of a license or permit fails at any
 34 time to meet the qualifications for issuance.
- 35 c. A licensed promoter allows an unarmed combat
 36 fighter who has failed to pass a pre-event physical
 37 examination to participate in the unarmed combat
 38 fighting event.
- 39 d. A licensed promoter allows an unarmed combat
 40 fighter without a permit to participate in an unarmed
 41 combat fighting event.
- 42 e. A licensed promoter allows a person whose
 43 license, permit, or authority, issued pursuant to this
 44 chapter, is under suspension to participate in an
 45 unarmed combat fighting event.
- 46 f. A licensed promoter or unarmed combat fighter
 47 is under suspension by any other state or sporting
 48 regulatory organization.
- 49 g. A licensed promoter or unarmed combat fighter
 50 is under suspension in any state.

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1 h. A licensed promoter, unarmed combat fighter, or
 2 participant is in violation of rules adopted pursuant
 3 to section 90B.9.

4 2. A written notice of a suspension issued
 5 pursuant to this section shall be given to the person
 6 suspended within seven days of the emergency
 7 suspension. The provisions of chapter 17A shall apply

8 once the written notice is given.

9 Sec. 8. NEW SECTION. 90B.8 SUSPENSIONS, DENIALS,
10 AND REVOCATIONS.

11 1. The commissioner may suspend, deny, revoke,
12 annul, or withdraw a license, permit, or authority to
13 participate in an unarmed combat fighting event if any
14 of the following occur:

15 a. Any of the reasons enumerated in section 90B.7.

16 b. Failure to pay fees and penalties due pursuant
17 to sections 90B.4, 90B.5, 90B.11, and 90B.12.

18 2. The provisions of chapter 17A shall apply to
19 actions under this section.

20 Sec. 9. NEW SECTION. 90B.9 RULES.

21 1. The commissioner shall adopt rules, pursuant to
22 chapter 17A, that the commissioner determines are
23 reasonably necessary to administer and enforce this
24 chapter.

25 2. The commissioner may adopt the rules of a
26 recognized national or world unarmed combat fighting
27 organization that sanctions fighting using a
28 combination of combative techniques to regulate events
29 in this state if the organization's rules provide
30 protection to the unarmed combat fighters
31 participating in the events which is equal to or
32 greater than the protections provided by this chapter
33 or by rules adopted pursuant to this chapter.

34 Sec. 10. NEW SECTION. 90B.10 REQUIRED CONDITIONS
35 FOR UNARMED COMBAT FIGHTING EVENTS.

36 An unarmed combat fighter shall not take part in an
37 unarmed combat fighting event unless the unarmed
38 combat fighter has been issued a permit pursuant to
39 section 90B.5 prior to the event. The unarmed combat
40 fighter shall pass a rigorous physical examination to
41 determine the unarmed combat fighter's fitness to
42 engage in any such event within twenty-four hours of
43 the start of the event. The examination shall be
44 conducted by a licensed practicing physician
45 designated or authorized by the commissioner.

46 Sec. 11. NEW SECTION. 90B.11 WRITTEN REPORT
47 FILED – TAX DUE – PENALTY.

48 1. A licensed promoter shall, within twenty days
49 after an unarmed combat fighting event, furnish to the
50 commissioner a written report stating the number of

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1 tickets sold, the gross amount of admission proceeds
2 of the unarmed combat fighting event, and other
3 matters the commissioner may prescribe by rule. The
4 value of complimentary tickets in excess of five
5 percent of the number of tickets sold shall be
6 included in the gross admission receipts. Within

7 twenty days of the event, the licensed promoter shall
 8 pay to the treasurer of state a tax of five percent of
 9 its total gross receipts, after deducting state sales
 10 tax, from the sale of tickets of admission to the
 11 unarmed combat fighting event. Fees collected under
 12 this subsection shall be paid into the general fund of
 13 the state and expended as provided in section 90A.10.

14 2. If the licensed promoter fails to make a timely
 15 report within the time prescribed, or if the report is
 16 unsatisfactory to the commissioner, the commissioner
 17 may examine or cause to be examined the books and
 18 records of the licensed promoter, and subpoena and
 19 examine under oath witnesses, for the purpose of
 20 determining the total amount of the gross admission
 21 receipts for any unarmed combat fighting event and the
 22 amount of tax due pursuant to the provisions of this
 23 chapter. The commissioner may, as the result of such
 24 examination, fix and determine the tax, and may also
 25 assess the licensed promoter the reasonable cost of
 26 conducting the examination. If a licensed promoter
 27 defaults in the payment of any tax due or the costs
 28 incurred in making such examination, the licensed
 29 promoter shall forfeit to the state the sum of five
 30 thousand dollars, which may be recovered by the
 31 attorney general pursuant to the bond required under
 32 section 90B.4, subsection 4.

33 Sec. 12. NEW SECTION. 90B.12 LICENSE PENALTY.

34 A person who acts as a promoter without first
 35 obtaining a license commits a serious misdemeanor. In
 36 addition to criminal penalties, a licensed promoter
 37 shall be liable to the state for the taxes, costs, and
 38 penalties pursuant to section 90B.11.

39 Sec. 13. Section 84A.5, subsection 4, Code
 40 Supplement 2007, is amended to read as follows:

41 4. The division of labor services is responsible
 42 for the administration of the laws of this state under
 43 chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 90B, 91,
 44 91A, 91C, 91D, 91E, 92, and 94A, and section 85.68.
 45 The executive head of the division is the labor
 46 commissioner, appointed pursuant to section 91.2.

47 Sec. 14. Section 90A.10, subsection 1, Code 2007,
 48 is amended to read as follows:

49 1. Moneys collected pursuant to sections 90A.3 and
 50 90A.9 and chapter 90B in excess of the amount of

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1 moneys needed to administer ~~this chapter~~ chapters 90A
 2 and 90B are appropriated and shall be used by the
 3 commissioner to award grants to organizations that
 4 promote amateur boxing matches in this state.

5 Sec. 15. Section 91.4, subsection 5, Code

6 Supplement 2007, is amended to read as follows:

7 5. The director of the department of workforce
 8 development, in consultation with the labor
 9 commissioner, shall, at the time provided by law, make
 10 an annual report to the governor setting forth in
 11 appropriate form the business and expense of the
 12 division of labor services for the preceding year, the
 13 number of disputes or violations processed by the
 14 division and the disposition of the disputes or
 15 violations, and other matters pertaining to the
 16 division which are of public interest, together with
 17 recommendations for change or amendment of the laws in
 18 this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
 19 90A, 90B, 91A, 91C, 91D, 91E, 92, and 94A, and section
 20 85.68, and the recommendations, if any, shall be
 21 transmitted by the governor to the first general
 22 assembly in session after the report is filed.

23 Sec. 16. ADMINISTRATIVE RULES – TRANSITION
 24 PROVISION. Any rule, regulation, form, order, or
 25 directive promulgated by the commissioner pursuant to
 26 the authority of chapter 90A and in effect on August
 27 1, 2008, shall continue in full force and effect until
 28 amended, repealed, or supplemented by alternative
 29 action of the commissioner under the duties and powers
 30 of this Act.

31 Sec. 17. UNARMED COMBAT REPORT. The commissioner
 32 shall submit a report to the members of the general
 33 assembly by January 1, 2010, about the commissioner's
 34 ability to effectively regulate unarmed combat
 35 fighting in the state under chapter 90B as enacted in
 36 this Act and shall include information about the
 37 amateur and professional unarmed combat fighting
 38 events regulated.

39 Sec. 18. EFFECTIVE DATE PROVISIONS.

40 1. Except as provided in subsection 2, the
 41 sections of this Act enacting chapter 90B take effect
 42 September 1, 2008.

43 2. For the purpose of accepting license and permit
 44 applications, the sections of this Act enacting
 45 sections 90B.4 and 90B.5 take effect August 1, 2008."

46 2. Title page, by striking lines 1 and 2 and
 47 inserting the following: "An Act relating to the
 48 regulation of unarmed combat fighting and providing
 49 fees, and appropriations, penalties, and effective
 50 dates".

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1 3. By renumbering as necessary.

H-8331

- 1 Amend the amendment, H-8290, to Senate File 2329,
 2 as passed by the Senate, as follows:
 3 1. Page 2, line 41, by inserting before the word
 4 "This" the following: "4."

WENDT of Woodbury

H-8332

- 1 Amend the amendment, H-8325, to Senate File 2132,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 2 the
 5 following:
 6 "____. Page 1, by striking lines 3 through 7 and
 7 inserting the following:
 8 1. Seized property ~~which is no longer required as~~
 9 ~~evidence or for use in an investigation~~ shall be
 10 returned to the owner, ~~provided that the person's~~
 11 ~~possession of the property is not prohibited by law~~
 12 ~~and there is no forfeiture claim filed on behalf of~~
 13 ~~the state if the property is no longer required as~~
 14 evidence or the property has been photographed and the
 15 photograph will be used as evidence in lieu of the
 16 property, if the property is no longer required for
 17 use in an investigation, if the owner's possession is
 18 not prohibited by law, and if a forfeiture claim has
 19 not been filed on behalf of the state."
 20 _____. Page 1, line 8, by inserting before the word
 21 "value" the following: "aggregate".
 22 _____. Page 1, line 21, by inserting before the
 23 word "value" the following: "aggregate".
 24 _____. Page 2, line 22, by inserting before the
 25 word "value" the following: "aggregate".
 26 2. Page 1, by inserting after line 8 the
 27 following:
 28 "____. Page 2, line 29, by inserting before the
 29 word "value" the following: "aggregate"."
 30 3. Page 1, line 12, by striking the words "with
 31 a" and inserting the following: "with an aggregate".

R. OLSON of Polk

H-8335

- 1 Amend Senate File 2278, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by inserting after line 20 the
 4 following:
 5 "Sec.____. Section 256.7, subsection 19, Code

6 Supplement 2007, is amended by adding the following
 7 new unnumbered paragraph:
 8 NEW UNNUMBERED PARAGRAPH. However, if a school or
 9 school district uses any time from the school day,
 10 which has been established by the school or school
 11 district, for professional development for
 12 instructional staff, for weather-related purposes, or
 13 for athletic events, the school or school district
 14 shall extend the school calendar so that the time used
 15 is made up later in the school year."
 16 2. By renumbering as necessary.

TYMESON of Madison

H-8336

1 Amend Senate File 2278, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, by inserting after line 8 the
 4 following:
 5 "Sec.____. Section 256.11, subsection 10,
 6 paragraph b, subparagraph (1), Code Supplement 2007,
 7 is amended by adding the following new subparagraph
 8 subdivision:
 9 NEW SUBPARAGRAPH SUBDIVISION. (f) In response to
 10 notification from the board of educational examiners
 11 or a principal that an arrest of a school employee has
 12 been reported pursuant to section 280.29."
 13 2. Page 10, by inserting after line 12 the
 14 following:
 15 "Sec.____. Section 272.2, subsection 14, paragraph
 16 a, Code Supplement 2007, is amended to read as
 17 follows:
 18 a. The board may deny a license to or revoke the
 19 license of a person upon the board's finding by a
 20 preponderance of evidence that either the person has
 21 been convicted of a crime or that there has been a
 22 founded report of child abuse against the person.
 23 Rules adopted in accordance with this paragraph shall
 24 provide that in determining whether a person should be
 25 denied a license or that a practitioner's license
 26 should be revoked, the board shall consider the nature
 27 and seriousness of the founded abuse or crime in
 28 relation to the position sought, the time elapsed
 29 since the crime was committed, the degree of
 30 rehabilitation which has taken place since the
 31 incidence of founded abuse or the commission of the
 32 crime, the likelihood that the person will commit the
 33 same abuse or crime again, and the number of founded
 34 abuses committed by or criminal convictions of the
 35 person involved. In addition, the board may revoke
 36 the license of a person upon the board's finding by a

37 preponderance of the evidence that the person failed
 38 to report an arrest as provided in section 280.29."

39 3. Page 18, by inserting after line 5 the
 40 following:

41 "Sec. ____ NEW SECTION. 280.29 REPORTING –
 42 ARREST.

43 1. A school employee who has been arrested for a
 44 criminal offense shall report the arrest to the board
 45 of educational examiners within seven days of the
 46 arrest. A school employee who is not licensed or
 47 certified by the board of educational examiners, or
 48 who does not have a statement of professional
 49 recognition issued by the board of educational
 50 examiners, shall report the arrest to the principal of

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1 the school within seven days of the arrest.

2 2. When an arrest is reported pursuant to
 3 subsection 1, the board of educational examiners or
 4 the principal of the school who received the report
 5 shall notify the department of education and the
 6 department shall proceed as provided in section
 7 256.11, subsection 10, paragraph b, subparagraph (1),
 8 subparagraph subdivision (f).

9 3. The school employee may be subject to
 10 disciplinary action pursuant to section 272.2,
 11 subsection 14, paragraph "a".

12 4. By renumbering as necessary.

TYMESON of Madison

H-8337

1 Amend Senate File 2278, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 16, by inserting after line 22 the
 4 following:

5 "Sec. ____ Section 279.13, subsection 1, paragraph
 6 b, subparagraph (1), Code Supplement 2007, is amended
 7 to read as follows:

8 b. (1) Prior to entering into an initial contract
 9 with a teacher who holds a license other than an
 10 initial license issued by the board of educational
 11 examiners under chapter 272, the school district shall
 12 either request the division of criminal investigation
 13 of the department of public safety to conduct a
 14 background investigation of the applicant or request a
 15 qualified background screening company accredited by
 16 the national association of professional background
 17 ~~check~~ screeners to conduct a background check on the

18 applicant."

19 2. By renumbering as necessary.

VAN FOSSEN of Scott

H-8338

1 Amend Senate File 2278, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 16, by inserting after line 22 the
4 following:

5 "Sec. ____ Section 279.13, subsection 1, paragraph
6 a, Code Supplement 2007, is amended to read as
7 follows:

8 a. Contracts with teachers, which for the purpose
9 of this section means all licensed employees of a
10 school district and nurses employed by the board,
11 excluding superintendents, assistant superintendents,
12 principals, and assistant principals, shall be in
13 writing and shall state the number of contract days,
14 the annual compensation to be paid, and any other
15 matters as may be mutually agreed upon. However, the
16 contract shall not provide for reimbursement by the
17 school district or board for a discounted or free
18 membership or admission to a private business. The
19 contract may include employment for a term not
20 exceeding the ensuing school year, except as otherwise
21 authorized.

22 Sec. ____ Section 279.13, subsection 3, Code
23 Supplement 2007, is amended to read as follows:

24 3. If the provisions of a contract executed or
25 automatically renewed under this section conflict with
26 a collective bargaining agreement negotiated under
27 chapter 20 and effective when the contract is executed
28 or renewed, the provisions of the collective
29 bargaining agreement shall prevail. However, a
30 collective bargaining agreement shall not provide for
31 reimbursement by the school district or board for a
32 discounted or free membership or admission to a
33 private business."

34 2. By renumbering as necessary.

TYMESON of Madison

H-8339

1 Amend Senate File 2278, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 18, by inserting after line 5 the
4 following:

5 "Sec. ____ Section 280.5, Code 2007, is amended to
6 read as follows:

7 280.5 DISPLAY OF UNITED STATES FLAG AND IOWA STATE
 8 FLAG – RECITATION OF PLEDGE OF ALLEGIANCE.

9 1. The board of directors of each public school
 10 district and the authorities in charge of each
 11 nonpublic school shall provide and maintain a suitable
 12 flagstaff on each school site under its control, and
 13 the United States flag and the Iowa state flag shall
 14 be raised on all school days when weather conditions
 15 are suitable.

16 2. The board of directors of each public school
 17 and the authorities in charge of each nonpublic school
 18 shall cause the pledge of allegiance to be recited at
 19 the beginning of each school day. Persons reciting
 20 the pledge of allegiance shall stand holding their
 21 right hand over their heart. A student shall not be
 22 compelled, against the student's objections or those
 23 of the student's parent or guardian, to recite the
 24 pledge of allegiance, but shall be required to
 25 maintain a respectful silence. A nonpublic school is
 26 exempt from this requirement if the authorities in
 27 charge of a nonpublic school determine that this
 28 requirement conflicts with the school's religious
 29 doctrines."

30 2. By renumbering as necessary.

WINDSCHITL of Harrison

H-8340

1 Amend Senate File 2278, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 23, line 34, by striking the words "area
 4 education director," and inserting the following:
 5 "~~area education director~~".

6 2. Page 24, line 2, by striking the words "or a"
 7 and inserting the following: "during such term of
 8 office or employment. An area education agency
 9 director, officer, or teacher shall not act as an
 10 agent for school textbooks or school supplies in any
 11 transaction with a".

12 3. Page 24, by striking lines 3 and 4 and
 13 inserting the following: "member of the area
 14 education agency or with any school district located
 15 within the area education agency during such term of
 16 office or employment.".

17 4. Page 24, line 5, by striking the words "and
 18 any" and inserting the following: "~~and any~~ Any".

19 5. Page 24, line 8, by striking the words "in
 20 which the school district is located".

KAUFMANN of Cedar

H-8342

1 Amend Senate File 2282, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. NEW SECTION. 24A.1 DEFINITIONS.

6 As used in this chapter:

7 1. "Contract" means an agreement between a
8 political subdivision and a person or entity involving
9 the exchange or payment of five thousand dollars or
10 more. A contract shall not include a contract that is
11 a confidential record pursuant to section 22.7.

12 2. "Expenditure" means a payment made by a
13 political subdivision to any person or entity of five
14 thousand dollars or more or multiple related payments
15 to a person or entity totaling five thousand dollars
16 or more.

17 3. "Political subdivision" means a municipality
18 required to adopt and certify a budget under chapter
19 24 or a political subdivision required to certify a
20 budget under section 24.17. "Political subdivision"
21 includes but is not limited to counties, cities,
22 school districts, area hospitals, townships, and
23 regional transit districts.

24 Sec. 2. NEW SECTION. 24A.2 ANNUAL REPORT ON
25 CONTRACTS – INTERNET POSTING.

26 1. On or before June 30 of each fiscal year, a
27 political subdivision shall prepare an annual report
28 of all contracts entered into or in effect during that
29 fiscal year. The report shall be on a form prepared
30 by the department of management and shall include all
31 of the following:

- 32 a. Names of all parties to the contract.
- 33 b. Date the contract was executed.
- 34 c. Amounts of all expenditures made in connection
35 with the contract.
- 36 d. Description of the contents and general nature
37 of the contract.

38 2. A political subdivision shall post a report of
39 all contracts on the political subdivision's web site,
40 if one is available, or on the government web site of
41 the county where the political subdivision is located
42 in all other cases.

43 3. The department of management shall establish a
44 uniform format that permits political subdivisions to
45 produce and report contract data required under
46 subsection 1. A political subdivision shall submit
47 its contract report for the previous fiscal year to
48 the department of management on or before August 1 of
49 each year. The department of management shall post
50 each contract report received on the department's web

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1 site created under section 24A.5, or shall place an
 2 electronic link on the department's web site to each
 3 contract report posted on the political subdivision
 4 web site or county web site.

5 4. Annual contract reports shall remain available
 6 to the public on the political subdivision's web site,
 7 or county web site, and the department of management's
 8 web site for a period of ten years.

9 Sec. 3. NEW SECTION. 24A.3 ANNUAL FINANCIAL
 10 REPORT – INTERNET POSTING.

11 1. Annual financial reports or statements required
 12 by law to be prepared by a political subdivision
 13 including but not limited to annual financial reports
 14 under section 331.403, annual reports under section
 15 384.22, annual statements under 359.23, and financial
 16 reports under section 279.63, shall be posted by the
 17 political subdivision on the political subdivision's
 18 web site, if one is available, or on the government
 19 web site of the county where the political subdivision
 20 is located in all other cases. Each report or
 21 statement shall be posted no later than ten days after
 22 the date the report or statement is required to be
 23 completed.

24 2. Each report or statement posted pursuant to
 25 subsection 1 shall also be submitted to the department
 26 of management. The department of management shall
 27 post each report or statement on the department's web
 28 site, created under section 24A.5, or shall place an
 29 electronic link on the department's web site to each
 30 report or statement posted on the political
 31 subdivision web site or county web site.

32 3. Reports shall remain available to the public on
 33 the political subdivision's web site, or county web
 34 site, and the department of management's web site for
 35 a period of ten years.

36 Sec. 4. NEW SECTION. 24A.4 LOCAL BUDGETS –
 37 INTERNET POSTING.

38 1. Following certification of a local budget to
 39 the county auditor under section 24.17, each political
 40 subdivision shall post its budget on the political
 41 subdivision's web site, if one is available, or on the
 42 government web site of the county where the political
 43 subdivision is located in all other cases.

44 2. The department of management shall post each
 45 political subdivision budget on the department's web
 46 site, created under section 24A.5, or shall place an
 47 electronic link on the department's web site to each
 48 budget posted on the political subdivision web site or
 49 county web site.

50 3. Budgets shall remain available to the public on

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1 the political subdivision's web site, or county web
2 site, and the department of management's web site for
3 a period of ten years.

4 Sec. 5. NEW SECTION. 24A.5 DEPARTMENT OF
5 MANAGEMENT DUTIES.

6 1. The department of management shall create and
7 maintain a web site that is searchable and accessible
8 to the general public without paying a fee. The web
9 site shall contain all the information required to be
10 posted by the department under this chapter.

11 2. The department of management shall adopt rules
12 deemed necessary for the administration of this
13 chapter in accordance with chapter 17A."

14 2. Page 4, by inserting after line 33 the
15 following:

16 "Sec.____. Section 331.401, subsection 1, Code
17 Supplement 2007, is amended by adding the following
18 new paragraph:

19 NEW PARAGRAPH. rr. Comply with the requirements
20 of chapter 24A, and assist other political
21 subdivisions within the county in complying with the
22 web site posting requirements of chapter 24A.

23 Sec.____. Section 331.504, Code 2007, is amended
24 by adding the following new subsection:

25 NEW SUBSECTION. 9. Maintain county web site
26 postings pursuant to chapter 24A and assist the board
27 in meeting the web site posting requirements of
28 chapter 24A.

29 Sec.____. IMPLEMENTATION OF ACT. Section 25B.2,
30 subsection 3, Code 2007, shall not apply to this Act."

31 3. Title page, line 3, by inserting after the
32 word "education" the following: "and local
33 governments".

34 4. By renumbering as necessary.

SANDS of Louisa
PAULSEN of Linn

H-8346

1 Amend Senate File 2216, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, line 6, by inserting after the word
4 "curriculum." the following: "A school district shall
5 consider measures to generate serious student
6 consideration of end-of-course assessments and shall
7 use data obtained from end-of-course assessments,
8 along with formative assessments, to form the content
9 of professional development, focused on instructional

10 improvement using the Iowa professional development
11 model."

RAECKER of Polk

H-8347

1 Amend Senate File 2216, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 1, by striking the words and
4 figures "subsections 26 and 28" and inserting the
5 following: "subsection 26".

6 2. Page 1, line 2, by striking the word "are" and
7 inserting the following: "is".

8 3. Page 2, by striking lines 10 through 27 and
9 inserting the following:

10 "Sec. ___. Section 256.7, subsection 28, Code
11 Supplement 2007, is amended by striking the subsection
12 and inserting in lieu thereof the following:

13 28. a. (1) Adopt by rule, for implementation by
14 July 1, 2010, core content and performance standards
15 applicable to all students in prekindergarten through
16 grade twelve in every school district and accredited
17 nonpublic school. The board shall consider the
18 recommendations of the task force convened by the
19 director in accordance with subparagraph (2). The
20 board shall establish criteria to ensure that the
21 standards adopted are rigorous and support best
22 practices. However, the standards adopted shall not
23 exceed in scope or depth the curriculum that can be
24 reasonably taught in the instructional time available.
25 Prior to adoption, the board shall submit the proposed
26 standards to an external nonprofit educational
27 organization for an independent review. The results
28 of the review shall be posted on the department's
29 internet web site.

30 (2) Recommended core content and performance
31 standards shall be developed by a task force convened
32 by the director of the department. The task force
33 shall be comprised of teachers, school administrators,
34 higher education faculty who teach in the subjects for
35 which the standards are being adopted, private sector
36 employers, and members of the boards of directors of
37 school districts. The task force shall review the
38 national assessment of educational progress standards,
39 standards adopted by other states, and standards
40 identified as best practices in the field of study by
41 the national councils of teachers of English and
42 mathematics, the national council for the social
43 studies, the national science teachers association,
44 and other recognized experts. The director shall
45 provide at least one staff person who is qualified by

46 education and experience in developing content and
47 performance standards to assist the task force.
48 Members of the task force shall be allowed their
49 actual and necessary expenses incurred in the
50 performance of their duties. All expenses shall be

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1 paid from appropriations to the department. The task
2 force shall submit its recommendations to the state
3 board of education by January 2, 2009. The task force
4 may be reconvened whenever the director of the
5 department determines there is a need to review or
6 amend the core content and performance standards.
7 b. The core content standards for prekindergarten
8 through grade six shall include reading and writing,
9 mathematics, science, social studies, and art. The
10 core content standards for grades seven through twelve
11 shall include English and language arts, mathematics,
12 science, history, social studies, and art. The core
13 content standards shall be at least as rigorous as the
14 core content standards included in Iowa's approved
15 2006 standards and assessment system under Title I of
16 the federal Elementary and Secondary Education Act of
17 1965, 20 U.S.C. § 6301 et seq., as amended by the
18 federal No Child Left Behind Act of 2001, Pub. L. No.
19 107-110. School districts and accredited nonpublic
20 schools shall include, at a minimum, the core content
21 and performance standards adopted pursuant to this
22 subsection in any set of locally developed content
23 standards.
24 c. The performance standards shall be grade-level
25 expectations which are aligned to the core content
26 standards adopted pursuant to this subsection. The
27 performance standards shall specify expectations for
28 students' knowledge and performance at the end of a
29 given grade level. The performance standards for
30 kindergarten through grade six shall include reading
31 and writing, mathematics, and science, and for grades
32 seven through twelve shall include English and
33 language arts, mathematics, science, history and
34 social studies, and art.
35 d. The board shall require each school district to
36 align the local curriculum, instructional materials,
37 and classroom instruction to the standards adopted and
38 to submit evidence of such alignment satisfactory to
39 the department.
40 e. A student shall not be denied curriculum and
41 instruction consistent with the core content standards
42 which offer the student an opportunity to become
43 proficient on the performance standards adopted
44 pursuant to this subsection."

45 4. Page 2, by inserting before line 28 the
46 following:
47 "Sec. ___. Section 256.7, Code Supplement 2007, is
48 amended by adding the following new subsections:
49 NEW SUBSECTION. 29. Adopt grade level assessments
50 for each of the core content standard subjects. The

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1 board shall require school districts to administer the
2 assessments to students in grades four, eight, and
3 eleven. Where possible, the assessments shall be
4 highly correlated to proficiency on the national
5 assessment for educational progress. The assessment
6 results shall be reported annually to the department
7 and the local community in accordance with subsection
8 21.

9 NEW SUBSECTION. 30. Adopt assessments which the
10 board shall make available to school districts to
11 administer to students at the end of each unit of
12 algebra, advanced algebra, geometry, biology,
13 chemistry, physics, and English. A school district
14 may use advanced placement examinations as a reliable
15 assessment for an end-of-unit examination for students
16 enrolled in advanced placement courses. A school
17 district shall consider measures to generate serious
18 student consideration of end-of-course assessments and
19 shall use data obtained from end-of-course
20 examinations, along with formative assessments, to
21 form the content of professional development, focused
22 on instructional improvement using the Iowa
23 professional development model."

24 5. Page 2, line 29, by striking the word
25 "subsection" and inserting the following:
26 "subsections".

27 6. Page 3, by striking lines 7 and 8.

28 7. Page 3, by inserting after line 13 the
29 following:

30 NEW SUBSECTION. 59. Develop and deliver, in
31 collaboration with the institutions of higher
32 education governed by the state board of regents and
33 the area education agencies, subject matter and
34 specific instructional strategies training for
35 teachers and administrators to implement improved
36 standards-based instruction and the Iowa professional
37 development model."

38 8. By renumbering as necessary.

H-8351

1 Amend the amendment, H-8325, to Senate File 2132,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 2 the
5 following:

6 "____. Page 1, by striking lines 3 through 7 and
7 inserting the following:

8 1. Seized property ~~which is no longer required as~~
9 ~~evidence or for use in an investigation~~ shall be
10 returned to the owner, ~~provided that the person's~~
11 ~~possession of the property is not prohibited by law~~
12 ~~and there is no forfeiture claim filed on behalf of~~
13 ~~the state if the property is no longer required as~~
14 ~~evidence or the property has been photographed and the~~
15 ~~photograph will be used as evidence in lieu of the~~
16 ~~property, if the property is no longer required for~~
17 ~~use in an investigation, if the owner's possession is~~
18 ~~not prohibited by law, and if a forfeiture claim has~~
19 ~~not been filed on behalf of the state."~~

20 _____. Page 1, line 8, by inserting before the word
21 "value" the following: "aggregate replacement".

22 _____. Page 1, line 21, by inserting before the
23 word "value" the following: "aggregate replacement".

24 _____. Page 2, line 22, by inserting before the
25 word "value" the following: "aggregate replacement"."

26 2. Page 1, by inserting after line 8 the
27 following:

28 "____. Page 2, line 29, by inserting before the
29 word "value" the following: "aggregate replacement"."

30 3. Page 1, line 12, by striking the words "with
31 a" and inserting the following: "with an aggregate
32 replacement".

R. OLSON of Polk

H-8352

1 Amend Senate File 2308, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 2C.18, Code 2007, is amended
6 to read as follows:

7 2C.18 REPORT REPORTS TO GENERAL ASSEMBLY.

8 1. The citizens' aide shall by April 1 of each
9 year submit an economically designed and reproduced
10 report to the general assembly and to the governor
11 concerning the exercise of the citizens' aide
12 functions during the preceding calendar year. In
13 discussing matters with which the citizens' aide has

14 been concerned, the citizens' aide shall not identify
 15 specific persons if to do so would cause needless
 16 hardship. If the annual report criticizes a named
 17 agency or official, it shall also include unedited
 18 replies made by the agency or official to the
 19 criticism, unless excused by the agency or official
 20 affected.

21 2. The citizens' aide shall by January 1 of each
 22 year submit a report to the general assembly and to
 23 the governor concerning all notices received pursuant
 24 to section 715C.2, subsection 3A. The report shall
 25 not disclose the name or personal information of any
 26 affected individual. If the report criticizes a named
 27 agency or official, it shall also include unedited
 28 replies made by the agency or official to the
 29 criticism, unless excused by the agency or official."

30 2. Page 3, by inserting after line 35 the
 31 following:

32 "3A. Following notification of a breach of
 33 security relating to data owned, maintained, or
 34 possessed by a government or governmental subdivision,
 35 the government or governmental subdivision shall
 36 provide written notice of the breach to the citizens'
 37 aide. The notice provided to the citizens' aide shall
 38 include the same information as required under
 39 subsection 5. The citizens' aide shall compile and
 40 summarize all notices received under this paragraph
 41 and prepare an annual report to the general assembly
 42 and the governor pursuant to section 2C.18, subsection
 43 2."

GRANZOW of Hardin

H-8355

1 Amend Senate File 2349, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 22 the
 4 following:

5 "Sec. ____ Section 523A.201, subsections 2 and 3,
 6 Code Supplement 2007, are amended to read as follows:

7 2. If a seller agrees to furnish cemetery
 8 merchandise, funeral merchandise, funeral services, or
 9 a combination thereof and performance or delivery may
 10 be more than one hundred twenty days following the
 11 initial payment on the account, ~~a minimum of eighty~~
 12 ~~percent of~~ all payments made under the purchase
 13 agreement shall be placed and remain in trust until
 14 the person for whose benefit the funds were paid dies.

15 3. If a purchase agreement for cemetery
 16 merchandise, funeral merchandise, funeral services, or
 17 a combination thereof provides that payments are to be

18 made in installments, the seller shall deposit ~~eighty~~
 19 ~~percent of each payment~~ all payments made under the
 20 purchase agreement in the trust fund until the full
 21 amount required to be placed in trust has been
 22 deposited. If the purchase agreement is financed with
 23 or sold to a financial institution, the purchase
 24 agreement shall be considered paid in full and the
 25 trust requirements shall be satisfied within fifteen
 26 days after the seller receives funds from the
 27 financial institution.

28 Sec.____. Section 523A.201, subsection 5, Code
 29 Supplement 2007, is stricken."

30 2. Page 2, by striking lines 1 through 14 and
 31 inserting the following:

32 "Sec.____. Section 523A.405, subsection 8, Code
 33 Supplement 2007, is amended to read as follows:

34 8. The amount of the surety bond shall equal
 35 ~~eighty percent~~ the amount of the payments received
 36 pursuant to purchase agreements, or the applicable
 37 portion thereof, for cemetery merchandise, funeral
 38 merchandise, funeral services, or a combination
 39 thereof and the amount needed to adjust the amount of
 40 the surety bond for inflation as set by the
 41 commissioner based on the consumer price index. The
 42 seller shall review the amount of the surety bond no
 43 less than annually and shall increase the bond as
 44 necessary to reflect additional payments. The amount
 45 needed to adjust for inflation shall be added annually
 46 to the surety bond during the first quarter of the
 47 ~~establishment's~~ seller's fiscal year."

48 3. Page 4, line 4, by striking the words "not
 49 less than eighty percent" and inserting the following:
 50 "~~not less than eighty percent~~ all".

PETTENGILL of Benton

H-8356

1 Amend Senate File 2308, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
 4 following:

5 "Section 1. NEW SECTION. 22.15 PROTECTION OF
 6 PERSONAL INFORMATION – DESTRUCTION OF PUBLIC RECORDS
 7 – PENALTY.

8 1. "Personal information" means an individual's
 9 first name or first initial and last name in
 10 combination with any one or more of the following data
 11 elements that relate to the individual if neither the
 12 name nor the data elements are encrypted, redacted, or
 13 otherwise altered by any method or technology in such
 14 a manner that the name or data elements are

15 unreadable:

16 a. Social security number.

17 b. Driver's license number or other unique
18 identification number created or collected by a
19 government body.

20 c. Financial account number, credit card number,
21 or debit card number in combination with any required
22 security code, access code, or password that would
23 permit access to an individual's financial account.

24 d. Unique electronic identifier or routing code,
25 in combination with any required security code, access
26 code, or password.

27 e. Unique biometric data, such as a fingerprint,
28 voice print or recording, retina or iris image, or
29 other unique physical representation or digital
30 representation of the biometric data.

31 2. Unless otherwise required by federal or state
32 law, each government body shall take reasonable steps
33 to destroy or arrange for the destruction of a public
34 record, or portion thereof, containing personal
35 information within its control, which is no longer
36 required to be retained by the government body.
37 Destruction of a public record, or portion thereof,
38 shall be in accordance with the following minimum
39 standards:

40 a. Paper documents containing personal information
41 shall be either redacted, burned, pulverized, or
42 shredded so that personal information cannot
43 practicably be read or reconstructed.

44 b. Electronic media and other nonpaper media
45 containing personal information shall be destroyed or
46 erased so that personal information cannot practicably
47 be read, reconstructed, or deciphered through any
48 means.

49 3. A government body may contract with a third
50 party to destroy public records containing personal

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1 information in accordance with the requirements of
2 this section. Any third party hired to destroy public
3 records containing personal information shall
4 implement and monitor compliance with policies and
5 procedures that prohibit unauthorized access to or
6 acquisition of or use of personal information during
7 the collection, transportation, and destruction of
8 personal information.

9 4. A government body or third party that violates
10 the provisions of this section shall be subject to a
11 civil penalty of not more than one hundred dollars per
12 public record affected, provided such penalty shall
13 not exceed fifty thousand dollars for each instance of

14 improper destruction. The office of attorney general
 15 or a county attorney may enforce the provisions of
 16 this section."

17 2. Page 5, by inserting after line 32 the
 18 following:

19 "Sec.____. IMPLEMENTATION OF ACT. Section 25B.2,
 20 subsection 3, shall not apply to the section of this
 21 Act enacting section 22.15."

22 3. Title page, line 1, by inserting after the
 23 word "to" the following: "identity determination and
 24 protection and".

25 4. Title page, line 3, by inserting after the
 26 word "information," the following: "requiring the
 27 destruction of certain public records containing
 28 personal information,".

29 5. By renumbering as necessary.

PETTENGILL of Benton

H-8357

1 Amend Senate File 2279, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 3, line 16, by inserting after the word
 4 "program." the following: "A school district or
 5 accredited nonpublic school shall not reduce
 6 instructional time for academic courses in order to
 7 meet the requirements of this paragraph."

PAULSEN of Linn

H-8358

1 Amend Senate File 2279, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 16 the
 4 following:
 5 "(4) A student is exempt from the requirements of
 6 this paragraph "b" if the student's parent or guardian
 7 annually files a written statement with the school
 8 principal excusing the student from the requirement."
 9 2. By renumbering as necessary.

PAULSEN of Linn

H-8359

1 Amend Senate File 417, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 5, by striking lines 23 through 29.
 4 2. Page 6, by inserting after line 10 the
 5 following:

6 "3. In addition to any other penalties provided
 7 for in this chapter, the commissioner may, by order,
 8 impose a civil penalty upon a person violating any
 9 provision of this chapter. Each day of a continuing
 10 violation constitutes a separate offense, except that
 11 offenses resulting from the same or common facts or
 12 circumstances shall be considered a single offense.
 13 Before issuing an order under this section, the
 14 commissioner shall provide the person written notice
 15 and the opportunity to request a hearing on the
 16 record. The hearing must be requested within thirty
 17 days of the issuance of the notice.

18 a. A person aggrieved by the imposition of a civil
 19 penalty under this section may seek judicial review in
 20 accordance with section 17A.19.

21 b. If a person fails to pay a civil penalty within
 22 thirty days after entry of an order under subsection
 23 1, or if the order is stayed pending an appeal within
 24 ten days after the court enters a final judgment in
 25 favor of the commissioner, the commissioner shall
 26 notify the attorney general. The attorney general may
 27 commence an action to recover the amount of the
 28 penalty, including reasonable attorney fees and costs.

29 c. An action to enforce an order under this
 30 section may be joined with an action for an
 31 injunction."

32 3. By renumbering as necessary.

T. TAYLOR of Linn
 TYMESON of Madison

H-8368

1 Amend Senate File 2325, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 3, line 18, by striking the figure "2009"
 4 and inserting the following: "2008".

THOMAS of Clayton

H-8370

1 Amend the amendment, H-8354, to Senate File 2134 as
 2 follows:

3 1. Page 5, line 10, by striking the word "may"
 4 and inserting the following: "~~may~~ shall".

ZIRKELBACH of Jones

H-8371

1 Amend Senate File 34, as passed by the Senate, as

2 follows:

3 1. Page 2, by striking lines 10 through 18 and
4 inserting the following:

5 "Sec.____. Section 321.446, Code 2007, is amended
6 to read as follows:

7 321.446 CHILD RESTRAINT DEVICES.

8 1. a. A child under one year of age and weighing
9 less than twenty pounds who is being transported in a
10 motor vehicle subject to registration, except a school
11 bus or motorcycle, shall be secured during transit in
12 a rear-facing child restraint system that is used in
13 accordance with the manufacturer's instructions.

14 b. A child under six years of age who does not
15 meet the description in paragraph "a" and who is being
16 transported in a motor vehicle subject to
17 registration, except a school bus or motorcycle, shall
18 be secured during transit by a child restraint system
19 that is used in accordance with the manufacturer's
20 instructions.

21 2. A child at least six years of age but under
22 ~~eleven~~ eighteen years of age who is being transported
23 in a motor vehicle subject to registration, except a
24 school bus or motorcycle, shall be secured during
25 transit by a child restraint system that is used in
26 accordance with the manufacturer's instructions or by
27 a safety belt or safety harness of a type approved
28 under section 321.445.

29 2A. A person who transports children in a motor
30 vehicle and who is not in compliance with the
31 requirements of subsection 1 or 2 is not in violation
32 of this section if the failure to secure one or more
33 of the children is because the number of children
34 being transported exceeds the number of passenger
35 securing locations suitable for securing a child
36 either in a child restraint system or by a safety belt
37 or safety harness, provided that all of those
38 locations are in use by children secured in accordance
39 with this section and as many of the children under
40 six years of age are properly secured in child
41 restraint systems as the vehicle is designed to
42 accommodate.

43 3. This section does not apply to peace officers
44 acting on official duty. This section also does not
45 apply to the transportation of children in 1965 model
46 year or older vehicles, authorized emergency vehicles,
47 buses, or motor homes, except when a child is
48 transported in a motor home's passenger seat situated
49 directly to the driver's right. This section does not
50 apply to the transportation of a child who has been

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1 certified by a physician licensed under chapter 148,
 2 150, or 150A as having a medical, physical, or mental
 3 condition that prevents or makes inadvisable securing
 4 the child in a child restraint system, safety belt, or
 5 safety harness.

6 4. An operator who violates ~~subsection 1 or 2~~ this
 7 section is guilty of a simple misdemeanor and subject
 8 to the penalty provisions of section 805.8A,
 9 subsection 14, paragraph "c". However, if a child is
 10 being transported in a taxicab in a manner that is not
 11 in compliance with ~~subsection 1 or 2~~ this section, the
 12 parent, legal guardian, or other responsible adult
 13 traveling with the child shall be served with a
 14 citation for a violation of this section in lieu of
 15 the taxicab operator.

16 5. A person who is first charged for a violation
 17 of subsection 1 and who has not purchased or otherwise
 18 acquired a child restraint system shall not be
 19 convicted if the person produces in court, within a
 20 reasonable time, proof that the person has purchased
 21 or otherwise acquired a child restraint system which
 22 meets federal motor vehicle safety standards.

23 6. Failure to use a child restraint system, safety
 24 belts, or safety harnesses as required by this section
 25 does not constitute negligence nor is the failure
 26 admissible as evidence in a civil action.

27 7. For purposes of this section, the following
 28 definitions apply:

29 a. "child "Child restraint system" means a
 30 specially designed seating system, including a
 31 belt-positioning seat or a booster seat, that meets
 32 federal motor vehicle safety standards set forth in 49
 33 C.F.R. § 571.213.

34 b. "Passenger securing location" means any area
 35 within the passenger compartment of a motor vehicle,
 36 other than the driver's seat, in which the
 37 manufacturer has installed a safety belt or safety
 38 harness."

39 2. Title page, line 1, by striking the word
 40 "requiring" and inserting the following: "relating
 41 to".

42 3. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION

H-8372

1 Amend Senate File 417, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 1, by inserting after the word

- 4 "Code" the following: "Supplement".
 5 2. Page 1, line 3, by striking the figure "6A."
 6 and inserting the following: "7A."
 7 3. Page 1, line 8, by striking the figure "6B."
 8 and inserting the following: "7B."
 9 4. Page 1, line 12, by striking the figure "6C."
 10 and inserting the following: "9A."
 11 5. Page 1, line 16, by inserting after the word
 12 "Code" the following: "Supplement".
 13 6. Page 1, line 23, by striking the figure "2008"
 14 and inserting the following: "2009".
 15 7. Page 3, by striking lines 15 and 16 and
 16 inserting the following: "safety board by rule."
 17 8. Page 3, line 31, by striking the word "sixty"
 18 and inserting the following: "forty-five".
 19 9. Page 4, by striking lines 12 and 13 and
 20 inserting the following: "shall determine."
 21 10. Page 4, line 14, by striking the word
 22 "renewable" and inserting the following: "valid".
 23 11. By renumbering as necessary.

COMMITTEE ON LABOR

H-8373

- 1 Amend Senate File 2353, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 1, line 1, through page 3,
 4 line 22.
 5 2. Page 5, by striking lines 6 and 7 and
 6 inserting the following:
 7 "Notwithstanding any other provision of the Code to
 8 the contrary, if a vacancy occurs in the office of a".
 9 3. By striking page 5, line 21, through page 8,
 10 line 32.
 11 4. By striking page 11, line 23, through page 13,
 12 line 6.
 13 5. By renumbering as necessary.

COMMITTEE ON JUDICIARY

H-8375

- 1 Amend Senate File 2282, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 14, by inserting after the word
 4 "~~association~~," the following: "the aggregated
 5 information about student performance during the first
 6 year of postsecondary education provided by the
 7 regents universities and community colleges pursuant
 8 to sections 260C.14 and 262.94".
 9 2. Page 4, by striking lines 1 and 2 and

10 inserting the following:

11 "Sec.____. Section 260C.14, subsection 21, Code
 12 2007, is amended by striking the subsection and
 13 inserting in lieu thereof the following:
 14 21. Report to each Iowa high school, as
 15 applicable, each year by August 1, the students from
 16 the high school that attended the community college as
 17 freshmen, the math, English, and science classes in
 18 which the students enrolled, and the grades the
 19 students received in those classes."

20 3. Page 4, by inserting before line 3 the
 21 following:

22 "Sec.____. NEW SECTION. 262.94 FRESHMEN REPORTS.
 23 The board of regents shall direct the state
 24 university of Iowa, Iowa state university of science
 25 and technology, and the university of northern Iowa to
 26 report to each Iowa high school, as applicable, each
 27 year by August 1, the students from the high school
 28 that attended the university as freshmen, the math,
 29 English, and science classes in which the students
 30 enrolled, and the grades the students received in
 31 those classes."

32 4. By renumbering as necessary.

KAUFMANN of Cedar

H-8378

1 Amend Senate File 2216, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 10 through 27 and
 4 inserting the following:
 5 "28. a. Adopt ~~a set of~~ minimum core content
 6 standards applicable to all students in kindergarten
 7 through grade twelve in every school district and
 8 accredited nonpublic school. For purposes of this
 9 subsection, ~~core~~ "minimum content standards" include
 10 reading, mathematics, and science. The minimum core
 11 content standards shall be identical to the core
 12 content standards included in Iowa's approved 2006
 13 standards and assessment system under Title I of the
 14 federal Elementary and Secondary Education Act of
 15 1965, 20 U.S.C. § 6301 et seq., as amended by the
 16 federal No Child Left Behind Act of 2001, Pub. L. No.
 17 107-110. ~~School districts and accredited nonpublic~~
 18 ~~schools shall include, at a minimum, the core content~~
 19 ~~standards adopted pursuant to this subsection in any~~
 20 ~~set of locally developed content standards.~~ School
 21 districts and accredited nonpublic schools are
 22 strongly encouraged to ~~include the voluntary model~~
 23 ~~core curriculum or~~ set higher expectations in local
 24 standards. As changes in federal law or regulation

25 occur, the state board is authorized to amend the
 26 minimum core content standards as appropriate.
 27 b. School districts and accredited nonpublic
 28 schools shall include, at a minimum, the core content
 29 standards adopted in accordance with paragraph "a" in
 30 any set of locally developed content standards until
 31 June 30, 2012. School districts and accredited
 32 nonpublic schools shall include, at a minimum, the
 33 rigorous core content standards adopted in accordance
 34 with paragraph "c" in any set of locally developed
 35 content standards by July 1, 2012.
 36 c. (1) By July 1, 2010, adopt by rule, for
 37 implementation by July 1, 2012, by school districts
 38 and accredited nonpublic schools, rigorous core
 39 content and performance standards applicable to all
 40 students in prekindergarten through grade twelve in
 41 every school district and accredited nonpublic school.
 42 The board shall consider the recommendations of the
 43 task force convened by the director in accordance with
 44 subparagraph (2). The board shall establish criteria
 45 to ensure that the standards adopted are rigorous and
 46 support best practices. However, the standards
 47 adopted shall not exceed in scope or depth the
 48 curriculum that can be reasonably taught in the
 49 instructional time available. Prior to adoption, the
 50 board shall submit the proposed standards to an

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1 external nonprofit educational organization for an
 2 independent review. The results of the review shall
 3 be posted on the department's internet web site.
 4 (2) Recommended rigorous core content and
 5 performance standards shall be developed by a task
 6 force convened by the director of the department. The
 7 task force shall be comprised of teachers, school
 8 administrators, higher education faculty who teach in
 9 the subjects for which the standards are being
 10 adopted, private sector employers, members of the
 11 boards of directors of school districts, and
 12 authorities in charge of accredited nonpublic schools.
 13 The task force shall review the national assessment of
 14 educational progress standards, standards adopted by
 15 other states, and standards identified as best
 16 practices in the field of study by the national
 17 councils of teachers of English and mathematics, the
 18 national council for the social studies, the national
 19 science teachers association, and other recognized
 20 experts. The director shall provide at least one
 21 staff person who is qualified by education and
 22 experience in developing rigorous content and
 23 performance standards to assist the task force.

24 Members of the task force shall be allowed their
 25 actual and necessary expenses incurred in the
 26 performance of their duties. All expenses shall be
 27 paid from appropriations to the department. The task
 28 force shall submit its recommendations to the state
 29 board of education by January 2, 2009. The task force
 30 may be reconvened whenever the director of the
 31 department determines there is a need to review or
 32 amend the rigorous core content and performance
 33 standards.
 34 d. The rigorous core content standards for
 35 prekindergarten through grade six shall include
 36 reading and writing, mathematics, science, social
 37 studies, and art. The core content standards for
 38 grades seven through twelve shall include English and
 39 language arts, mathematics, science, history, social
 40 studies, and art. The core content standards shall be
 41 more rigorous than the minimum core content standards
 42 adopted pursuant to paragraph "a". School districts
 43 and accredited nonpublic schools shall include, at a
 44 minimum, the rigorous core content and performance
 45 standards adopted pursuant to this subsection in any
 46 set of locally developed content standards.
 47 e. The rigorous performance standards shall be
 48 grade-level expectations which are aligned to the
 49 rigorous core content standards adopted pursuant to
 50 paragraph "c". The performance standards shall

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1 specify expectations for students' knowledge and
 2 performance at the end of a given grade level. The
 3 rigorous performance standards for kindergarten
 4 through grade six shall include reading and writing,
 5 mathematics, and science, and for grades seven through
 6 twelve shall include English and language arts,
 7 mathematics, science, history and social studies, and
 8 art.
 9 f. The board shall require each school district to
 10 align the local curriculum, instructional materials,
 11 and classroom instruction to the standards adopted and
 12 to submit evidence of such alignment satisfactory to
 13 the department.
 14 g. A student shall not be denied curriculum or
 15 instruction consistent with the rigorous core content
 16 standards which offer the student an opportunity to
 17 become proficient on the rigorous performance
 18 standards adopted pursuant to this subsection."''
 19 2. By renumbering as necessary.

RAECKER of Polk
 QUIRK of Chickasaw

DANDEKAR of Linn
 KELLEY of Black Hawk

MERTZ of Kossuth
 BAILEY of Hamilton
 CHAMBERS of O'Brien

HUSER of Polk
 TYMESON of Madison
 WISE of Lee

H-8380

1 Amend House File 2663 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following:

4 "Section 1. Section 84A.5, subsection 4, Code
 5 Supplement 2007, is amended to read as follows:

6 4. The division of labor services is responsible
 7 for the administration of the laws of this state under
 8 chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91, 91A,
 9 91C, 91D, 91E, 91F, 92, and 94A, and section 85.68.

10 The executive head of the division is the labor
 11 commissioner, appointed pursuant to section 91.2.

12 Sec. 2. NEW SECTION. 91F.1 SHORT TITLE.

13 This chapter shall be known and may be cited as the
 14 "Public Improvement Quality Protection Act".

15 Sec. 3. NEW SECTION. 91F.2 PUBLIC POLICY.

16 It is in the public interest that public
 17 improvements are completed by the best means and
 18 highest quality of labor reasonably available, and
 19 that workers working on public improvements be
 20 compensated according to the real value of the
 21 services they perform.

22 Sec. 4. NEW SECTION. 91F.3 DEFINITIONS.

23 As used in this chapter, unless the context
 24 otherwise requires:

25 1. "Commissioner" means the labor commissioner
 26 appointed pursuant to section 91.2.

27 2. "Contractor" or "subcontractor" means a person
 28 who undertakes, offers to undertake, purports to have
 29 the capacity to undertake, or submits a bid,
 30 individually or through others, to engage in a public
 31 improvement.

32 3. "Custom fabrication" means the fabrication of
 33 plumbing, heating, cooling, ventilation, architectural
 34 systems, structural systems, exhaust duct systems, or
 35 mechanical insulation.

36 4. "Division" means the division of labor services
 37 of the department of workforce development.

38 5. a. "Fringe benefits" means the following for
 39 the provision or purchase of any of the benefits
 40 enumerated in paragraph "b":

41 (1) The contribution irrevocably made by a
 42 contractor or subcontractor to a trustee or to a third
 43 person pursuant to a plan, fund, or program.

44 (2) The costs to the contractor or subcontractor
 45 which may be reasonably anticipated in providing
 46 benefits to workers pursuant to an enforceable

47 commitment to carry out a financially responsible plan
 48 or program, given in writing to the workers affected.
 49 b. (1) Medical or hospital care.
 50 (2) Pensions or annuities on retirement or death.

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1 (3) Life insurance.
 2 (4) Disability and sickness insurance.
 3 (5) Accident insurance for nonwork-related
 4 accidents.
 5 (6) Vacation or holiday pay.
 6 (7) Defraying costs of apprenticeship programs
 7 approved by and registered with the United States
 8 department of labor's bureau of apprenticeship and
 9 training.
 10 6. "Interested party" means any of the following:
 11 a. A contractor who submits a bid for the purpose
 12 of securing the award of a contract for a public
 13 improvement.
 14 b. A subcontractor of a contractor mentioned in a
 15 bid referred to in paragraph "a".
 16 c. A worker employed by a contractor or
 17 subcontractor described in either paragraph "a" or
 18 "b".
 19 d. A labor organization that represents workers
 20 engaged in the same craft or classification as workers
 21 employed by a contractor or subcontractor described in
 22 either paragraph "a" or "b" and that exists, in whole
 23 or in part, for the purpose of negotiating with
 24 employers concerning the wages, hours, or terms and
 25 conditions of employment of employees.
 26 e. A joint labor-management committee established
 27 pursuant to the federal Labor Management Cooperation
 28 Act of 1978, 29 U.S.C. § 175a.
 29 7. "Locality" means a county of this state.
 30 8. "Maintenance work" means the repair of existing
 31 public improvements when the size, type, or extent of
 32 the public improvement is not changed or increased.
 33 9. "Prevailing wage rate" means the hourly wage
 34 plus fringe benefits, which the commissioner
 35 determines prevails in accordance with this chapter,
 36 including all of the following:
 37 a. Apprentice ratios and the prevailing apprentice
 38 pay levels for each craft, classification, or type of
 39 worker which the commissioner determines prevails in
 40 accordance with section 91F.5.
 41 b. A prevailing rate for overtime pay for work in
 42 excess of the normal prevailing workday and for
 43 weekend overtime pay for each craft, classification,
 44 or type of worker, including apprentices.
 45 c. Holiday pay for holidays that prevail in the

46 locality in which the work is being performed.
47 10. "Public body" means a school district.
48 11. a. "Public improvement" means any of but not
49 limited to the following that meets the criteria set
50 out in paragraphs "b" and "c":

Page 3

1 (1) Construction, alteration, reconstruction,
2 repair, rehabilitation, refinishing, refurbishing,
3 remodeling, renovation, custom fabricating,
4 maintenance, landscaping, improving, moving, wrecking,
5 painting, decorating, or demolishing of, or adding to
6 or subtracting from any building, structure, sewer,
7 ditch, parking facility, railroad, excavation or other
8 structure, project, development, or improvement, or
9 any part thereof undertaken by a public body,
10 including any of but not limited to the following
11 related activities:
12 (a) The erection of scaffolding or other
13 structures or works.
14 (b) The maintenance, repair, assembly, or
15 disassembly of equipment.
16 (c) The testing of materials.
17 (d) The hauling of refuse from a site to an
18 outside disposal location.
19 (e) The cleaning of grounds or structures.
20 (f) The addition to or fabrication into any
21 structure, project, development, or improvement of any
22 material or article of merchandise undertaken by a
23 public body.
24 (2) The preparation and removal of roadway
25 construction zones, lane closures, flagging, or
26 traffic diversions undertaken by a public body.
27 (3) The installation, repair, maintenance, or
28 calibration of monitoring equipment for underground
29 storage tanks undertaken by a public body.
30 (4) Work that is performed on any property or
31 premises dedicated exclusively or nearly so to the
32 completion of a public improvement, and transportation
33 of supplies, material, and equipment to or from the
34 property or premises undertaken by a public body.
35 b. Work on the public improvement is performed
36 under public supervision or direction, and the work is
37 financed wholly or in part from public funds, or if at
38 the time of commencement of the public improvement all
39 of the following conditions with respect to the public
40 improvement are met:
41 (1) Not less than fifty-five percent of the
42 structure is leased by a public body, or is subject to
43 an agreement to be subsequently leased by a public
44 body.

45 (2) The portion of the structure that is leased or
46 subject to an agreement to be subsequently leased by a
47 public body measures more than twenty thousand square
48 feet.

49 c. The public improvement project is funded by a
50 school district and the estimated total cost is three

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1 hundred thousand dollars or more.

2 12. "Worker" means an individual who performs any
3 labor or services for a contractor or subcontractor on
4 a public improvement but does not include an
5 individual when transporting supplies, materials, or
6 equipment for a seller, supplier, manufacturer, or
7 processor. The individual is deemed an employee of a
8 contractor or subcontractor unless all of the
9 following apply:

10 a. The individual provides labor or services free
11 from the direction or control over the means and
12 manner of providing the labor or services, subject
13 only to the right of the person for whom the labor or
14 services are provided to specify the desired results.

15 b. The individual providing the labor or services
16 is responsible for obtaining business registrations or
17 licenses required by state law or local ordinance to
18 provide the labor or services.

19 c. The individual providing the labor or services
20 furnishes the tools and equipment necessary to provide
21 the labor or services.

22 d. The individual providing the labor or services
23 has the authority to hire and fire employees to
24 perform the labor or services.

25 e. Payment for the labor or services is made upon
26 completion of the performance of specific portions of
27 a public improvement, or is made on the basis of a
28 periodic retainer.

29 f. The individual providing the labor or services
30 represents to the public that the labor or services
31 are to be provided by an independently established
32 business. An individual is engaged in an
33 independently established business when four or more
34 of the following circumstances exist:

35 (1) Labor or services are primarily performed at a
36 location separate from the individual's residence or
37 in a specified portion of the residence that is set
38 aside for performing labor or services.

39 (2) Commercial advertising or business cards are
40 purchased by the individual, or the individual is a
41 member of a trade or professional association.

42 (3) Telephone or electronic mail listings used by
43 the individual for the labor or services are different

44 from the individual's personal listings.

45 (4) Labor or services are performed only pursuant
46 to a written contract.

47 (5) Labor or services are performed for two or
48 more persons or entities within a period of one year.

49 (6) The individual assumes financial
50 responsibility for errors and omissions in the

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1 performance of the labor or services as evidenced by
2 insurance, performance bonds, and warranties relating
3 to the labor or services provided.

4 Sec. 5. NEW SECTION. 91F.4 ADMINISTRATION.

5 The commissioner and the division shall administer
6 this chapter and the commissioner shall adopt rules
7 for the administration and enforcement of this chapter
8 as provided in section 91.6.

9 Sec. 6. NEW SECTION. 91F.5 DETERMINATION OF
10 PREVAILING WAGES.

11 1. The commissioner shall determine annually and
12 publish, on the first business day of July, the
13 prevailing wage rates by locality for each craft,
14 classification, or type of worker needed to perform
15 work on public improvements. The rates shall be
16 conclusive for one year from the date of publication
17 unless superseded within the one year by a later
18 publication of the commissioner, or for a longer
19 period as provided in subsection 5.

20 2. The commissioner shall announce all prevailing
21 wage rate determinations by locality and give notice
22 by posting them on the portion of the department of
23 workforce development's website related to the
24 division. A printed version of the prevailing wage
25 rates for the state shall be available to the public
26 upon request to the division.

27 3. The public body awarding any contract for a
28 public improvement, or otherwise undertaking any
29 public improvement, shall obtain from the website the
30 prevailing wage rate in the locality in which the
31 public improvement is to be performed for each craft,
32 classification, or type of worker needed to perform
33 work on the public improvement. After a public
34 improvement contract is awarded, or a public
35 improvement is otherwise undertaken, the prevailing
36 wage rate published by the commissioner and stated in
37 the public body's public improvement procurement
38 documents shall remain in effect throughout the
39 duration of the public improvement unless superseded
40 by a later determination and publication by the
41 commissioner, or unless multiyear prevailing wage
42 rates have been published by the commissioner at the

43 time the public improvement procurement documents were
44 released.

45 4. a. In determining the annual prevailing wage
46 rate for any craft, classification, or type of worker,
47 the commissioner shall ascertain and consider the
48 applicable wage rates and fringe benefits established
49 by collective bargaining agreements, the prevailing
50 wage rate determinations that may exist for federal

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1 public improvements within the locality and other data
2 obtained by the department during any prevailing wage
3 rate survey of contractors who participate in an
4 apprenticeship program approved by and registered with
5 the United States department of labor's bureau of
6 apprenticeship and training, who provide health
7 insurance and retirement benefits for their workers,
8 and who are registered with the division. Based upon
9 these considerations, the commissioner shall calculate
10 the prevailing wage rates based on the wage rate plus
11 fringe benefits most often occurring for each craft,
12 classification, or other type of worker within each
13 locality.

14 b. The minimum annual prevailing wage rate
15 determination established by the department shall not
16 be lower than the prevailing wage rate determination
17 that may exist for federal public improvements within
18 the locality.

19 c. Notwithstanding other provisions of this
20 chapter, except for the threshold criteria of section
21 91F.3, subsection 11, paragraph "c", federal
22 Davis-Bacon Act prevailing wage rates and procedures,
23 as defined in 29 C.F.R. pts. 1, 3, and 5, and
24 administered by the public body, shall apply to public
25 improvements that are publicly owned horizontal
26 transportation infrastructure, which includes but is
27 not limited to roads and streets as defined in section
28 306.3.

29 d. None of the benefits enumerated in this chapter
30 may be considered in the determination of prevailing
31 wage rates if the contractor or subcontractor is
32 required by other federal, state, or local law to
33 provide such benefits.

34 5. If the commissioner determines that the
35 prevailing wage rate for any craft, classification, or
36 type of worker is the rate established by a collective
37 bargaining agreement applicable in the locality, the
38 commissioner may adopt that rate by reference and that
39 determination shall be effective for the life of the
40 agreement or until the commissioner adopts another
41 rate.

42 6. a. At any time within fifteen days after the
43 division has published on the department of workforce
44 development's website the annual prevailing wage rates
45 for each classification, craft, or other type of
46 worker in the locality, any interested person affected
47 may object to the determination or the part of the
48 determination as the interested person may deem
49 objectionable by filing a written notice with the
50 commissioner by restricted certified mail as defined

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1 in section 618.15. When objecting to a prevailing
2 wage rate determination, the interested person shall
3 submit, as a part of the written notice, the
4 prevailing wage rate the interested person believes to
5 be the correct prevailing wage rate determination,
6 stating the specific grounds to support that position.
7 Upon receipt of the notice of objection, the
8 commissioner shall reconsider the determination and
9 shall affirm or modify the determination and reply in
10 writing by restricted certified mail to the interested
11 person within fifteen days from the date of the
12 receipt of the notice of objection. Any modification
13 to the prevailing wage rate determination shall be
14 effective on the date the modification is published by
15 the commissioner.

16 b. If the commissioner declines to modify the
17 determination, within ten days upon receiving receipt
18 of the commissioner's decision, the interested person
19 affected may submit in writing the objection to the
20 division by restricted certified mail, stating the
21 specified grounds of the objection. The department of
22 inspections and appeals shall be notified of the
23 objection and set a date for a hearing before an
24 administrative law judge on the objection, after
25 giving notice by restricted certified mail to the
26 interested person and the division at least ten days
27 before the date of the hearing of the time and place
28 of the hearing. The hearing shall be held within
29 forty-five days after the objection is filed, and
30 shall not be postponed or reset for a later date
31 except upon the consent, in writing, of the interested
32 person and the division.

33 7. The party requesting a hearing shall have the
34 burden of establishing that the annual prevailing wage
35 rate determination for that locality was not
36 determined in accordance with this chapter. If the
37 party requesting a hearing under this section objects
38 to the commissioner's failure to include a craft,
39 classification, or type of worker within the annual
40 prevailing wage rate determination in the locality,

41 the objector shall have the burden of establishing
 42 that there is no existing prevailing wage rate
 43 classification for the particular craft,
 44 classification, or type of worker in any of the
 45 localities under consideration.

46 8. The administrative law judge may in the
 47 administrative law judge's discretion hear each
 48 written objection filed separately or consolidate for
 49 hearing any one or more written objections filed with
 50 the division. At the hearing, the division shall

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1 introduce into evidence the investigation it
 2 instituted which formed the basis of its
 3 determination, and the division or any interested
 4 objectors may introduce evidence that is material to
 5 the determination. The administrative law judge shall
 6 rule upon each written objection and make a final
 7 determination, as the administrative law judge
 8 believes the evidence warrants, and promptly serve a
 9 copy of the final determination by personal service or
 10 restricted certified mail on all parties to the
 11 proceedings. The administrative law judge shall
 12 render a final determination within thirty days after
 13 the conclusion of the hearing.

14 9. If proceedings to review judicially the final
 15 determination of the administrative law judge are not
 16 instituted as provided in this section, the
 17 determination shall be final and binding. The
 18 provisions of section 17A.19 shall apply to and govern
 19 all proceedings. Appeals from all final orders and
 20 judgments entered by the court in review of the final
 21 determination of the administrative law judge may be
 22 taken by any party to the action. In all reviews or
 23 appeals under this chapter, the attorney general shall
 24 represent the division and defend its determination.

25 10. This section does not give reason or provide
 26 cause for an injunction to halt or delay any public
 27 improvement.

28 Sec. 7. NEW SECTION. 91F.6 PAYMENT OF PREVAILING
 29 WAGES REQUIRED.

30 1. Contractors and subcontractors engaged in a
 31 public improvement shall pay not less than the current
 32 prevailing wage rates in accordance with this chapter
 33 to all of their workers engaged in the public
 34 improvement. However, this chapter does not prohibit
 35 the payment of more than the prevailing wage rate to
 36 any workers engaged in a public improvement.

37 2. All contractors and subcontractors required to
 38 pay the prevailing wage rate under this chapter shall
 39 pay the wages in legal tender, without any deduction

40 for food, sleeping accommodations, transportation, use
 41 of tools or safety equipment, vehicle or equipment
 42 rental, or any other thing of any kind or description.

43 Sec. 8. NEW SECTION. 91F.7 REQUIREMENTS FOR
 44 PUBLIC IMPROVEMENTS.

45 1. The public body awarding a contract for a
 46 public improvement or otherwise undertaking a public
 47 improvement shall specify in the call for bids for the
 48 contract that this chapter applies to the public
 49 improvement.

50 2. If a public improvement requires the payment of

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1 prevailing wage rates, the public body shall require
 2 the contractor to execute a written instrument that
 3 not less than the prevailing wage rate shall be paid
 4 to all workers performing work on the public
 5 improvement. The written instrument shall also
 6 contain a provision that if it is found that any of
 7 the contractor's workers engaged in the public
 8 improvement has been paid at a wage rate less than the
 9 prevailing wage rate required by this chapter, the
 10 public body may terminate the contractor's right to
 11 proceed with the work and the contractor and its
 12 sureties shall be liable to the public body for any
 13 excess costs occasioned by the failure to pay the
 14 prevailing wage rate. The written instrument shall
 15 have attached a list of the prevailing wage rates in
 16 accordance with this chapter for all crafts,
 17 classifications, or types of workers in the locality
 18 for each worker needed to be included in the contract
 19 for the public improvement.

20 3. If a contract is let for a public improvement
 21 requiring the payment of prevailing wage rates, the
 22 public body awarding the contract shall cause to be
 23 inserted in the public improvement specifications and
 24 contract a stipulation that not less than the
 25 prevailing wage rate shall be paid to all workers
 26 performing work under the contract. The contract
 27 shall also contain a provision to the effect that if
 28 it is found that any of the contractor's workers
 29 engaged in the public improvement has been paid at a
 30 wage rate less than the prevailing wage rate required
 31 by this chapter, the public body may terminate the
 32 contractor's right to proceed with the work and the
 33 contractor and its sureties shall be liable to the
 34 public body for any excess costs occasioned by the
 35 failure to pay the prevailing wage rate. All bid
 36 specifications shall list the prevailing wage rates in
 37 accordance with this chapter for all crafts,
 38 classifications, or types of workers in the locality

39 for each worker needed to be included in the contract.
40 4. If a public improvement requires the payment of
41 prevailing wage rates, the contractor shall require
42 any subcontractors engaged by the contractor on the
43 public improvement to execute a written instrument
44 that not less than the prevailing wage rates shall be
45 paid to all workers performing work on the public
46 improvement. The written instrument shall also
47 contain a provision that if it is found that any of
48 the subcontractor's workers engaged in the public
49 improvement has been paid at a wage rate less than the
50 prevailing wage rate required by this chapter, the

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1 public body may terminate the subcontractor's right to
2 proceed with the work and the subcontractor and its
3 sureties shall be liable to the public body for any
4 excess costs occasioned by the failure to pay the
5 prevailing wage rate. The written instrument shall
6 have attached a list of the prevailing wage rates in
7 accordance with this chapter for all crafts,
8 classifications, or types of workers in the locality
9 for each worker needed to be included in the contract.

10 5. If a subcontract is let for a public
11 improvement requiring the payment of the prevailing
12 wage rate, the contractor to whom the contract is
13 awarded shall insert into the subcontract and into the
14 public improvement project specifications for each
15 subcontract a written stipulation that not less than
16 the prevailing wage rate shall be paid to all workers
17 performing work under the subcontract. A
18 subcontractor shall insert into each lower-tiered
19 subcontract a stipulation that not less than the
20 prevailing wage rate shall be paid to all workers
21 performing work under the subcontract. The
22 subcontract shall also contain a provision that if it
23 is found that any subcontractor's workers engaged in
24 the public improvement have been paid at a wage rate
25 less than the prevailing wage rate required by this
26 chapter, the public body may terminate the
27 subcontractor's right to proceed with the work and the
28 subcontractor and its sureties shall be liable to the
29 public body for any excess costs occasioned by the
30 failure to pay the prevailing wage rate. All bid
31 specifications shall list the prevailing wage rates in
32 accordance with this chapter for all crafts,
33 classifications, or types of workers in the locality
34 for each worker needed to be included in the
35 subcontract.

36 6. A contractor or subcontractor engaging in a
37 public improvement shall submit a performance bond in

38 an amount determined by the public body which bond
39 shall include a provision that will guarantee the
40 payment of the prevailing wage rates as required by
41 the contract.

42 7. Before final payment is made by or on behalf of
43 a public body of any sum or sums due on a public
44 improvement, the treasurer of the public body or other
45 officer or person charged with the custody and
46 disbursement of the funds of the public body shall
47 require the contractor and subcontractor to file a
48 written statement with the public body, in a form
49 satisfactory to the division, certifying to the
50 amounts then due and owing from the contractor and

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1 subcontractor to any and all workers for wages due on
2 account of the public improvement, setting forth the
3 names of the persons whose wages are unpaid and the
4 amount due to each respectively. The statement shall
5 be verified by the oath of the contractor or
6 subcontractor, as the case may be, that the contractor
7 or subcontractor has read the statement certified by
8 the contractor or subcontractor, knows the contents,
9 and that the statement is true in accordance with the
10 contractor's or subcontractor's own knowledge.
11 However, this chapter shall not impair the right of a
12 contractor to receive final payment from a public body
13 because of the failure of a subcontractor to comply
14 with provisions of this chapter. The treasurer of the
15 public body or other officer or person charged with
16 the custody and disbursement of the funds of the
17 public body shall withhold the amount, if any, listed
18 on the verified statement filed pursuant to this
19 section for the benefit of the worker whose wages are
20 unpaid as shown by the verified statement filed by the
21 contractor or subcontractor, and the public body shall
22 pay directly to any worker the amount shown by the
23 statement to be due to the worker for the wages.
24 Payment shall discharge the obligation of the
25 contractor or subcontractor to the person receiving
26 the payment to the extent of the amount of the
27 payment.

28 8. The public body awarding a contract for a
29 public improvement or otherwise undertaking a public
30 improvement shall notify the commissioner in writing,
31 on a form prescribed by the commissioner, if a
32 contract subject to the provisions of this chapter has
33 been awarded or a public improvement subject to the
34 provisions of this chapter has been undertaken. The
35 public body shall file the notification with the
36 commissioner within thirty days after the contract is

37 awarded or before commencement of the public
 38 improvement, and shall include a list of all
 39 first-tier subcontractors.
 40 Sec. 9. NEW SECTION. 91F.8 FEDERAL PUBLIC
 41 IMPROVEMENTS – NOT APPLICABLE.
 42 The provisions of this chapter shall not be
 43 applicable to public improvements financed entirely by
 44 federal funds which require a prevailing wage rate
 45 determination by the United States department of
 46 labor. However, unless a federal provision applies,
 47 if a public improvement is financed in part by a
 48 public body and in part by federal funds, the higher
 49 of the prevailing wage rates shall prevail for the
 50 public improvement.

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1 Sec. 10. NEW SECTION. 91F.9 RECORDS REQUIRED.
 2 1. While participating in a public improvement,
 3 the contractor and each subcontractor shall do all of
 4 the following:
 5 a. Make and keep, for a period of not less than
 6 three years, accurate records of all workers employed
 7 by the contractor or subcontractor on the public
 8 improvement. The records shall include each worker's
 9 name, address, telephone number when available, social
 10 security number, trade classification, the hourly
 11 wages paid in each pay period, the number of hours
 12 worked each day, and the starting and ending times of
 13 work each day.
 14 b. Submit weekly a certified payroll to the public
 15 body in charge of the public improvement. The
 16 certified payroll shall consist of a complete copy of
 17 the records identified in paragraph "a". The
 18 certified payroll shall be accompanied by a statement
 19 signed by the contractor or subcontractor which avers
 20 that the records are true and accurate and the hourly
 21 wages paid to each worker are not less than the
 22 prevailing wage rate required by this chapter.
 23 2. The public body in charge of the public
 24 improvement shall keep the records submitted in
 25 accordance with subsection 1, paragraph "b", for a
 26 period of not less than three years. The records
 27 shall be considered public records and be made
 28 available in accordance with chapter 22.
 29 3. The contractor and each subcontractor shall
 30 make available for inspection the records identified
 31 in subsection 1, paragraph "a", to the public body in
 32 charge of the public improvement, its officers and
 33 agents, and to the division.
 34 4. For the purpose of verifying the accuracy of
 35 the records submitted pursuant to this section, the

36 contractor and each subcontractor shall make its
 37 workers available at the site of the public
 38 improvement for interview by the public body in charge
 39 of the public improvement, its officers and agents,
 40 and the division.

41 5. Contractors and subcontractors performing work
 42 on public improvements subject to this chapter shall
 43 post the prevailing wage rates for each craft,
 44 classification, or type of workers involved in the
 45 public improvement in a prominent and easily
 46 accessible place at the site of the public improvement
 47 or at the place or places used by the contractor or
 48 subcontractor to pay workers their wages.

49 Sec. 11. NEW SECTION. 91F.10 POWERS OF
 50 COMMISSIONER.

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1 The commissioner shall do all of the following:

2 1. Inquire diligently about any complaint of a
 3 violation of this chapter, institute actions for
 4 penalties prescribed, and enforce generally the
 5 provisions of this chapter.

6 2. Sue for injunctive relief against the awarding
 7 of a contract, the undertaking of a public
 8 improvement, or the continuation of a public
 9 improvement when the prevailing wage rate requirements
 10 of this chapter have not been met.

11 3. Investigate and ascertain the wages of workers
 12 engaged in any public improvement in this state.

13 4. a. Enter and inspect the place of business or
 14 employment of a contractor, subcontractor, or workers
 15 employed on a public improvement in this state, for
 16 the purpose of examining and inspecting books,
 17 registers, payrolls, and other records of a contractor
 18 or subcontractor that in any way relate to or have a
 19 bearing upon the question of wages, hours, and other
 20 conditions of employment of workers covered under this
 21 chapter.

22 b. Copy the books, registers, payrolls, and other
 23 records as the commissioner or the commissioner's
 24 authorized representative deems necessary or
 25 appropriate.

26 c. Question the workers for the purpose of
 27 ascertaining whether the provisions of this chapter
 28 have been and are being complied with.

29 d. Administer oaths, take or cause to be taken
 30 depositions of witnesses, and require by subpoena the
 31 attendance and testimony of witnesses and the
 32 production of all books, registers, payrolls, and
 33 other evidence relative to the matter under
 34 investigation or hearing.

35 5. Require from a contractor or subcontractor full
 36 and correct statements in writing, including sworn
 37 statements, with respect to wages, hours, names,
 38 addresses, and other information pertaining to its
 39 workers and their employment, as the commissioner or
 40 the commissioner's authorized representative may deem
 41 necessary or appropriate.

42 6. Require a contractor or subcontractor to file,
 43 within ten days of receipt of a request, any records
 44 enumerated in subsections 3 and 4, sworn as to their
 45 validity and accuracy as required by subsection 5. If
 46 the contractor or subcontractor fails to provide the
 47 requested records within ten days, the commissioner
 48 may direct, within fifteen days after the end of the
 49 ten-day period, that the fiscal or financial officer
 50 charged with the custody and disbursements of the

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1 funds of the public body, which contracted for
 2 construction of the public improvement or undertook
 3 the public improvement, to immediately withhold from
 4 payment to the contractor or subcontractor up to
 5 twenty-five percent of the amount to be paid to the
 6 contractor or subcontractor under the terms of the
 7 contract or written instrument under which the public
 8 improvement is being performed. The amount withheld
 9 shall be immediately released upon receipt by the
 10 public body of a notice from the commissioner
 11 indicating that the request for records as required by
 12 this section has been satisfied.

13 7. If a contractor or subcontractor fails to
 14 provide requested records in accordance with
 15 subsection 6 within ten days, direct, within fifteen
 16 days after the end of the ten-day period, the fiscal
 17 or financial officer charged with the custody and
 18 disbursements of the funds of the public body, which
 19 contracted for construction of the public improvement
 20 or undertook the public improvement, to pay directly
 21 to workers employed by the contractor or subcontractor
 22 from the amount withheld from the contractor or
 23 subcontractor pursuant to subsection 6 any prevailing
 24 wage rates found to be due and payable to the workers.

25 8. Contract with a person registered as a public
 26 accountant under chapter 542 to conduct an audit of a
 27 contractor, subcontractor, or public body.

28 Sec. 12. NEW SECTION. 91F.11 NOTICE OF
 29 VIOLATIONS.

30 1. For purposes of this section:

31 a. "Accurate records" means the payroll records
 32 required to be filed with the public body in charge of
 33 the public improvement as required by section 91F.9.

34 "Accurate records" also means the hourly rate of
 35 contribution and costs paid for fringe benefits and
 36 whether the contributions and costs of the fringe
 37 benefits were paid into a fund or paid directly to the
 38 worker.

39 b. "Decision" means a determination by the
 40 division that a single violation of this chapter has
 41 occurred, warranting the commissioner to issue a
 42 notice of violation to a contractor or subcontractor.

43 c. "Notice of second violation" is a formal
 44 written notice issued by the division advising a
 45 contractor or subcontractor that a second or
 46 subsequent violation has occurred within three years
 47 from the date of the notice of a first violation.

48 d. "Notice of violation" means a formal written
 49 notice issued by the division to a contractor or
 50 subcontractor that the division has made a decision

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1 that the contractor or subcontractor has violated this
 2 chapter.

3 e. "Violation" means a written decision by the
 4 division that a contractor or subcontractor has done
 5 one of the following:

6 (1) Failed or refused to pay the prevailing wage
 7 rate to one or more workers as required by this
 8 chapter.

9 (2) Failed to keep accurate records as required by
 10 this chapter.

11 (3) Failed to produce for the division accurate
 12 records or produced records not in compliance with
 13 this chapter.

14 (4) Refused to submit records or testimony to the
 15 division in response to a subpoena issued in
 16 accordance with this chapter.

17 (5) Refused to comply with the certified payroll
 18 provision of section 91F.9.

19 (6) Refused the division access, at any reasonable
 20 hour at a location within the state, to inspect the
 21 contractor's or subcontractor's records as required by
 22 this chapter.

23 (7) Failed to insert into each subcontract or
 24 lower-tiered subcontract and into the public
 25 improvement specifications for each subcontract or
 26 lower-tiered subcontract or provide a written
 27 instrument if no contract exists, a written
 28 stipulation that not less than the prevailing wage
 29 rate be paid as required by this chapter, and a
 30 statement that if it is found that a subcontractor's
 31 workers engaged in the public improvement have been
 32 paid at a rate of wages less than the prevailing wage

33 rate required to be paid by the contract, the public
34 body shall terminate the subcontractor's right to
35 proceed with the work.

36 (8) Failed to obtain a bond in the proper amount
37 that guarantees the payment of the prevailing wage
38 rates required in the contract.

39 (9) Failed to post the prevailing wage rates as
40 required by this chapter.

41 2. After receipt of a complaint or on the
42 division's initiative, the commissioner shall review
43 the investigative file to determine whether a
44 violation has occurred for which the contractor or
45 subcontractor must be given notice. All information
46 and observations made during an audit or investigation
47 shall be considered and shall constitute the basis for
48 the division's decision that this chapter has been
49 violated and that a notice of violation is required to
50 be issued. The notice of violation shall identify the

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1 specific violation and the amount of moneys estimated
2 due the division and in controversy based on reasons
3 contained in the investigative file.

4 3. In making a decision that a contractor or
5 subcontractor has failed to allow the commissioner
6 access to accurate records, the commissioner shall
7 rely on the information contained in the investigative
8 file, the certified payroll records filed with the
9 public body in charge of the public improvement or any
10 other information, and shall assess a separate
11 violation for each day worked by each worker on the
12 public improvement. Each decision of a separate
13 violation shall be listed in the notice of violation.

14 4. In determining that this chapter has been
15 violated and that the issuance of a notice of
16 violation is required, the commissioner shall base the
17 decision on one or any combination of the following
18 reasons:

19 a. The severity of the violations, which includes
20 the following:

21 (1) The amount of wages that are determined to be
22 underpaid pursuant to this chapter.

23 (2) The activity or conduct complained of that
24 violates the requirements of this chapter and was not
25 merely a technical, nonsubstantive error. Examples of
26 a technical error include but are not limited to a
27 mathematical error, bookkeeping error, transposition
28 of numbers, or computer or programming error.

29 b. The nature and duration of the present
30 violation and the prior history of the contractor or
31 subcontractor related to this history. The prior

32 history considered shall not exceed seven years before
33 the date of the notice of violation.

34 c. Whether the contractor or subcontractor filed
35 certified payroll records with the public body in
36 charge of the public improvement; whether the
37 contractor or subcontractor has kept payroll records
38 and accurate records for three years; and whether the
39 contractor or subcontractor produced certified payroll
40 records in accordance with section 91F.9.

41 d. Whether the contractor or subcontractor has
42 violated any other provision of this chapter.

43 5. The notices of the first, second, and
44 subsequent violations shall be sent by restricted
45 certified mail, addressed to the last known address of
46 the contractor or subcontractor involved. The notices
47 shall contain a reference to the specific provisions
48 of this chapter alleged to have been violated,
49 identify the particular public improvement involved,
50 identify the conduct complained of, and identify

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1 whether the notice is a first, second, or subsequent
2 notice, and include a contractor's or subcontractor's
3 statement of liabilities.

4 Sec. 13. NEW SECTION. 91F.12 VIOLATIONS --
5 REMEDIES.

6 1. If the commissioner determines that a public
7 body has divided a public improvement into more than
8 one contract for the purpose of avoiding compliance
9 with this chapter, the commissioner shall issue an
10 order compelling compliance. In making a
11 determination whether a public body has divided a
12 public improvement into more than one contract for the
13 purpose of avoiding compliance with this chapter, the
14 commissioner shall consider all of the following:

15 a. The physical separation of the public
16 improvement structures.

17 b. The timing of the work on the public
18 improvement phases or structures.

19 c. The continuity of public improvement
20 contractors and subcontractors working on public
21 improvement parts or phases.

22 d. The manner in which the public body and the
23 contractor and subcontractors administer and implement
24 work on the public improvement.

25 2. A worker employed by the contractor or
26 subcontractor who is paid less than the prevailing
27 wage rate in accordance with this chapter shall have a
28 private right of action for the difference between the
29 amount so paid and the prevailing wage rate in
30 accordance with this chapter, together with costs and

31 reasonable attorney fees as shall be allowed by the
32 court.

33 3. The contractor or subcontractor shall
34 additionally be liable to the department for fifty
35 percent of the underpayments and shall be additionally
36 liable to the worker for punitive damages in an amount
37 equal to five percent of the liability to the division
38 for underpayments for each month following the date of
39 payment during which underpayments remain unpaid,
40 together with costs and reasonable attorney fees as
41 shall be allowed by the court.

42 4. If a second or subsequent action to recover
43 underpayments is brought against a contractor or
44 subcontractor within a three-year period and the
45 contractor or subcontractor is found liable for
46 underpayments to a worker, the contractor or
47 subcontractor shall be liable to the division for
48 seventy-five percent of the underpayments payable as a
49 result of the second or subsequent action,
50 additionally liable for ten percent of the amount of

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1 the liability to the division for underpayments for
2 each month following the date of payment during which
3 the underpayments remain unpaid, and liable for triple
4 the difference between the amount so paid to the
5 worker and the prevailing wage rate required by this
6 chapter, together with costs and reasonable attorney
7 fees as shall be allowed by the court. The three-year
8 period begins to run from the date the contractor or
9 subcontractor is determined liable for the first
10 violation.

11 5. The commissioner and any interested party shall
12 also have a right of action on behalf of a worker who
13 has a right of action under this chapter. An action
14 brought to recover the same shall be deemed to be a
15 suit for wages, and all judgments entered in the
16 action shall have the same force and effect as other
17 judgments for wages. At the request of a worker
18 employed by a contractor or subcontractor who is paid
19 less than the prevailing wage rate required by this
20 chapter, the commissioner may take an assignment of
21 the wage claim in trust for the assigning worker and
22 may bring any legal action necessary to collect the
23 claim, and the contractor or subcontractor shall be
24 required to pay the expenses of the division incurred
25 in collecting the claim.

26 6. In circumstances where a worker may not be
27 available to receive a payment or judgment, the
28 payment due the worker shall revert to the division
29 after one year elapses from the time payment was

30 attempted to be made or judgment was rendered.
 31 7. It is a violation of this chapter for a
 32 contractor or a subcontractor to do any of the
 33 following:
 34 a. To request or demand, either before or after
 35 the worker is engaged, that a worker pay back, return,
 36 donate, contribute, or give any part or all of the
 37 worker's wages, salary, or thing of value, to any
 38 person, upon the statement, representation, or
 39 understanding that failure to comply with the request
 40 or demand will prevent the worker from procuring or
 41 retaining employment.
 42 b. To directly or indirectly pay, request, or
 43 authorize any other person to violate this chapter.
 44 This subsection does not apply to an agent or
 45 representative of a duly constituted labor
 46 organization acting in the collection of dues or
 47 assessments of the organization.
 48 8. In addition to other penalties provided under
 49 this chapter, whoever induces a worker working on a
 50 public improvement subject to this chapter to give up

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1 or forego any part of the prevailing wage rates to
 2 which the worker is entitled under this chapter by
 3 threat not to employ or by threat of dismissal from
 4 employment is guilty of a serious misdemeanor. An
 5 agreement between the worker and the contractor or
 6 subcontractor to work for less than the prevailing
 7 wage rate in accordance with this chapter shall not be
 8 a defense to criminal prosecution.
 9 9. a. A contract shall not be awarded to a
 10 contractor or subcontractor who, on two separate
 11 occasions within a three-year period, has been
 12 determined to have violated this chapter, or to any
 13 firm, corporation, partnership, or association in
 14 which the contractor or subcontractor has any interest
 15 until five years have elapsed from the date on which a
 16 final determination is rendered finding the contractor
 17 or subcontractor in violation of this chapter.
 18 b. For the purposes of this subsection, "any
 19 interest" means an interest in the entity bidding or
 20 performing work on the public improvement, whether as
 21 an owner, partner, officer, manager, employee, agent,
 22 consultant, or representative. "Any interest"
 23 includes but is not limited to all instances where the
 24 barred contractor or subcontractor receives payments,
 25 whether cash or any other form of compensation, from
 26 any entity bidding or performing work on the public
 27 improvement, or enters into a contract with the entity
 28 bidding or performing work on the public improvement

29 for services performed or to be performed under
30 contract that have been or will be assigned or sublet,
31 or for vehicles, tools, equipment, or supplies that
32 have been or will be sold, rented, or leased during
33 the period from the initiation of the barring
34 proceedings until the end of the term of the barring
35 period. "Any interest" does not include shares held
36 in a publicly traded corporation if the shares were
37 not received as compensation after the barring of an
38 entity bidding or performing work on a public
39 improvement.

40 10. If the division determines that a contractor
41 or subcontractor has violated this chapter on two
42 separate occasions within a three-year period, the
43 division shall list on the department of workforce
44 development's website and keep on record the name of
45 the contractor or subcontractor and give notice by
46 restricted certified mail of the list to any public
47 body requesting the list.

48 11. Upon a determination that a contractor or
49 subcontractor has violated this chapter on two
50 separate occasions within a three-year period, the

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1 division shall notify the violating contractor or
2 subcontractor by restricted certified mail. The
3 contractor or subcontractor has ten working days to
4 request of the division a hearing before an
5 administrative law judge on the alleged violation.
6 Failure to respond within ten working days shall
7 result in automatic and immediate barring of the
8 violator from work and placement and publication of
9 the violator's name on the department of workforce
10 development's website. If the contractor or
11 subcontractor requests a hearing within ten working
12 days by restricted certified mail, the department of
13 inspections and appeals shall set a hearing before an
14 administrative law judge on the alleged violation.
15 The hearing shall take place no later than forty-five
16 calendar days after the receipt by the division of the
17 request for a hearing. An action by an administrative
18 law judge constitutes final agency action and is
19 subject to judicial review under section 17A.19.

20 12. The attorney general shall prosecute the cases
21 identified in this section upon complaint by the
22 commissioner or by any interested person. In any
23 proceeding brought pursuant to this section, the
24 commissioner shall be represented by the attorney
25 general.

26 Sec. 14. NEW SECTION. 91F.13 APPRENTICES.

27 This chapter shall not prevent the employment of

28 apprentices upon public improvements. However, an
 29 apprentice employed on a public improvement must be
 30 registered with the United States department of
 31 labor's bureau of apprenticeship and training under an
 32 apprenticeship program registered with that bureau,
 33 paid the proper wages specified in the standards of
 34 apprenticeship, and engaged only in the trade to which
 35 the apprentice is registered. If the apprentice is
 36 employed on a public improvement in a trade to which
 37 the apprentice is not registered with the United
 38 States department of labor's bureau of apprenticeship
 39 and training, the apprentice shall be treated as any
 40 other worker under this chapter.

41 Sec. 15. IMPLEMENTATION OF ACT. Section 25B.2,
 42 subsection 3, shall not apply to this Act."

43 2. Title page, line 1, by inserting after the
 44 word "to" the following: "school infrastructure and".

45 3. Title page, line 6, by striking the words
 46 "providing a penalty" and inserting the following:
 47 "requiring the payment of prevailing wage rates for
 48 school district improvements, providing penalties,".

49 4. By renumbering as necessary.

T. TAYLOR of Linn
 D. TAYLOR of Linn

H-8382

1 Amend the Senate amendment, H-8361, to House File
 2 2197, as passed by the House, as follows:

3 1. Page 1, line 24, by striking the word
 4 "encouraging" and inserting the following:
 5 "directing".

KELLEY of Black Hawk

H-8390

1 Amend the amendment, H-8378, to Senate File 2216,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 3, by striking line 5 and inserting the
 5 following: "mathematics, science, social studies, and
 6 art; and for grades seven through".

REACKER of Polk

H-8391

1 Amend Senate File 2392, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting

4 clause and inserting the following:

5 "DIVISION I

6 LIFE SETTLEMENT CONTRACTS

7 Section 1. NEW SECTION. 508G.1 SHORT TITLE.

8 This chapter may be cited as the "Life Settlements
9 Act".

10 Sec. 2. NEW SECTION. 508G.2 DEFINITIONS.

11 As used in this chapter, unless the context
12 otherwise requires:

13 1. "Advertisement" means any written, electronic,
14 or printed communication or any communication by means
15 of recorded telephone messages or transmitted on
16 radio, television, the internet, or similar
17 communications media, including film strips, motion
18 pictures, and videos, published, disseminated,
19 circulated, or placed before the public, directly or
20 indirectly, for the purpose of creating an interest in
21 or inducing a person to purchase or sell, assign,
22 devise, bequest, or transfer the death benefit or
23 ownership of a life insurance policy or an interest in
24 a life insurance policy pursuant to a life settlement
25 contract.

26 2. "Broker" means a person who, on behalf of an
27 owner and for a fee, commission or other valuable
28 consideration, offers or attempts to negotiate a life
29 settlement contract between an owner and a provider.
30 A broker represents only the owner and owes a
31 fiduciary duty to the owner to act according to the
32 owner's instructions, and in the best interest of the
33 owner, notwithstanding the manner in which the broker
34 is compensated. A broker does not include an
35 attorney, certified public accountant, or financial
36 planner retained in the type of practice customarily
37 performed in the attorney's, accountant's, or
38 planner's professional capacity to represent the owner
39 whose compensation is not paid directly or indirectly
40 by the provider or any other person, except the owner.

41 3. "Business of life settlement" means an activity
42 involved in but not limited to offering to enter into,
43 soliciting, negotiating, procuring, effectuating,
44 monitoring, or tracking, of life settlement contracts.

45 4. "Chronically ill" means any of the following:

- 46 a. Being unable to perform at least two activities
47 of daily living such as eating, toileting,
48 transferring, bathing, dressing, or continence.
- 49 b. Requiring substantial supervision to protect
50 the individual from threats to health and safety due

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1 to severe cognitive impairment.

2 c. Having a level of disability similar to that

3 described in paragraph "a" as determined by the United
4 States secretary of health and human services.

5 5. "Commissioner" means the commissioner of
6 insurance.

7 6. a. "Financing entity" means a person who is an
8 underwriter, placement agent, lender, purchaser of
9 securities, purchaser of a policy or certificate from a
10 provider, credit enhancer, or any entity that has a
11 direct ownership in a policy or certificate that is
12 the subject of a life settlement contract, if all of
13 the following apply:

14 (1) The person's principal activity related to the
15 transaction is providing funds to effect the life
16 settlement contract or purchase of one or more
17 policies.

18 (2) The person has an agreement in writing with
19 one or more providers to finance the acquisition of
20 one or more life settlement contracts.

21 b. "Financing entity" does not include a
22 nonaccredited investor or purchaser.

23 7. "Financing transaction" means a transaction in
24 which a licensed provider obtains financing from a
25 financing entity including but not limited to any
26 secured or unsecured financing, any securitization
27 transaction, or any securities offering which either
28 is registered or exempt from registration under
29 federal and state securities law, including chapter
30 502.

31 8. "Fraudulent life settlement act" includes any
32 of the following:

33 a. An act or omission committed by a person who,
34 knowingly and with intent to defraud, for the purpose
35 of depriving another of property or for pecuniary
36 gain, commits, or permits its employees or its agents
37 to engage in, an act including but not limited to any
38 of the following:

39 (1) Presenting, causing to be presented, or
40 preparing with knowledge and belief that it will be
41 presented to or by a provider, premium finance lender,
42 broker, insurer, insurance producer, or any other
43 person, false material information, or concealing
44 material information, as part of, in support of, or
45 concerning a fact material to one or more of the
46 following:

47 (a) An application for the issuance of a life
48 settlement contract or insurance policy.

49 (b) The underwriting of a life settlement contract
50 or insurance policy.

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1 (c) A claim for payment or benefit pursuant to a

- 2 life settlement contract or life insurance policy.
3 (d) Premiums paid on a life insurance policy.
4 (e) Payments and changes in ownership or
5 beneficiary made in accordance with the terms of a
6 life settlement contract or life insurance policy.
7 (f) The reinstatement or conversion of a life
8 insurance policy.
9 (g) In the solicitation, offer to enter into, or
10 effectuation of a life settlement contract or life
11 insurance policy.
12 (h) The issuance of written evidence of a life
13 settlement contract or life insurance policy.
14 (i) Any application for or the existence of, or
15 any payments related to, a loan secured directly or
16 indirectly by any interest in a life insurance policy.
17 (j) Entering into any practice or plan which
18 involves a stranger-originated life insurance policy.
19 (2) Failing to disclose to the insurer where the
20 request for such disclosure has been asked for by the
21 insurer that the prospective insured has undergone a
22 life expectancy evaluation by any person or entity
23 other than the insurer or its authorized
24 representatives in connection with the issuance of the
25 life insurance policy.
26 (3) Employing any device, scheme, or artifice to
27 defraud in the business of life settlements.
28 (4) In the solicitation, application or issuance
29 of a life insurance policy, employing any device,
30 scheme or artifice in violation of state insurable
31 interest laws.
- 32 b. In the furtherance of a fraud, or to prevent
33 the detection of a fraud, a person commits or permits
34 its employee or its agent to do any of the following:
35 (1) Remove, conceal, alter, destroy, or sequester
36 from the commissioner the assets or records of a
37 licensee or other person engaged in the business of
38 life settlements.
39 (2) Misrepresent or conceal the financial
40 condition of a licensee, financing entity, insurer, or
41 other person.
42 (3) Transact the business of life settlements in
43 violation of laws requiring a license, certificate of
44 authority, or other legal authority for the
45 transaction of the business of life settlements.
46 (4) File with the commissioner or the chief
47 insurance regulatory official of another jurisdiction
48 a document containing false information or otherwise
49 concealing information about a material fact from the
50 commissioner.

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1 (5) Engage in embezzlement, theft,
2 misappropriation, or conversion of moneys, funds,
3 premiums, credits, or other property of a provider,
4 broker insurer, insured, owner, or any other person
5 engaged in the business of life settlement contracts
6 or insurance policy.

7 (6) Knowingly and with intent to defraud, enter
8 into, broker, or otherwise deal in a life settlement
9 contract, the subject of which is a life insurance
10 policy that was obtained by presenting false
11 information concerning any fact material to the life
12 insurance policy or by concealing, for the purpose of
13 misleading another, information concerning any fact
14 material to the life insurance policy, where the owner
15 or the owner's agent intended to defraud the life
16 insurance policy's issuer.

17 (7) Attempt to commit, assist, aid, or abet in the
18 commission of, or conspiracy to commit an act or
19 omission specified in this subsection.

20 (8) Misrepresent the state of residence of an
21 owner to be a state or jurisdiction that does not have
22 a law substantially similar to this chapter for the
23 purpose of evading or avoiding the provisions of this
24 chapter.

25 9. "Insured" means the person covered under the
26 life insurance policy being considered for sale in a
27 life settlement contract.

28 10. "Life expectancy" means the arithmetic mean of
29 the number of months the insured under the life
30 insurance policy to be settled can be expected to live
31 as determined by a life expectancy company considering
32 medical records and appropriate experiential data.

33 11. "Life insurance policy" means an individual or
34 group policy, group certificate, contract, or
35 arrangement of life insurance owned by a resident of
36 this state, regardless of whether delivered or issued
37 for delivery in this state.

38 12. "Life insurance producer" or "producer" means
39 any person licensed in this state as a resident or
40 nonresident insurance producer who has received
41 qualification or authority for life insurance coverage
42 or a life line of coverage pursuant to title XIII,
43 subtitle I of the Code.

44 13. a. "Life settlement contract" means a written
45 agreement entered into between a provider and an
46 owner, establishing the terms under which compensation
47 or anything of value will be paid, which compensation
48 or thing of value is less than the expected death
49 benefit of the life insurance policy or life insurance
50 certificate, in return for the owner's assignment,

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1 transfer, sale, devise, or bequest of the death
2 benefit or any portion of a life insurance policy or
3 life insurance certificate for compensation, provided,
4 however, that the minimum value for a life settlement
5 contract shall be greater than a cash surrender value
6 or accelerated death benefit available at the time of
7 an application for a life settlement contract.

8 b. "Life settlement contract" also includes the
9 transfer for compensation or value of ownership or
10 beneficial interest in a trust or other entity that
11 owns such policy if the trust or other entity was
12 formed or availed of for the principal purpose of
13 acquiring one or more life insurance contracts, which
14 life insurance contract insures the life of a person
15 residing in this state.

16 c. "Life settlement contract" also includes any of
17 the following:

18 (1) A written agreement for a loan or other
19 lending transaction, secured primarily by an
20 individual or group life insurance policy.

21 (2) A premium finance loan made for a life
22 insurance policy on or before the date of issuance of
23 the life insurance policy where any of the following
24 applies:

25 (a) The loan proceeds are not used solely to pay
26 premiums for the life insurance policy and any costs
27 or expenses incurred by the lender or the borrower in
28 connection with the financing.

29 (b) The owner receives on the date of the premium
30 finance loan a guarantee of the future life settlement
31 value of the life insurance policy.

32 (c) The owner agrees on the date of the premium
33 finance loan to sell the life insurance policy or any
34 portion of its death benefit on any date following the
35 issuance of the life insurance policy.

36 d. "Life settlement contract" does not include any
37 of the following:

38 (1) A life insurance policy loan by a life
39 insurance company pursuant to the terms of the life
40 insurance policy or accelerated death provisions
41 contained in the life insurance policy, whether issued
42 with the original life insurance policy or as a rider.

43 (2) A premium finance loan or any loan made by a
44 bank or other licensed financial institution, provided
45 that a default on such loan or a transfer of the life
46 insurance policy in connection with such default is
47 pursuant to an agreement or understanding with any
48 other person for the purpose of evading regulation
49 under this chapter.

50 (3) A collateral assignment of a life insurance

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1 policy by an owner.

2 (4) A loan made by a lender, provided such loan is
3 not described in paragraph "c", and is not otherwise a
4 life settlement contract.

5 (5) An agreement where all the parties (a) are
6 closely related to the insured by blood or law or (b)
7 have a lawful substantial economic interest in the
8 continued life, health, and bodily safety of the
9 person insured, or are trusts established primarily
10 for the benefit of such parties.

11 (6) Any designation, consent, or agreement by an
12 insured who is an employee of an employer in
13 connection with the purchase by the employer, or trust
14 established by the employer, of life insurance on the
15 life of the employee.

16 (7) A bona fide business succession planning
17 arrangement that is between any of the following:

18 (a) One or more shareholders in a corporation or
19 between a corporation and one or more of its
20 shareholders or one or more trusts established by its
21 shareholders.

22 (b) One or more partners in a partnership or
23 between a partnership and one or more of its partners
24 or one or more trusts established by its partners.

25 (c) One or more members in a limited liability
26 company or between a limited liability company and one
27 or more of its members or one or more trusts
28 established by its members.

29 (8) An agreement entered into by a service
30 recipient, or a trust established by the service
31 recipient, and a service provider, or a trust
32 established by the service provider, who performs
33 significant services for the service recipient's trade
34 or business.

35 (9) Any other contract, transaction, or
36 arrangement that qualifies as a life settlement
37 contract but that the commissioner determines is not
38 of the type intended to be regulated by this chapter.

39 14. "Net death benefit" means the amount of the
40 life insurance policy or life insurance certificate to
41 be settled less any outstanding debts or liens.

42 15. "Owner" means the owner of a life insurance
43 policy or a life insurance certificate holder under a
44 group policy, with or without a terminal illness, who
45 enters or seeks to enter into a life settlement
46 contract.

47 a. "Owner" includes but is not limited to an owner
48 of a life insurance policy or a life insurance
49 certificate holder under a group policy that insures
50 the life of an individual with a terminal or chronic

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1 illness or condition.

2 b. "Owner" does not include any of the following:

3 (1) A provider or other licensee under this
4 chapter.

5 (2) A qualified institutional buyer as defined in
6 17 C.F.R. § 230.144 promulgated by the United States
7 securities and exchange commission under the federal
8 Securities Act of 1933, as amended, 15 U.S.C. § 77a et
9 seq.

10 (3) A financing entity.

11 (4) A special purpose entity.

12 (5) A related provider trust.

13 16. "Premium finance loan" means a loan made
14 primarily for the purposes of making premium payments
15 on a life insurance policy, which loan is secured by
16 an interest in such life insurance policy.

17 17. a. "Provider" means a person, other than an
18 owner, who enters into or effectuates a life
19 settlement contract with an owner.

20 b. "Provider" does not include any of the
21 following:

22 (1) A bank, savings bank, savings and loan
23 association, or credit union.

24 (2) A licensed lending institution or creditor or
25 secured party pursuant to a premium finance loan
26 agreement which takes an assignment of a life
27 insurance policy or certificate issued pursuant to a
28 group life insurance policy as collateral for a loan.

29 (3) The insurer of a life insurance policy or
30 rider to the extent of providing accelerated death
31 benefits, riders, or cash surrender value.

32 (4) A natural person who enters into or
33 effectuates not more than one agreement in a calendar
34 year for the transfer of a life insurance policy or
35 certificate issued pursuant to a group life insurance
36 policy, for compensation or anything of value less
37 than the expected death benefit payable under the
38 policy.

39 (5) A purchaser.

40 (6) An authorized or eligible insurer that
41 provides stop loss coverage to a provider, purchaser,
42 financing entity, special purpose entity, or related
43 provider trust.

44 (7) A financing entity.

45 (8) A special purpose entity.

46 (9) A related provider trust.

47 (10) A broker.

48 (11) An accredited investor or qualified
49 institutional buyer as defined, respectively, in 17
50 C.F.R. § 230.501(a) or 17 C.F.R. §230.144A as

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1 promulgated by the United States securities and
2 exchange commission under the federal Securities Act
3 of 1933, as amended, 15 U.S.C. § 77a et seq., who
4 purchases a life settlement policy from a provider.

5 18. "Purchased policy" means a policy or group
6 certificate that has been acquired by a provider
7 pursuant to a life settlement contract.

8 19. "Purchaser" means a person who pays
9 compensation or anything of value as consideration for
10 a beneficial interest in a trust which is vested with,
11 or for the assignment, transfer or sale of, an
12 ownership or other interest in a life insurance policy
13 or a certificate issued pursuant to a group life
14 insurance policy which has been the subject of a life
15 settlement contract.

16 20. a. "Related provider trust" means a titling
17 trust or other trust established by a licensed
18 provider or a financing entity for the sole purpose of
19 holding the ownership or beneficial interest in
20 purchased policies in connection with a financing
21 transaction.

22 b. In order to qualify as a related provider
23 trust, the trust must have a written agreement with
24 the licensed provider under which the licensed
25 provider is responsible for ensuring compliance with
26 all statutory and regulatory requirements and under
27 which the trust agrees to make all records and files
28 relating to life settlement transactions available to
29 the commissioner as if those records and files were
30 maintained directly by the licensed provider.

31 21. "Settled policy" means a life insurance policy
32 or life insurance certificate that has been acquired
33 by a provider pursuant to a life settlement contract.

34 22. "Special purpose entity" means a corporation,
35 partnership, trust, limited liability company, or
36 other legal entity formed solely to provide, either
37 directly or indirectly, access to institutional
38 capital markets as follows:

39 a. For a financing entity or provider.

40 b. In connection with a transaction in which the
41 securities in the special purpose entity are acquired
42 by the owner or by a qualified institutional buyer as
43 defined in 17 C.F.R. § 230.144 promulgated by the
44 United States securities and exchange commission under
45 the federal Securities Act of 1933, as amended, 15
46 U.S.C. § 77a et seq.

47 c. In connection with a transaction in which the
48 securities pay a fixed rate of return commensurate
49 with established asset-backed institutional capital
50 markets.

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1 23. "Stranger-originated life insurance" means a
2 practice or plan to initiate a life insurance policy
3 for the benefit of a third-party investor who, at the
4 time of policy origination, has no insurable interest
5 in the insured. Stranger-originated life insurance
6 practices include but are not limited to cases in
7 which life insurance is purchased with resources or
8 guarantees from or through a person, or entity, who at
9 the time of inception, there is an arrangement or
10 agreement, whether verbal or written, to directly or
11 indirectly transfer the ownership of the policy or the
12 policy benefits to a third party. Trusts that are
13 created to give the appearance of insurable interest
14 and are used to initiate stranger-originated life
15 insurance arrangements do not include those practices
16 as set forth in subsection 13, paragraph "b".

17 24. "Terminally ill" means having an illness or
18 sickness that can reasonably be expected to result in
19 death in twenty-four months or less.

20 Sec. 3. NEW SECTION. 508G.3 LICENSING
21 REQUIREMENTS.

22 1. A person, wherever located, shall not act as a
23 provider or broker with an owner or multiple owners
24 residing in this state, without first having obtained
25 a license from the commissioner. If there is more
26 than one owner on a single policy and the owners are
27 residents of different states, the life settlement
28 contract shall be governed by the law of the state in
29 which the owner having the largest percentage
30 ownership resides or, if the owners hold equal
31 ownership, the state of residence of one owner agreed
32 upon in writing by all owners.

33 2. An application for a provider or broker license
34 shall be made to the commissioner by the applicant on
35 a form prescribed by the commissioner, and the
36 application shall be accompanied by a fee in an amount
37 established by the commissioner, provided, however,
38 that a license or renewal fee for a provider license
39 shall be reasonable and that a license or renewal fee
40 for a broker license shall not exceed the fee
41 established for an insurance producer.

42 3. A life insurance producer who has been duly
43 licensed as a resident insurance producer with a life
44 line of authority in this state or in the life
45 insurance producer's home state for at least one year
46 and is licensed as a nonresident producer in this
47 state shall be deemed to meet the licensing
48 requirements of this section and shall be permitted to
49 operate as a broker.

50 4. Not later than thirty days from the first day

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1 of operating as a broker, the life insurance producer
2 shall notify the commissioner that the life insurance
3 producer is acting as a broker on a form prescribed by
4 the commissioner, and shall pay an applicable fee
5 established by rules adopted by the commissioner.
6 Notification shall include an acknowledgment by the
7 life insurance producer that the life insurance
8 producer will operate as a broker in accordance with
9 this chapter.

10 5. The insurer that issued the life insurance
11 policy that is the subject of a life settlement
12 contract shall not be responsible for any act or
13 omission of a broker, provider, or purchaser arising
14 out of or in connection with the life settlement
15 transaction, unless the insurer receives compensation
16 for the placement of a life settlement contract from
17 the broker, provider, or purchaser in connection with
18 the life settlement contract.

19 6. A person licensed as an attorney, certified
20 public accountant, or financial planner accredited by
21 a nationally recognized accreditation agency, who is
22 retained to represent the owner, whose compensation is
23 not paid directly or indirectly by the provider or
24 purchaser, may negotiate life settlement contracts on
25 behalf of the owner without having to obtain a license
26 as a broker.

27 7. The term of a provider license shall be equal
28 to that of a domestic stock life insurance company and
29 the term of a broker license shall be equal to that of
30 an insurance producer license. A license requiring
31 periodic renewal may be renewed on its anniversary
32 date upon payment of the periodic renewal fee as
33 specified in subsection 2. A failure to pay a fee on
34 or before the renewal date shall result in revocation
35 of the license.

36 8. The applicant shall provide such information as
37 the commissioner may require on forms prepared by the
38 commissioner. The commissioner may, at any time,
39 require such applicant to fully disclose the identity
40 of its stockholders except for a stockholder owning
41 fewer than ten percent of the shares of an applicant
42 whose shares are publicly traded; partners; officers;
43 and employees. The commissioner may, in the exercise
44 of the commissioner's sole discretion, refuse to issue
45 such a license in the name of any person if not
46 satisfied that any officer, employee, stockholder, or
47 partner of the applicant who may materially influence
48 the applicant's conduct meets the standards of this
49 chapter.

50 9. A license issued to a partnership, corporation,

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1 limited liability company, or other entity authorizes
2 a person who is a member, officer, or designated
3 employee to act as a licensee under the license, if
4 the person is named in the application or a supplement
5 to the application.

6 10. Upon the filing of an application and the
7 payment of the license fee, the commissioner shall
8 make an investigation of each applicant and may issue
9 a license if the commissioner finds that all of the
10 following apply:

11 a. If the applicant is a provider, the applicant
12 has provided a detailed plan of operation.

13 b. The applicant is competent and trustworthy and
14 intends to transact its business in good faith.

15 c. The applicant has a good business reputation
16 and has had experience, training, or education so as
17 to be qualified in the business for which the license
18 is applied.

19 d. If the applicant is a legal entity, is formed
20 or organized pursuant to the laws of this state or is
21 a foreign legal entity authorized to transact business
22 in this state, or provides a certificate of good
23 standing from the state of its domicile.

24 e. The applicant has provided to the commissioner
25 an antifraud plan that meets the requirements of
26 section 508G.14 and includes all of the following:

27 (1) A description of the procedures for detecting
28 and investigating a possible fraudulent act and
29 procedure for resolving material inconsistencies
30 between a medical record and insurance applications.

31 (2) A description of the procedures for reporting
32 a fraudulent insurance act to the commissioner.

33 (3) A description of the plan for antifraud
34 education and training of its underwriters and other
35 personnel.

36 (4) A written description or chart outlining the
37 arrangement of the antifraud personnel who are
38 responsible for the investigation and reporting of a
39 possible fraudulent insurance act and investigating
40 any unresolved material inconsistency between a
41 medical record and the insurance application.

42 11. The commissioner shall not issue a license to
43 a nonresident applicant, unless a written designation
44 of an agent for service of process is filed and
45 maintained with the commissioner or unless the
46 applicant has filed with the commissioner the
47 applicant's written irrevocable consent that any
48 action against the applicant may be commenced against
49 the applicant by service of process on the
50 commissioner.

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1 12. A licensee shall file with the commissioner on
2 or before the first day of March of each year an
3 annual statement containing such information as the
4 commissioner by rule may prescribe.

5 13. A provider shall not use any person to perform
6 the functions of a broker unless the person holds a
7 license as a broker as provided in this section.

8 14. A broker shall not use a person to perform the
9 functions of a provider unless such person holds a
10 license as a provider as provided in this section.

11 15. A provider or broker shall provide to the
12 commissioner new or revised information about an
13 officer, ten percent or more stockholders, a partner,
14 director, members, or a designated employee within
15 thirty days of a change.

16 16. An individual licensed as a broker shall
17 complete on a biennial basis fifteen hours of training
18 related to a life settlement or a life settlement
19 transaction, as required by the commissioner.
20 However, a life insurance producer who is operating as
21 a broker pursuant to this section shall not be subject
22 to the requirements of this subsection. A person
23 failing to meet the requirements of this subsection
24 shall be subject to the penalties imposed by the
25 commissioner.

26 Sec. 4. NEW SECTION. 508G.4 LICENSE SUSPENSION,
27 REVOCATION, OR REFUSAL TO RENEW.

28 1. The commissioner may suspend, revoke, or refuse
29 to renew the license of a licensee if the commissioner
30 finds any of the following:

31 a. There was any material misrepresentation in the
32 application for the license.

33 b. The licensee or any officer, partner, member,
34 or director has been guilty of a fraudulent or
35 dishonest practice, is subject to a final agency
36 action under chapter 17A, or is otherwise shown to be
37 untrustworthy or incompetent to act as a licensee.

38 c. The provider demonstrates a pattern of
39 unreasonably withholding payments to policy owners.

40 d. The licensee no longer meets the requirements
41 for initial licensure.

42 e. The licensee or any officer, partner, member,
43 or director has been convicted of a felony, or of any
44 misdemeanor of which criminal fraud or moral turpitude
45 is an element; or the licensee has pleaded guilty or
46 nolo contendere with respect to any felony or any
47 misdemeanor of which criminal fraud or moral turpitude
48 is an element, regardless of whether a judgment of
49 conviction has been entered by the court.

50 f. The provider has entered into a life settlement

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1 contract that has not been approved pursuant to this
2 chapter.

3 g. The provider has failed to honor contractual
4 obligations set out in a life settlement contract.

5 h. The provider has assigned, transferred, or
6 pledged a settled policy to a person other than a
7 provider licensed in this state; a purchaser; an
8 accredited investor or qualified institutional buyer
9 as defined, respectively, in 17 C.F.R. § 230.501(a) or
10 17 C.F.R. § 230.144A as promulgated by the United
11 States securities and exchange commission under the
12 federal Securities Act of 1933, as amended, 15 U.S.C.
13 § 77a et seq.; a financing entity; a special purpose
14 entity; or a related provider trust.

15 i. The licensee or any officer, partner, member,
16 or key management personnel has violated any of the
17 provisions of this chapter.

18 2. Before the commissioner denies a license
19 application or suspends, revokes, or refuses to renew
20 the license of any licensee under this chapter, the
21 commissioner shall conduct a contested case proceeding
22 in accordance with chapter 17A.

23 Sec. 5. NEW SECTION. 508G.5 CONTRACT
24 REQUIREMENTS.

25 1. A person shall not use any form of life
26 settlement contract in this state unless it has been
27 filed with and approved, if required, by the
28 commissioner in a manner that conforms with the filing
29 procedures and any time restrictions or deeming
30 provisions, if any, for life insurance forms,
31 policies, and contracts.

32 2. An insurer shall not, as a condition of
33 responding to a request for verification of coverage
34 or in connection with the transfer of a life insurance
35 policy pursuant to a life settlement contract, require
36 that the owner, insured provider, or broker sign any
37 form, disclosure, consent, waiver, or acknowledgment
38 that has not been expressly approved by the
39 commissioner for use in connection with life
40 settlement contracts in this state.

41 3. A person shall not use a life settlement
42 contract form or provide to an owner a disclosure
43 statement form in this state unless first filed with
44 and approved by the commissioner. The commissioner
45 shall disapprove a life settlement contract form or
46 disclosure statement form if, in the commissioner's
47 opinion, the contract or provisions contained in such
48 form fail to meet the requirements of sections 508G.8,
49 508G.9, or 508G.11, or are unreasonable, contrary to
50 the interests of the public, or otherwise misleading

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1 or unfair to the owner. At the commissioner's
2 discretion, the commissioner may require the
3 submission of advertising material.

4 Sec. 6. NEW SECTION. 508G.6 REPORTING
5 REQUIREMENTS AND PRIVACY.

6 1. For any life insurance policy settled within
7 five years of policy issuance, each provider shall
8 file with the commissioner on or before March 1 of
9 each year an annual statement containing such
10 information as the commissioner may prescribe by rule.

11 In addition to any other requirements, the annual
12 statement shall specify the total number, aggregate
13 face amount, and life settlement proceeds of life
14 insurance policies settled during the immediately
15 preceding calendar year, together with a breakdown of
16 the information by policy issue year for each insurer.
17 The annual statement shall also include the names of
18 the insurance companies whose policies have been
19 settled and the brokers that have settled the
20 policies.

21 a. Such information shall be limited to only those
22 transactions where the insured is a resident of this
23 state and shall not include individual transaction
24 data regarding the business of life settlements or
25 information that there is a reasonable basis to
26 believe could be used to identify the owner or the
27 insured.

28 b. A provider that willfully fails to file an
29 annual statement as required in this section, or
30 willfully fails to reply within thirty days to a
31 written inquiry by the commissioner in connection to
32 the filing of the annual statement, shall, in addition
33 to other penalties provided by this chapter, be
34 subject to a civil penalty of up to two hundred fifty
35 dollars per day of delay, not to exceed twenty-five
36 thousand dollars in the aggregate, for each such
37 failure.

38 2. A provider, broker, insurer, insurance
39 producer, information bureau, rating agency, or
40 company, or any other person with actual knowledge of
41 an insured's identity, shall not disclose the identity
42 of an insured or information that there is a
43 reasonable basis to believe could be used to identify
44 the insured or the insured's financial or medical
45 information to any other person unless the disclosure
46 is any of the following:

47 a. Necessary to effect a life settlement contract
48 between the owner and a provider and the owner and
49 insured have provided prior written consent to the
50 disclosure.

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- 1 b. Necessary to effectuate the sale of life
2 settlement contracts, or interest in a life insurance
3 contract as an investment, provided the sale is
4 conducted in accordance with applicable federal
5 securities law, including chapter 502, and provided
6 further that the owner and the insured have both
7 provided prior written consent to the disclosure.
- 8 c. Is provided in response to an investigation or
9 examination by the commissioner or any other
10 governmental officer or agency or pursuant to the
11 requirements of section 508G.13.
- 12 d. Is a term or condition of the transfer of a
13 policy by one provider to another provider, in which
14 case the receiving provider shall be required to
15 otherwise comply with the confidentiality requirements
16 of this subsection.
- 17 e. (1) Is necessary to allow the provider or
18 broker or its authorized representatives to make a
19 contact for the purpose of determining health status.
20 A provider or broker shall require its authorized
21 representative to agree in writing to adhere to the
22 privacy provisions of this chapter.
- 23 (2) An authorized representative does not include
24 any person who has or may have any financial interest
25 in the life settlement contract other than a provider,
26 licensed broker, financing entity, related provider
27 trust, or special purpose entity.
- 28 f. Is required to purchase stop loss coverage.
- 29 3. Nonpublic personal information solicited or
30 obtained in connection with a proposed or actual life
31 settlement contract shall be subject to the provisions
32 applicable to financial institutions under the federal
33 Gramm Leach Bliley Act, 15 U.S.C. § 6801 et seq., and
34 all other federal and state laws relating to
35 confidentiality of nonpublic personal information.
- 36 Sec. 7. NEW SECTION. 508G.7 EXAMINATION.
- 37 1. The commissioner may, when the commissioner
38 deems it reasonably necessary to protect the interests
39 of the public, examine the business and affairs of any
40 licensee or applicant for a license. The commissioner
41 may order any licensee or applicant to produce any
42 records, books, files, or other information reasonably
43 necessary to ascertain whether such licensee or
44 applicant is acting or has acted in violation of the
45 law or otherwise contrary to the interests of the
46 public. The expenses incurred in conducting any
47 examination shall be paid by the licensee or
48 applicant.
- 49 2. In lieu of an examination under this section of
50 any foreign or alien licensee licensed in this state,

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1 the commissioner may, at the commissioner's
2 discretion, accept an examination report on the
3 licensee as prepared by the commissioner for the
4 licensee's state of domicile or port-of-entry state.
5 3. Notwithstanding chapter 22, the name and
6 individual identification data for each owner and
7 insured shall be considered private and confidential
8 information and shall not be disclosed by the
9 commissioner unless required by law.
10 4. The records of all consummated transactions and
11 life settlement contracts shall be maintained by the
12 provider for three years after the death of the
13 insured and shall be available to the commissioner for
14 inspection during reasonable business hours.
15 5. For the conduct of examinations, all of the
16 following shall apply:
17 a. Upon determining that an examination is
18 appropriate, the commissioner shall issue an
19 examination warrant appointing one or more examiners
20 to perform the examination and instructing them as to
21 the scope of the examination. In conducting the
22 examination, an examiner shall use methods common to
23 the examination of any life settlement licensee and
24 may use those guidelines and procedures set forth in
25 an examiners' handbook adopted by a national
26 organization as required by the commissioner.
27 b. A licensee or other person from whom
28 information is sought, its officers, directors, or
29 agents shall provide to an examiner timely,
30 convenient, and free access at all reasonable hours at
31 its office to all books, records, accounts, papers,
32 documents, assets, and computer or other recordings
33 relating to the property, assets, business, and
34 affairs of the licensee or other person being
35 examined. The officer, director, employee, or agent
36 of the licensee or other person shall facilitate the
37 examination and aid in the examination so far as it is
38 in the person's power to do so. The refusal of a
39 licensee, by an officer, director, employee, or agent,
40 to submit to examination or to comply with any
41 reasonable written request of the commissioner shall
42 be grounds for suspension or refusal of, or nonrenewal
43 of any license or authority held by the licensee to
44 engage in the business of life settlements or other
45 business subject to the commissioner's jurisdiction.
46 Any proceedings for suspension, revocation, or refusal
47 of a license or authority shall be conducted pursuant
48 to chapter 17A.
49 c. The commissioner may issue subpoenas,
50 administer oaths, and examine under oath any person as

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1 to any matter pertinent to the examination. Upon the
2 failure or refusal of a person to obey a subpoena, the
3 commissioner may petition a court of competent
4 jurisdiction, and upon proper showing, the court may
5 enter an order compelling the witness to appear and
6 testify or produce documentary evidence.

7 d. When making an examination under this chapter,
8 the commissioner may retain one or more attorneys,
9 appraisers, independent actuaries, independent
10 certified public accountants, or other professionals
11 and specialists as examiners, the reasonable cost of
12 which shall be borne by the licensee that is the
13 subject of the examination.

14 e. This chapter shall not be construed to limit
15 the commissioner's authority to terminate or suspend
16 an examination in order to pursue other legal or
17 administrative action pursuant to the insurance laws
18 of this state. Findings of fact and conclusions made
19 pursuant to any examination shall be prima facie
20 evidence in any legal or regulatory action.

21 f. This chapter shall not be construed to limit
22 the commissioner's authority to use and, if
23 appropriate, to make public any final or preliminary
24 examination report, any examiner or licensee work
25 papers or other documents, or any other information
26 discovered or developed during the course of any
27 examination in the furtherance of any legal or
28 administrative action which the commissioner may, in
29 the commissioner's sole discretion, deem appropriate.

30 6. For the examination report, all of the
31 following apply:

32 a. An examination report shall be comprised of
33 only facts appearing upon the books, from the
34 testimony of its officers or agents or other persons
35 examined concerning its affairs, and such conclusions
36 and recommendations as the examiners find reasonably
37 warranted from the facts.

38 b. Not later than sixty days following completion
39 of the examination, the examiner in charge shall file
40 with the commissioner a verified written report of
41 examination under oath. Upon receipt of the verified
42 report, the commissioner shall transmit the report to
43 the licensee examined, together with a notice that
44 shall afford the licensee examined a reasonable
45 opportunity of not more than thirty days to make a
46 written submission or rebuttal with respect to any
47 matter contained in the examination report and which
48 shall become part of the report or to request an
49 administrative hearing on any matter in dispute as
50 provided in chapter 17A.

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1 c. In the event the commissioner determines that
2 regulatory action is appropriate as a result of an
3 examination, the commissioner may initiate any
4 proceeding or action provided by law.

5 7. For the confidentiality of examination
6 information, all of the following apply:

7 a. The name and individual identification data for
8 each owner, purchaser, or insured shall be considered
9 private and confidential information and shall not be
10 disclosed by the commissioner, unless the disclosure
11 is to another regulator or is required by law.

12 b. Except as otherwise provided in this chapter,
13 an examination report, working papers, recorded
14 information, documents or materials, and copies
15 produced by, obtained by, or disclosed to the
16 commissioner or any other person in the course of an
17 examination made under this chapter, or in the course
18 of analysis or investigation by the commissioner of
19 the financial condition or market conduct of a
20 licensee shall be confidential by law and privileged,
21 shall not be subject to chapter 22, shall not be
22 subject to subpoena, and shall not be subject to
23 discovery or admissible in evidence in any private
24 civil action. The commissioner may use the
25 examination report, working papers, recorded
26 information, documents, materials, or other
27 information in the furtherance of any administrative
28 or legal action brought as part of the commissioner's
29 official duties. The licensee being examined may have
30 access to all documents used to make the report.

31 8. For conflict of interest, all of the following
32 apply:

33 a. An examiner shall not be appointed by the
34 commissioner if the examiner, either directly or
35 indirectly, has a conflict of interest or is
36 affiliated with the management of or owns a pecuniary
37 interest in any person subject to examination under
38 this chapter. This section shall not be construed to
39 automatically preclude an examiner from being any of
40 the following:

41 (1) An owner.

42 (2) An insured in a life settlement contract or
43 life insurance policy.

44 (3) A beneficiary in a life insurance policy that
45 is proposed for a life settlement contract.

46 b. Notwithstanding the requirements of this
47 subsection, the commissioner may retain from time to
48 time, on an individual basis, one or more qualified
49 actuaries, certified public accountants, or other
50 similar individuals who are independently practicing

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1 their professions, even though these persons may from
 2 time to time be similarly employed or retained by
 3 persons subject to examination under this chapter.

4 9. For immunity from liability, all of the
 5 following shall apply:

6 a. A cause of action shall not arise and liability
 7 shall not be imposed against the commissioner
 8 commissioner's authorized representative, or any
 9 examiner appointed by the commissioner for any
 10 statements made or conduct performed in good faith
 11 while carrying out the provisions of this chapter.

12 b. A cause of action shall not arise, and
 13 liability shall not be imposed, against any person for
 14 communicating or delivering information or data to the
 15 commissioner or the commissioner's authorized
 16 representative or examiner pursuant to an examination
 17 made under this chapter, if the communication or
 18 delivery was performed in good faith and without
 19 fraudulent intent or the intent to deceive. This
 20 paragraph does not abrogate or modify in any way any
 21 common law or statutory privilege or immunity enjoyed
 22 by any person identified in paragraph "a".

23 c. (1) A person identified in paragraph "a" or
 24 "b" shall be entitled to an award of attorney fees and
 25 costs if the person is the prevailing party in a civil
 26 cause of action for libel, slander, or any other
 27 relevant tort arising out of activities in carrying
 28 out the provisions of this chapter and the party
 29 bringing the action was not substantially justified in
 30 doing so.

31 (2) For purposes of subparagraph (1), a proceeding
 32 is substantially justified if it has a reasonable
 33 basis in law or fact at the time that it was
 34 initiated.

35 10. The commissioner may investigate a suspected
 36 fraudulent life settlement act and a person engaged in
 37 the business of life settlements.

38 11. The commission by rule may establish
 39 reasonable costs for examinations imposed upon a
 40 person.

41 Sec. 8. NEW SECTION. 508G.8 ADVERTISING.

42 1. A broker or provider licensed pursuant to this
 43 chapter may conduct or participate in an advertisement
 44 within this state. Such advertisement shall comply
 45 with all statutes or rules adopted by the commissioner
 46 that are applicable to life insurers or to brokers,
 47 and providers licensed pursuant to this chapter.

48 2. An advertisement shall be accurate, truthful,
 49 and not misleading in fact or by implication.

50 3. A person shall not do any of the following:

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1 a. Directly or indirectly market, advertise,
2 solicit, or otherwise promote the purchase of a life
3 insurance policy for the sole purpose of or with an
4 emphasis on settling the life insurance policy.

5 b. Use the words "free", "no cost", or words of
6 similar import in the marketing, advertising,
7 soliciting, or otherwise promoting of the purchase of
8 a life insurance policy.

9 Sec. 9. NEW SECTION. 508G.9 DISCLOSURES TO
10 OWNERS.

11 1. A provider shall provide in writing, a separate
12 disclosure document that is signed by the owner and
13 provider, to the owner not later than the date the
14 life settlement contract is signed by all parties.

15 a. The disclosure document shall include all of
16 the following information:

17 (1) That possible alternatives to life settlement
18 contracts exist including but not limited to
19 accelerated benefits offered by the issuer of the life
20 insurance policy.

21 (2) That some or all of the proceeds of a life
22 settlement contract may be taxable and that assistance
23 should be sought from a professional tax advisor.

24 (3) That the proceeds from a life settlement
25 contract could be subject to the claims of creditors.

26 (4) That receipt of proceeds from a life
27 settlement contract may adversely affect the
28 recipient's eligibility for public assistance or other
29 government benefits or entitlements and that advice
30 should be obtained from the appropriate agencies.

31 (5) That the owner has a right to rescind a life
32 settlement contract within fifteen days of the date it
33 is executed by all parties and the owner has received
34 the disclosures required in this section. Rescission,
35 if exercised by the owner, is effective only if both
36 notice of the rescission is given, and the owner repays
37 all proceeds and any premiums, loans, and loan
38 interest paid on account of the provider within the
39 rescission period. If the insured dies during the
40 rescission period, the contract shall be deemed to have
41 been rescinded subject to repayment by the owner or
42 the owner's estate of all proceeds and any premiums,
43 loans, and loan interest to the provider.

44 (6) That proceeds will be sent to the owner within
45 three business days after the provider has received
46 the insurer or group administrator's acknowledgment
47 that ownership of the life insurance policy or
48 interest in the life insurance certificate has been
49 transferred and the beneficiary has been designated in
50 accordance with the terms of the life settlement

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1 contract.

2 (7) That entering into a life settlement contract
3 may cause other rights or benefits, including
4 conversion rights and waiver of premium benefits that
5 may exist under the life insurance policy or
6 certificate of a group life insurance policy, to be
7 forfeited by the owner and that assistance should be
8 sought from a professional financial advisor.

9 (8) (a) The amount and method of calculating the
10 compensation paid or to be paid to the broker, or any
11 other person acting for the owner in connection with
12 the transaction.

13 (b) As used in subparagraph subdivision (a),
14 compensation includes anything of value paid or given.

15 (9) The date by which the funds will be available
16 to the owner and the transmitter of the funds.

17 (10) That the commissioner requires delivery of a
18 buyer's guide or a similar consumer advisory package
19 in the form prescribed by the commissioner to owners
20 during the solicitation process.

21 (11) The following language:

22 "All medical, financial, or personal information
23 solicited or obtained by a provider or broker about an
24 insured, including the insured's identity or the
25 identity of family members, a spouse, or a significant
26 other may be disclosed as necessary to effect the life
27 settlement contract between the owner and provider.
28 If you are asked to provide this information, you will
29 be asked to consent to the disclosure. The
30 information may be provided to someone who buys the
31 policy or provides funds for the purchase. You may be
32 asked to renew your permission to share information
33 every two years."

34 (12) That the commissioner requires providers and
35 brokers to print separate signed fraud warnings on
36 their applications and on their life settlement
37 contracts as follows:

38 "Any person who knowingly presents false
39 information in an application for a life insurance
40 policy or life settlement contract is guilty of a
41 crime and may be subject to fines and confinement in
42 prison."

43 (13) That the insured may be contacted by either
44 the provider or broker or its authorized
45 representative for the purpose of determining the
46 insured's health status or to verify the insured's
47 address. This contact is limited to once every three
48 months if the insured has a life expectancy of more
49 than one year, and no more than once per month if the
50 insured has a life expectancy of one year or less.

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1 (14) The affiliation, if any, between the provider
2 and the issuer of the life insurance policy to be
3 settled.

4 (15) That a broker represents exclusively the
5 owner, and not the insurer or the provider or any
6 other person, and owes a fiduciary duty to the owner,
7 including a duty to act according to the owner's
8 instructions and in the best interest of the owner.

9 (16) The name, address, and telephone number of
10 the provider.

11 (17) The name, business address, and telephone
12 number of the independent third-party escrow agent,
13 and the fact that the owner may inspect or receive
14 copies of the relevant escrow or trust agreements or
15 documents.

16 (18) That a change of ownership could in the
17 future limit the insured's ability to purchase future
18 insurance on the insured's life because of a limit on
19 the amount of coverage insurers will issue on one
20 life.

21 b. The written disclosure as provided in paragraph
22 "a" shall be conspicuously displayed in any life
23 settlement contract furnished to the owner by a
24 provider including the disclosure of any affiliations
25 or contractual arrangements between the provider and
26 the broker.

27 2. A broker shall provide the owner and the
28 provider with at least the following disclosures not
29 later than the date the life settlement contract is
30 signed by all parties. The disclosures shall be
31 conspicuously displayed in the life settlement
32 contract or in a separate document signed by the owner
33 and provide all of the following information:

34 a. The name, business address, and telephone
35 number of the broker.

36 b. A full, complete, and accurate description of
37 all the offers, counteroffers, acceptances, and
38 rejections relating to the proposed life settlement
39 contract.

40 c. A written disclosure of any affiliation or
41 contractual arrangement between the broker and any
42 person making an offer in connection with the proposed
43 life settlement contract.

44 d. The name of each broker who receives
45 compensation and the amount of compensation received
46 by that broker, which compensation includes anything
47 of value paid or given to the broker in connection
48 with the life settlement contract.

49 e. (1) A complete reconciliation of the gross
50 offer or bid by the provider to the net amount of

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1 proceeds or value to be received by the owner.
 2 (2) For the purpose of subparagraph (1), "gross
 3 offer" or "bid" means the total amount or value
 4 offered by the provider for the purchase of one or
 5 more life insurance policies, inclusive of commissions
 6 and fees.

7 f. The failure to provide the disclosures or
 8 rights described in this section is deemed an unfair
 9 trade practice pursuant to section 508G.17.

10 Sec. 10. NEW SECTION. 508G.10 DISCLOSURE TO
 11 INSURER.

12 Without limiting the ability of an insurer from
 13 assessing the insurability of a policy applicant and
 14 determining whether or not to issue the policy, and in
 15 addition to other questions an insurer may lawfully
 16 pose to a life insurance applicant, insurers may
 17 inquire in the application for insurance whether the
 18 proposed owner intends to pay premiums with the
 19 assistance of financing from a lender that will use
 20 the policy as collateral to support the financing.

21 1. If, as described in the definition of life
 22 settlement contract in section 508G.2, the loan
 23 provides funds which can be used for a purpose other
 24 than paying for the premiums, costs, and expenses
 25 associated with obtaining and maintaining the life
 26 insurance policy and loan, the application shall be
 27 rejected as a violation of the prohibited practices in
 28 section 508G.13.

29 2. If the financing does not violate section
 30 508G.13 in the manner provided in subsection 1, the
 31 insurer may do any of the following:

32 a. Make a disclosure, including but not limited to
 33 such as the following, to the applicant and the
 34 insured, either on the application or an amendment to
 35 the application to be completed no later than the
 36 delivery of the policy:

37 "If you have entered into a loan arrangement where
 38 the life insurance policy is used as collateral, and
 39 the life insurance policy does change ownership at
 40 some point in the future in satisfaction of the loan,
 41 the following may be true:

42 A change of ownership could lead to a stranger
 43 owning an interest in the insured's life.

44 A change of ownership could in the future limit
 45 your ability to purchase future insurance on the
 46 insured's life because of a limit on the amount of
 47 coverage insurers will issue on one life.

48 Should there be a change of ownership and you wish
 49 to obtain more insurance coverage on the insured's
 50 life in the future, the insured's higher issue age, a

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1 change in health status, or other factors may reduce
2 the ability to obtain coverage or may result in
3 significantly higher premiums.

4 You should consult a professional advisor, since a
5 change in ownership in satisfaction of the loan may
6 result in tax consequences to the owner, depending on
7 the structure of the loan."

8 b. Require certifications, such as the following,
9 from the applicant or the insured:

10 "I have not entered into any agreement or
11 arrangement providing for the future sale of this life
12 insurance policy.

13 My loan arrangement for this life insurance policy
14 provides funds sufficient to pay for some or all of
15 the premiums, costs, and expenses associated with
16 obtaining and maintaining my life insurance policy,
17 but I have not entered into any agreement by which I
18 am to receive consideration in exchange for procuring
19 this life insurance policy.

20 The borrower has an insurable interest in the
21 insured."

22 Sec. 11. NEW SECTION. 508G.11 GENERAL RULES.

23 1. A provider entering into a life settlement
24 contract with an owner of a life insurance policy,
25 where the insured is terminally ill or chronically
26 ill, shall first obtain all of the following:

27 a. If the owner is the insured, a written
28 statement from a licensed attending physician that the
29 owner is of sound mind and under no constraint or
30 undue influence to enter into a life settlement
31 contract.

32 b. A document in which the insured consents to the
33 release of the owner's medical records to a provider,
34 broker, or insurance producer and, if the life
35 insurance policy was issued less than two years from
36 the date of application for a life settlement
37 contract, to the insurance company that issued the
38 policy.

39 2. An insurer shall respond to a request for
40 verification of coverage submitted by a provider,
41 broker, or life insurance producer not later than
42 thirty calendar days of the date the request is
43 received. The request for verification of coverage
44 must be made on a form approved by the commissioner.
45 The insurer shall complete and issue the verification
46 of coverage or indicate in which respects it is unable
47 to respond. In its response, the insurer shall
48 indicate whether, based on the medical evidence and
49 documents provided, the insurer intends to pursue an
50 investigation at this time regarding the validity of

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1 the life insurance policy.

2 3. Before or at the time of the execution of the
3 life settlement contract, the provider shall obtain a
4 witnessed document in which the owner consents to the
5 life settlement contract, represents that the owner
6 has a full and complete understanding of the life
7 settlement contract, that the owner has a full and
8 complete understanding of the benefits of the life
9 insurance policy, acknowledges that the owner is
10 entering into the life settlement contract freely and
11 voluntarily, and, for persons with a terminal or
12 chronic illness or condition, acknowledges that the
13 insured has a terminal or chronic illness and that the
14 terminal or chronic illness or condition was diagnosed
15 after the life insurance policy was issued.

16 4. The insurer shall not unreasonably delay
17 effecting change of ownership or beneficiary with any
18 life settlement contract lawfully entered into in this
19 state or with a resident of this state.

20 5. If a broker or life insurance producer performs
21 any activities required of the provider, the provider
22 is deemed to have fulfilled the requirements of this
23 section.

24 6. If a broker performs verification of coverage
25 activities required of the provider, the provider is
26 deemed to have fulfilled the requirements of section
27 508G.9, subsection 1.

28 7. Within twenty days after an owner executes the
29 life settlement contract, a provider shall give
30 written notice to the insurer that issued the life
31 insurance policy that the policy has become subject to
32 a life settlement contract. The notice shall be
33 accompanied by the documents required by section
34 508G.10, subsection 1, paragraph "b".

35 8. All medical information solicited or obtained
36 by any licensee shall be subject to the applicable
37 provision of state law relating to confidentiality of
38 medical information, if not otherwise provided in this
39 chapter.

40 9. A life settlement contract entered into in this
41 state shall provide that the owner may rescind the
42 contract on or before fifteen days after the date it
43 is executed by all parties. Rescission, if exercised by
44 the owner, is effective only if both notice of the
45 rescission is given, and the owner repays all proceeds
46 and any premiums, loans, and loan interest paid on
47 account of the provider within the rescission period.
48 If the insured dies during the rescission period, the
49 contract shall be deemed to have been rescinded
50 subject to repayment by the owner or the owner's

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1 estate of all proceeds and any premiums, loans, and
2 loan interest to the provider.

3 10. Within three business days after receipt from
4 the owner of documents to effect the transfer of the
5 insurance policy, the provider shall pay the proceeds
6 of the settlement to a trust or escrow account managed
7 by a trustee or escrow agent in a state or federally
8 chartered financial institution pending acknowledgment
9 of the transfer by the issuer of the policy. The
10 trustee or escrow agent shall be required to transfer
11 the proceeds due to the owner within three business
12 days of acknowledgment of the transfer from the
13 insurer.

14 11. A failure to tender life settlement contract
15 proceeds to the owner by the date disclosed to the
16 owner renders the contract voidable by the owner for
17 lack of consideration until the time the proceeds are
18 tendered to and accepted by the owner. A failure to
19 give written notice of the right of rescission shall
20 toll the right of rescission until thirty days after the
21 written notice of the right of rescission has been
22 given.

23 12. Any fee paid by a provider, party, individual,
24 or an owner to a broker in exchange for services
25 provided to the owner pertaining to a life settlement
26 contract shall be computed as a percentage of the
27 offer obtained, not the face value of the life
28 insurance policy. This section shall not be construed
29 as prohibiting a broker from reducing the broker's fee
30 below this percentage if the broker so chooses.

31 13. A broker shall disclose to the owner anything
32 of value paid or given to the broker, which relates to
33 a life settlement contract.

34 14. A person shall not at any time prior to, or at
35 the time of, the application for, or issuance of, a
36 life insurance policy, or during a two-year period
37 commencing with the date of issuance of the life
38 insurance policy, enter into a life settlement
39 contract regardless of the date the compensation is to
40 be provided and regardless of the date the assignment,
41 transfer, sale, devise, bequest, or surrender of the
42 policy is to occur. This prohibition shall not apply
43 if the owner certifies to the provider that any of the
44 following applies:

45 a. The life insurance policy was issued upon the
46 owner's exercise of conversion rights arising out of a
47 group or individual life insurance policy, provided
48 the total of the time covered under the conversion
49 policy plus the time covered under the prior life
50 insurance policy is at least twenty-four months. The

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1 time covered under a group life insurance policy must
2 be calculated without regard to a change in insurers,
3 provided the coverage has been continuous and under
4 the same group sponsorship.

5 b. The owner submits independent evidence to the
6 provider that one or more of the following conditions
7 have been met within the two-year period:

8 (1) The owner or insured is terminally ill or
9 chronically ill.

10 (2) The owner or insured disposes of the owner's
11 or insured's ownership interests in a closely held
12 corporation, pursuant to the terms of a buyout or
13 other similar agreement in effect at the time the life
14 insurance policy was initially issued.

15 (3) The owner's spouse dies.

16 (4) The owner divorces the owner's spouse.

17 (5) The owner retires from full-time employment.

18 (6) The owner becomes physically or mentally
19 disabled and a physician determines that the
20 disability prevents the owner from maintaining
21 full-time employment.

22 (7) A final order, judgment, or decree is entered
23 by a court of competent jurisdiction, on the
24 application of a creditor of the owner, adjudicating
25 the owner bankrupt or insolvent, or approving a
26 petition seeking reorganization of the owner or
27 appointing a receiver, trustee, or liquidator to all
28 or a substantial part of the owner's assets.

29 c. Copies of the independent evidence required by
30 subsection 14, paragraph "b", shall be submitted to
31 the insurer when the provider submits a request to the
32 insurer for verification of coverage. The copies
33 shall be accompanied by a letter of attestation from
34 the provider that the copies are true and correct
35 copies of the documents received by the provider.
36 This section does not prohibit an insurer from
37 exercising its right to contest the validity of any
38 life insurance policy.

39 d. If the provider submits to the insurer a copy
40 of independent evidence provided for in paragraph "b",
41 subparagraph (1), when the provider submits a request
42 to the insurer to effect the transfer of the policy to
43 the provider, the copy is deemed to establish that the
44 life settlement contract satisfies the requirements of
45 this section.

46 Sec. 12. NEW SECTION. 508G.12 AUTHORITY TO ADOPT
47 RULES – CONFLICT OF LAWS.

48 1. The commissioner may adopt rules implementing
49 this chapter and regulating the activities and
50 relationships of providers, brokers, insurers, and

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- 1 their agents, pursuant to chapter 17A.
2 2. For conflict of laws, all of the following
3 shall apply:
4 a. If there is more than one owner on a single
5 policy, and the owners are residents of different
6 states, the life settlement contract shall be governed
7 by the law of the state in which the owner having the
8 largest percentage ownership resides or, if the owners
9 hold equal ownership, the state of residence of one
10 owner agreed upon in writing by all of the owners.
11 The law of the state of the insured shall govern in
12 the event that equal owners fail to agree in writing
13 upon a state of residence for jurisdictional purposes.
14 b. A provider from this state who enters into a
15 life settlement contract with an owner who is a
16 resident of another state that has enacted statutes or
17 adopted regulations governing life settlement
18 contracts shall be governed in the effectuation of
19 that life settlement contract by the statutes and
20 regulations of the owner's state of residence. If the
21 state in which the owner is a resident has not enacted
22 statutes or regulations governing life settlement
23 contracts, the provider shall give the owner notice
24 that neither state regulates the transaction into
25 which the owner is entering. For transactions in
26 those states, however, the provider shall maintain all
27 records required as if the transactions were executed
28 in the state of residence. The forms used in those
29 states need not be approved by the commissioner.
30 c. If there is a conflict in the laws that apply
31 to an owner and a purchaser in any individual
32 transaction, the laws of the state that apply to the
33 owner shall take precedence and the provider shall
34 comply with those laws.
- 35 Sec. 13. NEW SECTION. 508G.13 PROHIBITED
36 PRACTICES.
37 1. A person shall not do any of the following:
38 a. Enter into a life settlement contract if the
39 person knows or reasonably should have known that the
40 life insurance policy was obtained by means of a
41 false, deceptive, or misleading application for such
42 life insurance policy.
43 b. Engage in any transaction, practice, or course
44 of business if such person knows or reasonably should
45 have known that the intent was to avoid the notice
46 requirements of this chapter.
47 c. Engage in any fraudulent act or practice in
48 connection with any transaction relating to any
49 settlement involving an owner who is a resident of
50 this state.

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- 1 d. Issue, solicit, market, or otherwise promote
2 the purchase of a life insurance policy for the
3 purpose of or with an emphasis on settling the life
4 insurance policy.
- 5 e. Enter into a premium finance agreement with any
6 person or agency, or any person affiliated with such
7 person or agency, pursuant to which such person or
8 agency shall receive any proceeds, fees, or other
9 consideration, directly or indirectly, from the life
10 insurance policy or owner of the life insurance policy
11 or any other person with respect to the premium
12 finance agreement or any life settlement contract or
13 other transaction related to such life insurance
14 policy that are in addition to the amounts required to
15 pay the principal, interest, and service charges
16 related to life insurance policy premiums pursuant to
17 the premium finance agreement or subsequent sale of
18 such agreement. However, any payments, charges, fees,
19 or other amounts in addition to the amounts required
20 to pay the principal, interest, and service charges
21 related to life insurance policy premiums paid under
22 the premium finance agreement shall be remitted to the
23 original owner of the life insurance policy or to the
24 original owner's estate if the original owner is not
25 living at the time of the determination of the
26 overpayment.
- 27 f. With respect to any life settlement contract or
28 life insurance policy and a broker, knowingly solicit
29 an offer from, effectuate a life settlement contract
30 with, or make a sale to any provider, financing
31 entity, or related provider trust that is controlling,
32 controlled by, or under common control with such
33 broker.
- 34 g. With respect to any life settlement contract or
35 life insurance policy and a provider, knowingly enter
36 into a life settlement contract with an owner, if, in
37 connection with such life settlement contract,
38 anything of value will be paid to a broker that is
39 controlling, controlled by, or under common control
40 with such provider or the financing entity or related
41 provider trust that is involved in such life
42 settlement contract.
- 43 h. With respect to a provider, enter into a life
44 settlement contract unless the life settlement
45 promotional, advertising, and marketing materials, as
46 may be adopted by rule, have been filed with the
47 commissioner. In no event shall any marketing
48 materials expressly reference that the insurance is
49 free for any period of time. The inclusion of any
50 reference in the marketing materials that would cause

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1 an owner to reasonably believe that the insurance is
2 free for any period of time shall be considered a
3 violation of this chapter.

4 i. With respect to any life insurance producer,
5 insurer, broker, or provider, make any statement or
6 representation to the applicant or policyholder in
7 connection with the sale or financing of a life
8 insurance policy to the effect that the insurance is
9 free or without cost to the policyholder for any
10 period of time unless provided in the policy.

11 2. A violation of this section shall be deemed a
12 fraudulent life settlement act.

13 Sec. 14. NEW SECTION. 508G.14 FRAUD PREVENTION
14 AND CONTROL.

15 1. This subsection applies to a fraudulent life
16 settlement act, interference, and convicted felons as
17 follows:

18 a. A person shall not commit a fraudulent life
19 settlement act.

20 b. A person shall not knowingly and intentionally
21 interfere with the enforcement of the provisions of
22 this chapter or an investigation of suspected or
23 actual violations of this chapter.

24 c. A person in the business of life settlements
25 shall not knowingly or intentionally permit any person
26 convicted of a felony involving dishonesty or breach
27 of trust to participate in the business of life
28 settlements.

29 2. This subsection applies to required fraud
30 warnings as follows:

31 a. A life settlement contract and an application
32 for a life settlement contract, regardless of the form
33 of transmission, shall contain the following statement
34 or a substantially similar statement:

35 "Any person who knowingly presents false
36 information in an application for a life insurance
37 policy or life settlement contract is guilty of a
38 crime and may be subject to fines and confinement in
39 prison."

40 b. The lack of a statement as required in
41 paragraph "a" does not constitute a defense in any
42 prosecution for a fraudulent life settlement act.

43 3. This section applies to the mandatory reporting
44 of fraudulent life settlement acts as follows:

45 a. Any person engaged in the business of life
46 settlements having knowledge or a reasonable belief
47 that a fraudulent life settlement act is being, will
48 be, or has been committed shall provide to the
49 commissioner the information required by, and in a
50 manner prescribed by, the commissioner.

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1 b. Any other person having knowledge or a
2 reasonable belief that a fraudulent life settlement
3 act is being, will be, or has been committed may
4 provide to the commissioner the information required
5 by, and in a manner prescribed by, the commissioner.

6 4. This subsection applies to immunity from
7 liability as follows:

8 a. Civil liability shall not be imposed on and a
9 cause of action shall not arise from a person's
10 furnishing information concerning suspected,
11 anticipated, or a completed fraudulent life settlement
12 act, if the information is provided to or received
13 from any of the following:

14 (1) The commissioner or the commissioner's
15 employees, agents, or representatives.

16 (2) Federal, state, or local law enforcement or
17 regulatory officials or their employees, agents, or
18 representatives.

19 (3) A person involved in the prevention and
20 detection of fraudulent life settlement acts or that
21 person's agents, employees, or representatives.

22 (4) Any regulatory body or its employees, agents,
23 or representatives, overseeing life insurance, life
24 settlements, securities, or investment fraud.

25 (5) The life insurer that issued the life
26 insurance policy covering the life of the insured.

27 (6) The licensee and any agents, employees, or
28 representatives.

29 b. Paragraph "a" shall not apply to a statement
30 made with actual malice. In an action brought against
31 a person for filing a report or furnishing other
32 information concerning a fraudulent life settlement
33 act, the party bringing the action shall plead
34 specifically any allegation that paragraph "a" does
35 not apply because the person filing the report or
36 furnishing the information did so with actual malice.

37 c. (1) A person identified in paragraph "a" shall
38 be entitled to an award of attorney fees and costs if
39 the person is the prevailing party in a civil cause of
40 action for libel, slander, or any other relevant tort
41 arising out of activities in carrying out the
42 provisions of this chapter and the party bringing the
43 action was not substantially justified in doing so.

44 (2) For purposes of this paragraph "c", a
45 proceeding is substantially justified if it had a
46 reasonable basis in law or fact at the time that it
47 was initiated.

48 d. This section does not abrogate or modify common
49 law or statutory privileges or immunities enjoyed by a
50 person described in paragraph "a".

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- 1 5. This subsection applies to confidentiality as
2 follows:
- 3 a. The documents and evidence provided pursuant to
4 subsection 4 or obtained by the commissioner in an
5 investigation of a suspected or actual fraudulent life
6 settlement act shall be privileged and confidential
7 and shall not be subject to chapter 22, and shall not
8 be subject to discovery or subpoena in a civil or
9 criminal action.
- 10 b. Paragraph "a" does not prohibit a release by
11 the commissioner of documents and evidence obtained in
12 an investigation of a suspected or actual fraudulent
13 life settlement act to any of the following:
- 14 (1) In administrative or judicial proceedings to
15 enforce laws administered by the commissioner.
- 16 (2) To federal, state, or local law enforcement or
17 regulatory agencies, to an organization established
18 for the purpose of detecting and preventing fraudulent
19 life settlement acts or to the national association of
20 insurance commissioners.
- 21 (3) At the discretion of the commissioner, to a
22 person in the business of life settlements that is
23 aggrieved by a fraudulent life settlement act.
- 24 c. Release of documents and evidence under
25 paragraph "b" does not abrogate or modify the
26 privilege granted in paragraph "a".
- 27 6. This chapter shall not do any of the following:
- 28 a. Preempt the authority or relieve the duty of
29 other law enforcement or regulatory agencies to
30 investigate, examine, or prosecute suspected
31 violations of law.
- 32 b. Preempt, supersede, or limit any provision of
33 any state securities law or any rule, order, or notice
34 issued under this chapter.
- 35 c. Prevent or prohibit a person from voluntarily
36 disclosing information concerning life settlement
37 fraud to a law enforcement or regulatory agency other
38 than the commissioner.
- 39 d. Limit the powers granted elsewhere by the laws
40 of this state to the commissioner or the insurance
41 division, or an insurance fraud unit, to investigate
42 and examine possible violations of law and to take
43 appropriate action against wrongdoers.
- 44 7. This subsection applies to life settlement
45 antifraud initiatives as follows:
- 46 a. A provider or broker shall have in place
47 antifraud initiatives reasonably calculated to detect,
48 prosecute, and prevent a fraudulent life settlement
49 act. At the discretion of the commissioner, the
50 commissioner may order, or a licensee may request and

1 the commissioner may grant, such modifications of the
 2 following required initiatives as necessary to ensure
 3 an effective antifraud program. The modifications may
 4 be more or less restrictive than the required
 5 initiatives so long as the modifications may
 6 reasonably be expected to accomplish the purpose of
 7 this section. The antifraud initiatives shall include
 8 all of the following:

- 9 (1) Fraud investigators, who may be provider or
- 10 broker employees or independent contractors.
- 11 (2) An antifraud plan, which shall be submitted to
- 12 the commissioner. The antifraud plan shall include
- 13 but not be limited to any of the following:
 - 14 (a) A description of the procedures for detecting
 - 15 and investigating possible fraudulent life settlement
 - 16 acts and procedures for resolving material
 - 17 inconsistencies between medical records and insurance
 - 18 applications.
 - 19 (b) A description of the procedures for reporting
 - 20 possible fraudulent life settlement acts to the
 - 21 commissioner.
 - 22 (c) A description of the plan for antifraud
 - 23 education and training of underwriters and other
 - 24 personnel.
 - 25 (d) A description or chart outlining the
 - 26 organizational arrangement of the antifraud personnel
 - 27 who are responsible for the investigation and
 - 28 reporting of possible fraudulent life settlement acts
 - 29 and investigating unresolved material inconsistencies
 - 30 between medical records and insurance applications.
- 31 b. Antifraud plans submitted to the commissioner
- 32 shall be privileged and confidential, shall not be
- 33 subject to chapter 22, and shall not be subject to
- 34 discovery or subpoena in a civil or criminal action.
- 35 Sec. 15. NEW SECTION. 508G.15 INJUNCTIONS –
- 36 CIVIL REMEDIES – CEASE AND DESIST.

- 37 1. In addition to the penalties and other
- 38 enforcement provisions of this chapter, if any person
- 39 violates this chapter or any rule implementing this
- 40 chapter, the commissioner may seek an injunction in a
- 41 court of competent jurisdiction in the county where
- 42 the person resides or has a principal place of
- 43 business and may apply for temporary and permanent
- 44 orders that the commissioner determines necessary to
- 45 restrain the person from further committing the
- 46 violation.
- 47 2. A person damaged by an act of another person in
- 48 violation of this chapter or any rule implementing or
- 49 administering this chapter, may bring a civil action
- 50 for damages against the person committing the

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1 violation in a court of competent jurisdiction.
2 3. The commissioner may issue a cease and desist
3 order upon a person who violates any provision of this
4 chapter, any rule adopted or order issued by the
5 commissioner, or any written agreement entered into
6 with the commissioner.
7 4. If the commissioner finds that such an action
8 presents an immediate danger to the public and
9 requires an immediate final order, the commissioner
10 may issue an emergency cease and desist order reciting
11 with particularity the facts underlying such findings.
12 The emergency cease and desist order is effective
13 immediately upon service of a copy of the order on the
14 respondent and remains effective for ninety days. If
15 the commissioner begins nonemergency cease and desist
16 proceedings under subsection 1, the emergency cease
17 and desist order remains effective, absent an order by
18 a court of competent jurisdiction pursuant to chapter
19 17A. In the event of a willful violation of this
20 chapter, the court may award statutory damages in
21 addition to actual damages in an additional amount up
22 to three times the actual damage award. The
23 provisions of this chapter shall not be waived by
24 agreement. A choice of law provision shall not be
25 utilized to prevent the application of this chapter to
26 any life settlement in which a party to the life
27 settlement is a resident of this state.
28 Sec. 16. NEW SECTION. 508G.16 PENALTIES.
29 1. It is a violation of this chapter for any
30 person, provider, broker, or any other party related
31 to the business of life settlements, to commit a
32 fraudulent life settlement act.
33 2. For criminal liability purposes, a person that
34 commits a fraudulent life settlement act is guilty of
35 a class "D" felony.
36 3. In addition to the penalty provided in
37 subsection 2, the commissioner may establish, assess,
38 and collect a civil penalty not exceeding ten thousand
39 dollars for each violation of this chapter, including
40 a person or the person's employee licensed pursuant to
41 this chapter, who commits a fraudulent life settlement
42 act or violates any other provision of this chapter
43 and penalties shall be deposited into the general fund
44 of the state.
45 4. The license of a person licensed under this
46 chapter that commits a fraudulent life settlement act
47 shall be revoked for a period of five years.
48 Sec. 17. NEW SECTION. 508G.17 UNFAIR TRADE
49 PRACTICES.
50 A violation of sections 508G.3 through 508G.16 by a

1 provider, broker, or insurer shall be considered an
 2 unfair trade practice pursuant to chapter 507B.

3 DIVISION II

4 COORDINATING CHANGES

5 Sec. 18. Section 502.102, subsection 17, paragraph
 6 d, Code 2007, is amended to read as follows:

7 d. With respect to a ~~viatical~~ life settlement
 8 ~~investment~~ contract as defined in section 508G.2,
 9 "issuer" means a person involved in creating,
 10 transferring, or selling to an investor any interest
 11 in such a contract, including but not limited to
 12 fractional or pooled interests, but does not include
 13 an agent or a broker-dealer.

14 Sec. 19. Section 502.102, subsection 28, paragraph
 15 f, Code 2007, is amended to read as follows:

16 f. It includes a ~~viatical~~ life settlement
 17 ~~investment~~ contract as defined in section 508G.2.

18 Sec. 20. Section 502.102, subsection 31A, Code
 19 2007, is amended by striking the subsection.

20 Sec. 21. Section 502.201, subsection 9E, Code
 21 2007, is amended to read as follows:

22 9E. ~~VIATICAL LIFE SETTLEMENT CONTRACTS.~~ A
 23 ~~viatical life~~ settlement contract as defined in
 24 section 508.102, or fractional or pooled interest in
 25 such contract, provided any of the following
 26 conditions are satisfied:

27 a. The assignment, transfer, sale, devise, or
 28 bequest of a death benefit of a life insurance policy
 29 or contract is made by the ~~viator to owner of a life~~
 30 insurance policy to an insurance company as provided
 31 under Title XIII, subtitle 1 chapter 508G.

32 b. The assignment, transfer, sale, devise, or
 33 bequest of a life insurance policy or contract, for
 34 any value less than the expected death benefit, is
 35 made by the ~~viator~~ owner of the life insurance policy
 36 to a family member or other person who enters into no
 37 more than one such agreement in a calendar year.

38 c. A life insurance policy or contract is assigned
 39 to a bank, savings bank, savings and loan association,
 40 credit union, or other licensed lending institution as
 41 collateral for a loan.

42 d. Accelerated benefits are exercised as provided
 43 in the life insurance policy or contract and
 44 consistent with applicable law.

45 e. The assignment, transfer, sale, devise, or
 46 bequest of the death benefit or ownership of a life
 47 insurance policy or contract made by the policyholder
 48 or contract owner to a ~~viatical settlement~~ provider
 49 pursuant to a life settlement contract, if the
 50 ~~viatical life~~ settlement transaction ~~contract~~ complies

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1 with chapter ~~508E~~ 508G, including rules adopted
2 pursuant to that chapter.

3 Sec. 22. Chapter 508E, Code 2007, is repealed.

4 DIVISION III

5 TRANSITIONAL PROVISIONS

6 Sec. 23. TRANSACTIONS OF BUSINESS.

7 1. A provider lawfully transacting business in
8 this state prior to July 1, 2009, may continue to do
9 so pending approval or disapproval of that person's
10 application for a license as long as the application
11 is filed with the commissioner not later than thirty
12 days after publication by the commissioner of an
13 application form and instructions for licensure of
14 providers. If the publication of the application form
15 and instructions is made prior to July 1, 2009, the
16 filing of the application shall not be later than
17 thirty days after July 1, 2009. During the time that
18 such an application is pending with the commissioner,
19 the applicant may use any form of life settlement
20 contract that has been filed with the commissioner
21 pending approval of the application, provided that
22 such form is otherwise in compliance with the
23 provisions of this Act. Any person transacting
24 business in this state under this provision shall be
25 obligated to comply with all other requirements of
26 this Act.

27 2. A person who has lawfully negotiated life
28 settlement contracts between any owner residing in
29 this state and one or more providers for at least one
30 year immediately prior to July 1, 2009, may continue
31 to do so pending approval or disapproval of that
32 person's application for a license as long as the
33 application is filed with the commissioner not later
34 than thirty days after publication by the commissioner
35 of an application form and instructions for licensure
36 of brokers. If the publication of the application
37 form and instructions is prior to July 1, 2009, the
38 filing of the application shall not be later than
39 thirty days after July 1, 2009. Any person
40 transacting business in this state under this
41 provision shall be obligated to comply with all other
42 requirements of this Act.

43 Sec. 24. EFFECTIVE DATE. This Act takes effect
44 July 1, 2009."

45 2. Title page, line 1, by striking the words
46 "viatical settlements" and inserting the following:
47 "life settlement arrangements".

48 3. Title page, line 1, by striking the word
49 "fees" and inserting the following: "fees,".

50 4. Title page, by striking line 2 and inserting

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1 the following: "penalties, and an effective date."

STRUYK of Pottawattamie

H-8392

1 Amend the amendment, H-8328, to Senate File 2279,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 2 the
5 following:

6 "____. Page 2, by inserting after line 15 the
7 following:

8 "____. The farm-to-school council established
9 pursuant to section 190A.2."

10 2. By renumbering as necessary.

KUHN of Floyd

H-8393

1 Amend House File 2528 as follows:

2 1. Page 3, by inserting after line 26 the
3 following:

4 "Sec.____. NEW SECTION. 68A.506 PROHIBITED
5 CONTRIBUTIONS.

6 A political committee shall not contribute, act as
7 an agent or intermediary for contributions, or arrange
8 for the making of monetary contributions to a
9 candidate or to a candidate's committee unless the
10 political committee certifies that all individuals
11 paying dues or making contributions to the political
12 committee are United States citizens."

13 2. By renumbering as necessary.

BAUDLER of Adair

H-8394

1 Amend Senate File 2353, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 8, line 33, through page 9,
4 line 13.

5 2. Page 9, line 16, by inserting before the words
6 "A judge" the following: "a."

7 3. Page 9, lines 33 and 34, by striking the words
8 "~~seventy-eight years of senior judge retirement~~", and
9 inserting the following: "seventy-eight years of".

10 4. Page 10, lines 10 and 11, by striking the
11 words "~~seventy-eight years of senior judge~~

- 12 retirement", and inserting the following:
 13 "seventy-eight years of".
- 14 5. Page 10, line 11, by inserting before the
 15 words "The state" the following: "b."
- 16 6. Page 10, line 11, by inserting after the word
 17 "provide" the following: "and pay for medical
 18 insurance".
- 19 7. Page 10, line 12, by striking the words "age,
 20 to an" the following: "age, to ~~an~~ any of the
 21 following:
 22 (1) An".
- 23 8. Page 10, line 12, by inserting after the words
 24 "active senior judge" the following: "and to the
 25 judge's spouse."
- 26 9. Page 10, line 12, by striking the words "or a
 27 senior judge", and inserting the following: "~~or a~~
 28 (2) A senior judge, who is not an active senior
 29 judge".
- 30 10. Page 10, by striking lines 14 and 15 and
 31 inserting the following: "spouse, ~~and pay for medical~~
 32 ~~insurance until if~~ the judge ~~attains the age of is~~
 33 less than seventy-eight years of age."
- 34 11. Page 10, lines 20 and 21, by striking the
 35 words "~~attained seventy eight years of~~ attains senior
 36 judge retirement", and inserting the following:
 37 "attained seventy-eight years of".
- 38 12. Page 10, lines 27 and 28, by striking the
 39 words "~~seventy eight years of senior judge~~
 40 retirement", and inserting the following:
 41 "seventy-eight years of".
- 42 13. Page 11, by striking lines 1 through 22 and
 43 inserting the following:
 44 "Sec.____. Section 602.9207, subsection 1, Code
 45 2007, is amended by striking the subsection.
 46 Sec.____. Section 602.9208, subsection 1, Code
 47 2007, is amended to read as follows:
 48 1. A senior judge, at any time ~~prior to the end of~~
 49 ~~the twelve month period during which the judge attains~~
 50 ~~seventy eight years of age~~, may submit to the clerk of

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- 1 the supreme court a written request that the judge's
 2 name be stricken from the roster of senior judges.
 3 Upon the receipt of the request the clerk shall strike
 4 the name of the person from the roster of senior
 5 judges, at which time the person shall cease to be a
 6 senior judge. A person who relinquishes a senior
 7 judgeship as provided in this subsection may be
 8 assigned to temporary judicial duties as provided in

9 section 602.1612."
 10 14. By renumbering as necessary.

SMITH of Marshall

H-8395

1 Amend Senate File 2400, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 17, by inserting after line 23 the
 4 following:
 5 "Sec. ____. NEW SECTION. 504.132 SECRETARY OF
 6 STATE – INTERNET SITE.
 7 The secretary of state shall place on the secretary
 8 of state's internet site a link to the internal
 9 revenue service's internet site for internal revenue
 10 service forms 990 and 990EZ."
 11 2. By renumbering as necessary.

MASCHER of Johnson

H-8399

1 Amend Senate File 2329, as passed by the Senate, as
 2 follows:
 3 1. Page 2, line 20, by striking the word "base"
 4 and inserting the following: "budget".
 5 2. By renumbering as necessary.

RANTS of Woodbury

H-8401

1 Amend Senate File 2353, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 3, line 23, through page 4,
 4 line 19, and inserting the following:
 5 "Sec. ____. Section 236.3, subsection 6, Code 2007,
 6 is amended to read as follows:
 7 6. Name and age of each child under eighteen whose
 8 welfare may be affected by the controversy. The
 9 petition may also specify and identify specific
 10 property which may be affected by the controversy.
 11 Sec. ____. Section 236.4, subsection 2, Code 2007,
 12 is amended to read as follows:
 13 2. The court may enter any temporary order it
 14 deems necessary to protect the plaintiff from domestic
 15 abuse prior to the hearing, including temporary
 16 custody, visitation, or property orders, upon good
 17 cause shown in an ex parte proceeding. Present danger
 18 of domestic abuse to the plaintiff constitutes good
 19 cause for purposes of this subsection.

20 a. The court may award temporary custody of or
 21 establish temporary visitation rights with regard to
 22 children under eighteen years of age. In awarding
 23 temporary custody or temporary visitation rights, the
 24 court shall give primary consideration to the safety
 25 of the alleged victim and the children. Prior to the
 26 entry of any temporary order pursuant to this
 27 subsection related to a child-custody determination as
 28 defined in section 598B.102, the plaintiff shall
 29 comply with the provisions of section 598B.209. If
 30 the court finds that the safety of the alleged victim
 31 will be jeopardized by unsupervised or unrestricted
 32 visitation, the court shall set conditions or restrict
 33 visitation as to time, place, duration, or
 34 supervision, or deny visitation entirely, as needed to
 35 guard the safety of the victim and the children. The
 36 court shall also determine whether any other existing
 37 orders awarding custody or visitation should be
 38 modified.

39 b. The court may issue a temporary order granting
 40 the petitioner the exclusive care, possession, or
 41 control of property specified in the petition which
 42 may be affected by the controversy.

43 Sec.____. Section 236.5, subsection 2, Code 2007,
 44 is amended by adding the following new paragraph:
 45 NEW PARAGRAPH. bb. That the plaintiff or
 46 defendant have exclusive care, possession, or control
 47 of any other property affected by the controversy."
 48 2. Title page, by striking line 3 and inserting
 49 the following: "and dispositional orders in a
 50 domestic abuse proceeding."

HUSER of Polk

H-8402

1 Amend House File 2637 as follows:
 2 1. Page 3, by striking lines 10 through 25 and
 3 inserting the following:
 4 "Sec.____. Section 622.10, Code Supplement 2007,
 5 is amended by adding the following new subsection:
 6 NEW SUBSECTION. 4A. At any time, upon a written
 7 request from a patient, a patient's legal
 8 representative or attorney, or an adverse party
 9 pursuant to subsection 3, any provider shall provide
 10 copies of the requested records or images to the
 11 requester within thirty days of receipt of the written
 12 request. The written request shall be accompanied by
 13 a legally sufficient patient's waiver unless the
 14 request is made by the patient or the patient's legal
 15 representative or attorney. The provider shall also
 16 produce copies of patient records or images contained

17 in the provider's files generated by another provider.

18 a. The fee charged for the cost of producing the
19 requested records or images shall be based upon the
20 actual cost of production. If the written request and
21 accompanying patient's waiver, if required, authorizes
22 the release of all of the patient's records for the
23 requested time period, including records relating to
24 the patient's mental health, substance abuse, and
25 acquired immune deficiency syndrome-related
26 conditions, the amount charged shall not exceed the
27 rates established by the workers' compensation
28 commissioner for copies of records in workers'
29 compensation cases. In addition, a retrieval fee of
30 up to twenty-five dollars per request may be charged
31 for up to two requests. If requested, the provider
32 shall include an affidavit certifying that the records
33 or images produced are true and accurate copies of the
34 originals for an additional fee not to exceed ten
35 dollars.

36 b. A patient or a patient's legal representative
37 or a patient's attorney is entitled to one copy free
38 of charge of the patient's complete billing statement,
39 subject only to a charge for the actual costs of
40 postage or delivery charges incurred in providing the
41 statement. If requested, the provider or custodian of
42 the record shall include an affidavit certifying the
43 billing statements produced to be true and accurate
44 copies of the originals for an additional fee not to
45 exceed ten dollars.

46 c. Fees charged pursuant to this subsection are
47 not subject to a sales or use tax. A provider
48 providing the records or images may require payment in
49 advance if an itemized statement demanding such is
50 provided to the requesting party within fifteen days

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1 of the request. Upon a timely request for payment in
2 advance, the time for providing the records or images
3 shall be extended until the greater of thirty days
4 from the date of the original request or ten days from
5 the receipt of payment.

6 d. If a provider does not provide to the requester
7 all records or images encompassed by the request or
8 does not allow a patient access to all of the
9 patient's medical records encompassed by the patient's
10 request to examine the patient's records, the provider
11 shall give written notice to the requester or the
12 patient that providing the requested records or images
13 would be a violation of the federal Health Insurance
14 Portability and Accountability Act of 1996, Pub. L.
15 No. 104-191.

16 e. As used in this subsection:

17 (1) "Records" and "images" include electronic
18 media and data containing a patient's health or
19 billing information and "copies" includes patient
20 records or images provided in electronic form,
21 regardless of the form of the originals. If consented
22 to by the requesting party, records and images
23 produced pursuant to this subsection may be produced
24 on electronic media.

25 (2) "Provider" means any physician or surgeon,
26 physician assistant, advanced registered nurse
27 practitioner, mental health professional, hospital,
28 nursing home, or other person, entity, facility, or
29 organization that furnishes, bills, or is paid for
30 health care in the normal course of business."

31 2. Title page, by striking line 2 and inserting
32 the following: "concerning health care, patient
33 access to the patient's medical file, and health care
34 records and providing".

35 3. By renumbering as necessary.

HUSER of Polk

H-8403

1 Amend House File 2628, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 19 and 20 and
4 inserting the following: "a person."

SENATE AMENDMENT

H-8406

1 Amend Senate File 2132, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. NEW SECTION. 6A.15 PROPERTY ON STATE
6 HISTORIC REGISTRY.

7 Property listed on the state register of historic
8 places maintained by the historical division of the
9 department of cultural affairs shall not be removed
10 from the register solely for the purpose of allowing
11 acquisition of the property by condemnation.

12 Sec. 2. Section 6A.24, subsection 3, Code 2007, is
13 amended to read as follows:

14 3. For any action brought under this section, the
15 burden of proof shall be on the acquiring agency to
16 prove by ~~a preponderance of the~~ clear and convincing
17 evidence that the finding of public use, public
18 purpose, or public improvement meets the definition of

19 those terms. If a property owner or a contract
 20 purchaser of record or a tenant occupying the property
 21 under a recorded lease prevails in an action brought
 22 under this section, the acquiring agency shall be
 23 required to pay the costs, including reasonable
 24 attorney fees, of the adverse party.

25 Sec. 3. Section 6B.2C, Code 2007, is amended to
 26 read as follows:

27 6B.2C APPROVAL OF THE PUBLIC IMPROVEMENT.

28 The authority to condemn is not conferred, and the
 29 condemnation proceedings shall not commence, unless
 30 the governing body for the acquiring agency ~~approves,~~
 31 by resolution, declares that adequate funding for the
 32 public improvement has been secured, that the use of
 33 condemnation for the public improvement is approved,
 34 and that there is a reasonable expectation the
 35 applicant will be able to achieve its public purpose,
 36 comply with all applicable standards, and obtain the
 37 necessary permits.

38 Sec. 4. **NEW SECTION.** 68B.8 BAN ON CERTAIN
 39 LOBBYING ACTIVITIES ON BEHALF OF POLITICAL
 40 SUBDIVISIONS.

41 A political subdivision that collects and expends
 42 property taxes shall not use public funds of any kind
 43 to pay a person, organization, or other entity to act
 44 as a lobbyist in relation to any legislation relating
 45 specifically to eminent domain authority or
 46 condemnation procedures.

47 Sec. 5. Section 316.4, subsection 1, Code 2007, is
 48 amended to read as follows:

49 1. If a program or project undertaken by a
 50 displacing agency will result in the displacement of a

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1 person, the displacing agency shall make a payment to
 2 the displaced person, upon proper application as
 3 approved by the displacing agency, for actual
 4 reasonable and necessary expenses incurred in moving
 5 the person, the person's family, business, farm
 6 operation, or other personal property subject to rules
 7 and limits established by the department. The payment
 8 may also provide for actual direct losses of tangible
 9 personal property, purchase of substitute personal
 10 property, business reestablishment expenses, storage
 11 expenses, and expenses incurred in searching for a
 12 replacement business or farm. If relocation of a
 13 business or farm operation is not economically
 14 feasible, the displaced person may also apply for
 15 payment of the loss of existing business relationships
 16 because of the inability to relocate the business or
 17 farm operation to a location similar in economic

18 advantage to the location from which the business or
19 farm operation was displaced."

20 2. Page 3, by inserting after line 3 the
21 following:

22 "Sec. _____. APPLICABILITY DATES. The sections of
23 this Act amending sections 6A.24, 6B.2C, and 316.4 and
24 enacting sections 6A.15 and 68B.8 apply to projects or
25 condemnation proceedings pending or commenced on or
26 after the effective date of this Act."

27 3. Title page, by striking line 2 and inserting
28 the following: "property, to property seized by
29 eminent domain, and including effective and
30 applicability dates."

KAUFMANN of Cedar
TYMESON of Madison
GRASSLEY of Butler

H-8407

1 Amend Senate File 445, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 543B.8, Code 2007, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. A landlord-tenant
8 relations review board is established in the
9 department of commerce within the real estate
10 commission. The landlord-tenant relations review
11 board shall carry out duties specified in sections
12 562A.12A and 562A.35A. The commission shall provide
13 staff assistance and administrative support to the
14 landlord-tenant relations review board.

15 Sec. 2. Section 562A.12, subsection 3, unnumbered
16 paragraph 1, Code 2007, is amended to read as follows:

17 A landlord shall, within thirty days from the date
18 of termination of the tenancy and receipt of the
19 tenant's mailing address or delivery instructions,
20 return the rental deposit to the tenant or furnish to
21 the tenant a written statement showing the specific
22 reason for withholding of the rental deposit or any
23 portion thereof. If the rental deposit or any portion
24 of the rental deposit is withheld for the restoration
25 of the dwelling unit, the statement shall specify the
26 nature of the damages. In addition to a written
27 statement of the reasons for withholding a rental
28 deposit, the landlord shall provide photographic
29 documentation of any damage described in the written
30 statement and provide copies of all documentation
31 related to any inspection conducted following
32 termination of the tenancy. The landlord may withhold

33 from the rental deposit only such amounts as are
 34 reasonably necessary for the following reasons:
 35 Sec. 3. Section 562A.12, subsection 3, unnumbered
 36 paragraph 2, Code 2007, is amended to read as follows:
 37 In ~~an~~ a court action, or in a proceeding pursuant
 38 to section 562A.35A, subsection 5, concerning the
 39 rental deposit, the burden of proving, by a
 40 preponderance of the evidence, the reason for
 41 withholding all or any portion of the rental deposit
 42 shall be on the landlord."

43 2. Page 1, by inserting after line 8 the
 44 following:

45 "Sec.____. NEW SECTION. 562A.12A LANDLORD RENTAL
 46 DEPOSIT REPORTS.

47 The landlord of a premises having twenty-five or
 48 more rental dwelling units shall file an annual
 49 landlord rental deposit report for the previous
 50 calendar year with the landlord-tenant relations

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1 review board on or before February 1. Each report
 2 shall provide the reasons for each rental deposit, or
 3 portion thereof, withheld by the landlord, the
 4 original rental deposit amount, and the amount
 5 withheld. The real estate commission, in consultation
 6 with the landlord-tenant relations review board, shall
 7 prescribe a standardized form for reports required
 8 under this section.

9 Sec.____. Section 562A.13, Code 2007, is amended
 10 by adding the following new subsection:

11 NEW SUBSECTION. 7. The landlord or a person
 12 authorized to enter into a rental agreement on behalf
 13 of the landlord shall provide to the tenant at or
 14 before the commencement of the tenancy all of the
 15 following:

- 16 a. A written statement of all damage to the
- 17 dwelling unit caused by the previous tenant.
- 18 b. Photographs of the dwelling unit taken during
- 19 the inspection conducted at the expiration of the
- 20 previous tenancy.
- 21 c. A written statement of all restoration or
- 22 repairs made following the expiration of the previous
- 23 tenancy.

24 Sec.____. Section 562A.15, Code 2007, is amended
 25 by adding the following new subsection:

26 NEW SUBSECTION. 5. The landlord of a premises
 27 having twenty-five or more rental dwelling units is
 28 required to employ an on-site manager. The on-site
 29 manager may either reside on the premises or operate
 30 an office on the premises during normal business
 31 hours. A landlord may serve as an on-site manager.

32 Sec. ____ NEW SECTION. 562A.35A LANDLORD-TENANT
33 RELATIONS REVIEW BOARD.

34 1. The landlord-tenant relations review board is
35 established in the department of commerce within the
36 real estate commission. The landlord-tenant relations
37 review board shall consist of three members. Members
38 of the board shall be appointed to four-year staggered
39 terms by the governor.

40 2. a. A vacancy on the board shall be filled in
41 the same manner as the original appointment. A member
42 appointed to fill a vacancy created other than by
43 expiration of a term shall be appointed for the
44 remainder of the unexpired term.

45 b. A majority of the members of the board
46 constitutes a quorum. Any action taken by the board
47 must be adopted by the affirmative vote of a majority
48 of its membership.

49 c. The board shall elect a chairperson from the
50 membership of the board. The chairperson shall serve

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1 a two-year term.

2 d. Board members shall be reimbursed for actual
3 and necessary expenses incurred while engaged in their
4 official duties.

5 3. The real estate commission shall provide staff
6 assistance and administrative support to the board.

7 4. The duties of the board shall include all of
8 the following:

9 a. Adopt and publish guidelines that estimate
10 common restoration and replacement costs to landlords
11 following termination of a tenancy.

12 b. Propose rules, for approval by the real estate
13 commission and adoption by the commission pursuant to
14 chapter 17A, describing the reporting requirements for
15 landlords pursuant to section 562A.12A.

16 c. Hear and decide voluntary informal dispute
17 resolution proceedings pursuant to subsection 5.

18 d. Receive and index rental deposit complaints
19 against landlords from current and former tenants.

20 e. Compile and make available an annual report
21 consisting of all landlord rental deposit reports
22 received pursuant to section 562A.12A, a summary of
23 the board's informal dispute resolution proceedings,
24 and an index of all landlord rental deposit complaints
25 received from tenants.

26 5. a. The board shall preside over voluntary
27 informal dispute resolution proceedings between
28 tenants and landlords relating to the withholding of
29 rental deposits under section 562A.12, subsection 3,
30 paragraph "b".

- 31 b. An application for voluntary informal dispute
 32 resolution must be voluntarily signed and submitted by
 33 both parties. The board shall determine a time and
 34 place for the proceeding and provide written notice of
 35 the proceeding to the parties.
- 36 c. The board shall adopt procedures to govern
 37 proceedings under this subsection. The procedures
 38 shall be provided to the parties in writing and shall
 39 accompany the notice of the proceeding.
- 40 d. The rules of evidence shall not apply to a
 41 proceeding under this subsection. The board shall
 42 review any relevant evidence provided by the parties
 43 and the rental agreement governing the tenancy.
- 44 e. The burden of proving, by a preponderance of
 45 the evidence, the reason for withholding all or any
 46 portion of the rental deposit shall be on the
 47 landlord.
- 48 f. The board shall issue a decision in the dispute
 49 no later than ten days after completion of the
 50 proceeding. The board's decision is binding on the

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- 1 landlord and tenant if both parties have voluntarily
 2 participated in the proceeding. A decision of the
 3 board shall preclude other remedies available to the
 4 parties relating to the withholding of the rental
 5 deposit under section 562A.12, subsection 3, paragraph
 6 "b". However, a board decision may be enforced by a
 7 civil action in district court, and damages and
 8 attorney fees specified in section 562A.12,
 9 subsections 7 and 8, may be awarded by the court.
- 10 g. Section 562A.12, subsections 7 and 8, relating
 11 to punitive damages and attorney fees, shall not apply
 12 to voluntary informal dispute resolution proceedings
 13 under this subsection.
- 14 6. No member of the board may be held liable for
 15 civil damages for any statement or decision made
 16 pertaining to a dispute resolution proceeding under
 17 this section.
- 18 7. The real estate commission, in consultation
 19 with the board, shall adopt rules pursuant to chapter
 20 17A for carrying out the duties of the board pursuant
 21 to this section.
- 22 8. The board shall, except for actions taken in
 23 relation to proceedings under subsection 5, comply
 24 with the requirements of chapters 21 and 22. The real
 25 estate commission shall be the official repository of
 26 board records."
- 27 3. Title page, by striking lines 1 and 2 and
 28 inserting the following: "An Act relating to landlord
 29 and tenant law by modifying requirements related to

30 rental deposits, providing for the establishment of a
 31 landlord-tenant relations review board, requiring
 32 certain premises to have an on-site manager and
 33 increasing punitive damages that may be awarded for
 34 wrongful retention of certain rental deposits."
 35 4. By renumbering as necessary.

BELL of Jasper

H-8408

1 Amend the amendment, H-8354, to Senate File 2134 as
 2 follows:
 3 1. Page 5, line 10, by striking the word "may"
 4 and inserting the following: "~~may~~ shall".
 5 2. Page 5, line 12, by inserting after the figure
 6 "35B.6," the following: "and may appropriate moneys
 7 for".

ZIRKELBACH of Jones

H-8409

1 Amend Senate File 2279, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by striking line 6, and inserting the
 4 following: "an average minimum of one hundred twenty
 5 minutes per week calculated annually by dividing the
 6 total number of minutes of physical activity engaged
 7 in by the student by the number of instructional weeks
 8 in the school calendar. A student".

PAULSEN of Linn

H-8410

1 Amend the amendment, H-8380, to House File 2663 as
 2 follows:
 3 1. Page 20, by striking lines 41 and 42 and
 4 inserting the following:
 5 "____. Page 38, by inserting before line 22 the
 6 following:
 7 "Sec.____. IMPLEMENTATION OF ACT. Section 25B.2,
 8 subsection 3, shall not apply to the sections of this
 9 Act enacting chapter 91F.""
 10 2. By renumbering as necessary.

T. TAYLOR of Linn
 D. TAYLOR of Linn

H-8412

1 Amend House File 2663 as follows:
 2 1. Page 3, by inserting after line 13 the
 3 following:
 4 "Sec. ____ Section 298.2, Code 2007, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 7. Notwithstanding any other
 7 provision in this section, the board of directors of a
 8 school district shall not certify for levy the regular
 9 or voter-approved physical plant and equipment levy
 10 for a school year beginning on or after July 1, 2009,
 11 except that a voter-approved levy that was approved
 12 prior to July 1, 2008, may continue to be levied for
 13 the remainder of the authorized period."

TYMESON of Madison

H-8416

1 Amend Senate File 2122, as passed by the Senate, as
 2 follows:
 3 1. Page 15, by inserting after line 30 the
 4 following:
 5 "Sec. ____ NEW SECTION. 715A.8A IDENTITY THEFT
 6 – FALSIFYING DOCUMENTS.
 7 It is an aggravated misdemeanor for a person to do
 8 any of the following:
 9 1. Make a driver's license, a nonoperator's
 10 identification card, a blank driver's license form, or
 11 any other form or document used to establish a
 12 person's identity if the person has no authority or
 13 right to make the license, card, or form in order to
 14 assist an unauthorized alien to obtain employment.
 15 2. Obtain, possess, or have in the person's
 16 control or on the person's premises, driver's license
 17 or nonoperator's identification card forms, or any
 18 other forms or documents used to establish a person's
 19 identity in order to assist an unauthorized alien to
 20 obtain employment.
 21 3. Obtain, possess, or have in the person's
 22 control or on the person's premises, a driver's
 23 license or a nonoperator's identification card, or
 24 blank driver's license or nonoperator's identification
 25 card form, or any other form or document which could
 26 be used to establish a person's identity, which has
 27 been made by a person having no authority or right to
 28 make the license, card, or form in order to assist an
 29 unauthorized alien to obtain employment.
 30 4. Use a false or fictitious name in any
 31 application for a driver's license or nonoperator's
 32 identification card or to knowingly make a false

33 statement or knowingly conceal a material fact or
 34 otherwise commit fraud on an application in order to
 35 assist an unauthorized alien to obtain employment."
 36 2. Title page, lines 2 and 3, by striking the
 37 words "a penalty" and inserting the following:
 38 "penalties".
 39 3. By renumbering as necessary.

S. OLSON of Clinton

H-8417

1 Amend Senate File 2122, as passed by the Senate, as
 2 follows:
 3 1. Page 15, by inserting after line 30 the
 4 following:
 5 "Sec. . NEW SECTION. 715A.8A IDENTITY THEFT
 6 – AIDING AND ABETTING.
 7 A person who knowingly assists an unauthorized
 8 alien obtain false identification in order to obtain
 9 employment commits the offense of identity theft under
 10 section 715A.8 by aiding and abetting the commission
 11 of the offense as provided in section 703.1."
 12 2. Title page, lines 2 and 3, by striking the
 13 words "a penalty" and inserting the following:
 14 "penalties".
 15 3. By renumbering as necessary.

ALONS of Sioux

H-8418

1 Amend the Senate amendment, H-8414, to House File
 2 2651, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by inserting after line 40 the
 5 following:
 6 " . Page 3, by inserting after line 10 the
 7 following:
 8 "Sec. . Section 321.177, Code 2007, is amended
 9 by adding the following new subsection:
 10 NEW SUBSECTION. 10. To any person who is an
 11 unauthorized alien. For the purpose of this section,
 12 an "unauthorized alien" means a person who is not a
 13 citizen or legal resident and who has not been
 14 lawfully admitted to the United States pursuant to
 15 federal law.
 16 Sec. . Section 321.190, subsection 1, Code
 17 2007, is amended by adding the following new
 18 paragraph:
 19 NEW PARAGRAPH. e. The department shall not issue
 20 a card to a person who is an unauthorized alien as

- 21 defined in section 321.177.""
- 22 2. Page 2, by inserting after line 22 the
- 23 following:
- 24 "____. Title page, line 8, by inserting after the
- 25 word "fees," the following: "qualifications for
- 26 issuance of a driver's license or nonoperator's
- 27 identification card,""
- 28 3. By renumbering as necessary.

PAULSEN of Linn

H-8419

- 1 Amend the Senate amendment, H-8414, to House File
- 2 2651, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 2, by inserting after line 18 the
- 5 following:
- 6 "____. Page 17, by inserting after line 33 the
- 7 following:
- 8 "Sec.____. NEW SECTION. 715A.8A IDENTITY THEFT
- 9 – FALSIFYING DOCUMENTS.
- 10 It is an aggravated misdemeanor for a person to do
- 11 any of the following:
- 12 1. Make a driver's license, a nonoperator's
- 13 identification card, a blank driver's license form, or
- 14 any other form or document used to establish a
- 15 person's identity if the person has no authority or
- 16 right to make the license, card, or form in order to
- 17 assist an unauthorized alien to obtain employment.
- 18 2. Obtain, possess, or have in the person's
- 19 control or on the person's premises, driver's license
- 20 or nonoperator's identification card forms, or any
- 21 other forms or documents used to establish a person's
- 22 identity in order to assist an unauthorized alien to
- 23 obtain employment.
- 24 3. Obtain, possess, or have in the person's
- 25 control or on the person's premises, a driver's
- 26 license or a nonoperator's identification card, or
- 27 blank driver's license or nonoperator's identification
- 28 card form, or any other form or document which could
- 29 be used to establish a person's identity, which has
- 30 been made by a person having no authority or right to
- 31 make the license, card, or form in order to assist an
- 32 unauthorized alien to obtain employment.
- 33 4. Use a false or fictitious name in any
- 34 application for a driver's license or nonoperator's
- 35 identification card or to knowingly make a false
- 36 statement or knowingly conceal a material fact or
- 37 otherwise commit fraud on an application in order to
- 38 assist an unauthorized alien to obtain employment.""
- 39 2. Page 2, by inserting after line 25 the

40 following:

41 "____. Title page, line 17, by inserting after the
42 word "districts," the following: "identity theft and
43 other crimes involving the use of a driver's license
44 or nonoperator's identification card,".

45 _____. Title page, line 19, by inserting after the
46 word "providing" the following: "penalties and".

47 3. By renumbering as necessary.

S. OLSON of Clinton

H-8420

1 Amend the Senate amendment, H-8414, to House File
2 2651, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 2, by inserting after line 18 the
5 following:

6 "____. Page 17, by inserting after line 33 the
7 following:

8 "Sec.____. NEW SECTION. 715A.8A IDENTITY THEFT
9 – AIDING AND ABETTING.

10 A person who knowingly assists an unauthorized
11 alien obtain false identification in order to obtain
12 employment commits the offense of identity theft under
13 section 715A.8 by aiding and abetting the commission
14 of the offense as provided in section 703.1."

15 2. Page 2, by inserting after line 25 the
16 following:

17 "____. Title page, line 17, by inserting after the
18 word "districts," the following: "establishing the
19 offense of identity theft committed by aiding and
20 abetting the offense,".

21 _____. Title page, line 18, by inserting after the
22 word "bonds," the following: "making penalties
23 applicable,".

24 3. By renumbering as necessary.

ALONS of Sioux

H-8422

1 Amend House File 2647 as follows:

2 1. Page 4, line 11, by striking the figure
3 "1,174,663" and inserting the following: "2,500,000".

4 2. Page 4, line 20, by striking the figure
5 "3,000,000" and inserting the following: "1,674,663".

T. TAYLOR of Linn

H-8425

1 Amend Senate File 2193, as passed by the Senate, as
 2 follows:

3 1. Page 1, by inserting before line 1 the
 4 following:

5 "Section 1. Section 7J.1, subsection 2, paragraph
 6 c, Code 2007, is amended to read as follows:

7 c. Notwithstanding any provision of law to the
 8 contrary, the governor may set the salary of a
 9 director of a charter agency under the pay plan for
 10 exempt positions in the executive branch of
 11 government. ~~In addition~~ However, the governor ~~may~~
 12 shall not authorize the payment of a bonus to a
 13 director of a charter agency ~~in an amount not in~~
 14 ~~excess of fifty percent of the director's annual rate~~
 15 ~~of pay, based upon the governor's evaluation of the~~
 16 ~~director's performance in relation to the goals set~~
 17 ~~forth in the annual performance agreement.~~

18 Sec.____. Section 7J.1, subsection 2, paragraph d,
 19 Code 2007, is amended by striking the paragraph.

20 Sec.____. Section 8F.3, subsection 1, Code
 21 Supplement 2007, is amended by adding the following
 22 new paragraph:

23 NEW PARAGRAPH. e. Information that the recipient
 24 entity's policies prohibit the use of any of the
 25 moneys received pursuant to a service contract to
 26 provide bonuses to officers or employees of the
 27 recipient entity."

28 2. Page 2, by inserting after line 8 the
 29 following:

30 "Sec.____. NEW SECTION. 68B.24A BONUSSES –
 31 BANNED.

32 Unless otherwise authorized by law or required
 33 pursuant to a collective bargaining agreement, an
 34 appointed state officer or a state employee shall not
 35 receive, in addition to a salary, any remuneration in
 36 the form of a bonus, including but not limited to a
 37 retention bonus, recruitment bonus, exceptional job
 38 performance pay, extraordinary duty pay, or
 39 extraordinary or special duty pay, for or during the
 40 time period beginning on or after the effective date
 41 of this Act.

42 Sec.____. Section 68B.25, Code 2007, is amended to
 43 read as follows:

44 68B.25 ADDITIONAL PENALTY.

45 In addition to any penalty contained in any other
 46 provision of law, a person who knowingly and
 47 intentionally violates a provision of sections 68B.2A
 48 through 68B.7, sections 68B.22 through ~~68B.24~~ 68B.24A,
 49 or sections 68B.35 through 68B.38 is guilty of a
 50 serious misdemeanor and may be reprimanded, suspended,

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1 or dismissed from the person's position or otherwise
2 sanctioned.

3 Sec.____. Section 70A.1, subsection 1, Code 2007,
4 is amended to read as follows:

5 1. Salaries specifically provided for in an
6 appropriation Act of the general assembly shall be in
7 lieu of existing statutory salaries, for the positions
8 provided for in the Act, and all salaries, including
9 longevity where applicable by express provision in the
10 Code, shall be paid according to the provisions of
11 chapter 91A and shall be in full compensation of all
12 services, including any service on committees, boards,
13 commissions or similar duty for Iowa government,
14 except for members of the general assembly. A state
15 employee on an annual salary shall not be paid for a
16 pay period an amount which exceeds the employee's
17 annual salary transposed into a rate applicable to the
18 pay period by dividing the annual salary by the number
19 of pay periods in the fiscal year. Salaries for state
20 employees covered by the overtime payment provisions
21 of the federal Fair Labor Standards Act shall be
22 established on an hourly basis. In addition, unless
23 otherwise authorized by law or required pursuant to a
24 collective bargaining agreement, a state employee
25 shall not, in addition to a salary, receive any
26 remuneration in the form of a bonus, including but not
27 limited to a retention bonus, recruitment bonus,
28 exceptional job performance pay, extraordinary duty
29 pay, or extraordinary or special duty pay, for or
30 during the time period beginning on or after the
31 effective date of this Act.

32 Sec.____. APPOINTED STATE OFFICERS. The governor
33 shall establish a salary for appointed nonelected
34 persons in the executive branch of state government
35 holding a position authorized by a law that addresses
36 the salary ranges of state officers within the range
37 provided, by considering, among other items, the
38 experience of the individual in the position, changes
39 in the duties of the position, the incumbent's
40 performance of assigned duties, and subordinates'
41 salaries. However, the attorney general shall
42 establish the salary for the consumer advocate, the
43 chief justice of the supreme court shall establish the
44 salary for the state court administrator, the ethics
45 and campaign disclosure board shall establish the
46 salary of the executive director, the Iowa public
47 broadcasting board shall establish the salary of the
48 administrator of the public broadcasting division of
49 the department of education, and the state fair board
50 shall establish the salary of the secretary of the

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1 state fair board, each within the salary range
 2 authorized by a law that addresses the salary ranges
 3 of state officers.

4 The governor, in establishing salaries as
 5 authorized by a law that addresses the salary ranges
 6 of state officers, shall take into consideration other
 7 employee benefits which may be provided for an
 8 individual including but not limited to housing.

9 A person whose salary is established pursuant to a
 10 law that addresses the salary ranges of state officers
 11 and who is a full-time, year-round employee of the
 12 state shall not receive any other remuneration from
 13 the state or from any other source for the performance
 14 of that person's duties. However, this provision does
 15 not exclude the reimbursement for necessary travel and
 16 expenses incurred in the performance of duties or
 17 fringe benefits normally provided to employees of the
 18 state."

19 3. Title page, line 2, by inserting after the
 20 word "gifts" the following: "and bonuses".

21 4. Title page, line 3, by inserting after the
 22 word "employees" the following: "and bonuses awarded
 23 to employees of entities receiving government funds
 24 pursuant to a service contract with the state".

25 5. By renumbering as necessary.

BAUDLER of Adair

H-8426

1 Amend House File 2412 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following:

4 "Section 1. Section 7J.1, subsection 2, paragraph
 5 c, Code 2007, is amended to read as follows:

6 c. Notwithstanding any provision of law to the
 7 contrary, the governor may set the salary of a
 8 director of a charter agency under the pay plan for
 9 exempt positions in the executive branch of
 10 government. ~~In addition~~ However, the governor ~~may~~
 11 ~~shall not~~ authorize the payment of a bonus to a
 12 director of a charter agency ~~in an amount not in~~
 13 ~~excess of fifty percent of the director's annual rate~~
 14 ~~of pay, based upon the governor's evaluation of the~~
 15 ~~director's performance in relation to the goals set~~
 16 ~~forth in the annual performance agreement.~~

17 Sec.____. Section 7J.1, subsection 2, paragraph d,
 18 Code 2007, is amended by striking the paragraph.

19 Sec.____. Section 8F.3, subsection 1, Code
 20 Supplement 2007, is amended by adding the following

21 new paragraph:

22 NEW PARAGRAPH. e. Information that the recipient
23 entity's policies prohibit the use of any of the
24 moneys received pursuant to a service contract to
25 provide bonuses to officers or employees of the
26 recipient entity."

27 2. Page 2, by inserting after line 8 the
28 following:

29 "Sec.____. NEW SECTION. 68B.24A BONUSES –
30 BANNED.

31 Unless otherwise authorized by law or required
32 pursuant to a collective bargaining agreement, an
33 appointed state officer or a state employee shall not
34 receive, in addition to a salary, any remuneration in
35 the form of a bonus, including but not limited to a
36 retention bonus, recruitment bonus, exceptional job
37 performance pay, extraordinary duty pay, or
38 extraordinary or special duty pay, for or during the
39 time period beginning on or after the effective date
40 of this Act.

41 Sec.____ Section 68B.25, Code 2007, is amended to
42 read as follows:

43 68B.25 ADDITIONAL PENALTY.

44 In addition to any penalty contained in any other
45 provision of law, a person who knowingly and
46 intentionally violates a provision of sections 68B.2A
47 through 68B.7, sections 68B.22 through ~~68B.24~~ 68B.24A,
48 or sections 68B.35 through 68B.38 is guilty of a
49 serious misdemeanor and may be reprimanded, suspended,
50 or dismissed from the person's position or otherwise

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1 sanctioned.

2 Sec.____. Section 70A.1, subsection 1, Code 2007,
3 is amended to read as follows:

4 1. Salaries specifically provided for in an
5 appropriation Act of the general assembly shall be in
6 lieu of existing statutory salaries, for the positions
7 provided for in the Act, and all salaries, including
8 longevity where applicable by express provision in the
9 Code, shall be paid according to the provisions of
10 chapter 91A and shall be in full compensation of all
11 services, including any service on committees, boards,
12 commissions or similar duty for Iowa government,
13 except for members of the general assembly. A state
14 employee on an annual salary shall not be paid for a
15 pay period an amount which exceeds the employee's
16 annual salary transposed into a rate applicable to the
17 pay period by dividing the annual salary by the number
18 of pay periods in the fiscal year. Salaries for state
19 employees covered by the overtime payment provisions

20 of the federal Fair Labor Standards Act shall be
 21 established on an hourly basis. In addition, unless
 22 otherwise authorized by law or required pursuant to a
 23 collective bargaining agreement, a state employee
 24 shall not, in addition to a salary, receive any
 25 remuneration in the form of a bonus, including but not
 26 limited to a retention bonus, recruitment bonus,
 27 exceptional job performance pay, extraordinary duty
 28 pay, or extraordinary or special duty pay, for or
 29 during the time period beginning on or after the
 30 effective date of this Act.

31 Sec. ____. APPOINTED STATE OFFICERS. The governor
 32 shall establish a salary for appointed nonelected
 33 persons in the executive branch of state government
 34 holding a position authorized by a law that addresses
 35 the salary ranges of state officers within the range
 36 provided, by considering, among other items, the
 37 experience of the individual in the position, changes
 38 in the duties of the position, the incumbent's
 39 performance of assigned duties, and subordinates'
 40 salaries. However, the attorney general shall
 41 establish the salary for the consumer advocate, the
 42 chief justice of the supreme court shall establish the
 43 salary for the state court administrator, the ethics
 44 and campaign disclosure board shall establish the
 45 salary of the executive director, the Iowa public
 46 broadcasting board shall establish the salary of the
 47 administrator of the public broadcasting division of
 48 the department of education, and the state fair board
 49 shall establish the salary of the secretary of the
 50 state fair board, each within the salary range

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1 authorized by a law that addresses the salary ranges
 2 of state officers.

3 The governor, in establishing salaries as
 4 authorized by a law that addresses the salary ranges
 5 of state officers, shall take into consideration other
 6 employee benefits which may be provided for an
 7 individual including but not limited to housing.

8 A person whose salary is established pursuant to a
 9 law that addresses the salary ranges of state officers
 10 and who is a full-time, year-round employee of the
 11 state shall not receive any other remuneration from
 12 the state or from any other source for the performance
 13 of that person's duties. However, this provision does
 14 not exclude the reimbursement for necessary travel and
 15 expenses incurred in the performance of duties or
 16 fringe benefits normally provided to employees of the
 17 state."

18 3. Title page, line 2, by inserting after the

- 19 word "gifts" the following: "and bonuses".
 20 4. Title page, line 3, by inserting after the
 21 word "employees" the following: "and bonuses awarded
 22 to employees of entities receiving government funds
 23 pursuant to a service contract with the state".
 24 5. By renumbering as necessary.

BAUDLER of Adair

H-8427

- 1 Amend House File 2610 as follows:
 2 1. Page 6, by striking lines 16 through 34.
 3 2. Page 7, by inserting after line 1 the
 4 following:
 5 "____. "Employer" means any person, as defined in
 6 section 4.1, engaged in doing business in this state
 7 and includes the state of Iowa and its officers,
 8 agencies, and political subdivisions."
 9 3. Page 7, line 3, by striking the words "a
 10 contractor", and inserting the following: "an
 11 employer".
 12 4. Page 7, by striking lines 6 through 20 and
 13 inserting the following:
 14 "____. "Performing services" means providing any
 15 service to any employer in this state for a fee."
 16 5. Page 7, line 26, by striking the word
 17 "contractor", and inserting the following:
 18 "employer".
 19 6. Page 7, line 27, by striking the word
 20 "contractor", and inserting the following:
 21 "employer".
 22 7. Page 7, line 29, by striking the word
 23 "contractor", and inserting the following:
 24 "employer".
 25 8. Page 7, line 31, by striking the word
 26 "contractor", and inserting the following:
 27 "employer".
 28 9. Page 7, line 33, by striking the word
 29 "contractor", and inserting the following:
 30 "employer".
 31 10. Page 8, line 3, by striking the words "A
 32 contractor", and inserting the following: "An
 33 employer".
 34 11. Page 8, line 18, by striking the word
 35 "contractors", and inserting the following:
 36 "employers".
 37 12. Page 8, line 19, by striking the words "a
 38 contractor", and inserting the following: "an
 39 employer".
 40 13. Page 8, line 21, by striking the word
 41 "contractor", and inserting the following:

42 "employer".
43 14. Page 8, line 25, by striking the word
44 "contractor", and inserting the following:
45 "employer".
46 15. Page 8, line 35, by striking the words "a
47 contractor", and inserting the following: "an
48 employer".
49 16. Page 9, lines 6 and 7, by striking the words
50 "a contractor", and inserting the following: "an

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1 employer".
2 17. Page 10, line 19, by striking the word
3 "contractor", and inserting the following:
4 "employer".
5 18. Page 10, line 21, by striking the words "A
6 contractor", and inserting the following: "An
7 employer".
8 19. Page 10, line 22, by striking the word
9 "contractor's", and inserting the following:
10 "employer's".
11 20. Page 10, line 29, by striking the words "A
12 contractor", and inserting the following: "An
13 employer".
14 21. Page 10, line 33, by striking the words "A
15 contractor", and inserting the following: "An
16 employer".
17 22. Page 11, line 1, by striking the words "A
18 contractor", and inserting the following: "An
19 employer".
20 23. Page 11, line 6, by striking the words "A
21 contractor", and inserting the following: "An
22 employer".
23 24. Page 11, line 8, by striking the words "A
24 contractor", and inserting the following: "An
25 employer".
26 25. Page 11, line 10, by striking the words "A
27 contractor", and inserting the following: "An
28 employer".
29 26. Page 11, line 13, by striking the words "A
30 contractor", and inserting the following: "An
31 employer".
32 27. Page 11, lines 15 and 16, by striking the
33 words "a contractor", and inserting the following:
34 "an employer".
35 28. Page 11, line 22, by striking the word
36 "contractor", and inserting the following:
37 "employer".
38 29. Page 11, line 29, by striking the word
39 "contractor's", and inserting the following:
40 "employer's".

- 41 30. Page 11, line 30, by striking the word
 42 "contractor", and inserting the following:
 43 "employer".
- 44 31. Page 11, lines 31 and 32, by striking the
 45 words "a contractor", and inserting the following:
 46 "an employer".
- 47 32. Page 12, by striking line 1 and inserting the
 48 following:
 49 "1. An employer or employer's agent shall not
 50 retaliate".

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- 1 33. Page 12, line 9, by striking the words "a
 2 contractor", and inserting the following: "an
 3 employer".
- 4 34. Page 12, line 10, by striking the word
 5 "contractor's", and inserting the following:
 6 "employer's".
- 7 35. Page 12, line 19, by striking the words "a
 8 contractor's", and inserting the following: "an
 9 employer's".
- 10 36. Page 12, line 22, by striking the word
 11 "contractor", and inserting the following:
 12 "employer".
- 13 37. Page 12, lines 29 and 30, by striking the
 14 words "a contractor", and inserting the following:
 15 "an employer".
- 16 38. Page 13, line 4, by striking the word
 17 "contractor", and inserting the following:
 18 "employer".
- 19 39. Page 13, line 11, by striking the word
 20 "contractor", and inserting the following:
 21 "employer".
- 22 40. Page 13, by striking line 15 and inserting
 23 the following: "by an employer of one or more of the
 24 employer's employees".
- 25 41. Page 13, line 17, by striking the words "a
 26 contractor", and inserting the following: "an
 27 employer".
- 28 42. Page 13, line 22, by striking the word
 29 "contractor's", and inserting the following:
 30 "employer's".
- 31 43. By renumbering as necessary.

DANDEKAR of Linn

H-8431

- 1 Amend House File 2412 as follows:
 2 1. Page 2, by inserting after line 3 the
 3 following:
 4 "Sec.____. NEW SECTION. 68B.8 BAN ON CERTAIN

5 LOBBYING ACTIVITIES ON BEHALF OF POLITICAL
6 SUBDIVISIONS.

7 A political subdivision that collects and expends
8 property taxes shall not use public funds of any kind
9 to pay a person, organization, or other entity to act
10 as a lobbyist in relation to any legislation relating
11 specifically to eminent domain authority or
12 condemnation procedures."

13 2. By renumbering as necessary.

KAUFMANN of Cedar

H-8434

1 Amend the amendment, H-8378, to Senate File 2216,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 39, by striking the words "and
5 performance".

6 2. Page 2, lines 4 and 5, by striking the words
7 "and performance standards".

8 3. Page 2, lines 22 and 23, by striking the words
9 "and performance standards".

10 4. Page 2, lines 32 and 33, by striking the words
11 "and performance standards".

12 5. Page 2, line 44, by striking the words "and
13 performance".

14 6. Page 2, by striking line 47 and inserting the
15 following:

16 "e. The task force convened in accordance with
17 paragraph "c", subparagraph (2), shall develop
18 rigorous performance standards which shall be".

19 7. Page 2, line 50, by inserting after the word
20 "'c'" the following: "subparagraph (1)".

21 8. Page 3, by striking line 5, and inserting the
22 following: "mathematics, science, social studies, and
23 art; and for grades seven through".

24 9. Page 3, line 8, by inserting after the word
25 "art," the following: "The director shall provide at
26 least one staff person who is qualified by education
27 and experience in developing rigorous performance
28 standards to assist the task force. The task force
29 shall submit its recommendations to the state board
30 and the general assembly by January 2, 2012."

31 10. Page 3, by striking lines 16 and 17.

32 11. By renumbering as necessary.

RAECKER of Polk

H-8438

1 Amend House File 2670 as follows:

2 1. Title page, line 1, by inserting before the

3 word "administration" the following: "the technical".

SCHUELLER of Jackson

H-8443

1 Amend House File 2652 as follows:
 2 1. Page 7, by inserting after line 8 the
 3 following:
 4 "Sec.____. Section 459.102, Code 2007, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 46A. "Tourist attraction" means a
 7 portion of real estate having unique archaeological,
 8 cultural, historical, recreational, scenic, or
 9 scientific significance, and that tends to attract the
 10 visiting public.
 11 Sec.____. Section 459.202, Code 2007, is amended
 12 by adding the following new subsection:
 13 NEW SUBSECTION. 7. A confinement feeding
 14 operation structure shall not be constructed or
 15 expanded within three miles from a museum, historic
 16 site, or tourist attraction."
 17 2. By renumbering as necessary.

GASKILL of Wapello

H-8444

1 Amend House File 2384, as passed by the House, as
 2 follows:
 3 1. Page 2, by inserting after line 4 the
 4 following:
 5 "Sec.____. Section 533.301, subsection 25, Code
 6 Supplement 2007, is amended to read as follows:
 7 25. Engage in any activity ~~authorized by the~~
 8 ~~superintendent~~ which would be permitted if the state
 9 credit union were federally chartered ~~and which is~~
 10 ~~consistent with state law, unless prohibited by the~~
 11 superintendent."
 12 2. Title page, by striking lines 1 and 2 and
 13 inserting the following: "An Act relating to the
 14 operation of credit unions, providing for
 15 modifications regarding the deposit of public funds
 16 with corporate credit unions and regarding specified
 17 powers of state credit unions."
 18 3. By renumbering as necessary.

SENATE AMENDMENT

H-8445

1 Amend House File 2662 as follows:

2 1. Page 17, by inserting after line 5 the
 3 following:
 4 "DIVISION _____
 5 LAND REPLACEMENT
 6 Sec. __. LAND REPLACEMENT. The department of
 7 natural resources shall allow the city of Richmond to
 8 remove from public use a parcel of land which is part
 9 of a city park which would otherwise be subject to
 10 restrictions placed upon the parcel by the department
 11 and the United States department of interior under the
 12 federal Land and Water Conservation Fund Act, as
 13 codified in 16 U.S.C. ch. 1. The city shall replace
 14 such parcel with comparable land that it received from
 15 a private donation that is adjacent to the parcel."
 16 2. By renumbering as necessary.

DE BOEF of Keokuk

H-8446

1 Amend the amendment, H-8445, to House File 2662, as
 2 follows:
 3 1. Page 1, line 7, by striking the word
 4 "Richmond" and inserting the following: "Richland".
 5 2. By renumbering as necessary.

DE BOEF of Keokuk

H-8449

1 Amend Senate File 2400, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 23 the
 4 following:
 5 "It is the intent of the general assembly that the
 6 department and the general assembly cooperate in
 7 providing for the utilization of electronic, paperless
 8 paystubs for members and employees of the general
 9 assembly."

ALONS of Sioux

H-8456

1 Amend Senate File 2394, as passed by the Senate, as
 2 follows:
 3 1. Page 5, by inserting after line 4 the
 4 following:
 5 "Sec. __. Section 321.199, Code 2007, is amended
 6 by adding the following new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. Upon determining that a
 8 person used false identity information to obtain a

9 driver's license or nonoperator's identification card,
 10 the department shall remove the person's false
 11 identity information from the department's records, as
 12 applicable."

13 2. Title page, line 4, by inserting after the
 14 word "fund," the following: "relating to certain
 15 records maintained by the department,".

16 3. By renumbering as necessary.

PETTENGILL of Benton

H-8460

1 Amend the amendment, H-8354, to Senate File 2134,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 5, by inserting after line 20 the
 5 following:

6 "Sec. 100. Section 321.34, subsection 24, Code
 7 Supplement 2007, is amended to read as follows:

8 24. GOLD STAR PLATES. An owner referred to in
 9 subsection 12 who is the surviving spouse, parent,
 10 child, or sibling of a deceased member of the United
 11 States armed forces who died while serving on active
 12 duty during a time of military conflict or who died as
 13 a result of such service may order special
 14 registration plates bearing a gold star emblem upon
 15 written application to the department accompanied by
 16 satisfactory supporting documentation as determined by
 17 the department. The gold star emblem shall be
 18 designed by the department in cooperation with the
 19 commission of veterans affairs. The special plate
 20 fees collected by the director under subsection 12,
 21 paragraph "a", from the issuance and annual validation
 22 of letter-number designated and personalized gold star
 23 plates shall be paid monthly to the treasurer of state
 24 and credited to the road use tax fund.

25 Notwithstanding section 423.43, and prior to the
 26 crediting of revenues to the road use tax fund under
 27 section 423.43, subsection 1, paragraph "b", the
 28 treasurer of state shall transfer monthly from those
 29 revenues to the veterans license fee fund created in
 30 section 35A.11 the amount of the special fees
 31 collected in the previous month for gold star plates."

32 2. Page 5, line 32, by inserting after the figure
 33 "2009" the following: ", except for section 100 of
 34 this Act, amending section 321.34, which shall take
 35 effect on July 1, 2008".

36 3. Page 5, line 42, by inserting after the word
 37 "appropriation," the following: "concerning
 38 eligibility criteria for special gold star motor

39 vehicle registration plates".
 40 4. By renumbering as necessary.

BAILEY of Hamilton
 WINDSCHITL of Harrison

H-8464

1 Amend House File 2412 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 8F.3, subsection 1, Code
 5 Supplement 2007, is amended by adding the following
 6 new paragraph:
 7 NEW PARAGRAPH. e. Information that the recipient
 8 entity's policies prohibit the use of any of the
 9 moneys received pursuant to a service contract to
 10 provide bonuses to officers or employees of the
 11 recipient entity."
 12 2. Page 2, by inserting after line 8 the
 13 following:
 14 "Sec.____. NEW SECTION. 68B.24A BONUSSES –
 15 BANNED.
 16 Unless otherwise authorized by law or required
 17 pursuant to a collective bargaining agreement, an
 18 appointed state officer or a state employee shall not
 19 receive, in addition to a salary, any remuneration in
 20 the form of a bonus, including but not limited to a
 21 retention bonus, recruitment bonus, exceptional job
 22 performance pay, extraordinary duty pay, or
 23 extraordinary or special duty pay, for or during the
 24 time period beginning on or after the effective date
 25 of this Act.
 26 Sec.____. Section 68B.25, Code 2007, is amended to
 27 read as follows:
 28 68B.25 ADDITIONAL PENALTY.
 29 In addition to any penalty contained in any other
 30 provision of law, a person who knowingly and
 31 intentionally violates a provision of sections 68B.2A
 32 through 68B.7, sections 68B.22 through ~~68B.24~~ 68B.24A,
 33 or sections 68B.35 through 68B.38 is guilty of a
 34 serious misdemeanor and may be reprimanded, suspended,
 35 or dismissed from the person's position or otherwise
 36 sanctioned.
 37 Sec.____. Section 70A.1, subsection 1, Code 2007,
 38 is amended to read as follows:
 39 1. Salaries specifically provided for in an
 40 appropriation Act of the general assembly shall be in
 41 lieu of existing statutory salaries, for the positions
 42 provided for in the Act, and all salaries, including
 43 longevity where applicable by express provision in the
 44 Code, shall be paid according to the provisions of

45 chapter 91A and shall be in full compensation of all
 46 services, including any service on committees, boards,
 47 commissions or similar duty for Iowa government,
 48 except for members of the general assembly. A state
 49 employee on an annual salary shall not be paid for a
 50 pay period an amount which exceeds the employee's

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1 annual salary transposed into a rate applicable to the
 2 pay period by dividing the annual salary by the number
 3 of pay periods in the fiscal year. Salaries for state
 4 employees covered by the overtime payment provisions
 5 of the federal Fair Labor Standards Act shall be
 6 established on an hourly basis. In addition, unless
 7 otherwise authorized by law or required pursuant to a
 8 collective bargaining agreement, a state employee
 9 shall not, in addition to a salary, receive any
 10 remuneration in the form of a bonus, including but not
 11 limited to a retention bonus, recruitment bonus,
 12 exceptional job performance pay, extraordinary duty
 13 pay, or extraordinary or special duty pay, for or
 14 during the time period beginning on or after the
 15 effective date of this Act.
 16 Sec.____. APPOINTED STATE OFFICERS. The governor
 17 shall establish a salary for appointed nonelected
 18 persons in the executive branch of state government
 19 holding a position authorized by a law that addresses
 20 the salary ranges of state officers within the range
 21 provided, by considering, among other items, the
 22 experience of the individual in the position, changes
 23 in the duties of the position, the incumbent's
 24 performance of assigned duties, and subordinates'
 25 salaries. However, the attorney general shall
 26 establish the salary for the consumer advocate, the
 27 chief justice of the supreme court shall establish the
 28 salary for the state court administrator, the ethics
 29 and campaign disclosure board shall establish the
 30 salary of the executive director, the Iowa public
 31 broadcasting board shall establish the salary of the
 32 administrator of the public broadcasting division of
 33 the department of education, and the state fair board
 34 shall establish the salary of the secretary of the
 35 state fair board, each within the salary range
 36 authorized by a law that addresses the salary ranges
 37 of state officers.
 38 The governor, in establishing salaries as
 39 authorized by a law that addresses the salary ranges
 40 of state officers, shall take into consideration other
 41 employee benefits which may be provided for an
 42 individual including but not limited to housing.
 43 A person whose salary is established pursuant to a

44 law that addresses the salary ranges of state officers
 45 and who is a full-time, year-round employee of the
 46 state shall not receive any other remuneration from
 47 the state or from any other source for the performance
 48 of that person's duties. However, this provision does
 49 not exclude the reimbursement for necessary travel and
 50 expenses incurred in the performance of duties or

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1 fringe benefits normally provided to employees of the
 2 state."

3 3. Title page, line 2, by inserting after the
 4 word "gifts" the following: "and bonuses".

5 4. Title page, line 3, by inserting after the
 6 word "employees" the following: "and bonuses awarded
 7 to employees of entities receiving government funds
 8 pursuant to a service contract with the state".

9 5. By renumbering as necessary.

BAUDLER of Adair

H-8466

1 Amend House File 2663 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following:

4 "Section 1. Section 256.9, Code Supplement 2007,
 5 is amended by adding the following new subsection:

6 NEW SUBSECTION. 57. Include on a student's
 7 cumulative record whether the student is a citizen of
 8 the United States, a legal immigrant, or an illegal
 9 immigrant. The director shall report any student that
 10 is an illegal immigrant to the federal immigration and
 11 customs enforcement agency."

PAULSEN of Linn

H-8467

1 Amend the amendment, H-8325, to Senate File 2132,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by inserting after line 2 the
 5 following:

6 " . Page 1, by striking lines 3 through 7 and
 7 inserting the following:

8 1. Seized property ~~which is no longer required as~~
 9 ~~evidence or for use in an investigation~~ shall be
 10 returned to the owner, ~~provided that the person's~~
 11 ~~possession of the property is not prohibited by law~~
 12 ~~and there is no forfeiture claim filed on behalf of~~

13 ~~the state if the property is no longer required as~~
 14 ~~evidence or the property has been photographed and the~~
 15 ~~photograph will be used as evidence in lieu of the~~
 16 ~~property, if the property is no longer required for~~
 17 ~~use in an investigation, if the owner's possession is~~
 18 ~~not prohibited by law, and if a forfeiture claim has~~
 19 ~~not been filed on behalf of the state."~~

20 _____. Page 1, line 8, by inserting before the word
 21 "value" the following: "aggregate fair market".

22 _____. Page 1, line 21, by inserting before the
 23 word "value" the following: "aggregate fair market".

24 _____. Page 2, line 22, by inserting before the
 25 word "value" the following: "aggregate fair market".

26 2. Page 1, by inserting after line 8 the
 27 following:

28 "_____. Page 2, line 29, by inserting before the
 29 word "value" the following: "aggregate fair market".

30 3. Page 1, line 12, by striking the words "with
 31 a" and inserting the following: "with an aggregate
 32 fair market".

R. OLSON of Polk

H-8468

1 Amend Senate File 587, as passed by the Senate, as
 2 follows:

3 1. Page 1, line 1, by striking the figure
 4 "422.11T" and inserting the following: "422.11V".

5 2. Page 1, line 4, by striking the words and
 6 figures "sections 422.12 and 422.12B" and inserting
 7 the following: "section 422.12".

8 3. Page 1, line 33, by inserting after the word
 9 "Code" the following: "Supplement".

10 4. Page 1, line 35, by striking the figure "24."
 11 and inserting the following: "25."

12 5. Page 2, by striking lines 1 and 2 and
 13 inserting the following: "division shall be reduced
 14 by a charitable conservation".

15 6. Page 2, line 25, by striking the figure "2007"
 16 and inserting the following: "2008".

FREVERT of Palo Alto

H-8469

1 Amend House File 2080 as follows:

2 1. Page 1, line 1, by striking the figure
 3 "422.11V" and inserting the following: "422.11T".

4 2. Page 1, line 4, by striking the word and
 5 figure "section 422.12" and inserting the following:
 6 "sections 422.12 and 422.12B".

7 3. Page 1, line 33, by striking the word
8 "Supplement".

9 4. Page 1, line 35, by striking the figure "25."
10 and inserting the following: "24."

11 5. Page 2, line 1, by inserting after the word
12 "division" the following: ", less the credits allowed
13 under sections 422.12 and 422.12B,".

14 6. Page 2, line 24, by striking the figure "2008"
15 and inserting the following: "2007".

FREVERT of Palo Alto

H-8470

1 Amend the amendment, H-8350, to Senate File 2392,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. By striking page 1, line 3, through page 4,
5 line 42, and inserting the following:

6 "____. By striking everything after the enacting
7 clause and inserting the following:

8 "DIVISION I

9 LIFE SETTLEMENT CONTRACTS

10 Section 1. NEW SECTION. 508G.1 SHORT TITLE.

11 This chapter may be cited as the "Life Settlements
12 Act".

13 Sec. 2. NEW SECTION. 508G.2 DEFINITIONS.

14 As used in this chapter, unless the context
15 otherwise requires:

16 1. "Advertisement" means any written, electronic,
17 or printed communication or any communication by means
18 of recorded telephone messages or transmitted on
19 radio, television, the internet, or similar
20 communications media, including film strips, motion
21 pictures, and videos, published, disseminated,
22 circulated, or placed before the public, directly or
23 indirectly, for the purpose of creating an interest in
24 or inducing a person to purchase or sell, assign,
25 devise, bequest, or transfer the death benefit or
26 ownership of a life insurance policy or an interest in
27 a life insurance policy pursuant to a life settlement
28 contract.

29 2. "Broker" means a person who, on behalf of an
30 owner and for a fee, commission or other valuable
31 consideration, offers or attempts to negotiate a life
32 settlement contract between an owner and a provider.
33 A broker represents only the owner and owes a
34 fiduciary duty to the owner to act according to the
35 owner's instructions, and in the best interest of the
36 owner, notwithstanding the manner in which the broker
37 is compensated. A broker does not include an
38 attorney, certified public accountant, or financial

39 planner retained in the type of practice customarily
40 performed in the attorney's, accountant's, or
41 planner's professional capacity to represent the owner
42 whose compensation is not paid directly or indirectly
43 by the provider or any other person, except the owner.
44 3. "Business of life settlement" means an activity
45 involved in but not limited to offering to enter into,
46 soliciting, negotiating, procuring, effectuating,
47 monitoring, or tracking, of life settlement contracts.
48 4. "Chronically ill" means any of the following:
49 a. Being unable to perform at least two activities
50 of daily living such as eating, toileting,

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1 transferring, bathing, dressing, or continence.
2 b. Requiring substantial supervision to protect
3 the individual from threats to health and safety due
4 to severe cognitive impairment.
5 c. Having a level of disability similar to that
6 described in paragraph "a" as determined by the United
7 States secretary of health and human services.
8 5. "Commissioner" means the commissioner of
9 insurance.
10 6. a. "Financing entity" means a person who is an
11 underwriter, placement agent, lender, purchaser of
12 securities, purchaser of a policy or certificate from
13 a provider, credit enhancer, or any entity that has a
14 direct ownership in a policy or certificate that is
15 the subject of a life settlement contract, if all of
16 the following apply:
17 (1) The person's principal activity related to the
18 transaction is providing funds to effect the life
19 settlement contract or purchase of one or more
20 policies.
21 (2) The person has an agreement in writing with
22 one or more providers to finance the acquisition of
23 one or more life settlement contracts.
24 b. "Financing entity" does not include a
25 nonaccredited investor or purchaser.
26 7. "Financing transaction" means a transaction in
27 which a licensed provider obtains financing from a
28 financing entity including but not limited to any
29 secured or unsecured financing, any securitization
30 transaction, or any securities offering which either
31 is registered or exempt from registration under
32 federal and state securities law, including chapter
33 502.
34 8. "Fraudulent life settlement act" includes any
35 of the following:
36 a. An act or omission committed by a person who,
37 knowingly and with intent to defraud, for the purpose

38 of depriving another of property or for pecuniary
 39 gain, commits, or permits its employees or its agents
 40 to engage in, an act including but not limited to any
 41 of the following:

42 (1) Presenting, causing to be presented, or
 43 preparing with knowledge and belief that it will be
 44 presented to or by a provider, premium finance lender,
 45 broker, insurer, insurance producer, or any other
 46 person, false material information, or concealing
 47 material information, as part of, in support of, or
 48 concerning a fact material to one or more of the
 49 following:

50 (a) An application for the issuance of a life

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1 settlement contract or insurance policy.

2 (b) The underwriting of a life settlement contract
 3 or insurance policy.

4 (c) A claim for payment or benefit pursuant to a
 5 life settlement contract or life insurance policy.

6 (d) Premiums paid on a life insurance policy.

7 (e) Payments and changes in ownership or
 8 beneficiary made in accordance with the terms of a
 9 life settlement contract or life insurance policy.

10 (f) The reinstatement or conversion of a life
 11 insurance policy.

12 (g) In the solicitation, offer to enter into, or
 13 effectuation of a life settlement contract or life
 14 insurance policy.

15 (h) The issuance of written evidence of a life
 16 settlement contract or life insurance policy.

17 (i) Any application for or the existence of, or
 18 any payments related to, a loan secured directly or
 19 indirectly by any interest in a life insurance policy.

20 (j) Entering into any practice or plan which
 21 involves a stranger-originated life insurance policy.

22 (2) Failing to disclose to the insurer where the
 23 request for such disclosure has been asked for by the
 24 insurer that the prospective insured has undergone a
 25 life expectancy evaluation by any person or entity
 26 other than the insurer or its authorized
 27 representatives in connection with the issuance of the
 28 life insurance policy.

29 (3) Employing any device, scheme, or artifice to
 30 defraud in the business of life settlements.

31 (4) In the solicitation, application or issuance
 32 of a life insurance policy, employing any device,
 33 scheme or artifice in violation of state insurable
 34 interest laws.

35 b. In the furtherance of a fraud, or to prevent
 36 the detection of a fraud, a person commits or permits

37 its employee or its agent to do any of the following:

38 (1) Remove, conceal, alter, destroy, or sequester
39 from the commissioner the assets or records of a
40 licensee or other person engaged in the business of
41 life settlements.

42 (2) Misrepresent or conceal the financial
43 condition of a licensee, financing entity, insurer, or
44 other person.

45 (3) Transact the business of life settlements in
46 violation of laws requiring a license, certificate of
47 authority, or other legal authority for the
48 transaction of the business of life settlements.

49 (4) File with the commissioner or the chief
50 insurance regulatory official of another jurisdiction

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1 a document containing false information or otherwise
2 concealing information about a material fact from the
3 commissioner.

4 (5) Engage in embezzlement, theft,
5 misappropriation, or conversion of moneys, funds,
6 premiums, credits, or other property of a provider,
7 broker insurer, insured, owner, or any other person
8 engaged in the business of life settlement contracts
9 or insurance policy.

10 (6) Knowingly and with intent to defraud, enter
11 into, broker, or otherwise deal in a life settlement
12 contract, the subject of which is a life insurance
13 policy that was obtained by presenting false
14 information concerning any fact material to the life
15 insurance policy or by concealing, for the purpose of
16 misleading another, information concerning any fact
17 material to the life insurance policy, where the owner
18 or the owner's agent intended to defraud the life
19 insurance policy's issuer.

20 (7) Attempt to commit, assist, aid, or abet in the
21 commission of, or conspiracy to commit an act or
22 omission specified in this subsection.

23 (8) Misrepresent the state of residence of an
24 owner to be a state or jurisdiction that does not have
25 a law substantially similar to this chapter for the
26 purpose of evading or avoiding the provisions of this
27 chapter.

28 9. "Insured" means the person covered under the
29 life insurance policy being considered for sale in a
30 life settlement contract.

31 10. "Life expectancy" means the arithmetic mean of
32 the number of months the insured under the life
33 insurance policy to be settled can be expected to live
34 as determined by a life expectancy company considering
35 medical records and appropriate experiential data.

36 11. "Life insurance policy" means an individual or
37 group policy, group certificate, contract, or
38 arrangement of life insurance owned by a resident of
39 this state, regardless of whether delivered or issued
40 for delivery in this state.

41 12. "Life insurance producer" or "producer" means
42 any person licensed in this state as a resident or
43 nonresident insurance producer who has received
44 qualification or authority for life insurance coverage
45 or a life line of coverage pursuant to title XIII,
46 subtitle I of the Code.

47 13. a. "Life settlement contract" means a written
48 agreement entered into between a provider and an
49 owner, establishing the terms under which compensation
50 or anything of value will be paid, which compensation

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1 or thing of value is less than the expected death
2 benefit of the life insurance policy or life insurance
3 certificate, in return for the owner's assignment,
4 transfer, sale, devise, or bequest of the death
5 benefit or any portion of a life insurance policy or
6 life insurance certificate for compensation, provided,
7 however, that the minimum value for a life settlement
8 contract shall be greater than a cash surrender value
9 or accelerated death benefit available at the time of
10 an application for a life settlement contract.

11 b. "Life settlement contract" also includes the
12 transfer for compensation or value of ownership or
13 beneficial interest in a trust or other entity that
14 owns such policy if the trust or other entity was
15 formed or availed of for the principal purpose of
16 acquiring one or more life insurance contracts, which
17 life insurance contract insures the life of a person
18 residing in this state.

19 c. "Life settlement contract" also includes any of
20 the following:

21 (1) A written agreement for a loan or other
22 lending transaction, secured primarily by an
23 individual or group life insurance policy.

24 (2) A premium finance loan made for a life
25 insurance policy on or before the date of issuance of
26 the life insurance policy where any of the following
27 applies:

28 (a) The loan proceeds are not used solely to pay
29 premiums for the life insurance policy and any costs
30 or expenses incurred by the lender or the borrower in
31 connection with the financing.

32 (b) The owner receives on the date of the premium
33 finance loan a guarantee of the future life settlement
34 value of the life insurance policy.

35 (c) The owner agrees on the date of the premium
36 finance loan to sell the life insurance policy or any
37 portion of its death benefit on any date following the
38 issuance of the life insurance policy.

39 d. "Life settlement contract" does not include any
40 of the following:

41 (1) A life insurance policy loan by a life
42 insurance company pursuant to the terms of the life
43 insurance policy or accelerated death provisions
44 contained in the life insurance policy, whether issued
45 with the original life insurance policy or as a rider.

46 (2) A premium finance loan or any loan made by a
47 bank or other licensed financial institution, provided
48 that a default on such loan or a transfer of the life
49 insurance policy in connection with such default is
50 pursuant to an agreement or understanding with any

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1 other person for the purpose of evading regulation
2 under this chapter.

3 (3) A collateral assignment of a life insurance
4 policy by an owner.

5 (4) A loan made by a lender, provided such loan is
6 not described in paragraph "c", and is not otherwise a
7 life settlement contract.

8 (5) An agreement where all the parties (a) are
9 closely related to the insured by blood or law or (b)
10 have a lawful substantial economic interest in the
11 continued life, health, and bodily safety of the
12 person insured, or are trusts established primarily
13 for the benefit of such parties.

14 (6) Any designation, consent, or agreement by an
15 insured who is an employee of an employer in
16 connection with the purchase by the employer, or trust
17 established by the employer, of life insurance on the
18 life of the employee.

19 (7) A bona fide business succession planning
20 arrangement that is between any of the following:

21 (a) One or more shareholders in a corporation or
22 between a corporation and one or more of its
23 shareholders or one or more trusts established by its
24 shareholders.

25 (b) One or more partners in a partnership or
26 between a partnership and one or more of its partners
27 or one or more trusts established by its partners.

28 (c) One or more members in a limited liability
29 company or between a limited liability company and one
30 or more of its members or one or more trusts
31 established by its members.

32 (8) An agreement entered into by a service
33 recipient, or a trust established by the service

34 recipient, and a service provider, or a trust
 35 established by the service provider, who performs
 36 significant services for the service recipient's trade
 37 or business.

38 (9) Any other contract, transaction, or
 39 arrangement that qualifies as a life settlement
 40 contract but that the commissioner determines is not
 41 of the type intended to be regulated by this chapter.

42 14. "Net death benefit" means the amount of the
 43 life insurance policy or life insurance certificate to
 44 be settled less any outstanding debts or liens.

45 15. "Owner" means the owner of a life insurance
 46 policy or a life insurance certificate holder under a
 47 group policy, with or without a terminal illness, who
 48 enters or seeks to enter into a life settlement
 49 contract.

50 a. "Owner" includes but is not limited to an owner

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1 of a life insurance policy or a life insurance
 2 certificate holder under a group policy that insures
 3 the life of an individual with a terminal or chronic
 4 illness or condition.

5 b. "Owner" does not include any of the following:

6 (1) A provider or other licensee under this
 7 chapter.

8 (2) A qualified institutional buyer as defined in
 9 17 C.F.R. § 230.144 promulgated by the United States
 10 securities and exchange commission under the federal
 11 Securities Act of 1933, as amended, 15 U.S.C. § 77a et
 12 seq.

13 (3) A financing entity.

14 (4) A special purpose entity.

15 (5) A related provider trust.

16 16. "Premium finance loan" means a loan made
 17 primarily for the purposes of making premium payments
 18 on a life insurance policy, which loan is secured by
 19 an interest in such life insurance policy.

20 17. a. "Provider" means a person, other than an
 21 owner, who enters into or effectuates a life
 22 settlement contract with an owner.

23 b. "Provider" does not include any of the
 24 following:

25 (1) A bank, savings bank, savings and loan
 26 association, or credit union.

27 (2) A licensed lending institution or creditor or
 28 secured party pursuant to a premium finance loan
 29 agreement which takes an assignment of a life
 30 insurance policy or certificate issued pursuant to a
 31 group life insurance policy as collateral for a loan.

32 (3) The insurer of a life insurance policy or

- 33 rider to the extent of providing accelerated death
 34 benefits, riders, or cash surrender value.
- 35 (4) A natural person who enters into or
 36 effectuates not more than one agreement in a calendar
 37 year for the transfer of a life insurance policy or
 38 certificate issued pursuant to a group life insurance
 39 policy, for compensation or anything of value less
 40 than the expected death benefit payable under the
 41 policy.
- 42 (5) A purchaser.
- 43 (6) An authorized or eligible insurer that
 44 provides stop loss coverage to a provider, purchaser,
 45 financing entity, special purpose entity, or related
 46 provider trust.
- 47 (7) A financing entity.
- 48 (8) A special purpose entity.
- 49 (9) A related provider trust.
- 50 (10) A broker.

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- 1 (11) An accredited investor or qualified
 2 institutional buyer as defined, respectively, in 17
 3 C.F.R. § 230.501(a) or 17 C.F.R. § 230.144A as
 4 promulgated by the United States securities and
 5 exchange commission under the federal Securities Act
 6 of 1933, as amended, 15 U.S.C. § 77a et seq., who
 7 purchases a life settlement policy from a provider.
- 8 18. "Purchased policy" means a policy or group
 9 certificate that has been acquired by a provider
 10 pursuant to a life settlement contract.
- 11 19. "Purchaser" means a person who pays
 12 compensation or anything of value as consideration for
 13 a beneficial interest in a trust which is vested with,
 14 or for the assignment, transfer or sale of, an
 15 ownership or other interest in a life insurance policy
 16 or a certificate issued pursuant to a group life
 17 insurance policy which has been the subject of a life
 18 settlement contract.
- 19 20. a. "Related provider trust" means a titling
 20 trust or other trust established by a licensed
 21 provider or a financing entity for the sole purpose of
 22 holding the ownership or beneficial interest in
 23 purchased policies in connection with a financing
 24 transaction.
- 25 b. In order to qualify as a related provider
 26 trust, the trust must have a written agreement with
 27 the licensed provider under which the licensed
 28 provider is responsible for ensuring compliance with
 29 all statutory and regulatory requirements and under
 30 which the trust agrees to make all records and files
 31 relating to life settlement transactions available to

32 the commissioner as if those records and files were
 33 maintained directly by the licensed provider.

34 21. "Settled policy" means a life insurance policy
 35 or life insurance certificate that has been acquired
 36 by a provider pursuant to a life settlement contract.

37 22. "Special purpose entity" means a corporation,
 38 partnership, trust, limited liability company, or
 39 other legal entity formed solely to provide, either
 40 directly or indirectly, access to institutional
 41 capital markets as follows:

42 a. For a financing entity or provider.

43 b. In connection with a transaction in which the
 44 securities in the special purpose entity are acquired
 45 by the owner or by a qualified institutional buyer as
 46 defined in 17 C.F.R. § 230.144 promulgated by the
 47 United States securities and exchange commission under
 48 the federal Securities Act of 1933, as amended, 15
 49 U.S.C. § 77a et seq.

50 c. In connection with a transaction in which the

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1 securities pay a fixed rate of return commensurate
 2 with established asset-backed institutional capital
 3 markets.

4 23. "Stranger-originated life insurance" means a
 5 practice or plan to initiate a life insurance policy
 6 for the benefit of a third-party investor who, at the
 7 time of policy origination, has no insurable interest
 8 in the insured. Stranger-originated life insurance
 9 practices include but are not limited to cases in
 10 which life insurance is purchased with resources or
 11 guarantees from or through a person, or entity, who at
 12 the time of inception, there is an arrangement or
 13 agreement, whether verbal or written, to directly or
 14 indirectly transfer the ownership of the policy or the
 15 policy benefits to a third party. Trusts that are
 16 created to give the appearance of insurable interest
 17 and are used to initiate stranger-originated life
 18 insurance arrangements do not include those practices
 19 as set forth in subsection 13, paragraph "b".

20 24. "Terminally ill" means having an illness or
 21 sickness that can reasonably be expected to result in
 22 death in twenty-four months or less.

23 Sec. 3. NEW SECTION. 508G.3 LICENSING
 24 REQUIREMENTS.

25 1. A person, wherever located, shall not act as a
 26 provider or broker with an owner or multiple owners
 27 residing in this state, without first having obtained
 28 a license from the commissioner. If there is more
 29 than one owner on a single policy and the owners are
 30 residents of different states, the life settlement

31 contract shall be governed by the law of the state in
32 which the owner having the largest percentage
33 ownership resides or, if the owners hold equal
34 ownership, the state of residence of one owner agreed
35 upon in writing by all owners.

36 2. An application for a provider or broker license
37 shall be made to the commissioner by the applicant on
38 a form prescribed by the commissioner, and the
39 application shall be accompanied by a fee in an amount
40 established by the commissioner, provided, however,
41 that a license or renewal fee for a provider license
42 shall be reasonable and that a license or renewal fee
43 for a broker license shall not exceed the fee
44 established for an insurance producer.

45 3. A life insurance producer who has been duly
46 licensed as a resident insurance producer with a life
47 line of authority in this state or in the life
48 insurance producer's home state for at least one year
49 and is licensed as a nonresident producer in this
50 state shall be deemed to meet the licensing

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1 requirements of this section and shall be permitted to
2 operate as a broker.

3 4. Not later than thirty days from the first day
4 of operating as a broker, the life insurance producer
5 shall notify the commissioner that the life insurance
6 producer is acting as a broker on a form prescribed by
7 the commissioner, and shall pay an applicable fee
8 established by rules adopted by the commissioner.
9 Notification shall include an acknowledgment by the
10 life insurance producer that the life insurance
11 producer will operate as a broker in accordance with
12 this chapter.

13 5. The insurer that issued the life insurance
14 policy that is the subject of a life settlement
15 contract shall not be responsible for any act or
16 omission of a broker, provider, or purchaser arising
17 out of or in connection with the life settlement
18 transaction, unless the insurer receives compensation
19 for the placement of a life settlement contract from
20 the broker, provider, or purchaser in connection with
21 the life settlement contract.

22 6. A person licensed as an attorney, certified
23 public accountant, or financial planner accredited by
24 a nationally recognized accreditation agency, who is
25 retained to represent the owner, whose compensation is
26 not paid directly or indirectly by the provider or
27 purchaser, may negotiate life settlement contracts on
28 behalf of the owner without having to obtain a license
29 as a broker.

30 7. The term of a provider license shall be equal
 31 to that of a domestic stock life insurance company and
 32 the term of a broker license shall be equal to that of
 33 an insurance producer license. A license requiring
 34 periodic renewal may be renewed on its anniversary
 35 date upon payment of the periodic renewal fee as
 36 specified in subsection 2. A failure to pay a fee on
 37 or before the renewal date shall result in revocation
 38 of the license.

39 8. The applicant shall provide such information as
 40 the commissioner may require on forms prepared by the
 41 commissioner. The commissioner may, at any time,
 42 require such applicant to fully disclose the identity
 43 of its stockholders except for a stockholder owning
 44 fewer than ten percent of the shares of an applicant
 45 whose shares are publicly traded; partners; officers;
 46 and employees. The commissioner may, in the exercise
 47 of the commissioner's sole discretion, refuse to issue
 48 such a license in the name of any person if not
 49 satisfied that any officer, employee, stockholder, or
 50 partner of the applicant who may materially influence

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1 the applicant's conduct meets the standards of this
 2 chapter.

3 9. A license issued to a partnership, corporation,
 4 limited liability company, or other entity authorizes
 5 a person who is a member, officer, or designated
 6 employee to act as a licensee under the license, if
 7 the person is named in the application or a supplement
 8 to the application.

9 10. Upon the filing of an application and the
 10 payment of the license fee, the commissioner shall
 11 make an investigation of each applicant and may issue
 12 a license if the commissioner finds that all of the
 13 following apply:

- 14 a. If the applicant is a provider, the applicant
 15 has provided a detailed plan of operation.
- 16 b. The applicant is competent and trustworthy and
 17 intends to transact its business in good faith.
- 18 c. The applicant has a good business reputation
 19 and has had experience, training, or education so as
 20 to be qualified in the business for which the license
 21 is applied.
- 22 d. If the applicant is a legal entity, is formed
 23 or organized pursuant to the laws of this state or is
 24 a foreign legal entity authorized to transact business
 25 in this state, or provides a certificate of good
 26 standing from the state of its domicile.
- 27 e. The applicant has provided to the commissioner
 28 an antifraud plan that meets the requirements of

29 section 508G.14 and includes all of the following:
30 (1) A description of the procedures for detecting
31 and investigating a possible fraudulent act and
32 procedure for resolving material inconsistencies
33 between a medical record and insurance applications.
34 (2) A description of the procedures for reporting
35 a fraudulent insurance act to the commissioner.
36 (3) A description of the plan for antifraud
37 education and training of its underwriters and other
38 personnel.
39 (4) A written description or chart outlining the
40 arrangement of the antifraud personnel who are
41 responsible for the investigation and reporting of a
42 possible fraudulent insurance act and investigating
43 any unresolved material inconsistency between a
44 medical record and the insurance application.
45 11. The commissioner shall not issue a license to
46 a nonresident applicant, unless a written designation
47 of an agent for service of process is filed and
48 maintained with the commissioner or unless the
49 applicant has filed with the commissioner the
50 applicant's written irrevocable consent that any

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1 action against the applicant may be commenced against
2 the applicant by service of process on the
3 commissioner.
4 12. A licensee shall file with the commissioner on
5 or before the first day of March of each year an
6 annual statement containing such information as the
7 commissioner by rule may prescribe.
8 13. A provider shall not use any person to perform
9 the functions of a broker unless the person holds a
10 license as a broker as provided in this section.
11 14. A broker shall not use a person to perform the
12 functions of a provider unless such person holds a
13 license as a provider as provided in this section.
14 15. A provider or broker shall provide to the
15 commissioner new or revised information about an
16 officer, ten percent or more stockholders, a partner,
17 director, members, or a designated employee within
18 thirty days of a change.
19 16. An individual licensed as a broker shall
20 complete on a biennial basis fifteen hours of training
21 related to a life settlement or a life settlement
22 transaction, as required by the commissioner.
23 However, a life insurance producer who is operating as
24 a broker pursuant to this section shall not be subject
25 to the requirements of this subsection. A person
26 failing to meet the requirements of this subsection
27 shall be subject to the penalties imposed by the

28 commissioner.

29 Sec. 4. NEW SECTION. 508G.4 LICENSE SUSPENSION,
30 REVOCATION, OR REFUSAL TO RENEW.

31 1. The commissioner may suspend, revoke, or refuse
32 to renew the license of a licensee if the commissioner
33 finds any of the following:

34 a. There was any material misrepresentation in the
35 application for the license.

36 b. The licensee or any officer, partner, member,
37 or director has been guilty of a fraudulent or
38 dishonest practice, is subject to a final agency
39 action under chapter 17A, or is otherwise shown to be
40 untrustworthy or incompetent to act as a licensee.

41 c. The provider demonstrates a pattern of
42 unreasonably withholding payments to policy owners.

43 d. The licensee no longer meets the requirements
44 for initial licensure.

45 e. The licensee or any officer, partner, member,
46 or director has been convicted of a felony, or of any
47 misdemeanor of which criminal fraud or moral turpitude
48 is an element; or the licensee has pleaded guilty or
49 nolo contendere with respect to any felony or any
50 misdemeanor of which criminal fraud or moral turpitude

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1 is an element, regardless of whether a judgment of
2 conviction has been entered by the court.

3 f. The provider has entered into a life settlement
4 contract that has not been approved pursuant to this
5 chapter.

6 g. The provider has failed to honor contractual
7 obligations set out in a life settlement contract.

8 h. The provider has assigned, transferred, or
9 pledged a settled policy to a person other than a
10 provider licensed in this state; a purchaser; an
11 accredited investor or qualified institutional buyer
12 as defined, respectively, in 17 C.F.R. § 230.501(a) or
13 17 C.F.R. § 230.144A as promulgated by the United
14 States securities and exchange commission under the
15 federal Securities Act of 1933, as amended, 15 U.S.C.
16 § 77a et seq.; a financing entity; a special purpose
17 entity; or a related provider trust.

18 i. The licensee or any officer, partner, member,
19 or key management personnel has violated any of the
20 provisions of this chapter.

21 2. Before the commissioner denies a license
22 application or suspends, revokes, or refuses to renew
23 the license of any licensee under this chapter, the
24 commissioner shall conduct a contested case proceeding
25 in accordance with chapter 17A.

26 Sec. 5. NEW SECTION. 508G.5 CONTRACT

27 REQUIREMENTS.

28 1. A person shall not use any form of life
 29 settlement contract in this state unless it has been
 30 filed with and approved, if required, by the
 31 commissioner in a manner that conforms with the filing
 32 procedures and any time restrictions or deeming
 33 provisions, if any, for life insurance forms,
 34 policies, and contracts.

35 2. An insurer shall not, as a condition of
 36 responding to a request for verification of coverage
 37 or in connection with the transfer of a life insurance
 38 policy pursuant to a life settlement contract, require
 39 that the owner, insured provider, or broker sign any
 40 form, disclosure, consent, waiver, or acknowledgment
 41 that has not been expressly approved by the
 42 commissioner for use in connection with life
 43 settlement contracts in this state.

44 3. A person shall not use a life settlement
 45 contract form or provide to an owner a disclosure
 46 statement form in this state unless first filed with
 47 and approved by the commissioner. The commissioner
 48 shall disapprove a life settlement contract form or
 49 disclosure statement form if, in the commissioner's
 50 opinion, the contract or provisions contained in such

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1 form fail to meet the requirements of sections 508G.8,
 2 508G.9, or 508G.11, or are unreasonable, contrary to
 3 the interests of the public, or otherwise misleading
 4 or unfair to the owner. At the commissioner's
 5 discretion, the commissioner may require the
 6 submission of advertising material.

7 Sec. 6. NEW SECTION. 508G.6 REPORTING
 8 REQUIREMENTS AND PRIVACY.

9 1. For any life insurance policy settled within
 10 five years of policy issuance, each provider shall
 11 file with the commissioner on or before March 1 of
 12 each year an annual statement containing such
 13 information as the commissioner may prescribe by rule.
 14 In addition to any other requirements, the annual
 15 statement shall specify the total number, aggregate
 16 face amount, and life settlement proceeds of life
 17 insurance policies settled during the immediately
 18 preceding calendar year, together with a breakdown of
 19 the information by policy issue year for each insurer.
 20 The annual statement shall also include the names of
 21 the insurance companies whose policies have been
 22 settled and the brokers that have settled the
 23 policies.

24 a. Such information shall be limited to only those
 25 transactions where the insured is a resident of this

26 state and shall not include individual transaction
 27 data regarding the business of life settlements or
 28 information that there is a reasonable basis to
 29 believe could be used to identify the owner or the
 30 insured.

31 b. A provider that willfully fails to file an
 32 annual statement as required in this section, or
 33 willfully fails to reply within thirty days to a
 34 written inquiry by the commissioner in connection to
 35 the filing of the annual statement, shall, in addition
 36 to other penalties provided by this chapter, be
 37 subject to a civil penalty of up to two hundred fifty
 38 dollars per day of delay, not to exceed twenty-five
 39 thousand dollars in the aggregate, for each such
 40 failure.

41 2. A provider, broker, insurer, insurance
 42 producer, information bureau, rating agency, or
 43 company, or any other person with actual knowledge of
 44 an insured's identity, shall not disclose the identity
 45 of an insured or information that there is a
 46 reasonable basis to believe could be used to identify
 47 the insured or the insured's financial or medical
 48 information to any other person unless the disclosure
 49 is any of the following:

50 a. Necessary to effect a life settlement contract

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1 between the owner and a provider and the owner and
 2 insured have provided prior written consent to the
 3 disclosure.

4 b. Necessary to effectuate the sale of life
 5 settlement contracts, or interest in a life insurance
 6 contract as an investment, provided the sale is
 7 conducted in accordance with applicable federal
 8 securities law, including chapter 502, and provided
 9 further that the owner and the insured have both
 10 provided prior written consent to the disclosure.

11 c. Is provided in response to an investigation or
 12 examination by the commissioner or any other
 13 governmental officer or agency or pursuant to the
 14 requirements of section 508G.13.

15 d. Is a term or condition to the transfer of a
 16 policy by one provider to another provider, in which
 17 case the receiving provider shall be required to
 18 otherwise comply with the confidentiality requirements
 19 of this subsection.

20 e. (1) Is necessary to allow the provider or
 21 broker or its authorized representatives to make a
 22 contact for the purpose of determining health status.
 23 A provider or broker shall require its authorized
 24 representative to agree in writing to adhere to the

25 privacy provisions of this chapter.

26 (2) An authorized representative does not include
 27 any person who has or may have any financial interest
 28 in the life settlement contract other than a provider,
 29 licensed broker, financing entity, related provider
 30 trust, or special purpose entity.

31 f. Is required to purchase stop loss coverage.

32 3. Nonpublic personal information solicited or
 33 obtained in connection with a proposed or actual life
 34 settlement contract shall be subject to the provisions
 35 applicable to financial institutions under the federal
 36 Gramm Leach Bliley Act, 15 U.S.C. § 6801 et seq., and
 37 all other federal and state laws relating to
 38 confidentiality of nonpublic personal information.

39 Sec. 7. NEW SECTION. 508G.7 EXAMINATION.

40 1. The commissioner may, when the commissioner
 41 deems it reasonably necessary to protect the interests
 42 of the public, examine the business and affairs of any
 43 licensee or applicant for a license. The commissioner
 44 may order any licensee or applicant to produce any
 45 records, books, files, or other information reasonably
 46 necessary to ascertain whether such licensee or
 47 applicant is acting or has acted in violation of the
 48 law or otherwise contrary to the interests of the
 49 public. The expenses incurred in conducting any
 50 examination shall be paid by the licensee or

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1 applicant.

2 2. In lieu of an examination under this section of
 3 any foreign or alien licensee licensed in this state,
 4 the commissioner may, at the commissioner's
 5 discretion, accept an examination report on the
 6 licensee as prepared by the commissioner for the
 7 licensee's state of domicile or port-of-entry state.

8 3. Notwithstanding chapter 22, the name and
 9 individual identification data for each owner and
 10 insured shall be considered private and confidential
 11 information and shall not be disclosed by the
 12 commissioner unless required by law.

13 4. The records of all consummated transactions and
 14 life settlement contracts shall be maintained by the
 15 provider for three years after the death of the
 16 insured and shall be available to the commissioner for
 17 inspection during reasonable business hours.

18 5. For the conduct of examinations, all of the
 19 following shall apply:

20 a. Upon determining that an examination is
 21 appropriate, the commissioner shall issue an
 22 examination warrant appointing one or more examiners
 23 to perform the examination and instructing them as to

24 the scope of the examination. In conducting the
25 examination, an examiner shall use methods common to
26 the examination of any life settlement licensee and
27 may use those guidelines and procedures set forth in
28 an examiners' handbook adopted by a national
29 organization as required by the commissioner.
30 b. A licensee or other person from whom
31 information is sought, its officers, directors, or
32 agents shall provide to an examiner timely,
33 convenient, and free access at all reasonable hours at
34 its office to all books, records, accounts, papers,
35 documents, assets, and computer or other recordings
36 relating to the property, assets, business, and
37 affairs of the licensee or other person being
38 examined. The officer, director, employee, or agent
39 of the licensee or other person shall facilitate the
40 examination and aid in the examination so far as it is
41 in the person's power to do so. The refusal of a
42 licensee, by an officer, director, employee, or agent,
43 to submit to examination or to comply with any
44 reasonable written request of the commissioner shall
45 be grounds for suspension or refusal of, or nonrenewal
46 of any license or authority held by the licensee to
47 engage in the business of life settlements or other
48 business subject to the commissioner's jurisdiction.
49 Any proceedings for suspension, revocation, or refusal
50 of a license or authority shall be conducted pursuant

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1 to chapter 17A.
2 c. The commissioner may issue subpoenas,
3 administer oaths, and examine under oath any person as
4 to any matter pertinent to the examination. Upon the
5 failure or refusal of a person to obey a subpoena, the
6 commissioner may petition a court of competent
7 jurisdiction, and upon proper showing, the court may
8 enter an order compelling the witness to appear and
9 testify or produce documentary evidence.
10 d. When making an examination under this chapter,
11 the commissioner may retain one or more attorneys,
12 appraisers, independent actuaries, independent
13 certified public accountants, or other professionals
14 and specialists as examiners, the reasonable cost of
15 which shall be borne by the licensee that is the
16 subject of the examination.
17 e. This chapter shall not be construed to limit
18 the commissioner's authority to terminate or suspend
19 an examination in order to pursue other legal or
20 administrative action pursuant to the insurance laws
21 of this state. Findings of fact and conclusions made
22 pursuant to any examination shall be prima facie

23 evidence in any legal or regulatory action.
24 f. This chapter shall not be construed to limit
25 the commissioner's authority to use and, if
26 appropriate, to make public any final or preliminary
27 examination report, any examiner or licensee work
28 papers or other documents, or any other information
29 discovered or developed during the course of any
30 examination in the furtherance of any legal or
31 administrative action which the commissioner may, in
32 the commissioner's sole discretion, deem appropriate.
33 6. For the examination report, all of the
34 following apply:
35 a. An examination report shall be comprised of
36 only facts appearing upon the books, from the
37 testimony of its officers or agents or other persons
38 examined concerning its affairs, and such conclusions
39 and recommendations as the examiners find reasonably
40 warranted from the facts.
41 b. Not later than sixty days following completion
42 of the examination, the examiner in charge shall file
43 with the commissioner a verified written report of
44 examination under oath. Upon receipt of the verified
45 report, the commissioner shall transmit the report to
46 the licensee examined, together with a notice that
47 shall afford the licensee examined a reasonable
48 opportunity of not more than thirty days to make a
49 written submission or rebuttal with respect to any
50 matter contained in the examination report and which

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1 shall become part of the report or to request an
2 administrative hearing on any matter in dispute as
3 provided in chapter 17A.
4 c. In the event the commissioner determines that
5 regulatory action is appropriate as a result of an
6 examination, the commissioner may initiate any
7 proceeding or action provided by law.
8 7. For the confidentiality of examination
9 information, all of the following apply:
10 a. The name and individual identification data for
11 each owner, purchaser, or insured shall be considered
12 private and confidential information and shall not be
13 disclosed by the commissioner, unless the disclosure
14 is to another regulator or is required by law.
15 b. Except as otherwise provided in this chapter,
16 an examination report, working papers, recorded
17 information, documents or materials, and copies
18 produced by, obtained by, or disclosed to the
19 commissioner or any other person in the course of an
20 examination made under this chapter, or in the course
21 of analysis or investigation by the commissioner of

22 the financial condition or market conduct of a
23 licensee shall be confidential by law and privileged,
24 shall not be subject to chapter 22, shall not be
25 subject to subpoena, and shall not be subject to
26 discovery or admissible in evidence in any private
27 civil action. The commissioner may use the
28 examination report, working papers, recorded
29 information, documents, materials, or other
30 information in the furtherance of any administrative
31 or legal action brought as part of the commissioner's
32 official duties. The licensee being examined may have
33 access to all documents used to make the report.

34 8. For conflict of interest, all of the following
35 apply:

36 a. An examiner shall not be appointed by the
37 commissioner if the examiner, either directly or
38 indirectly, has a conflict of interest or is
39 affiliated with the management of or owns a pecuniary
40 interest in any person subject to examination under
41 this chapter. This section shall not be construed to
42 automatically preclude an examiner from being any of
43 the following:

44 (1) An owner.

45 (2) An insured in a life settlement contract or
46 life insurance policy.

47 (3) A beneficiary in a life insurance policy that
48 is proposed for a life settlement contract.

49 b. Notwithstanding the requirements of this
50 subsection, the commissioner may retain from time to

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1 time, on an individual basis, one or more qualified
2 actuaries, certified public accountants, or other
3 similar individuals who are independently practicing
4 their professions, even though these persons may from
5 time to time be similarly employed or retained by
6 persons subject to examination under this chapter.

7 9. For immunity from liability, all of the
8 following shall apply:

9 a. A cause of action shall not arise and liability
10 shall not be imposed against the commissioner, the
11 commissioner's authorized representative, or any
12 examiner appointed by the commissioner for any
13 statements made or conduct performed in good faith
14 while carrying out the provisions of this chapter.

15 b. A cause of action shall not arise, and
16 liability shall not be imposed, against any person for
17 communicating or delivering information or data to the
18 commissioner or the commissioner's authorized
19 representative or examiner pursuant to an examination
20 made under this chapter, if the communication or

21 delivery was performed in good faith and without
 22 fraudulent intent or the intent to deceive. This
 23 paragraph does not abrogate or modify in any way any
 24 common law or statutory privilege or immunity enjoyed
 25 by any person identified in paragraph "a".

26 c. (1) A person identified in paragraph "a" or
 27 "b" shall be entitled to an award of attorney fees and
 28 costs if the person is the prevailing party in a civil
 29 cause of action for libel, slander, or any other
 30 relevant tort arising out of activities in carrying
 31 out the provisions of this chapter and the party
 32 bringing the action was not substantially justified in
 33 doing so.

34 (2) For purposes of subparagraph (1), a proceeding
 35 is substantially justified if it has a reasonable
 36 basis in law or fact at the time that it was
 37 initiated.

38 10. The commissioner may investigate a suspected
 39 fraudulent life settlement act and a person engaged in
 40 the business of life settlements.

41 11. The commission by rule may establish
 42 reasonable costs for examinations imposed upon a
 43 person.

44 Sec. 8. NEW SECTION. 508G.8 ADVERTISING.

45 1. A broker or provider licensed pursuant to this
 46 chapter may conduct or participate in an advertisement
 47 within this state. Such advertisement shall comply
 48 with all statutes or rules adopted by the commissioner
 49 that are applicable to life insurers or to brokers,
 50 and providers licensed pursuant to this chapter.

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1 2. An advertisement shall be accurate, truthful,
 2 and not misleading in fact or by implication.

3 3. A person shall not do any of the following:

4 a. Directly or indirectly market, advertise,
 5 solicit, or otherwise promote the purchase of a life
 6 insurance policy for the sole purpose of or with an
 7 emphasis on settling the life insurance policy.

8 b. Use the words "free", "no cost", or words of
 9 similar import in the marketing, advertising,
 10 soliciting, or otherwise promoting of the purchase of
 11 a life insurance policy.

12 Sec. 9. NEW SECTION. 508G.9 DISCLOSURES TO
 13 OWNERS.

14 1. A provider shall provide in writing, a separate
 15 disclosure document that is signed by the owner and
 16 provider, to the owner not later than the date the
 17 life settlement contract is signed by all parties.

18 a. The disclosure document shall include all of
 19 the following information:

20 (1) That possible alternatives to life settlement
 21 contracts exist including but not limited to
 22 accelerated benefits offered by the issuer of the life
 23 insurance policy.
 24 (2) That some or all of the proceeds of a life
 25 settlement contract may be taxable and that assistance
 26 should be sought from a professional tax advisor.
 27 (3) That the proceeds from a life settlement
 28 contract could be subject to the claims of creditors.
 29 (4) That receipt of proceeds from a life
 30 settlement contract may adversely affect the
 31 recipient's eligibility for public assistance or other
 32 government benefits or entitlements and that advice
 33 should be obtained from the appropriate agencies.
 34 (5) That the owner has a right to rescind a life
 35 settlement contract within fifteen days of the date it
 36 is executed by all parties and the owner has received
 37 the disclosures required in this section. Rescission,
 38 if exercised by the owner, is effective only if both
 39 notice of the rescission is given, and the owner repays
 40 all proceeds and any premiums, loans, and loan
 41 interest paid on account of the provider within the
 42 rescission period. If the insured dies during the
 43 rescission period, the contract shall be deemed to have
 44 been rescinded subject to repayment by the owner or
 45 the owner's estate of all proceeds and any premiums,
 46 loans, and loan interest to the provider.
 47 (6) That proceeds will be sent to the owner within
 48 three business days after the provider has received
 49 the insurer or group administrator's acknowledgment
 50 that ownership of the life insurance policy or

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1 interest in the life insurance certificate has been
 2 transferred and the beneficiary has been designated in
 3 accordance with the terms of the life settlement
 4 contract.
 5 (7) That entering into a life settlement contract
 6 may cause other rights or benefits, including
 7 conversion rights and waiver of premium benefits that
 8 may exist under the life insurance policy or
 9 certificate of a group life insurance policy, to be
 10 forfeited by the owner and that assistance should be
 11 sought from a professional financial advisor.
 12 (8) (a) The amount and method of calculating the
 13 compensation paid or to be paid to the broker, or any
 14 other person acting for the owner in connection with
 15 the transaction.
 16 (b) As used in subparagraph subdivision (a),
 17 compensation includes anything of value paid or given.
 18 (9) The date by which the funds will be available

19 to the owner and the transmitter of the funds.

20 (10) That the commissioner requires delivery of a
21 buyer's guide or a similar consumer advisory package
22 in the form prescribed by the commissioner to owners
23 during the solicitation process.

24 (11) The following language:

25 "All medical, financial, or personal information
26 solicited or obtained by a provider or broker about an
27 insured, including the insured's identity or the
28 identity of family members, a spouse, or a significant
29 other may be disclosed as necessary to effect the life
30 settlement contract between the owner and provider.
31 If you are asked to provide this information, you will
32 be asked to consent to the disclosure. The
33 information may be provided to someone who buys the
34 policy or provides funds for the purchase. You may be
35 asked to renew your permission to share information
36 every two years."

37 (12) That the commissioner requires providers and
38 brokers to print separate signed fraud warnings on
39 their applications and on their life settlement
40 contracts as follows:

41 "Any person who knowingly presents false
42 information in an application for a life insurance
43 policy or life settlement contract is guilty of a
44 crime and may be subject to fines and confinement in
45 prison."

46 (13) That the insured may be contacted by either
47 the provider or broker or its authorized
48 representative for the purpose of determining the
49 insured's health status or to verify the insured's
50 address. This contact is limited to once every three

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1 months if the insured has a life expectancy of more
2 than one year, and no more than once per month if the
3 insured has a life expectancy of one year or less.

4 (14) The affiliation, if any, between the provider
5 and the issuer of the life insurance policy to be
6 settled.

7 (15) That a broker represents exclusively the
8 owner, and not the insurer or the provider or any
9 other person, and owes a fiduciary duty to the owner,
10 including a duty to act according to the owner's
11 instructions and in the best interest of the owner.

12 (16) The name, address, and telephone number of
13 the provider.

14 (17) The name, business address, and telephone
15 number of the independent third-party escrow agent,
16 and the fact that the owner may inspect or receive
17 copies of the relevant escrow or trust agreements or

18 documents.

19 (18) That a change of ownership could in the
20 future limit the insured's ability to purchase future
21 insurance on the insured's life because of a limit on
22 the amount of coverage insurers will issue on one
23 life.

24 b. The written disclosure as provided in paragraph
25 "a" shall be conspicuously displayed in any life
26 settlement contract furnished to the owner by a
27 provider including the disclosure of any affiliations
28 or contractual arrangements between the provider and
29 the broker.

30 2. A broker shall provide the owner and the
31 provider with at least the following disclosures not
32 later than the date the life settlement contract is
33 signed by all parties. The disclosures shall be
34 conspicuously displayed in the life settlement
35 contract or in a separate document signed by the owner
36 and provide all of the following information:

37 a. The name, business address, and telephone
38 number of the broker.

39 b. A full, complete, and accurate description of
40 all the offers, counteroffers, acceptances, and
41 rejections relating to the proposed life settlement
42 contract.

43 c. A written disclosure of any affiliation or
44 contractual arrangement between the broker and any
45 person making an offer in connection with the proposed
46 life settlement contract.

47 d. The name of each broker who receives
48 compensation and the amount of compensation received
49 by that broker, which compensation includes anything
50 of value paid or given to the broker in connection

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1 with the life settlement contract.

2 e. (1) A complete reconciliation of the gross
3 offer or bid by the provider to the net amount of
4 proceeds or value to be received by the owner.

5 (2) For the purpose of subparagraph (1), "gross
6 offer" or "bid" means the total amount or value
7 offered by the provider for the purchase of one or
8 more life insurance policies, inclusive of commissions
9 and fees.

10 f. The failure to provide the disclosures or
11 rights described in this section is deemed an unfair
12 trade practice pursuant to section 508G.17.

13 Sec. 10. NEW SECTION. 508G.10 DISCLOSURE TO
14 INSURER.

15 Without limiting the ability of an insurer from
16 assessing the insurability of a policy applicant and

17 determining whether or not to issue the policy, and in
 18 addition to other questions an insurer may lawfully
 19 pose to a life insurance applicant, insurers may
 20 inquire in the application for insurance whether the
 21 proposed owner intends to pay premiums with the
 22 assistance of financing from a lender that will use
 23 the policy as collateral to support the financing.

24 1. If, as described in the definition of life
 25 settlement contract in section 508G.2, the loan
 26 provides funds which can be used for a purpose other
 27 than paying for the premiums, costs, and expenses
 28 associated with obtaining and maintaining the life
 29 insurance policy and loan, the application shall be
 30 rejected as a violation of the prohibited practices in
 31 section 508G.13.

32 2. If the financing does not violate section
 33 508G.13 in the manner provided in subsection 1, the
 34 insurer may do any of the following:

35 a. Make a disclosure, including but not limited to
 36 such as the following, to the applicant and the
 37 insured, either on the application or an amendment to
 38 the application to be completed no later than the
 39 delivery of the policy:

40 "If you have entered into a loan arrangement where
 41 the life insurance policy is used as collateral, and
 42 the life insurance policy does change ownership at
 43 some point in the future in satisfaction of the loan,
 44 the following may be true:

45 A change of ownership could lead to a stranger
 46 owning an interest in the insured's life.

47 A change of ownership could in the future limit
 48 your ability to purchase future insurance on the
 49 insured's life because of a limit on the amount of
 50 coverage insurers will issue on one life.

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1 Should there be a change of ownership and you wish
 2 to obtain more insurance coverage on the insured's
 3 life in the future, the insured's higher issue age, a
 4 change in health status, or other factors may reduce
 5 the ability to obtain coverage or may result in
 6 significantly higher premiums.

7 You should consult a professional advisor, since a
 8 change in ownership in satisfaction of the loan may
 9 result in tax consequences to the owner, depending on
 10 the structure of the loan."

11 b. Require certifications, such as the following,
 12 from the applicant or the insured:

13 "I have not entered into any agreement or
 14 arrangement providing for the future sale of this life
 15 insurance policy.

16 My loan arrangement for this life insurance policy
 17 provides funds sufficient to pay for some or all of
 18 the premiums, costs, and expenses associated with
 19 obtaining and maintaining my life insurance policy,
 20 but I have not entered into any agreement by which I
 21 am to receive consideration in exchange for procuring
 22 this life insurance policy.

23 The borrower has an insurable interest in the
 24 insured."

25 Sec. 11. NEW SECTION. 508G.11 GENERAL RULES.

26 1. A provider entering into a life settlement
 27 contract with an owner of a life insurance policy,
 28 where the insured is terminally ill or chronically
 29 ill, shall first obtain all of the following:

30 a. If the owner is the insured, a written
 31 statement from a licensed attending physician that the
 32 owner is of sound mind and under no constraint or
 33 undue influence to enter into a life settlement
 34 contract.

35 b. A document in which the insured consents to the
 36 release of the owner's medical records to a provider,
 37 broker, or insurance producer and, if the life
 38 insurance policy was issued less than two years from
 39 the date of application for a life settlement
 40 contract, to the insurance company that issued the
 41 policy.

42 2. An insurer shall respond to a request for
 43 verification of coverage submitted by a provider,
 44 broker, or life insurance producer not later than
 45 thirty calendar days of the date the request is
 46 received. The request for verification of coverage
 47 must be made on a form approved by the commissioner.
 48 The insurer shall complete and issue the verification
 49 of coverage or indicate in which respects it is unable
 50 to respond. In its response, the insurer shall

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1 indicate whether, based on the medical evidence and
 2 documents provided, the insurer intends to pursue an
 3 investigation at this time regarding the validity of
 4 the life insurance policy.

5 3. Before or at the time of the execution of the
 6 life settlement contract, the provider shall obtain a
 7 witnessed document in which the owner consents to the
 8 life settlement contract, represents that the owner
 9 has a full and complete understanding of the life
 10 settlement contract, that the owner has a full and
 11 complete understanding of the benefits of the life
 12 insurance policy, acknowledges that the owner is
 13 entering into the life settlement contract freely and
 14 voluntarily, and, for persons with a terminal or

15 chronic illness or condition, acknowledges that the
16 insured has a terminal or chronic illness and that the
17 terminal or chronic illness or condition was diagnosed
18 after the life insurance policy was issued.

19 4. The insurer shall not unreasonably delay
20 effecting change of ownership or beneficiary with any
21 life settlement contract lawfully entered into in this
22 state or with a resident of this state.

23 5. If a broker or life insurance producer performs
24 any activities required of the provider, the provider
25 is deemed to have fulfilled the requirements of this
26 section.

27 6. If a broker performs verification of coverage
28 activities required of the provider, the provider is
29 deemed to have fulfilled the requirements of section
30 508G.9, subsection 1.

31 7. Within twenty days after an owner executes the
32 life settlement contract, a provider shall give
33 written notice to the insurer that issued the life
34 insurance policy that the policy has become subject to
35 a life settlement contract. The notice shall be
36 accompanied by the documents required by section
37 508G.10, subsection 1, paragraph "b".

38 8. All medical information solicited or obtained
39 by any licensee shall be subject to the applicable
40 provision of state law relating to confidentiality of
41 medical information, if not otherwise provided in this
42 chapter.

43 9. A life settlement contract entered into in this
44 state shall provide that the owner may rescind the
45 contract on or before fifteen days after the date it
46 is executed by all parties. Rescission, if exercised by
47 the owner, is effective only if both notice of the
48 rescission is given, and the owner repays all proceeds
49 and any premiums, loans, and loan interest paid on
50 account of the provider within the rescission period.

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1 If the insured dies during the rescission period, the
2 contract shall be deemed to have been rescinded
3 subject to repayment by the owner or the owner's
4 estate of all proceeds and any premiums, loans, and
5 loan interest to the provider.

6 10. Within three business days after receipt from
7 the owner of documents to effect the transfer of the
8 insurance policy, the provider shall pay the proceeds
9 of the settlement to a trust or escrow account managed
10 by a trustee or escrow agent in a state or federally
11 chartered financial institution pending acknowledgment
12 of the transfer by the issuer of the policy. The
13 trustee or escrow agent shall be required to transfer

14 the proceeds due to the owner within three business
15 days of acknowledgment of the transfer from the
16 insurer.

17 11. A failure to tender life settlement contract
18 proceeds to the owner by the date disclosed to the
19 owner renders the contract voidable by the owner for
20 lack of consideration until the time the proceeds are
21 tendered to and accepted by the owner. A failure to
22 give written notice of the right of rescission shall
23 toll the right of rescission until thirty days after the
24 written notice of the right of rescission has been
25 given.

26 12. Any fee paid by a provider, party, individual,
27 or an owner to a broker in exchange for services
28 provided to the owner pertaining to a life settlement
29 contract shall be computed as a percentage of the
30 offer obtained, not the face value of the life
31 insurance policy. This section shall not be construed
32 as prohibiting a broker from reducing the broker's fee
33 below this percentage if the broker so chooses.

34 13. A broker shall disclose to the owner anything
35 of value paid or given to the broker, which relates to
36 a life settlement contract.

37 14. A person shall not at any time prior to, or at
38 the time of, the application for, or issuance of, a
39 life insurance policy, or during a two-year period
40 commencing with the date of issuance of the life
41 insurance policy, enter into a life settlement
42 contract regardless of the date the compensation is to
43 be provided and regardless of the date the assignment,
44 transfer, sale, devise, bequest, or surrender of the
45 policy is to occur. This prohibition shall not apply
46 if the owner certifies to the provider that any of the
47 following applies:

48 a. The life insurance policy was issued upon the
49 owner's exercise of conversion rights arising out of a
50 group or individual life insurance policy, provided

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1 the total of the time covered under the conversion
2 policy plus the time covered under the prior life
3 insurance policy is at least twenty-four months. The
4 time covered under a group life insurance policy must
5 be calculated without regard to a change in insurers,
6 provided the coverage has been continuous and under
7 the same group sponsorship.

8 b. The owner submits independent evidence to the
9 provider that one or more of the following conditions
10 have been met within the two-year period:

11 (1) The owner or insured is terminally ill or
12 chronically ill.

13 (2) The owner or insured disposes of the owner's
 14 or insured's ownership interests in a closely held
 15 corporation, pursuant to the terms of a buyout or
 16 other similar agreement in effect at the time the life
 17 insurance policy was initially issued.

18 (3) The owner's spouse dies.

19 (4) The owner divorces the owner's spouse.

20 (5) The owner retires from full-time employment.

21 (6) The owner becomes physically or mentally
 22 disabled and a physician determines that the
 23 disability prevents the owner from maintaining
 24 full-time employment.

25 (7) A final order, judgment, or decree is entered
 26 by a court of competent jurisdiction, on the
 27 application of a creditor of the owner, adjudicating
 28 the owner bankrupt or insolvent, or approving a
 29 petition seeking reorganization of the owner or
 30 appointing a receiver, trustee, or liquidator to all
 31 or a substantial part of the owner's assets.

32 c. Copies of the independent evidence required by
 33 subsection 14, paragraph "b", shall be submitted to
 34 the insurer when the provider submits a request to the
 35 insurer for verification of coverage. The copies
 36 shall be accompanied by a letter of attestation from
 37 the provider that the copies are true and correct
 38 copies of the documents received by the provider.
 39 This section does not prohibit an insurer from
 40 exercising its right to contest the validity of any
 41 life insurance policy.

42 d. If the provider submits to the insurer a copy
 43 of independent evidence provided for in paragraph "b",
 44 subparagraph (1), when the provider submits a request
 45 to the insurer to effect the transfer of the policy to
 46 the provider, the copy is deemed to establish that the
 47 life settlement contract satisfies the requirements of
 48 this section.

49 Sec. 12. NEW SECTION. 508G.12 AUTHORITY TO ADOPT
 50 RULES – CONFLICT OF LAWS.

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1 1. The commissioner may adopt rules implementing
 2 this chapter and regulating the activities and
 3 relationships of providers, brokers, insurers, and
 4 their agents, pursuant to chapter 17A.

5 2. For conflict of laws, all of the following
 6 shall apply:

7 a. If there is more than one owner on a single
 8 policy, and the owners are residents of different
 9 states, the life settlement contract shall be governed
 10 by the law of the state in which the owner having the
 11 largest percentage ownership resides or, if the owners

12 hold equal ownership, the state of residence of one
 13 owner agreed upon in writing by all of the owners.
 14 The law of the state of the insured shall govern in
 15 the event that equal owners fail to agree in writing
 16 upon a state of residence for jurisdictional purposes.

17 b. A provider from this state who enters into a
 18 life settlement contract with an owner who is a
 19 resident of another state that has enacted statutes or
 20 adopted regulations governing life settlement
 21 contracts shall be governed in the effectuation of
 22 that life settlement contract by the statutes and
 23 regulations of the owner's state of residence. If the
 24 state in which the owner is a resident has not enacted
 25 statutes or regulations governing life settlement
 26 contracts, the provider shall give the owner notice
 27 that neither state regulates the transaction into
 28 which the owner is entering. For transactions in
 29 those states, however, the provider shall maintain all
 30 records required as if the transactions were executed
 31 in the state of residence. The forms used in those
 32 states need not be approved by the commissioner.

33 c. If there is a conflict in the laws that apply
 34 to an owner and a purchaser in any individual
 35 transaction, the laws of the state that apply to the
 36 owner shall take precedence and the provider shall
 37 comply with those laws.

38 Sec. 13. NEW SECTION. 508G.13 PROHIBITED
 39 PRACTICES.

- 40 1. A person shall not do any of the following:
- 41 a. Enter into a life settlement contract if the
 - 42 person knows or reasonably should have known that the
 - 43 life insurance policy was obtained by means of a
 - 44 false, deceptive, or misleading application for such
 - 45 life insurance policy.
 - 46 b. Engage in any transaction, practice, or course
 - 47 of business if such person knows or reasonably should
 - 48 have known that the intent was to avoid the notice
 - 49 requirements of this chapter.
 - 50 c. Engage in any fraudulent act or practice in

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1 connection with any transaction relating to any
 2 settlement involving an owner who is a resident of
 3 this state.

4 d. Issue, solicit, market, or otherwise promote
 5 the purchase of a life insurance policy for the
 6 purpose of or with an emphasis on settling the life
 7 insurance policy.

8 e. Enter into a premium finance agreement with any
 9 person or agency, or any person affiliated with such
 10 person or agency, pursuant to which such person or

11 agency shall receive any proceeds, fees, or other
 12 consideration, directly or indirectly, from the life
 13 insurance policy or owner of the life insurance policy
 14 or any other person with respect to the premium
 15 finance agreement or any life settlement contract or
 16 other transaction related to such life insurance
 17 policy that are in addition to the amounts required to
 18 pay the principal, interest, and service charges
 19 related to life insurance policy premiums pursuant to
 20 the premium finance agreement or subsequent sale of
 21 such agreement. However, any payments, charges, fees,
 22 or other amounts in addition to the amounts required
 23 to pay the principal, interest, and service charges
 24 related to life insurance policy premiums paid under
 25 the premium finance agreement shall be remitted to the
 26 original owner of the life insurance policy or to the
 27 original owner's estate if the original owner is not
 28 living at the time of the determination of the
 29 overpayment.

30 f. With respect to any life settlement contract or
 31 life insurance policy and a broker, knowingly solicit
 32 an offer from, effectuate a life settlement contract
 33 with, or make a sale to any provider, financing
 34 entity, or related provider trust that is controlling,
 35 controlled by, or under common control with such
 36 broker.

37 g. With respect to any life settlement contract or
 38 life insurance policy and a provider, knowingly enter
 39 into a life settlement contract with an owner, if, in
 40 connection with such life settlement contract,
 41 anything of value will be paid to a broker that is
 42 controlling, controlled by, or under common control
 43 with such provider or the financing entity or related
 44 provider trust that is involved in such life
 45 settlement contract.

46 h. With respect to a provider, enter into a life
 47 settlement contract unless the life settlement
 48 promotional, advertising, and marketing materials, as
 49 may be adopted by rule, have been filed with the
 50 commissioner. In no event shall any marketing

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1 materials expressly reference that the insurance is
 2 free for any period of time. The inclusion of any
 3 reference in the marketing materials that would cause
 4 an owner to reasonably believe that the insurance is
 5 free for any period of time shall be considered a
 6 violation of this chapter.

7 i. With respect to any life insurance producer,
 8 insurer, broker, or provider, make any statement or
 9 representation to the applicant or policyholder in

10 connection with the sale or financing of a life
 11 insurance policy to the effect that the insurance is
 12 free or without cost to the policyholder for any
 13 period of time unless provided in the policy.

14 2. A violation of this section shall be deemed a
 15 fraudulent life settlement act.

16 Sec. 14. NEW SECTION. 508G.14 FRAUD PREVENTION
 17 AND CONTROL.

18 1. This subsection applies to a fraudulent life
 19 settlement act, interference, and convicted felons as
 20 follows:

21 a. A person shall not commit a fraudulent life
 22 settlement act.

23 b. A person shall not knowingly and intentionally
 24 interfere with the enforcement of the provisions of
 25 this chapter or an investigation of suspected or
 26 actual violations of this chapter.

27 c. A person in the business of life settlements
 28 shall not knowingly or intentionally permit any person
 29 convicted of a felony involving dishonesty or breach
 30 of trust to participate in the business of life
 31 settlements.

32 2. This subsection applies to required fraud
 33 warnings as follows:

34 a. A life settlement contract and an application
 35 for a life settlement contract, regardless of the form
 36 of transmission, shall contain the following statement
 37 or a substantially similar statement:

38 "Any person who knowingly presents false
 39 information in an application for a life insurance
 40 policy or life settlement contract is guilty of a
 41 crime and may be subject to fines and confinement in
 42 prison."

43 b. The lack of a statement as required in
 44 paragraph "a" does not constitute a defense in any
 45 prosecution for a fraudulent life settlement act.

46 3. This section applies to the mandatory reporting
 47 of fraudulent life settlement acts as follows:

48 a. Any person engaged in the business of life
 49 settlements having knowledge or a reasonable belief
 50 that a fraudulent life settlement act is being, will

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1 be, or has been committed shall provide to the
 2 commissioner the information required by, and in a
 3 manner prescribed by, the commissioner.

4 b. Any other person having knowledge or a
 5 reasonable belief that a fraudulent life settlement
 6 act is being, will be, or has been committed may
 7 provide to the commissioner the information required
 8 by, and in a manner prescribed by, the commissioner.

9 4. This subsection applies to immunity from
10 liability as follows:

11 a. Civil liability shall not be imposed on and a
12 cause of action shall not arise from a person's
13 furnishing information concerning suspected,
14 anticipated, or a completed fraudulent life settlement
15 act, if the information is provided to or received
16 from any of the following:

17 (1) The commissioner or the commissioner's
18 employees, agents, or representatives.

19 (2) Federal, state, or local law enforcement or
20 regulatory officials or their employees, agents, or
21 representatives.

22 (3) A person involved in the prevention and
23 detection of fraudulent life settlement acts or that
24 person's agents, employees, or representatives.

25 (4) Any regulatory body or its employees, agents,
26 or representatives, overseeing life insurance, life
27 settlements, securities, or investment fraud.

28 (5) The life insurer that issued the life
29 insurance policy covering the life of the insured.

30 (6) The licensee and any agents, employees, or
31 representatives.

32 b. Paragraph "a" shall not apply to a statement
33 made with actual malice. In an action brought against
34 a person for filing a report or furnishing other
35 information concerning a fraudulent life settlement
36 act, the party bringing the action shall plead
37 specifically any allegation that paragraph "a" does
38 not apply because the person filing the report or
39 furnishing the information did so with actual malice.

40 c. (1) A person identified in paragraph "a" shall
41 be entitled to an award of attorney fees and costs if
42 the person is the prevailing party in a civil cause of
43 action for libel, slander, or any other relevant tort
44 arising out of activities in carrying out the
45 provisions of this chapter and the party bringing the
46 action was not substantially justified in doing so.

47 (2) For purposes of this paragraph "c", a
48 proceeding is substantially justified if it had a
49 reasonable basis in law or fact at the time that it
50 was initiated.

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1 d. This section does not abrogate or modify common
2 law or statutory privileges or immunities enjoyed by a
3 person described in paragraph "a".

4 5. This subsection applies to confidentiality as
5 follows:

6 a. The documents and evidence provided pursuant to
7 subsection 4 or obtained by the commissioner in an

8 investigation of a suspected or actual fraudulent life
 9 settlement act shall be privileged and confidential
 10 and shall not be subject to chapter 22, and shall not
 11 be subject to discovery or subpoena in a civil or
 12 criminal action.

13 b. Paragraph "a" does not prohibit a release by
 14 the commissioner of documents and evidence obtained in
 15 an investigation of a suspected or actual fraudulent
 16 life settlement act to any of the following:

17 (1) In administrative or judicial proceedings to
 18 enforce laws administered by the commissioner.

19 (2) To federal, state, or local law enforcement or
 20 regulatory agencies, to an organization established
 21 for the purpose of detecting and preventing fraudulent
 22 life settlement acts or to the national association of
 23 insurance commissioners.

24 (3) At the discretion of the commissioner, to a
 25 person in the business of life settlements that is
 26 aggrieved by a fraudulent life settlement act.

27 c. Release of documents and evidence under
 28 paragraph "b" does not abrogate or modify the
 29 privilege granted in paragraph "a".

30 6. This chapter shall not do any of the following:

31 a. Preempt the authority or relieve the duty of
 32 other law enforcement or regulatory agencies to
 33 investigate, examine, or prosecute suspected
 34 violations of law.

35 b. Preempt, supersede, or limit any provision of
 36 any state securities law or any rule, order, or notice
 37 issued under this chapter.

38 c. Prevent or prohibit a person from voluntarily
 39 disclosing information concerning life settlement
 40 fraud to a law enforcement or regulatory agency other
 41 than the commissioner.

42 d. Limit the powers granted elsewhere by the laws
 43 of this state to the commissioner or the insurance
 44 division, or an insurance fraud unit, to investigate
 45 and examine possible violations of law and to take
 46 appropriate action against wrongdoers.

47 7. This subsection applies to life settlement
 48 antifraud initiatives as follows:

49 a. A provider or broker shall have in place
 50 antifraud initiatives reasonably calculated to detect,

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1 prosecute, and prevent a fraudulent life settlement
 2 act. At the discretion of the commissioner, the
 3 commissioner may order, or a licensee may request and
 4 the commissioner may grant, such modifications of the
 5 following required initiatives as necessary to ensure
 6 an effective antifraud program. The modifications may

7 be more or less restrictive than the required
 8 initiatives so long as the modifications may
 9 reasonably be expected to accomplish the purpose of
 10 this section. The antifraud initiatives shall include
 11 all of the following:

- 12 (1) Fraud investigators, who may be provider or
 13 broker employees or independent contractors.
- 14 (2) An antifraud plan, which shall be submitted to
 15 the commissioner. The antifraud plan shall include
 16 but not be limited to any of the following:
 - 17 (a) A description of the procedures for detecting
 18 and investigating possible fraudulent life settlement
 19 acts and procedures for resolving material
 20 inconsistencies between medical records and insurance
 21 applications.
 - 22 (b) A description of the procedures for reporting
 23 possible fraudulent life settlement acts to the
 24 commissioner.
 - 25 (c) A description of the plan for antifraud
 26 education and training of underwriters and other
 27 personnel.
 - 28 (d) A description or chart outlining the
 29 organizational arrangement of the antifraud personnel
 30 who are responsible for the investigation and
 31 reporting of possible fraudulent life settlement acts
 32 and investigating unresolved material inconsistencies
 33 between medical records and insurance applications.
- 34 b. Antifraud plans submitted to the commissioner
 35 shall be privileged and confidential, shall not be
 36 subject to chapter 22, and shall not be subject to
 37 discovery or subpoena in a civil or criminal action.

38 Sec. 15. NEW SECTION. 508G.15 INJUNCTIONS –
 39 CIVIL REMEDIES – CEASE AND DESIST.

- 40 1. In addition to the penalties and other
 41 enforcement provisions of this chapter, if any person
 42 violates this chapter or any rule implementing this
 43 chapter, the commissioner may seek an injunction in a
 44 court of competent jurisdiction in the county where
 45 the person resides or has a principal place of
 46 business and may apply for temporary and permanent
 47 orders that the commissioner determines necessary to
 48 restrain the person from further committing the
 49 violation.
- 50 2. A person damaged by an act of another person in

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- 1 violation of this chapter or any rule implementing or
 2 administering this chapter, may bring a civil action
 3 for damages against the person committing the
 4 violation in a court of competent jurisdiction.
- 5 3. The commissioner may issue a cease and desist

6 order upon a person who violates any provision of this
7 chapter, any rule adopted or order issued by the
8 commissioner, or any written agreement entered into
9 with the commissioner.

10 4. If the commissioner finds that such an action
11 presents an immediate danger to the public and
12 requires an immediate final order, the commissioner
13 may issue an emergency cease and desist order reciting
14 with particularity the facts underlying such findings.
15 The emergency cease and desist order is effective
16 immediately upon service of a copy of the order on the
17 respondent and remains effective for ninety days. If
18 the commissioner begins nonemergency cease and desist
19 proceedings under subsection 1, the emergency cease
20 and desist order remains effective, absent an order by
21 a court of competent jurisdiction pursuant to chapter
22 17A. In the event of a willful violation of this
23 chapter, the court may award statutory damages in
24 addition to actual damages in an additional amount up
25 to three times the actual damage award. The
26 provisions of this chapter shall not be waived by
27 agreement. A choice of law provision shall not be
28 utilized to prevent the application of this chapter to
29 any life settlement in which a party to the life
30 settlement is a resident of this state.

31 Sec. 16. NEW SECTION. 508G.16 PENALTIES.

32 1. It is a violation of this chapter for any
33 person, provider, broker, or any other party related
34 to the business of life settlements, to commit a
35 fraudulent life settlement act.

36 2. For criminal liability purposes, a person that
37 commits a fraudulent life settlement act is guilty of
38 a class "D" felony.

39 3. In addition to the penalty provided in
40 subsection 2, the commissioner may establish, assess,
41 and collect a civil penalty not exceeding ten thousand
42 dollars for each violation of this chapter, including
43 a person or the person's employee licensed pursuant to
44 this chapter, who commits a fraudulent life settlement
45 act or violates any other provision of this chapter
46 and penalties shall be deposited into the general fund
47 of the state.

48 4. The license of a person licensed under this
49 chapter that commits a fraudulent life settlement act
50 shall be revoked for a period of five years.

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1 Sec. 17. NEW SECTION. 508G.17 UNFAIR TRADE
2 PRACTICES.

3 A violation of sections 508G.3 through 508G.16 by a
4 provider, broker, or insurer shall be considered an

5 unfair trade practice pursuant to chapter 507B.

6 DIVISION II

7 COORDINATING CHANGES

8 Sec. 18. Section 502.102, subsection 17, paragraph
9 d, Code 2007, is amended to read as follows:

10 d. With respect to a ~~viatical life~~ settlement
11 ~~investment~~ contract as defined in section 508G.2,
12 "issuer" means a person involved in creating,
13 transferring, or selling to an investor any interest
14 in such a contract, including but not limited to
15 fractional or pooled interests, but does not include
16 an agent or a broker-dealer.

17 Sec. 19. Section 502.102, subsection 28, paragraph
18 f, Code 2007, is amended to read as follows:

19 f. It includes a ~~viatical life~~ settlement
20 ~~investment~~ contract as defined in section 508G.2.

21 Sec. 20. Section 502.102, subsection 31A, Code
22 2007, is amended by striking the subsection.

23 Sec. 21. Section 502.201, subsection 9E, Code
24 2007, is amended to read as follows:

25 9E. VIATICAL LIFE SETTLEMENT CONTRACTS. A

26 ~~viatical life~~ settlement contract as defined in
27 section 508.102, or fractional or pooled interest in
28 such contract, provided any of the following
29 conditions are satisfied:

30 a. The assignment, transfer, sale, devise, or
31 bequest of a death benefit of a life insurance policy
32 or contract is made by the ~~viator to~~ owner of a life
33 insurance policy to an insurance company as provided
34 under ~~Title XIII, subtitle 1~~ chapter 508G.

35 b. The assignment, transfer, sale, devise, or
36 bequest of a life insurance policy or contract, for
37 any value less than the expected death benefit, is
38 made by the ~~viator~~ owner of the life insurance policy
39 to a family member or other person who enters into no
40 more than one such agreement in a calendar year.

41 c. A life insurance policy or contract is assigned
42 to a bank, savings bank, savings and loan association,
43 credit union, or other licensed lending institution as
44 collateral for a loan.

45 d. Accelerated benefits are exercised as provided
46 in the life insurance policy or contract and
47 consistent with applicable law.

48 e. The assignment, transfer, sale, devise, or
49 bequest of the death benefit or ownership of a life
50 insurance policy or contract made by the policyholder

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1 or contract owner to a ~~viatical settlement~~ provider
2 pursuant to a life settlement contract, if the
3 ~~viatical life~~ settlement ~~transaction~~ contract complies

4 with chapter ~~508E~~ 508G, including rules adopted
 5 pursuant to that chapter.

6 Sec. 22. Chapter 508E, Code 2007, is repealed.

7 DIVISION III

8 TRANSITIONAL PROVISIONS

9 Sec. 23. TRANSACTIONS OF BUSINESS.

10 1. A provider lawfully transacting business in
 11 this state prior to July 1, 2009, may continue to do
 12 so pending approval or disapproval of that person's
 13 application for a license as long as the application
 14 is filed with the commissioner not later than thirty
 15 days after publication by the commissioner of an
 16 application form and instructions for licensure of
 17 providers. If the publication of the application form
 18 and instructions is made prior to July 1, 2009, the
 19 filing of the application shall not be later than
 20 thirty days after July 1, 2009. During the time that
 21 such an application is pending with the commissioner,
 22 the applicant may use any form of life settlement
 23 contract that has been filed with the commissioner
 24 pending approval of the application, provided that
 25 such form is otherwise in compliance with the
 26 provisions of this Act. Any person transacting
 27 business in this state under this provision shall be
 28 obligated to comply with all other requirements of
 29 this Act.

30 2. A person who has lawfully negotiated life
 31 settlement contracts between any owner residing in
 32 this state and one or more providers for at least one
 33 year immediately prior to July 1, 2009, may continue
 34 to do so pending approval or disapproval of that
 35 person's application for a license as long as the
 36 application is filed with the commissioner not later
 37 than thirty days after publication by the commissioner
 38 of an application form and instructions for licensure
 39 of brokers. If the publication of the application
 40 form and instructions is prior to July 1, 2009, the
 41 filing of the application shall not be later than
 42 thirty days after July 1, 2009. Any person
 43 transacting business in this state under this
 44 provision shall be obligated to comply with all other
 45 requirements of this Act.

46 Sec. 24. EFFECTIVE DATE. This Act takes effect
 47 July 1, 2009."

48 _____. Title page, line 1, by striking the words
 49 "viatical settlements" and inserting the following:
 50 "life settlement arrangements".

1 _____. Title page, line 1, by striking the word

2 "fees" and inserting the following: "fees,"
 3 _____. Title page, by striking line 2 and inserting
 4 the following: "penalties, and an effective date.""

STRUYK of Pottawattamie

H-8471

1 Amend the amendment, H-8391, to Senate File 2392,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 36, by inserting after line 42 the
 5 following:
 6 "Sec.____. INTERIM COMMITTEE. The legislative
 7 council is requested to establish an interim committee
 8 to study the provisions of this Act, and specifically
 9 an amendment to this Act to establish a proper time
 10 period when a person may enter into a viatical
 11 settlement contract after the issuance of the
 12 insurance policy or certificate. The interim
 13 committee shall make a recommendation to the
 14 legislative council for purposes of amending this Act
 15 to establish the proper time period if necessary for
 16 consideration by the Eighty-third General Assembly
 17 during its 2009 legislative session."

18 2. Page 36, by striking lines 43 and 44 and
 19 inserting the following:

20 "Sec.____. EFFECTIVE DATES.

21 1. Except as provided in subsection 2, this Act
 22 takes effect July 1, 2009.

23 2. The provision of this Act establishing an
 24 interim committee takes effect upon enactment."

25 3. Page 37, line 1, by striking the words "an
 26 effective date" and inserting the following:
 27 "effective dates".

28 4. By renumbering as necessary.

QUIRK of Chickasaw
 BAILEY of Hamilton
 REICHERT of Muscatine

H-8475

1 Amend Senate File 2404, as passed by the Senate, as
 2 follows:

3 1. Page 2, by inserting after line 17 the
 4 following:

5 "Sec.____. Section 8F.3, subsection 1, Code
 6 Supplement 2007, is amended by adding the following
 7 new paragraph:

8 NEW PARAGRAPH. e. Information that the recipient
 9 entity's policies prohibit the use of any of the

10 moneys received pursuant to a service contract to
 11 provide bonuses to officers or employees of the
 12 recipient entity.

13 Sec.____. NEW SECTION. 68B.24A BONUSSES –
 14 BANNED.

15 Unless otherwise authorized by law or required
 16 pursuant to a collective bargaining agreement, an
 17 appointed state officer or a state employee shall not
 18 receive, in addition to a salary, any remuneration in
 19 the form of a bonus, including but not limited to a
 20 retention bonus, recruitment bonus, exceptional job
 21 performance pay, extraordinary duty pay, or
 22 extraordinary or special duty pay, for or during the
 23 time period beginning on or after the effective date
 24 of this Act.

25 Sec.____. Section 68B.25, Code 2007, is amended to
 26 read as follows:

27 68B.25 ADDITIONAL PENALTY.

28 In addition to any penalty contained in any other
 29 provision of law, a person who knowingly and
 30 intentionally violates a provision of sections 68B.2A
 31 through 68B.7, sections 68B.22 through ~~68B.24~~ 68B.24A,
 32 or sections 68B.35 through 68B.38 is guilty of a
 33 serious misdemeanor and may be reprimanded, suspended,
 34 or dismissed from the person's position or otherwise
 35 sanctioned."

36 2. Page 3, by inserting after line 12 the
 37 following:

38 "Sec.____. Section 70A.1, subsection 1, Code 2007,
 39 is amended to read as follows:

40 1. Salaries specifically provided for in an
 41 appropriation Act of the general assembly shall be in
 42 lieu of existing statutory salaries, for the positions
 43 provided for in the Act, and all salaries, including
 44 longevity where applicable by express provision in the
 45 Code, shall be paid according to the provisions of
 46 chapter 91A and shall be in full compensation of all
 47 services, including any service on committees, boards,
 48 commissions or similar duty for Iowa government,
 49 except for members of the general assembly. A state
 50 employee on an annual salary shall not be paid for a

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1 pay period an amount which exceeds the employee's
 2 annual salary transposed into a rate applicable to the
 3 pay period by dividing the annual salary by the number
 4 of pay periods in the fiscal year. Salaries for state
 5 employees covered by the overtime payment provisions
 6 of the federal Fair Labor Standards Act shall be
 7 established on an hourly basis. In addition, unless
 8 otherwise authorized by law or required pursuant to a

9 collective bargaining agreement, a state employee
 10 shall not, in addition to a salary, receive any
 11 remuneration in the form of a bonus, including but not
 12 limited to a retention bonus, recruitment bonus,
 13 exceptional job performance pay, extraordinary duty
 14 pay, or extraordinary or special duty pay, for or
 15 during the time period beginning on or after the
 16 effective date of this Act.

17 Sec. ____. APPOINTED STATE OFFICERS. The governor
 18 shall establish a salary for appointed nonelected
 19 persons in the executive branch of state government
 20 holding a position authorized by a law that addresses
 21 the salary ranges of state officers within the range
 22 provided, by considering, among other items, the
 23 experience of the individual in the position, changes
 24 in the duties of the position, the incumbent's
 25 performance of assigned duties, and subordinates'
 26 salaries. However, the attorney general shall
 27 establish the salary for the consumer advocate, the
 28 chief justice of the supreme court shall establish the
 29 salary for the state court administrator, the ethics
 30 and campaign disclosure board shall establish the
 31 salary of the executive director, the Iowa public
 32 broadcasting board shall establish the salary of the
 33 administrator of the public broadcasting division of
 34 the department of education, and the state fair board
 35 shall establish the salary of the secretary of the
 36 state fair board, each within the salary range
 37 authorized by a law that addresses the salary ranges
 38 of state officers.

39 The governor, in establishing salaries as
 40 authorized by a law that addresses the salary ranges
 41 of state officers, shall take into consideration other
 42 employee benefits which may be provided for an
 43 individual including but not limited to housing.

44 A person whose salary is established pursuant to a
 45 law that addresses the salary ranges of state officers
 46 and who is a full-time, year-round employee of the
 47 state shall not receive any other remuneration from
 48 the state or from any other source for the performance
 49 of that person's duties. However, this provision does
 50 not exclude the reimbursement for necessary travel and

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1 expenses incurred in the performance of duties or
 2 fringe benefits normally provided to employees of the
 3 state."

4 3. Title page, line 2, by inserting after the
 5 word "grants" the following: "and to bonuses awarded
 6 to certain government officials and employees, and
 7 employees of entities receiving government funds

8 pursuant to a service contract with the state".
 9 4. By renumbering as necessary.

BAUDLER of Adair

H-8477

1 Amend House File 2681 as follows:
 2 1. Page 2, by inserting after line 23 the
 3 following:
 4 "Sec.____. Section 299.2, subsection 1, Code 2007,
 5 is amended to read as follows:
 6 1. a. Who has completed the requirements for
 7 graduation in an accredited school or has obtained a
 8 high school equivalency diploma under chapter 259A.
 9 b. Who is making satisfactory progress towards
 10 completion of the requirements for a high school
 11 equivalency diploma under chapter 259A after obtaining
 12 a written statement from the school district of
 13 enrollment affirming that the child has withdrawn from
 14 high school. A school district or accredited
 15 nonpublic school shall provide the written statement
 16 to a former student upon request."
 17 2. By renumbering as necessary.

GAYMAN of Scott
 L. MILLER of Scott

H-8480

1 Amend Senate File 2122, as passed by the Senate, as
 2 follows:
 3 1. Page 15, by inserting after line 32 the
 4 following:
 5 "Sec.____. ELECTION DAY AND IN-PERSON ABSENTEE
 6 VOTER REGISTRATION – REPORT REQUIRED.
 7 1. Following the 2008 general election, the
 8 secretary of state shall submit a report to the
 9 general assembly pertaining to election day and
 10 in-person absentee voter registration. The report
 11 shall be for the 2008 general election only.
 12 2. The report shall contain the following
 13 information by county:
 14 a. The total number of persons who registered to
 15 vote pursuant to section 48A.7A.
 16 b. Of the number in paragraph "a", the number of
 17 persons who established identity and residence by
 18 presenting the documentation required in section
 19 48A.7A, subsection 1, paragraph "b".
 20 c. Of the number in paragraph "a", the number of
 21 persons who established identity and residency in the
 22 precinct by written oath of a person who is registered

23 to vote in the precinct pursuant to section 48A.7A,
 24 subsection 1, paragraph "c".
 25 d. Of the number in paragraph "a", the number of
 26 acknowledgments returned as undeliverable.
 27 e. Of the number in paragraph "d", the number of
 28 registrations whose status was changed to inactive
 29 pursuant to section 48A.26A, subsection 2.
 30 3. The secretary of state shall submit the report
 31 to the general assembly on or before January 15,
 32 2009."
 33 2. By renumbering as necessary.

TYMESON of Madison

H-8482

1 Amend Senate File 2400, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 9, by striking line 10 and inserting the
 4 following:
 5 "..... \$ 372,066"
 6 2. Page 9, by striking line 22 and inserting the
 7 following:
 8 "..... \$ 372,066"
 9 3. Page 9, by striking line 35 and inserting the
 10 following:
 11 "..... \$ 372,066"

FORD of Polk
BERRY of Black Hawk
H. MILLER of Webster

H-8488

1 Amend Senate File 2122, as passed by the Senate, as
 2 follows:
 3 1. By striking page 10, line 31, through page 11,
 4 line 8.
 5 2. By renumbering as necessary.

GASKILL of Wapello

H-8491

1 Amend the amendment, H-8464, to House File 2412, as
 2 follows:
 3 1. By striking page 1, line 2, through page 3,
 4 line 9, and inserting the following:
 5 "____. Page 2, by inserting after line 8, the
 6 following:
 7 "Sec.____. NEW SECTION. 70A.1A BONUS PAY.
 8 1. As used in this section unless the context

9 otherwise requires, "bonus pay" means any additional
10 remuneration provided to an employee in the form of a
11 bonus, including but not limited to a retention bonus,
12 recruitment bonus, exceptional job performance pay,
13 extraordinary job performance pay, exceptional
14 performance pay, extraordinary duty pay, extraordinary
15 or special duty pay, advanced appointment rate,
16 incentive pay, and any extra benefit not otherwise
17 provided to other similarly situated employees.

18 2. Unless otherwise authorized by law or required
19 pursuant to a collective bargaining agreement, a state
20 employee shall not, in addition to a salary, receive
21 any bonus pay unless all of the following have
22 occurred:

23 a. All requests for the payment of bonus pay to a
24 state employee shall be submitted in writing on a
25 prescribed form, to the director of the department in
26 which the state employee is employed. The request
27 shall contain a detailed justification for the request
28 explaining how approval of the bonus pay request will
29 benefit the efficiency or effectiveness of the state's
30 operations.

31 b. If approved by the employee's department
32 director, the bonus pay request shall then be
33 submitted to the director of the department of
34 administrative services for review and approval or
35 denial. However, if the bonus pay request is for an
36 employee of the department of administrative services,
37 the request shall instead be submitted to the
38 department of management for approval or denial. A
39 bonus pay request shall not be effective until the
40 request has been approved or denied as provided in
41 this paragraph "b". An approved bonus pay request
42 shall be submitted by a department director to the
43 department of administrative services or to the
44 department of management, as applicable, not less than
45 forty-five days before the end of the fiscal year in
46 order to be approved for payment during that fiscal
47 year.

48 c. A state employee is eligible to receive bonus
49 pay pursuant to an approved bonus pay request only
50 once during each fiscal year.

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1 3. The department of administrative services shall
2 maintain a record of all approved bonus pay requests
3 including copies of all documents submitted in
4 conjunction with such requests, which shall be
5 available for public inspection as provided in chapter
6 22.

7 4. The director of the department of

8 administrative services shall present a report at the
 9 end of each fiscal year to the joint government
 10 oversight committee of the general assembly. Copies
 11 of the annual report shall be furnished to members of
 12 the public upon request as provided in chapter 22."
 13 _____. Title page, line 3, by inserting after the
 14 word "employees" the following: ", and payment of
 15 bonus pay to certain government employees".
 16 _____. By renumbering as necessary."

BAUDLER of Adair

H-8494

1 Amend House File 2680 as follows:
 2 1. Page 5, by striking lines 21 and 22.
 3 2. Page 6, by striking lines 2 and 3.
 4 3. By renumbering as necessary.

CHAMBERS of O'Brien
 MAY of Dickinson
 TYMESON of Madison
 BOAL of Polk

H-8495

1 Amend House File 2679 as follows:
 2 1. Page 12, line 15, by inserting after the word
 3 "allocation." the following: "The reduction in grant
 4 amount award in accordance with this paragraph may be
 5 applied to categorical funding requirements at the
 6 discretion of each community empowerment area,
 7 regardless of the categorical sources of the area's
 8 fiscal year 2006-2007 ending balance."

WINCKLER of Scott

H-8498

1 Amend Senate File 2404, as passed by the Senate, as
 2 follows:
 3 1. Page 2, line 28, by inserting after the word
 4 "office." the following: "The board shall adopt rules
 5 prohibiting a political subdivision from using public
 6 funds to pay a person, organization, or other entity
 7 to act as a lobbyist of the executive branch of state
 8 government involving any legislation, administrative
 9 rule, or executive order relating specifically to
 10 eminent domain authority or condemnation procedures."
 11 2. Page 3, line 5, by inserting after the word
 12 "government," the following: "except from political

13 subdivisions prohibited by board rule adopted under
 14 section 68B.32 from paying a lobbyist.".

KAUFMANN of Cedar

H-8500

1 Amend the Senate amendment, H-8403, to House File
 2 2628, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by striking lines 3 and 4.

R. OLSON of Polk

H-8506

1 Amend House File 2239 as follows:
 2 1. Page 9, by inserting after line 33 the
 3 following:
 4 "Sec. _____. Section 272.2, subsection 1, paragraph
 5 a, Code Supplement 2007, is amended to read as
 6 follows:
 7 a. License practitioners who do not hold or
 8 receive a license from another professional licensing
 9 board. Licensing authority includes the authority to
 10 establish criteria for the licenses; establish
 11 issuance and renewal requirements; create application
 12 and renewal forms; create licenses that authorize
 13 different instructional functions or specialties;
 14 develop a code of professional rights and
 15 responsibilities, practices, and ethics, which shall,
 16 among other things, address the failure of a
 17 practitioner to fulfill contractual obligations under
 18 section 279.13; and develop any other classifications,
 19 distinctions, and procedures which may be necessary to
 20 exercise licensing duties. In addressing the failure
 21 of a practitioner to fulfill contractual obligations,
 22 the board shall consider factors beyond the
 23 practitioner's control. Rules adopted by the board
 24 that establish renewal requirements shall allow
 25 credits earned by practitioners which are issued by
 26 institutions including but not limited to the
 27 following:
 28 (1) National endowment for the humanities.
 29 (2) National constitution center.
 30 (3) Annenberg foundation.
 31 (4) National science foundation.
 32 (5) Institutions offering recertification credit
 33 whose credits are recognized and accepted by other

34 state educational practitioner licensing boards."
35 2. By renumbering as necessary.

LUKAN of Dubuque

H-8508

- 1 Amend House File 2679 as follows:
- 2 1. Page 8, by striking line 33 and inserting the
- 3 following:
- 4 "..... \$23,781,594"
- 5 2. Page 12, line 14, by striking the figure "20"
- 6 and inserting the following: "30".
- 7 3. Page 14, by striking line 23 and inserting the
- 8 following:
- 9 "..... \$712,763"
- 10 4. By striking page 25, line 9, through page 26,
- 11 line 13.
- 12 5. Page 39, line 23, by striking the word "DATES"
- 13 and inserting the following: "DATE".
- 14 6. Page 39, line 24, by striking the figure "1."
- 15 7. Page 39, by striking lines 28 through 30.
- 16 8. By renumbering as necessary.

HEATON of Henry

H-8513

- 1 Amend House File 2679 as follows:
- 2 1. Page 26, by inserting after line 13 the
- 3 following:
- 4 "Sec.____. Section 232.2, subsection 12, Code
- 5 Supplement 2007, is amended by adding the following
- 6 new paragraph:
- 7 NEW PARAGRAPH. d. The violation of section 299.6
- 8 by a child ten years of age or older.
- 9 Sec.____. Section 232.22, subsection 8, Code 2007,
- 10 is amended to read as follows:
- 11 8. Notwithstanding any other provision of the Code
- 12 to the contrary, a child shall not be placed in
- 13 detention for a violation of section 123.47 or 299.6,
- 14 or for failure to comply with a dispositional order
- 15 which provides for performance of community service
- 16 for a violation of section 123.47 or 299.6."
- 17 2. Page 37, by inserting after line 14 the
- 18 following:
- 19 "Sec.____. Section 299.5A, unnumbered paragraph 4,
- 20 Code 2007, is amended to read as follows:
- 21 The school district shall be responsible for
- 22 monitoring any agreements arrived at through
- 23 mediation. If a parent, guardian, or legal or actual
- 24 custodian, or the child if the child is ten years of

25 age or older, refuses to engage in mediation or
 26 violates a term of the agreement, the matter shall be
 27 rereferred to the county attorney for prosecution
 28 under section 299.6. The county attorney's office or
 29 the mediation service shall require the parent,
 30 guardian, or legal or actual custodian and the school
 31 to pay a fee to help defray the administrative cost of
 32 mediation services. The county attorney's office or
 33 the mediation service shall establish a sliding scale
 34 of fees to be charged parents, guardians, and legal or
 35 actual custodians based upon ability to pay. A
 36 parent, guardian, or legal or actual custodian shall
 37 not be denied the services of a mediator solely
 38 because of inability to pay the fee.

39 Sec.____. Section 299.6, unnumbered paragraph 1,
 40 Code 2007, is amended to read as follows:

41 Any person who violates a mediation agreement under
 42 section 299.5A, who is referred for prosecution under
 43 section 299.5A and is convicted of a violation of any
 44 of the provisions of sections 299.1 through 299.5, who
 45 violates any of the provisions of sections 299.1
 46 through 299.5, or who refuses to participate in
 47 mediation under section 299.5A, for a first offense,
 48 is guilty of a simple misdemeanor. If a child ten
 49 years of age or older violates a mediation agreement
 50 under section 299.5A, or refuses to participate in

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1 mediation under section 299.5A, the child commits a
 2 delinquent act."

3 3. By renumbering as necessary.

HORBACH of Tama

H-8514

1 Amend House File 2688 as follows:

2 1. Page 7, by inserting after line 8 the
 3 following:

4 "Sec.____. Section 459.102, Code 2007, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 46A. "Tourist attraction" means a
 7 portion of real estate having unique archaeological,
 8 cultural, historical, recreational, scenic, or
 9 scientific significance, and that tends to attract the
 10 visiting public.

11 Sec.____. Section 459.202, Code 2007, is amended
 12 by adding the following new subsection:

13 NEW SUBSECTION. 7. A confinement feeding
 14 operation structure shall not be constructed or
 15 expanded within three miles from a museum, historic

16 site, or tourist attraction."
 17 2. By renumbering as necessary.

GASKILL of Wapello

H-8516

1 Amend Senate File 2382, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 1 through 6.
 4 2. Page 2, by striking lines 13 through 19 and
 5 inserting the following: "~~by section 907.4 shall not~~
 6 ~~be expunged. The court's record shall not be expunged~~
 7 ~~in any other circumstances. The expunged record is a~~
 8 confidential record exempt from public access under
 9 section 22.7 but shall be made available by the clerk
 10 of the district court, upon request and without court
 11 order, to an agency or person granted access to the
 12 deferred judgment docket under section 907.4."
 13 3. By renumbering as necessary.

R. OLSON of Polk
 SWAIM of Davis

H-8522

1 Amend Senate File 2402, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 24 the
 4 following:
 5 "Sec.____. Section 423.3, subsection 78,
 6 unnumbered paragraph 2, Code Supplement 2007, is
 7 amended to read as follows:
 8 This exemption does not apply to the sales price
 9 from games of skill, games of chance, raffles, and
 10 bingo games as defined in chapter 99B. However, this
 11 exemption applies to the sales price from raffles held
 12 by public elementary schools in the state. This
 13 exemption is disallowed on the amount of the sales
 14 price only to the extent the profits from the sales,
 15 rental, or services are not used by or donated to the
 16 appropriate entity and expended for educational,
 17 religious, or charitable purposes."
 18 2. Page 4, by inserting before line 16 the
 19 following:
 20 "Sec.____. EFFECTIVE DATE. The section of this
 21 Act amending section 423.3, subsection 78, being
 22 deemed of immediate importance, takes effect upon
 23 enactment."
 24 3. Title page, line 4, by inserting after the

25 word "taxes" the following: "and including an
 26 effective date provision".

VAN FOSSEN of Scott

H-8525

1 Amend House File 2688 as follows:

2 1. Page 2, by inserting after line 25 the
 3 following:

4 "____. Applied research projects conducted on the
 5 site of a livestock operation shall be financed on a
 6 cost-share basis with the university contributing not
 7 more than fifty percent of the actual cost of
 8 conducting the research. The university may accept
 9 contributions from persons interested in financing the
 10 research projects."

11 2. Page 3, by inserting after line 15 the
 12 following:

13 "____. Applied research projects conducted on the
 14 site of a livestock operation shall be financed on a
 15 cost-share basis with the university contributing not
 16 more than fifty percent of the actual cost of
 17 conducting the research. The university may accept
 18 contributions from persons interested in financing the
 19 research projects."

20 3. By renumbering as necessary.

FREVERT of Palo Alto
 JOCHUM of Dubuque
 KUHN of Floyd
 WHITAKER of Van Buren
 KELLEY of Black Hawk

H-8527

1 Amend House File 2675 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. Section 96.3, subsection 5, Code 2007,
 5 is amended to read as follows:

6 5. a. DURATION OF BENEFITS. The maximum total
 7 amount of benefits payable to an eligible individual
 8 during a benefit year shall not exceed the total of
 9 the wage credits accrued to the individual's account
 10 during the individual's base period, or twenty-six
 11 times the individual's weekly benefit amount,
 12 whichever is the lesser. The director shall maintain
 13 a separate account for each individual who earns wages
 14 in insured work. The director shall compute wage
 15 credits for each individual by crediting the
 16 individual's account with one-third of the wages for

17 insured work paid to the individual during the
18 individual's base period. However, the director shall
19 recompute wage credits for an individual who is laid
20 off due to the individual's employer going out of
21 business at the factory, establishment, or other
22 premises at which the individual was last employed, by
23 crediting the individual's account with one-half,
24 instead of one-third, of the wages for insured work
25 paid to the individual during the individual's base
26 period. Benefits paid to an eligible individual shall
27 be charged against the base period wage credits in the
28 individual's account which have not been previously
29 charged, in the inverse chronological order as the
30 wages on which the wage credits are based were paid.
31 However if the state "off indicator" is in effect and
32 if the individual is laid off due to the individual's
33 employer going out of business at the factory,
34 establishment, or other premises at which the
35 individual was last employed, the maximum benefits
36 payable shall be extended to thirty-nine times the
37 individual's weekly benefit amount, but not to exceed
38 the total of the wage credits accrued to the
39 individual's account.

40 b. TRAINING EXTENSION BENEFITS. An individual who
41 is in training with the approval of the director at
42 the time regular benefits are exhausted may be
43 eligible for training extension benefits. The
44 training extension benefit amount shall be twenty-six
45 times the individual's weekly benefit amount, and the
46 weekly benefit amount shall be equal to the
47 individual's weekly benefit amount for the claim in
48 which benefits were exhausted while in training. An
49 individual who is receiving training extension
50 benefits shall not be denied benefits due to

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1 application of section 96.4, subsection 3, or section
2 96.5, subsection 3. However, an employer's account
3 shall not be charged with benefits so paid. Relief of
4 charges under this paragraph applies to both
5 contributory and reimbursable employers,
6 notwithstanding section 96.8, subsection 5. In order
7 for the individual to be eligible for training
8 extension benefits all of the following criteria must
9 be met:

10 (1) Training extension benefits end upon
11 completion of the training even though a portion of
12 the training extension benefit amount may remain, but
13 the benefits shall not extend beyond the end of the
14 benefit year.

15 (2) The individual must be enrolled, participating

16 in the training, and making satisfactory progress to
 17 complete the training.

18 (3) The individual is considered to be in training
 19 during regularly scheduled vacation or recess periods
 20 of three weeks or less but not during a summer
 21 vacation period or school break which is longer than
 22 three weeks. If the individual immediately returns to
 23 training after the summer vacation or break period of
 24 longer than three weeks, the individual may reopen the
 25 training extension claim. Otherwise, the individual
 26 must be continuously in training in order to be
 27 eligible for training extension benefits.

28 Sec. 2. Section 96.5, subsection 1, Code
 29 Supplement 2007, is amended by adding the following
 30 new paragraph:

31 NEW PARAGRAPH. b. The individual left employment
 32 due to domestic abuse, as defined in section 236.2, or
 33 stalking, as described in section 708.11, perpetrated
 34 against the individual, and the individual reasonably
 35 believed such act was necessary to protect the safety
 36 of the individual or the individual's family.
 37 Benefits related to wage credits earned with the
 38 employer that the individual has left shall be charged
 39 to the unemployment compensation fund. This paragraph
 40 applies to both contributory and reimbursable
 41 employers, notwithstanding section 96.8, subsection 5.
 42 All evidence of domestic abuse or stalking experienced
 43 by an individual, including the individual's statement
 44 and any corroborating evidence, shall not be disclosed
 45 by the department, except to the parties in a
 46 contested benefit case proceeding and to the
 47 employment appeal board or courts in an appeal or
 48 unless consent for disclosure is granted in writing by
 49 the individual. Evidence of domestic abuse or
 50 stalking may include but is not limited to any of the

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1 following:

2 (1) A statement or report from a law enforcement
 3 agency or professional, medical professional, mental
 4 health professional, or domestic violence shelter or
 5 professional.

6 (2) Witness statements regarding an incident that
 7 causes the individual to believe the individual's life
 8 or safety or the life or safety of a member of the
 9 individual's family is in danger.

10 Sec. 3. Section 96.7, subsection 2, paragraph a,
 11 subparagraph (2), Code 2007, is amended by adding the
 12 following new unnumbered paragraph after unnumbered
 13 paragraph 5:

14 NEW UNNUMBERED PARAGRAPH. The account of an

15 employer shall not be charged with benefits paid to an
 16 individual who is laid off if the benefits are paid as
 17 the result of the return to work of a permanent
 18 employee who is one of the following:

19 (a) A member of the national guard or organized
 20 reserves of the armed forces of the United States
 21 ordered to temporary duty, as defined in section
 22 29A.1, subsection 3, 11, or 12, for any purpose, who
 23 has completed the duty as evidenced in accordance with
 24 section 29A.43.

25 (b) A member of the civil air patrol performing
 26 duty pursuant to section 29A.3A, who has completed the
 27 duty as evidenced in accordance with section 29A.43.

28 Sec. 4. FUTURE APPROPRIATION OF FEDERAL FUNDS.

29 Any funds received by this state from the federal
 30 government pursuant to section 903 of the federal
 31 Social Security Act as a result of the enactment of
 32 this Act shall be appropriated by the general assembly
 33 to the department of workforce development to be used
 34 for the payment of unemployment insurance benefits or
 35 for the administration of the Iowa employment security
 36 law, chapter 96, and public employment offices.

37 Sec. 5. EFFECTIVE AND APPLICABILITY DATES. The
 38 sections of this Act amending sections 96.3 and 96.7
 39 apply to any week of unemployment benefits beginning
 40 on or after July 1, 2008. The section of this Act
 41 enacting section 96.5, subsection 1, paragraph "b",
 42 takes effect June 29, 2008, and applies to any week of
 43 unemployment benefits beginning on or after that
 44 date."

COMMITTEE ON LABOR

H-8528

1 Amend House File 2672 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following:

4 "DIVISION I
 5 WATER USE PERMIT FEES"

6 2. Page 2, line 24, by inserting after the word
 7 "of" the following: "this division of".

8 3. Page 2, by inserting after line 28 the
 9 following:

10 "DIVISION II
 11 DRAINAGE DISTRICTS"

12 Sec. ____ NEW SECTION. 468.4A ESTABLISHMENT OF
 13 LEVEE OR DRAINAGE DISTRICT – MINIMUM SIZE.

14 A levee or drainage district shall not be
 15 established in an area which includes less than
 16 one-third of a watershed, unless all owners of land
 17 which would be included in the watershed sign a

18 petition for the establishment of the levee or
 19 drainage district as provided in section 468.6.
 20 Sec. ____ Section 468.6, Code 2007, is amended to
 21 read as follows:

22 468.6 NUMBER OF PETITIONERS REQUIRED.

23 1. Two Except as provided in subsection 2, two or
 24 more owners of lands named in the petition described
 25 in section 468.8, may file in the office of the county
 26 auditor a petition for the establishment of a levee or
 27 drainage district, including a district which involves
 28 only the straightening of a creek or river. If the
 29 district described in the petition is a subdistrict,
 30 one or more owners of land affected by the proposed
 31 improvement may petition for such district.

32 2. If a levee or drainage district is established
 33 in an area which includes less than one-third of a
 34 watershed, all owners of land which would be included
 35 in the levee or drainage district must sign the
 36 petition described in subsection 1."

37 4. Title page, line 1, by inserting after the
 38 word "use" the following: "and drainage by providing
 39 for water use".

40 5. Title page, line 2, by inserting after the
 41 word "fund," the following: "providing for the
 42 establishment of drainage districts,".

43 6. By renumbering as necessary.

KAUFMANN of Cedar

H-8535

1 Amend House File 2681 as follows:

2 1. Page 2, by inserting after line 23 the
 3 following:

4 "Sec. ____ Section 299.5A, unnumbered paragraph 4,
 5 Code 2007, is amended to read as follows:

6 The school district shall be responsible for
 7 monitoring any agreements arrived at through
 8 mediation. If a parent, guardian, or legal or actual
 9 custodian, or the child if the child is ten years of
 10 age or older, refuses to engage in mediation or
 11 violates a term of the agreement, the matter shall be
 12 rereferred to the county attorney for prosecution
 13 under section 299.6. The county attorney's office or
 14 the mediation service shall require the parent,
 15 guardian, or legal or actual custodian and the school
 16 to pay a fee to help defray the administrative cost of
 17 mediation services. The county attorney's office or
 18 the mediation service shall establish a sliding scale
 19 of fees to be charged parents, guardians, and legal or
 20 actual custodians based upon ability to pay. A
 21 parent, guardian, or legal or actual custodian shall

22 not be denied the services of a mediator solely
 23 because of inability to pay the fee.
 24 Sec.____. Section 299.6, unnumbered paragraph 1,
 25 Code 2007, is amended to read as follows:
 26 Any person who violates a mediation agreement under
 27 section 299.5A, who is referred for prosecution under
 28 section 299.5A and is convicted of a violation of any
 29 of the provisions of sections 299.1 through 299.5, who
 30 violates any of the provisions of sections 299.1
 31 through 299.5, or who refuses to participate in
 32 mediation under section 299.5A, for a first offense,
 33 is guilty of a simple misdemeanor. If a child ten
 34 years of age or older violates a mediation agreement
 35 under section 299.5A, or refuses to participate in
 36 mediation under section 299.5A, the child commits a
 37 delinquent act. However, the child shall not be
 38 placed in detention under chapter 232 for a violation
 39 of section 299.5A."
 40 2. By renumbering as necessary.

HORBACH of Tama

H-8536

1 Amend Senate File 2203, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 709.8, unnumbered paragraph 2,
 6 Code 2007, is amended to read as follows:
 7 Any person who violates a provision of this section
 8 ~~involving an act included in subsection 1 or 2 shall,~~
 9 upon conviction, be guilty of a class "C" felony. ~~Any~~
 10 ~~person who violates a provision of this section~~
 11 ~~involving an act included in subsection 3 or 4 shall,~~
 12 ~~upon conviction, be guilty of a class "D" felony.~~
 13 Sec.____. Section 709.11, Code 2007, is amended to
 14 read as follows:
 15 709.11 ASSAULT WITH INTENT TO COMMIT SEXUAL ABUSE.
 16 Any person who commits an assault, as defined in
 17 section 708.1, with the intent to commit sexual abuse
 18 is guilty of a class "C" felony if the person thereby
 19 causes ~~serious~~ injury to any person and guilty of a
 20 class "D" felony if the person ~~thereby causes any~~
 21 ~~person a bodily injury other than a serious~~ does not
 22 cause an injury to a person. The person is guilty of
 23 an aggravated misdemeanor if no injury results.
 24 Sec.____. Section 709.12, unnumbered paragraph 1,
 25 Code 2007, is amended to read as follows:
 26 A person eighteen years of age or older is upon
 27 conviction guilty of ~~an aggravated misdemeanor a class~~
 28 "D" felony if the person commits any of the following

29 acts with a child, not the person's spouse, with or
30 without the child's consent, for the purpose of
31 arousing or satisfying the sexual desires of either of
32 them:

33 Sec.____. Section 709.14, Code 2007, is amended to
34 read as follows:

35 709.14 LASCIVIOUS CONDUCT WITH A MINOR.

36 1. It is unlawful for a person over eighteen years
37 of age who is in a position of authority over a minor
38 to force, persuade, or coerce a minor, with or without
39 consent, to disrobe or partially disrobe for the
40 purpose of arousing or satisfying the sexual desires
41 of either of them.

42 2. Lascivious conduct with a minor as prohibited
43 in subsection 1 is a ~~serious misdemeanor~~ class "D"
44 felony."

45 2. Title page, line 1, by inserting after the
46 words "relating to" the following: "the commission of
47 abusive acts, including sexual abuse and".

48 3. Title page, by striking line 2, and inserting
49 the following: "tormented, or killed, and providing
50 for penalties."

Page 2

1 4. By renumbering as necessary.

KELLEY of Black Hawk

H-8537

1 Amend House File 2686 as follows:

2 1. Page 19, by inserting before line 10 the
3 following:

4 "DIVISION _____

5 MEMORANDUM OF UNDERSTANDING

6 Sec.____. MEMORANDUM OF UNDERSTANDING –
7 NATURALIZATION PROCESS.

8 1. The attorney general is authorized and directed
9 to negotiate the terms of a memorandum of
10 understanding between the state of Iowa and the United
11 States department of justice or the department of
12 homeland security pertaining to a pilot program that
13 allows state officials to initiate the procedures of
14 naturalization for immigrants residing in the state of
15 Iowa.

16 2. The memorandum of understanding negotiated
17 pursuant to subsection 1 shall be signed on behalf of
18 this state by the attorney general and the governor or
19 as otherwise required by the appropriate federal
20 agency but shall not be implemented until money is

21 appropriated for such purpose."
 22 2. By renumbering as necessary.

R. OLSON of Polk

H-8538

1 Amend the amendment, H-8527, to House File 2675, as
 2 follows:
 3 1. Page 3, line 44, by inserting after the word
 4 "date." the following: "The sections of this Act
 5 referred to in this section shall not become effective
 6 until the United States department of labor notifies
 7 the Iowa department of workforce development that the
 8 sections are in compliance with federal law and the
 9 department of workforce development provides a copy of
 10 the notification to the Iowa Code editor."

HORBACH of Tama

H-8539

1 Amend House File 2667 as follows:
 2 1. By striking page 4, line 9, through page 5,
 3 line 28.
 4 2. By renumbering as necessary.

COMMITTEE ON ADMINISTRATION

H-8540

1 Amend Senate File 2203, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 1 through 9 and
 4 inserting the following:
 5 "Sec.____. Section 717D.1, subsection 8, Code
 6 2007, is amended to read as follows:
 7 8. "Spectator" means a person who attends an
 8 establishment ~~for purposes of witnessing knowingly to~~
 9 watch or observe a contest event.
 10 Sec.____. Section 717D.2, subsection 9, Code 2007,
 11 is amended to read as follows:
 12 9. Gambling at a contest event conducted in this
 13 state, including but not limited to wagering on the
 14 outcome of a contest involving animals.
 15 10. Act as a spectator of a contest event
 16 conducted in this state, regardless of whether the
 17 person paid admission to witness the contest event.
 18 Sec.____. Section 717D.4, Code 2007, is amended to
 19 read as follows:
 20 717D.4 PENALTIES.
 21 1. Except as provided in ~~subsection 2~~ section

22 717D.2, subsection 10, a person who violates a
 23 provision of this chapter ~~is guilty of~~ commits a class
 24 "D" felony.

25 2. A person who violates section 717D.2,
 26 subsection 10, by acting as a spectator of a contest
 27 event conducted in this state ~~is guilty of an~~ commits
 28 the following:

29 a. An aggravated misdemeanor for the first
 30 offense.

31 b. A class "D" felony for a second or subsequent
 32 offense."

33 2. By renumbering as necessary.

R. OLSON of Polk

H-8543

1 Amend House File 2381 as follows:

2 1. Page 1, by striking lines 1 through 9 and
 3 inserting the following:

4 "Sec.____. Section 717D.1, subsection 8, Code
 5 2007, is amended to read as follows:

6 8. "Spectator" means a person who attends an
 7 establishment ~~for purposes of witnessing~~ knowingly to
 8 watch or observe a contest event.

9 Sec.____. Section 717D.2, subsection 9, Code 2007,
 10 is amended to read as follows:

11 9. Gambling at a contest event conducted in this
 12 state, including but not limited to wagering on the
 13 outcome of a contest involving animals.

14 10. Act as a spectator of a contest event
 15 conducted in this state, regardless of whether the
 16 person paid admission to witness the contest event.

17 Sec.____. Section 717D.4, Code 2007, is amended to
 18 read as follows:

19 717D.4 PENALTIES.

20 1. Except as provided in ~~subsection 2~~ section
 21 717D.2, subsection 10, a person who violates a
 22 provision of this chapter ~~is guilty of~~ commits a class
 23 "D" felony.

24 2. A person who violates section 717D.2,
 25 subsection 10, by acting as a spectator of a contest
 26 event conducted in this state ~~is guilty of an~~ commits
 27 the following:

28 a. An aggravated misdemeanor for the first
 29 offense.

30 b. A class "D" felony for a second or subsequent
 31 offense."

32 2. By renumbering as necessary.

R. OLSON of Polk

H-8546

1 Amend Senate File 2411, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 21.6, subsection 3, paragraph
6 a, subparagraph (3), Code 2007, is amended to read as
7 follows:

8 (3) Reasonably relied upon a decision of a court,
9 ~~or~~ a formal opinion of the Iowa public information
10 board, the attorney general, or the attorney for the
11 governmental body, given in writing, or as
12 memorialized in the minutes of the meeting at which a
13 formal oral opinion was given, or an advisory opinion
14 of the Iowa public information board, the attorney
15 general, or the attorney for the governmental body,
16 given in writing.

17 Sec. 2. Section 21.6, subsection 3, paragraph d,
18 Code 2007, is amended to read as follows:

19 d. Shall issue an order removing a member of a
20 governmental body from office if that member has
21 engaged in a prior violation of this chapter for which
22 damages were assessed against the member during the
23 member's term. In making this determination, the
24 court shall recognize violations for which damages
25 were assessed by the Iowa public information board
26 created in section 23.3.

27 Sec. 3. Section 22.10, subsection 3, paragraphs b
28 and d, Code 2007, are amended to read as follows:

29 b. Shall assess the persons who participated in
30 its violation damages in the amount of not more than
31 five hundred dollars nor less than one hundred
32 dollars. These damages shall be paid by the court
33 imposing them to the state of Iowa if the body in
34 question is a state government body, or to the local
35 government involved if the body in question is a local
36 government body. A person found to have violated this
37 chapter shall not be assessed such damages if that
38 person proves that the person either voted against the
39 action violating this chapter, refused to participate
40 in the action violating this chapter, or engaged in
41 reasonable efforts under the circumstances to resist
42 or prevent the action in violation of this chapter;
43 had good reason to believe and in good faith believed
44 facts which, if true, would have indicated compliance
45 with the requirements of this chapter; or reasonably
46 relied upon a decision of a court ~~or as a formal~~
47 opinion of the Iowa public information board, the
48 attorney general or the attorney for the government
49 body, given in writing or as memorialized in the
50 minutes of the meeting at which a formal oral opinion

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1 was given, or an advisory opinion of the Iowa public
 2 information board, the attorney general, or the
 3 attorney for the government body, given in writing.

4 d. Shall issue an order removing a person from
 5 office if that person has engaged in a prior violation
 6 of this chapter for which damages were assessed
 7 against the person during the person's term. In
 8 making this determination, the court shall recognize
 9 violations for which damages were assessed by the Iowa
 10 public information board created in section 23.3.

11 Sec. 4. NEW SECTION. 23.1 CITATION AND PURPOSE.

12 This chapter may be cited as the "Iowa Public
 13 Information Board Act". The purpose of this chapter
 14 is to provide an alternative means by which to secure
 15 compliance with and enforcement of the requirements of
 16 chapters 21 and 22 through the provision by the Iowa
 17 public information board to all interested parties of
 18 an efficient, informal, and cost-effective process for
 19 resolving disputes.

20 Sec. 5. NEW SECTION. 23.2 DEFINITIONS.

21 1. "Board" means the Iowa public information board
 22 created in section 23.3.

23 2. "Complainant" means a person who files a
 24 complaint with the board.

25 3. "Complaint" means a written and signed document
 26 filed with the board alleging a violation of chapter
 27 21 or 22.

28 4. "Custodian" means a government body, government
 29 official, or government employee designated as the
 30 lawful custodian of a government record pursuant to
 31 section 22.1.

32 5. "Government body" means the same as defined in
 33 section 22.1.

34 6. "Person" means an individual, partnership,
 35 association, corporation, legal representative,
 36 trustee, receiver, custodian, government body, or
 37 official, employee, agency, or political subdivision
 38 of this state.

39 7. "Respondent" means any agency or other unit of
 40 state or local government, custodian, government
 41 official, or government employee who is the subject of
 42 a complaint.

43 Sec. 6. NEW SECTION. 23.3 BOARD APPOINTED.

44 1. An Iowa public information board is created
 45 consisting of five members appointed by the governor,
 46 subject to confirmation by the senate. Membership
 47 shall be balanced as to political affiliation as
 48 provided in section 69.16 and gender as provided in
 49 section 69.16A. Members appointed to the board shall
 50 serve staggered, four-year terms, beginning and ending

Page 3

1 as provided by section 69.19. A quorum shall consist
2 of three members.

3 2. A vacancy on the board shall be filled by the
4 governor by appointment for the unexpired part of the
5 term. A board member may be removed from office by
6 the governor for good cause. The board shall select
7 one of its members to serve as chair and shall employ
8 a director who shall serve as the executive officer of
9 the board.

10 Sec. 7. NEW SECTION. 23.4 COMPENSATION AND
11 EXPENSES.

12 Board members shall be paid a per diem as specified
13 in section 7E.6 and shall be reimbursed for actual and
14 necessary expenses incurred while on official board
15 business. Per diem and expenses shall be paid from
16 funds appropriated to the board.

17 Sec. 8. NEW SECTION. 23.5 ELECTION OF REMEDIES.

18 1. An aggrieved person, any taxpayer to or citizen
19 of this state, the attorney general, or any county
20 attorney may seek enforcement of the requirements of
21 chapters 21 and 22 by electing either to file an
22 action pursuant to section 17A.19, 21.6, or 22.10,
23 whichever is applicable, or in the alternative, to
24 file a timely complaint with the board.

25 2. If more than one person seeks enforcement of
26 chapter 21 or 22 with respect to the same incident
27 involving an alleged violation, and one or more of
28 such persons elects to do so by filing an action under
29 section 17A.19, 21.6, or 22.10 and one or more of such
30 persons elects to do so by filing a timely complaint
31 with the board, the court in which the action was
32 filed shall dismiss the action without prejudice,
33 authorizing the complainant to file a complaint with
34 respect to the same incident with the board without
35 regard to the timeliness of the filing of the
36 complaint at the time the action in court is
37 dismissed.

38 3. If a person files an action pursuant to section
39 22.8 seeking to enjoin the inspection of a public
40 record, the respondent or person requesting access to
41 the record which is the subject of the request for
42 injunction may remove the proceeding to the board for
43 its determination by filing, within thirty days of the
44 commencement of the judicial proceeding, a complaint
45 with the board alleging a violation of chapter 22 in
46 regard to the same matter.

47 Sec. 9. NEW SECTION. 23.6 BOARD POWERS AND
48 DUTIES.

49 The board shall have all of the following powers
50 and duties:

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1 1. Employ such employees as are necessary to
2 execute its authority, including administrative law
3 judges, and attorneys to prosecute respondents in
4 proceedings before the board and to represent the
5 board in proceedings before a court. Notwithstanding
6 section 8A.412, all of the board's employees, except
7 for the executive director and attorneys, shall be
8 employed subject to the merit system provisions of
9 chapter 8A, subchapter IV.

10 2. Adopt rules with the force of law pursuant to
11 chapter 17A calculated to implement, enforce, and
12 interpret the requirements of chapters 21 and 22 and
13 to implement any authority delegated to the board by
14 this chapter.

15 3. Issue, consistent with the requirements of
16 section 17A.9, declaratory orders with the force of
17 law determining the applicability of chapter 21 or 22
18 to specified fact situations and issue informal advice
19 to any person concerning the applicability of chapters
20 21 and 22.

21 4. Receive complaints alleging violations of
22 chapter 21 or 22, seek resolution of such complaints
23 through informal assistance or through mediation and
24 settlement, formally investigate such complaints,
25 decide after such an investigation whether there is
26 probable cause to believe a violation of chapter 21 or
27 22 has occurred, and if probable cause has been found
28 prosecute the respondent before the board in a
29 contested case proceeding conducted according to the
30 provisions of chapter 17A.

31 5. Request and receive from a government body
32 assistance and information as necessary in the
33 performance of its duties. The board may examine a
34 record of a government body that is the subject matter
35 of a complaint, including any record that is
36 confidential by law. Confidential records provided to
37 the board by a governmental body shall continue to
38 maintain their confidential status. Any member or
39 employee of the board is subject to the same policies
40 and penalties regarding the confidentiality of the
41 document as an employee of the government body.

42 6. Issue subpoenas enforceable in court for the
43 purpose of investigating complaints and to facilitate
44 the prosecution and conduct of contested cases before
45 the board.

46 7. After appropriate board proceedings, issue
47 orders with the force of law, determining whether
48 there has been a violation of chapter 21 or 22,
49 requiring compliance with specified provisions of
50 those chapters, imposing civil penalties equivalent to

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1 and to the same extent as those provided for in
2 section 21.6 or 22.10, as applicable, on a respondent
3 who has been found in violation of chapter 21 or 22,
4 and imposing any other appropriate remedies calculated
5 to declare, terminate, or remediate any violation of
6 those chapters.

7 8. Represent itself in judicial proceedings to
8 enforce or defend its orders and rules through
9 attorneys on its own staff, through the office of the
10 attorney general, or through other attorneys retained
11 by the board, at its option.

12 9. Make training opportunities available to lawful
13 custodians, government bodies, and other persons
14 subject to the requirements of chapters 21 and 22 and
15 require, in its discretion, appropriate persons who
16 have responsibilities in relation to chapters 21 and
17 22 to receive periodic training approved by the board.

18 10. Disseminate information calculated to inform
19 members of the public about the public's right to
20 access government information in this state including
21 procedures to facilitate this access and including
22 information relating to the obligations of government
23 bodies under chapter 21 and lawful custodians under
24 chapter 22 and other laws dealing with this subject.

25 11. Prepare and transmit to the governor and to
26 the general assembly, at least annually, reports
27 describing complaints received, board proceedings,
28 investigations, hearings conducted, decisions
29 rendered, and other work performed by the board.

30 12. Make recommendations to the general assembly
31 proposing legislation relating to public access to
32 government information deemed desirable by the board
33 in light of the policy of this state to provide as
34 much public access as possible to government
35 information as is consistent with the public interest
36 and the need to protect individuals against undue
37 invasions of personal privacy.

38 Sec. 10. NEW SECTION. 23.7 FILING OF COMPLAINTS
39 WITH THE BOARD.

40 1. The board shall adopt rules with the force of
41 law and pursuant to chapter 17A providing for the
42 timing, form, content, and means by which any
43 aggrieved person, any taxpayer to or citizen of this
44 state, the attorney general, or any county attorney
45 may file a complaint with the board alleging a
46 violation of chapter 21 or 22. The complaint must be
47 filed within sixty days from the time the alleged
48 violation occurred or the complainant could have
49 become aware of the violation with reasonable
50 diligence.

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1 2. All board proceedings in response to the filing
2 of a complaint shall be conducted as expeditiously as
3 possible.

4 3. The board shall not charge a complainant any
5 fee in relation to the filing of a complaint, the
6 processing of a complaint, or any board proceeding or
7 judicial proceeding resulting from the filing of a
8 complaint.

9 Sec. 11. NEW SECTION. 23.8 INITIAL PROCESSING OF
10 COMPLAINT.

11 Upon receipt of a complaint alleging a violation of
12 chapter 21 or 22, the board shall do either of the
13 following:

14 1. Determine that, on its face, the complaint is
15 within the board's jurisdiction, appears legally
16 sufficient, and could have merit. In such a case the
17 board shall accept the complaint, and shall notify the
18 parties of that fact in writing.

19 2. Determine that, on its face, the complaint is
20 outside its jurisdiction, is legally insufficient, is
21 frivolous, is without merit, involves harmless error,
22 or relates to a specific incident that has previously
23 been finally disposed of on its merits by the board or
24 a court. In such a case the board shall decline to
25 accept the complaint. If the board refuses to accept
26 a complaint, the board shall provide the complainant
27 with a written order explaining its reasons for the
28 action.

29 Sec. 12. NEW SECTION. 23.9 INFORMAL ASSISTANCE
30 – MEDIATION AND SETTLEMENT.

31 1. After accepting a complaint, the board shall
32 promptly work with the parties through its employees
33 to reach an informal, expeditious resolution of the
34 complaint. If an informal resolution satisfactory to
35 the parties cannot be reached, the board or the
36 board's designee shall offer the parties an
37 opportunity to resolve the dispute through mediation
38 and settlement.

39 2. The mediation and settlement process shall
40 enable the complainant to attempt to resolve the
41 dispute with the aid of a neutral mediator employed
42 and selected by the board, in its discretion, from
43 either its own staff or an outside source.

44 3. Mediation shall be conducted as an informal,
45 nonadversarial process and in a manner calculated to
46 help the parties reach a mutually acceptable and
47 voluntary settlement agreement. The mediator shall
48 assist the parties in identifying issues and shall
49 foster joint problem solving and the exploration of
50 settlement alternatives.

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1 Sec. 13. NEW SECTION. 23.10 ENFORCEMENT.

2 1. If any party declines mediation or settlement
3 or if mediation or settlement fails to resolve the
4 matter to the satisfaction of all parties, the board
5 shall initiate a formal investigation concerning the
6 facts and circumstances set forth in the complaint.
7 The board shall, after an appropriate investigation,
8 make a determination as to whether the complaint is
9 within the board's jurisdiction and whether there is
10 probable cause to believe that the facts and
11 circumstances alleged in the complaint constitute a
12 violation of chapter 21 or 22.

13 2. If the board finds the complaint is outside the
14 board's jurisdiction or there is no probable cause to
15 believe there has been a violation of chapter 21 or
16 22, the board shall issue a written order explaining
17 the reasons for the board's conclusions and dismissing
18 the complaint, and shall transmit a copy to the
19 complainant and to the party against whom the
20 complaint was filed.

21 3. a. If the board finds the complaint is within
22 the board's jurisdiction and there is probable cause
23 to believe there has been a violation of chapter 21 or
24 22, the board shall issue a written order to that
25 effect and shall commence a contested case proceeding
26 under chapter 17A against the respondent. An attorney
27 selected by the director of the board shall prosecute
28 the respondent in the contested case proceeding. At
29 the termination of the contested case proceeding the
30 board shall, by a majority vote of its members, render
31 a final decision as to the merits of the complaint.
32 If the board finds that the complaint has merit, the
33 board may issue any appropriate order to ensure
34 enforcement of chapter 21 or 22 including but not
35 limited to an order requiring specified action or
36 prohibiting specified action and any appropriate order
37 to remedy any failure of the respondent to observe any
38 provision of those chapters.

39 b. If the board determines, by a majority vote of
40 its members, that the respondent has violated chapter
41 21 or 22, the board may also do any or all of the
42 following:

43 (1) Require the respondent to pay damages as
44 provided for in section 21.6 or 22.10, whichever is
45 applicable, to the extent that provision would make
46 such damages payable if the complainant had sought to
47 enforce a violation in court instead of through the
48 board.

49 (2) Void any action taken in violation of chapter
50 21 if a court would be authorized to do so in similar

1 circumstances pursuant to section 21.6.
2 c. The board shall not have the authority to
3 remove a person from public office for a violation of
4 chapter 21 or 22. The board may file an action under
5 chapter 21 or 22 to remove a person from office for
6 violations that would subject a person to removal
7 under those chapters.

8 d. A final board order resulting from such
9 proceedings may be enforced by the board in court and
10 is subject to judicial review pursuant to section
11 17A.19.

12 Sec. 14. NEW SECTION. 23.11 DEFENSES IN A
13 CONTESTED CASE PROCEEDING.

14 A respondent may defend against a proceeding before
15 the board charging a violation of chapter 21 or 22 on
16 the ground that if such a violation occurred it was
17 only harmless error or that clear and convincing
18 evidence demonstrated that grounds existed to justify
19 a court to issue an injunction against disclosure
20 pursuant to section 22.8.

21 Sec. 15. NEW SECTION. 23.12 JURISDICTION.

22 The board shall not have jurisdiction over the
23 judicial or legislative branches of state government
24 or any entity, officer, or employee of those branches,
25 or over the governor or the office of the governor.

26 Sec. 16. IOWA PUBLIC INFORMATION BOARD –
27 TRANSITION PROVISIONS.

28 1. The initial members of the Iowa public
29 information board established pursuant to this Act
30 shall be appointed by September 1, 2008.

31 2. Notwithstanding any provision of this Act to
32 the contrary, the director of the board and employees
33 of the board shall not be hired prior to July 1, 2009.

34 3. Prior to July 1, 2009, the board shall submit a
35 report to the governor and the general assembly. The
36 report shall include a job description for the
37 executive director of the board, goals for board
38 operations, and performance measures to measure
39 achievement of the board's goals.

40 Sec. 17. APPROPRIATION – IOWA PUBLIC INFORMATION

41 BOARD. There is appropriated from the general fund of
42 the state to the department of management for the
43 fiscal year beginning July 1, 2008, and ending June
44 30, 2009, the following amount, or so much thereof as
45 is necessary, to be used for the following purpose:

46 For the initial expenses of the Iowa public
47 information board as established in this Act:
48 \$ 6,000

49 Sec. 18. LEGISLATIVE INTENT – OPEN MEETINGS AND
50 PUBLIC RECORDS LAWS. It is the intent of the general

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1 assembly to provide as much transparency in government
 2 operations as possible consistent with the need to
 3 avoid undue invasions of personal privacy and the need
 4 to avoid significant interference with the achievement
 5 of other important and legitimate state objectives.
 6 To these ends, the general assembly will continue to
 7 consider and make any necessary technical, practical,
 8 and policy revisions to Iowa's open meetings law,
 9 chapter 21, and Iowa's public records law, chapter
 10 22."
 11 3. Title page, by striking lines 1 and 2 and
 12 inserting the following: "An Act creating an Iowa
 13 public information board and making an appropriation."

COMMITTEE ON STATE GOVERNMENT

H-8547

1 Amend Senate File 2402 as follows:
 2 1. Page 2, by inserting after line 16 the
 3 following:
 4 "Sec. ____. Section 423B.1, subsection 3, Code
 5 Supplement 2007, is amended to read as follows:
 6 3. A local option tax shall be imposed only after
 7 an election at which a majority of those voting on the
 8 question favors imposition and shall then be imposed
 9 until repealed as provided in subsection 6, paragraph
 10 "a". If the tax is a local vehicle tax imposed by a
 11 county, it shall apply to all incorporated and
 12 unincorporated areas of the county. If the tax is a
 13 local sales and services tax imposed by a county, it
 14 shall only apply to those incorporated areas and the
 15 unincorporated area of that county in which a majority
 16 of those voting in the area on the tax favors its
 17 imposition. For purposes of the local sales and
 18 services tax, all cities contiguous to each other
 19 shall be treated as part of one incorporated area and
 20 the tax would be imposed in each of those contiguous
 21 cities only if the majority of those voting in the
 22 total area covered by the contiguous cities favors its
 23 imposition. In the case of a local sales and services
 24 tax submitted to the registered voters of two or more
 25 contiguous counties as provided in subsection 4,
 26 paragraph "c", all cities contiguous to each other and
 27 where the boundaries overlap county lines shall be
 28 treated as part of one incorporated area, ~~even if the~~
 29 ~~corporate boundaries of one or more of the cities~~
 30 ~~include areas of more than one county~~, and the tax
 31 shall be imposed in each of those contiguous cities
 32 only if a majority of those voting on the tax in the

33 total area covered by the contiguous cities favored
 34 its imposition. For purposes of the local sales and
 35 services tax, a city is not contiguous to another city
 36 if the only road access between the two cities is
 37 through another state.

38 Sec.____. Section 423B.1, subsection 6, paragraph
 39 a, unnumbered paragraph 1, Code Supplement 2007, is
 40 amended to read as follows:

41 If a majority of those voting on the question of
 42 imposition of a local option tax favors imposition of
 43 a local option tax, the governing body of that county
 44 shall impose the tax at the rate specified for an
 45 unlimited period. However, in the case of a local
 46 sales and services tax, the county shall not impose
 47 the tax in any incorporated area or the unincorporated
 48 area if the majority of those voting on the tax in
 49 that area did not favor its imposition. For purposes
 50 of the local sales and services tax, all cities

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1 contiguous to each other shall be treated as part of
 2 one incorporated area and the tax shall be imposed in
 3 each of those contiguous cities only if the majority
 4 of those voting on the tax in the total area covered
 5 by the contiguous cities favored its imposition. In
 6 the case of a local sales and services tax submitted
 7 to the registered voters of two or more contiguous
 8 counties as provided in subsection 4, paragraph "c",
 9 all cities contiguous to each other and where the
 10 boundaries overlap county lines shall be treated as
 11 part of one incorporated area, ~~even if the corporate~~
 12 ~~boundaries of one or more of the cities include areas~~
 13 ~~of more than one county~~, and the tax shall be imposed
 14 in each of those contiguous cities only if a majority
 15 of those voting on the tax in the total area covered
 16 by the contiguous cities favored its imposition.

17 Sec.____. Section 423B.5, unnumbered paragraph 1,
 18 Code 2007, is amended to read as follows:

19 A local sales and services tax at the rate of not
 20 more than one percent may be imposed by a county on
 21 the sales price taxed by the state under chapter 423,
 22 subchapter II. A local sales and services tax shall
 23 be imposed on the same basis as the state sales and
 24 services tax or in the case of the use of natural gas,
 25 natural gas service, electricity, or electric service
 26 on the same basis as the state use tax and shall not
 27 be imposed on the sale of any property or on any
 28 service not taxed by the state, except the tax shall
 29 not be imposed on the sales price from the sale of
 30 motor fuel or special fuel as defined in chapter 452A
 31 which is consumed for highway use or in watercraft or

32 aircraft if the fuel tax is paid on the transaction
 33 and a refund has not or will not be allowed, on the
 34 sales price from the sale of equipment by the state
 35 department of transportation, or on the sales price
 36 from the sale or use of natural gas, natural gas
 37 service, electricity, or electric service in a city or
 38 county where the sales price from the sale of natural
 39 gas or electric energy is subject to a franchise fee
 40 or user fee during the period the franchise or user
 41 fee is imposed. A local sales and services tax is
 42 applicable to transactions within those incorporated
 43 and unincorporated areas of the county where it is
 44 imposed and shall be collected by all persons required
 45 to collect state sales taxes. All cities contiguous
 46 to each other shall be treated as part of one
 47 incorporated area and the tax would be imposed in each
 48 of those contiguous cities only if the majority of
 49 those voting in the total area covered by the
 50 contiguous cities favors its imposition. In the case

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1 of a local sales and services tax submitted to the
 2 registered voters of two or more contiguous counties
 3 as provided in section 423B.1, subsection 4, paragraph
 4 "c", all cities contiguous to each other and where the
 5 boundaries overlap county lines shall be treated as
 6 part of one incorporated area, ~~even if the corporate~~
 7 ~~boundaries of one or more of the cities include areas~~
 8 ~~of more than one county~~, and the tax shall be imposed
 9 in each of those contiguous cities only if a majority
 10 of those voting on the tax in the total area covered
 11 by the contiguous cities favored its imposition."

WATTS of Dallas

H-8548

1 Amend Senate File 2406, as passed by the Senate, as
 2 follows:
 3 1. Page 13, by inserting after line 24 the
 4 following:
 5 "Sec. . NEW SECTION. 69.16C MINORITY
 6 REPRESENTATION.
 7 All appointive boards, commissions, committees, and
 8 councils of the state established by the Code if not
 9 otherwise provided by law should provide, to the
 10 extent practicable, for minority representation. All
 11 appointing authorities of boards, commissions,
 12 committees, and councils subject to this section
 13 should consider qualified minority persons for
 14 appointment to boards, commissions, committees, and

- 4 1. Page 2, by striking lines 12 through 17.
 5 2. By renumbering as necessary.

BAUDLER of Adair

H-8557

1 Amend the amendment, H-8425, to Senate File 2193,
 2 as passed by the Senate, as follows:

3 1. By striking page 1, line 3, through page 3,
 4 line 25, and inserting the following:

5 "____. Page 2, by inserting after line 8, the
 6 following:

7 "Sec. ____ NEW SECTION. 70A.1A BONUS PAY.

8 1. As used in this section unless the context
 9 otherwise requires, "bonus pay" means any additional
 10 remuneration provided to an employee in the form of a
 11 bonus, including but not limited to a retention bonus,
 12 recruitment bonus, exceptional job performance pay,
 13 extraordinary job performance pay, exceptional
 14 performance pay, extraordinary duty pay, extraordinary
 15 or special duty pay, advanced appointment rate,
 16 incentive pay, and any extra benefit not otherwise
 17 provided to other similarly situated employees.

18 2. Unless otherwise authorized by law or required
 19 pursuant to a collective bargaining agreement, a state
 20 employee shall not, in addition to a salary, receive
 21 any bonus pay unless all of the following have
 22 occurred:

23 a. All requests for the payment of bonus pay to a
 24 state employee shall be submitted in writing on a
 25 prescribed form, to the director of the department in
 26 which the state employee is employed. The request
 27 shall contain a detailed justification for the request
 28 explaining how approval of the bonus pay request will
 29 benefit the efficiency or effectiveness of the state's
 30 operations.

31 b. If approved by the employee's department
 32 director, the bonus pay request shall then be
 33 submitted to the director of the department of
 34 administrative services for review and approval or
 35 denial. However, if the bonus pay request is for an
 36 employee of the department of administrative services,
 37 the request shall instead be submitted to the
 38 department of management for approval or denial. A
 39 bonus pay request shall not be effective until the
 40 request has been approved or denied as provided in
 41 this paragraph "b". An approved bonus pay request
 42 shall be submitted by a department director to the
 43 department of administrative services or to the
 44 department of management, as applicable, not less than
 45 forty-five days before the end of the fiscal year in

46 order to be approved for payment during that fiscal
 47 year.
 48 c. A state employee is eligible to receive bonus
 49 pay pursuant to an approved bonus pay request only
 50 once during each fiscal year.

Page 2

1 3. The department of administrative services shall
 2 maintain a record of all approved bonus pay requests
 3 including copies of all documents submitted in
 4 conjunction with such requests, which shall be
 5 available for public inspection as provided in chapter
 6 22.

7 4. The director of the department of
 8 administrative services shall present a report at the
 9 end of each fiscal year to the joint government
 10 oversight committee of the general assembly. Copies
 11 of the annual report shall be furnished to members of
 12 the public upon request as provided in chapter 22."

13 _____. Title page, line 3, by inserting after the
 14 word "employees" the following: ", and payment of
 15 bonus pay to certain government employees".

16 _____. By renumbering as necessary."

BAUDLER of Adair

H-8559

1 Amend the amendment, H-8475, to Senate File 2404,
 2 as passed by the Senate, as follows:

3 1. By striking page 1, line 3, through page 3,
 4 line 9, and inserting the following:
 5 "____. Page 3, by inserting after line 12 the
 6 following:

7 "Sec.____. NEW SECTION. 70A.1A BONUS PAY.

8 1. As used in this section unless the context
 9 otherwise requires, "bonus pay" means any additional
 10 remuneration provided to an employee in the form of a
 11 bonus, including but not limited to a retention bonus,
 12 recruitment bonus, exceptional job performance pay,
 13 extraordinary job performance pay, exceptional
 14 performance pay, extraordinary duty pay, extraordinary
 15 or special duty pay, advanced appointment rate,
 16 incentive pay, and any extra benefit not otherwise
 17 provided to other similarly situated employees.

18 2. Unless otherwise authorized by law or required
 19 pursuant to a collective bargaining agreement, a state
 20 employee shall not, in addition to a salary, receive
 21 any bonus pay unless all of the following have
 22 occurred:

23 a. All requests for the payment of bonus pay to a

24 state employee shall be submitted in writing on a
 25 prescribed form, to the director of the department in
 26 which the state employee is employed. The request
 27 shall contain a detailed justification for the request
 28 explaining how approval of the bonus pay request will
 29 benefit the efficiency or effectiveness of the state's
 30 operations.

31 b. If approved by the employee's department
 32 director, the bonus pay request shall then be
 33 submitted to the director of the department of
 34 administrative services for review and approval or
 35 denial. However, if the bonus pay request is for an
 36 employee of the department of administrative services,
 37 the request shall instead be submitted to the
 38 department of management for approval or denial. A
 39 bonus pay request shall not be effective until the
 40 request has been approved or denied as provided in
 41 this paragraph "b". An approved bonus pay request
 42 shall be submitted by a department director to the
 43 department of administrative services or to the
 44 department of management, as applicable, not less than
 45 forty-five days before the end of the fiscal year in
 46 order to be approved for payment during that fiscal
 47 year.

48 c. A state employee is eligible to receive bonus
 49 pay pursuant to an approved bonus pay request only
 50 once during each fiscal year.

Page 2

1 3. The department of administrative services shall
 2 maintain a record of all approved bonus pay requests
 3 including copies of all documents submitted in
 4 conjunction with such requests, which shall be
 5 available for public inspection as provided in chapter
 6 22.

7 4. The director of the department of
 8 administrative services shall present a report at the
 9 end of each fiscal year to the joint government
 10 oversight committee of the general assembly. Copies
 11 of the annual report shall be furnished to members of
 12 the public upon request as provided in chapter 22."

13 _____. Title page, line 2, by inserting after the
 14 word "grants" the following: ", and payment of bonus
 15 pay to certain government employees".

16 _____. By renumbering as necessary."

BAUDLER of Adair

H-8560

1 Amend the amendment, H-8330, to Senate File 385, as

2 passed by the Senate, as follows:

3 1. Page 1, line 46, by striking the word "state"
4 and inserting the following: "state."

5 2. Page 1, by striking line 47.

6 3. Page 3, line 4, by inserting after the word
7 "dollars." the following: "The commissioner may
8 develop and establish a graduated license fee system."

9 4. Page 3, line 18, by inserting after the word
10 "Iowa." the following: "The commissioner may review
11 similar fees assessed in surrounding states and fees
12 assessed regionally and nationally in setting the
13 permit fee."

14 5. Page 4, by inserting after line 7 the
15 following:

16 "____. If an unarmed combat fighter with a permit
17 to compete in this state in a scheduled unarmed combat
18 fighting event is determined to be unable to
19 participate in the event up to fourteen days prior to
20 the event, the commissioner may issue a permit to
21 another unarmed combat fighter, waiving the
22 application deadline in subsection 1, provided the new
23 unarmed combat fighter submits to the commissioner a
24 permit application that meets the requirements of
25 subsections 2, 3, and 4, and the requirements of
26 section 90B.10 are met."

27 6. Page 6, line 32, by inserting after the word
28 and figure "subsection 4." the following: "Fees,
29 taxes, and forfeited moneys collected under this
30 section shall be deposited into the general fund of
31 the state and may be used to reimburse the
32 commissioner for the costs of investigation and
33 amounts in excess of such reimbursement shall be
34 expended as provided in section 90A.10."

35 7. By renumbering as necessary.

JOCHUM of Dubuque
VAN FOSSEN of Scott

H-8562

1 Amend House File 2680 as follows:

2 1. Page 1, by inserting after line 9 the
3 following:

4 "Sec.____. Section 282.18, subsection 7, Code
5 2007, is amended to read as follows:

6 7. A pupil participating in open enrollment shall
7 be counted, for state school foundation aid purposes,
8 in the pupil's district of residence. A pupil's
9 residence, for purposes of this section, means a
10 residence under section 282.1. The board of directors
11 of the district of residence shall pay to the
12 receiving district the state cost per pupil for the

13 previous school year, plus any moneys received for the
 14 pupil as a result of the non-English speaking
 15 weighting under section 280.4, subsection 3, for the
 16 previous school year multiplied by the state cost per
 17 pupil for the previous year. If the pupil
 18 participating in open enrollment is also an eligible
 19 pupil under chapter 261C, the receiving district shall
 20 pay the tuition reimbursement amount to an eligible
 21 postsecondary institution as provided in section
 22 261C.6. However, if seventeen or more pupils from the
 23 same district of residence participate in open
 24 enrollment and enroll in the same receiving district,
 25 the district of residence shall pay to the receiving
 26 district the percentage of the amount the district of
 27 residence receives under 284.13, subsection 1,
 28 paragraph "h", equal to the proportion that the number
 29 of students enrolled in the receiving district bears
 30 to the basic enrollment of the district of residence."
 31 2. By renumbering as necessary.

WORTHAN of Buena Vista

H-8563

1 Amend House File 2692 as follows:
 2 1. Page 1, line 1, by striking the words and
 3 figures "subsection 4, Code 2007, is" and inserting
 4 the following: "subsections 4, 11, and 17, Code 2007,
 5 are".
 6 2. Page 1, by inserting after line 11 the
 7 following:
 8 "11. "Commercial manure service" means a sole
 9 proprietor or business association as defined in
 10 section 202B.102, engaged in the business of
 11 transporting, handling, storing, or applying manure
 12 for ~~a fee. compensation, but does not include a person~~
 13 who only receives compensation for the manure
 14 originating from that person's own animal feeding
 15 operation or for applying manure originating from that
 16 person's own animal feeding operation.
 17 17. a. "Confinement site manure applicator" means
 18 a person, other than a commercial manure service or a
 19 commercial manure service representative, who
 20 transports, handles, or applies manure on to land if
 21 the manure originates from a ~~manure storage~~
 22 confinement feeding operation structure.
 23 b. "Confinement site manure applicator" includes a
 24 person who conducts any activity involved in
 25 transferring manure from a confinement feeding
 26 operation structure to its application on land but
 27 does not include a person who only transfers manure
 28 within a confinement feeding operation structure.

29 transfers manure in an exclusively dry form to or from
 30 a confinement feeding operation structure at a
 31 confinement feeding operation, or transfers manure
 32 inside permanent piping between confinement feeding
 33 operation structures."

34 3. Page 1, by inserting after line 13 the
 35 following:
 36 "NEW SUBSECTION. 8A. "Business day" means a
 37 calendar day except Saturday, Sunday, or a holiday
 38 specified in section 1C.2."

39 4. Page 3, by inserting after line 12 the
 40 following:

41 "Sec. ____ Section 459.315, subsection 2, Code
 42 2007, is amended to read as follows:

43 2. a. A person required to be certified as a
 44 commercial manure service representative must be
 45 certified by the department each year. The
 46 certification expires on March 1 of each year. The
 47 person shall be certified after completing an
 48 educational program which shall consist of ~~an~~ any of
 49 the following:

50 (1) An examination required to be passed by the

Page 2

1 person ~~or three.~~

2 (2) At least two hours of continuing instructional
 3 courses which the person must attend each year ~~in lieu~~
 4 ~~of passing the examination.~~ However, the department
 5 may require that the person attend up to one
 6 additional hour of continuing instructional courses
 7 each year.

8 b. A person required to be certified as a
 9 confinement site manure applicator must be certified
 10 by the department ~~every three years~~ each year.
 11 ~~However, if the person is exempt from paying the~~
 12 ~~certification fee because a family member has paid a~~
 13 ~~certification fee as provided in section 459.400, the~~
 14 ~~person's certification shall expire on the same date~~
 15 ~~that the paid family member's certification expires.~~

16 A The certification expires on March 1 of each year.
 17 The person shall be certified after completing an
 18 educational program which shall consist of ~~an~~ any of
 19 the following:

20 (1) An examination required to be passed by the
 21 person ~~or two.~~

22 (2) At least two hours of continuing instructional
 23 courses which the person must attend each year ~~in lieu~~
 24 ~~of passing the examination.~~

25 Sec. ____ Section 459.315, subsection 5, paragraph
 26 a, subparagraph (2), subparagraph subdivision (a),
 27 Code 2007, is amended to read as follows:

28 (a) The person completes and submits a form as
 29 required by the department documenting that the person
 30 is actively seeking certification under this section.

31 Sec.____. Section 459.315, subsection 5, paragraph
 32 b, subparagraph (2), subparagraph subdivision (b),
 33 Code 2007, is amended to read as follows:

34 (b) In sight or ~~hearing~~ immediate communication
 35 distance of the supervised person.

36 Sec.____. Section 459.315, subsection 5, Code
 37 2007, is amended by adding the following new
 38 paragraph:

39 NEW PARAGRAPH. c. This subsection shall not be
 40 construed to exempt a person from being required to be
 41 certified as a confinement site manure applicator
 42 merely because the person is not required to be
 43 certified as a commercial manure service
 44 representative.

45 Sec.____. Section 459.400, subsection 1, paragraph
 46 d, subparagraph (2), subparagraph subdivision (a),
 47 Code 2007, is amended to read as follows:

48 (a) ~~The person is certified within one year from~~
 49 ~~the date that a~~ A family member has been certified as
 50 a confinement site manure applicator."

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1 5. Page 4, by inserting after line 34 the
 2 following:

3 "Sec.____. CURRENT CERTIFICATIONS.

4 1. The provisions of this Act shall not affect the
 5 duration of a three-year certification issued by the
 6 department of natural resources to a person as a
 7 confinement site manure applicator pursuant to section
 8 459.315 prior to the effective date of this Act, if
 9 all of the following apply:

10 a. The certification is valid on the date
 11 immediately prior to the effective date of this Act.

12 b. The person complies with the applicable
 13 requirements provided in chapter 459, including
 14 section 459.315 as amended by this Act.

15 2. The person's three-year certification shall
 16 remain valid regardless of whether the person paid a
 17 certification fee or was exempt from paying the
 18 certification fee as provided in sections 459.315 and
 19 459.400, as those sections existed on the date
 20 immediately prior to the effective date of this Act.

21 3. At the end of the duration of the person's
 22 certification as a confinement site manure applicator
 23 as provided in section 459.315 as that section existed
 24 on the date immediately prior to the effective date of
 25 this Act, the person's certification shall expire and
 26 the person shall only be certified as a confinement

- 27 site manure applicator on an annual basis as provided
 28 in section 459.315, as amended by this Act.
 29 4. The department may adopt rules as necessary to
 30 implement this section."
 31 6. Title page, line 2, by inserting after the
 32 words "and the" the following: "management and".
 33 7. By renumbering as necessary.

COMMITTEE ON AGRICULTURE

H-8566

- 1 Amend the amendment, H-8349, to Senate File 2386,
 2 as passed by the Senate, as follows:
 3 1. Page 3, by inserting after line 20 the
 4 following:
 5 "Sec. ____. NEW SECTION. 476A.16 MERCHANT POWER
 6 PLANTS – ALLOCATION OF REVENUE.
 7 1. For the purposes of this section, "merchant
 8 power plant" means a power plant located in this state
 9 that burns coal or natural gas and is not owned or
 10 operated by a public utility, municipally owned
 11 utility, municipal power agency, or electric
 12 cooperative corporation or association and which is
 13 not subject to rate regulation pursuant to chapter
 14 476.
 15 2. As a condition for issuance of a certificate by
 16 the board pursuant to this subchapter, the board shall
 17 require an owner or operator of a merchant power plant
 18 to allocate one-tenth of one percent of the gross
 19 revenue derived from power sold for use outside of
 20 this state for the support of the Iowa energy center
 21 established in section 266.39C, the university of Iowa
 22 center for global and regional environmental research
 23 established by the state board of regents, and the
 24 center for energy and environmental education at the
 25 university of northern Iowa."
 26 2. By renumbering as necessary.

BERRY of Black Hawk
 KRESSIG of Black Hawk

H-8568

- 1 Amend Senate File 2267, as passed by the Senate, as
 2 follows:
 3 1. Page 1, lines 14 and 15, by striking the words
 4 "well and the need to protect the environment." and
 5 inserting the following: "well."
 6 f. Reasonable and appropriate limitations on
 7 wastewater discharge that take into consideration the

8 need to conserve soil and protect water quality."
 9 2. By renumbering as necessary.

D. OLSON of Boone

H-8569

1 Amend Senate File 2334, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. NEW SECTION. 249A.36 HEALTH CARE
 6 INFORMATION SHARING.

7 1. As a condition of doing business in the state,
 8 health insurers including self-insured plans, group
 9 health plans as defined in the federal Employee
 10 Retirement Income Security Act of 1974, Pub. L. No.
 11 93-406, service benefit plans, managed care
 12 organizations, pharmacy benefits managers, and other
 13 parties that are, by statute, contract, or agreement,
 14 legally responsible for payment of a claim for a
 15 health care item or service, shall do all of the
 16 following:

17 a. Provide, with respect to individuals who are
 18 eligible for or are provided medical assistance under
 19 the state's medical assistance state plan, upon the
 20 request of the state, information to determine during
 21 what period the individual or the individual's spouse
 22 or dependents may be or may have been covered by a
 23 health insurer and the nature of the coverage that is
 24 or was provided by the health insurer, including the
 25 name, address, and identifying number of the plan, in
 26 accordance with section 505.25, and in a manner
 27 prescribed by the department of human services or as
 28 agreed upon by the department and the entity specified
 29 in this section.

30 b. Accept the state's right of recovery and the
 31 assignment to the state of any right of an individual
 32 or other entity to payment from the party for an item
 33 or service for which payment has been made under the
 34 medical assistance state plan.

35 c. Respond to any inquiry by the state regarding a
 36 claim for payment for any health care item or service
 37 that is submitted no later than three years after the
 38 date of the provision of such health care item or
 39 service.

40 d. Agree not to deny any claim submitted by the
 41 state solely on the basis of the date of submission of
 42 the claim, the type or format of the claim form, or a
 43 failure to present proper documentation at the
 44 point-of-sale that is the basis of the claim, if all
 45 of the following conditions are met:

46 (1) The claim is submitted to the entity by the
 47 state within the three-year period beginning on the
 48 date on which the item or service was furnished.
 49 (2) Any action by the state to enforce its rights
 50 with respect to such claim is commenced within six

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1 years of the date that the claim was submitted by the
 2 state.

3 2. The department of human services may adopt
 4 rules pursuant to chapter 17A as necessary to
 5 implement this section. Rules governing the exchange
 6 of information under this section shall be consistent
 7 with all laws, regulations, and rules relating to the
 8 confidentiality or privacy of personal information or
 9 medical records, including but not limited to the
 10 federal Health Insurance Portability and
 11 Accountability Act of 1996, Pub. L. No. 104-191, and
 12 regulations promulgated in accordance with that Act
 13 and published in 45 C.F.R. pts. 160 through 164.

14 Sec. 2. EFFECTIVE DATE AND RETROACTIVE
 15 APPLICABILITY. This Act, being deemed of immediate
 16 importance, takes effect upon enactment and is
 17 retroactively applicable to March 1, 2008."

18 2. Title page, line 3, by inserting after the
 19 word "date" the following: "and a retroactive
 20 applicability provision".

ABDUL-SAMAD of Polk

H-8570

1 Amend House File 2604 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 249A.2, Code 2007, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 4A. "Entity" includes but is not
 7 limited to a carrier as defined in section 514C.13,
 8 health insurer, health maintenance organization as
 9 defined in section 514B.1, nonprofit health service
 10 corporation as specified in chapter 514, self-insured
 11 plan, group health plan, service benefit plan, managed
 12 care organization, pharmacy benefits manager as
 13 defined in section 510B.1, preferred provider
 14 organization, professional association or society,
 15 trust, pool, union, fraternal benefit society,
 16 third-party administrator, and any other party that
 17 is, by law, contract, or agreement, legally
 18 responsible for payment of a claim for a health care
 19 item or service.

20 Sec. 2. Section 249A.6, Code 2007, is amended to
21 read as follows:

22 249A.6 ASSIGNMENT – LIEN.

23 1. a. As a condition of eligibility for medical
24 assistance, a recipient who has the legal capacity to
25 execute an assignment shall do all of the following:

26 (1) Assign to the department any rights to payment
27 of medical care and services from any third party.

28 (2) Cooperate with the department in obtaining
29 payments described in subparagraph (1).

30 (3) Cooperate with the department in identifying
31 and providing information to assist the department in
32 pursuing any third party who may be liable to pay for
33 medical care and services available under the medical
34 assistance program.

35 b. Any amount collected by the department through
36 an assignment shall be retained by the department as
37 reimbursement for medical assistance payments.

38 c. An assignment under this subsection is in
39 addition to an assignment of medical support payments
40 under any other law, including section 252E.11.

41 2. When payment is made by the department for
42 medical care or expenses through the medical
43 assistance program on behalf of a recipient, the
44 department shall have a lien, to the extent of those
45 payments, upon all monetary claims which the recipient
46 may have against third parties. A lien under this
47 section is not effective unless the department files a
48 notice of lien with the clerk of the district court in
49 the county where the recipient resides and with the
50 recipient's attorney when the recipient's eligibility

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1 for medical assistance is established. The notice of
2 lien shall be filed before the third party has
3 concluded a final settlement with the recipient, the
4 recipient's attorney, or other representative. The
5 third party shall obtain a written determination from
6 the department concerning the amount of the lien
7 before a settlement is deemed final for purposes of
8 this section. A compromise, including but not limited
9 to a settlement, waiver or release, of a claim under
10 this section does not defeat the department's lien
11 except pursuant to the written agreement of the
12 director or the director's designee. A settlement,
13 award, or judgment structured in any manner not to
14 include medical expenses or an action brought by a
15 recipient or on behalf of a recipient which fails to
16 state a claim for recovery of medical expenses does
17 not defeat the department's lien if there is any
18 recovery on the recipient's claim.

19 ~~2.~~ 3. The department shall be given notice of
 20 monetary claims against third parties as follows:
 21 a. Applicants for medical assistance shall notify
 22 the department of any possible claims against third
 23 parties upon submitting the application. Recipients
 24 of medical assistance shall notify the department of
 25 any possible claims when those claims arise.
 26 b. A person who provides health care services to a
 27 person receiving assistance through the medical
 28 assistance program shall notify the department
 29 whenever the person has reason to believe that third
 30 parties may be liable for payment of the costs of
 31 those health care services.
 32 c. An attorney representing an applicant for or
 33 recipient of assistance on a claim upon which the
 34 department has a lien under this section shall notify
 35 the department of the claim of which the attorney has
 36 actual knowledge, prior to filing a claim, commencing
 37 an action, or negotiating a settlement offer. Actual
 38 knowledge under this section shall include the notice
 39 to the attorney pursuant to subsection ~~1.~~ 2.
 40 The mailing and deposit in a United States post
 41 office or public mailing box of the notice, addressed
 42 to the department at its state or district office
 43 location, is adequate legal notice of the claim.
 44 ~~3.~~ 4. The department's lien is valid and binding
 45 on an attorney, insurer, or other third party only
 46 upon notice by the department or unless the attorney,
 47 insurer, or third party has actual notice that the
 48 recipient is receiving medical assistance from the
 49 department and only to the extent to which the
 50 attorney, insurer, or third party has not made payment

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1 to the recipient or an assignee of the recipient prior
 2 to the notice. Payment of benefits by an insurer or
 3 third party pursuant to the rights of the lienholder
 4 in this section discharges the attorney, insurer, or
 5 third party from liability to the recipient or the
 6 recipient's assignee to the extent of the payment to
 7 the department.
 8 ~~4.~~ 5. If a recipient of assistance through the
 9 medical assistance program incurs the obligation to
 10 pay attorney fees and court costs for the purpose of
 11 enforcing a monetary claim upon which the department
 12 has a lien under this section, upon the receipt of the
 13 judgment or settlement of the total claim, of which
 14 the lien for medical assistance payments is a part,
 15 the court costs and reasonable attorney fees shall
 16 first be deducted from this total judgment or
 17 settlement. One-third of the remaining balance shall

18 then be deducted and paid to the recipient. From the
 19 remaining balance, the lien of the department shall be
 20 paid. Any amount remaining shall be paid to the
 21 recipient. An attorney acting on behalf of a
 22 recipient of medical assistance for the purpose of
 23 enforcing a claim upon which the department has a lien
 24 shall not collect from the recipient any amount as
 25 attorney fees which is in excess of the amount which
 26 the attorney customarily would collect on claims not
 27 subject to this section.

28 ~~5. 6.~~ For purposes of this section the term "third
 29 party" includes an attorney, individual, institution,
 30 corporation, or public or private agency which is or
 31 may be liable to pay part or all of the medical costs
 32 incurred as a result of injury, disease, or disability
 33 by or on behalf of an applicant for or recipient of
 34 assistance under the medical assistance program.

35 ~~6. 7.~~ The department may enforce its lien by a
 36 civil action against any liable third party.

37 Sec. 3. NEW SECTION. 249A.36 HEALTH CARE
 38 INFORMATION SHARING.

39 1. An entity shall provide on a monthly basis to
 40 the department, in a format determined by the
 41 department or as agreed upon by the department and the
 42 entity, information necessary to enable the department
 43 or entity to determine whether a health care coverage
 44 recipient of the entity is also a recipient of medical
 45 assistance. If the department determines that a
 46 health care coverage recipient of an entity is also a
 47 recipient of medical assistance, the department shall
 48 request any additional information or payment from the
 49 entity as described in subsection 2.

50 2. If the department determines that a health care

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1 coverage recipient of the entity is also a medical
 2 assistance recipient, the entity shall do all of the
 3 following, as applicable, by no later than one hundred
 4 eighty days after the department's request made
 5 pursuant to subsection 1:

6 a. Pay the department for, or assign to the
 7 department any right of recovery owed to the entity
 8 for, a covered health claim for which medical
 9 assistance payment has been made.

10 b. Pay the claim submitted by the health care
 11 coverage recipient in lieu of a medical assistance
 12 payment of the claim.

13 c. Respond to any inquiry by the department
 14 concerning a claim for payment for any health care
 15 item or service that is submitted no later than three
 16 years after the date the health care item or service

17 was provided.

18 3. An entity shall not deny a payment to the
 19 department for any claim submitted by the department
 20 on any procedural basis, including the date of
 21 submission of the claim, the type or format of the
 22 claim form, or a failure to present proper
 23 documentation at the time the health care item or
 24 service that is the basis of the claim was provided,
 25 if both of the following apply:

26 a. The claim is submitted to the entity within
 27 three years of the date that the health care item or
 28 service that is the subject of the claim was provided.

29 b. Any action by the state to enforce its rights
 30 under this section is commenced within six years of
 31 the date that the claim was submitted by the state.

32 4. If the department determines that a health care
 33 coverage recipient of an entity is also a medical
 34 assistance recipient, both of the following provisions
 35 shall apply:

36 a. The department may use information received
 37 under subsection 1 to update the medical assistance
 38 database maintained by the department.

39 b. The department shall share with that entity
 40 only such information necessary for claims
 41 adjudication activities or to recover erroneous
 42 medical assistance payments made.

43 5. The department may adopt rules pursuant to
 44 chapter 17A as necessary to implement this section.
 45 Rules governing the exchange of information under this
 46 section shall be consistent with all laws,
 47 regulations, and rules relating to the confidentiality
 48 or privacy of personal information or medical records,
 49 including but not limited to the federal Health
 50 Insurance Portability and Accountability Act of 1996,

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1 Pub. L. No. 104-191, and regulations promulgated in
 2 accordance with that Act, and published in 45 C.F.R.
 3 pts. 160 to 164.

4 Sec. 4. Section 488.201, subsection 1, Code 2007,
 5 is amended by adding the following new paragraph:
 6 NEW PARAGRAPH. dd. An agreement to cooperate with
 7 the department of human services in complying with
 8 section 249A.36.

9 Sec. 5. Section 488.210, subsection 1, Code 2007,
 10 is amended by adding the following new paragraph:
 11 NEW PARAGRAPH. e. (1) The street and mailing
 12 address of any entity, as defined in section 249A.2,
 13 legally responsible for payment of a claim for a
 14 health care item or service provided to a health care
 15 coverage recipient of the limited partnership or

16 foreign limited partnership.

17 (2) A statement agreeing to cooperate with the
18 department of human services in complying with section
19 249A.36.

20 (3) The secretary of state shall provide the
21 information submitted under this lettered paragraph to
22 the department of human services in the format
23 determined by the department of human services to
24 enable the department of human services to determine
25 whether a health care coverage recipient of the
26 limited partnership or foreign limited partnership is
27 also a medical assistance recipient pursuant to
28 section 249A.36.

29 Sec. 6. Section 490.202, subsection 1, Code
30 Supplement 2007, is amended by adding the following
31 new paragraph:

32 NEW PARAGRAPH. e. A statement agreeing to
33 cooperate with the department of human services in
34 complying with section 249A.36.

35 Sec. 7. Section 490.1622, subsection 1, Code 2007,
36 is amended by adding the following new paragraph:

37 NEW PARAGRAPH. e. (1) The street and mailing
38 address of any entity, as defined in section 249A.2,
39 legally responsible for payment of a claim for a
40 health care item or service provided to a health care
41 coverage recipient of the domestic corporation or
42 foreign corporation.

43 (2) A statement agreeing to cooperate with the
44 department of human services in complying with section
45 249A.36.

46 (3) The secretary of state shall provide the
47 information submitted under this lettered paragraph to
48 the department of human services in the format
49 determined by the department of human services to
50 enable the department of human services to determine

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1 whether a health care coverage recipient of the
2 domestic corporation or foreign corporation is also a
3 medical assistance recipient pursuant to section
4 249A.36.

5 Sec. 8. Section 490A.131, subsection 1, Code 2007,
6 is amended by adding the following new paragraph:

7 NEW PARAGRAPH. e. (1) The street and mailing
8 address of any entity, as defined in section 249A.2,
9 legally responsible for payment of a claim for a
10 health care item or service provided to a health care
11 coverage recipient of the limited liability company or
12 foreign limited liability company.

13 (2) A statement agreeing to cooperate with the
14 department of human services in complying with section

15 249A.36.

16 (3) The secretary of state shall provide the
 17 information submitted in this lettered paragraph to
 18 the department of human services in the format
 19 determined by the department of human services to
 20 enable the department of human services to determine
 21 whether a health care coverage recipient of the
 22 limited liability company or foreign limited liability
 23 company is also a medical assistance recipient
 24 pursuant to section 249A.36.

25 Sec. 9. Section 490A.303, subsection 1, Code 2007,
 26 is amended by adding the following new paragraph:
 27 NEW PARAGRAPH. e. A statement agreeing to
 28 cooperate with the department of human services in
 29 complying with section 249A.36.

30 Sec. 10. Section 496C.21, Code 2007, is amended by
 31 adding the following new subsection:

32 NEW SUBSECTION. 5. a. The street and mailing
 33 address of any entity, as defined in section 249A.2,
 34 legally responsible for payment of a claim for a
 35 health care item or service provided to a health care
 36 coverage recipient of the domestic professional
 37 corporation or foreign professional corporation.

38 b. A statement agreeing to cooperate with the
 39 department of human services in complying with section
 40 249A.36.

41 c. The secretary of state shall provide the
 42 information submitted in this lettered paragraph to
 43 the department of human services in the format
 44 determined by the department of human services to
 45 enable the department of human services to determine
 46 whether a health care coverage recipient of the
 47 professional corporation or foreign professional
 48 corporation is also a medical assistance recipient
 49 pursuant to section 249A.36.

50 Sec. 11. Section 497.22, Code 2007, is amended to

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1 read as follows:

2 497.22 BIENNIAL REPORT – PENALTY.

3 1. Section 504.1613 applies to a cooperative
 4 association organized under this chapter in the same
 5 manner as that section applies to a corporation
 6 organized under chapter 504. In addition to the
 7 information required to be set forth in the biennial
 8 report under section 504.1613, the cooperative
 9 association shall also set forth the total amount of
 10 business transacted, number of members, total expense
 11 of operation, total amount of indebtedness, and total
 12 profits or losses for each calendar or fiscal year of
 13 the two-year period which ended immediately preceding

14 the first day of January of the year in which the
15 report is filed.

16 2. a. The cooperative association shall also
17 include in the biennial report all of the following:
18 (1) The street and mailing address of any entity,
19 as defined in section 249A.2, legally responsible for
20 payment of a claim for a health care item or service
21 provided to a health care coverage recipient of the
22 cooperative association.

23 (2) A statement agreeing to cooperate with the
24 department of human services in complying with section
25 249A.36.

26 b. The secretary of state shall provide the
27 information submitted under this subsection to the
28 department of human services in the format determined
29 by the department of human services to enable the
30 department of human services to determine whether a
31 health care coverage recipient of the cooperative
32 association is also a medical assistance recipient
33 pursuant to section 249A.36.

34 3. A cooperative association which fails to comply
35 with this section before April 1 of the year in which
36 the report is due is subject to a penalty of ten
37 dollars.

38 Sec. 12. Section 498.24, Code 2007, is amended to
39 read as follows:

40 498.24 BIENNIAL REPORT – PENALTY.

41 1. Section 504.1613 applies to a cooperative
42 association organized under this chapter in the same
43 manner as that section applies to a corporation
44 organized under chapter 504. In addition to the
45 information required to be set forth in the biennial
46 report under section 504.1613, the cooperative
47 association shall also set forth the total amount of
48 business transacted, number of members, total expense
49 of operation, total amount of indebtedness, and total
50 profits or losses for each calendar or fiscal year of

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1 the two-year period which ended immediately preceding
2 the first day of January of the year in which the
3 report is filed.

4 2. a. The nonprofit cooperative association shall
5 also include in the biennial report all of the
6 following:

7 (1) The street and mailing address of any entity,
8 as defined in section 249A.2, legally responsible for
9 payment of a claim for a health care item or service
10 provided to a health care coverage recipient of the
11 nonprofit cooperative association.

12 (2) A statement agreeing to cooperate with the

13 department of human services in complying with section
 14 249A.36.

15 b. The secretary of state shall provide the
 16 information submitted under this subsection to the
 17 department of human services in the format determined
 18 by the department of human services to enable the
 19 department of human services to determine whether a
 20 health care coverage recipient of the nonprofit
 21 cooperative association is also a medical assistance
 22 recipient pursuant to section 249A.36.

23 3. A cooperative association which fails to comply
 24 with this section before April 1 of the year in which
 25 the report is due is subject to a penalty of ten
 26 dollars.

27 Sec. 13. Section 499.40, Code 2007, is amended by
 28 adding the following new subsection:

29 NEW SUBSECTION. 9. A statement agreeing to
 30 cooperate with the department of human services in
 31 complying with section 249A.36.

32 Sec. 14. Section 499.49, Code 2007, is amended to
 33 read as follows:

34 499.49 BIENNIAL REPORT.

35 1. Section 504.1613 applies to a cooperative
 36 organized under this chapter in the same manner as
 37 that section applies to a corporation organized under
 38 chapter 504. In addition to the information required
 39 to be set forth in the biennial report under section
 40 504.1613, the cooperative shall also set forth the
 41 number of members of the cooperative, the percentage
 42 of the cooperative's business done with or for its own
 43 members during each of the fiscal or calendar years of
 44 the preceding two-year period, the percentage of the
 45 cooperative's business done with or for each class of
 46 nonmembers specified in section 499.3, and any other
 47 information deemed necessary by the secretary of state
 48 to advise the secretary whether the cooperative is
 49 actually functioning as a cooperative.

50 2. a. The cooperative association shall also

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1 include in the biennial report all of the following:

2 (1) The street and mailing address of any entity,
 3 as defined in section 249A.2, legally responsible for
 4 payment of a claim for a health care item or service
 5 provided to a health care coverage recipient of the
 6 cooperative association.

7 (2) A statement agreeing to cooperate with the
 8 department of human services in complying with section
 9 249A.36.

10 b. The secretary of state shall provide the
 11 information submitted under this subsection to the

12 department of human services in the format determined
 13 by the department of human services to enable the
 14 department of human services to determine whether a
 15 health care coverage recipient of the cooperative
 16 association is also a medical assistance recipient
 17 pursuant to section 249A.36.

18 Sec. 15. Section 501.202, subsection 2, Code 2007,
 19 is amended by adding the following new paragraph:
 20 NEW PARAGRAPH. g. A statement agreeing to
 21 cooperate with the department of human services in
 22 complying with section 249A.36.

23 Sec. 16. Section 501.713, subsection 1, Code 2007,
 24 is amended by adding the following new paragraph:
 25 NEW PARAGRAPH. e. (1) The street and mailing
 26 address of any entity, as defined in section 249A.2,
 27 legally responsible for payment of a claim for a
 28 health care item or service provided to a health care
 29 coverage recipient of the closed cooperative.

30 (2) A statement agreeing to cooperate with the
 31 department of human services in complying with section
 32 249A.36.

33 (3) The secretary of state shall provide the
 34 information submitted under this lettered paragraph to
 35 the department of human services in the format
 36 determined by the department of human services to
 37 enable the department of human services to determine
 38 whether a health care coverage recipient of the closed
 39 cooperative is also a medical assistance recipient
 40 pursuant to section 249A.36.

41 Sec. 17. Section 501A.231, subsection 1, Code
 42 2007, is amended by adding the following new
 43 paragraph:

44 NEW PARAGRAPH. e. (1) The street and mailing
 45 address of any entity, as defined in section 249A.2,
 46 legally responsible for payment of a claim for a
 47 health care item or service provided to a health care
 48 coverage recipient of the cooperative.

49 (2) A statement agreeing to cooperate with the
 50 department of human services in complying with section

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1 249A.36.

2 (3) The secretary of state shall provide the
 3 information submitted under this lettered paragraph to
 4 the department of human services in the format
 5 determined by the department of human services to
 6 enable the department of human services to determine
 7 whether a health care coverage recipient of the
 8 cooperative is also a medical assistance recipient
 9 pursuant to section 249A.36.

10 Sec. 18. Section 501A.503, subsection 1, paragraph

11 a, Code 2007, is amended by adding the following new
 12 subparagraph:

13 NEW SUBPARAGRAPH. (6) A statement agreeing to
 14 cooperate with the department of human services in
 15 complying with section 249A.36.

16 Sec. 19. Section 504.202, subsection 1, Code 2007,
 17 is amended by adding the following new paragraph:

18 NEW PARAGRAPH. f. A statement agreeing to
 19 cooperate with the department of human services in
 20 complying with section 249A.36.

21 Sec. 20. Section 504.1613, subsection 1, Code
 22 2007, is amended by adding the following new
 23 paragraph:

24 NEW PARAGRAPH. f. (1) The street and mailing
 25 address of any entity, as defined in section 249A.2,
 26 legally responsible for payment of a claim for a
 27 health care item or service provided to a health care
 28 coverage recipient of the domestic nonprofit
 29 corporation or foreign nonprofit corporation.

30 (2) A statement agreeing to cooperate with the
 31 department of human services in complying with section
 32 249A.36.

33 (3) The secretary of state shall provide the
 34 information submitted under this lettered paragraph to
 35 the department of human services in the format
 36 determined by the department of human services to
 37 enable the department of human services to determine
 38 whether a health care coverage recipient of the
 39 domestic nonprofit corporation or foreign nonprofit
 40 corporation is also a medical assistance recipient
 41 pursuant to section 249A.36.

42 Sec. 21. Section 505.25, Code 2007, is amended to
 43 read as follows:

44 505.25 INFORMATION PROVIDED TO MEDICAL ASSISTANCE
 45 PROGRAM, HAWK-I PROGRAM, AND CHILD SUPPORT RECOVERY
 46 UNIT.

47 1. A carrier, as defined in section 514C.13, shall
 48 enter into a health insurance data match program with
 49 the department of human services for the sole purpose
 50 of comparing the names of the carrier's insureds with

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1 the names of recipients of the medical assistance
 2 program under chapter 249A, individuals under the
 3 purview of the child support recovery unit pursuant to
 4 chapter 252B, or enrollees of the hawk-i program under
 5 chapter 514I.

6 2. An entity as defined in section 249A.2 shall
 7 enter into a health insurance data match program with
 8 the department of human services requiring the entity
 9 to provide on a monthly basis to the department, in

10 the format determined by the department, information
 11 necessary to enable the department to determine
 12 whether a health care coverage recipient of the entity
 13 is also a recipient of medical assistance under
 14 chapter 249A.
 15 3. The division of insurance of the department of
 16 commerce shall make information available to the
 17 department of human services for the purpose of
 18 identifying carriers and entities subject to the
 19 health insurance data match program.
 20 Sec. 22. EFFECTIVE DATE. This Act takes effect
 21 March 1, 2008."

ABDUL-SAMAD of Polk

H-8574

1 Amend House File 2693 as follows:
 2 1. Page 1, line 13, by inserting after the word
 3 "b." the following: "(1)".
 4 2. Page 1, line 27, by striking the words "not
 5 participating in the initial determination".
 6 3. Page 1, line 27, by inserting after the word
 7 "shall" the following: "not".
 8 4. Page 1, by inserting after line 28 the
 9 following:
 10 "(2) An accounting firm, agent, unemployment
 11 insurance accounting firm, or other entity or
 12 individual who represents an employer in unemployment
 13 claim matters and demonstrates a continuous pattern of
 14 failing to participate in the initial determinations
 15 to award benefits, as determined and defined by rule
 16 by the department, shall be denied permission by the
 17 department to represent any employers in unemployment
 18 insurance matters."
 19 5. Page 1, by inserting before line 29 the
 20 following:
 21 "Sec. _____. Section 96.14, subsection 2, paragraph
 22 d, Code Supplement 2007, is amended to read as
 23 follows:
 24 d. A penalty shall not be less than ~~ten dollars~~
 25 ~~for the first delinquent report or the first~~
 26 ~~insufficient report not made sufficient within thirty~~
 27 ~~days after a request to do so. The penalty shall not~~
 28 ~~be less than twenty five dollars for the second~~
 29 ~~delinquent or insufficient report, and not less than~~
 30 ~~fifty~~ thirty-five dollars for each delinquent or
 31 insufficient report ~~thereafter, until four consecutive~~
 32 ~~calendar quarters of reports are timely and~~
 33 ~~sufficiently filed.~~ Interest, penalties, and cost
 34 shall be collected by the department in the same
 35 manner as provided by this chapter for contributions.

36 Sec.____. Section 96.14, subsection 2, Code
 37 Supplement 2007, is amended by adding the following
 38 new paragraph:
 39 NEW PARAGRAPH. ee. If any tendered payment of any
 40 amount due in the form of a check, draft, or money
 41 order is not honored when presented to a financial
 42 institution, any costs assessed to the department by
 43 the financial institution and a fee of thirty dollars
 44 shall be assessed to the employer.
 45 Sec.____. Section 96.14, Code Supplement 2007, is
 46 amended by adding the following new subsection:
 47 NEW SUBSECTION. 17. EMPLOYER SUBPOENA COST AND
 48 PENALTY. An employer who is served with a subpoena
 49 pursuant to section 96.11, subsection 7, for the
 50 investigation of an employer liability issue, to

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1 complete audits, to secure reports, or to assess
 2 contributions shall pay all costs associated with the
 3 subpoena, including service fees and court costs. The
 4 department shall penalize an employer in the amount of
 5 two hundred fifty dollars if that employer refused to
 6 honor a subpoena or negligently failed to honor a
 7 subpoena. The cost of the subpoena and any penalty
 8 shall be collected in the manner provided in section
 9 96.14, subsection 3.
 10 Sec.____. EFFECTIVE DATE. The sections of this
 11 Act amending section 96.14 take effect January 1,
 12 2009."
 13 6. Title page, line 2, by inserting after the
 14 word "adjudications" the following: "and unemployment
 15 insurance tax penalties, and providing an effective
 16 date".

COMMITTEE ON LABOR

H-8576

1 Amend Senate File 2424, as passed by the Senate, as
 2 follows:
 3 1. By striking page 39, line 11, through page 40,
 4 line 2.
 5 2. By renumbering as necessary.

JACOBS of Polk

H-8577

1 Amend the Senate amendment, H-8439, to House File
 2 2539, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. By striking page 1, line 3, through page 42,
5 line 14, and inserting the following:

6 "____. By striking everything after the enacting
7 clause and inserting the following:

8 "DIVISION I

9 HEALTH CARE COVERAGE INTENT

10 Section 1. DECLARATION OF INTENT.

11 1. It is the intent of the general assembly to
12 progress toward achievement of the goal that all
13 Iowans have health care coverage with the following
14 priorities:

15 a. The goal that all children in the state have
16 health care coverage which meets certain standards of
17 quality and affordability with the following
18 priorities:

19 (1) Covering all children who are declared
20 eligible for the medical assistance program or the
21 hawk-i program pursuant to chapter 514I no later than
22 January 1, 2011.

23 (2) Building upon the current hawk-i program by
24 creating a hawk-i expansion program to provide
25 coverage to children who meet the hawk-i program's
26 eligibility criteria but whose income is at or below
27 three hundred percent of the federal poverty level,
28 beginning July 1, 2009.

29 (3) If federal reauthorization of the state
30 children's health insurance program provides
31 sufficient federal allocations to the state and
32 authorization to cover such children as an option
33 under the state children's health insurance program,
34 requiring the department of human services to expand
35 coverage under the state children's health insurance
36 program to cover children with family incomes at or
37 below three hundred percent of the federal poverty
38 level, with appropriate cost sharing established for
39 families with incomes above two hundred percent of the
40 federal poverty level.

41 b. The goal that the Iowa comprehensive health
42 insurance association, in consultation with the Iowa
43 choice health care coverage advisory council
44 established in section 514E.6, develop a comprehensive
45 plan to cover all children without health care
46 coverage that utilizes and modifies existing public
47 programs including the medical assistance program, the
48 hawk-i program, and the hawk-i expansion program, and
49 to provide access to private unsubsidized, affordable,
50 qualified health care coverage for children, adults,

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1 and families with family incomes less than four
2 hundred percent of the federal poverty level who are

3 not otherwise eligible for health care coverage
 4 through public programs that is available for purchase
 5 by January 1, 2010.

6 c. The goal of decreasing health care costs and
 7 health care coverage costs by instituting health
 8 insurance reforms that assure the availability of
 9 private health insurance coverage for Iowans by
 10 addressing issues involving guaranteed availability
 11 and issuance to applicants, preexisting condition
 12 exclusions, portability, and allowable or required
 13 pooling and rating classifications.

14 DIVISION II

15 HAWK-I AND MEDICAID EXPANSION

16 Sec. 2. Section 249A.3, subsection 1, paragraph 1,
 17 Code Supplement 2007, is amended to read as follows:

18 1. Is an infant whose income is not more than two
 19 hundred percent of the federal poverty level, as
 20 defined by the most recently revised income guidelines
 21 published by the United States department of health
 22 and human services. Additionally, effective July 1,
 23 2009, medical assistance shall be provided to an
 24 infant whose family income is at or below three
 25 hundred percent of the federal poverty level, as
 26 defined by the most recently revised poverty income
 27 guidelines published by the United States department
 28 of health and human services, if otherwise eligible.

29 Sec. 3. Section 249A.3, Code Supplement 2007, is
 30 amended by adding the following new subsection:

31 NEW SUBSECTION. 14. Once initial eligibility for
 32 the family medical assistance program-related medical
 33 assistance is determined for a child described under
 34 subsection 1, paragraphs "b", "f", "g", "j", "k", "l",
 35 or "n" or under subsection 2, paragraphs "e", "f", or
 36 "h", the department shall provide continuous
 37 eligibility for a period of up to twelve months, until
 38 the child's next annual review of eligibility under
 39 the medical assistance program, if the child would
 40 otherwise be determined ineligible due to excess
 41 countable income but otherwise remains eligible.

42 Sec. 4. NEW SECTION. 422.12K INCOME TAX FORM –
 43 INDICATION OF DEPENDENT CHILD HEALTH CARE COVERAGE.

44 1. The director shall draft the income tax form to
 45 allow beginning with the tax returns for tax year
 46 2008, a person who files an individual or joint income
 47 tax return with the department under section 422.13 to
 48 indicate the presence or absence of health care
 49 coverage for each dependent child for whom an
 50 exemption is claimed.

2 year 2008, a person who files an individual or joint
3 income tax return with the department under section
4 422.13, shall report on the income tax return, in the
5 form required, the presence or absence of health care
6 coverage for each dependent child for whom an
7 exemption is claimed.

8 a. If the taxpayer indicates on the income tax
9 return that a dependent child does not have health
10 care coverage, and the income of the taxpayer's tax
11 return does not exceed the highest level of income
12 eligibility standard for the medical assistance
13 program pursuant to chapter 249A or the hawk-i program
14 pursuant to chapter 514I, the department shall send a
15 notice to the taxpayer indicating that the dependent
16 child may be eligible for the medical assistance
17 program or the hawk-i program and providing
18 information about how to enroll in the programs.

19 b. Notwithstanding any other provision of law to
20 the contrary, a taxpayer shall not be subject to a
21 penalty for not providing the information required
22 under this section.

23 c. The department shall consult with the
24 department of human services in developing the tax
25 return form and the information to be provided to tax
26 filers under this section.

27 3. The department, in cooperation with the
28 department of human services, shall adopt rules
29 pursuant to chapter 17A to administer this section,
30 including rules defining "health care coverage" for
31 the purpose of indicating its presence or absence on
32 the tax form.

33 4. The department, in cooperation with the
34 department of human services, shall report, annually,
35 to the governor and the general assembly all of the
36 following:

37 a. The number of Iowa families, by income level,
38 claiming the state income tax exemption for dependent
39 children.

40 b. The number of Iowa families, by income level,
41 claiming the state income tax exemption for dependent
42 children who also indicate the presence or absence of
43 health care coverage for the dependent children.

44 c. The effect of the reporting requirements and
45 provision of information requirements under this
46 section on the number and percentage of children in
47 the state who are uninsured.

48 Sec. 5. Section 514I.1, subsection 4, Code 2007,
49 is amended to read as follows:

50 4. It is the intent of the general assembly that

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1 the hawk-i program be an integral part of the
2 continuum of health insurance coverage and that the
3 program be developed and implemented in such a manner
4 as to facilitate movement of families between health
5 insurance providers and to facilitate the transition
6 of families to private sector health insurance
7 coverage. It is the intent of the general assembly in
8 developing such continuum of health insurance coverage
9 and in facilitating such transition, that beginning
10 July 1, 2009, the department implement the hawk-i
11 expansion program.

12 Sec. 6. Section 514I.1, Code 2007, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 5. It is the intent of the
15 general assembly that if federal reauthorization of
16 the state children's health insurance program provides
17 sufficient federal allocations to the state and
18 authorization to cover such children as an option
19 under the state children's health insurance program,
20 the department shall expand coverage under the state
21 children's health insurance program to cover children
22 with family incomes at or below three hundred percent
23 of the federal poverty level.

24 Sec. 7. Section 514I.2, Code 2007, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 7A. "Hawk-i expansion program" or
27 "hawk-i expansion" means the healthy and well kids in
28 Iowa expansion program created in section 514I.12 to
29 provide health insurance to children who meet the
30 hawk-i program eligibility criteria pursuant to
31 section 514I.8, with the exception of the family
32 income criteria, and whose family income is at or
33 below three hundred percent of the federal poverty
34 level, as defined by the most recently revised poverty
35 income guidelines published by the United States
36 department of health and human services.

37 Sec. 8. Section 514I.5, subsection 7, paragraph d,
38 Code Supplement 2007, is amended to read as follows:

39 d. Develop, with the assistance of the department,
40 an outreach plan, and provide for periodic assessment
41 of the effectiveness of the outreach plan. The plan
42 shall provide outreach to families of children likely
43 to be eligible for assistance under the program, to
44 inform them of the availability of and to assist the
45 families in enrolling children in the program. The
46 outreach efforts may include, but are not limited to,
47 solicitation of cooperation from programs, agencies,
48 and other persons who are likely to have contact with
49 eligible children, including but not limited to those
50 associated with the educational system, and the

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1 development of community plans for outreach and
2 marketing. Other state agencies including but not
3 limited to the department of revenue, the department
4 of economic development, and the department of
5 education shall cooperate with the department in
6 providing marketing and outreach to potentially
7 eligible children and their families.

8 Sec. 9. Section 514I.5, subsection 7, Code
9 Supplement 2007, is amended by adding the following
10 new paragraph:

11 NEW PARAGRAPH. 1. Develop options and
12 recommendations to allow children eligible for the
13 hawk-i or hawk-i expansion program to participate in
14 qualified employer-sponsored health plans through a
15 premium assistance program. The options and
16 recommendations shall ensure reasonable alignment
17 between the benefits and costs of the hawk-i and
18 hawk-i expansion programs and the employer-sponsored
19 health plans consistent with federal law. The options
20 and recommendations shall be completed by January 1,
21 2009, and submitted to the governor and the general
22 assembly for consideration as part of the hawk-i and
23 hawk-i expansion programs.

24 Sec. 10. Section 514I.7, subsection 2, paragraph
25 a, Code 2007, is amended to read as follows:

26 a. Determine individual eligibility for program
27 enrollment based upon review of completed applications
28 and supporting documentation. The administrative
29 contractor shall not enroll a child who has group
30 health coverage ~~or any child who has dropped coverage~~
31 ~~in the previous six months, unless the coverage was~~
32 ~~involuntarily lost or unless the reason for dropping~~
33 ~~coverage is allowed by rule of the board.~~

34 Sec. 11. Section 514I.8, subsection 1, Code 2007,
35 is amended to read as follows:

36 1. Effective July 1, 1998, and notwithstanding any
37 medical assistance program eligibility criteria to the
38 contrary, medical assistance shall be provided to, or
39 on behalf of, an eligible child under the age of
40 nineteen whose family income does not exceed one
41 hundred thirty-three percent of the federal poverty
42 level, as defined by the most recently revised poverty
43 income guidelines published by the United States
44 department of health and human services.
45 Additionally, effective July 1, 2000, and
46 notwithstanding any medical assistance program
47 eligibility criteria to the contrary, medical
48 assistance shall be provided to, or on behalf of, an
49 eligible infant whose family income does not exceed
50 two hundred percent of the federal poverty level, as

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1 defined by the most recently revised poverty income
 2 guidelines published by the United States department
 3 of health and human services. Effective July 1, 2009,
 4 and notwithstanding any medical assistance program
 5 eligibility criteria to the contrary, medical
 6 assistance shall be provided to, or on behalf of, an
 7 eligible infant whose family income is at or below
 8 three hundred percent of the federal poverty level, as
 9 defined by the most recently revised poverty income
 10 guidelines published by the United States department
 11 of health and human services.

12 Sec. 12. Section 514I.10, subsection 2, Code 2007,
 13 is amended to read as follows:

14 2. Cost sharing for eligible children whose family
 15 income equals ~~or exceeds~~ one hundred fifty percent but
 16 does not exceed two hundred percent of the federal
 17 poverty level may include a premium or copayment
 18 amount which does not exceed five percent of the
 19 annual family income. The amount of any premium or
 20 the copayment amount shall be based on family income
 21 and size.

22 Sec. 13. Section 514I.11, subsections 1 and 3,
 23 Code 2007, are amended to read as follows:

24 1. A hawk-i trust fund is created in the state
 25 treasury under the authority of the department of
 26 human services, in which all appropriations and other
 27 revenues of the program and the hawk-i expansion
 28 program such as grants, contributions, and participant
 29 payments shall be deposited and used for the purposes
 30 of the program and the hawk-i expansion program. The
 31 moneys in the fund shall not be considered revenue of
 32 the state, but rather shall be funds of the program.

33 3. Moneys in the fund are appropriated to the
 34 department and shall be used to offset any program and
 35 hawk-i expansion program costs.

36 Sec. 14. NEW SECTION. 514I.12 HAWK-I EXPANSION
 37 PROGRAM.

38 1. All children less than nineteen years of age
 39 who meet the hawk-i program eligibility criteria
 40 pursuant to section 514I.8, with the exception of the
 41 family income criteria, and whose family income is at
 42 or below three hundred percent of the federal poverty
 43 level, shall be eligible for the hawk-i expansion
 44 program.

45 2. To the greatest extent possible, the provisions
 46 of section 514I.4, relating to the director and
 47 department duties and powers, section 514I.5 relating
 48 to the hawk-i board, section 514I.6 relating to
 49 participating insurers, and section 514I.7 relating to
 50 the administrative contractor shall apply to the

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1 hawk-i expansion program. The department shall adopt
2 any rules necessary, pursuant to chapter 17A, and
3 shall amend any existing contracts to facilitate the
4 application of such sections to the hawk-i expansion
5 program.

6 3. The hawk-i board shall establish by rule
7 pursuant to chapter 17A, the cost-sharing amounts for
8 children under the hawk-i expansion program. The
9 rules shall include criteria for modification of the
10 cost-sharing amounts by the board.

11 Sec. 15. MAXIMIZATION OF ENROLLMENT AND RETENTION
12 – MEDICAL ASSISTANCE AND HAWK-I PROGRAMS.

13 1. The department of human services, in
14 collaboration with the department of education, the
15 department of public health, the division of insurance
16 of the department of commerce, the hawk-i board, the
17 covering kids and families coalition, and the covering
18 kids now task force, shall develop a plan to maximize
19 enrollment and retention of eligible children in the
20 hawk-i and medical assistance programs. In developing
21 the plan, the collaborative shall review, at a
22 minimum, all of the following strategies:

23 a. Streamlined enrollment in the hawk-i and
24 medical assistance programs. The collaborative shall
25 identify information and documentation that may be
26 shared across departments and programs to simplify the
27 determination of eligibility or eligibility factors,
28 and any interagency agreements necessary to share
29 information consistent with state and federal
30 confidentiality and other applicable requirements.

31 b. Conditional eligibility for the hawk-i and
32 medical assistance programs.

33 c. Retroactive eligibility for the hawk-i program.

34 d. Expedited renewal for the hawk-i and medical
35 assistance programs.

36 2. Following completion of the review the
37 department of human services shall compile the plan
38 which shall address all of the following relative to
39 implementation of the strategies specified in
40 subsection 1:

41 a. Federal limitations and quantifying of the risk
42 of federal disallowance.

43 b. Any necessary amendment of state law or rule.

44 c. Budgetary implications and cost-benefit
45 analyses.

46 d. Any medical assistance state plan amendments,
47 waivers, or other federal approval necessary.

48 e. An implementation time frame.

49 3. The department of human services shall submit
50 the plan to the governor and the general assembly no

1 later than December 1, 2008.

2 Sec. 16. MEDICAL ASSISTANCE, HAWK-I, AND HAWK-I
3 EXPANSION PROGRAMS – COVERING CHILDREN –
4 APPROPRIATION. There is appropriated from the general
5 fund of the state to the department of human services
6 for the designated fiscal years, the following
7 amounts, or so much thereof as is necessary, for the
8 purpose designated:

9 To cover children as provided in this Act under the
10 medical assistance, hawk-i, and hawk-i expansion
11 programs and outreach under the current structure of
12 the programs:

13 FY 2008-2009	\$ 4,800,000
14 FY 2009-2010	\$14,800,000
15 FY 2010-2011	\$24,800,000

16 DIVISION III

17 IOWA CHOICE HEALTH CARE COVERAGE
18 AND ADVISORY COUNCIL

19 Sec. 17. Section 514E.1, Code 2007, is amended by
20 adding the following new subsections:

21 NEW SUBSECTION. 14A. "Iowa choice health care
22 coverage advisory council" or "advisory council" means
23 the advisory council created in section 514E.6.

24 NEW SUBSECTION. 21. "Qualified health care
25 coverage" means creditable coverage which meets
26 minimum standards of quality and affordability as
27 determined by the association by rule.

28 Sec. 18. Section 514E.2, subsection 3, unnumbered
29 paragraph 1, Code 2007, is amended to read as follows:

30 The association shall submit to the commissioner a
31 plan of operation for the association and any
32 amendments necessary or suitable to assure the fair,
33 reasonable, and equitable administration of the
34 association. The plan of operation shall include
35 provisions for the development of a comprehensive
36 health care coverage plan as provided in section
37 514E.5. In developing the comprehensive plan the
38 association shall give deference to the
39 recommendations made by the advisory council as
40 provided in section 514E.6, subsection 1. The
41 association shall approve or disapprove but shall not
42 modify recommendations made by the advisory council.
43 Recommendations that are approved shall be included in
44 the plan of operation submitted to the commissioner.
45 Recommendations that are disapproved shall be
46 submitted to the commissioner with reasons for the
47 disapproval. The plan of operation becomes effective
48 upon approval in writing by the commissioner prior to
49 the date on which the coverage under this chapter must
50 be made available. After notice and hearing, the

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1 commissioner shall approve the plan of operation if
2 the plan is determined to be suitable to assure the
3 fair, reasonable, and equitable administration of the
4 association, and provides for the sharing of
5 association losses, if any, on an equitable and
6 proportionate basis among the member carriers. If the
7 association fails to submit a suitable plan of
8 operation within one hundred eighty days after the
9 appointment of the board of directors, or if at any
10 later time the association fails to submit suitable
11 amendments to the plan, the commissioner shall adopt,
12 pursuant to chapter 17A, rules necessary to implement
13 this section. The rules shall continue in force until
14 modified by the commissioner or superseded by a plan
15 submitted by the association and approved by the
16 commissioner. In addition to other requirements, the
17 plan of operation shall provide for all of the
18 following:

19 Sec. 19. NEW SECTION. 514E.5 IOWA CHOICE HEALTH
20 CARE COVERAGE.

21 1. The association, in consultation with the Iowa
22 choice health care coverage advisory council, shall
23 develop a comprehensive health care coverage plan to
24 provide health care coverage to all children without
25 such coverage, that utilizes and modifies existing
26 public programs including the medical assistance
27 program, hawk-i program, and hawk-i expansion program,
28 and to provide access to private unsubsidized,
29 affordable, qualified health care coverage to children
30 who are not otherwise eligible for health care
31 coverage through public programs.

32 2. The comprehensive plan developed by the
33 association and the advisory council, shall also
34 develop and recommend options to provide access to
35 private unsubsidized, affordable, qualified health
36 care coverage to all Iowa children less than nineteen
37 years of age with a family income that is more three
38 hundred percent of the federal poverty level and to
39 adults and families with a family income that is less
40 than four hundred percent of the federal poverty level
41 and who are not otherwise eligible for coverage under
42 chapter 249A, 249J, or 514I.

43 3. As part of the comprehensive plan developed,
44 the association, in consultation with the advisory
45 council, shall define what constitutes qualified
46 health care coverage for children less than nineteen
47 years of age. For the purposes of this definition and
48 for designing health care coverage options for
49 children, the association, in consultation with the
50 advisory council, shall recommend the benefits to be

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1 included in such coverage and shall explore the value
2 of including coverage for the treatment of mental and
3 behavioral disorders. The association and the
4 advisory council shall also consider whether to
5 include coverage of the following benefits:
6 a. Inpatient hospital services including medical,
7 surgical, intensive care unit, mental health, and
8 substance abuse services.
9 b. Nursing care services including skilled nursing
10 facility services.
11 c. Outpatient hospital services including
12 emergency room, surgery, lab, and x-ray services and
13 other services.
14 d. Physician services, including surgical and
15 medical, office visits, newborn care, well-baby and
16 well-child care, immunizations, urgent care,
17 specialist care, allergy testing and treatment, mental
18 health visits, and substance abuse visits.
19 e. Ambulance services.
20 f. Physical therapy.
21 g. Speech therapy.
22 h. Durable medical equipment.
23 i. Home health care.
24 j. Hospice services.
25 k. Prescription drugs.
26 l. Dental services including preventive services.
27 m. Medically necessary hearing services.
28 n. Vision services including corrective lenses.
29 o. No underwriting requirements and no preexisting
30 condition exclusions.
31 p. Chiropractic services.
32 4. As part of the comprehensive plan developed,
33 the association, in consultation with the advisory
34 council, shall consider and recommend whether health
35 care coverage options that are developed for purchase
36 for children less than nineteen years of age with a
37 family income that is more than three hundred percent
38 of the federal poverty level should require a
39 copayment for services received in an amount
40 determined by the association.
41 5. As part of the comprehensive plan, the
42 association, in consultation with the advisory
43 council, shall define what constitutes qualified
44 health care coverage for adults and families who are
45 not eligible for a public program and have a family
46 income that is less than four hundred percent of the
47 federal poverty level. The association, in
48 consultation with the advisory council, shall develop
49 and recommend health care coverage options for
50 purchase by such adults and families that provide a

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1 selection of health benefit plans and standardized
2 benefits.
3 6. As part of the comprehensive plan the
4 association and the advisory council may collaborate
5 with health insurance carriers to do the following,
6 including but not limited to:
7 a. Design solutions to issues relating to
8 guaranteed issuance of insurance, preexisting
9 condition exclusions, portability, and allowable
10 pooling and rating classifications.
11 b. Formulate principles that ensure fair and
12 appropriate practices relating to issues involving
13 individual health care policies such as rescission and
14 preexisting condition clauses, and that provide for a
15 binding third-party review process to resolve disputes
16 related to such issues.
17 c. Design affordable, portable health care
18 coverage options for low-income children, adults, and
19 families.
20 d. Design a proposed premium schedule for health
21 care coverage options that are recommended which
22 include the development of rating factors that are
23 consistent with market conditions.

24 7. The association shall submit the comprehensive
25 plan required by this section to the governor and the
26 general assembly by December 15, 2008. The
27 appropriations to cover children under the medical
28 assistance, hawk-i, and hawk-i expansion programs as
29 provided in this Act and to provide related outreach
30 for fiscal year 2009-2010 and fiscal year 2010-2011
31 are contingent upon enactment of a comprehensive plan
32 during the 2009 regular session of the Eighty-third
33 General Assembly that provides health care coverage
34 for all children in the state. Enactment of a
35 comprehensive plan shall include a determination of
36 what the prospects are of federal action which may
37 impact the comprehensive plan and the fiscal impact of
38 the comprehensive plan on the state budget.

39 Sec. 20. NEW SECTION. 514E.6 IOWA CHOICE HEALTH
40 CARE COVERAGE ADVISORY COUNCIL.

41 1. The Iowa choice health care coverage advisory
42 council is created for the purpose of assisting the
43 association with developing a comprehensive health
44 care coverage plan as provided in section 514E.5. The
45 advisory council shall make recommendations concerning
46 the design and implementation of the comprehensive
47 plan including but not limited to a definition of what
48 constitutes qualified health care coverage,
49 suggestions for the design of health care coverage
50 options, and implementation of a health care coverage

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1 reporting requirement.

2 2. The advisory council consists of the following
3 persons who are voting members unless otherwise
4 provided:

5 a. The two most recent former governors, or if one
6 or both of them are unable or unwilling to serve, a
7 person or persons appointed by the governor.

8 b. Six members appointed by the governor, subject
9 to confirmation by the senate:

10 (1) A representative of the federation of Iowa
11 insurers.

12 (2) A health economist.

13 (3) Two consumers, one of whom shall be a
14 representative of a children's advocacy organization
15 and one of whom shall be a member of a minority.

16 (4) A representative of organized labor.

17 (5) A representative of an organization of
18 employers.

19 c. The following members shall be ex officio,
20 nonvoting members of the council:

21 (1) The commissioner of insurance, or a designee.

22 (2) The director of human services, or a designee.

23 (3) The director of public health, or a designee.

24 (4) Four members of the general assembly, one
25 appointed by the speaker of the house of
26 representatives, one appointed by the minority leader
27 of the house of representatives, one appointed by the
28 majority leader of the senate, and one appointed by
29 the minority leader of the senate.

30 3. The members of the council appointed by the
31 governor shall be appointed for terms of six years
32 beginning and ending as provided in section 69.19.
33 Such a member of the board is eligible for
34 reappointment. The governor shall fill a vacancy for
35 the remainder of the unexpired term.

36 4. The members of the council shall annually elect
37 one voting member as chairperson and one as vice
38 chairperson. Meetings of the council shall be held at
39 the call of the chairperson or at the request of a
40 majority of the council's members.

41 5. The members of the council shall not receive
42 compensation for the performance of their duties as
43 members but each member shall be paid necessary
44 expenses while engaged in the performance of duties of
45 the council. Any legislative member shall be paid the
46 per diem and expenses specified in section 2.10.

47 6. The members of the council are subject to and
48 are officials within the meaning of chapter 68B.

49 DIVISION IV
50 HEALTH INSURANCE OVERSIGHT

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1 Sec. 21. Section 505.8, Code Supplement 2007, is
 2 amended by adding the following new subsection:
 3 NEW SUBSECTION. 5A. The commissioner shall have
 4 regulatory authority over health benefit plans and
 5 adopt rules under chapter 17A as necessary, to promote
 6 the uniformity, cost efficiency, transparency, and
 7 fairness of such plans for physicians licensed under
 8 chapters 148, 150, and 150A, and hospitals licensed
 9 under chapter 135B, for the purpose of maximizing
 10 administrative efficiencies and minimizing
 11 administrative costs of health care providers and
 12 health insurers.

13 Sec. 22. HEALTH INSURANCE OVERSIGHT --
 14 APPROPRIATION. There is appropriated from the general
 15 fund of the state to the insurance division of the
 16 department of commerce for the fiscal year beginning
 17 July 1, 2008, and ending June 30, 2009, the following
 18 amount, or so much thereof as is necessary, for the
 19 purpose designated:

20 For identification and regulation of procedures and
 21 practices related to health care as provided in
 22 section 505.8, subsection 5A:
 23 \$80,000

24 DIVISION V

25 IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM

26 DIVISION XXI

27 IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM

28 Sec. 23. NEW SECTION. 135.154 DEFINITIONS.

29 As used in this division, unless the context
 30 otherwise requires:

- 31 1. "Board" means the state board of health created
 32 pursuant to section 136.1.
- 33 2. "Department" means the department of public
 34 health.
- 35 3. "Health care professional" means a person who
 36 is licensed, certified, or otherwise authorized or
 37 permitted by the law of this state to administer
 38 health care in the ordinary course of business or in
 39 the practice of a profession.
- 40 4. "Health information technology" means the
 41 application of information processing, involving both
 42 computer hardware and software, that deals with the
 43 storage, retrieval, sharing, and use of health care
 44 information, data, and knowledge for communication,
 45 decision making, quality, safety, and efficiency of
 46 clinical practice, and may include but is not limited
 47 to:
 48 a. An electronic health record that electronically
 49 compiles and maintains health information that may be
 50 derived from multiple sources about the health status

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1 of an individual and may include a core subset of each
2 care delivery organization's electronic medical record
3 such as a continuity of care record or a continuity of
4 care document, computerized physician order entry,
5 electronic prescribing, or clinical decision support.

6 b. A personal health record through which an
7 individual and any other person authorized by the
8 individual can maintain and manage the individual's
9 health information.

10 c. An electronic medical record that is used by
11 health care professionals to electronically document,
12 monitor, and manage health care delivery within a care
13 delivery organization, is the legal record of the
14 patient's encounter with the care delivery
15 organization, and is owned by the care delivery
16 organization.

17 d. A computerized provider order entry function
18 that permits the electronic ordering of diagnostic and
19 treatment services, including prescription drugs.

20 e. A decision support function to assist
21 physicians and other health care providers in making
22 clinical decisions by providing electronic alerts and
23 reminders to improve compliance with best practices,
24 promote regular screenings and other preventive
25 practices, and facilitate diagnoses and treatments.

26 f. Tools to allow for the collection, analysis,
27 and reporting of information or data on adverse
28 events, the quality and efficiency of care, patient
29 satisfaction, and other health care-related
30 performance measures.

31 5. "Interoperability" means the ability of two or
32 more systems or components to exchange information or
33 data in an accurate, effective, secure, and consistent
34 manner and to use the information or data that has
35 been exchanged and includes but is not limited to:

36 a. The capacity to connect to a network for the
37 purpose of exchanging information or data with other
38 users.

39 b. The ability of a connected, authenticated user
40 to demonstrate appropriate permissions to participate
41 in the instant transaction over the network.

42 c. The capacity of a connected, authenticated user
43 to access, transmit, receive, and exchange usable
44 information with other users.

45 6. "Recognized interoperability standard" means
46 interoperability standards recognized by the office of
47 the national coordinator for health information
48 technology of the United States department of health
49 and human services.

50 Sec. 24. NEW SECTION. 135.155 IOWA ELECTRONIC

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1 HEALTH – PRINCIPLES – GOALS.

- 2 1. Health information technology is rapidly
3 evolving so that it can contribute to the goals of
4 improving access to and quality of health care,
5 enhancing efficiency, and reducing costs.
6 2. To be effective, the health information
7 technology system shall comply with all of the
8 following principles:
9 a. Be patient-centered and market-driven.
10 b. Be based on approved standards developed with
11 input from all stakeholders.
12 c. Protect the privacy of consumers and the
13 security and confidentiality of all health
14 information.
15 d. Promote interoperability.
16 e. Ensure the accuracy, completeness, and
17 uniformity of data.
18 3. Widespread adoption of health information
19 technology is critical to a successful health
20 information technology system and is best achieved
21 when all of the following occur:
22 a. The market provides a variety of certified
23 products from which to choose in order to best fit the
24 needs of the user.
25 b. The system provides incentives for health care
26 professionals to utilize the health information
27 technology and provides rewards for any improvement in
28 quality and efficiency resulting from such
29 utilization.
30 c. The system provides protocols to address
31 critical problems.
32 d. The system is financed by all who benefit from
33 the improved quality, efficiency, savings, and other
34 benefits that result from use of health information
35 technology.

36 Sec. 25. NEW SECTION. 135.156 ELECTRONIC HEALTH
37 INFORMATION – DEPARTMENT DUTIES – ADVISORY COUNCIL
38 – EXECUTIVE COMMITTEE.

- 39 1. a. The department shall direct a public and
40 private collaborative effort to promote the adoption
41 and use of health information technology in this state
42 in order to improve health care quality, increase
43 patient safety, reduce health care costs, enhance
44 public health, and empower individuals and health care
45 professionals with comprehensive, real-time medical
46 information to provide continuity of care and make the
47 best health care decisions. The department shall
48 provide oversight for the development, implementation,
49 and coordination of an interoperable electronic health
50 records system, telehealth expansion efforts, the

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1 health information technology infrastructure, and
2 other health information technology initiatives in
3 this state. The department shall be guided by the
4 principles and goals specified in section 135.155.
5 b. All health information technology efforts shall
6 endeavor to represent the interests and meet the needs
7 of consumers and the health care sector, protect the
8 privacy of individuals and the confidentiality of
9 individuals' information, promote physician best
10 practices, and make information easily accessible to
11 the appropriate parties. The system developed shall
12 be consumer-driven, flexible, and expandable.

13 2. a. An electronic health information advisory
14 council is established which shall consist of the
15 representatives of entities involved in the electronic
16 health records system task force established pursuant
17 to section 217.41A, Code 2007, a pharmacist, a
18 licensed practicing physician, a consumer who is a
19 member of the state board of health, the executive
20 director of the Iowa communications network, a
21 representative of the private telecommunications
22 industry, a representative of the Iowa collaborative
23 safety net provider network created in section
24 135.153, a nurse informaticist from the university of
25 Iowa, and any other members the department or
26 executive committee of the advisory council determine
27 necessary to assist the department or executive
28 committee at various stages of development of the
29 electronic health information system. Executive
30 branch agencies shall also be included as necessary to
31 assist in the duties of the department and the
32 executive committee. Public members of the advisory
33 council shall receive reimbursement for actual
34 expenses incurred while serving in their official
35 capacity only if they are not eligible for
36 reimbursement by the organization that they represent.
37 Any legislative members shall be paid the per diem and
38 expenses specified in section 2.10.

39 b. An executive committee of the electronic health
40 information advisory council is established. Members
41 of the executive committee of the advisory council
42 shall receive reimbursement for actual expenses
43 incurred while serving in their official capacity only
44 if they are not eligible for reimbursement by the
45 organization that they represent. The executive
46 committee shall consist of the following members:

47 (1) Three members, each of whom is the chief
48 information officer of one of the three largest
49 private health care systems in the state.

50 (2) One member who is a representative of the

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1 university of Iowa.

2 (3) One member who is a representative of a rural
3 hospital that is a member of the Iowa hospital
4 association.

5 (4) One member who is a consumer member of the
6 state board of health.

7 (5) One member who is a licensed practicing
8 physician.

9 (6) One member who is a health care provider other
10 than a licensed practicing physician.

11 (7) A representative of the federation of Iowa
12 insurers.

13 3. The executive committee, with the technical
14 assistance of the advisory council and the support of
15 the department shall do all of the following:

16 a. Develop a statewide health information
17 technology plan by July 1, 2009. In developing the
18 plan, the executive committee shall seek the input of
19 providers, payers, and consumers. Standards and
20 policies developed for the plan shall promote and be
21 consistent with national standards developed by the
22 office of the national coordinator for health
23 information technology of the United States department
24 of health and human services and shall address or
25 provide for all of the following:

26 (1) The effective, efficient, statewide use of
27 electronic health information in patient care, health
28 care policymaking, clinical research, health care
29 financing, and continuous quality improvement. The
30 executive committee shall recommend requirements for
31 interoperable electronic health records in this state
32 including a recognized interoperability standard.

33 (2) Education of the public and health care sector
34 about the value of health information technology in
35 improving patient care, and methods to promote
36 increased support and collaboration of state and local
37 public health agencies, health care professionals, and
38 consumers in health information technology
39 initiatives.

40 (3) Standards for the exchange of health care
41 information.

42 (4) Policies relating to the protection of privacy
43 of patients and the security and confidentiality of
44 patient information.

45 (5) Policies relating to information ownership.

46 (6) Policies relating to governance of the various
47 facets of the health information technology system.

48 (7) A single patient identifier or alternative
49 mechanism to share secure patient information. If no
50 alternative mechanism is acceptable to the executive

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1 committee, all health care professionals shall utilize
2 the mechanism selected by the executive committee by
3 July 1, 2010.

4 (8) A standard continuity of care record and other
5 issues related to the content of electronic
6 transmissions. All health care professionals shall
7 utilize the standard continuity of care record by July
8 1, 2010.

9 (9) Requirements for electronic prescribing.

10 (10) Economic incentives and support to facilitate
11 participation in an interoperable system by health
12 care professionals.

13 b. Identify existing and potential health
14 information technology efforts in this state,
15 regionally, and nationally, and integrate existing
16 efforts to avoid incompatibility between efforts and
17 avoid duplication.

18 c. Coordinate public and private efforts to
19 provide the network backbone infrastructure for the
20 health information technology system. In coordinating
21 these efforts, the executive committee shall do all of
22 the following:

23 (1) Develop policies to effectuate the logical
24 cost-effective usage of and access to the state-owned
25 network, and support of telecommunication carrier
26 products, where applicable.

27 (2) Consult with the Iowa communications network,
28 private fiberoptic networks, and any other
29 communications entity to seek collaboration, avoid
30 duplication, and leverage opportunities in developing
31 a backbone network.

32 (3) Establish protocols to ensure compliance with
33 any applicable federal standards.

34 (4) Determine costs for accessing the network at a
35 level that provides sufficient funding for the
36 network.

37 d. Promote the use of telemedicine.

38 (1) Examine existing barriers to the use of
39 telemedicine and make recommendations for eliminating
40 these barriers.

41 (2) Examine the most efficient and effective
42 systems of technology for use and make recommendations
43 based on the findings.

44 e. Address the workforce needs generated by
45 increased use of health information technology.

46 f. Recommend rules to be adopted in accordance
47 with chapter 17A to implement all aspects of the
48 statewide health information technology plan and the
49 network.

50 g. Coordinate, monitor, and evaluate the adoption,

1 use, interoperability, and efficiencies of the various
2 facets of health information technology in this state.

3 h. Seek and apply for any federal or private
4 funding to assist in the implementation and support of
5 the health information technology system and make
6 recommendations for funding mechanisms for the ongoing
7 development and maintenance costs of the health
8 information technology system.

9 i. Identify state laws and rules that present
10 barriers to the development of the health information
11 technology system and recommend any changes to the
12 governor and the general assembly.

13 4. Recommendations and other activities resulting
14 from the work of the executive committee shall be
15 presented to the board for action or implementation.

16 Sec. 26. Section 8D.13, Code 2007, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 20. Notwithstanding any provision
19 of this chapter to the contrary, access to the network
20 may be provided, and the commission may enter into any
21 agreements necessary to provide such access, to
22 entities participating in the health information
23 technology system pursuant to chapter 135, division
24 XXI, including the Iowa hospital association, for the
25 collection, maintenance, and dissemination of health
26 and financial data for hospitals and for educational
27 services. An entity permitted access to the network
28 pursuant to an agreement entered into pursuant to this
29 subsection shall be responsible for all costs
30 associated with access to the network.

31 Sec. 27. Section 136.3, Code 2007, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 11. Perform those duties
34 authorized pursuant to section 135.156.

35 Sec. 28. Section 217.41A, Code 2007, is repealed.

36 Sec. 29. IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM

37 – APPROPRIATION. There is appropriated from the
38 general fund of the state to the department of public
39 health for the fiscal year beginning July 1, 2008, and
40 ending June 30, 2009, the following amount, or so much
41 thereof as is necessary, for the purpose designated:

42 For administration of the Iowa health information
43 technology system, and for not more than the following
44 full-time equivalent positions:
45 \$ 190,600
46 FTEs 2.00

47 DIVISION VI

48 LONG-TERM LIVING PLANNING AND
49 PATIENT AUTONOMY IN HEALTH CARE

50 Sec. 30. NEW SECTION. 231.62 END-OF-LIFE CARE

1 INFORMATION.

2 1. The department shall consult with the Iowa
3 medical society, the Iowa end-of-life coalition, the
4 Iowa hospice organization, the university of Iowa
5 palliative care program, and other health care
6 professionals whose scope of practice includes
7 end-of-life care to develop educational and
8 patient-centered information on end-of-life care for
9 terminally ill patients and health care professionals.

10 2. For the purposes of this section, "end-of-life
11 care" means care provided to meet the physical,
12 psychological, social, spiritual, and practical needs
13 of terminally ill patients and their caregivers.

14 Sec. 31. END-OF-LIFE CARE INFORMATION –
15 APPROPRIATION. There is appropriated from the general
16 fund of the state to the department of elder affairs
17 for the fiscal year beginning July 1, 2008, and ending
18 June 30, 2009, the following amount, or so much
19 thereof as is necessary, for the purpose designated:

20 For activities associated with the end-of-life care
21 information requirements of this division:
22 \$10,000

23 Sec. 32. LONG-TERM LIVING PLANNING TOOLS – PUBLIC
24 EDUCATION CAMPAIGN. The legal services development
25 and substitute decision maker programs of the
26 department of elder affairs, in collaboration with
27 other appropriate agencies and interested parties,
28 shall research existing long-term living planning
29 tools that are designed to increase quality of life
30 and contain health care costs and recommend a public
31 education campaign strategy on long-term living to the
32 general assembly by January 1, 2009.

33 Sec. 33. LONG-TERM CARE OPTIONS PUBLIC EDUCATION
34 CAMPAIGN. The department of elder affairs, in
35 collaboration with the insurance division of the
36 department of commerce, shall implement a long-term
37 care options public education campaign. The campaign
38 may utilize such tools as the "Own Your Future
39 Planning Kit" administered by the centers for Medicare
40 and Medicaid services, the administration on aging,
41 and the office of the assistant secretary for planning
42 and evaluation of the United States department of
43 health and human services, and other tools developed
44 through the aging and disability resource center
45 program of the administration on aging and the centers
46 for Medicare and Medicaid services designed to promote
47 health and independence as Iowans age, assist older
48 Iowans in making informed choices about the
49 availability of long-term care options, including
50 alternatives to facility-based care, and to streamline

1 access to long-term care.

2 Sec. 34. LONG-TERM CARE OPTIONS PUBLIC EDUCATION
3 CAMPAIGN – APPROPRIATION. There is appropriated from
4 the general fund of the state to the department of
5 elder affairs for the fiscal year beginning July 1,
6 2008, and ending June 30, 2009, the following amount,
7 or so much thereof as is necessary, for the purpose
8 designated:

9 For activities associated with the long-term care
10 options public education campaign requirements of this
11 division:

12 \$75,000

13 Sec. 35. HOME AND COMMUNITY-BASED SERVICES PUBLIC
14 EDUCATION CAMPAIGN. The department of elder affairs
15 shall work with other public and private agencies to
16 identify resources that may be used to continue the
17 work of the aging and disability resource center
18 established by the department through the aging and
19 disability resource center grant program efforts of
20 the administration on aging and the centers for
21 Medicare and Medicaid services of the United States
22 department of health and human services, beyond the
23 federal grant period ending September 30, 2008.

24 Sec. 36. PATIENT AUTONOMY IN HEALTH CARE DECISIONS
25 PILOT PROJECT.

26 1. The department of public health shall establish
27 a two-year community coalition for patient treatment
28 wishes across the health care continuum pilot project,
29 beginning July 1, 2008, and ending June 30, 2010, in a
30 county with a population of between fifty thousand and
31 one hundred thousand. The pilot project shall utilize
32 the process based upon the national physicians orders
33 for life sustaining treatment program initiative,
34 including use of a standardized physician order for
35 scope of treatment form. The process shall require
36 validation of the physician order for scope of
37 treatment form by the signature of an individual other
38 than the patient or the patient's legal representative
39 who is not an employee of the patient's physician.
40 The pilot project may include applicability to
41 chronically ill, frail, and elderly or terminally ill
42 individuals in hospitals licensed pursuant to chapter
43 135B, nursing facilities or residential care
44 facilities licensed pursuant to chapter 135C, or
45 hospice programs as defined in section 135J.1.

46 2. The department of public health shall convene
47 an advisory council, consisting of representatives of
48 entities with interest in the pilot project, including
49 but not limited to the Iowa hospital association, the
50 Iowa medical society, organizations representing

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1 health care facilities, representatives of health care
 2 providers, and the Iowa trial lawyers association, to
 3 develop recommendations for expanding the pilot
 4 project statewide. The advisory council shall report
 5 its findings and recommendations, including
 6 recommendations for legislation, to the governor and
 7 the general assembly by January 1, 2010.

8 3. The pilot project shall not alter the rights of
 9 individuals who do not execute a physician order for
 10 scope of treatment.

11 a. If an individual is a qualified patient as
 12 defined in section 144A.2, the individual's
 13 declaration executed under chapter 144A shall control
 14 health care decision making for the individual in
 15 accordance with chapter 144A. A physician order for
 16 scope of treatment shall not supersede a declaration
 17 executed pursuant to chapter 144A. If an individual
 18 has not executed a declaration pursuant to chapter
 19 144A, health care decision making relating to
 20 life-sustaining procedures for the individual shall be
 21 governed by section 144A.7.

22 b. If an individual has executed a durable power
 23 of attorney for health care pursuant to chapter 144B,
 24 the individual's durable power of attorney for health
 25 care shall control health care decision making for the
 26 individual in accordance with chapter 144B. A
 27 physician order for scope of treatment shall not
 28 supersede a durable power of attorney for health care
 29 executed pursuant to chapter 144B.

30 c. In the absence of actual notice of the
 31 revocation of a physician order for scope of
 32 treatment, a physician, health care provider, or any
 33 other person who complies with a physician order for
 34 scope of treatment shall not be subject to liability,
 35 civil or criminal, for actions taken under this
 36 section which are in accordance with reasonable
 37 medical standards. Any physician, health care
 38 provider, or other person against whom criminal or
 39 civil liability is asserted because of conduct in
 40 compliance with this section may interpose the
 41 restriction on liability in this paragraph as an
 42 absolute defense.

43 DIVISION VII

44 HEALTH CARE COVERAGE

45 Sec. 37. NEW SECTION. 505.31 REIMBURSEMENT
 46 ACCOUNTS.

47 The commissioner of insurance shall assist
 48 employers with twenty-five or fewer employees with
 49 implementing and administering plans under section 125
 50 of the Internal Revenue Code, including medical

1 expense reimbursement accounts and dependent care
2 accounts. The commissioner shall provide information
3 about the assistance available to small employers on
4 the insurance division's internet site.

5 Sec. 38. Section 509.3, Code 2007, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 8. A provision that the insurer
8 will permit continuation of existing coverage for an
9 unmarried child of an insured or enrollee who so
10 elects, at least through the policy anniversary date
11 on or after the date the child marries, ceases to be a
12 resident of this state, or attains the age of
13 twenty-five years old, whichever occurs first, or so
14 long as the unmarried child maintains full-time status
15 as a student in an accredited institution of
16 postsecondary education.

17 Sec. 39. NEW SECTION. 509A.13B CONTINUATION OF
18 DEPENDENT COVERAGE.

19 If a governing body, a county board of supervisors,
20 or a city council has procured accident or health care
21 coverage for its employees under this chapter such
22 coverage shall permit continuation of existing
23 coverage for an unmarried child of an insured or
24 enrollee who so elects, at least through the policy
25 anniversary date on or after the date the child
26 marries, ceases to be a resident of this state, or
27 attains the age of twenty-five years old, whichever
28 occurs first, or so long as the unmarried child
29 maintains full-time status as a student in an
30 accredited institution of postsecondary education.

31 Sec. 40. Section 513C.7, subsection 2, paragraph
32 a, Code 2007, is amended to read as follows:

33 ~~a.~~ The individual basic or standard health benefit
34 plan shall not deny, exclude, or limit benefits for a
35 covered individual for losses incurred more than
36 twelve months following the effective date of the
37 individual's coverage due to a preexisting condition.
38 A preexisting condition shall not be defined more
39 restrictively than any of the following:

40 ~~(1)~~ a. A condition that would cause an ordinarily
41 prudent person to seek medical advice, diagnosis,
42 care, or treatment during the twelve months
43 immediately preceding the effective date of coverage.

44 ~~(2)~~ b. A condition for which medical advice,
45 diagnosis, care, or treatment was recommended or
46 received during the twelve months immediately
47 preceding the effective date of coverage.

48 ~~(3)~~ c. A pregnancy existing on the effective date
49 of coverage.

50 Sec. 41. Section 513C.7, subsection 2, paragraph

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1 b, Code 2007, is amended by striking the paragraph.
 2 Sec. 42. NEW SECTION. 514A.3B ADDITIONAL
 3 REQUIREMENTS.

4 1. An insurer which accepts an individual for
 5 coverage under an individual policy or contract of
 6 accident and health insurance shall waive any time
 7 period applicable to a preexisting condition exclusion
 8 or limitation period requirement of the policy or
 9 contract with respect to particular services in an
 10 individual health benefit plan for the period of time
 11 the individual was previously covered by qualifying
 12 previous coverage as defined in section 513C.3 that
 13 provided benefits with respect to such services,
 14 provided that the qualifying previous coverage was
 15 continuous to a date not more than sixty-three days
 16 prior to the effective date of the new policy or
 17 contract. For purposes of this section, periods of
 18 coverage under medical assistance provided pursuant to
 19 chapter 249A or 514I, or Medicare coverage provided
 20 pursuant to Title XVIII of the federal Social Security
 21 Act shall not be counted with respect to the
 22 sixty-three-day requirement.

23 2. An insurer issuing an individual policy or
 24 contract of accident and health insurance which
 25 provides coverage for children of the insured shall
 26 permit continuation of existing coverage for an
 27 unmarried child of an insured or enrollee who so
 28 elects, at least through the policy anniversary date
 29 on or after the date the child marries, ceases to be a
 30 resident of this state, or attains the age of
 31 twenty-five years old, whichever occurs first, or so
 32 long as the unmarried child maintains full-time status
 33 as a student in an accredited institution of
 34 postsecondary education.

35 Sec. 43. APPLICABILITY. This division of this Act
 36 applies to policies or contracts of accident and
 37 health insurance delivered or issued for delivery or
 38 continued or renewed in this state on or after July 1,
 39 2008.

40 DIVISION VIII
 41 MEDICAL HOME
 42 DIVISION XXII
 43 MEDICAL HOME

44 Sec. 44. NEW SECTION. 135.157 DEFINITIONS.

45 As used in this chapter, unless the context
 46 otherwise requires:

47 1. "Board" means the state board of health created
 48 pursuant to section 136.1.

49 2. "Department" means the department of public
 50 health.

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- 1 3. "Health care professional" means a person who
2 is licensed, certified, or otherwise authorized or
3 permitted by the law of this state to administer
4 health care in the ordinary course of business or in
5 the practice of a profession.
- 6 4. "Medical home" means a team approach to
7 providing health care that originates in a primary
8 care setting; fosters a partnership among the patient,
9 the personal provider, and other health care
10 professionals, and where appropriate, the patient's
11 family; utilizes the partnership to access all medical
12 and nonmedical health-related services needed by the
13 patient and the patient's family to achieve maximum
14 health potential; maintains a centralized,
15 comprehensive record of all health-related services to
16 promote continuity of care; and has all of the
17 characteristics specified in section 135.158.
- 18 5. "National committee for quality assurance"
19 means the nationally recognized, independent nonprofit
20 organization that measures the quality and performance
21 of health care and health care plans in the United
22 States; provides accreditation, certification, and
23 recognition programs for health care plans and
24 programs; and is recognized in Iowa as an accrediting
25 organization for commercial and Medicaid-managed care
26 organizations.
- 27 6. "Personal provider" means the patient's first
28 point of contact in the health care system with a
29 primary care provider who identifies the patient's
30 health needs, and, working with a team of health care
31 professionals, provides for and coordinates
32 appropriate care to address the health needs
33 identified.
- 34 7. "Primary care" means health care which
35 emphasizes providing for a patient's general health
36 needs and utilizes collaboration with other health
37 care professionals and consultation or referral as
38 appropriate to meet the needs identified.
- 39 8. "Primary care provider" means any of the
40 following who provide primary care and meet
41 certification standards:
- 42 a. A physician who is a family or general
 - 43 practitioner, a pediatrician, an internist, an
 - 44 obstetrician, or a gynecologist.
 - 45 b. An advanced registered nurse practitioner.
 - 46 c. A physician assistant.
 - 47 d. A chiropractor licensed pursuant to chapter
 - 48 151.
- 49 Sec. 45. NEW SECTION. 135.158 MEDICAL HOME
50 PURPOSES – CHARACTERISTICS.

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- 1 1. The purposes of a medical home are the
2 following:
 - 3 a. To reduce disparities in health care access,
4 delivery, and health care outcomes.
 - 5 b. To improve quality of health care and lower
6 health care costs, thereby creating savings to allow
7 more Iowans to have health care coverage and to
8 provide for the sustainability of the health care
9 system.
 - 10 c. To provide a tangible method to document if
11 each Iowan has access to health care.
- 12 2. A medical home has all of the following
13 characteristics:
 - 14 a. A personal provider. Each patient has an
15 ongoing relationship with a personal provider trained
16 to provide first contact and continuous and
17 comprehensive care.
 - 18 b. A provider-directed medical practice. The
19 personal provider leads a team of individuals at the
20 practice level who collectively take responsibility
21 for the ongoing health care of patients.
 - 22 c. Whole person orientation. The personal
23 provider is responsible for providing for all of a
24 patient's health care needs or taking responsibility
25 for appropriately arranging health care by other
26 qualified health care professionals. This
27 responsibility includes health care at all stages of
28 life including provision of acute care, chronic care,
29 preventive services, and end-of-life care.
 - 30 d. Coordination and integration of care. Care is
31 coordinated and integrated across all elements of the
32 complex health care system and the patient's
33 community. Care is facilitated by registries,
34 information technology, health information exchanges,
35 and other means to assure that patients receive the
36 indicated care when and where they need and want the
37 care in a culturally and linguistically appropriate
38 manner.
 - 39 e. Quality and safety. The following are quality
40 and safety components of the medical home:
 - 41 (1) Provider-directed medical practices advocate
42 for their patients to support the attainment of
43 optimal, patient-centered outcomes that are defined by
44 a care planning process driven by a compassionate,
45 robust partnership between providers, the patient, and
46 the patient's family.
 - 47 (2) Evidence-based medicine and clinical
48 decision-support tools guide decision making.
 - 49 (3) Providers in the medical practice accept
50 accountability for continuous quality improvement

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- 1 through voluntary engagement in performance
2 measurement and improvement.
- 3 (4) Patients actively participate in decision
4 making and feedback is sought to ensure that the
5 patients' expectations are being met.
- 6 (5) Information technology is utilized
7 appropriately to support optimal patient care,
8 performance measurement, patient education, and
9 enhanced communication.
- 10 (6) Practices participate in a voluntary
11 recognition process conducted by an appropriate
12 nongovernmental entity to demonstrate that the
13 practice has the capabilities to provide
14 patient-centered services consistent with the medical
15 home model.
- 16 (7) Patients and families participate in quality
17 improvement activities at the practice level.
- 18 f. Enhanced access to health care. Enhanced
19 access to health care is available through systems
20 such as open scheduling, expanded hours, and new
21 options for communication between the patient, the
22 patient's personal provider, and practice staff.
- 23 g. Payment. The payment system appropriately
24 recognizes the added value provided to patients who
25 have a patient-centered medical home. The payment
26 structure framework of the medical home provides all
27 of the following:
- 28 (1) Reflects the value of provider and nonprovider
29 staff and patient-centered care management work that
30 is in addition to the face-to-face visit.
- 31 (2) Pays for services associated with coordination
32 of health care both within a given practice and
33 between consultants, ancillary providers, and
34 community resources.
- 35 (3) Supports adoption and use of health
36 information technology for quality improvement.
- 37 (4) Supports provision of enhanced communication
38 access such as secure electronic mail and telephone
39 consultation.
- 40 (5) Recognizes the value of provider work
41 associated with remote monitoring of clinical data
42 using technology.
- 43 (6) Allows for separate fee-for-service payments
44 for face-to-face visits. Payments for health care
45 management services that are in addition to the
46 face-to-face visit do not result in a reduction in the
47 payments for face-to-face visits.
- 48 (7) Recognizes case mix differences in the patient
49 population being treated within the practice.
- 50 (8) Allows providers to share in savings from

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1 reduced hospitalizations associated with
2 provider-guided health care management in the office
3 setting.

4 (9) Allows for additional payments for achieving
5 measurable and continuous quality improvements.
6 Sec. 46. NEW SECTION. 135.159 MEDICAL HOME
7 SYSTEM – ADVISORY COUNCIL – DEVELOPMENT AND
8 IMPLEMENTATION.

9 1. The department shall administer the medical
10 home system. The department shall adopt rules
11 pursuant to chapter 17A necessary to administer the
12 medical home system.

13 2. a. The department shall establish an advisory
14 council which shall include but is not limited to all
15 of the following members, selected by their respective
16 organizations, and any other members the department
17 determines necessary to assist in the department's
18 duties at various stages of development of the medical
19 home system:

20 (1) The director of human services, or the
21 director's designee.

22 (2) The commissioner of insurance, or the
23 commissioner's designee.

24 (3) A representative of the federation of Iowa
25 insurers.

26 (4) A representative of the Iowa dental
27 association.

28 (5) A representative of the Iowa nurses
29 association.

30 (6) A physician licensed pursuant to chapter 148
31 and a physician licensed pursuant to chapter 150 who
32 are family physicians and members of the Iowa academy
33 of family physicians.

34 (7) A health care consumer.

35 (8) A representative of the Iowa collaborative
36 safety net provider network established pursuant to
37 section 135.153.

38 (9) A representative of the governor's
39 developmental disabilities council.

40 (10) A representative of the Iowa chapter of the
41 American academy of pediatrics.

42 (11) A representative of the child and family
43 policy center.

44 (12) A representative of the Iowa pharmacy
45 association.

46 (13) A representative of the Iowa chiropractic
47 society.

48 (14) A representative of the university of Iowa
49 college of public health.

50 b. Public members of the advisory council shall

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1 receive reimbursement for actual expenses incurred
2 while serving in their official capacity only if they
3 are not eligible for reimbursement by the organization
4 that they represent.

5 3. The department shall develop a plan for
6 implementation of a statewide medical home system.
7 The department, in collaboration with parents,
8 schools, communities, health plans, and providers,
9 shall endeavor to increase healthy outcomes for
10 children and adults by linking the children and adults
11 with a medical home, identifying health improvement
12 goals for children and adults, and linking
13 reimbursement strategies to increasing healthy
14 outcomes for children and adults. The plan shall
15 provide that the medical home system shall do all of
16 the following:

17 a. Coordinate and provide access to evidence-based
18 health care services, emphasizing convenient,
19 comprehensive primary care and including preventive,
20 screening, and well-child health services.

21 b. Provide access to appropriate specialty care
22 and inpatient services.

23 c. Provide quality-driven and cost-effective
24 health care.

25 d. Provide access to pharmacist-delivered
26 medication reconciliation and medication therapy
27 management services, where appropriate.

28 e. Promote strong and effective medical management
29 including but not limited to planning treatment
30 strategies, monitoring health outcomes and resource
31 use, sharing information, and organizing care to avoid
32 duplication of service. The plan shall provide that
33 in sharing information, the priority shall be the
34 protection of the privacy of individuals and the
35 security and confidentiality of the individual's
36 information. Any sharing of information required by
37 the medical home system shall comply and be consistent
38 with all existing state and federal laws and
39 regulations relating to the confidentiality of health
40 care information and shall be subject to written
41 consent of the patient.

42 f. Emphasize patient and provider accountability.

43 g. Prioritize local access to the continuum of
44 health care services in the most appropriate setting.

45 h. Establish a baseline for medical home goals and
46 establish performance measures that indicate a child
47 or adult has an established and effective medical
48 home. For children, these goals and performance
49 measures may include but are not limited to childhood
50 immunizations rates, well-child care utilization

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1 rates, care management for children with chronic
2 illnesses, emergency room utilization, and oral health
3 service utilization.

4 i. For children, coordinate with and integrate
5 guidelines, data, and information from existing
6 newborn and child health programs and entities,
7 including but not limited to the healthy opportunities
8 to experience, success-healthy families Iowa program,
9 the community empowerment program, the center for
10 congenital and inherited disorders screening and
11 health care programs, standards of care for pediatric
12 health guidelines, the office of multicultural health
13 established in section 135.12, the oral health bureau
14 established in section 135.15, and other similar
15 programs and services.

16 4. The department shall develop an organizational
17 structure for the medical home system in this state.
18 The organizational structure plan shall integrate
19 existing resources, provide a strategy to coordinate
20 health care services, provide for monitoring and data
21 collection on medical homes, provide for training and
22 education to health care professionals and families,
23 and provide for transition of children to the adult
24 medical care system. The organizational structure may
25 be based on collaborative teams of stakeholders
26 throughout the state such as local public health
27 agencies, the collaborative safety net provider
28 network established in section 135.153, or a
29 combination of statewide organizations. Care
30 coordination may be provided through regional offices
31 or through individual provider practices. The
32 organizational structure may also include the use of
33 telemedicine resources, and may provide for partnering
34 with pediatric and family practice residency programs
35 to improve access to preventive care for children.
36 The organizational structure shall also address the
37 need to organize and provide health care to increase
38 accessibility for patients including using venues more
39 accessible to patients and having hours of operation
40 that are conducive to the population served.

41 5. The department shall adopt standards and a
42 process to certify medical homes based on the national
43 committee for quality assurance standards. The
44 certification process and standards shall provide
45 mechanisms to monitor performance and to evaluate,
46 promote, and improve the quality of health of and
47 health care delivered to patients through a medical
48 home. The mechanism shall require participating
49 providers to monitor clinical progress and performance
50 in meeting applicable standards and to provide

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1 information in a form and manner specified by the
2 department. The evaluation mechanism shall be
3 developed with input from consumers, providers, and
4 payers. At a minimum the evaluation shall determine
5 any increased quality in health care provided and any
6 decrease in cost resulting from the medical home
7 system compared with other health care delivery
8 systems. The standards and process shall also include
9 a mechanism for other ancillary service providers to
10 become affiliated with a certified medical home.

11 6. The department shall adopt education and
12 training standards for health care professionals
13 participating in the medical home system.

14 7. The department shall provide for system
15 simplification through the use of universal referral
16 forms, internet-based tools for providers, and a
17 central medical home internet site for providers.

18 8. The department shall recommend a reimbursement
19 methodology and incentives for participation in the
20 medical home system to ensure that providers enter and
21 remain participating in the system. In developing the
22 recommendations for incentives, the department shall
23 consider, at a minimum, providing incentives to
24 promote wellness, prevention, chronic care management,
25 immunizations, health care management, and the use of
26 electronic health records. In developing the
27 recommendations for the reimbursement system, the
28 department shall analyze, at a minimum, the
29 feasibility of all of the following:

30 a. Reimbursement under the medical assistance
31 program to promote wellness and prevention, provide
32 care coordination, and provide chronic care
33 management.

34 b. Increasing reimbursement to Medicare levels for
35 certain wellness and prevention services, chronic care
36 management, and immunizations.

37 c. Providing reimbursement for primary care
38 services by addressing the disparities between
39 reimbursement for specialty services and primary care
40 services.

41 d. Increased funding for efforts to transform
42 medical practices into certified medical homes,
43 including emphasizing the implementation of the use of
44 electronic health records.

45 e. Targeted reimbursement to providers linked to
46 health care quality improvement measures established
47 by the department.

48 f. Reimbursement for specified ancillary support
49 services such as transportation for medical
50 appointments and other such services.

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1 g. Providing reimbursement for medication
2 reconciliation and medication therapy management
3 service, where appropriate.

4 9. The department shall coordinate the
5 requirements and activities of the medical home system
6 with the requirements and activities of the dental
7 home for children as described in section 249J.14,
8 subsection 7, and shall recommend financial incentives
9 for dentists and nondental providers to promote oral
10 health care coordination through preventive dental
11 intervention, early identification of oral disease
12 risk, health care coordination and data tracking,
13 treatment, chronic care management, education and
14 training, parental guidance, and oral health
15 promotions for children.

16 10. The department shall integrate the
17 recommendations and policies developed by the
18 prevention and chronic care management advisory
19 council into the medical home system.

20 11. Implementation phases.

21 a. Initial implementation shall require
22 participation in the medical home system of children
23 who are recipients of full benefits under the medical
24 assistance program. The department shall work with
25 the department of human services and shall recommend
26 to the general assembly a reimbursement methodology to
27 compensate providers participating under the medical
28 assistance program for participation in the medical
29 home system.

30 b. The department shall work with the department
31 of human services to expand the medical home system to
32 adults who are recipients of full benefits under the
33 medical assistance program and the expansion
34 population under the IowaCare program. The department
35 shall work with the centers for Medicare and Medicaid
36 services of the United States department of health and
37 human services to allow Medicare recipients to utilize
38 the medical home system.

39 c. The department shall work with the department
40 of administrative services to allow state employees to
41 utilize the medical home system.

42 d. The department shall work with insurers and
43 self-insured companies, if requested, to make the
44 medical home system available to individuals with
45 private health care coverage.

46 12. The department shall provide oversight for all
47 certified medical homes. The department shall review
48 the progress of the medical home system and recommend
49 improvements to the system, as necessary.

50 13. The department shall annually evaluate the

1 medical home system and make recommendations to the
2 governor and the general assembly regarding
3 improvements to and continuation of the system.

4 14. Recommendations and other activities resulting
5 from the duties authorized for the department under
6 this section shall require approval by the board prior
7 to any subsequent action or implementation.

8 Sec. 47. Section 136.3, Code 2007, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 12. Perform those duties
11 authorized pursuant to section 135.159.

12 Sec. 48. Section 249J.14, subsection 7, Code 2007,
13 is amended to read as follows:

14 7. DENTAL HOME FOR CHILDREN. By ~~July 1, 2008~~
15 December 31, 2010, every recipient of medical

16 assistance who is a child twelve years of age or
17 younger shall have a designated dental home and shall
18 be provided with the dental screenings, ~~and~~ preventive
19 ~~care identified in the oral health standards~~ services,
20 diagnostic services, treatment services, and emergency
21 services as defined under the early and periodic
22 screening, diagnostic, and treatment program.

23 Sec. 49. MEDICAL HOME SYSTEM – APPROPRIATION.

24 There is appropriated from the general fund of the
25 state to the department of public health for the
26 fiscal year beginning July 1, 2008, and ending June
27 30, 2009, the following amount, or so much thereof as
28 is necessary, for the purpose designated:

29 For activities associated with the medical home
30 system requirements of this division and for not more
31 than the following full-time equivalent positions:

32 \$ 165,600
33 FTEs 4.00

34 DIVISION IX

35 PREVENTION AND CHRONIC CARE MANAGEMENT

36 DIVISION XXIII

37 PREVENTION AND CHRONIC CARE MANAGEMENT

38 Sec. 50. NEW SECTION. 135.160 DEFINITIONS.

39 For the purpose of this division, unless the
40 context otherwise requires:

41 1. "Board" means the state board of health created
42 pursuant to section 136.1.

43 2. "Chronic care" means health care services
44 provided by a health care professional for an
45 established clinical condition that is expected to
46 last a year or more and that requires ongoing clinical
47 management attempting to restore the individual to
48 highest function, minimize the negative effects of the
49 chronic condition, and prevent complications related
50 to the chronic condition.

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- 1 3. "Chronic care information system" means
2 approved information technology to enhance the
3 development and communication of information to be
4 used in providing chronic care, including clinical,
5 social, and economic outcomes of chronic care.
- 6 4. "Chronic care management" means a system of
7 coordinated health care interventions and
8 communications for individuals with chronic
9 conditions, including significant patient self-care
10 efforts, systemic supports for the health care
11 professional and patient relationship, and a chronic
12 care plan emphasizing prevention of complications
13 utilizing evidence-based practice guidelines, patient
14 empowerment strategies, and evaluation of clinical,
15 humanistic, and economic outcomes on an ongoing basis
16 with the goal of improving overall health.
- 17 5. "Chronic care plan" means a plan of care
18 between an individual and the individual's principal
19 health care professional that emphasizes prevention of
20 complications through patient empowerment including
21 but not limited to providing incentives to engage the
22 patient in the patient's own care and in clinical,
23 social, or other interventions designed to minimize
24 the negative effects of the chronic condition.
- 25 6. "Chronic care resources" means health care
26 professionals, advocacy groups, health departments,
27 schools of public health and medicine, health plans,
28 and others with expertise in public health, health
29 care delivery, health care financing, and health care
30 research.
- 31 7. "Chronic condition" means an established
32 clinical condition that is expected to last a year or
33 more and that requires ongoing clinical management.
- 34 8. "Department" means the department of public
35 health.
- 36 9. "Director" means the director of public health.
- 37 10. "Eligible individual" means a resident of this
38 state who has been diagnosed with a chronic condition
39 or is at an elevated risk for a chronic condition and
40 who is a recipient of medical assistance, is a member
41 of the expansion population pursuant to chapter 249J,
42 or is an inmate of a correctional institution in this
43 state.
- 44 11. "Health care professional" means health care
45 professional as defined in section 135.157.
- 46 12. "Health risk assessment" means screening by a
47 health care professional for the purpose of assessing
48 an individual's health, including tests or physical
49 examinations and a survey or other tool used to gather
50 information about an individual's health, medical

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1 history, and health risk factors during a health
2 screening.

3 Sec. 51. NEW SECTION. 135.161 PREVENTION AND
4 CHRONIC CARE MANAGEMENT INITIATIVE – ADVISORY
5 COUNCIL.

6 1. The director, in collaboration with the
7 prevention and chronic care management advisory
8 council, shall develop a state initiative for
9 prevention and chronic care management. The state
10 initiative consists of the state's plan for developing
11 a chronic care organizational structure for prevention
12 and chronic care management, including coordinating
13 the efforts of health care professionals and chronic
14 care resources to promote the health of residents and
15 the prevention and management of chronic conditions,
16 developing and implementing arrangements for
17 delivering prevention services and chronic care
18 management, developing significant patient self-care
19 efforts, providing systemic support for the health
20 care professional-patient relationship and options for
21 channeling chronic care resources and support to
22 health care professionals, providing for community
23 development and outreach and education efforts, and
24 coordinating information technology initiatives with
25 the chronic care information system.

26 2. The director may accept grants and donations
27 and shall apply for any federal, state, or private
28 grants available to fund the initiative. Any grants
29 or donations received shall be placed in a separate
30 fund in the state treasury and used exclusively for
31 the initiative or as federal law directs.

32 3. a. The director shall establish and convene an
33 advisory council to provide technical assistance to
34 the director in developing a state initiative that
35 integrates evidence-based prevention and chronic care
36 management strategies into the public and private
37 health care systems, including the medical home
38 system. Public members of the advisory council shall
39 receive their actual and necessary expenses incurred
40 in the performance of their duties and may be eligible
41 to receive compensation as provided in section 7E.6.

42 b. The advisory council shall elicit input from a
43 variety of health care professionals, health care
44 professional organizations, community and nonprofit
45 groups, insurers, consumers, businesses, school
46 districts, and state and local governments in
47 developing the advisory council's recommendations.

48 c. The advisory council shall submit initial
49 recommendations to the director for the state
50 initiative for prevention and chronic care management

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1 no later than July 1, 2009. The recommendations shall
2 address all of the following:

3 (1) The recommended organizational structure for
4 integrating prevention and chronic care management
5 into the private and public health care systems. The
6 organizational structure recommended shall align with
7 the organizational structure established for the
8 medical home system developed pursuant to division
9 XXII. The advisory council shall also review existing
10 prevention and chronic care management strategies used
11 in the health insurance market and in private and
12 public programs and recommend ways to expand the use
13 of such strategies throughout the health insurance
14 market and in the private and public health care
15 systems.

16 (2) A process for identifying leading health care
17 professionals and existing prevention and chronic care
18 management programs in the state, and coordinating
19 care among these health care professionals and
20 programs.

21 (3) A prioritization of the chronic conditions for
22 which prevention and chronic care management services
23 should be provided, taking into consideration the
24 prevalence of specific chronic conditions and the
25 factors that may lead to the development of chronic
26 conditions; the fiscal impact to state health care
27 programs of providing care for the chronic conditions
28 of eligible individuals; the availability of workable,
29 evidence-based approaches to chronic care for the
30 chronic condition; and public input into the selection
31 process. The advisory council shall initially develop
32 consensus guidelines to address the two chronic
33 conditions identified as having the highest priority
34 and shall also specify a timeline for inclusion of
35 additional specific chronic conditions in the
36 initiative.

37 (4) A method to involve health care professionals
38 in identifying eligible patients for prevention and
39 chronic care management services, which includes but
40 is not limited to the use of a health risk assessment.

41 (5) The methods for increasing communication
42 between health care professionals and patients,
43 including patient education, patient self-management,
44 and patient follow-up plans.

45 (6) The educational, wellness, and clinical
46 management protocols and tools to be used by health
47 care professionals, including management guideline
48 materials for health care delivery.

49 (7) The use and development of process and outcome
50 measures and benchmarks, aligned to the greatest

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1 extent possible with existing measures and benchmarks
2 such as the best in class estimates utilized in the
3 national healthcare quality report of the agency for
4 health care research and quality of the United States
5 department of health and human services, to provide
6 performance feedback for health care professionals and
7 information on the quality of health care, including
8 patient satisfaction and health status outcomes.

9 (8) Payment methodologies to align reimbursements
10 and create financial incentives and rewards for health
11 care professionals to utilize prevention services,
12 establish management systems for chronic conditions,
13 improve health outcomes, and improve the quality of
14 health care, including case management fees, payment
15 for technical support and data entry associated with
16 patient registries, and the cost of staff coordination
17 within a medical practice.

18 (9) Methods to involve public and private groups,
19 health care professionals, insurers, third-party
20 administrators, associations, community and consumer
21 groups, and other entities to facilitate and sustain
22 the initiative.

23 (10) Alignment of any chronic care information
24 system or other information technology needs with
25 other health care information technology initiatives.

26 (11) Involvement of appropriate health resources
27 and public health and outcomes researchers to develop
28 and implement a sound basis for collecting data and
29 evaluating the clinical, social, and economic impact
30 of the initiative, including a determination of the
31 impact on expenditures and prevalence and control of
32 chronic conditions.

33 (12) Elements of a marketing campaign that
34 provides for public outreach and consumer education in
35 promoting prevention and chronic care management
36 strategies among health care professionals, health
37 insurers, and the public.

38 (13) A method to periodically determine the
39 percentage of health care professionals who are
40 participating, the success of the
41 empowerment-of-patients approach, and any results of
42 health outcomes of the patients participating.

43 (14) A means of collaborating with the health
44 professional licensing boards pursuant to chapter 147
45 to review prevention and chronic care management
46 education provided to licensees, as appropriate, and
47 recommendations regarding education resources and
48 curricula for integration into existing and new
49 education and training programs.

50 4. Following submission of initial recommendations

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1 to the director for the state initiative for
2 prevention and chronic care management by the advisory
3 council, the director shall submit the state
4 initiative to the board for approval. Subject to
5 approval of the state initiative by the board, the
6 department shall initially implement the state
7 initiative among the population of eligible
8 individuals. Following initial implementation, the
9 director shall work with the department of human
10 services, insurers, health care professional
11 organizations, and consumers in implementing the
12 initiative beyond the population of eligible
13 individuals as an integral part of the health care
14 delivery system in the state. The advisory council
15 shall continue to review and make recommendations to
16 the director regarding improvements to the initiative.
17 Any recommendations are subject to approval by the
18 board.

19 Sec. 52. NEW SECTION. 135.162 CLINICIANS
20 ADVISORY PANEL.

21 1. The director shall convene a clinicians
22 advisory panel to advise and recommend to the
23 department clinically appropriate, evidence-based best
24 practices regarding the implementation of the medical
25 home as defined in section 135.157 and the prevention
26 and chronic care management initiative pursuant to
27 section 135.161. The director shall act as
28 chairperson of the advisory panel.

29 2. The clinicians advisory panel shall consist of
30 nine members representing licensed medical health care
31 providers selected by their respective professional
32 organizations. Terms of members shall begin and end
33 as provided in section 69.19. Any vacancy shall be
34 filled in the same manner as regular appointments are
35 made for the unexpired portion of the regular term.
36 Members shall serve terms of three years. A member is
37 eligible for reappointment for three successive terms.

38 3. The clinicians advisory panel shall meet on a
39 quarterly basis to receive updates from the director
40 regarding strategic planning and implementation
41 progress on the medical home and the prevention and
42 chronic care management initiative and shall provide
43 clinical consultation to the department regarding the
44 medical home and the initiative.

45 Sec. 53. Section 136.3, Code 2007, is amended by
46 adding the following new subsection:

47 NEW SUBSECTION. 13. Perform those duties
48 authorized pursuant to section 135.161.

49 Sec. 54. PREVENTION AND CHRONIC CARE MANAGEMENT –
50 APPROPRIATION. There is appropriated from the general

1 fund of the state to the department of public health
 2 for the fiscal year beginning July 1, 2008, and ending
 3 June 30, 2009, the following amount, or so much
 4 thereof as is necessary, for the purpose designated:
 5 For activities associated with the prevention and
 6 chronic care management requirements of this division:
 7 \$190,500

8 DIVISION X
 9 FAMILY OPPORTUNITY ACT

10 Sec. 55. 2007 Iowa Acts, chapter 218, section 126,
 11 subsection 1, is amended to read as follows:
 12 1. The provision in this division of this Act
 13 relating to eligibility for certain persons with
 14 disabilities under the medical assistance program
 15 shall ~~only~~ be implemented if the department of human
 16 services determines that funding is available in
 17 appropriations made in this Act, in combination with
 18 federal allocations to the state, for the state
 19 children's health insurance program, in excess of the
 20 amount needed to cover the current and projected
 21 enrollment under the state children's health insurance
 22 program beginning January 1, 2009. If such a
 23 determination is made, the department of human
 24 services shall transfer funding from the
 25 appropriations made in this Act for the state
 26 children's health insurance program, not otherwise
 27 required for that program, to the appropriations made
 28 in this Act for medical assistance, as necessary, to
 29 implement such provision of this division of this Act.

30 Sec. 56. FAMILY OPPORTUNITY ACT – APPROPRIATION.

31 There is appropriated from the general fund of the
 32 state to the department of human services for the
 33 fiscal year beginning July 1, 2008, and ending June
 34 30, 2009, the following amount, or so much thereof as
 35 is necessary, for the purpose designated:
 36 For implementation of the provision in 2007 Iowa
 37 Acts, chapter 218, section 124, relating to
 38 eligibility for certain persons with disabilities
 39 under the medical assistance program:
 40 \$281,661

41 DIVISION XI
 42 MEDICAL ASSISTANCE QUALITY IMPROVEMENT
 43 Sec. 57. NEW SECTION. 249A.36 MEDICAL ASSISTANCE
 44 QUALITY IMPROVEMENT COUNCIL.

45 1. A medical assistance quality improvement
 46 council is established. The council shall evaluate
 47 the clinical outcomes and satisfaction of consumers
 48 and providers with the medical assistance program.
 49 The council shall coordinate efforts with the cost and
 50 quality performance evaluation completed pursuant to

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1 section 249J.16. The council shall also coordinate
2 its efforts with the efforts of the department of
3 public health regarding health care consumer
4 information under section 135.163.

5 2. a. The council shall consist of seven voting
6 members appointed by the majority leader of the
7 senate, the minority leader of the senate, the speaker
8 of the house, and the minority leader of the house of
9 representatives. At least one member of the council
10 shall be a consumer and at least one member shall be a
11 medical assistance program provider. An individual
12 who is employed by a private or nonprofit organization
13 that receives one million dollars or more in
14 compensation or reimbursement from the department,
15 annually, is not eligible for appointment to the
16 council. The members shall serve terms of two years
17 beginning and ending as provided in section 69.19, and
18 appointments shall comply with sections 69.16 and
19 69.16A. Members shall receive reimbursement for
20 actual expenses incurred while serving in their
21 official capacity and may also be eligible to receive
22 compensation as provided in section 7E.6. Vacancies
23 shall be filled by the original appointing authority
24 and in the manner of the original appointment. A
25 person appointed to fill a vacancy shall serve only
26 for the unexpired portion of the term.

27 b. The members shall select a chairperson,
28 annually, from among the membership. The council
29 shall meet at least quarterly and at the call of the
30 chairperson. A majority of the members of the council
31 constitutes a quorum. Any action taken by the council
32 must be adopted by the affirmative vote of a majority
33 of its voting membership.

34 c. The department shall provide administrative
35 support and necessary supplies and equipment for the
36 council.

37 3. The council shall consult with and advise the
38 Iowa Medicaid enterprise in establishing a quality
39 assessment and improvement process.

40 a. The process shall be consistent with the health
41 plan employer data and information set developed by
42 the national committee for quality assurance and with
43 the consumer assessment of health care providers and
44 systems developed by the agency for health care
45 research and quality of the United States department
46 of health and human services. The council shall also
47 coordinate efforts with the Iowa healthcare
48 collaborative and the state's Medicare quality
49 improvement organization to create consistent quality
50 measures.

- 1 b. The process may utilize as a basis the medical
- 2 assistance and state children's health insurance
- 3 quality improvement efforts of the centers for
- 4 Medicare and Medicaid services of the United States
- 5 department of health and human services.
- 6 c. The process shall include assessment and
- 7 evaluation of both managed care and fee-for-service
- 8 programs, and shall be applicable to services provided
- 9 to adults and children.
- 10 d. The initial process shall be developed and
- 11 implemented by December 31, 2008, with the initial
- 12 report of results to be made available to the public
- 13 by June 30, 2009. Following the initial report, the
- 14 council shall submit a report of results to the
- 15 governor and the general assembly, annually, in
- 16 January.

DIVISION XII

HEALTH CARE CONSUMER INFORMATION

DIVISION XXIV

HEALTH CARE CONSUMER INFORMATION

21 Sec. 58. NEW SECTION. 135.163 HEALTH CARE
22 CONSUMER INFORMATION.

23 The department shall do all of the following to
24 improve consumer education about health cost and
25 quality:

- 26 1. Provide for coordination of efforts to promote
- 27 public reporting of hospital and physician quality
- 28 measures, including efforts of the Iowa healthcare
- 29 collaborative, the state's Medicare quality
- 30 improvement organization, the Iowa Medicaid
- 31 enterprise, and the medical assistance quality
- 32 improvement council established pursuant to section
- 33 249A.36.
- 34 2. Provide for the coordination of efforts to
- 35 promote public reporting of health care costs,
- 36 including efforts of the Iowa hospital association,
- 37 Iowa medical society, and the Iowa health buyers'
- 38 alliance.
- 39 3. Create a public awareness campaign to educate
- 40 consumers about enhanced health through lifestyle
- 41 choices.
- 42 4. Promote adoption of health information
- 43 technology through provider incentives.
- 44 5. Evaluate the efficacy of a standard medication
- 45 therapy management program.

46 DIVISION XIII

47 HEALTH AND LONG-TERM CARE ACCESS

48 Sec. 59. Section 135.63, subsection 2, paragraph
49 1, Code 2007, is amended to read as follows:

- 50 1. The replacement or modernization of any

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1 institutional health facility if the replacement or
2 modernization does not add new health services or
3 additional bed capacity for existing health services,
4 notwithstanding any provision in this division to the
5 contrary. In addition, with reference to a hospital,
6 "replacement" means establishing a new hospital that
7 demonstrates compliance with all of the following
8 criteria through evidence submitted to the department:

9 (1) Serves at least seventy-five percent of the
10 same service area that was served by the prior
11 hospital to be closed and replaced by the new
12 hospital.

13 (2) Provides at least seventy-five percent of the
14 same services that were provided by the prior hospital
15 to be closed and replaced by the new hospital.

16 (3) Is staffed by at least seventy-five percent of
17 the same staff, including medical staff, contracted
18 staff, and employees, as constituted the staff of the
19 prior hospital to be closed and replaced by the new
20 hospital.

21 Sec. 60. NEW SECTION. 135.164 HEALTH AND
22 LONG-TERM CARE ACCESS.

23 The department shall coordinate public and private
24 efforts to develop and maintain an appropriate health
25 care delivery infrastructure and a stable,
26 well-qualified, diverse, and sustainable health care
27 workforce in this state. The health care delivery
28 infrastructure and the health care workforce shall
29 address the broad spectrum of health care needs of
30 Iowans throughout their lifespan including long-term
31 care needs. The department shall, at a minimum, do
32 all of the following:

33 1. Develop a strategic plan for health care
34 delivery infrastructure and health care workforce
35 resources in this state.

36 2. Provide for the continuous collection of data
37 to provide a basis for health care strategic planning
38 and health care policymaking.

39 3. Make recommendations regarding the health care
40 delivery infrastructure and the health care workforce
41 that assist in monitoring current needs, predicting
42 future trends, and informing policymaking.

43 4. Advise and provide support to the health
44 facilities council established in section 135.62.

45 Sec. 61. NEW SECTION. 135.165 STRATEGIC PLAN.

46 1. The strategic plan for health care delivery
47 infrastructure and health care workforce resources
48 shall describe the existing health care system,
49 describe and provide a rationale for the desired
50 health care system, provide an action plan for

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1 implementation, and provide methods to evaluate the
2 system. The plan shall incorporate expenditure
3 control methods and integrate criteria for
4 evidence-based health care. The department shall do
5 all of the following in developing the strategic plan
6 for health care delivery infrastructure and health
7 care workforce resources:

8 a. Conduct strategic health planning activities
9 related to preparation of the strategic plan.

10 b. Develop a computerized system for accessing,
11 analyzing, and disseminating data relevant to
12 strategic health planning. The department may enter
13 into data sharing agreements and contractual
14 arrangements necessary to obtain or disseminate
15 relevant data.

16 c. Conduct research and analysis or arrange for
17 research and analysis projects to be conducted by
18 public or private organizations to further the
19 development of the strategic plan.

20 d. Establish a technical advisory committee to
21 assist in the development of the strategic plan. The
22 members of the committee may include but are not
23 limited to health economists, representatives of the
24 university of Iowa college of public health, health
25 planners, representatives of health care purchasers,
26 representatives of state and local agencies that
27 regulate entities involved in health care,
28 representatives of health care providers and health
29 care facilities, and consumers.

30 2. The strategic plan shall include statewide
31 health planning policies and goals related to the
32 availability of health care facilities and services,
33 the quality of care, and the cost of care. The
34 policies and goals shall be based on the following
35 principles:

36 a. That a strategic health planning process,
37 responsive to changing health and social needs and
38 conditions, is essential to the health, safety, and
39 welfare of Iowans. The process shall be reviewed and
40 updated as necessary to ensure that the strategic plan
41 addresses all of the following:

42 (1) Promoting and maintaining the health of all
43 Iowans.

44 (2) Providing accessible health care services
45 through the maintenance of an adequate supply of
46 health facilities and an adequate workforce.

47 (3) Controlling excessive increases in costs.

48 (4) Applying specific quality criteria and
49 population health indicators.

50 (5) Recognizing prevention and wellness as

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1 priorities in health care programs to improve quality
2 and reduce costs.

3 (6) Addressing periodic priority issues including
4 disaster planning, public health threats, and public
5 safety dilemmas.

6 (7) Coordinating health care delivery and resource
7 development efforts among state agencies including
8 those tasked with facility, services, and professional
9 provider licensure; state and federal reimbursement;
10 health service utilization data systems; and others.

11 (8) Recognizing long-term care as an integral
12 component of the health care delivery infrastructure
13 and as an essential service provided by the health
14 care workforce.

15 b. That both consumers and providers throughout
16 the state must be involved in the health planning
17 process, outcomes of which shall be clearly
18 articulated and available for public review and use.

19 c. That the supply of a health care service has a
20 substantial impact on utilization of the service,
21 independent of the effectiveness, medical necessity,
22 or appropriateness of the particular health care
23 service for a particular individual.

24 d. That given that health care resources are not
25 unlimited, the impact of any new health care service
26 or facility on overall health expenditures in this
27 state must be considered.

28 e. That excess capacity of health care services
29 and facilities places an increased economic burden on
30 the public.

31 f. That the likelihood that a requested new health
32 care facility, service, or equipment will improve
33 health care quality and outcomes must be considered.

34 g. That development and ongoing maintenance of
35 current and accurate health care information and
36 statistics related to cost and quality of health care
37 and projections of the need for health care facilities
38 and services are necessary to developing an effective
39 health care planning strategy.

40 h. That the certificate of need program as a
41 component of the health care planning regulatory
42 process must balance considerations of access to
43 quality care at a reasonable cost for all Iowans,
44 optimal use of existing health care resources,
45 fostering of expenditure control, and elimination of
46 unnecessary duplication of health care facilities and
47 services, while supporting improved health care
48 outcomes.

49 i. That strategic health care planning must be
50 concerned with the stability of the health care

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1 system, encompassing health care financing, quality,
2 and the availability of information and services for
3 all residents.

4 3. The health care delivery infrastructure and
5 health care workforce resources strategic plan
6 developed by the department shall include all of the
7 following:

8 a. A health care system assessment and objectives
9 component that does all of the following:

10 (1) Describes state and regional population
11 demographics, health status indicators, and trends in
12 health status and health care needs.

13 (2) Identifies key policy objectives for the state
14 health care system related to access to care, health
15 care outcomes, quality, and cost-effectiveness.

16 b. A health care facilities and services plan that
17 assesses the demand for health care facilities and
18 services to inform state health care planning efforts
19 and direct certificate of need determinations, for
20 those facilities and services subject to certificate
21 of need. The plan shall include all of the following:

22 (1) An inventory of each geographic region's
23 existing health care facilities and services.

24 (2) Projections of the need for each category of
25 health care facility and service, including those
26 subject to certificate of need.

27 (3) Policies to guide the addition of new or
28 expanded health care facilities and services to
29 promote the use of quality, evidence-based,
30 cost-effective health care delivery options, including
31 any recommendations for criteria, standards, and
32 methods relevant to the certificate of need review
33 process.

34 (4) An assessment of the availability of health
35 care providers, public health resources,
36 transportation infrastructure, and other
37 considerations necessary to support the needed health
38 care facilities and services in each region.

39 c. A health care data resources plan that
40 identifies data elements necessary to properly conduct
41 planning activities and to review certificate of need
42 applications, including data related to inpatient and
43 outpatient utilization and outcomes information, and
44 financial and utilization information related to
45 charity care, quality, and cost. The plan shall
46 provide all of the following:

47 (1) An inventory of existing data resources, both
48 public and private, that store and disclose
49 information relevant to the health care planning
50 process, including information necessary to conduct

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1 certificate of need activities. The plan shall
2 identify any deficiencies in the inventory of existing
3 data resources and the data necessary to conduct
4 comprehensive health care planning activities. The
5 plan may recommend that the department be authorized
6 to access existing data sources and conduct
7 appropriate analyses of such data or that other
8 agencies expand their data collection activities as
9 statutory authority permits. The plan may identify
10 any computing infrastructure deficiencies that impede
11 the proper storage, transmission, and analysis of
12 health care planning data.

13 (2) Recommendations for increasing the
14 availability of data related to health care planning
15 to provide greater community involvement in the health
16 care planning process and consistency in data used for
17 certificate of need applications and determinations.
18 The plan shall also integrate the requirements for
19 annual reports by hospitals and health care facilities
20 pursuant to section 135.75, the provisions relating to
21 analyses and studies by the department pursuant to
22 section 135.76, the data compilation provisions of
23 section 135.78, and the provisions for contracts for
24 assistance with analyses, studies, and data pursuant
25 to section 135.83.

26 d. An assessment of emerging trends in health care
27 delivery and technology as they relate to access to
28 health care facilities and services, quality of care,
29 and costs of care. The assessment shall recommend any
30 changes to the scope of health care facilities and
31 services covered by the certificate of need program
32 that may be warranted by these emerging trends. In
33 addition, the assessment may recommend any changes to
34 criteria used by the department to review certificate
35 of need applications, as necessary.

36 e. A rural health care resources plan to assess
37 the availability of health resources in rural areas of
38 the state, assess the unmet needs of these
39 communities, and evaluate how federal and state
40 reimbursement policies can be modified, if necessary,
41 to more efficiently and effectively meet the health
42 care needs of rural communities. The plan shall
43 consider the unique health care needs of rural
44 communities, the adequacy of the rural health care
45 workforce, and transportation needs for accessing
46 appropriate care.

47 f. A health care workforce resources plan to
48 assure a competent, diverse, and sustainable health
49 care workforce in Iowa and to improve access to health
50 care in underserved areas and among underserved

1 populations. The plan shall include the establishment
 2 of an advisory council to inform and advise the
 3 department and policymakers regarding issues relevant
 4 to the health care workforce in Iowa. The health care
 5 workforce resources plan shall recognize long-term
 6 care as an essential service provided by the health
 7 care workforce.

8 4. The department shall submit the initial
 9 statewide health care delivery infrastructure and
 10 resources strategic plan to the governor and the
 11 general assembly by January 1, 2010, and shall submit
 12 an updated strategic plan to the governor and the
 13 general assembly every two years thereafter.

14 Sec. 62. HEALTH CARE ACCESS – APPROPRIATION.

15 There is appropriated from the general fund of the
 16 state to the department of public health for the
 17 fiscal year beginning July 1, 2008, and ending June
 18 30, 2009, the following amount, or so much thereof as
 19 is necessary, for the purpose designated:

20 For activities associated with the health care
 21 access requirements of this division, and for not more
 22 than the following full-time equivalent positions:

23	\$ 172,200
24	FTEs 3.00

25 DIVISION XIV
 26 PREVENTION AND WELLNESS
 27 INITIATIVES

28 Sec. 63. Section 135.27, Code 2007, is amended by
 29 striking the section and inserting in lieu thereof the
 30 following:

31 135.27 IOWA HEALTHY COMMUNITIES INITIATIVE –
 32 GRANT PROGRAM.

33 1. PROGRAM GOALS. The department shall establish
 34 a grant program to energize local communities to
 35 transform the existing culture into a culture that
 36 promotes healthy lifestyles and leads collectively,
 37 community by community, to a healthier state. The
 38 grant program shall expand an existing healthy
 39 communities initiative to assist local boards of
 40 health, in collaboration with existing community
 41 resources, to build community capacity in addressing
 42 the prevention of chronic disease that results from
 43 risk factors including overweight and obesity
 44 conditions.

45 2. DISTRIBUTION OF GRANTS. The department shall
 46 distribute the grants on a competitive basis and shall
 47 support the grantee communities in planning and
 48 developing wellness strategies and establishing
 49 methodologies to sustain the strategies. Grant
 50 criteria shall be consistent with the existing

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1 statewide initiative between the department and the
2 department's partners that promotes increased
3 opportunities for physical activity and healthy eating
4 for Iowans of all ages, or its successor, and the
5 statewide comprehensive plan developed by the existing
6 statewide initiative to increase physical activity,
7 improve nutrition, and promote healthy behaviors.
8 Grantees shall demonstrate an ability to maximize
9 local, state, and federal resources effectively and
10 efficiently.

11 3. DEPARTMENTAL SUPPORT. The department shall
12 provide support to grantees including
13 capacity-building strategies, technical assistance,
14 consultation, and ongoing evaluation.

15 4. ELIGIBILITY. Local boards of health
16 representing a coalition of health care providers and
17 community and private organizations are eligible to
18 submit applications.

19 Sec. 64. NEW SECTION. 135.27A GOVERNOR'S COUNCIL
20 ON PHYSICAL FITNESS AND NUTRITION.

21 1. A governor's council on physical fitness and
22 nutrition is established consisting of twelve members
23 appointed by the governor who have expertise in
24 physical activity, physical fitness, nutrition, and
25 promoting healthy behaviors. At least one member
26 shall be a representative of elementary and secondary
27 physical education professionals, at least one member
28 shall be a health care professional, at least one
29 member shall be a registered dietician, at least one
30 member shall be recommended by the department of elder
31 affairs, and at least one member shall be an active
32 nutrition or fitness professional. In addition, at
33 least one member shall be a member of a racial or
34 ethnic minority. The governor shall select a
35 chairperson for the council. Members shall serve
36 terms of three years beginning and ending as provided
37 in section 69.19. Appointments are subject to
38 sections 69.16 and 69.16A. Members are entitled to
39 receive reimbursement for actual expenses incurred
40 while engaged in the performance of official duties.
41 A member of the council may also be eligible to
42 receive compensation as provided in section 7E.6.

43 2. The council shall assist in developing a
44 strategy for implementation of the statewide
45 comprehensive plan developed by the existing statewide
46 initiative to increase physical activity, improve
47 physical fitness, improve nutrition, and promote
48 healthy behaviors. The strategy shall include
49 specific components relating to specific populations
50 and settings including early childhood, educational,

1 local community, worksite wellness, health care, and
2 older Iowans. The initial draft of the implementation
3 plan shall be submitted to the governor and the
4 general assembly by December 1, 2008.

5 3. The council shall assist the department in
6 establishing and promoting a best practices internet
7 site. The internet site shall provide examples of
8 wellness best practices for individuals, communities,
9 workplaces, and schools and shall include successful
10 examples of both evidence-based and nonscientific
11 programs as a resource.

12 4. The council shall provide oversight for the
13 governor's physical fitness challenge. The governor's
14 physical fitness challenge shall be administered by
15 the department and shall provide for the establishment
16 of partnerships with communities or school districts
17 to offer the physical fitness challenge curriculum to
18 elementary and secondary school students. The council
19 shall develop the curriculum, including benchmarks and
20 rewards, for advancing the school wellness policy
21 through the challenge.

22 Sec. 65. IOWA HEALTHY COMMUNITIES INITIATIVE –
23 APPROPRIATION. There is appropriated from the general
24 fund of the state to the department of public health
25 for the fiscal year beginning July 1, 2008, and ending
26 June 30, 2009, the following amount, or so much
27 thereof as is necessary, for the purpose designated:

28 For Iowa healthy communities initiative grants
29 distributed beginning January 1, 2009, and for not
30 more than the following full-time equivalent
31 positions:
32 \$ 900,000
33 FTEs 3.00

34 Sec. 66. GOVERNOR'S COUNCIL ON PHYSICAL FITNESS
35 AND NUTRITION – APPROPRIATION. There is appropriated
36 from the general fund of the state to the department
37 of public health for the fiscal period beginning July
38 1, 2008, and ending June 30, 2009, the following
39 amount, or so much thereof as is necessary, for the
40 purpose designated:

41 For the governor's council on physical fitness:
42 \$112,100

43 Sec. 67. SMALL BUSINESS QUALIFIED WELLNESS PROGRAM
44 TAX CREDIT – PLAN. The department of public health,
45 in consultation with the insurance division of the
46 department of commerce and the department of revenue,
47 shall develop a plan to provide a tax credit to small
48 businesses that provide qualified wellness programs to
49 improve the health of their employees. The plan shall
50 include specification of what constitutes a small

1 business for the purposes of the qualified wellness
 2 program, the minimum standards for use by a small
 3 business in establishing a qualified wellness program,
 4 the criteria and a process for certification of a
 5 small business qualified wellness program, and the
 6 process for claiming a small business qualified
 7 wellness program tax credit. The department of public
 8 health shall submit the plan including any
 9 recommendations for changes in law to implement a
 10 small business qualified wellness program tax credit
 11 to the governor and the general assembly by December
 12 15, 2008.

13 DIVISION XV
 14 HEALTH CARE TRANSPARENCY
 15 DIVISION XXVI
 16 HEALTH CARE TRANSPARENCY
 17

18 Sec. 68. NEW SECTION. 135.166 HEALTH CARE
 19 TRANSPARENCY – REPORTING REQUIREMENTS.

20 1. A hospital licensed pursuant to chapter 135B a
 21 physician licensed pursuant to chapter 148, 150, or
 22 150A, and a chiropractor licensed pursuant to chapter
 23 151 shall report quality indicators, annually, to the
 24 Iowa healthcare collaborative as defined in section
 25 135.40. The indicators shall be developed by the Iowa
 26 healthcare collaborative in accordance with
 27 evidence-based practice parameters and appropriate
 28 sample size for statistical validation and shall be
 29 modeled on national indicators as specified in this
 30 section.

31 2. A manufacturer or supplier of durable medical
 32 equipment or medical supplies doing business in the
 33 state shall submit a price list to the department of
 34 human services, annually, for use in comparing prices
 35 for such equipment and supplies with rates paid under
 36 the medical assistance program. The price lists
 37 submitted shall be made available to the public.

38 3. Each hospital in the state that is recognized
 39 by the Internal Revenue Code as a nonprofit
 40 organization or entity shall submit, to the department
 41 of public health and to the legislative services
 42 agency, annually, a copy of the hospital's internal
 43 revenue service form 990, including but not limited to
 44 schedule J or any successor schedule that provides
 45 compensation information for certain officers,
 46 directors, trustees, and key employees, and highest
 47 compensated employees within ninety days following the
 48 due date for filing the hospital's return for the
 49 taxable year.

50 4. a. The Iowa healthcare collaborative shall

1 publicly report indicators and measures including but
 2 not limited to quality, patient safety, pediatric
 3 care, patient safety indicators and measures as
 4 developed by such nationally recognized entities as
 5 the agency for healthcare research and quality of the
 6 United States department of health and human services
 7 and the centers for Medicare and Medicaid services of
 8 the United States department of health and human
 9 services and similar national entities.

10 b. The Iowa healthcare collaborative shall also
 11 report health care acquired infection measures and
 12 indicators after validity measures have been developed
 13 in conjunction with the state epidemiologist and after
 14 legal protections for health care providers subject to
 15 reporting such data have been established.

16 Sec. 69. Section 136.3, Code 2007, is amended by
 17 adding the following new subsection:

18 NEW SUBSECTION. 14. To the greatest extent
 19 possible integrate the efforts of the governing
 20 entities of the Iowa health information technology
 21 system pursuant to division XXI, the medical home
 22 pursuant to division XXII, the prevention and chronic
 23 care management initiative pursuant to division XXIII,
 24 consumer information provisions pursuant to division
 25 XXIV, and health and long-term care access pursuant to
 26 division XXV.

27 **DIVISION XVI**

28 **DIRECT CARE WORKFORCE**

29 **Sec. 70. DIRECT CARE WORKER ADVISORY COUNCIL –**
 30 **DUTIES – REPORT.**

31 1. As used in this section, unless the context
 32 otherwise requires:

33 a. "Department" means the department of public
 34 health.

35 b. "Direct care" means environmental or chore
 36 services, health monitoring and maintenance,
 37 assistance with instrumental activities of daily
 38 living, assistance with personal care activities of
 39 daily living, personal care support, or specialty
 40 skill services.

41 c. "Direct care worker" means an individual who
 42 directly provides or assists a consumer in the care of
 43 the consumer by providing direct care in a variety of
 44 settings which may or may not require supervision of
 45 the direct care worker, depending on the setting and
 46 the skills that the direct care workers possess, based
 47 on education or certification.

48 d. "Director" means the director of public health.

49 2. A direct care worker advisory council shall be
 50 appointed by the director and shall include

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1 representatives of direct care workers, consumers of
2 direct care services, educators of direct care
3 workers, other health professionals, employers of
4 direct care workers, and appropriate state agencies.

5 3. Membership, terms of office, quorum, and
6 expenses shall be determined by the director in
7 accordance with the applicable provisions of section
8 135.11.

9 4. The direct care worker advisory council shall
10 advise the director regarding regulation and
11 certification of direct care workers, based on the
12 work of the direct care workers task force established
13 pursuant to 2005 Iowa Acts, chapter 88, and shall
14 develop recommendations regarding but not limited to
15 all of the following:

16 a. Direct care worker classifications based on
17 functions and services provided by direct care
18 workers.

19 b. Functions for each direct care worker
20 classification.

21 c. An education and training orientation to be
22 provided by employers.

23 d. Education and training requirements for each
24 direct care worker classification.

25 e. The standard curriculum required for each
26 direct care worker classification.

27 f. Education and training equivalency standards
28 for each direct care worker classification.

29 g. Guidelines that allow individuals who are
30 members of the direct care workforce prior to the date
31 of required certification to be incorporated into the
32 new regulatory system.

33 h. Continuing education requirements for each
34 direct care worker classification.

35 i. Standards for direct care worker educators and
36 trainers.

37 j. Certification requirements for each direct care
38 worker classification.

39 k. Protections for the title "certified direct
40 care worker".

41 l. Standardized requirements for supervision of
42 each direct care worker classification, as applicable,
43 and the roles and responsibilities of supervisory
44 positions.

45 m. Responsibility for maintenance of credentialing
46 and continuing education and training.

47 n. Provision of information to income maintenance
48 workers and case managers under the purview of the
49 department of human services about the education and
50 training requirements for direct care workers to

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1 provide the care and services to meet consumer needs.
2 5. The direct care worker advisory council shall
3 report its recommendations to the director by November
4 30, 2008, including recommendations for any changes in
5 law or rules necessary.

6 6. Implementation of certification of direct care
7 workers shall begin July 1, 2009.

8 Sec. 71. DIRECT CARE WORKER COMPENSATION ADVISORY
9 COMMITTEE – REVIEWS.

10 1. a. The general assembly recognizes that direct
11 care workers play a vital role and make a valuable
12 contribution in providing care to Iowans with a
13 variety of needs in both institutional and home and
14 community-based settings. Recruiting and retaining
15 qualified, highly competent direct care workers is a
16 challenge across all employment settings. High rates
17 of employee vacancies and staff turnover threaten the
18 ability of providers to achieve the core mission of
19 providing safe and high quality support to Iowans.

20 b. It is the intent of the general assembly to
21 address the long-term care workforce shortage and
22 turnover rates in order to improve the quality of
23 health care delivered in the long-term care continuum
24 by reviewing wages and other compensation paid to
25 direct care workers in the state.

26 c. It is the intent of the general assembly that
27 the initial review of and recommendations for
28 improving wages and other compensation paid to direct
29 care workers focus on nonlicensed direct care workers
30 in the nursing facility setting. However, following
31 the initial review of wages and other compensation
32 paid to direct care workers in the nursing facility
33 setting, the department of human services shall
34 convene subsequent advisory committees with
35 appropriate representatives of public and private
36 organizations and consumers to review the wages and
37 other compensation paid to and turnover rates of the
38 entire spectrum of direct care workers in the various
39 settings in which they are employed as a means of
40 demonstrating the general assembly's commitment to
41 ensuring a stable and quality direct care workforce in
42 this state.

43 2. The department of human services shall convene
44 an initial direct care worker compensation advisory
45 committee to develop recommendations for consideration
46 by the general assembly during the 2009 legislative
47 session regarding wages and other compensation paid to
48 direct care workers in nursing facilities. The
49 committee shall consist of the following members,
50 selected by their respective organizations:

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- 1 a. The director of human services, or the
- 2 director's designee.
- 3 b. The director of public health, or the
- 4 director's designee.
- 5 c. The director of the department of elder
- 6 affairs, or the director's designee.
- 7 d. The director of the department of inspections
- 8 and appeals, or the director's designee.
- 9 e. A representative of the Iowa caregivers
- 10 association.
- 11 f. A representative of the Iowa health care
- 12 association.
- 13 g. A representative of the Iowa association of
- 14 homes and services for the aging.
- 15 h. A representative of the AARP Iowa chapter.
- 16 3. The advisory committee shall also include two
- 17 members of the senate and two members of the house of
- 18 representatives, with not more than one member from
- 19 each chamber being from the same political party. The
- 20 legislative members shall serve in an ex officio,
- 21 nonvoting capacity. The two senators shall be
- 22 appointed respectively by the majority leader of the
- 23 senate and the minority leader of the senate, and the
- 24 two representatives shall be appointed respectively by
- 25 the speaker of the house of representatives and the
- 26 minority leader of the house of representatives.
- 27 4. Public members of the committee shall receive
- 28 actual expenses incurred while serving in their
- 29 official capacity and may also be eligible to receive
- 30 compensation as provided in section 7E.6. Legislative
- 31 members of the committee are eligible for per diem and
- 32 reimbursement of actual expenses as provided in
- 33 section 2.10.
- 34 5. The department of human services shall provide
- 35 administrative support to the committee and the
- 36 director of human services or the director's designee
- 37 shall serve as chairperson of the committee.
- 38 6. The department shall convene the committee no
- 39 later than July 1, 2008. Prior to the initial
- 40 meeting, the department of human services shall
- 41 provide all members of the committee with a detailed
- 42 analysis of trends in wages and other compensation
- 43 paid to direct care workers.
- 44 7. The committee shall consider options related
- 45 but not limited to all of the following:
- 46 a. The shortening of the time delay between a
- 47 nursing facility's submittal of cost reports and
- 48 receipt of the reimbursement based upon these cost
- 49 reports.
- 50 b. The targeting of appropriations to provide

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1 increases in direct care worker compensation.
 2 c. Creation of a nursing facility provider tax.
 3 8. Following its deliberations, the committee
 4 shall submit a report of its findings and
 5 recommendations regarding improvement in direct care
 6 worker wages and other compensation in the nursing
 7 facility setting to the governor and the general
 8 assembly no later than December 12, 2008.

9 9. For the purposes of the initial review, "direct
 10 care worker" means nonlicensed nursing facility staff
 11 who provide hands-on care including but not limited to
 12 certified nurse aides and medication aides.

13 **Sec. 72. DIRECT CARE WORKER IN NURSING FACILITIES**

14 **– TURNOVER REPORT.** The department of human services
 15 shall modify the nursing facility cost reports
 16 utilized for the medical assistance program to capture
 17 data by the distinct categories of nonlicensed direct
 18 care workers and other employee categories for the
 19 purposes of documenting the turnover rates of direct
 20 care workers and other employees of nursing
 21 facilities. The department shall submit a report on
 22 an annual basis to the governor and the general
 23 assembly which provides an analysis of direct care
 24 worker and other nursing facility employee turnover by
 25 individual nursing facility, a comparison of the
 26 turnover rate in each individual nursing facility with
 27 the state average, and an analysis of any improvement
 28 or decline in meeting any accountability goals or
 29 other measures related to turnover rates. The annual
 30 reports shall also include any data available
 31 regarding turnover rate trends, and other information
 32 the department deems appropriate. The initial report
 33 shall be submitted no later than December 1, 2008, and
 34 subsequent reports shall be submitted no later than
 35 December 1, annually, thereafter.

36 **Sec. 73. EFFECTIVE DATE.** This division of this
 37 Act, being deemed of immediate importance, takes
 38 effect upon enactment."

39 _____. Title page, line 3, by striking the words
 40 "end-of-life care decision making" and inserting the
 41 following: "long-term living planning and patient
 42 autonomy in health care".

43 _____. Title page, by striking line 8 and inserting
 44 the following: "transparency, health care consumer
 45 information, health care access, the direct care
 46 workforce, making appropriations, and including
 47 effective date and applicability provisions.""

H-8579

1 Amend the amendment, H-8574, to House File 2693 as
 2 follows:
 3 1. Page 1, lines 11 and 12, by striking the words
 4 "or individual who" and inserting the following:
 5 "that".

HORBACH of Tama

H-8580

1 Amend House File 2695 as follows:
 2 1. Page 2, by inserting after line 6 the
 3 following:
 4 "Sec.____. Section 423.3, subsection 78,
 5 unnumbered paragraph 2, Code Supplement 2007, is
 6 amended to read as follows:
 7 This exemption does not apply to the sales price
 8 from games of skill, games of chance, raffles, and
 9 bingo games as defined in chapter 99B. However, this
 10 exemption applies to the sales price from raffles held
 11 by public elementary schools in the state. This
 12 exemption is disallowed on the amount of the sales
 13 price only to the extent the profits from the sales,
 14 rental, or services are not used by or donated to the
 15 appropriate entity and expended for educational,
 16 religious, or charitable purposes."
 17 2. Title page, line 2, by inserting after the
 18 word "festivals" the following: ", raffles,".

VAN FOSSEN of Scott

H-8584

1 Amend House File 2696 as follows:
 2 1. Page 1, line 8, by inserting after the word
 3 "airport" the following: "or with two federal
 4 highways each connected by a bridge to a different
 5 state on the eastern bank of the Mississippi river".

JOCHUM of Dubuque

H-8585

1 Amend Senate File 2423, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by inserting after line 8 the
 4 following:
 5 "10A. An annual report of the department
 6 concerning state employee bonus pay as required by
 7 section 8A.403."

8 2. Page 4, by inserting after line 26, the
 9 following:
 10 "Sec. . NEW SECTION. 8A.403 STATE EMPLOYEE
 11 BONUS PAY.

12 1. As used in this section unless the context
 13 otherwise requires, "bonus pay" means any additional
 14 remuneration provided to an employee in the form of a
 15 bonus, including but not limited to a retention bonus,
 16 recruitment bonus, exceptional job performance pay,
 17 extraordinary job performance pay, exceptional
 18 performance pay, extraordinary duty pay, extraordinary
 19 or special duty pay, advanced appointment rate,
 20 incentive pay, and any extra benefit not otherwise
 21 provided to other similarly situated employees.

22 2. Unless otherwise authorized by law or required
 23 pursuant to a collective bargaining agreement, a state
 24 employee shall not, in addition to a salary, receive
 25 any bonus pay unless all of the following have
 26 occurred:

27 a. All requests for the payment of bonus pay to a
 28 state employee shall be submitted in writing on a
 29 prescribed form, to the director of the department in
 30 which the state employee is employed. The request
 31 shall contain a detailed justification for the request
 32 explaining how approval of the bonus pay request will
 33 benefit the efficiency or effectiveness of the state's
 34 operations.

35 b. If approved by the employee's department
 36 director, the bonus pay request shall then be
 37 submitted to the director of the department of
 38 administrative services for review and approval or
 39 denial. However, if the bonus pay request is for an
 40 employee of the department of administrative services,
 41 the request shall instead be submitted to the
 42 department of management for approval or denial. A
 43 bonus pay request shall not be effective until the
 44 request has been approved or denied as provided in
 45 this paragraph "b". An approved bonus pay request
 46 shall be submitted by a department director to the
 47 department of administrative services or to the
 48 department of management, as applicable, not less than
 49 forty-five days before the end of the fiscal year in
 50 order to be approved for payment during that fiscal

Page 2

1 year.

2 c. A state employee is eligible to receive bonus
 3 pay pursuant to an approved bonus pay request only
 4 once during each fiscal year.

5 3. The department shall maintain a record of all
 6 approved bonus pay requests including copies of all

7 documents submitted in conjunction with such requests,
 8 which shall be available for public inspection as
 9 provided in chapter 22.
 10 4. The director shall prepare an annual report
 11 concerning the requirements of this section and
 12 present the report at the end of each fiscal year to
 13 the joint government oversight committee of the
 14 general assembly. Copies of the annual report shall
 15 be furnished to members of the public upon request as
 16 provided in chapter 22."
 17 3. By renumbering as necessary.

BAUDLER of Adair

H-8587

1 Amend Senate File 2425, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 67, by striking lines 24 and 25 and
 4 inserting the following:
 5 "2. a. A statewide emergency mental health crisis
 6 services system shall be implemented through counties
 7 in accordance with this section."
 8 2. Page 68, by striking line 24 and inserting the
 9 following:
 10 "b. Identification of county groupings, geographic
 11 regions,".
 12 3. Page 69, line 16, by striking the word
 13 "division" and inserting the following: "commission".

HEDDENS of Story

H-8590

1 Amend Senate File 2425, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 11, line 13, by striking the figure
 4 "3,744,000" and inserting the following: "4,616,130".
 5 2. Page 30, line 29, by striking the figure
 6 "7,579,484" and inserting the following: "7,663,642".
 7 3. Page 30, line 34, by striking the figure
 8 "11,948,327" and inserting the following:
 9 "12,040,991".
 10 4. Page 39, line 29, by striking the figure
 11 "5,727,743" and inserting the following: "5,840,220".
 12 5. Page 39, line 35, by striking the figure
 13 "7,023,073" and inserting the following: "7,124,187".
 14 6. Page 40, line 6, by striking the figure
 15 "10,495,879" and inserting the following:
 16 "10,676,040".
 17 7. Page 40, line 12, by striking the figure
 18 "1,874,721" and inserting the following: "1,935,276".

- 19 8. Page 40, line 22, by striking the figure
- 20 "17,102,330" and inserting the following:
- 21 "17,251,783".
- 22 9. Page 40, line 25, by striking the figure
- 23 "11,266,164" and inserting the following:
- 24 "11,345,002".
- 25 10. Page 44, line 29, by striking the figure
- 26 "6,492,008" and inserting the following: "6,504,718".
- 27 11. Page 45, line 26, by striking the figure
- 28 "16,682,067" and inserting the following:
- 29 "15,809,937".

HEATON of Henry
 ANDERSON of Page
 GRANZOW of Hardin
 WATTS of Dallas

RASMUSSEN of Buchanan
 HUSEMAN of Cherokee
 HORBACH of Tama

H-8592

1 Amend Senate File 2425, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. By striking page 24, line 33, through page 25,
 4 line 6, and inserting the following:
 5 "(1) For transfer to the appropriation made in
 6 2007 Iowa Acts, chapter 215, section 1, subsection 1,
 7 as amended by this Act, for allocation as additional
 8 funding under new subsection 3 of that section, as
 9 enacted by this Act, \$3,000,000."

10 2. Page 42, by inserting after line 16 the
 11 following:
 12 "4. Of the funds appropriated in this section,
 13 \$1,000,000 is transferred to the appropriation made in
 14 2007 Iowa Acts, chapter 215, section 1, subsection 1,
 15 as amended by this Act, for allocation as additional
 16 funding under new subsection 3 of that section, as
 17 enacted by this Act."

18 3. Page 63, by striking lines 17 and 18 and
 19 inserting the following:
 20 "7. For transfer to the appropriation made in 2007
 21 Iowa Acts, chapter 215, section 1, subsection 1, as
 22 amended by this Act, for allocation as additional
 23 funding under new subsection 3 of that section, as
 24 enacted by this Act:

25 \$ 250,000"

VAN FOSSEN of Scott
 ANDERSON of Page
 BAUDLER of Adair
 CHAMBERS of O'Brien
 DEYOE of Story
 DRAKE of Pottawattamie
 GRANZOW of Hardin

ALONS of Sioux
 ARNOLD of Lucas
 BOAL of Polk
 DE BOEF of Keokuk
 DOLECHECK of Ringgold
 GIPP of Winneshiek
 GRASSLEY of Butler

GREINER of Washington	HEATON of Henry
HOFFMAN of Crawford	HORBACH of Tama
HUSEMAN of Cherokee	JACOBS of Polk
KAUFMANN of Cedar	LUKAN of Dubuque
MAY of Dickinson	L. MILLER of Scott
S. OLSON of Clinton	PAULSEN of Linn
PETTENGILL of Benton	RAECKER of Polk
RANTS of Woodbury	RASMUSSEN of Buchanan
RAYHONS of Hancock	SANDS of Louisa
SCHICKEL of Cerro Gordo	SODERBERG of Plymouth
STRUYK OF Pottawattamie	TJEPKES of Webster
TOMENGA of Polk	TYMESON of Madison
UPMEYER of Hancock	VAN ENGELHOFEN of Marion
WATTS of Dallas	WIENCEK of Black Hawk
WINDSCHITL of Harrison	WORTHAN of Buena Vista

H-8593

1 Amend Senate File 2425, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 25, by inserting after line 25 the
 4 following:
 5 "22. The department of human services shall
 6 conduct a review of the medical assistance home and
 7 community-based services waivers, including but not
 8 limited to the upper limit of reimbursement for each
 9 waiver and the services provided under each waiver,
 10 and shall make recommendations to the individuals
 11 specified in this Act to receive reports by December
 12 15, 2008, regarding revising the upper limits of
 13 reimbursement and services provided."

HEATON of Henry

H-8595

1 Amend Senate File 2425, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 25, by inserting after line 25 the
 4 following:
 5 "22. It is the intent of the general assembly that
 6 if federal funding for the medical assistance program
 7 is increased during the fiscal year beginning July 1,
 8 2008, priority in utilization of the increased funding
 9 shall be to eliminate the medical assistance home and
 10 community-based services waivers waiting lists, with
 11 any remaining funds being used to provide an
 12 across-the-board percentage increase, up to 3 percent
 13 above the rates existing on June 30, 2008, in the
 14 reimbursement rates of medical assistance providers."

L. MILLER of Scott

H-8596

1 Amend Senate File 2425, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 25, by inserting after line 22 the
4 following:

5 "25. To the extent allowed by federal law, it is
6 the intent of the general assembly that individuals
7 with amyotrophic lateral sclerosis who are eligible
8 for such services are given priority status in
9 receiving services under the medical assistance home
10 and community-based services waivers."

JACOBS of Polk

H-8601

1 Amend Senate File 2425, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 123, by inserting after line 8 the
4 following:

5 "Sec.____. Section 249A.20A, subsection 2, Code
6 2007, is amended by adding the following new
7 paragraph:

8 NEW PARAGRAPH. d. A member of the committee shall
9 disclose to the department, in a format and in
10 accordance with a schedule prescribed by rule of the
11 department, any financial relationship or affiliation
12 with a pharmaceutical manufacturer, including but not
13 limited to any payments or contributions for lectures,
14 consulting, research, or other services. The
15 disclosure requirements shall be at least as stringent
16 as the campaign disclosure requirements applicable to
17 a member of the general assembly pursuant to chapter
18 68A.

19 Sec.____. Section 249A.24, Code 2007, is amended
20 by adding the following new subsection:

21 NEW SUBSECTION. 4. A member of the commission
22 shall disclose to the department, in a format and in
23 accordance with a schedule prescribed by rule of the
24 department, any financial relationship or affiliation
25 with a pharmaceutical manufacturer, including but not
26 limited to any payments or contributions for lectures,
27 consulting, research, or other services. The
28 disclosure requirements shall be at least as stringent
29 as the campaign disclosure requirements applicable to
30 a member of the general assembly pursuant to chapter
31 68A."

32 2. By renumbering as necessary.

HEATON of Henry

H-8602

1 Amend Senate File 2425, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 37, by inserting after line 21 the
4 following:

5 "____. The department shall review the processes
6 for drug testing of persons responsible for the care
7 of a child in child abuse cases to evaluate the
8 effectiveness of the testing, whether it is applied in
9 the same manner in all service areas, identify how the
10 funding designated for drug testing is utilized, and
11 address other issues associated with the testing. The
12 department shall report concerning the review to the
13 persons designated by this Act to receive reports."

14 2. By renumbering as necessary.

WIENCEK of Black Hawk

H-8605

1 Amend Senate File 2425, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 46, by striking lines 6 through 20.

4 2. Page 64, by striking lines 1 through 19 and
5 inserting the following:

6 "11. For transfer to the appropriation made in
7 2007 Iowa Acts, chapter 215, section 1, subsection 1,
8 as amended by this Act, for allocation as additional
9 funding under new subsection 3 of that section, as
10 enacted by this Act:

11 \$ 200,000"

12 3. Page 75, line 25, by striking the figure

13 "54,081,310" and inserting the following:

14 "54,831,310".

15 4. Page 76, line 9, by striking the figure

16 "12,000,000" and inserting the following:

17 "12,750,000".

FOEGE of Linn

H-8611

1 Amend Senate File 2425, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 91, by inserting after line 2 the
4 following:

5 "GENERAL FUND

6 Sec.____. DEPARTMENT OF HUMAN SERVICES – PROVIDER
7 REIMBURSEMENTS.

8 1. There is appropriated from the general fund of
9 the state to the department of human services for the

10 fiscal year beginning July 1, 2008, and ending June
 11 30, 2009, the following amount, or so much thereof as
 12 is necessary, to be used for the purpose designated:
 13 For increasing the reimbursement paid to certain
 14 service providers in accordance with this section:
 15 \$ 1,846,000

16 2. The appropriation made in this section shall be
 17 used in combination with other appropriations made for
 18 the services and providers listed in this section to
 19 increase the providers' reimbursement rate or amount
 20 for the fiscal year beginning July 1, 2008, and ending
 21 June 30, 2009, above the rates or amounts in effect on
 22 June 30, 2008. The increase shall be provided in
 23 addition to any other reimbursement rate or amount
 24 specified in other law addressing reimbursement for
 25 the listed providers for the fiscal year.

26 3. Of the amount appropriated in this section, up
 27 to \$1,241,000 is allocated to provide a 4.1 percent
 28 cost of living increase in the reimbursement rates
 29 paid for intermediate care facilities for persons with
 30 mental retardation. Any percentile limitation applied
 31 to such providers shall be adjusted as necessary to
 32 incorporate the percentage increase addressed by this
 33 subsection.

34 4. Of the amount appropriated in this section, up
 35 to \$605,000 is allocated to increase the reimbursement
 36 rates or amounts paid to residential care facilities
 37 and residential care facilities for persons with
 38 mental retardation by 3 percent.

39 5. The department may adjust the allocations made
 40 in this section as necessary for payment of the rates
 41 or amounts specified, provided the overall
 42 expenditures remain within the amount appropriated.

43 6. Notwithstanding section 8.33, moneys
 44 appropriated in this section that remain unencumbered
 45 and unobligated at the close of the fiscal year shall
 46 not revert but shall remain available for expenditure
 47 for the purposes designated until the close of the
 48 succeeding fiscal year."

49 2. By renumbering as necessary.

CHAMBERS of O'Brien

H-8615

1 Amend Senate File 2425, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 76, line 9, by striking the figure
 4 "12,000,000" and inserting the following:
 5 "16,000,000".

6 2. Page 77, line 10, by striking the figure
 7 "49,673,409" and inserting the following:

8 "45,673,409".
 9 3. Page 77, line 20, by striking the figure
 10 "57,337,985" and inserting the following:
 11 "53,337,985".

GAYMAN of Scott

H-8622

1 Amend Senate File 2425, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 128, line 32, through page
 4 130, line 10.
 5 2. By renumbering as necessary.

FOEGE of Linn

H-8624

1 Amend Senate File 2424, as passed by the Senate, as
 2 follows:
 3 1. Page 14, by inserting after line 9 the
 4 following:
 5 "Sec. ____ Section 97A.10, Code 2007, is amended
 6 to read as follows:
 7 97A.10 PURCHASE OF ELIGIBLE SERVICE CREDIT.
 8 1. For purposes of this section:
 9 a. "Eligible qualified service" means ~~as follows:~~
 10 ~~(1) Service with the department prior to July 1,~~
 11 ~~1994, in a position as a gaming enforcement officer,~~
 12 ~~fire prevention inspector peace officer, or as an~~
 13 ~~employee of the division of capitol police except~~
 14 ~~clerical workers.~~
 15 ~~(2) Service~~ service as a member of a city fire
 16 retirement system or police retirement system
 17 operating under chapter 411 prior to January 1, 1992,
 18 for which service was not eligible to be transferred
 19 to this system pursuant to section 97A.17.
 20 Eligible qualified service under this paragraph "a"
 21 does not include service if the receipt of credit for
 22 such service would result in the member receiving a
 23 retirement benefit under more than one retirement plan
 24 for the same period of service.
 25 b. "Permissive service credit" means credit that
 26 will be recognized by the retirement system for
 27 purposes of calculating a member's benefit, for which
 28 the member did not previously receive service credit
 29 in the retirement system, and for which the member
 30 voluntarily contributes to the retirement system the
 31 amount required by the retirement system, not in
 32 excess of the amount necessary to fund the benefit
 33 attributable to such service.

34 2. An active member of the system may make
 35 contributions to the system to purchase up to the
 36 maximum amount of permissive service credit for
 37 eligible qualified service as determined by the
 38 system, pursuant to Internal Revenue Code section
 39 415(n) and the requirements of this section. A member
 40 seeking to purchase permissive service credit pursuant
 41 to this section shall file a written application along
 42 with appropriate documentation with the department by
 43 July 1, ~~2007~~ 2009.

44 3. A member making contributions for a purchase of
 45 permissive service credit for eligible qualified
 46 service under this section shall make contributions in
 47 an amount equal to the actuarial cost of the
 48 permissive service credit purchase, less an amount
 49 equal to the member's contributions under chapter 411
 50 for the period of eligible qualified service together

Page 2

1 with interest at a rate determined by the board of
 2 trustees. For purposes of this subsection, the
 3 actuarial cost of the permissive service credit
 4 purchase is an amount determined by the system in
 5 accordance with actuarial tables, as reported to the
 6 system by the system's actuary, which reflects the
 7 actuarial cost necessary to fund an increased
 8 retirement allowance resulting from the purchase of
 9 permissive service credit."

10 2. Page 16, by inserting after line 12 the
 11 following:

12 "Sec. ____ . PEACE OFFICERS' RETIREMENT, ACCIDENT,
 13 AND DISABILITY SYSTEM – MEMBER CONTRIBUTIONS.
 14 Notwithstanding any provision of section 97A.8 to
 15 the contrary, the Iowa department of public safety
 16 peace officers' retirement, accident, and disability
 17 system as defined in section 97A.2 shall not increase
 18 the contribution rate of members of the system to
 19 cover any increase in cost to the system resulting
 20 from the section of this Act amending section 97A.10."

21 3. By renumbering as necessary.

FREVERT of Palo Alto

H-8625

1 Amend Senate File 2424, as passed by the Senate, as
 2 follows:

3 1. By striking page 39, line 28, through page 40,

- 4 line 2.
- 5 2. By renumbering as necessary.

JACOBS of Polk

H-8627

- 1 Amend House File 2177, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 3, by striking the word "The" and
- 4 inserting the following: "The An antlerless deer
- 5 only".
- 6 2. Page 1, line 4, by striking the word "a" and
- 7 inserting the following: "a an antlerless".
- 8 3. Page 1, line 5, by inserting after the word
- 9 "dated." the following: "An antlered or any sex deer
- 10 hunting license shall be accompanied by two tags
- 11 designed to be used only once."
- 12 4. Page 1, line 6, by striking the words "the
- 13 tag" and inserting the following: "one of the tags".
- 14 5. Page 1, line 6, by inserting after the word
- 15 "antlers" the following: "and one of the tags shall
- 16 be affixed to the deer as provided by the commission
- 17 by rule".
- 18 6. Title page, line 2, by striking the word
- 19 "antlered".

SENATE AMENDMENT

H-8639

- 1 Amend the amendment, H-8456, to Senate File 2411,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 6, by striking lines 4 through 8 and
- 5 inserting the following:
- 6 "3. The board shall not charge a complainant a fee
- 7 in relation to any board proceeding or judicial
- 8 proceeding resulting from the filing of a complaint."
- 9 2. Page 8, by inserting after line 39 the
- 10 following:
- 11 "4. The board shall study the feasibility of
- 12 charging a complainant a fee for the processing of a
- 13 complaint filed with the board which shall be refunded
- 14 to the complainant upon the board's determination the
- 15 complaint is within the board's jurisdiction, appears
- 16 legally sufficient, and could have merit, or upon the
- 17 board's determination the complaint is within the
- 18 board's jurisdiction and probable cause exists to
- 19 believe the allegations in the complaint constitute a
- 20 violation of chapter 21 or 22. The board shall also
- 21 study the feasibility of assessing a penalty or costs

22 against a complainant who files two or more frivolous
 23 complaints with the board. The board shall submit any
 24 proposed recommendations relating to both issues to
 25 the governor and the general assembly on or before
 26 January 15, 2009."

27 3. By renumbering as necessary.

MASCHER of Johnson
 BOAL of Polk

H-8641

1 Amend Senate File 2160, as passed by the Senate, as
 2 follows:

3 1. Page 1, line 13, by inserting after the word
 4 "b." the following: "(1)".

5 2. Page 1, line 27, by striking the words "not
 6 participating in the initial determination".

7 3. Page 1, line 27, by inserting after the word
 8 "shall" the following: "not".

9 4. Page 1, by inserting after line 28 the
 10 following:

11 "(2) An accounting firm, agent, unemployment
 12 insurance accounting firm, or other entity that
 13 represents an employer in unemployment claim matters
 14 and demonstrates a continuous pattern of failing to
 15 participate in the initial determinations to award
 16 benefits, as determined and defined by rule by the
 17 department, shall be denied permission by the
 18 department to represent any employers in unemployment
 19 insurance matters."

20 5. Page 1, by inserting before line 29 the
 21 following:

22 "Sec.____. Section 96.14, subsection 2, paragraph
 23 d, Code Supplement 2007, is amended to read as
 24 follows:

25 d. A penalty shall not be less than ~~ten dollars~~
 26 ~~for the first delinquent report or the first~~
 27 ~~insufficient report not made sufficient within thirty~~
 28 ~~days after a request to do so. The penalty shall not~~
 29 ~~be less than twenty five dollars for the second~~
 30 ~~delinquent or insufficient report, and not less than~~
 31 ~~fifty thirty-five dollars for each delinquent or~~
 32 ~~insufficient report thereafter, until four consecutive~~
 33 ~~calendar quarters of reports are timely and~~
 34 ~~sufficiently filed. Interest, penalties, and cost~~
 35 shall be collected by the department in the same
 36 manner as provided by this chapter for contributions.

37 Sec.____. Section 96.14, subsection 2, Code
 38 Supplement 2007, is amended by adding the following
 39 new paragraph:

40 NEW PARAGRAPH. ee. If any tendered payment of any

41 amount due in the form of a check, draft, or money
 42 order is not honored when presented to a financial
 43 institution, any costs assessed to the department by
 44 the financial institution and a fee of thirty dollars
 45 shall be assessed to the employer.
 46 Sec.____. Section 96.14, Code Supplement 2007, is
 47 amended by adding the following new subsection:
 48 NEW SUBSECTION. 17. EMPLOYER SUBPOENA COST AND
 49 PENALTY. An employer who is served with a subpoena
 50 pursuant to section 96.11, subsection 7, for the

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1 investigation of an employer liability issue, to
 2 complete audits, to secure reports, or to assess
 3 contributions shall pay all costs associated with the
 4 subpoena, including service fees and court costs. The
 5 department shall penalize an employer in the amount of
 6 two hundred fifty dollars if that employer refused to
 7 honor a subpoena or negligently failed to honor a
 8 subpoena. The cost of the subpoena and any penalty
 9 shall be collected in the manner provided in section
 10 96.14, subsection 3.
 11 Sec.____. EFFECTIVE DATE. The sections of this
 12 Act amending section 96.14 take effect January 1,
 13 2009."
 14 6. Title page, line 2, by inserting after the
 15 word "adjudications" the following: "and unemployment
 16 insurance tax penalties, and providing an effective
 17 date".

T. TAYLOR of Linn

H-8642

1 Amend House File 2675 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 96.3, subsection 5, Code 2007,
 5 is amended to read as follows:
 6 5. a. DURATION OF BENEFITS. The maximum total
 7 amount of benefits payable to an eligible individual
 8 during a benefit year shall not exceed the total of
 9 the wage credits accrued to the individual's account
 10 during the individual's base period, or twenty-six
 11 times the individual's weekly benefit amount,
 12 whichever is the lesser. The director shall maintain
 13 a separate account for each individual who earns wages
 14 in insured work. The director shall compute wage
 15 credits for each individual by crediting the
 16 individual's account with one-third of the wages for
 17 insured work paid to the individual during the

18 individual's base period. However, the director shall
 19 recompute wage credits for an individual who is laid
 20 off due to the individual's employer going out of
 21 business at the factory, establishment, or other
 22 premises at which the individual was last employed, by
 23 crediting the individual's account with one-half,
 24 instead of one-third, of the wages for insured work
 25 paid to the individual during the individual's base
 26 period. Benefits paid to an eligible individual shall
 27 be charged against the base period wage credits in the
 28 individual's account which have not been previously
 29 charged, in the inverse chronological order as the
 30 wages on which the wage credits are based were paid.
 31 However if the state "off indicator" is in effect and
 32 if the individual is laid off due to the individual's
 33 employer going out of business at the factory,
 34 establishment, or other premises at which the
 35 individual was last employed, the maximum benefits
 36 payable shall be extended to thirty-nine times the
 37 individual's weekly benefit amount, but not to exceed
 38 the total of the wage credits accrued to the
 39 individual's account.

40 b. TRAINING EXTENSION BENEFITS. An individual who
 41 is in training with the approval of the director at
 42 the time regular benefits are exhausted may be
 43 eligible for training extension benefits. The
 44 training extension benefit amount shall be twenty-six
 45 times the individual's weekly benefit amount, and the
 46 weekly benefit amount shall be equal to the
 47 individual's weekly benefit amount for the claim in
 48 which benefits were exhausted while in training. An
 49 individual who is receiving training extension
 50 benefits shall not be denied benefits due to

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1 application of section 96.4, subsection 3, or section
 2 96.5, subsection 3. However, an employer's account
 3 shall not be charged with benefits so paid. Relief of
 4 charges under this paragraph applies to both
 5 contributory and reimbursable employers,
 6 notwithstanding section 96.8, subsection 5. In order
 7 for the individual to be eligible for training
 8 extension benefits all of the following criteria must
 9 be met:

10 (1) Training extension benefits end upon
 11 completion of the training even though a portion of
 12 the training extension benefit amount may remain, but
 13 the benefits shall not extend beyond the end of the
 14 benefit year.

15 (2) The individual must be enrolled, participating
 16 in the training, and making satisfactory progress to

17 complete the training.

18 (3) The individual is considered to be in training
 19 during regularly scheduled vacation or recess periods
 20 of three weeks or less but not during a summer
 21 vacation period or school break which is longer than
 22 three weeks. If the individual immediately returns to
 23 training after the summer vacation or break period of
 24 longer than three weeks, the individual may reopen the
 25 training extension claim. Otherwise, the individual
 26 must be continuously in training in order to be
 27 eligible for training extension benefits.

28 Sec. 2. Section 96.4, subsection 4, Code 2007, is
 29 amended to read as follows:

30 4. a. The individual has been paid wages for
 31 insured work during the individual's base period in an
 32 amount at least one and one-quarter times the wages
 33 paid to the individual during that quarter of the
 34 individual's base period in which the individual's
 35 wages were highest; provided that the individual has
 36 been paid wages for insured work totaling at least
 37 three and five-tenths percent of the statewide average
 38 annual wage for insured work, computed for the
 39 preceding calendar year if the individual's benefit
 40 year begins on or after the first full week in July
 41 and computed for the second preceding calendar year if
 42 the individual's benefit year begins before the first
 43 full week in July, in that calendar quarter in the
 44 individual's base period in which the individual's
 45 wages were highest, and the individual has been paid
 46 wages for insured work totaling at least one-half of
 47 the amount of wages required under this ~~subsection~~
 48 ~~paragraph~~ in the calendar quarter of the base period
 49 in which the individual's wages were highest, in a
 50 calendar quarter in the individual's base period other

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1 than the calendar quarter in which the individual's
 2 wages were highest. The calendar quarter wage
 3 requirements shall be rounded to the nearest multiple
 4 of ten dollars.

5 b. For an individual who does not have sufficient
 6 wages in the base period, as defined in section 96.19,
 7 to otherwise qualify for benefits pursuant to this
 8 subsection, the individual's base period shall be the
 9 last four completed calendar quarters immediately
 10 preceding the first day of the individual's benefit
 11 year if such period qualifies the individual for
 12 benefits under this subsection.

13 (1) Wages that fall within the alternative base
 14 period established under this paragraph "b" are not
 15 available for qualifying benefits in any subsequent

16 benefit year.

17 (2) Employers shall be charged in the manner
 18 provided in this chapter for benefits paid based upon
 19 quarters used in the alternative base period.

20 (3) The alternative base period in this paragraph
 21 "b" shall apply to any new claim filed one hundred
 22 twenty days or more after enactment of federal law
 23 providing for distribution of funding relating to
 24 section 903 of the federal Social Security Act and
 25 contingent in whole or in part upon state law
 26 containing an alternative base period provision.

27 c. If the individual has drawn benefits in any
 28 benefit year, the individual must during or subsequent
 29 to that year, work in and be paid wages for insured
 30 work totaling at least two hundred fifty dollars, as a
 31 condition to receive benefits in the next benefit
 32 year.

33 Sec. 3. Section 96.5, subsection 1, Code
 34 Supplement 2007, is amended by adding the following
 35 new paragraph:

36 NEW PARAGRAPH. b. (1) The individual left
 37 employment to accompany a spouse due to a change in
 38 location of the spouse's employment to a place from
 39 which it is impractical for the individual to commute.
 40 Benefits based upon wage credits earned with the
 41 employer that the individual has left shall be charged
 42 to the unemployment compensation fund for both
 43 contributory and reimbursable employers,
 44 notwithstanding section 96.8, subsection 5.

45 (2) This paragraph "b" shall apply to any new
 46 claim filed one hundred twenty days or more after the
 47 enactment of federal law providing for distribution of
 48 funding relating to section 903 of the federal Social
 49 Security Act.

50 Sec. 4. Section 96.5, subsection 1, paragraph c,

Page 4

1 Code Supplement 2007, is amended to read as follows:

2 c. ~~The individual left employment for the~~
 3 ~~necessary and sole purpose of taking care of a member~~
 4 ~~of the individual's immediate family who was then~~
 5 ~~injured or ill, and if after said member of the family~~
 6 ~~sufficiently recovered, the individual immediately~~
 7 ~~returned to and offered the individual's services to~~
 8 ~~the individual's employer, provided, however, that~~
 9 ~~during such period the individual did not accept any~~
 10 ~~other employment. The individual left employment as a~~
 11 result of the illness, injury, or disability of a
 12 member of the individual's immediate family. The
 13 individual must demonstrate a compelling need to leave
 14 employment and provide medical evidence establishing

15 the debilitating condition of the immediate family
 16 member. Benefits based upon wage credits earned with
 17 the employer that the individual has left shall be
 18 charged to the unemployment compensation fund for both
 19 contributory and reimbursable employers.
 20 notwithstanding section 96.8, subsection 5.

21 Sec. 5. Section 96.5, subsection 1, Code
 22 Supplement 2007, is amended by adding the following
 23 new paragraph:

24 NEW PARAGRAPH. k. The individual left employment
 25 due to domestic abuse, as defined in section 236.2, or
 26 stalking, as described in section 708.11, perpetrated
 27 against the individual, and the individual reasonably
 28 believed such act was necessary to protect the safety
 29 of the individual or the individual's family.

30 Benefits related to wage credits earned with the
 31 employer that the individual has left shall be charged
 32 to the unemployment compensation fund. This paragraph
 33 applies to both contributory and reimbursable
 34 employers, notwithstanding section 96.8, subsection 5.
 35 All evidence of domestic abuse or stalking experienced
 36 by an individual, including the individual's statement
 37 and any corroborating evidence, shall not be disclosed
 38 by the department, except to the parties in a
 39 contested benefit case proceeding and to the
 40 employment appeal board or courts in an appeal or
 41 unless consent for disclosure is granted in writing by
 42 the individual. Evidence of domestic abuse or
 43 stalking may include but is not limited to any of the
 44 following:

45 (1) A statement or report from a law enforcement
 46 agency or professional, medical professional, mental
 47 health professional, or domestic violence shelter or
 48 professional.

49 (2) Witness statements regarding an incident that
 50 causes the individual to believe the individual's life

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1 or safety or the life or safety of a member of the
 2 individual's family is in danger.

3 Sec. 6. Section 96.23, subsection 2, Code 2007, is
 4 amended to read as follows:

5 2. The individual did not receive wages from
 6 insured work for two calendar quarters and did not
 7 receive wages from insured work for another calendar
 8 quarter equal to or greater than the amount required
 9 for a calendar quarter, other than the calendar
 10 quarter in which the individual's wages were highest,
 11 under section 96.4, subsection 4, paragraph "a".

12 Sec. 7. FUTURE APPROPRIATION OF FEDERAL FUNDS.
 13 Any funds received by this state from the federal

14 government pursuant to section 903 of the federal
 15 Social Security Act as a result of the enactment of
 16 this Act shall be appropriated by the general assembly
 17 to the department of workforce development to be used
 18 for the payment of unemployment insurance benefits or
 19 for the administration of the Iowa employment security
 20 law, chapter 96, and public employment offices.
 21 Sec. 8. EFFECTIVE AND APPLICABILITY DATES. The
 22 section of this Act amending section 96.3 applies to
 23 any week of unemployment benefits beginning on or
 24 after July 1, 2008. The sections of this Act amending
 25 section 96.5, subsection 1, paragraph "c", and
 26 enacting section 96.5, subsection 1, paragraph "k",
 27 take effect June 29, 2008, and apply to any claim with
 28 an effective date on or after June 29, 2008."
 29 2. Title page, by striking lines 1 through 3 and
 30 inserting the following: "An Act relating to
 31 unemployment insurance benefits and compliance with
 32 federal law and including effective date and
 33 applicability provisions."

T. TAYLOR of Linn

H-8643

1 Amend Senate File 2377, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. Section 96.3, subsection 5, Code 2007,
 6 is amended to read as follows:
 7 5. a. DURATION OF BENEFITS. The maximum total
 8 amount of benefits payable to an eligible individual
 9 during a benefit year shall not exceed the total of
 10 the wage credits accrued to the individual's account
 11 during the individual's base period, or twenty-six
 12 times the individual's weekly benefit amount,
 13 whichever is the lesser. The director shall maintain
 14 a separate account for each individual who earns wages
 15 in insured work. The director shall compute wage
 16 credits for each individual by crediting the
 17 individual's account with one-third of the wages for
 18 insured work paid to the individual during the
 19 individual's base period. However, the director shall
 20 recompute wage credits for an individual who is laid
 21 off due to the individual's employer going out of
 22 business at the factory, establishment, or other
 23 premises at which the individual was last employed, by
 24 crediting the individual's account with one-half,
 25 instead of one-third, of the wages for insured work
 26 paid to the individual during the individual's base
 27 period. Benefits paid to an eligible individual shall

28 be charged against the base period wage credits in the
 29 individual's account which have not been previously
 30 charged, in the inverse chronological order as the
 31 wages on which the wage credits are based were paid.
 32 However if the state "off indicator" is in effect and
 33 if the individual is laid off due to the individual's
 34 employer going out of business at the factory,
 35 establishment, or other premises at which the
 36 individual was last employed, the maximum benefits
 37 payable shall be extended to thirty-nine times the
 38 individual's weekly benefit amount, but not to exceed
 39 the total of the wage credits accrued to the
 40 individual's account.

41 b. TRAINING EXTENSION BENEFITS. An individual who
 42 is in training with the approval of the director at
 43 the time regular benefits are exhausted may be
 44 eligible for training extension benefits. The
 45 training extension benefit amount shall be twenty-six
 46 times the individual's weekly benefit amount, and the
 47 weekly benefit amount shall be equal to the
 48 individual's weekly benefit amount for the claim in
 49 which benefits were exhausted while in training. An
 50 individual who is receiving training extension

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1 benefits shall not be denied benefits due to
 2 application of section 96.4, subsection 3, or section
 3 96.5, subsection 3. However, an employer's account
 4 shall not be charged with benefits so paid. Relief of
 5 charges under this paragraph applies to both
 6 contributory and reimbursable employers,
 7 notwithstanding section 96.8, subsection 5. In order
 8 for the individual to be eligible for training
 9 extension benefits all of the following criteria must
 10 be met:
 11 (1) Training extension benefits end upon
 12 completion of the training even though a portion of
 13 the training extension benefit amount may remain, but
 14 the benefits shall not extend beyond the end of the
 15 benefit year.
 16 (2) The individual must be enrolled, participating
 17 in the training, and making satisfactory progress to
 18 complete the training.
 19 (3) The individual is considered to be in training
 20 during regularly scheduled vacation or recess periods
 21 of three weeks or less but not during a summer
 22 vacation period or school break which is longer than
 23 three weeks. If the individual immediately returns to
 24 training after the summer vacation or break period of
 25 longer than three weeks, the individual may reopen the
 26 training extension claim. Otherwise, the individual

27 must be continuously in training in order to be
 28 eligible for training extension benefits.
 29 Sec. 2. Section 96.5, subsection 1, Code
 30 Supplement 2007, is amended by adding the following
 31 new paragraph:
 32 NEW PARAGRAPH. b. The individual left employment
 33 due to domestic abuse, as defined in section 236.2, or
 34 stalking, as described in section 708.11, perpetrated
 35 against the individual, and the individual reasonably
 36 believed such act was necessary to protect the safety
 37 of the individual or the individual's family.
 38 Benefits related to wage credits earned with the
 39 employer that the individual has left shall be charged
 40 to the unemployment compensation fund. This paragraph
 41 applies to both contributory and reimbursable
 42 employers, notwithstanding section 96.8, subsection 5.
 43 All evidence of domestic abuse or stalking experienced
 44 by an individual, including the individual's statement
 45 and any corroborating evidence, shall not be disclosed
 46 by the department, except to the parties in a
 47 contested benefit case proceeding and to the
 48 employment appeal board or courts in an appeal or
 49 unless consent for disclosure is granted in writing by
 50 the individual. Evidence of domestic abuse or

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1 stalking may include but is not limited to any of the
 2 following:
 3 (1) A statement or report from a law enforcement
 4 agency or professional, medical professional, mental
 5 health professional, or domestic violence shelter or
 6 professional.
 7 (2) Witness statements regarding an incident that
 8 causes the individual to believe the individual's life
 9 or safety or the life or safety of a member of the
 10 individual's family is in danger.
 11 Sec. 3. Section 96.7, subsection 2, paragraph a,
 12 subparagraph (2), Code 2007, is amended by adding the
 13 following new unnumbered paragraph after unnumbered
 14 paragraph 5:
 15 NEW UNNUMBERED PARAGRAPH. The account of an
 16 employer shall not be charged with benefits paid to an
 17 individual who is laid off if the benefits are paid as
 18 the result of the return to work of a permanent
 19 employee who is one of the following:
 20 (a) A member of the national guard or organized
 21 reserves of the armed forces of the United States
 22 ordered to temporary duty, as defined in section
 23 29A.1, subsection 3, 11, or 12, for any purpose, who
 24 has completed the duty as evidenced in accordance with
 25 section 29A.43.

26 (b) A member of the civil air patrol performing
 27 duty pursuant to section 29A.3A, who has completed the
 28 duty as evidenced in accordance with section 29A.43.
 29 Sec. 4. FUTURE APPROPRIATION OF FEDERAL FUNDS.
 30 Any funds received by this state from the federal
 31 government pursuant to section 903 of the federal
 32 Social Security Act as a result of the enactment of
 33 this Act shall be appropriated by the general assembly
 34 to the department of workforce development to be used
 35 for the payment of unemployment insurance benefits or
 36 for the administration of the Iowa employment security
 37 law, chapter 96, and public employment offices.
 38 Sec. 5. EFFECTIVE AND APPLICABILITY DATES. The
 39 sections of this Act amending sections 96.3 and 96.7
 40 apply to any week of unemployment benefits beginning
 41 on or after July 1, 2008. The section of this Act
 42 enacting section 96.5, subsection 1, paragraph "b",
 43 takes effect June 29, 2008, and applies to any week of
 44 unemployment benefits beginning on or after that
 45 date."

T. TAYLOR of Linn

H-8646

1 Amend House File 901, as passed by the House, as
 2 follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. Section 123.32, subsection 4, Code
 6 2007, is amended to read as follows:
 7 4. SECURITY EMPLOYEE TRAINING. A local authority,
 8 as a condition of obtaining and holding a license or
 9 permit for on-premises consumption, may require a
 10 designated security employee as defined in section
 11 123.3 to be trained and certified in security methods.
 12 The training shall include but is not limited to
 13 mediation de-escalation techniques, anger management
 14 techniques, civil rights or unfair practices awareness
 15 as provided in section 216.7, recognition of fake or
 16 altered identification, information on laws applicable
 17 to the serving of alcohol at a licensed premises, use
 18 of force and techniques for safely removing patrons,
 19 and ~~providing~~ instruction on the proper physical
 20 restraint methods used against a person who has become
 21 combative.
 22 Sec. 2. PILOT PROJECT – ALCOHOLIC BEVERAGE
 23 CONTROL – SECURITY EMPLOYEE TRAINING – FEES –
 24 REPORT.
 25 1. On and after January 1, 2009, and
 26 notwithstanding any other provision of law to the
 27 contrary, a local authority located in a county with a

28 population as of the most recent decennial census in
29 excess of three hundred thousand persons, shall
30 require a licensee or permittee, as provided in
31 chapter 123, of a premises with an occupancy of at
32 least two hundred persons to have at least one
33 designated security employee, as defined in section
34 123.3, who shall be designated as the supervising
35 security person, who is trained and certified in
36 security methods as provided in this section, on the
37 premises during an event for which an admission or a
38 cover charge of at least five dollars is charged or
39 collected to enter the premises or attend a
40 performance or program on the premises while alcoholic
41 beverages are served or made available to patrons.
42 However, a designated security employee who is a
43 certified peace officer shall be exempt from the
44 requirement to be trained and certified through a
45 program conducted by the division of labor services as
46 provided in this section.
47 2. a. The labor commissioner of the division of
48 labor services of the department of workforce
49 development shall establish and conduct an eight-hour
50 security and safety certification training program for

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1 designated security employees. The commissioner shall
2 assess a fee of not more than fifty dollars to a
3 person participating in the training and issue a
4 certificate to the designated security employee upon
5 successful completion of the training program.
6 b. The training program shall include but is not
7 limited to the following:
8 (1) De-escalation techniques.
9 (2) Anger management techniques.
10 (3) Use of force and techniques for safely
11 removing patrons.
12 (4) Recognition of fake or altered identification.
13 (5) Information on laws applicable to the serving
14 of alcohol at a licensed premises.
15 (6) Disaster preparedness.
16 (7) Communications skills and report writing.
17 (8) Civil rights or unfair practices awareness as
18 provided in section 216.7.
19 (9) Instruction on the proper physical restraint
20 methods used against a person who has become
21 combative.
22 3. Fees assessed pursuant to this section of this
23 Act shall be retained by the commissioner and shall be
24 considered repayment receipts as defined in section
25 8.2, and shall be used to offset the cost of
26 conducting the training. Notwithstanding section

27 8.33, repayment receipts collected by the commissioner
28 for security employee training that remain
29 unencumbered or unobligated at the close of the fiscal
30 year shall not revert but shall remain available for
31 expenditure for the purpose designated until the close
32 of the succeeding fiscal year.

33 4. The labor commissioner of the division of labor
34 services of the department of workforce development
35 and the administrator of the alcoholic beverages
36 division of the department of commerce shall jointly
37 submit a written report to the general assembly by
38 January 1, 2011, concerning the effectiveness of the
39 pilot project and any recommendations for legislative
40 action to expand or modify the pilot project.

41 5. This section of this Act is repealed June 30,
42 2011."

43 2. Title page, line 3, by inserting after the
44 word "permit" the following: "and providing for
45 fees".

46 3. By renumbering as necessary.

SENATE AMENDMENT

H-8648

1 Amend the amendment, H-8641, to Senate File 2160,
2 as passed by the Senate, as follows:

3 1. Page 1, line 19, by inserting after the word
4 "matters," the following: "This subparagraph does not
5 apply to attorneys or counselors admitted to practice
6 in the courts of this state pursuant to section
7 602.10101."

T. TAYLOR of Linn

H-8650

1 Amend the House Amendment, S-5330, to Senate File
2 2400, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 2 the
5 following:
6 "____. Page 1, by inserting before line 1 the
7 following:

"DIVISION I

ADMINISTRATION AND REGULATION APPROPRIATIONS"

9 2. Page 1, by inserting after line 6 the
10 following:

11 "____. Page 7, by striking lines 3 and 4 and
12 inserting the following:

13 "..... \$ 2,524,462
14 FTEs 26.25"
15

16	____. Page 7, by striking line 9 and inserting the	
17	following:	
18	"....."	\$ 492,593""
19	3. Page 1, by inserting after line 18 the	
20	following:	
21	"____. Page 8, by striking line 32 and inserting	
22	the following:	
23	"....."	\$ 356,535"
24	____. Page 9, by striking line 3 and inserting the	
25	following:	
26	"....."	\$ 421,700"
27	____. Page 9, by striking line 10 and inserting	
28	the following:	
29	"....."	\$ 153,093"
30	____. Page 9, by striking line 16 and inserting	
31	the following:	
32	"....."	\$ 217,221"
33	____. Page 9, by striking line 22 and inserting	
34	the following:	
35	"....."	\$ 207,035"
36	____. Page 9, by striking line 29 and inserting	
37	the following:	
38	"....."	\$ 367,203"
39	____. Page 10, by inserting after line 1 the	
40	following:	
41	"7A. NATIVE AMERICAN AFFAIRS DIVISION	
42	For travel reimbursement for members of the	
43	commission on Native American affairs:	
44	"....."	\$ 6,000"
45	7B. DEVELOPMENT ASSESSMENT AND RESOLUTION PROGRAM	
46	For support, maintenance, and miscellaneous	
47	purposes:	
48	"....."	\$ 10,000
49	____. Page 13, line 19, by striking the words "USE	
50	TAX APPROPRIATION" and inserting the following: "ROAD	

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1	USE TAX FUND APPROPRIATION – DEPARTMENT OF	
2	INSPECTIONS AND APPEALS".	
3	____. Page 13, by striking lines 20 through 22 and	
4	inserting the following: "from the road use tax fund	
5	to the administrative hearings".	
6	4. Page 1, by inserting after line 26 the	
7	following:	
8	"____. Page 15, by striking line 29 and inserting	
9	the following:	
10	"....."	\$ 1,499,063""
11	5. Page 1, by inserting after line 45 the	
12	following:	
13	"____. Page 18, line 20, by inserting after the	
14	word "this" the following: "division of this".	

15 _____. Page 18, line 26, by inserting after the
 16 word "this" the following: "division of this".

17 6. Page 1, line 48, by inserting after the word
 18 "this" the following: "division of this".

19 7. Page 1, by inserting after line 50 the
 20 following:

21 "DIVISION II

22 DEPARTMENT OF ADMINISTRATIVE SERVICES OPERATIONS

23 Sec.____. Section 8.6, Code Supplement 2007, is

24 amended by adding the following new subsection:

25 NEW SUBSECTION. 16. DESIGNATION OF SERVICES –
 26 FUNDING – CUSTOMER COUNCILS.

27 a. Establish a process by which the department, in
 28 consultation with the department of administrative
 29 services, shall determine which services provided by
 30 the department of administrative services shall be
 31 funded by an appropriation and which services shall be
 32 funded by the governmental entity receiving the
 33 service.

34 b. Establish a process for determining whether the
 35 department of administrative services shall be the
 36 sole provider of a service for purposes of those
 37 services which the department determines under
 38 paragraph "a" are to be funded by the governmental
 39 entities receiving the service.

40 c. Establish, by rule, a customer council
 41 responsible for overseeing the services provided
 42 solely by the department of administrative services.
 43 The rules adopted shall provide for all of the
 44 following:

45 (1) The method of appointment of members to the
 46 council by the governmental entities required to
 47 receive the services.

48 (2) The duties of the customer council which shall
 49 be as follows:

50 (a) Annual review and approval of the department

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1 of administrative services' business plan regarding
 2 services provided solely by the department of
 3 administrative services.

4 (b) Annual review and approval of the procedure
 5 for resolving complaints concerning services provided
 6 by the department of administrative services.

7 (c) Annual review and approval of the procedure
 8 for setting rates for the services provided solely by
 9 the department of administrative services.

10 (3) A process for receiving input from affected
 11 governmental entities as well as for a biennial review
 12 by the customer council of the determinations made by
 13 the department of which services are funded by an

14 appropriation to the department of administrative
 15 services and which services are funded by the
 16 governmental entities receiving the service, including
 17 any recommendations as to whether the department of
 18 administrative services shall be the sole provider of
 19 a service funded by the governmental entities
 20 receiving the service. The department, in
 21 consultation with the department of administrative
 22 services, may change the determination of a service if
 23 it is determined that the change is in the best
 24 interests of those governmental entities receiving the
 25 service.

26 d. If a service to be provided may also be
 27 provided to the judicial branch and legislative
 28 branch, then the rules shall provide that the chief
 29 justice of the supreme court may appoint a member to
 30 the customer council, and the legislative council may
 31 appoint a member from the Senate and a member from the
 32 House of Representatives to the customer council, in
 33 their discretion.

34 Sec. ____ NEW SECTION. 8A.111 REPORTS REQUIRED.

35 The department shall provide all of the following
 36 reports:

37 1. An annual report of the department as required
 38 under section 7E.3, subsection 4.

39 2. Internal service fund service business plans
 40 and financial reports as required under section
 41 8A.123, subsection 5, paragraph "a", and an annual
 42 internal service fund expenditure report as required
 43 under section 8A.123, subsection 5, paragraph "b".

44 3. An annual report regarding total spending on
 45 technology as required under section 8A.204,
 46 subsection 3, paragraph "a".

47 4. An annual report of expenditures from the
 48 lowAccess revolving fund as provided in section
 49 8A.224.

50 5. A technology audit of the electronic

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1 transmission system as required under section 8A.223.

2 6. An annual report on state purchases of recycled
 3 and soybean-based products as required under section
 4 8A.315, subsection 1, paragraph "d".

5 7. An annual report on the status of capital
 6 projects as required under section 8A.321, subsection
 7 11.

8 8. An annual salary report as required under
 9 section 8A.341, subsection 2.

10 9. An annual average fuel economy standards
 11 compliance report as required under section 8A.362,
 12 subsection 4, paragraph "c".

- 13 10. An annual report of the capitol planning
 14 commission as required under section 8A.373.
 15 11. A comprehensive annual financial report as
 16 required under section 8A.502, subsection 8.
 17 11A. An annual report regarding the Iowa targeted
 18 small business procurement Act activities of the
 19 department as required under section 15.108,
 20 subsection 7, paragraph "c", and quarterly reports
 21 regarding the total dollar amount of certified
 22 purchases for certified targeted small businesses
 23 during the previous quarter as required in section
 24 73.16, subsection 2. The department shall keep any
 25 vendor identification information received from the
 26 department of inspections and appeals as provided in
 27 section 10A.104, subsection 8, and necessary for the
 28 quarterly reports, confidential to the same extent as
 29 the department of inspection and appeals is required
 30 to keep such information. Confidential information
 31 received by the department from the department of
 32 inspections and appeals shall not be disclosed except
 33 pursuant to court order or with the approval of the
 34 department of inspections and appeals.
 35 12. An annual report on the condition of
 36 affirmative action, diversity, and multicultural
 37 programs as provided under section 19B.5, subsection
 38 2.
 39 13. An unpaid warrants report as required under
 40 section 25.2, subsection 3, paragraph "b".
 41 14. A report on educational leave as provided
 42 under section 70A.25.
 43 15. A monthly report regarding the revitalize
 44 Iowa's sound economy fund as required under section
 45 315.7.
 46 Sec.____. Section 8A.202, subsection 2, paragraph
 47 e, Code 2007, is amended by striking the paragraph.
 48 Sec.____. Section 8A.221, subsection 2, paragraph
 49 a, subparagraph (2), Code 2007, is amended to read as
 50 follows:

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- 1 (2) Recommend to the director the priority of
 2 projects associated with IowAccess. The
 3 recommendation may also include a recommendation
 4 concerning funding for a project proposed by a
 5 political subdivision of the state or an association,
 6 the membership of which is comprised solely of
 7 political subdivisions of the state. Prior to
 8 recommending a project proposed by a political
 9 subdivision, the advisory council shall verify that
 10 all of the following conditions are met:
 11 (a) The proposed project provides a benefit to the

12 state.

13 (b) The proposed project, once completed, can be
14 shared with and used by other political subdivisions
15 or the state, as appropriate.

16 (c) The state retains ownership of any final
17 product or is granted a permanent license to the use
18 of the product.

19 Sec. ____ Section 8A.402, subsection 2, Code 2007,
20 is amended by adding the following new paragraph:

21 NEW PARAGRAPH. f. Develop, in consultation with
22 the department of veterans affairs, programs to inform
23 members of the national guard or organized reserves of
24 the armed forces of the United States returning to
25 Iowa following active federal service about job
26 opportunities in state government.

27 Sec. ____ Section 10A.104, subsection 8, Code
28 2007, is amended to read as follows:

29 8. Establish by rule standards and procedures for
30 certifying that targeted small businesses are eligible
31 to participate in the procurement program established
32 in sections 73.15 through 73.21. The procedure for
33 determination of eligibility shall not include
34 self-certification by a business. The director shall
35 maintain a current directory of targeted small
36 businesses that have been certified pursuant to this
37 subsection. The director shall also provide
38 information to the department of administrative
39 services necessary for the identification of targeted
40 small businesses as provided under section 8A.111,
41 subsection 11A.

42 Sec. ____ Section 305.10, subsection 1, paragraph
43 h, Code 2007, is amended to read as follows:

44 h. Prepare all mandated reports, newsletters, and
45 publications for electronic distribution in accordance
46 with government information policies, standards, and
47 guidelines. A reference copy of all mandated reports,
48 newsletters, and publications shall be located at an
49 electronic repository for public access ~~to be~~
50 ~~developed and maintained by the department of~~

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1 ~~administrative services in consultation with the state~~
2 ~~librarian and the state archivist.~~

3 Sec. ____ Section 8A.121, Code 2007, is repealed.

4 DIVISION III

5 COMMISSION ON NATIVE AMERICAN AFFAIRS

6 Sec. ____ Section 7E.5, subsection 1, paragraph s,
7 Code 2007, is amended to read as follows:

8 s. The department of human rights, created in
9 section 216A.1, which has primary responsibility for
10 services relating to Latino persons, women, persons

11 with disabilities, community action agencies, criminal
 12 and juvenile justice planning, the status of
 13 African-Americans, ~~and~~ deaf and hard-of-hearing
 14 persons, and Native-Americans.

15 Sec.____. Section 216A.1, Code 2007, is amended by
 16 adding the following new subsection:

17 NEW SUBSECTION. 9. Division on Native American
 18 affairs.

19 Sec.____. NEW SECTION. 216A.161 DEFINITIONS.

20 For purposes of this subchapter, unless the context
 21 otherwise requires:

- 22 1. "Administrator" means the administrator of the
- 23 division on Native American affairs.
- 24 2. "Commission" means the commission on Native
- 25 American affairs.
- 26 3. "Division" means the division on Native
- 27 American affairs of the department of human rights.
- 28 4. "Tribal government" means the governing body of
- 29 a federally recognized Indian tribe.

30 Sec.____. NEW SECTION. 216A.162 ESTABLISHMENT –
 31 PURPOSE.

32 1. A commission on Native American affairs is
 33 established consisting of eleven voting members
 34 appointed by the governor, subject to confirmation by
 35 the senate. The members of the commission shall
 36 appoint one of the members to serve as chairperson of
 37 the commission.

38 2. The purpose of the commission shall be to work
 39 in concert with tribal governments, Native American
 40 groups, and Native American persons in this state to
 41 advance the interests of tribal governments and Native
 42 American persons in the areas of human rights, access
 43 to justice, economic equality, and the elimination of
 44 discrimination.

45 3. The members of the commission shall be as
 46 follows:

- 47 a. Seven public members appointed in compliance
- 48 with sections 69.16 and 69.16A who shall be appointed
- 49 with consideration given to the geographic residence
- 50 of the member and the population density of Native

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1 Americans within the vicinity of the geographic
 2 residence of a member. Of the seven public members
 3 appointed, at least one shall be a Native American who
 4 is an enrolled tribal member living on a tribal
 5 settlement or reservation in Iowa and whose tribal
 6 government is located in Iowa and one shall be a
 7 Native American who is primarily descended from a
 8 tribe other than those specified in paragraph "b".

9 b. Four members selected by and representing

10 tribal governments.

11 c. All members of the commission shall be
12 residents of Iowa.

13 Sec.____. NEW SECTION. 216A.163 TERM OF OFFICE.

14 Five of the members appointed to the initial
15 commission shall be designated by the governor to
16 serve two-year terms, and six shall be designated by
17 the governor to serve four-year terms. Succeeding
18 appointments shall be for a term of four years.

19 Vacancies in the membership shall be filled for the
20 remainder of the term of the original appointment.

21 Sec.____. NEW SECTION. 216A.164 MEETINGS OF THE
22 COMMISSION.

23 The commission shall meet at least four times each
24 year, and shall hold special meetings on the call of
25 the chairperson. The commission shall adopt rules
26 pursuant to chapter 17A as it deems necessary for the
27 conduct of its business. The members of the
28 commission shall be reimbursed for actual expenses
29 while engaged in their official duties. A member may
30 also be eligible to receive compensation as provided
31 in section 7E.6.

32 Sec.____. NEW SECTION. 216A.165 DUTIES.

33 The commission shall have all powers necessary to
34 carry out the functions and duties specified in this
35 subchapter and shall do all of the following:

36 1. Advise the governor and the general assembly on
37 issues confronting tribal governments and Native
38 American persons in this state.

39 2. Promote legislation beneficial to tribal
40 governments and Native American persons in this state.

41 3. Recommend to the governor and the general
42 assembly any revisions in the state's affirmative
43 action necessary to eliminate
44 discrimination against and the underutilization of
45 Native American persons in the state's workforce.

46 4. Serve as a conduit to state government for
47 Native American persons in this state.

48 5. Serve as an advocate for Native American
49 persons and a referral agency to assist Native
50 American persons in securing access to justice and

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1 state agencies and programs.

2 6. Serve as a liaison with federal, state, and
3 local governmental units, and private organizations on
4 matters relating to Native American persons in this
5 state.

6 7. Conduct studies, make recommendations, and
7 implement programs designed to solve the problems of
8 Native American persons in this state in the areas of

9 human rights, housing, education, welfare, employment,
 10 health care, access to justice, and any other related
 11 problems.

12 8. Publicize the accomplishments of Native
 13 American persons and their contributions to this
 14 state.

15 9. Work with other state, tribal, and federal
 16 agencies and organizations to develop small business
 17 opportunities and promote economic development for
 18 Native American persons.

19 Sec. ____ NEW SECTION. 216A.166 REVIEW OF GRANT
 20 APPLICATIONS AND BUDGET REQUESTS.

21 Before the submission of an application, a state
 22 department or agency shall consult with the commission
 23 concerning an application for federal funding that
 24 will have its primary effect on tribal governments or
 25 Native American persons. The commission shall advise
 26 the governor, the director of the department of human
 27 rights, and the director of revenue concerning any
 28 state agency budget request that will have its primary
 29 effect on tribal governments or Native American
 30 persons.

31 Sec. ____ NEW SECTION. 216A.167 ADDITIONAL
 32 DUTIES AND AUTHORITY – LIMITATIONS.

33 1. The commission shall have responsibility for
 34 the budget of the commission and the division and
 35 shall submit the budget to the director of the
 36 department of human rights as provided in section
 37 216A.2, subsection 2.

38 2. The commission may do any of the following:

39 a. Enter into contracts, within the limit of funds
 40 made available, with individuals, organizations, and
 41 institutions for services.

42 b. Accept gifts, grants, devises, or bequests of
 43 real or personal property from the federal government
 44 or any other source for the use and purposes of the
 45 commission.

46 3. The commission shall not have the authority to
 47 do any of the following:

48 a. Implement or administer the duties of the state
 49 of Iowa under the federal Indian Gaming Regulatory
 50 Act, shall not have any authority to recommend,

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1 negotiate, administer, or enforce any agreement or
 2 compact entered into between the state of Iowa and
 3 Indian tribes located in the state pursuant to section
 4 10A.104, and shall not have any authority relative to
 5 Indian gaming issues.

6 b. Administer the duties of the state under the
 7 federal National Historic Preservation Act, the

8 federal Native American Graves Protection and
 9 Repatriation Act, and chapter 263B. The commission
 10 shall also not interfere with the advisory role of a
 11 separate Indian advisory council or committee
 12 established by the state archeologist by rule for the
 13 purpose of consultation on matters related to ancient
 14 human skeletal remains and associated artifacts.

15 4. This subchapter shall not diminish or inhibit
 16 the right of any tribal government to interact
 17 directly with the state or any of its departments or
 18 agencies for any purpose which a tribal government
 19 desires to conduct its business or affairs as a
 20 sovereign governmental entity.

21 Sec.____. NEW SECTION. 216A.168 ADMINISTRATOR.

22 The commission shall designate the duties and
 23 obligations of the position of administrator. The
 24 administrator shall carry out programs and policies as
 25 determined by the commission. The administrator may
 26 employ other persons necessary to carry out the
 27 programs of the division.

28 Sec.____. NEW SECTION. 216A.169 STATE AGENCY
 29 ASSISTANCE.

30 On the request of the commission, state departments
 31 and agencies may supply the commission with advisory
 32 staff services on matters relating to the jurisdiction
 33 of the commission. The commission shall cooperate and
 34 coordinate its activities with other state agencies to
 35 the highest possible degree.

36 Sec.____. NEW SECTION. 216A.170 ANNUAL REPORT.

37 Not later than February 1 of each year, the
 38 commission shall file a report in an electronic format
 39 with the governor and the general assembly of its
 40 activities for the previous calendar year. With the
 41 report, the commission may submit any recommendations
 42 pertaining to its activities and shall submit
 43 recommendations for legislative consideration and
 44 other action it deems necessary.

45 Sec.____. COMMISSION ON NATIVE AMERICAN AFFAIRS –
 46 TRANSITION PROVISIONS.

47 1. The initial members of the commission
 48 established pursuant to this Act shall be appointed by
 49 September 1, 2008.

50 2. Notwithstanding any provision of this Act to

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1 the contrary, an administrator of the division on
 2 Native American affairs and employees of the division
 3 shall not be appointed or hired prior to July 1, 2009.

4 3. Prior to June 1, 2009, the commission shall
 5 submit a report to the director of human rights. The
 6 report shall include a job description for the

7 administrator of the division, goals for division
 8 operations, and performance measures to measure
 9 achievement of division goals.

10 DIVISION IV

11 DEPARTMENT OF REVENUE ADMINISTRATION

12 Sec.____. Section 99B.10B, subsection 2, Code
 13 Supplement 2007, is amended to read as follows:

14 2. a. The department shall revoke a registration
 15 issued pursuant to section 99B.10 or 99B.10A, for a
 16 period of ten years if a person commits an offense of
 17 awarding a cash prize in violation of section 99B.10,
 18 subsection 1, paragraph "b", pursuant to rules adopted
 19 by the department. A person whose registration is
 20 revoked under this subsection who is a person for
 21 which a class "A", class "B", class "C", special class
 22 "C", or class "D" liquor control license has been
 23 issued pursuant to chapter 123 shall have the person's
 24 liquor control license suspended for a period of
 25 fourteen days in the same manner as provided in
 26 section 123.50, subsection 3, paragraph "a". A person
 27 whose registration is revoked under this subsection
 28 who is a person for which only a class "B" or class
 29 "C" beer permit has been issued pursuant to chapter
 30 123 shall have the person's class "B" or class "C"
 31 beer permit suspended ~~and that person's sales tax~~
 32 ~~permit suspended~~ for a period of fourteen days in the
 33 same manner as provided in section 123.50, subsection
 34 3, paragraph "a".

35 b. If a person owning or employed by an
 36 establishment having a class "A", class "B", class
 37 "C", special class "C", or class "D" liquor control
 38 license issued pursuant to chapter 123 commits an
 39 offense of awarding a cash prize in violation of
 40 section 99B.10, subsection 1, paragraph "b", pursuant
 41 to rules adopted by the department, the liquor control
 42 license of the establishment shall be suspended for a
 43 period of fourteen days in the same manner as provided
 44 in section 123.50, subsection 3, paragraph "a". If a
 45 person owning or employed by an establishment having a
 46 class "B" or class "C" beer permit issued pursuant to
 47 chapter 123 awards a cash prize in violation of
 48 section 99B.10, subsection 1, paragraph "b", pursuant
 49 to rules adopted by the department, the beer permit of
 50 the establishment ~~and the establishment's sales tax~~

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1 ~~permit~~ shall be suspended for a period of fourteen
 2 days in the same manner as provided in section 123.50,
 3 subsection 3, paragraph "a".

4 Sec.____. Section 99B.14, subsection 1, Code 2007,
 5 is amended to read as follows:

6 1. The department may deny, suspend, or revoke a
 7 license if the department finds that an applicant,
 8 licensee, or an agent of the licensee violated or
 9 permitted a violation of a provision of this chapter
 10 or a departmental rule adopted pursuant to chapter
 11 17A, or for any other cause for which the director of
 12 the department would be or would have been justified
 13 in refusing to issue a license, or upon the conviction
 14 of a person of a violation of this chapter or a rule
 15 adopted under this chapter which occurred on the
 16 licensed premises. However, the denial, suspension,
 17 or revocation of one type of gambling license does not
 18 require, but may result in, the denial, suspension, or
 19 revocation of a different type of gambling license
 20 held by the same licensee. In addition, a person
 21 whose license is revoked under this section who is a
 22 person for which a class "A", class "B", class "C", or
 23 class "D" liquor control license has been issued
 24 pursuant to chapter 123 shall have the person's liquor
 25 control license suspended for a period of fourteen
 26 days in the same manner as provided in section 123.50,
 27 subsection 3, paragraph "a". In addition, a person
 28 whose license is revoked under this section who is a
 29 person for which only a class "B" or class "C" beer
 30 permit has been issued pursuant to chapter 123 shall
 31 have the person's class "B" or class "C" beer permit
 32 suspended ~~and that person's sales tax permit suspended~~
 33 for a period of fourteen days in the same manner as
 34 provided in section 123.50, subsection 3, paragraph
 35 "a".

36 Sec.____. Section 421.17, Code 2007, is amended by
 37 adding the following new subsection:

38 NEW SUBSECTION. 30. If a natural disaster is
 39 declared by the governor in any area of the state, the
 40 director may extend for a period of up to one year the
 41 due date for the filing of any tax return and may
 42 suspend any associated penalty or interest that would
 43 accrue during that period of time for any affected
 44 taxpayer whose principal residence or business is
 45 located in the covered area if the director determines
 46 it necessary for the efficient administration of the
 47 tax laws of this state.

48 Sec.____. Section 421.60, subsection 8, Code 2007,
 49 is amended to read as follows:

50 8. REFUND OF UNTIMELY ASSESSED TAXES.

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1 Notwithstanding any other refund statute, if it
 2 appears that an amount of tax, penalty, or interest
 3 has been paid to the department after the expiration
 4 of the statute of limitations for the department to

5 determine and assess or collect the amount of such tax
 6 due, then the amount paid shall be credited against
 7 another tax liability of the taxpayer which is
 8 outstanding, if the statute of limitations for
 9 assessment or collection of that other tax has not
 10 expired or the amount paid shall be refunded to the
 11 person or, with the person's approval, credited to tax
 12 to become due. An application for refund or credit
 13 under this subsection must be filed within one year of
 14 payment. This subsection shall not be construed to
 15 prohibit the department from offsetting the refund
 16 claim against any tax due, if the statute of
 17 limitations for that other tax has not expired.

18 However, any tax, penalty, or interest due for which a
 19 notice of assessment was not issued by the department
 20 but which was voluntarily paid by a taxpayer after the
 21 expiration of the statute of limitations for
 22 assessment shall not be refunded.

23 Sec.____. Section 422.16, subsection 1, paragraph
 24 a, Code Supplement 2007, is amended to read as
 25 follows:

26 a. Every withholding agent and every employer as
 27 defined in this chapter and further defined in the
 28 Internal Revenue Code, with respect to income tax
 29 collected at source, making payment of wages to a
 30 nonresident employee working in Iowa, or to a resident
 31 employee, shall deduct and withhold from the wages an
 32 amount which will approximate the employee's annual
 33 tax liability on a calendar year basis, calculated on
 34 the basis of tables to be prepared by the department
 35 and schedules or percentage rates, based on the wages,
 36 to be prescribed by the department. Every employee or
 37 other person shall declare to the employer or
 38 withholding agent the number of the employee's or
 39 other person's personal ~~exemptions and dependency~~
 40 ~~exemptions or credits allowances~~ to be used in
 41 applying the tables and schedules or percentage rates.
 42 However, no greater number of ~~personal or dependency~~
 43 ~~exemptions or credits allowances~~ may be declared by
 44 the employee or other person than the number to which
 45 the employee or other person is entitled except as
 46 allowed under sections 3402(m)(1) and 3402(m)(3) of
 47 the Internal Revenue Code and as allowed for the child
 48 and dependent care credit provided in section 422.12C.
 49 The claiming of ~~exemptions or credits allowances~~ in
 50 excess of entitlement is a serious misdemeanor.

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1 Sec.____. Section 423.3, subsection 8, paragraph
 2 c, unnumbered paragraph 1, Code Supplement 2007, is
 3 amended to read as follows:

4 The replacement part is ~~essential to~~ used in any
 5 repair or reconstruction necessary to the farm
 6 machinery's or equipment's exempt use in the
 7 production of agricultural products.

8 Sec.____. Section 423.3, subsection 11, paragraph
 9 c, Code Supplement 2007, is amended to read as
 10 follows:

11 c. The replacement part is ~~essential to~~ used in
 12 any repair or reconstruction necessary to the farm
 13 machinery's or equipment's exempt use in livestock or
 14 dairy production, aquaculture production, or the
 15 production of flowering, ornamental, or vegetable
 16 plants.

17 Sec.____. Section 423.36, subsection 2, Code 2007,
 18 is amended to read as follows:

19 2. To collect sales or use tax, the applicant must
 20 have a permit for each place of business in the state
 21 of Iowa. The department may deny a permit to an
 22 applicant who is substantially delinquent in paying a
 23 tax due, or the interest or penalty on the tax,
 24 administered by the department at the time of
 25 application or if the applicant had a previous
 26 delinquent liability with the department. If the
 27 applicant is a partnership, a permit may be denied if
 28 a partner is substantially delinquent in paying any
 29 delinquent tax, penalty, or interest or if a partner
 30 had a previous delinquent liability with the
 31 department. If the applicant is a corporation, a
 32 permit may be denied if any officer having a
 33 substantial legal or equitable interest in the
 34 ownership of the corporation owes any delinquent tax,
 35 penalty, or interest or if any officer having a
 36 substantial legal or equitable interest in the
 37 ownership of the corporation had a previous delinquent
 38 liability with the department.

39 Sec.____. Section 423A.5, subsection 1, Code 2007,
 40 is amended by adding the following new paragraph:

41 NEW PARAGRAPH. c. The sales price from
 42 transactions exempt from state sales tax under section
 43 423.3.

44 Sec.____. Section 423A.5, subsection 2, Code 2007,
 45 is amended by adding the following new paragraph:

46 NEW PARAGRAPH. c. The sales price from
 47 transactions exempt from state sales tax under section
 48 423.3.

49 Sec.____. Section 423D.3, Code 2007, is amended to
 50 read as follows:

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1 423D.3 EXEMPTION.

2 The sales price on the lease or rental of equipment

3 to contractors for direct and primary use in
 4 construction is exempt from the tax imposed by this
 5 chapter. The sales price from transactions exempt
 6 from state sales tax under section 423.3 is also
 7 exempt from the tax imposed by this chapter.

8 Sec.____. Section 427.1, subsection 7, Code
 9 Supplement 2007, is amended to read as follows:

10 7. LIBRARIES AND ART GALLERIES. All grounds and
 11 buildings used for public libraries, public art
 12 galleries, and libraries and art galleries owned and
 13 kept by private individuals, associations, or
 14 corporations, for public use and not for private
 15 profit. Claims for exemption for libraries and art
 16 galleries owned and kept by private individuals,
 17 associations, or corporations for public use and not
 18 for private profit must be filed with the local
 19 assessor by February 1 of the first year the exemption
 20 is requested. Once the exemption is granted, the
 21 exemption shall continue to be granted for subsequent
 22 assessment years without further filing of claims as
 23 long as the property continues to be used as a library
 24 or art gallery for public use and not for private
 25 profit.

26 Sec.____. Section 452A.2, subsection 35, Code
 27 2007, is amended to read as follows:

28 35. "Supplier" means a person who acquires motor
 29 fuel or special fuel by pipeline or marine vessel from
 30 a state, territory, or possession of the United
 31 States, or from a foreign country for storage at and
 32 distribution from a terminal and who is registered
 33 under 26 U.S.C. § 4101 for tax-free transactions in
 34 gasoline, a person who produces in this state or
 35 acquires by truck, railcar, or barge for storage at
 36 and distribution from a terminal, biofuel, biodiesel,
 37 alcohol, or alcohol derivative substances, or a person
 38 who produces, manufactures, or refines motor fuel or
 39 special fuel in this state. "Supplier" includes a
 40 person who does not meet the jurisdictional connection
 41 to this state but voluntarily agrees to act as a
 42 supplier for purposes of collecting and reporting the
 43 motor fuel or special fuel tax. "Supplier" does not
 44 include a retail dealer or wholesaler who merely
 45 blends alcohol with gasoline or biofuel with diesel
 46 before the sale or distribution of the product or a
 47 terminal operator who merely handles, in a terminal,
 48 motor fuel or special fuel consigned to the terminal
 49 operator.

50 Sec.____. Section 452A.33, subsection 2,

1 unnumbered paragraph 1, Code 2007, is amended to read

2 as follows:

3 On or before ~~February~~ April 1 the department shall
 4 deliver a report to the governor and the legislative
 5 services agency. The report shall compile information
 6 reported by retail dealers to the department as
 7 provided in this section and shall at least include
 8 all of the following:

9 Sec.____. Section 452A.59, Code 2007, is amended
 10 to read as follows:

11 452A.59 ADMINISTRATIVE RULES.

12 The department of revenue and the state department
 13 of transportation are authorized and empowered to
 14 adopt rules under chapter 17A, relating to the
 15 administration and enforcement of this chapter as
 16 deemed necessary by the departments. However, when in
 17 the opinion of the director it is necessary for the
 18 efficient administration of this chapter, the director
 19 may regard persons in possession of motor fuel,
 20 special fuel, biofuel, alcohol, or alcohol derivative
 21 substances as blenders, dealers, eligible purchasers,
 22 exporters, importers, restrictive suppliers,
 23 suppliers, terminal operators, or nonterminal storage
 24 facility operators.

25 Sec.____. Section 453A.46, subsection 7, Code
 26 Supplement 2007, is amended to read as follows:

27 7. The director may require by rule that ~~reports~~
 28 returns be filed by electronic transmission.

29 Sec.____. Section 422.24A, Code 2007, is repealed.

30 Sec.____. RETROACTIVE APPLICABILITY DATE. The
 31 section of this division of this Act repealing section
 32 422.24A applies retroactively to January 1, 2008, for
 33 tax years beginning on or after that date.

34 DIVISION V

35 DEPUTY SHERIFF POSITIONS

36 Sec.____. Section 341A.7, Code 2007, is amended to
 37 read as follows:

38 341A.7 CLASSIFICATIONS.

39 1. The classified civil service positions covered
 40 by this chapter include persons actually serving as
 41 deputy sheriffs who are salaried pursuant to section
 42 331.904, subsection 2, but do not include a chief
 43 deputy sheriff, two second deputy sheriffs in counties
 44 with a population of more than one hundred thousand,
 45 three second deputy sheriffs in counties with a
 46 population of more than one hundred fifty thousand,
 47 and four second deputy sheriffs in counties with a
 48 population of more than two hundred thousand.
 49 However, a chief deputy sheriff or second deputy
 50 sheriff who becomes a candidate for a partisan

1 elective office for remuneration is subject to section
 2 341A.18. A deputy sheriff serving with permanent rank
 3 under this chapter may be designated chief deputy
 4 sheriff or second deputy sheriff and retain that rank
 5 during the period of service as chief deputy sheriff
 6 or second deputy sheriff and shall, upon termination
 7 of the duties as chief deputy sheriff or second deputy
 8 sheriff, revert to the permanent rank.

9 2. If the positions of two second deputy sheriffs
 10 of a county were exempt from classified civil service
 11 coverage under this chapter based on the 1980
 12 decennial census, the two second deputy positions
 13 shall remain exempt from classified civil service
 14 coverage under this chapter.

15 Sec.____. IMPLEMENTATION OF ACT. Section 25B.2,
 16 subsection 3, shall not apply to this division of this
 17 Act.

18 DIVISION VI

19 MISCELLANEOUS PROVISIONS

20 Sec.____. Section 8.64, subsection 2, Code
 21 Supplement 2007, is amended to read as follows:

22 2. "Community-wide area" means a distinct
 23 geographical area voluntarily formed by and comprised
 24 of counties, cities, or townships, or any combination
 25 thereof, all of which possess a degree of autonomy in
 26 a varying number of matters. State agencies,
 27 community colleges, and school districts may also
 28 participate in a community-wide area if joined by a
 29 county, city, or township.

30 Sec.____. Section 331.907, subsection 3, Code
 31 2007, is amended to read as follows:

32 3. The elected county officers are also entitled
 33 to receive their actual and necessary expenses
 34 incurred in performance of official duties of their
 35 respective offices. The board of supervisors may
 36 authorize the reimbursement of expenses related to an
 37 educational course, seminar, or school which is
 38 attended by a county officer after the county officer
 39 is elected, but prior to the county officer taking
 40 office.

41 Sec.____. NEW SECTION. 504.132 SECRETARY OF
 42 STATE – INTERNET SITE.

43 The secretary of state shall place on the secretary
 44 of state's internet site a link to a free internet
 45 site with completed internal revenue service forms 990
 46 and 990EZ."

47 8. Title page, line 4, by inserting after the
 48 word "effective" the following: "and retroactive
 49 applicability".

50 9. By renumbering as necessary.

H-8651

1 Amend the House amendment, S-5410, to Senate File
2 2406, as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 20 the
4 following:

5 "____. Page 13, by inserting after line 24 the
6 following:

7 "Sec. ____ NEW SECTION. 69.16C MINORITY
8 REPRESENTATION.

9 All appointive boards, commissions, committees, and
10 councils of the state established by the Code if not
11 otherwise provided by law should provide, to the
12 extent practicable, for minority representation. All
13 appointing authorities of boards, commissions,
14 committees, and councils subject to this section
15 should consider qualified minority persons for
16 appointment to boards, commissions, committees, and
17 councils. For purposes of this section, "minority"
18 means a minority person as defined in section
19 15.102."

20 2. By renumbering as necessary.

SENATE AMENDMENT

H-8652

1 Amend House File 2679, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by striking line 29 and inserting the
4 following:

5 "..... \$ 4,000,00"

6 2. Page 3, by inserting after line 32 the
7 following:

8 "____. WASHINGTON, D.C., INTERNSHIP GRANT

9 For a grant to a national nonprofit organization
10 with over 30 years experience of assisting college
11 students to serve internships in Washington, D.C.,
12 helping place during the 2006-2007 academic year over
13 1,400 students from across the world in internships,
14 including over 40 students from Iowa colleges and
15 universities, in order to provide students enrolled in
16 Iowa accredited higher education institutions, as
17 defined in section 261.92, subsection 1, and is
18 participating in a one-semester internship opportunity
19 in Washington, D.C., with financial aid to offset
20 costs related to the internship:

21 \$ 100,000

22 Up to 50 percent of the funds shall be dedicated to
23 students participating in the two-to-one federal and
24 state matching agricultural biofuels from biomass
25 internship pilot program if the program is contained

26 in federal legislation enacted and funded by Congress
27 during the 2008-2009 fiscal year."

28 3. Page 4, line 3, by striking the figure
29 "698,923" and inserting the following: "995,000".

30 4. Page 4, line 4, by striking the figure
31 "338,958" and inserting the following: "484,972".

32 5. Page 7, by inserting after line 13 the
33 following:

34 "____. For a grant to a center for independent
35 living established in accordance with the federal
36 Rehabilitation Act of 1973, that is designed and
37 operated within a local community by individuals with
38 disabilities and provides an array of independent
39 living services, and which adheres to the state plan
40 for independent living required in order to receive
41 federal Part B dollars for independent living services
42 for Iowans with disabilities:

43 \$ 250,000

44 By October 1, 2009, the grant recipient shall
45 submit a written report to the division and the state
46 board of education regarding the expenditure of moneys
47 received from the state under this lettered
48 paragraph."

49 6. Page 12, by inserting after line 9 the
50 following:

Page 2

1 "g. Grant amount award reductions for the
2 2008-2009 fiscal year resulting from the Iowa
3 empowerment board's restriction on carryforward of
4 grant funding may be applied to categorical funding
5 requirements at the discretion of each community
6 empowerment area, regardless of the categorical
7 sources of the area's fiscal year 2006-2007 ending
8 balance.

9 h. The Iowa empowerment board shall develop and
10 implement a plan to strengthen the fiscal
11 accountability of local areas. The plan shall not
12 include hiring additional staff. The plan shall
13 address fiscal accountability for community
14 empowerment area boards, including but not limited to
15 training for board members and coordinators, and shall
16 address contractual arrangements with and fiscal
17 oversight of program providers. The plan shall
18 provide for assistance to the community empowerment
19 office and the community empowerment assistance team
20 to improve state fiscal oversight of local boards and
21 ongoing training for community empowerment area boards
22 and coordinators. The Iowa empowerment board and the
23 community empowerment office shall submit a report to
24 the general assembly and the legislative services

25 agency by January 1, 2009."

26 7. Page 13, by inserting before line 24 the
27 following:

28 "___ IOWA SENIOR YEAR PLUS PROGRAM

29 For purposes of implementing the senior year plus
30 program established pursuant to section 261E.1, if
31 enacted by this Act:

32 \$ 1,900,000"

33 8. By striking page 13, line 27, through page 14,
34 line 10, and inserting the following:

35 "..... \$183,062,414

36 Notwithstanding the allocation formula in section
37 260C.18C, the funds appropriated in this subsection
38 shall be allocated as follows:

- 39 a. Merged Area I \$ 9,074,424
- 40 b. Merged Area II \$ \$ 9,840,581
- 41 c. Merged Area III \$ 9,045,521
- 42 d. Merged Area IV \$ 4,449,263
- 43 e. Merged Area V \$ 9,992,314
- 44 f. Merged Area VI \$ 8,656,370
- 45 g. Merged Area VII \$ 12,826,359
- 46 h. Merged Area IX \$ 15,963,828
- 47 i. Merged Area X \$ 27,662,970
- 48 j. Merged Area XI \$ 27,602,009
- 49 k. Merged Area XII \$ 10,522,547
- 50 l. Merged Area XIII..... \$ 10,685,790

Page 3

- 1 m. Merged Area XIV \$ 4,505,37
- 2 n. Merged Area XV \$ 14,147,60
- 3 o. Merged Area XVI \$ 8,087,45"

4 9. Page 14, by striking line 18 and inserting the
5 following:

6 "..... \$ 1,500,00"

7 10. Page 14, by striking lines 26 through 33.

8 11. Page 16, by striking lines 18 through 23.

9 12. Page 17, by inserting after line 21 the
10 following:

11 "f. For funds to be distributed to Iowa public
12 radio for public radio operations:

13 \$ 500,000"

14 13. Page 22, by inserting after line 7 the
15 following:

16 "c. Science, technology, engineering, and
17 mathematics (STEM) collaborative initiative

18 For purposes of establishing a science, technology,
19 engineering, and mathematics (STEM) collaborative
20 initiative:

21 \$ 4,000,000

22 14. Page 22, by striking line 12 and inserting
23 the following:

- 24 "..... \$ 10,077,191"
 25 15. Page 22, by striking line 18 and inserting
 26 the following:
 27 "..... \$ 5,674,351"
 28 16. Page 22, line 28, by striking the word
 29 "UNIVERSITY" and inserting the following:
 30 "MATHEMATICS AND SCIENCE COLLABORATIVE".
 31 17. Page 22, line 29, by striking the words "AND
 32 COLLEGES".
 33 18. Page 22, lines 30 and 31, by striking the
 34 words "require the universities it governs" and
 35 inserting the following: "conduct a mathematics and
 36 science collaborative study. The purpose of the study
 37 shall be".
 38 19. Page 22, line 32, by inserting before the
 39 word "proportion" the following: "number and".
 40 20. Page 22, lines 33 and 34, by striking the
 41 words "and colleges".
 42 21. Page 22, line 35, by inserting after the word
 43 "way." the following: "The study shall develop and
 44 submit to the board recommendations for science,
 45 technology, engineering, and technology-related
 46 programming measures for improving the number and
 47 proportion of women and minorities in science,
 48 technology, engineering, and mathematics university
 49 programs."
 50 22. Page 23, line 5, by inserting after the word

Page 4

- 1 "the" the following: "number and".
 2 23. Page 24, by striking lines 10 through 23.
 3 24. Page 25, by inserting after line 28 the
 4 following:
 5 "Sec. _____. Section 28.8, Code 2007, is amended by
 6 adding the following new subsection:
 7 NEW SUBSECTION. 7. It is the intent of the
 8 general assembly that community empowerment areas
 9 consider whether support services to prevent the
 10 spread of infectious diseases, prevent child injuries,
 11 develop health emergency protocols, help with
 12 medication, and care for children with special health
 13 needs are being provided to child care facilities
 14 registered or licensed under chapter 237A."
 15 25. By striking page 26, line 20, through page
 16 27, line 23.
 17 26. By striking page 30, line 33, through page
 18 31, line 14.
 19 27. Page 37, by striking lines 10 through 16.
 20 28. Page 40, by striking lines 10 and 11.
 21 29. Page 40, line 14, by striking the word
 22 "DATES." and inserting the following: "DATE. The".

- 23 30. Page 40, line 15, by striking the figure and
 24 words "1. The section" and inserting the following:
 25 "section".
- 26 31. Page 40, by striking lines 19 through 21.
- 27 32. Page 48, line 1, by striking the word "of"
 28 and inserting the following: "established by".
- 29 33. Page 49, line 2, by inserting after the word
 30 "collaborate" the following: ", as appropriate,".
- 31 34. Page 49, line 4, by striking the words
 32 "teacher or instructor" and inserting the following:
 33 "district, in collaboration with the teacher or
 34 instructor,".
- 35 35. Page 50, line 10, by striking the word "and,"
 36 and inserting the following: "or".
- 37 36. Page 50, line 31, by striking the words "an
 38 annual" and inserting the following: "a regular".
- 39 37. Page 52, lines 13 and 14, by striking the
 40 words "hold a master's degree from an accredited
 41 college or university,".
- 42 38. Page 52, line 16, by striking the figure
 43 "272," and inserting the following: "272".
- 44 39. Page 52, by inserting after line 24 the
 45 following:
 46 "Sec.____. NEW SECTION. 261E.4A ADVANCED
 47 PLACEMENT COURSES – ACCESS – EXAMINATION FEE
 48 PAYMENT.
 49 1. A student enrolled in a school district or
 50 accredited nonpublic school shall be provided access

Page 5

- 1 to advanced placement examinations at a rate of
 2 one-half of the cost of the regular examination fee
 3 the student or the student's parents or guardians
 4 would normally pay for the examination.
- 5 2. The board of directors of a school district and
 6 the authorities in charge of an accredited nonpublic
 7 school shall ensure that any student enrolled who is
 8 interested in taking an advanced placement examination
 9 is properly registered for the examination. An
 10 accredited nonpublic school shall provide a list of
 11 students registered for advanced placement
 12 examinations to the school district in which the
 13 accredited nonpublic school is located. The school
 14 district and the accredited nonpublic school shall
 15 also ensure that any student enrolled in the school
 16 district or school, as applicable, who is interested
 17 in taking an advanced placement examination and
 18 qualifies for a reduced fee for the examination is
 19 properly registered for the fee reduction. The school
 20 district shall provide the college board with a list
 21 of all students enrolled in the school district and

22 the accredited nonpublic schools located in the school
23 district who are properly registered for advanced
24 placement examinations administered by the college
25 board.

26 3. From the funds allocated pursuant to section
27 261E.12, subsection 1, paragraph "d", the department
28 shall remit amounts to the college board for advanced
29 placement examinations administered by the college
30 board for students enrolled in school districts and
31 accredited nonpublic schools pursuant to subsection 2
32 and shall distribute an amount per student to a school
33 district submitting a list of students properly
34 registered for the advanced placement examinations
35 pursuant to subsection 2. The remittance rates to the
36 college board and distribution amounts to the school
37 districts in accordance with this subsection for the
38 fiscal year beginning July 1, 2008, are as follows:
39 thirty-eight dollars for each school district or
40 accredited nonpublic school student who does not
41 qualify for fee reduction; twenty-seven dollars for
42 each school district or accredited nonpublic school
43 student who qualifies for fee reduction; and eight
44 dollars to the school district for each school
45 district or accredited nonpublic school student who
46 was listed by the school district and who takes an
47 advanced placement examination in accordance with this
48 section."

49 40. Page 58, by inserting after line 26 the
50 following:

Page 6

1 "d. Degree, certifications, and other
2 qualifications to meet the minimum hiring standards.

3 e. Salary information including regular contracted
4 salary and total salary.

5 f. Credit hours and laboratory contact hours and
6 other data on instructional time.

7 g. Other information comparable to the data
8 regarding teachers collected in the basic education
9 data survey."

10 41. Page 61, by inserting after line 10 the
11 following:

12 "d. For the fiscal year beginning July 1, 2008,
13 and succeeding fiscal years, an amount up to five
14 hundred thousand dollars to the department to provide
15 advanced placement course examination fee remittance
16 pursuant to section 261E.4A. If the funds
17 appropriated for purposes of section 261E.5 are
18 insufficient to distribute the amounts set out in
19 section 261E.5, subsection 3, to school districts, the
20 department shall prorate the amount distributed to

21 school districts based on the amount appropriated."

22 42. Page 62, by inserting after line 19 the
23 following:

24 "DIVISION III

25 STATEWIDE PRESCHOOL PROGRAM

26 Sec.____. Section 256C.3, subsection 1, Code
27 Supplement 2007, is amended to read as follows:

28 1. ELIGIBLE CHILDREN. A child who is a resident
29 of Iowa and is four years of age ~~by~~ on or before
30 September 15 of a school year shall be eligible to
31 enroll in the preschool program under this chapter.
32 If space and funding are available, a school district
33 approved to participate in the preschool program may
34 enroll a younger or older child in the preschool
35 program; however, the child shall not be counted for
36 state funding purposes.

37 Sec.____. Section 256C.4, subsection 1, Code
38 Supplement 2007, is amended by adding the following
39 new paragraph:

40 NEW PARAGRAPH. f. The receipt of funding by a
41 school district for the purposes of this chapter, the
42 need for additional funding for the purposes of this
43 chapter, or the enrollment count of eligible students
44 under this chapter, shall not be considered to be
45 unusual circumstances, create an unusual need for
46 additional funds, or qualify under any other
47 circumstances that may be used by the school budget
48 review committee to grant supplemental aid to or
49 establish modified allowable growth for a school
50 district under section 257.31.

Page 7

1 Sec.____. Section 256C.5, subsection 2, paragraph
2 b, Code Supplement 2007, is amended to read as
3 follows:

4 b. For budget years subsequent to the initial
5 school year for which a school district approved to
6 participate in the preschool program receives that
7 initial approval and implements the preschool program,
8 the funding for the preschool foundation aid payable
9 to that school district shall be paid from the
10 appropriation made in section 257.16. Continuation of
11 a school district's participation in the preschool
12 program for a second or subsequent budget year is
13 subject to the approval of the department based upon
14 the school district's compliance with accountability
15 provisions and the department's on-site review of the
16 school district's implementation of the preschool
17 program.

18 Sec.____. Section 256C.6, subsection 1, Code
19 Supplement 2007, is amended to read as follows:

20 1. PHASE-IN. For the initial fiscal year in which
 21 a school district participates in the preschool
 22 program pursuant to an appropriation provided in
 23 subsection 2, the department shall apply a modified
 24 set of the requirements of the provisions of this
 25 chapter relating to preschool program implementation,
 26 preschool enrollment reporting, and distribution of
 27 funding as necessary to begin the distribution in that
 28 fiscal year and additional program implementation in
 29 the next fiscal year. ~~For each month after September~~
 30 ~~1, in the initial fiscal year that a school district~~
 31 ~~approved to participate in the preschool program~~
 32 ~~begins programming, the department shall reduce the~~
 33 ~~preschool foundation aid payable to the school~~
 34 ~~district by one-tenth of the amount that would~~
 35 ~~otherwise have been payable to the school district for~~
 36 ~~the full school year.~~

37 Sec.____. Section 256C.6, subsection 2, Code
 38 Supplement 2007, is amended by adding the following
 39 new unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 41 8.33, moneys appropriated in this subsection that
 42 remain unencumbered or unobligated at the close of the
 43 fiscal year shall not revert but shall remain
 44 available for expenditure for the purposes designated
 45 until the close of the succeeding fiscal year.

46 Sec.____. 2007 Iowa Acts, chapter 214, section 6,
 47 subsection 13, is amended by adding the following new
 48 unnumbered paragraph:

49 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 50 8.33, moneys appropriated in this subsection that

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1 remain unencumbered or unobligated at the close of the
 2 fiscal year shall not revert but shall remain
 3 available for expenditure for the purposes designated
 4 until the close of the succeeding fiscal year.

5 Sec.____. STATEWIDE EARLY CHILDHOOD PROFESSIONAL
 6 DEVELOPMENT SYSTEM. It is the intent of the general
 7 assembly that if funding is designated or is otherwise
 8 made available for purposes of implementing a
 9 statewide early childhood professional development
 10 system during the fiscal year beginning July 1, 2007,
 11 or the succeeding fiscal year, that the system shall
 12 be implemented by the department of education through
 13 the area education agencies and shall be designed to
 14 support the statewide preschool program for
 15 four-year-old children offered in accordance with
 16 chapter 256C. The department of education shall
 17 collaborate with early childhood Iowa and its public
 18 and private member agencies to ensure that the system

19 complements existing programs and resources committed
 20 by the agencies to professional development. To the
 21 extent possible, the system shall support
 22 professionals engaged in other early childhood
 23 programs.

24 Sec.____. EFFECTIVE DATE. This division of this
 25 Act, being deemed of immediate importance, takes
 26 effect upon enactment.

27 DIVISION IV

28 STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

29 Sec.____. Section 282.10, subsection 4, Code 2007,
 30 is amended to read as follows:

31 4. A whole grade sharing agreement shall be signed
 32 by the boards of the districts involved in the
 33 agreement not later than February 1 of the school year
 34 preceding the school year for which the agreement is
 35 to take effect. The boards of the districts shall
 36 negotiate as part of the new or existing agreement the
 37 disposition of teacher quality funding provided under
 38 chapter 284.

39 Sec.____. Section 284.2, subsection 11, Code
 40 Supplement 2007, is amended to read as follows:

41 11. "Teacher" means an individual who holds a
 42 practitioner's license issued under chapter 272, or a
 43 statement of professional recognition issued under
 44 chapter 272 who is employed in a nonadministrative
 45 position by a school district or area education agency
 46 pursuant to a contract issued by a board of directors
 47 under section 279.13. A teacher may be employed in
 48 both an administrative and a nonadministrative
 49 position by a board of directors and shall be
 50 considered a part-time teacher for the portion of time

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1 that the teacher is employed in a nonadministrative
 2 position. ~~"Teacher" includes a licensed individual~~
 3 ~~employed on a less than full time basis by a school~~
 4 ~~district through a contract between the school~~
 5 ~~district and an institution of higher education with a~~
 6 ~~practitioner preparation program in which the licensed~~
 7 ~~teacher is enrolled.~~

8 Sec.____. Section 284.7, subsection 1, paragraph
 9 a, subparagraph (2), Code Supplement 2007, is amended
 10 to read as follows:

11 (2) Beginning July 1, ~~2007~~ 2008, the minimum
 12 salary for a beginning teacher shall be ~~twenty six~~
 13 twenty-eight thousand ~~five hundred~~ dollars.

14 Sec.____. Section 284.7, subsection 1, paragraph
 15 b, subparagraph (2), Code Supplement 2007, is amended
 16 to read as follows:

17 (2) Beginning July 1, ~~2007~~ 2008, the minimum

18 salary for a first-year career teacher shall be
 19 ~~twenty seven thirty thousand five hundred dollars and~~
 20 ~~the minimum salary for all other career teachers shall~~
 21 ~~be twenty eight thousand five hundred dollars.~~

22 Sec.____. Section 284.7, subsection 5, paragraph
 23 b, Code Supplement 2007, is amended to read as
 24 follows:

25 b. If, once the minimum salary requirements of
 26 this section have been met by the school district or
 27 area education agency, and the school district or area
 28 education agency receiving funds pursuant to section
 29 284.13, subsection 1, paragraph "h" or "i", for
 30 purposes of this section, and the certified bargaining
 31 representative for the licensed employees have not
 32 reached an agreement for distribution of the funds
 33 remaining, in accordance with paragraph "a", the board
 34 of directors shall divide the funds remaining among
 35 full-time teachers employed by the district or area
 36 education agency whose regular compensation is equal
 37 to or greater than the minimum salary specified in
 38 this section. The payment amount for teachers
 39 employed on less than a full-time basis shall be
 40 prorated. For purposes of this paragraph, regular
 41 compensation means base salary plus any salary
 42 provided under chapter 294A.

43 Sec.____. Section 284.7, subsection 5, Code
 44 Supplement 2007, is amended by adding the following
 45 new paragraph:

46 NEW PARAGRAPH. e. A school district or area
 47 education agency receiving funds pursuant to section
 48 284.13, subsection 1, paragraph "h" or "i", shall
 49 determine the amount to be paid to teachers in
 50 accordance with this subsection and the amount

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1 determined to be paid to an individual teacher shall
 2 be divided evenly and paid in each pay period of the
 3 fiscal year beginning with the October payroll.

4 Sec.____. Section 284.8, subsection 1, Code
 5 Supplement 2007, is amended to read as follows:

6 1. A school district shall review a teacher's
 7 performance at least once every three years for
 8 purposes of assisting teachers in making continuous
 9 improvement, documenting continued competence in the
 10 Iowa teaching standards, identifying teachers in need
 11 of improvement, or to determine whether the teacher's
 12 practice meets school district expectations for career
 13 advancement in accordance with section 284.7. The
 14 review shall include, at minimum, classroom
 15 observation of the teacher, the teacher's progress,
 16 and implementation of the teacher's individual

17 professional development plan, subject to the level of
 18 ~~funding resources~~ provided to implement the plan; and
 19 shall include supporting documentation from parents,
 20 students, and other evaluators, teachers, parents, and
 21 students.

22 Sec. ____ Section 284.13, subsection 1, paragraph
 23 a, Code Supplement 2007, is amended to read as
 24 follows:

25 a. For ~~each the~~ fiscal year ~~of the fiscal period~~
 26 beginning July 1, ~~2007~~ 2008, and ending June 30, 2009,
 27 to the department of education, the amount of one
 28 million ~~eighty seven~~ seven hundred seven thousand five
 29 hundred dollars for the issuance of national board
 30 certification awards in accordance with section
 31 256.44.

32 ~~(1)~~ Of the amount allocated under this paragraph
 33 "a", not less than eighty-five thousand dollars shall
 34 be used to administer the ambassador to education
 35 position in accordance with section 256.45.

36 ~~(2) Of the amount allocated under this paragraph~~
 37 ~~"a", for the fiscal year beginning July 1, 2007, and~~
 38 ~~ending June 30, 2008, not less than one million~~
 39 ~~dollars shall be used to supplement the allocation of~~
 40 ~~funds for market factor teacher incentives made~~
 41 ~~pursuant to paragraph "f", subparagraph (1).~~

42 Sec. ____ Section 284.13, subsection 1, paragraphs
 43 d and e, Code Supplement 2007, are amended to read as
 44 follows:

45 d. (1) For the fiscal year beginning July 1, ~~2007~~
 46 2008, and ending June 30, ~~2008~~ 2009, up to ~~twenty~~
 47 twenty-eight million five hundred thousand dollars to
 48 the department for use by school districts for
 49 professional development as provided in section 284.6.
 50 Of the amount allocated under this paragraph, up to

Page 11

1 eight million five hundred thousand dollars shall be
 2 provided to school districts for professional
 3 development related to the infusion and implementation
 4 of the model core curriculum prescribed in section
 5 256.7, subsection 26. The department shall distribute
 6 funds allocated for the purpose of this paragraph
 7 based on the average per diem contract salary for each
 8 district as reported to the department for the school
 9 year beginning July 1, ~~2006~~ 2007, multiplied by the
 10 total number of full-time equivalent teachers in the
 11 base year. The department shall adjust each
 12 district's average per diem salary by the allowable
 13 growth rate established under section 257.8 for the
 14 fiscal year beginning July 1, ~~2007~~ 2008. The contract
 15 salary amount shall be the amount paid for their

16 regular responsibilities but shall not include pay for
 17 extracurricular activities. These funds shall not
 18 supplant existing funding for professional development
 19 activities. Notwithstanding any provision to the
 20 contrary, moneys received by a school district under
 21 this paragraph shall not revert but shall remain
 22 available for the same purpose in the succeeding
 23 fiscal year. A school district shall submit a report
 24 to the department in a manner determined by the
 25 department describing its use of the funds received
 26 under this paragraph. The department shall submit a
 27 report on school district use of the moneys
 28 distributed pursuant to this paragraph to the general
 29 assembly and the legislative services agency not later
 30 than January 15 of the fiscal year for which moneys
 31 are allocated for purposes of this paragraph.

32 (2) From moneys available under subparagraph (1)
 33 for the fiscal year beginning July 1, ~~2007~~ 2008, and
 34 ending June 30, ~~2008~~ 2009, the department shall
 35 allocate to area education agencies an amount per
 36 teacher employed by an area education agency that is
 37 approximately equivalent to the average per teacher
 38 amount allocated to the districts. The average per
 39 teacher amount shall be calculated by dividing the
 40 total number of teachers employed by school districts
 41 and the teachers employed by area education agencies
 42 into the total amount of moneys available under
 43 subparagraph (1).

44 (3) For the fiscal year beginning July 1, 2008,
 45 and ending June 30, 2009, up to nine hundred fifteen
 46 thousand dollars to the department for implementation
 47 of a statewide early childhood professional
 48 development system through the area education agencies
 49 that is designed to support the statewide preschool
 50 program for four-year-old children under chapter 256C

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1 and to the extent possible, other early childhood
 2 programs.

3 e. For ~~the each~~ fiscal year ~~beginning July 1,~~
 4 ~~2007, and ending June 30, 2008~~ in which funds are
 5 ~~appropriated for purposes of this chapter~~, an amount
 6 up to one million eight hundred forty-five thousand
 7 dollars to the department for the establishment of
 8 teacher development academies in accordance with
 9 section 284.6, subsection 10. A portion of the funds
 10 allocated to the department for purposes of this
 11 paragraph may be used for administrative purposes.

12 Sec.____. Section 284.13, subsection 1, paragraph
 13 f, Code Supplement 2007, is amended by striking the
 14 paragraph and inserting in lieu thereof the following:

15 f. For the fiscal year beginning July 1, 2008, and
16 ending June 30, 2009, to the department of education,
17 the amount of two hundred fifty thousand dollars for
18 distribution to the institute for tomorrow's workforce
19 created pursuant to section 7K.1.

20 Sec.____. Section 284.13, subsection 1, paragraph
21 g, subparagraph (3), Code Supplement 2007, is amended
22 to read as follows:

23 (3) For the fiscal year beginning July 1, 2008,
24 and ending June 30, 2009, the sum of ~~two million five~~
25 three hundred ~~thirty-five~~ thousand dollars. From the
26 amount allocated for the fiscal year under this
27 subparagraph, an amount up to ten thousand dollars
28 shall be used for purposes of the pay-for-performance
29 commission's expenses, an amount up to one hundred
30 thousand dollars shall be used by the department for
31 oversight and administration of the implementation
32 pilots as provided in sections 284.14 and 284.14A, and
33 an amount up to two hundred thousand dollars shall be
34 used for the employment of an external evaluator.

35 Sec.____. Section 284.11, Code Supplement 2007, is
36 repealed.

37 DIVISION V

38 STATE SCHOOL AID FORMULA CHANGES

39 Sec.____. Section 256D.2, Code 2007, is amended to
40 read as follows:

41 256D.2 PROGRAM EXPENDITURES.

42 1. A school district shall expend funds received
43 pursuant to section 256D.4 at the kindergarten through
44 grade three levels to reduce class sizes to the state
45 goal of seventeen students for every one teacher and
46 to achieve a higher level of student success in the
47 basic skills, especially reading. In order to support
48 these efforts, school districts may expend funds
49 received pursuant to section 256D.4 at the
50 kindergarten through grade three level on programs,

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1 instructional support, and materials that include, but
2 are not limited to, the following: additional
3 licensed instructional staff; additional support for
4 students, such as before and after school programs,
5 tutoring, and intensive summer programs; the
6 acquisition and administration of diagnostic reading
7 assessments; the implementation of research-based
8 instructional intervention programs for students
9 needing additional support; the implementation of
10 all-day, everyday kindergarten programs; and the
11 provision of classroom teachers with intensive
12 training programs to improve reading instruction and
13 professional development in best practices, including

14 but not limited to training programs related to
 15 instruction to increase students' phonemic awareness,
 16 reading abilities, and comprehension skills.

17 2. This section is repealed June 30, 2009.

18 Sec. ____. NEW SECTION. 256D.2A PROGRAM FUNDING.

19 Beginning July 1, 2009, and each succeeding year, a
 20 school district shall expend funds received pursuant
 21 to section 257.10, subsection 11, at the kindergarten
 22 through grade three levels to reduce class sizes to
 23 the state goal of seventeen students for every one
 24 teacher and to achieve a higher level of student
 25 success in the basic skills, especially reading. In
 26 order to support these efforts, school districts may
 27 expend funds received pursuant to section 257.10,
 28 subsection 11, at the kindergarten through grade three
 29 level on programs, instructional support, and
 30 materials that include but are not limited to the
 31 following: additional licensed instructional staff;
 32 additional support for students, such as before and
 33 after school programs, tutoring, and intensive summer
 34 programs; the acquisition and administration of
 35 diagnostic reading assessments; the implementation of
 36 research-based instructional intervention programs for
 37 students needing additional support; the
 38 implementation of all-day, everyday kindergarten
 39 programs; and the provision of classroom teachers with
 40 intensive training programs to improve reading
 41 instruction and professional development in best
 42 practices including but not limited to training
 43 programs related to instruction to increase students'
 44 phonemic awareness, reading abilities, and
 45 comprehension skills.

46 Sec. ____. Section 256D.4, subsection 3, Code 2007,
 47 is amended to read as follows:

48 3. For each year in which an appropriation is made
 49 to the Iowa early intervention block grant program,
 50 the department of education shall notify the

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1 department of administrative services of the amount of
 2 the allocation to be paid to each school district as
 3 provided in subsections 1 and 2. The allocation to
 4 each school district shall be made in one payment on
 5 or about October 15 of the fiscal year for which the
 6 appropriation is made, taking into consideration the
 7 relative budget and cash position of the state
 8 resources. Moneys received under this section shall
 9 not be commingled with state aid payments made under
 10 section 257.16 to a school district and shall be
 11 accounted for by the local school district separately
 12 from state aid payments. Payments made to school

13 districts under this section are miscellaneous income
 14 for purposes of chapter 257. ~~A school district shall~~
 15 ~~maintain a separate listing within its budget for~~
 16 ~~payments received and expenditures made pursuant to~~
 17 ~~this section. A school district shall certify to the~~
 18 ~~department of education that moneys received under~~
 19 ~~this section were used to supplement, not supplant,~~
 20 ~~moneys otherwise received and used by the school~~
 21 ~~district.~~

22 Sec. ____ Section 256D.4, subsection 4, Code 2007,
 23 is amended by striking the subsection and inserting in
 24 lieu thereof the following:

25 4. This section is repealed June 30, 2009.

26 Sec. ____ NEW SECTION. 256D.4A PROGRAM
 27 REQUIREMENTS.

28 A school district shall maintain a separate listing
 29 within its budget for payments received and
 30 expenditures made pursuant to this section. A school
 31 district shall certify to the department of education
 32 that moneys received under this section were used to
 33 supplement, not supplant, moneys otherwise received
 34 and used by the school district.

35 Sec. ____ Section 256D.5, subsection 4, Code
 36 Supplement 2007, is amended to read as follows:

37 4. For each fiscal year of the fiscal period
 38 beginning July 1, 2004, and ending June 30, ~~2012~~ 2009,
 39 the sum of twenty-nine million two hundred fifty
 40 thousand dollars.

41 Sec. ____ Section 257.1, subsection 2, unnumbered
 42 paragraph 2, Code 2007, is amended to read as follows:

43 For the budget year commencing July 1, 1999, and
 44 for each succeeding budget year the regular program
 45 foundation base per pupil is eighty-seven and
 46 five-tenths percent of the regular program state cost
 47 per pupil. For the budget year commencing July 1,
 48 1991, and for each succeeding budget year the special
 49 education support services foundation base is
 50 seventy-nine percent of the special education support

1 services state cost per pupil. The combined
 2 foundation base is the sum of the regular program
 3 foundation base, ~~and~~ the special education support
 4 services foundation base, the total teacher salary
 5 supplement district cost, the total professional
 6 development supplement district cost, the total early
 7 intervention supplement district cost, the total area
 8 education agency teacher salary supplement district
 9 cost, and the total area education agency professional
 10 development supplement district cost.

11 Sec. ____ Section 257.1, subsection 3, Code 2007,

12 is amended to read as follows:

13 3. COMPUTATIONS ROUNDED. In making computations
 14 and payments under this chapter, except in the case of
 15 computations relating to funding of special education
 16 support services, media services, and educational
 17 services provided through the area education agencies,
 18 and the teacher salary supplement, the professional
 19 development supplement, and the early intervention
 20 supplement, the department of management shall round
 21 amounts to the nearest whole dollar.

22 Sec.____. Section 257.4, subsection 1, paragraph
 23 a, Code 2007, is amended to read as follows:

24 a. A school district shall cause an additional
 25 property tax to be levied each year. The rate of the
 26 additional property tax levy in a school district
 27 shall be determined by the department of management
 28 and shall be calculated to raise the difference
 29 between the combined district cost for the budget year
 30 and the sum of ~~the products~~ the following:

31 (1) The product of the regular program foundation
 32 base per pupil times the weighted enrollment in the
 33 district, and the

34 (2) The product of special education support
 35 services foundation base per pupil times the special
 36 education support services weighted enrollment in the
 37 district.

38 (3) The total teacher salary supplement district
 39 cost.

40 (4) The total professional development supplement
 41 district cost.

42 (5) The total early intervention supplement
 43 district cost.

44 (6) The total area education agency teacher salary
 45 supplement district cost.

46 (7) The total area education agency professional
 47 development supplement district cost.

48 Sec.____. Section 257.8, Code Supplement 2007, is
 49 amended by adding the following new subsection:

50 NEW SUBSECTION. 1A. CATEGORICAL STATE PERCENT OF

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1 GROWTH. The categorical state percent of growth for
 2 each budget year shall be established by statute which
 3 shall be enacted within thirty days of the submission
 4 in the year preceding the base year of the governor's
 5 budget under section 8.21. The establishment of the
 6 categorical state percent of growth for a budget year
 7 shall be the only subject matter of the bill which
 8 enacts the categorical state percent of growth for a
 9 budget year. The categorical state percent of growth
 10 may include state percents of growth for the teacher

11 salary supplement, the professional development
 12 supplement, and the early intervention supplement.
 13 Sec.____. Section 257.9, Code 2007, is amended by
 14 adding the following new subsections:
 15 NEW SUBSECTION. 6. TEACHER SALARY SUPPLEMENT
 16 STATE COST PER PUPIL. For the budget year beginning
 17 July 1, 2009, for the teacher salary supplement state
 18 cost per pupil, the department of management shall add
 19 together the teacher compensation allocation made to
 20 each district for the fiscal year beginning July 1,
 21 2008, pursuant to section 284.13, subsection 1,
 22 paragraph "h", and the phase II allocation made to
 23 each district for the fiscal year beginning July 1,
 24 2008, pursuant to section 294A.9, and divide that sum
 25 by the statewide total budget enrollment for the
 26 fiscal year beginning July 1, 2009. The teacher
 27 salary supplement state cost per pupil for the budget
 28 year beginning July 1, 2010, and succeeding budget
 29 years, shall be the amount calculated by the
 30 department of management under this subsection for the
 31 base year plus an allowable growth amount that is
 32 equal to the teacher salary supplement categorical
 33 state percent of growth, pursuant to section 257.8,
 34 subsection 1A, for the budget year, multiplied by the
 35 amount calculated by the department of management
 36 under this subsection for the base year.
 37 NEW SUBSECTION. 7. PROFESSIONAL DEVELOPMENT
 38 SUPPLEMENT STATE COST PER PUPIL. For the budget year
 39 beginning July 1, 2009, for the professional
 40 development supplement state cost per pupil, the
 41 department of management shall add together the
 42 professional development allocation made to each
 43 district for the fiscal year beginning July 1, 2008,
 44 pursuant to section 284.13, subsection 1, paragraph
 45 "d", and divide that sum by the statewide total budget
 46 enrollment for the fiscal year beginning July 1, 2009.
 47 The professional development supplement state cost per
 48 pupil for the budget year beginning July 1, 2010, and
 49 succeeding budget years, shall be the amount
 50 calculated by the department of management under this

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1 subsection for the base year plus an allowable growth
 2 amount that is equal to the professional development
 3 supplement categorical state percent of growth,
 4 pursuant to section 257.8, subsection 1A, for the
 5 budget year, multiplied by the amount calculated by
 6 the department of management under this subsection for
 7 the base year.
 8 NEW SUBSECTION. 8. EARLY INTERVENTION SUPPLEMENT
 9 STATE COST PER PUPIL. For the budget year beginning

10 July 1, 2009, for the early intervention supplement
 11 state cost per pupil, the department of management
 12 shall add together the early intervention allocation
 13 made to each district for the fiscal year beginning
 14 July 1, 2008, pursuant to section 256D.4, and divide
 15 that sum by the statewide total budget enrollment for
 16 the fiscal year beginning July 1, 2009. The early
 17 intervention supplement state cost per pupil for the
 18 budget year beginning July 1, 2010, and succeeding
 19 budget years, shall be the amount calculated by the
 20 department of management under this subsection for the
 21 base year plus an allowable growth amount that is
 22 equal to the early intervention supplement categorical
 23 state percent of growth, pursuant to section 257.8,
 24 subsection 1A, for the budget year, multiplied by the
 25 amount calculated by the department of management
 26 under this subsection for the base year.

27 NEW SUBSECTION. 9. AREA EDUCATION AGENCY TEACHER
 28 SALARY SUPPLEMENT STATE COST PER PUPIL. For the
 29 budget year beginning July 1, 2009, for the area
 30 education agency teacher salary supplement state cost
 31 per pupil, the department of management shall add
 32 together the teacher compensation allocation made to
 33 each area education agency for the fiscal year
 34 beginning July 1, 2008, pursuant to section 284.13,
 35 subsection 1, paragraph "i", and the phase II
 36 allocation made to each area education agency for the
 37 fiscal year beginning July 1, 2008, pursuant to
 38 section 294A.9, and divide that sum by the statewide
 39 special education support services weighted enrollment
 40 for the fiscal year beginning July 1, 2009. The area
 41 education agency teacher salary supplement state cost
 42 per pupil for the budget year beginning July 1, 2010,
 43 and succeeding budget years, shall be the amount
 44 calculated by the department of management under this
 45 subsection for the base year plus an allowable growth
 46 amount that is equal to the teacher salary supplement
 47 categorical state percent of growth, pursuant to
 48 section 257.8, subsection 1A, for the budget year,
 49 multiplied by the amount calculated by the department
 50 of management under this subsection for the base year.

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1 NEW SUBSECTION. 10. AREA EDUCATION AGENCY
 2 PROFESSIONAL DEVELOPMENT SUPPLEMENT STATE COST PER
 3 PUPIL. For the budget year beginning July 1, 2009,
 4 for the area education agency professional development
 5 supplement state cost per pupil, the department of
 6 management shall add together the professional
 7 development allocation made to each area education
 8 agency for the fiscal year beginning July 1, 2008,

9 pursuant to section 284.13, subsection 1, paragraph
 10 "d", and divide that sum by the statewide special
 11 education support services weighted enrollment for the
 12 fiscal year beginning July 1, 2009. The area
 13 education agency professional development supplement
 14 state cost per pupil for the budget year beginning
 15 July 1, 2010, and succeeding budget years, shall be
 16 the amount calculated by the department of management
 17 under this subsection for the base year plus an
 18 allowable growth amount that is equal to the
 19 professional development supplement categorical state
 20 percent of growth, pursuant to section 257.8,
 21 subsection 1A, for the budget year, multiplied by the
 22 amount calculated by the department of management
 23 under this subsection for the base year.

24 Sec.____. Section 257.10, subsection 8, unnumbered
 25 paragraph 1, Code 2007, is amended to read as follows:

26 Combined district cost is the sum of the regular
 27 program district cost per pupil multiplied by the
 28 weighted enrollment, ~~and~~ the special education support
 29 services district cost, the total teacher salary
 30 supplement district cost, the total professional
 31 development supplement district cost, and the total
 32 early intervention supplement district cost, plus the
 33 sum of the additional district cost allocated to the
 34 district to fund media services and educational
 35 services provided through the area education agency,
 36 the area education agency total teacher salary
 37 supplement district cost and the area education agency
 38 total professional development supplement district
 39 cost.

40 Sec.____. Section 257.10, Code 2007, is amended by
 41 adding the following new subsections:

42 **NEW SUBSECTION. 9. TEACHER SALARY SUPPLEMENT COST**
 43 **PER PUPIL AND DISTRICT COST.**

44 a. For the budget year beginning July 1, 2009, the
 45 department of management shall add together the
 46 teacher compensation allocation made to each district
 47 for the fiscal year beginning July 1, 2008, pursuant
 48 to section 284.13, subsection 1, paragraph "h", and
 49 the phase II allocation made to each district for the
 50 fiscal year beginning July 1, 2008, pursuant to

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1 section 294A.9, and divide that sum by the district's
 2 budget enrollment in the fiscal year beginning July 1,
 3 2009, to determine the teacher salary supplement
 4 district cost per pupil. For the budget year
 5 beginning July 1, 2010, and succeeding budget years,
 6 the teacher salary supplement district cost per pupil
 7 for each school district for a budget year is the

8 teacher salary supplement program district cost per
 9 pupil for the base year plus the teacher salary
 10 supplement state allowable growth amount for the
 11 budget year.

12 b. For the budget year beginning July 1, 2010, and
 13 succeeding budget years, if the department of
 14 management determines that the unadjusted teacher
 15 salary supplement district cost of a school district
 16 for a budget year is less than one hundred percent of
 17 the unadjusted teacher salary supplement district cost
 18 for the base year for the school district, the school
 19 district shall receive a budget adjustment for that
 20 budget year equal to the difference.

21 c. (1) The unadjusted teacher salary supplement
 22 district cost is the teacher salary supplement
 23 district cost per pupil for each school district for a
 24 budget year multiplied by the budget enrollment for
 25 that school district.

26 (2) The total teacher salary supplement district
 27 cost is the sum of the unadjusted teacher salary
 28 supplement district cost plus the budget adjustment
 29 for that budget year.

30 d. The use of the funds calculated under this
 31 subsection shall comply with the requirements of
 32 chapters 284 and 294A and shall be distributed to
 33 teachers pursuant to section 284.7.

34 NEW SUBSECTION. 10. PROFESSIONAL DEVELOPMENT
 35 SUPPLEMENT COST PER PUPIL AND DISTRICT COST.

36 a. For the budget year beginning July 1, 2009, the
 37 department of management shall divide the professional
 38 development allocation made to each district for the
 39 fiscal year beginning July 1, 2008, pursuant to
 40 section 284.13, by the district's budget enrollment in
 41 the fiscal year beginning July 1, 2009, to determine
 42 the professional development supplement cost per
 43 pupil. For the budget year beginning July 1, 2010,
 44 and succeeding budget years, the professional
 45 development supplement district cost per pupil for
 46 each school district for a budget year is the
 47 professional development supplement district cost per
 48 pupil for the base year plus the professional
 49 development supplement state allowable growth amount
 50 for the budget year.

1 b. For the budget year beginning July 1, 2010, and
 2 succeeding budget years, if the department of
 3 management determines that the unadjusted professional
 4 development supplement district cost of a school
 5 district for a budget year is less than one hundred
 6 percent of the unadjusted professional development

7 supplement district cost for the base year for the
8 school district, the school district shall receive a
9 budget adjustment for that budget year equal to the
10 difference.

11 c. (1) The unadjusted professional development
12 supplement district cost is the professional
13 development supplement district cost per pupil for
14 each school district for a budget year multiplied by
15 the budget enrollment for that school district.

16 (2) The total professional development supplement
17 district cost is the sum of the unadjusted
18 professional development supplement district cost plus
19 the budget adjustment for that budget year.

20 d. The use of the funds calculated under this
21 subsection shall comply with the requirements of
22 chapter 284.

23 NEW SUBSECTION. 11. EARLY INTERVENTION SUPPLEMENT
24 COST PER PUPIL AND DISTRICT COST.

25 a. For the budget year beginning July 1, 2009, the
26 department of management shall divide the early
27 intervention allocation made to each district for the
28 fiscal year beginning July 1, 2008, pursuant to
29 section 256D.4, by the district's budget enrollment in
30 the fiscal year beginning July 1, 2009, to determine
31 the early intervention supplement cost per pupil. For
32 the budget year beginning July 1, 2010, and succeeding
33 budget years, the early intervention supplement
34 district cost per pupil for each school district for a
35 budget year is the early intervention supplement
36 district cost per pupil for the base year plus the
37 early development supplement state allowable growth
38 amount for the budget year.

39 b. For the budget year beginning July 1, 2010, and
40 succeeding budget years, if the department of
41 management determines that the unadjusted early
42 intervention supplement district cost of a school
43 district for a budget year is less than one hundred
44 percent of the unadjusted early intervention
45 supplement district cost for the base year for the
46 school district, the school district shall receive a
47 budget adjustment for that budget year equal to the
48 difference.

49 c. (1) The unadjusted early intervention
50 supplement district cost is the early intervention

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1 supplement district cost per pupil for each school
2 district for a budget year multiplied by the budget
3 enrollment for that school district.

4 (2) The total early intervention supplement
5 district cost is the sum of the unadjusted early

6 intervention supplement district cost plus the budget
7 adjustment for that budget year.

8 d. The use of the funds calculated under this
9 subsection shall comply with the requirements of
10 chapter 256D.

11 Sec.____. Section 257.35, subsection 1, Code
12 Supplement 2007, is amended to read as follows:

13 1. The department of management shall deduct the
14 amounts calculated for special education support
15 services, media services, area education agency
16 teacher salary supplement district cost, area
17 education agency professional development supplement
18 district cost, and educational services for each
19 school district from the state aid due to the district
20 pursuant to this chapter and shall pay the amounts to
21 the respective area education agencies on a monthly
22 basis from September 15 through June 15 during each
23 school year. The department of management shall
24 notify each school district of the amount of state aid
25 deducted for these purposes and the balance of state
26 aid shall be paid to the district. If a district does
27 not qualify for state aid under this chapter in an
28 amount sufficient to cover its amount due to the area
29 education agency as calculated by the department of
30 management, the school district shall pay the
31 deficiency to the area education agency from other
32 moneys received by the district, on a quarterly basis
33 during each school year.

34 Sec.____. NEW SECTION. 257.37A AREA EDUCATION
35 AGENCY SALARY SUPPLEMENT FUNDING.

36 1. AREA EDUCATION AGENCY TEACHER SALARY SUPPLEMENT
37 COST PER PUPIL AND DISTRICT COST.

38 a. For the budget year beginning July 1, 2009, the
39 department of management shall add together the
40 teacher compensation allocation made to each area
41 education agency for the fiscal year beginning July 1,
42 2008, pursuant to section 284.13, subsection 1,
43 paragraph "i", and the phase II allocation made to
44 each area education agency for the fiscal year
45 beginning July 1, 2008, pursuant to section 294A.9,
46 and divide that sum by the special education support
47 services weighted enrollment in the fiscal year
48 beginning July 1, 2009, to determine the area
49 education agency teacher salary supplement cost per
50 pupil. For the budget year beginning July 1, 2010,

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1 and succeeding budget years, the area education agency
2 teacher salary supplement district cost per pupil for
3 each area education agency for a budget year is the
4 area education agency teacher salary supplement

5 district cost per pupil for the base year plus the
 6 area education agency teacher salary supplement state
 7 allowable growth amount for the budget year.
 8 b. For the budget year beginning July 1, 2010, and
 9 succeeding budget years, if the department of
 10 management determines that the unadjusted area
 11 education agency teacher salary supplement district
 12 cost of an area education agency for a budget year is
 13 less than one hundred percent of the unadjusted area
 14 education agency teacher salary supplement district
 15 cost for the base year for the area education agency,
 16 the area education agency shall receive a budget
 17 adjustment for that budget year equal to the
 18 difference.

19 c. (1) The unadjusted area education agency
 20 teacher salary supplement district cost is the area
 21 education agency teacher salary supplement district
 22 cost per pupil for each area education agency for a
 23 budget year multiplied by the special education
 24 support services weighted enrollment for that area
 25 education agency.

26 (2) The total area education agency teacher salary
 27 supplement district cost is the sum of the unadjusted
 28 area education agency teacher salary supplement
 29 district cost plus the budget adjustment for that
 30 budget year.

31 d. The use of the funds calculated under this
 32 subsection shall comply with requirements of chapters
 33 284 and 294A and shall be distributed to teachers
 34 pursuant to section 284.7.

35 **2. AREA EDUCATION AGENCY PROFESSIONAL DEVELOPMENT**
 36 **SUPPLEMENT COST PER PUPIL AND DISTRICT COST.**

37 a. For the budget year beginning July 1, 2009, the
 38 department of management shall divide the area
 39 education agency professional development supplement
 40 made to each area education agency for the fiscal year
 41 beginning July 1, 2008, pursuant to section 284.13, by
 42 the special education support services weighted
 43 enrollment in the fiscal year beginning July 1, 2009,
 44 to determine the professional development supplement
 45 cost per pupil. For the budget year beginning July 1,
 46 2010, and succeeding budget years, the area education
 47 agency professional development supplement district
 48 cost per pupil for each area education agency for a
 49 budget year is the area education agency professional
 50 development supplement district cost per pupil for the

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1 base year plus the area education agency professional
 2 development supplement state allowable growth amount
 3 for the budget year.

4 b. For the budget year beginning July 1, 2010, and
 5 succeeding budget years, if the department of
 6 management determines that the unadjusted area
 7 education agency professional development supplement
 8 district cost of an area education agency for a budget
 9 year is less than one hundred percent of the
 10 unadjusted area education agency professional
 11 development supplement district cost for the base year
 12 for the area education agency, the area education
 13 agency shall receive a budget adjustment for that
 14 budget year equal to the difference.

15 c. (1) The unadjusted area education agency
 16 professional development supplement district cost is
 17 the area education agency professional development
 18 supplement district cost per pupil for each area
 19 education agency for a budget year multiplied by the
 20 special education support services weighted enrollment
 21 for that area education agency.

22 (2) The total area education agency professional
 23 development supplement district cost is the sum of the
 24 unadjusted area education agency professional
 25 development supplement district cost plus the budget
 26 adjustment for that budget year.

27 d. The use of the funds calculated under this
 28 subsection shall comply with requirements of chapter
 29 284.

30 Sec.____. NEW SECTION. 257.51 CATEGORICAL STATE
 31 APPROPRIATIONS.

32 For the budget year beginning July 1, 2009, and
 33 succeeding budget years, if the general assembly makes
 34 an appropriation pursuant to section 284.13,
 35 subsection 1, paragraph "h" or "i", or for the phase
 36 II allocation pursuant to section 294A.9, or for
 37 professional development pursuant to section 284.13,
 38 subsection 1, paragraph "d", or for early intervention
 39 pursuant to section 256D.4, the department of
 40 management shall recalculate the formulas in section
 41 257.9, subsections 6 through 10; section 257.10,
 42 subsections 9, 10, and 11; and section 257.37A.

43 Sec.____. Section 294A.9, Code 2007, is amended to
 44 read as follows:

45 294A.9 PHASE II PROGRAM.

46 1. Phase II is established to improve the salaries
 47 of teachers.

48 2. For each fiscal year beginning on or after July
 49 1, 1992, the per pupil amount upon which the phase II
 50 moneys are based is equal to the per pupil allocation

1 plus supplemental allocations for the immediately
 2 preceding fiscal year.

3 3. The department of education shall certify the
4 amounts of the allocations for each school district
5 and area education agency to the department of
6 administrative services and the department of
7 administrative services shall make the payments to
8 school districts and area education agencies.

9 4. If a school district has discontinued grades
10 under section 282.7, subsection 1, or students attend
11 school in another school district, under an agreement
12 with the board of the other school district, the board
13 of directors of the district of residence either shall
14 transmit the phase II moneys allocated to the district
15 for those students based upon the full-time equivalent
16 attendance of those students to the board of the
17 school district of attendance of the students or shall
18 transmit to the board of the school district of
19 attendance of the students a portion of the phase II
20 moneys allocated to the district of residence based
21 upon an agreement between the board of the resident
22 district and the board of the district of attendance.

23 5. If a school district uses teachers under a
24 contract between the district and the area education
25 agency in which the district is located, the school
26 district shall transmit to the employing area
27 education agency a portion of its phase II allocation
28 based upon the portion that the salaries of teachers
29 employed by the area education agency and assigned to
30 the school district for a school year bears to the
31 total teacher salaries paid in the district for that
32 school year, including the salaries of the teachers
33 employed by the area education agency.

34 6. If the school district or area education agency
35 is organized under chapter 20 for collective
36 bargaining purposes, the board of directors and
37 certified bargaining representative for the licensed
38 employees shall mutually agree upon a formula for
39 distributing the phase II allocation among the
40 teachers.

41 7. For the school year beginning July 1, 1987,
42 only, the parties shall follow the procedures
43 specified in chapter 20 except that if the parties
44 reach an impasse, neither impasse procedures agreed to
45 by the parties nor sections 20.20 through 20.22 shall
46 apply and the phase II allocation shall be divided as
47 provided in section 294A.10. Negotiations under this
48 section are subject to the scope of negotiations
49 specified in section 20.9. If a board of directors
50 and certified bargaining representative for licensed

2 15, 1987, for the distribution of the phase II
 3 payment, section 294A.10 will apply.
 4 8. If the school district or area education agency
 5 is not organized for collective bargaining purposes,
 6 the board of directors shall determine the method of
 7 distribution.
 8 9. Subsections 2, 3, 4, and 7 are repealed June
 9 30, 2009.
 10 Sec.____. Section 294A.10, Code 2007, is amended
 11 by adding the following new subsection:
 12 NEW SUBSECTION. 5. This section is repealed June
 13 30, 2009.
 14 Sec.____. Section 294A.22, Code 2007, is amended
 15 to read as follows:
 16 294A.22 PAYMENTS.
 17 1. Payments for each phase of the educational
 18 excellence program shall be made by the department of
 19 administrative services on a monthly basis commencing
 20 on October 15 and ending on June 15 of each fiscal
 21 year, taking into consideration the relative budget
 22 and cash position of the state resources. The
 23 payments shall be separate from state aid payments
 24 made pursuant to sections 257.16 and 257.35. The
 25 payments made under this section to a school district
 26 or area education agency may be combined and a
 27 separate accounting of the amount paid for each
 28 program shall be included.
 29 2. Any payments made to school districts or area
 30 education agencies under this chapter are
 31 miscellaneous income for purposes of chapter 257.
 32 3. Payments made to a teacher by a school district
 33 or area education agency under this chapter are wages
 34 for the purposes of chapter 91A.
 35 4. If funds appropriated are insufficient to pay
 36 phase II allocations in full, the department of
 37 administrative services shall prorate payments to
 38 school districts and area education agencies.
 39 This subsection is repealed June 30, 2009.
 40 Sec.____. Section 294A.25, subsection 1, Code
 41 2007, is amended to read as follows:
 42 1. For the fiscal ~~year period~~ beginning July 1,
 43 2003, and ~~for each succeeding year ending June 30,~~
 44 2009, there is appropriated each fiscal year from the
 45 general fund of the state to the department of
 46 education the amount of fifty-six million eight
 47 hundred ninety-one thousand three hundred thirty-six
 48 dollars to be used to improve teacher salaries. The
 49 moneys shall be distributed as provided in this
 50 section.

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1 Sec.____. Section 294A.25, Code 2007, is amended
 2 by adding the following new subsection:
 3 NEW SUBSECTION. 1A. For the fiscal year beginning
 4 July 1, 2009, and for each succeeding year, there is
 5 appropriated from the general fund of the state to the
 6 department of education an amount not to exceed
 7 fifteen million six hundred thirty-three thousand two
 8 hundred forty-five dollars. The moneys shall be
 9 distributed as provided in this section.
 10 Sec.____. Section 294A.25, subsection 6, Code
 11 2007, is amended to read as follows:
 12 6. Except as otherwise provided in this section,
 13 for the fiscal ~~year period~~ beginning July 1, 2003, and
 14 ~~succeeding fiscal years ending June 30, 2009~~, the
 15 remainder of moneys appropriated in subsection 1 to
 16 the department of education shall be deposited each
 17 fiscal year in the educational excellence fund to be
 18 allocated in an amount to meet the requirements of
 19 this chapter for phase I and phase II.
 20 Sec.____. Section 294A.25, Code 2007, is amended
 21 by adding the following new subsection:
 22 NEW SUBSECTION. 6A. Except as otherwise provided
 23 in this section, for the fiscal year beginning July 1,
 24 2009, and succeeding fiscal years, the remainder of
 25 moneys appropriated in subsection 1 to the department
 26 of education shall be deposited in the educational
 27 excellence fund to be allocated in an amount to meet
 28 the requirements of this chapter for phase I."
 29 43. By renumbering, redesignating, and correcting
 30 internal references as necessary.

SENATE AMENDMENT

H-8653

1 Amend House File 2688, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 35, by striking the figure
 4 "266.48" and inserting the following: "266.49".
 5 2. Page 2, line 24, by striking the figure
 6 "266.48" and inserting the following: "266.49".
 7 3. Page 4, by striking lines 15 through 25 and
 8 inserting the following: "provided in this division,
 9 and all information submitted by or gathered from or
 10 deduced from a livestock producer or livestock
 11 operation pursuant to a livestock odor mitigation
 12 evaluation under section 266.49 or section 459.303,
 13 subsection 3. The public shall have a right to
 14 examine and copy the information as provided in
 15 chapter 22, subject to the exceptions of section 22.7.

16 In addition, the university or an agent or employee of
 17 the university shall not release the name or location,
 18 or any other information sufficient to identify the
 19 name or location of any livestock producer or
 20 livestock operation participating in a research
 21 project or participating in a livestock odor
 22 mitigation evaluation pursuant to section 266.49 or
 23 section 459.303, subsection 3, and such information
 24 shall not be subject to release pursuant to subpoena
 25 or discovery in any civil proceeding, unless such
 26 confidentiality is waived in writing by the livestock
 27 producer. In addition, the university or an employee
 28 or agent of the university shall release no other
 29 information submitted by or gathered from or deduced
 30 from a livestock producer or livestock operation
 31 pursuant to a livestock odor mitigation evaluation
 32 under section 266.49 or section 459.303, subsection 3,
 33 unless such information is used in a research project,
 34 which in turn shall not occur without the written
 35 consent of the livestock producer. Any information
 36 provided by, gathered from, or deduced from a
 37 livestock producer or livestock operation in
 38 connection with a research project or odor mitigation
 39 evaluation that is in the possession of the livestock
 40 producer or livestock operation shall not be subject
 41 to subpoena or discovery in any civil action against
 42 the producer."

43 4. Page 5, line 16, by inserting after the word
 44 "university" the following: ", or any individual
 45 researcher employed by or affiliated with the
 46 university,".

47 5. Page 5, by striking lines 24 through 27 and
 48 inserting the following:

49 "____. All information obtained by the university
 50 in connection with a research project shall be

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1 available for public examination and copying as
 2 provided in chapter 22, subject to the exceptions of
 3 section 22.7, so long as the".

4 6. Page 5, by inserting after line 29 the
 5 following:

6 "Sec.____. **NEW SECTION.** 266.48 COST-SHARE
 7 PROGRAM FOR LIVESTOCK MITIGATION EFFORTS.

8 1. a. Iowa state university, in cooperation with
 9 the department of agriculture and land stewardship and
 10 the department of natural resources, shall establish a
 11 cost-share program for the livestock odor mitigation
 12 research efforts as established in sections 266.43
 13 through 266.45 that maximizes participation in the
 14 livestock mitigation research efforts so as to

15 accomplish the purposes in section 266.42, subsection
16 1.

17 b. The cost-share program shall allow for monetary
18 contributions from livestock producers and other
19 persons with an interest in livestock production. In
20 addition, a livestock producer participating in a
21 livestock odor mitigation research effort as provided
22 in sections 266.43 through 266.45 shall provide
23 in-kind contributions to participate in a research
24 effort which may include but are not limited to
25 furnishing the livestock producer's own labor,
26 construction equipment, electricity and other utility
27 costs, insurance, real property tax payments, and
28 basic construction materials that may be reused or
29 continued to be used by the livestock producer after
30 the completion of the research effort.

31 2. This section does not apply to a livestock
32 producer who is required to contribute one hundred
33 percent of the total costs of conducting a research
34 project."

35 7. Page 5, line 30, by striking the figure
36 "266.48" and inserting the following: "266.49".

37 8. Page 7, line 29, by striking the figure
38 "266.48" and inserting the following: "266.49".

39 9. Page 8, line 10, by striking the word "thirty"
40 and inserting the following: "forty-five".

41 10. Page 8, line 12, by striking the figure
42 "266.48" and inserting the following: "266.49".

43 11. Page 8, line 13, by inserting after the word
44 "application" the following: "is".

45 12. Page 8, line 19, by striking the figure
46 "266.48" and inserting the following: "266.49".

47 13. Page 8, line 32, by striking the words
48 "appropriated by the general assembly".

49 14. By renumbering, relettering, or redesignating
50 and correcting internal references as necessary.

SENATE AMENDMENT

H-8654

1 Amend the Senate amendment, H-8652, to House File
2 2679, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 3, by striking line 7.

5 2. Page 4, by striking line 19.

6 3. By renumbering as necessary.

TYMESON of Madison

H-8655

1 Amend the Senate amendment, H-8652, to House File
 2 2679, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 12, by striking lines 12 through 14.
 5 2. Page 12, line 15, by striking the figure "f."
 6 and inserting the following:
 7 "Sec.____. Section 284.13, subsection 1, Code
 8 Supplement 2007, is amended by adding the following
 9 new paragraph:
 10 NEW PARAGRAPH. k."
 11 3. Page 12, by striking lines 35 and 36.
 12 4. By renumbering as necessary.

CHAMBERS of O'Brien

H-8656

1 Amend the Senate amendment, H-8652, to House File
 2 2679, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 16, line 4, by striking the word "base"
 5 and inserting the following: "budget".
 6 2. By renumbering as necessary.

RANTS of Woodbury

H-8657

1 Amend the Senate amendment, H-8652, to House File
 2 2679, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 4, by inserting before line 20 the
 5 following:
 6 "____. Page 38, by inserting after line 5 the
 7 following:
 8 "Sec.____. Section 282.18, subsection 7, Code
 9 2007, is amended to read as follows:
 10 7. A pupil participating in open enrollment shall
 11 be counted, for state school foundation aid purposes,
 12 in the pupil's district of residence. A pupil's
 13 residence, for purposes of this section, means a
 14 residence under section 282.1. The board of directors
 15 of the district of residence shall pay to the
 16 receiving district the state cost per pupil for the
 17 previous school year, plus any moneys received for the
 18 pupil as a result of the non-English speaking
 19 weighting under section 280.4, subsection 3, for the
 20 previous school year multiplied by the state cost per
 21 pupil for the previous year. If the pupil
 22 participating in open enrollment is also an eligible

- 23 pupil under chapter 261C, the receiving district shall
 24 pay the tuition reimbursement amount to an eligible
 25 postsecondary institution as provided in section
 26 261C.6. If four percent or more of the pupils
 27 residing in a school district participate in open
 28 enrollment and enroll in the same receiving district,
 29 the district of residence shall pay to the receiving
 30 district the percentage of the amount the district of
 31 residence receives under 284.13, subsection 1,
 32 paragraph "h", equal to the proportion that the number
 33 of students enrolled in the receiving district under
 34 this section bears to the basic enrollment of the
 35 district of residence."
- 36 2. Page 4, by striking lines 21 through 25.
- 37 3. Page 4, by striking line 26 and inserting the
 38 following:
 39 "____. Page 40, by striking line 20 and inserting
 40 the following: "section 282.18, subsection 7,
 41 takes"."
- 42 4. By renumbering as necessary.

WOTHRAN of Buena Vista

H-8658

- 1 Amend the Senate amendment, H-8652, to House File
 2 2679, as amended, passed, and reprinted by the House,
 3 as follows:
- 4 1. Page 4, by inserting before line 20 the
 5 following:
 6 "____. Page 37, by inserting before line 17 the
 7 following:
 8 "Sec.____. Section 279.13, subsection 1, paragraph
 9 a, Code Supplement 2007, is amended to read as
 10 follows:
 11 a. Contracts with teachers, which for the purpose
 12 of this section means all licensed employees of a
 13 school district and nurses employed by the board,
 14 excluding superintendents, assistant superintendents,
 15 principals, and assistant principals, shall be in
 16 writing and shall state the number of contract days,
 17 the annual compensation to be paid, and any other
 18 matters as may be mutually agreed upon. However, the
 19 contract shall not provide for reimbursement by the
 20 school district or board for a discounted or free
 21 membership or admission to a private business. The
 22 contract may include employment for a term not
 23 exceeding the ensuing school year, except as otherwise
 24 authorized."
- 25 _____. Page 38, by inserting after line 5 the
 26 following:
 27 "Sec.____. Section 279.13, subsection 3, Code

28 Supplement 2007, is amended to read as follows:
 29 3. If the provisions of a contract executed or
 30 automatically renewed under this section conflict with
 31 a collective bargaining agreement negotiated under
 32 chapter 20 and effective when the contract is executed
 33 or renewed, the provisions of the collective
 34 bargaining agreement shall prevail. However, a
 35 collective bargaining agreement shall not provide for
 36 reimbursement by the school district or board for a
 37 discounted or free membership or admission to a
 38 private business."
 39 2. By renumbering as necessary.

TYMESON of Madison

H-8659

1 Amend Senate File 2421, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, by inserting after line 24 the
 4 following:
 5 "4A. AUTOMATIC REPEAL. A special charter city
 6 sales and services tax imposed pursuant to this
 7 chapter shall expire after a period of ten years of
 8 imposition. A special charter city sales and services
 9 tax that expires pursuant to this subsection may be
 10 reimposed by an election called and held in the same
 11 manner as provided in subsections 1 through 3."
 12 2. Page 7, line 25, by striking the word "Ninety"
 13 and inserting the following: "Eighty".
 14 3. Page 7, lines 28 and 29, by striking the words
 15 "located in the special charter city".
 16 4. Page 8, by inserting after line 16 the
 17 following:
 18 "c. Two and one-half percent of the moneys shall
 19 be provided to a school district located predominately
 20 in the special charter city for purposes of providing
 21 financial assistance to students of the school
 22 district who are not residents of the special charter
 23 city.
 24 d. Seven and one-half percent of the moneys shall
 25 be used to fund a program to recruit out-of-state
 26 businesses to locate in the special charter city. In
 27 creating and implementing the program, the special
 28 charter city shall coordinate its efforts with the
 29 department of economic development."

WINCKLER of Scott
 LYKAM of Scott
 GAYMAN of Scott

H-8660

1 Amend House File 2689, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 16 through 20.

4 2. Page 5, line 5, by striking the word

5 "thirty-five" and inserting the following:

6 "twenty-four".

7 3. Page 5, line 10, by striking the word "five"

8 and inserting the following: "six".

9 4. Page 5, lines 12 and 13, by striking the words

10 "seven thousand five hundred" and inserting the

11 following: "six thousand".

12 5. Page 5, line 14, by striking the word "ten"

13 and inserting the following: "six".

14 6. Page 5, lines 16 and 17, by striking the words

15 "twelve thousand five hundred" and inserting the

16 following: "six thousand".

17 7. Page 5, line 34, by striking the words "or

18 dispense" and inserting the following: "and

19 dispense".

20 8. Page 6, line 1, by striking the word "fifty".

21 9. Page 6, line 2, by inserting after the word

22 "less." the following: "However, a person shall not

23 be awarded moneys under this subparagraph if the

24 person has been awarded a total of eight hundred

25 thousand dollars under this subparagraph during any

26 period of time and pursuant to all cost-share

27 agreements in which the person participates."

28 10. Page 7, line 21, by striking the word

29 "subsection" and inserting the following:

30 "subsections".

31 11. Page 7, by inserting after line 21 the

32 following:

33 "NEW SUBSECTION. 21A. "Standard ethanol blended

34 gasoline" means ethanol blended gasoline for use in

35 gasoline-powered vehicles other than flexible fuel

36 vehicles, that meets the requirements of section

37 214A.2."

38 12. Page 7, line 22, by striking the figure

39 "21A." and inserting the following: "21B."

40 13. Page 8, by inserting after line 34 the

41 following:

42 "(4) For standard ethanol blended gasoline, it

43 must be ethanol blended gasoline classified as any of

44 the following:

45 (a) E-9 or E-10, if the ethanol blended gasoline

46 meets the standards for that classification as

47 otherwise provided in this paragraph "b".

48 (b) Higher than E-10, if authorized by the

49 department pursuant to approval for the use of that

50 classification of ethanol blended gasoline in this

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1 state by the United States environmental protection
2 agency, by granting a waiver or the adoption of
3 regulations."

4 14. Page 8, line 35, by striking the figure "(4)"
5 and inserting the following: "(5)".

6 15. Page 10, line 16, by striking the word "E-10"
7 and inserting the following: "standard ethanol
8 blended gasoline".

9 16. Page 13, by striking lines 25 through 28.

10 17. Page 14, by inserting after line 2 the
11 following:

12 "Sec. . Section 422.11P, subsection 2,
13 paragraph a, subparagraphs (1) and (2), Code
14 Supplement 2007, are amended to read as follows:

15 (1) The taxpayer is a retail dealer who sells and
16 dispenses biodiesel blended fuel through a motor fuel
17 pump located at a motor fuel site operated by the
18 retail dealer in the tax year in which the tax credit
19 is claimed.

20 (2) Of the total gallons of diesel fuel that the
21 retail dealer sells and dispenses through all motor
22 fuel pumps located at a motor fuel site operated by
23 the retail dealer during the retail dealer's tax year,
24 fifty percent or more is biodiesel blended fuel which
25 meets the requirements of this section."

26 18. Page 14, line 6, by striking the word
27 "taxpayer" and inserting the following: "retail
28 dealer".

29 19. Page 14, line 10, by inserting after the word
30 "pumps" the following: "located at a retail motor
31 fuel site".

32 20. Page 14, line 15, by inserting after the word
33 "taxpayer" the following: "in the same manner as
34 provided in section 422.11P".

35 21. Page 14, line 17, by striking the word
36 "RETROACTIVE" and inserting the following: "FUTURE".

37 22. Page 14, line 20, by striking the word
38 "retroactively".

39 23. Page 14, line 21, by striking the figure
40 "2008" and inserting the following: "2009".

41 24. By striking page 14, line 24, through page
42 16, line 9.

43 25. Page 19, line 18, by striking the word
44 "blended".

45 26. Page 19, line 20, by striking the word
46 "blended".

47 27. Page 20, line 6, by striking the word and
48 figures "January 30, 2009" and inserting the
49 following: "March 15, 2009".

50 28. Page 20, line 18, by striking the word

Page 3

- 1 "blended".
 2 29. Page 20, line 21, by striking the word
 3 "blended".
 4 30. Page 20, line 22, by striking the word
 5 "blended".
 6 31. Page 20, line 24, by striking the word
 7 "blended".
 8 32. Page 20, lines 24 and 25, by striking the
 9 words "and terminals storing biodiesel".
 10 33. Page 20, line 28, by inserting after the
 11 words "fuel vehicles" the following: "and diesel
 12 powered vehicles".
 13 34. Page 20, line 31, by striking the word and
 14 figures "October 1, 2008" and inserting the following:
 15 "December 15, 2008".
 16 35. Title page, line 4, by striking the words
 17 "providing for the reporting of biofuels".
 18 36. Title page, lines 7 and 8, by striking the
 19 words "; including retroactive applicability".
 20 37. By renumbering as necessary.

SENATE AMENDMENT

H-8661

- 1 Amend the Senate amendment, H-8652, to House File
 2 2679 as follows:
 3 1. Page 4, by inserting after line 14 the
 4 following:
 5 "Sec. ____ Section 256.11, subsection 10,
 6 paragraph b, subparagraph (1), Code Supplement 2007,
 7 is amended by adding the following new subparagraph
 8 subdivision:
 9 NEW SUBPARAGRAPH SUBDIVISION. (f) In response to
 10 notification from the board of educational examiners
 11 or a principal that an arrest of a school employee has
 12 been reported pursuant to section 280.29."
 13 2. Page 4, by inserting before line 20 the
 14 following:
 15 "____. Page 37, by inserting before line 17 the
 16 following:
 17 "Sec. ____ Section 272.2, subsection 14, paragraph
 18 a, Code Supplement 2007, is amended to read as
 19 follows:
 20 a. The board may deny a license to or revoke the
 21 license of a person upon the board's finding by a
 22 preponderance of evidence that either the person has
 23 been convicted of a crime or that there has been a
 24 founded report of child abuse against the person.
 25 Rules adopted in accordance with this paragraph shall

26 provide that in determining whether a person should be
 27 denied a license or that a practitioner's license
 28 should be revoked, the board shall consider the nature
 29 and seriousness of the founded abuse or crime in
 30 relation to the position sought, the time elapsed
 31 since the crime was committed, the degree of
 32 rehabilitation which has taken place since the
 33 incidence of founded abuse or the commission of the
 34 crime, the likelihood that the person will commit the
 35 same abuse or crime again, and the number of founded
 36 abuses committed by or criminal convictions of the
 37 person involved. In addition, the board may revoke
 38 the license of a person upon the board's finding by a
 39 preponderance of the evidence that the person failed
 40 to report an arrest as provided in section 280.29."

41 _____. Page 38, by inserting after line 5 the
 42 following:

43 "Sec. _____. NEW SECTION. 280.29 REPORTING –
 44 ARREST.

45 1. A school employee who has been arrested for a
 46 criminal offense shall report the arrest to the board
 47 of educational examiners within seven days of the
 48 arrest. A school employee who is not licensed or
 49 certified by the board of educational examiners, or
 50 who does not have a statement of professional

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1 recognition issued by the board of educational
 2 examiners, shall report the arrest to the principal of
 3 the school within seven days of the arrest.

4 2. When an arrest is reported pursuant to
 5 subsection 1, the board of educational examiners or
 6 the principal of the school who received the report
 7 shall notify the department of education and the
 8 department shall proceed as provided in section
 9 256.11, subsection 10, paragraph b, subparagraph (1),
 10 subparagraph subdivision (f).

11 3. The school employee may be subject to
 12 disciplinary action pursuant to section 272.2,
 13 subsection 14, paragraph "a"."

14 3. By renumbering as necessary.

TYMESON of Madison

H-8662

1 Amend the Senate amendment, H-8652, to House File
 2 2679, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. Page 3, by inserting after line 7 the
 5 following:

- 6 "____. Page 16, line 8, by striking the words ",
 7 the state board of regents,"."
 8 2. By renumbering as necessary.

KAUFMANN of Cedar

H-8663

- 1 Amend the Senate amendment, H-8652, to House File
 2 2679, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 4, by inserting before line 20 the
 5 following:
 6 "____. Page 38, by inserting after line 5 the
 7 following:
 8 "Sec.____. NEW SECTION. 279.61A PROFICIENCY
 9 NOTIFICATION.
 10 If a student is not proficient in reading,
 11 mathematics, or science, the board of directors of a
 12 school district shall notify, in writing, the
 13 student's parent or guardian that the student is
 14 functioning at less than proficiency in one or more of
 15 the areas specified.""
 16 2. By renumbering as necessary.

PAULSEN of Linn

H-8666

- 1 Amend House File 2700 as follows:
 2 1. Page 15, line 10, by inserting after the word
 3 "allocated" the following: "in an amount of not less
 4 than forty-one million dollars".

WEINCEK of Black Hawk

H-8673

- 1 Amend House File 2700 as follows:
 2 1. Page 6, by striking lines 1 through 17.
 3 2. Page 7, line 1, by striking the words "AND
 4 APPLICABILITY DATES" and inserting the following:
 5 "DATE".
 6 3. Page 7, line 2, by striking the figure "1."
 7 4. Page 7, by striking lines 5 through 8.

RANTS of Woodbury

H-8676

- 1 Amend House File 2700 as follows:
 2 1. Page 40, by inserting after line 11 the

3 following:
 4 "Sec.____. DECORATIVE PLANTERS. There is
 5 appropriated from the general fund of the state to the
 6 department of administrative services for the fiscal
 7 year beginning July 1, 2008, and ending June 30, 2009,
 8 the following amount, or so much thereof as is
 9 necessary, to be used for the purposes designated:
 10 g. For the purchase and installation of decorative
 11 planters on state property west of the west capitol
 12 terrace:
 13 \$ 120,000"

WISE of Lee

H-8677

1 Amend the Senate amendment, H-8652, to House File
 2 2679, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 4, by inserting before line 20 the
 5 following:
 6 "____. Page 38, by inserting after line 5 the
 7 following:
 8 "Sec.____. NEW SECTION. 279.61A PROFICIENCY
 9 NOTIFICATION.
 10 If a student is not proficient in reading,
 11 mathematics, or science, the board of directors of a
 12 school district shall notify, in writing, the
 13 student's parent or guardian, no later than the end of
 14 the semester in which the student failed to reach
 15 proficiency, that the student is functioning at less
 16 than proficiency in one or more of the areas
 17 specified.""
 18 2. By renumbering as necessary.

PAULSEN of Linn

H-8681

1 Amend House File 2700 as follows:
 2 1. Page 40, by inserting after line 11 the
 3 following:
 4 "Sec.____. PUBLIC SAFETY PEACE OFFICERS'
 5 RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM –
 6 ADDITIONAL APPROPRIATION FOR PURCHASE OF SERVICE. If
 7 section 97A.10 is amended by the 2008 Session of the
 8 Eighty-second General Assembly to provide for the
 9 purchase of eligible service credit on and after July
 10 1, 2008, there shall be appropriated from the general
 11 fund of the state to the retirement fund described in
 12 section 97A.8 an amount equal to that portion of the
 13 actuarial cost of the permissive service credit

14 purchase for eligible service credit that is not
 15 required to be contributed by a member making
 16 contributions to the system for that purchase."
 17 2. By renumbering as necessary.

FREVERT of Palo Alto

H-8683

1 Amend the amendment, H-8662, to the Senate
 2 amendment, H-8652, to House File 2679, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 1, by inserting after line 7 the
 5 following:
 6 "____. Page 3, by inserting before line 8 the
 7 following:
 8 _____. Page 16, by inserting after line 17 the
 9 following:
 10 "Sec.____. DEPARTMENT OF EDUCATION – LIAISON
 11 ADVISORY COMMITTEE ON TRANSFER STUDENTS. The
 12 department of education shall convene a liaison
 13 advisory committee on transfer students to study
 14 articulation and transferability issues, measures, and
 15 agreements. The advisory committee shall be comprised
 16 of three persons representing the community colleges
 17 and a representative from each of the institutions of
 18 higher learning governed by the state board of
 19 regents. The department shall provide staffing
 20 assistance to the committee. The advisory committee
 21 shall submit a progress report to the general assembly
 22 by January 15, 2009. The progress report shall
 23 include a history of articulation between the
 24 community college and regents universities, the number
 25 of statewide and institution-to-institution
 26 articulation agreements in place currently, and the
 27 advisory committee's recommendations.""
 28 2. By renumbering as necessary.

WINCKLER of Scott
 KAUFMANN of Cedar

H-8684

1 Amend the House amendment, S-5439, to Senate File
 2 2428, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 10 and 11 and
 5 inserting the following: "transaction involving the
 6 furnishing of lawn care, landscaping, or tree trimming
 7 and removal services which occurred more than five
 8 years from the date of an audit."
 9 2. Page 1, line 32, by striking the words

10 ""collection practices and costs"" and inserting the
 11 following: ""debt and tax collection practices and
 12 fees"".

SENATE AMENDMENT

H-8685

1 Amend House File 2700 as follows:

2 1. Page 33, by inserting after line 27 the
 3 following:

4 "1A. The provisions of subsection 1 shall not be
 5 applicable to a gift certificate sold or issued by a
 6 small business. For purposes of this subsection,
 7 "small business" means any enterprise which is located
 8 in this state, which is operated on a for-profit or
 9 not-for-profit basis and under a single management,
 10 and which has either fewer than twenty employees or an
 11 annual gross income of less than four million dollars
 12 computed as the average of the three preceding fiscal
 13 years."

14 2. Page 34, by inserting after line 28 the
 15 following:

16 "Sec. ___. Section 556.9, Code 2007, is amended by
 17 adding the following new subsection:

18 NEW SUBSECTION. 3. Notwithstanding subsection 1,
 19 a gift certificate sold or issued by a small business
 20 which remains unclaimed by the owner for more than
 21 three years after becoming payable or distributable
 22 shall not be presumed abandoned. For purposes of this
 23 subsection, "small business" means any enterprise
 24 which is located in this state, which is operated on a
 25 for-profit or not-for-profit basis and under a single
 26 management, and which has either fewer than twenty
 27 employees or an annual gross income of less than four
 28 million dollars computed as the average of the three
 29 preceding fiscal years."

THOMAS of Clayton

H-8687

1 Amend House File 2700 as follows:

2 1. Page 18, by inserting after line 4 the
 3 following:

4 "Sec. ___. Section 15F.204, subsection 5,
 5 unnumbered paragraph 1, Code 2007, is amended to read
 6 as follows:

7 At the beginning of each fiscal year, the board
 8 shall allocate one hundred thousand dollars for
 9 purposes of marketing those projects that are

10 receiving moneys from the fund. After the marketing
 11 allocation, the board shall allocate all remaining
 12 moneys in the fund in the following manner:"
 13 2. By renumbering as necessary.

THOMAS of Clayton

H-8690

1 Amend House File 2700 as follows:
 2 1. Page 21, by inserting after line 14 the
 3 following:
 4 "Sec. . NEW SECTION. 99B.5A BINGO CONDUCTED
 5 AT A FAIR OR COMMUNITY FESTIVAL.
 6 1. For purposes of this section:
 7 a. "Community festival" means a festival of no
 8 more than four days in length held by a community
 9 group.
 10 b. "Community group" means an Iowa nonprofit,
 11 tax-exempt organization which is open to the general
 12 public and established for the promotion and
 13 development of the arts, history, culture, ethnicity,
 14 historic preservation, tourism, economic development,
 15 festivals, or municipal libraries. "Community group"
 16 does not include a school, college, university,
 17 political party, labor union, state or federal
 18 government agency, fraternal organization, church,
 19 convention or association of churches, or
 20 organizations operated primarily for religions
 21 purposes, or which are operated, supervised,
 22 controlled, or principally supported by a church,
 23 convention, or association of churches.
 24 2. Bingo may lawfully be conducted at a fair, as
 25 defined in section 174.1, or a community festival if
 26 all the following conditions are met:
 27 a. Bingo is conducted by the sponsor of the fair
 28 or community festival or a qualified organization
 29 licensed under section 99B.7 that has received
 30 permission from the sponsor of the fair or community
 31 festival to conduct bingo.
 32 b. The sponsor of the fair or community festival
 33 or the qualified organization has submitted a license
 34 application and a fee of twenty-five dollars to the
 35 department, has been issued a license, and prominently
 36 displays the license at the area where the bingo
 37 occasion is being held. A license shall only be valid
 38 for the duration of the fair or community festival
 39 indicated on the application.
 40 c. The number of bingo occasions shall be limited
 41 to one for each day of the duration of the fair of
 42 community festival.
 43 d. The rules for the bingo occasion are posted.

44 e. Except as provided in this section, the
 45 provisions of sections 99B.2 and 99B.7 related to
 46 bingo shall apply.

47 3. An individual other than a person conducting
 48 the bingo occasion may participate in the bingo
 49 occasion conducted at a fair or community festival,
 50 whether or not conducted in compliance with this

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1 section."

2 2. Page 41, by inserting after line 27 the
 3 following:

4 "Sec.____. EFFECTIVE DATE. The section of this
 5 division of this Act enacting section 99B.5A, being
 6 deemed of immediate importance, takes effect upon
 7 enactment."

8 3. By renumbering as necessary.

THOMAS of Clayton

H-8691

1 Amend House File 2700 as follows:

2 1. Page 21, by inserting after line 14 the
 3 following:

4 "Sec.____. Section 135.63, subsection 2, paragraph
 5 1, Code 2007, is amended to read as follows:

6 1. The replacement or modernization of any
 7 institutional health facility if the replacement or
 8 modernization does not add new health services or
 9 additional bed capacity for existing health services,
 10 notwithstanding any provision in this division to the
 11 contrary. With reference to a hospital, "replacement"
 12 means establishing a new hospital that demonstrates
 13 compliance with all of the following criteria through
 14 evidence submitted to the department:

15 (1) Is designated as a critical access hospital
 16 pursuant to 42 U.S.C. § 1395i-4.

17 (2) Serves at least seventy-five percent of the
 18 same service area that was served by the prior
 19 hospital to be closed and replaced by the new
 20 hospital.

21 (3) Provides at least seventy-five percent of the
 22 same services that were provided by the prior hospital
 23 to be closed and replaced by the new hospital.

24 (4) Is staffed by at least seventy-five percent of
 25 the same staff, including medical staff, contracted
 26 staff, and employees, as constituted the staff of the
 27 prior hospital to be closed and replaced by the new

28 hospital."

29 2. By renumbering as necessary.

HOFFMAN of Crawford

H-8692

1 Amend House File 2700 as follows:

2 1. Page 34, by inserting after line 28 the
3 following:

4 "Sec.____. Section 562A.12, subsection 3,
5 unnumbered paragraph 1, Code 2007, is amended to read
6 as follows:

7 A landlord shall, within thirty days from the date
8 of termination of the tenancy and receipt of the
9 tenant's mailing address or delivery instructions,
10 return the rental deposit to the tenant or furnish to
11 the tenant a written statement showing the specific
12 reason for withholding of the rental deposit or any
13 portion thereof. If the rental deposit or any portion
14 of the rental deposit is withheld for the restoration
15 of the dwelling unit, the statement shall specify the
16 nature of the damages. In addition to a written
17 statement of the reasons for withholding a rental
18 deposit, the landlord shall provide photographic
19 documentation of any damage described in the written
20 statement and provide copies of all documentation
21 related to any inspection conducted following
22 termination of the tenancy. The landlord may withhold

23 from the rental deposit only such amounts as are
24 reasonably necessary for the following reasons:

25 Sec.____. Section 562A.13, Code 2007, is amended
26 by adding the following new subsection:

27 NEW SUBSECTION. 7. The landlord or a person
28 authorized to enter into a rental agreement on behalf
29 of the landlord shall provide to the tenant at or
30 before the commencement of the tenancy all of the
31 following:

32 a. A written statement of all damage to the
33 dwelling unit caused by the previous tenant.

34 b. Photographs of the dwelling unit taken during
35 the inspection conducted at the expiration of the
36 previous tenancy.

37 c. A written statement of all restoration or
38 repairs made following the expiration of the previous
39 tenancy.

40 Sec.____. Section 562A.15, Code 2007, is amended
41 by adding the following new subsection:

42 NEW SUBSECTION. 5. The landlord of a premises
43 having twenty-five or more rental dwelling units is
44 required to employ an on-site manager. The on-site
45 manager may either reside on the premises or operate

46 an office on the premises during normal business
 47 hours. A landlord may serve as an on-site manager."
 48 2. By renumbering as necessary.

BELL of Jasper

H-8693

1 Amend House File 2700 as follows:
 2 1. Page 26, by inserting after line 1 the
 3 following:
 4 "Sec. ____ Section 423.3, Code Supplement 2007, is
 5 amended by adding the following new subsection:
 6 NEW SUBSECTION. 93. The sales price from the
 7 furnishing of environmental test laboratory services,
 8 including services of a mobile environmental testing
 9 laboratory and field testing services by an
 10 environmental test laboratory."
 11 2. Page 41, by inserting after line 27 the
 12 following:
 13 "Sec. ____ EFFECTIVE DATE. The section of this
 14 division of this Act enacting section 423.3,
 15 subsection 93, takes effect July 1, 2009."

BELL of Jasper

H-8697

1 Amend House File 2700 as follows:
 2 1. Page 20, by inserting after line 12 the
 3 following:
 4 "Sec. ____ Section 39A.5, subsection 1, paragraph
 5 b, Code Supplement 2007, is amended by adding the
 6 following new subparagraph:
 7 NEW SUBPARAGRAPH. (4) As an employer, denying an
 8 employee the privilege conferred by section 43.4A to
 9 attend a precinct caucus, or subjecting an employee to
 10 a penalty because of the exercise of that privilege.
 11 Sec. ____ NEW SECTION. 43.4A EMPLOYEES ENTITLED
 12 TO TIME TO PARTICIPATE IN PRESIDENTIAL PRECINCT
 13 CAUCUSES.
 14 1. Any person entitled to participate in a
 15 precinct caucus held as part of the presidential
 16 nominating process in this state who is required to be
 17 present at work for an employer during the four-hour
 18 period starting one hour prior to the time the
 19 precinct caucus starts is entitled to take unpaid
 20 leave for as much of that four-hour period as is
 21 necessary to participate in the precinct caucus except
 22 as provided by this section. Application by any
 23 employee for such absence shall be made to the
 24 employee's employer individually and in writing at

25 least fourteen days prior to the time the precinct
 26 caucus is scheduled to start. The employee shall not
 27 be liable for any loss of wages or salary or any other
 28 penalty except for the loss of wages or salary for the
 29 hours of unpaid leave actually used.

30 2. a. An application for an absence by an
 31 employee may be denied by an employer if all the
 32 following circumstances exist:

33 (1) The person is employed in an emergency
 34 services position which shall include peace officer,
 35 fire fighter, emergency medical personnel, and any
 36 other position that seriously affects public health or
 37 safety, or is employed by an entity that would
 38 experience severe economic or operational disruption
 39 due to the person's absence.

40 (2) The employer filed a written notice with the
 41 commissioner at least seven days prior to the date of
 42 the precinct caucus specifying exigent circumstances
 43 justifying the denial of such leave for personnel
 44 described in subparagraph (1) and declaring the
 45 minimum number of such personnel, by position, needed
 46 to protect public health and safety or maintain
 47 minimum operational capacity, as applicable. A copy
 48 of this written notice shall be provided to employees
 49 of the employer.

50 (3) The number of persons employed in a position

Page 2

1 that did not apply for an absence is less than the
 2 minimum number of persons in that position needed by
 3 the employer to protect public health and safety or
 4 maintain minimum operational capacity, as applicable.

5 b. If the circumstances in paragraph "a" exist as
 6 to a particular position of the employer, then the
 7 employer may deny the minimum number of employees
 8 applying for an absence in that position needed to
 9 yield the minimum staffing level for that position as
 10 specified in the written notice to the commissioner.
 11 The selection of which employees applying for an
 12 absence shall be denied shall be made without regard
 13 to political party affiliation, political belief, or
 14 affiliation with or support for any candidate, or for
 15 any of the grounds for which employment discrimination
 16 is prohibited in this state.

17 3. An employer may, in lieu of providing unpaid
 18 leave to affected employees to attend a presidential
 19 precinct caucus, do any of the following:

20 a. Authorize paid leave to all affected employees.

21 b. Allow all affected employees the option to work
 22 additional compensatory hours, at a time designated by
 23 the employer not in conflict with the time needed for

24 caucus participation, equal in number to the number of
 25 hours taken to participate in the presidential
 26 precinct caucus. The option of working compensatory
 27 hours may be exercised individually by each employee.
 28 Work done during the compensatory hours shall be
 29 compensated in the same manner as work during regular
 30 hours."

GAYMAN of Scott

H-8699

1 Amend House File 2700 as follows:
 2 1. By striking page 28, line 32, through page 29,
 3 line 1, and inserting the following: "pleaded, but
 4 additional evidence to sustain those grounds may be
 5 introduced. The".
 6 2. Page 29, by striking lines 14 through 21.

SHOMSHOR of Pottawattamie
 HUSER of Polk
 SWAIM of Davis

H-8703

1 Amend House File 2700 as follows:
 2 1. By striking page 38, line 35, through page 39,
 3 line 32, and inserting the following:
 4 "Sec. ____ NEW SECTION. 692A.3B PRESENCE ON THE
 5 REAL PROPERTY COMPRISING A CHILD CARE FACILITY OR
 6 CHILD CARE HOME – RESTRICTION.
 7 1. As used in this section, "child care provider"
 8 includes a "child care center", "child care home",
 9 "child development home", and "preschool" as those
 10 terms are defined in section 237A.1, and a "child care
 11 program" as defined in section 279.49 and authorized
 12 in section 280.3A.
 13 2. A person required to register under this
 14 chapter who has been convicted of a criminal offense
 15 against a minor, or an offense involving a minor that
 16 is an aggravated offense, sexually violent offense, or
 17 other relevant offense, shall not be knowingly present
 18 on the real property comprising a child care provider,
 19 except under one of the following circumstances:
 20 a. The person is transporting a minor who is a
 21 child of the person to or from the child care
 22 provider.
 23 b. The person is responding to a health or
 24 behavioral emergency regarding a minor who is the
 25 child of the person.
 26 c. The person has been summoned to discuss the
 27 developmental activity or social progress of a minor

28 who is a child of the person.

29 d. The person is voting in the building in which
30 the child care provider is located during the hours
31 designated to vote.

32 3. The child care provider's owner or
33 administrator shall provide notice to the parents,
34 guardians, or custodians of the children receiving
35 child care from the child care provider about the
36 presence of a person on the real property comprising
37 the child care provider, as authorized in accordance
38 with subsection 2.

39 4. A person required to register under this
40 chapter who commits a violation of this section
41 commits an aggravated misdemeanor.

42 Sec.____. Section 709.8, unnumbered paragraph 2,
43 Code 2007, is amended to read as follows:

44 Any person who violates a provision of this section
45 ~~involving an act included in subsection 1 or 2~~ shall,
46 upon conviction, be guilty of a class "C" felony. ~~Any~~
47 ~~person who violates a provision of this section~~
48 ~~involving an act included in subsection 3 or 4 shall,~~
49 ~~upon conviction, be guilty of a class "D" felony.~~

50 Sec.____. Section 709.11, Code 2007, is amended to

Page 2

1 read as follows:

2 709.11 ASSAULT WITH INTENT TO COMMIT SEXUAL ABUSE.

3 Any person who commits an assault, as defined in
4 section 708.1, with the intent to commit sexual abuse
5 is guilty of a class "C" felony if the person thereby
6 causes ~~serious~~ injury to any person and guilty of a
7 class "D" felony if the person ~~thereby causes any~~
8 ~~person a bodily injury other than a serious~~ does not
9 cause an injury to a person. ~~The person is guilty f~~
10 ~~an aggravated misdemeanor if no injury results.~~

11 Sec.____. Section 709.12, unnumbered paragraph 1,
12 Code 2007, is amended to read as follows:

13 A person eighteen years of age or older is upon
14 conviction guilty of ~~an aggravated misdemeanor~~ a class
15 "D" felony if the person commits any of the following
16 acts with a child, not the person's spouse, with or
17 without the child's consent, for the purpose of
18 arousing or satisfying the sexual desires of either of
19 them:

20 Sec.____. Section 709.14, Code 2007, is amended to
21 read as follows:

22 709.14 LASCIVIOUS CONDUCT WITH A MINOR.

23 1. It is unlawful for a person over eighteen years
24 of age who is in a position of authority over a minor
25 to force, persuade, or coerce a minor, with or without
26 consent, to disrobe or partially disrobe for the

27 purpose of arousing or satisfying the sexual desires
 28 of either of them.
 29 2. Lascivious conduct with a minor as prohibited
 30 in subsection 1 is a serious misdemeanor class "D"
 31 felony."

BAUDLER of Adair

H-8707

1 Amend House File 2700 as follows:
 2 1. By striking page 28, line 16, through page 29,
 3 line 7.

STRUYK of Pottawattamie

H-8719

1 Amend Senate File 2432, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, by inserting after line 23 the
 4 following:
 5 "g. For the Cass-Audubon border economic
 6 development agreement for entrance access to the
 7 valley business park:
 8 \$150,000"
 9 2. By renumbering as necessary.

DRAKE of Pottawattamie

H-8727

1 Amend the amendment, H-8719, to Senate File 2432,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 2, the
 5 following:
 6 "____. Page 3, by inserting after line 1 the
 7 following:
 8 "h. For the purchase and installation of
 9 decorative planters on state property west of the west
 10 capitol terrace, notwithstanding section 8.57,
 11 subsection 6, paragraph "c":
 12 \$120,000"
 13 2. By renumbering as necessary.

WISE of Lee

RESOLUTIONS ADOPTED

Resolutions adopted during the Eighty-second General Assembly,
2008 Session, not otherwise printed in the House Journal.

HCR 5 filed February 28, 2008; adopted April 14, 2008.

1 House Concurrent Resolution 105
2 By Huser, Struyk, Tjepkes, Cohoon, Dandekar,
3 Quirk, Paulsen, Bell, Windschitl, Mertz, Lykam,
4 Gaskill, Reasoner, Bukta, Swaim, Whitaker, May,
5 Roberts, Huseman, Worthan, Rasmussen, Arnold,
6 and D. Olson
7 A concurrent resolution designating May 2008 as
8 Motorcycle Safety Awareness Month.
9 *Whereas*, motorcycle riding is a popular form of recreation
10 and transportation for thousands of people across Iowa and the
11 nation; and
12 *Whereas*, motorcycle riding can be an enjoyable activity
13 when safety is of paramount consideration and all laws and
14 regulations are observed; and
15 *Whereas*, the safe operation of a motorcycle requires the
16 use of special skills developed through a combination of
17 training and experience, the use of good judgment, and a
18 thorough knowledge of traffic laws and licensing requirements;
19 and
20 *Whereas*, the Motorcycle Safety Awareness Campaign is
21 intended to reduce the number of accidents, injuries, and
22 fatalities associated with motorcycling by encouraging
23 motorcycle operators to participate in rider education
24 programs, wear proper apparel, not drink and ride, and operate
25 their vehicles defensively according to the rules of the road;
26 and
27 *Whereas*, motorcycle organizations, clubs, dealerships, and
28 groups and highway safety officials in our state should join
29 Iowa motorcyclists in actively promoting safe motorcycle
30 operation, increased rider training, improved licensing
31 efforts, and motorist awareness of motorcycles; and
32 *Whereas*, the Motorcycle Safety Awareness Campaign
33 encourages operators of other motor vehicles to be cautious
34 and observe these smaller vehicles, especially during the
35 seasonal return of motorcycles to Iowa's streets and highways;

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1 and
2 *Whereas*, a motorcycle is a vehicle with all of the
3 privileges of any vehicle on the roadway, so a motorcyclist
4 should be allowed the use of a full lane of travel; and
5 *Whereas*, other motorists need to take a second look for

6 motorcycles on the highway, at intersections, and when a
 7 motorcyclist may be changing lanes or making a left turn; and
 8 *Whereas*, other motorists should clearly signal their
 9 intentions, not follow motorcycles too closely, and allow
 10 enough room for motorcyclists to take evasive action by
 11 allowing plenty of space; and
 12 *Whereas*, obstructions that other motorists might ignore,
 13 such as debris and potholes, can be deadly for a motorcyclist,
 14 so other motorists should learn to predict when a motorcyclist
 15 might take evasive action; *Now Therefore*,
 16 *Be It Resolved By The House Of Representatives, The Senate*
 17 *Concurring*, That the General Assembly designates the month of
 18 May 2008 as Motorcycle Safety Awareness Month and encourages
 19 all Iowa motorists to strive to improve motorcycle safety in
 20 this state.

HR 104 filed February 7, 2008; House adopted March 4, 2008.

1 House Resolution 104
 2 By Winckler and L. Miller
 3 A resolution designating March 2008 as Iowa Women's
 4 History Month.
 5 *Whereas*, Iowa women of every race, class, and
 6 ethnic background have made historic contributions to
 7 the growth and strength of our state and nation in
 8 countless recorded and unrecorded ways, including
 9 through the struggle for women's rights; and
 10 *Whereas*, Iowa women have played and continue to
 11 play a critical economic, cultural, and social role by
 12 constituting a significant portion of the labor force
 13 working inside and outside the home despite being
 14 underpaid; and
 15 *Whereas*, Iowa women were particularly important in
 16 the establishment of early charitable, philanthropic,
 17 and cultural institutions in our state and nation; and
 18 *whereas*, Iowa women and men ratified the amendment
 19 to the Iowa Constitution, declaring that "All men and
 20 women are, by nature, free and equal, and have certain
 21 inalienable rights"; and
 22 *Whereas*, Iowa women have been leaders in the
 23 abolitionist movement, the emancipation movement, the
 24 industrial labor movement, the civil rights movement,
 25 the peace movement, and the women's suffrage movement,
 26 which created a more fair and just society for all
 27 people; and
 28 *Whereas*, despite these contributions, and those of
 29 women throughout the world, the role of women has been
 30 consistently overlooked and undervalued, in the

1 literature, teaching, and study of history; *Now*
 2 *Therefore,*
 3 *Be it resolved by the House of Representatives*
 4 That the House of Representatives designates the month
 5 of March 2008 as Iowa Women's History Month and
 6 invites the citizens of Iowa to continue to uncover,
 7 recognize, and honor the roles women have played
 8 throughout history.

HR 105 filed February 12, 2008; House adopted February 14, 2008.

1 House Resolution 105
 2 By May
 3 A resolution honoring the Dickinson County Soil and
 4 Water Conservation District for receiving the National
 5 Association of Conservation Districts 2007 Excellence
 6 Award.
 7 *Whereas,* Iowa soil and water conservation districts
 8 were initiated in 1939, when legislation was enacted
 9 to encourage local volunteer conservation districts;
 10 and
 11 *Whereas,* the Dickinson County Soil and Water
 12 Conservation District was formed on February 4, 1944;
 13 and
 14 *Whereas,* the Dickinson County district contains
 15 15,000 acres of natural lakes constituting some of the
 16 most important natural resources in the state; and
 17 *Whereas,* always mindful of its obligation to
 18 protect this remarkable water resource, the Dickinson
 19 County district has been the leader on many projects
 20 to protect the Iowa Great Lakes; and
 21 *Whereas,* in the 1990s the Dickinson County district
 22 received a clean water grant from the Iowa Department
 23 of Natural Resources and the federal Environmental
 24 Protection Agency for a twelve-year project in the
 25 Iowa Great Lakes watershed, consisting of East and
 26 West Okoboji, Big Spirit, Little Spirit, Center, Upper
 27 Gar, Minnewashta, and Lower Gar Lakes; and
 28 *Whereas,* by 2002, the Dickinson County district
 29 began working with urban conservation issues, such as
 30 construction site erosion, storm water runoff, and

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1 other urban soil and water issues; and
 2 *Whereas,* as part of that urban focus the Dickinson
 3 County district conducted a series of seminars to
 4 educate people on low-impact development, smart
 5 growth, construction site erosion, and other urban
 6 conservation issues, which seminars were then followed
 7 by five demonstration projects; and
 8 *Whereas,* on February 12, 2008, the Dickinson County

9 Soil and Water Conservation District was awarded the
 10 National Association of Conservation Districts 2007
 11 Excellence Award for Urban Conservation, an award
 12 given to only one district out of 3,000 nationwide;
 13 *Now Therefore,*
 14 *Be it resolved by the House of Representatives,*
 15 That the House of Representatives honors the Dickinson
 16 County Soil and Water Conservation District for 64
 17 years of dedicated stewardship and congratulates the
 18 district for receiving the National Association of
 19 Conservation Districts 2007 Excellence Award.

HR 107 filed February 18, 2008; House adopted February 20, 2008.

1 House Resolution 107
 2 By Rayhons, Kuhn, and Upmeyer
 3 A resolution honoring Winnebago Industries on its 50th
 4 anniversary.
 5 *Whereas*, on February 12, 2008, Winnebago Industries
 6 will mark a half century as an Iowa business,
 7 celebrating a history of innovation and quality dating
 8 back to 1958; and
 9 *Whereas*, in 1958, businessman John K. Hanson and a
 10 cadre of Winnebago County community leaders opened a
 11 travel trailer factory; and
 12 *Whereas*, by 1960 the company was christened as
 13 "Winnebago Industries" and the travel trailer industry
 14 would never be the same; and
 15 *Whereas*, innovation has always been a key element
 16 of Winnebago Industries, which began to manufacture
 17 furniture and other components designed specifically
 18 for its travel trailers; and
 19 *Whereas*, the innovative "Thermo-Panel" was a
 20 strong, lightweight sidewall that was a characteristic
 21 of Winnebago products; and
 22 *Whereas*, in 1966, Winnebago Industries manufactured
 23 its first motor home, which soon became so popular
 24 that the term Winnebago became synonymous with motor
 25 homes; and
 26 *Whereas*, the company reached a milestone in 1970
 27 when Winnebago Industries "went public", and was
 28 listed on the New York Stock Exchange; and
 29 *Whereas*, in its 50th year Winnebago Industries has
 30 manufactured its 500,000th vehicle; and

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1 *Whereas*, both company Chairman and Chief Executive
 2 Officer Bruce Hertzke and President Bob Olson are
 3 career Winnebago employees, together completing almost
 4 75 years of service; and

5 *Whereas*, in honor of its 50th anniversary,
6 Winnebago Industries' representatives rang the closing
7 bell at the New York Stock Exchange on February 12,
8 2008; and
9 *Whereas*, today, Winnebago Industries remains one of
10 the largest manufacturers of motor homes within the
11 United States, with models sold under the Winnebago,
12 Rialta, Ultimate, Vectra, and Itasca brand names; *Now*
13 *Therefore*,
14 *Be It Resolved By The House Of Representatives*,
15 That the House of Representatives honors Winnebago
16 Industries on its 50th anniversary and thanks the
17 company and its many employees for a dedication to
18 excellence and innovation that brings credit to all of
19 Iowa.

HR 108 filed February 19, 2008; House adopted February 20, 2008.

1 House Resolution 108
2 By Reichert and Struyk
3 A resolution to recognize the Iowa Small Business
4 Development Centers and honor 2007 award winners
5 Anna Bradley and Marguerite White.
6 *Whereas*, since 1981, the Iowa Small Business
7 Development Centers have provided expert and
8 confidential business counseling services and training
9 workshops to entrepreneurs in all 99 Iowa counties;
10 and
11 *Whereas*, the Iowa Small Business Development
12 Centers provide a wide variety of services to foster
13 the growth of Iowa business, including one-to-one
14 professional business counseling; learning
15 opportunities – workshops, courses and classes,
16 internet-based learning, telephone and e-based
17 contact, and print and electronic materials; resource
18 connections – financing sources, state and federal
19 programs, associations, databases, local and regional
20 programs, host institutions, and communities; and
21 specialty programs and assistance – business
22 succession, market research, strategic planning,
23 MyEntreNet, introduction to international business,
24 and community building; and
25 *Whereas*, the Iowa Small Business Development
26 Centers have announced the 2007 award winners for its
27 two special entrepreneur of the year awards; and
28 *Whereas*, Anna Bradley, Chief Executive Officer of
29 Criterion 508 Solutions, Inc., is the 2007 Deb Dalziel
30 Woman Entrepreneur Achievement Award winner, an award

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1 which honors an Iowa woman entrepreneur who has

2 significantly changed or improved her life and the
3 lives of others; and
4 *Whereas*, Marguerite White has been selected to
5 receive the Neal Smith Award, an award named in honor
6 of the long-serving Iowa congressman, given to an Iowa
7 entrepreneur who has been in business a minimum of
8 three years and has been significantly assisted by an
9 Iowa Small Business Development Center; *Now Therefore*,
10 *Be it resolved by the House of Representatives*,
11 That the House of Representatives honors award winners
12 Anna Bradley and Marguerite White and congratulates
13 them on their success, and recognizes and expresses
14 its thanks to the Iowa Small Business Development
15 Centers for their ongoing work in making Iowa a better
16 place to live and work.

HR 109 filed February 20, 2008; House adopted February 21, 2008.

1 House Resolution 109
2 By H. Miller, Ford, Berry, and Abdul-Samad
3 A resolution designating February 2008 as Black History
4 Month.
5 *Whereas*, Black History Month in the United States
6 dates back to 1926, based upon the efforts of Dr.
7 Carter G. Woodson, a Harvard-educated scholar
8 descended from slave parents; and
9 *Whereas*, Black History Month is traditionally
10 observed in February of each year; and
11 *Whereas*, Black History Month is designated to
12 recognize and pay tribute to many African-Americans
13 long neglected by society and the history books; and
14 *Whereas*, Black History Month aims to bridge the gap
15 created by American history's failure to accurately
16 acknowledge, portray, and record the contributions of
17 Blacks in society; and
18 *Whereas*, Black History Month acknowledges the
19 achievements of Blacks in the military, the arts,
20 civil rights, education, economics, entertainment,
21 history, law, literature, medicine, music, politics,
22 science, sports, and other areas; and
23 *Whereas*, the African-American population in Iowa
24 has grown from 1.4 percent of the state population in
25 1980 to 2.5 percent in 2006, and is projected to grow
26 to 3.4 percent of the state population by 2030; and
27 *Whereas*, African-Americans in Iowa are increasingly
28 assuming leadership roles in law, medicine,
29 government, education, the arts, and other areas; and
30 *Whereas*, four African-Americans are currently

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1 serving in the House of Representatives, the largest

2 number of African-Americans ever in the House; *Now*
 3 *Therefore,*
 4 *Be it resolved by the House of Representatives,*
 5 That the House of Representatives designates February
 6 2008 as Black History Month and encourages schools,
 7 community leaders, religious leaders, and all Iowans
 8 to take this opportunity to discover the history of
 9 African-Americans in Iowa, from George Washington
 10 Carver to James B. Morris to Simon Estes, and to learn
 11 about the contributions African-Americans continue to
 12 make to Iowa's economic and cultural well-being.

HR 111 filed February 25, 2008; House adopted March 27, 2008.

1 House Resolution 111
 2 By Smith and Upmeyer
 3 A resolution recognizing the month of March 2008 as
 4 Deep Vein Thrombosis Awareness Month.
 5 *Whereas,* deep vein thrombosis is a condition that
 6 occurs when a blood clot forms in one of the large
 7 veins, which leads to partially or completely blocked
 8 circulation and may result in a fatal pulmonary
 9 embolism; and
 10 *Whereas,* deep vein thrombosis is a serious but
 11 preventable medical condition; and
 12 *Whereas,* deep vein thrombosis occurs in
 13 approximately two million Americans every year; and
 14 *Whereas,* fatal pulmonary embolism causes more
 15 deaths each year than breast cancer and AIDS combined;
 16 and
 17 *Whereas,* complications from deep vein thrombosis
 18 take up to 300,000 American lives each year; and
 19 *Whereas,* fatal pulmonary embolism may be the most
 20 common preventable cause of hospital death in the
 21 United States; and
 22 *Whereas,* the risk factors for deep vein thrombosis
 23 include cancer and certain heart or respiratory
 24 diseases; and
 25 *Whereas,* pulmonary embolism is the leading cause of
 26 maternal death associated with childbirth; and
 27 *Whereas,* according to a survey conducted by the
 28 American Public Health Association, 74 percent of
 29 Americans are unaware of deep vein thrombosis; *Now*
 30 *Therefore,*

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1 *Be it Resolved by the House of Representatives,*
 2 That the House of Representatives acknowledges the
 3 critical importance of raising public awareness of the
 4 threat and causes of this deadly disease, and for that

5 purpose recognizes the month of March 2008 as Deep
6 Vein Thrombosis Awareness Month.

HR 112 filed February 26, 2008; House adopted February 26, 2008.

1 House Resolution 112

2 By Wise and Lukan

3 A resolution to support the Strong American Schools
4 Campaign, a nonpartisan project of Rockefeller
5 Philanthropy Advisors.

6 *Whereas*, throughout our state's history, the people
7 of Iowa have always made education a priority; and

8 *Whereas*, Iowans' resolve for student achievement
9 through learning and performance have made Iowa's
10 educational system among the most successful in the
11 nation; and

12 *Whereas*, the State of Iowa has made the commitment
13 to place good teachers in its classrooms and to
14 provide its children with the skills necessary to be
15 successful in their community and the workforce; and

16 *Whereas*, the prospects of our nation and our
17 children depend on the strength of its schools in a
18 time of change when competition in the world is
19 demanding that Iowans do more to better prepare their
20 children to compete in today's high-tech global
21 economy; and

22 *Whereas*, America's schools are not keeping pace
23 with the demands of today's world, often failing to
24 prepare students for college and for careers; and

25 *Whereas*, our nation's prosperity is increasingly
26 dependent on its workers' skill levels and knowledge,
27 and unless there is dramatic improvement, according to
28 an analysis by the Alliance for Excellent Education,
29 more than 12 million students will drop out of school
30 nationwide over the next decade, resulting in a \$3

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1 trillion blow to our nation's economy; and

2 *Whereas*, when compared to 29 other member countries
3 of the Organisation of Economic Co-Operation and
4 Development, United States 15-year-old students rank
5 15th in reading, 18th in science, 24th in problem
6 solving, and 24th in mathematics as measured by the
7 Programme for International Student Assessment in
8 2003; and

9 *Whereas*, over two-thirds of new jobs in America's
10 economy require a postsecondary education as stated by
11 United States Secretary of Labor Elaine L. Chao in
12 2006; and

13 *Whereas*, millions of Americans live in poverty, and

14 while other factors contribute to the problems created
 15 by living in poverty, education is integral to
 16 improving economic opportunity in America; and
 17 *Whereas*, if elected officials truly want to end
 18 poverty, they must provide all students access to
 19 strong K-12 schools; *Now Therefore*,
 20 *Be It Resolved By The House Of Representatives*,
 21 That the House of Representatives supports the Strong
 22 American Schools Campaign and recognizes the need for
 23 leadership at the local, state, and national levels in
 24 order to improve this nation's schools.

HR 113 filed March 3, 2008; House adopted March 26, 2008.

1 House Resolution 113
 2 By Smith, Granzow, and Horbach
 3 A resolution honoring the men's soccer team from
 4 Marshalltown Community College for their third-place
 5 finish in the National Junior College Athletic
 6 Association National Soccer Tournament.
 7 *Whereas*, the 2007 National Junior College Athletic
 8 Association held its National Soccer Tournament in
 9 Tyler, Texas; and
 10 *Whereas*, at that competition the Marshalltown
 11 Community College men's soccer team, the Tigers,
 12 attended their first ever National Soccer Tournament;
 13 and
 14 *Whereas*, the Tigers defeated Mercer County
 15 Community College of Trenton, New Jersey, and San
 16 Jacinto College-South of Houston, Texas; and
 17 *Whereas*, two members of the team, Arkenson Neckels
 18 and Saulo Litterio, were named to the all-tournament
 19 team; and
 20 *Whereas*, with that finish the Tigers completed
 21 their season with a 23-2-0 record, as Region XI
 22 Champions and Iowa Community College Athletic
 23 Conference champions under head coach Marcelo Serrano,
 24 with one member of the team, Arkenson Neckels, being
 25 recognized as an honorable mention for All-American;
 26 *Now Therefore*,
 27 *Be it Resolved by the House of Representatives*, ,
 28 That the House of Representatives honors the
 29 Marshalltown Community College Tigers for their
 30 third-place finish in the 2007 National Junior College

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1 Athletic Association National Soccer Tournament.

HR 117 filed March 11, 2008; House adopted March 11, 2008.

1 House Resolution 117
2 By McCarthy, Palmer, Staed,
3 Kressig, Gayman, Tomenga, and Schickel
4 A resolution honoring AARP on its 50th Anniversary.
5 *Whereas*, AARP is a voluntary, nonprofit,
6 nonpartisan membership organization with a 50-year
7 history of leading positive social change by
8 harnessing the individual and collective power of its
9 members to make life better for all Iowa residents as
10 they age; and
11 *Whereas*, AARP has, since being founded in 1958 by
12 retired educator Ethel Percy Andrus, taken as its
13 motto "To serve, not to be served"; and
14 *Whereas*, AARP's "army of useful citizens" in our
15 state includes numerous volunteers whose selfless
16 service includes money management and tax preparation
17 assistance, safe driving courses, advocacy, job
18 training, intergenerational learning, community
19 rebuilding, home visitation, and nonpartisan voter
20 education; and
21 *Whereas*, AARP has amplified its members' voices on
22 issues of statewide importance such as affordable,
23 quality health care, lifetime financial security, and
24 consumer protection; and
25 *Whereas*, AARP has helped to foster proactive
26 policies that enable our citizens to achieve the
27 quality of life and peace of mind they deserve; and
28 *Whereas*, AARP shares Iowa's belief that diversity
29 in age, economic status, attitudes, ability, and
30 lifestyles is a source of profound state and national

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1 strength; and
2 *Whereas*, AARP works to develop strong communities
3 that are characterized by affordable and appropriate
4 housing, ease of mobility, and features and services
5 that support the lives and lifestyles of people of all
6 ages; and
7 *Whereas*, AARP has successfully built important
8 alliances statewide among businesses, communities, and
9 Iowa residents of all generations; and
10 *Whereas*, AARP continues to advocate for an economic
11 environment throughout our state that supports and
12 promotes the loyalty, reliability, flexibility, and
13 potential of mature workers; and
14 *Whereas*, AARP recognizes that ensuring the
15 protection, safety, integrity, involvement, security,
16 health, lifestyle, and well-being of citizens 50 years

17 of age and older is not a destination but a continuing
18 journey; *Now Therefore*,
19 *Be It Resolved By The House Of Representatives*,
20 That the House of Representatives hereby congratulates
21 AARP for 50 years of service to our state and our
22 nation, and for championing the future of every
23 generation.

HR 119 filed March 17, 2008; House adopted March 20, 2008.

1 House Resolution 119
2 By Wise, Petersen, and Oldson
3 A resolution expressing opposition to federal legislation
4 that would threaten the power of the states to oversee,
5 regulate, and investigate the business of insurance
6 and to protect consumers.
7 *Whereas*, regulation, oversight, and consumer
8 protection have traditionally and historically been
9 powers reserved to state governments under the federal
10 McCarran-Ferguson Act of 1945; and
11 *Whereas*, state legislatures are more responsive to
12 the needs of their constituents and the need for
13 insurance products and regulation to meet their
14 state's unique market demands; and
15 *Whereas*, many states, including Iowa, have recently
16 enacted and amended state insurance laws to modernize
17 market regulation and provide insurers with greater
18 ability to respond to changes in market conditions;
19 and
20 *Whereas*, state legislatures, the National
21 Conference of Insurance Legislators (NCOIL), the
22 National Association of Insurance Commissioners
23 (NAIC), and the National Conference of State
24 Legislatures (NCSL) continue to address uniformity
25 issues between state insurance laws by adoption of
26 model laws that address market conduct, product
27 approval, agent and company licensing, and rate
28 deregulation; and
29 *Whereas*, initiatives are being contemplated by
30 certain members of the United States Congress that

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1 have the potential to destroy the state system of
2 insurance regulation and create an unwieldy and
3 inaccessible federal bureaucracy, all without consumer
4 or constituent demand; and
5 *Whereas*, such initiatives include S. 40/H.R. 3200,
6 titled as the National Insurance Act of 2007, which
7 proposed federal charter legislation would bifurcate
8 insurance regulation and result in a quagmire of

9 federal and state directives that would promote
10 ambiguity and confusion; and
11 *Whereas*, adoption of S. 40/H.R. 3200 would allow
12 companies to opt out of state insurance regulatory
13 oversight and evade important state consumer
14 protections; and
15 *Whereas*, the mechanism that would be established
16 under S. 40/H.R. 3200 does not, and cannot by its very
17 nature, respond as state regulation does, to each
18 state's individual and unique insurance markets and
19 constituent concerns; and
20 *Whereas*, S. 40/H.R. 3200 has the potential to
21 compromise state guaranty fund coverage, and employers
22 could be forced to absorb losses otherwise covered by
23 these safety nets for businesses affected by
24 insolvencies; and
25 *Whereas*, S. 40/H.R. 3200 does not fully guarantee
26 state premium tax revenues in the long term and has
27 the potential to draw premium tax revenue from the
28 states; *Now Therefore*,
29 *Be It Resolved By The House Of Representatives*,
30 That the House of Representatives joins the National

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1 Conference of State Legislatures in expressing its
2 strong opposition to S. 40/H.R. 3200 and any other
3 federal legislation that threatens the power of state
4 legislatures, governors, insurance commissioners, and
5 attorney generals to oversee, regulate, and
6 investigate the business of insurance and to protect
7 consumers; and
8 *Be It Further Resolved*, That a copy of this
9 resolution be printed and forwarded to the members of
10 the Iowa Congressional delegation in the United States
11 House and Senate, and also to members of the United
12 States Senate Committee on Banking, Housing, and Urban
13 Affairs, and the United States House of
14 Representatives Committee on Financial Services.

HR 121 filed March 17, 2008; House adopted March 17, 2008.

1 House Resolution 121
2 By Kaufmann and Jacoby
3 A resolution recognizing the Uncommon Public Service
4 Award.
5 *Whereas*, Herbert Hoover was both a visionary and
6 dedicated public servant and through his tireless
7 efforts millions of lives were saved in the years
8 after World War I; and
9 *Whereas*, to honor that spirit of public service the

10 Herbert Hoover Presidential Library Association has
11 created the Uncommon Public Service Award; and
12 *Whereas*, the association will annually present the
13 Uncommon Public Service Award to Iowa legislators who
14 exemplify Hoover's humanitarian efforts and have gone
15 above and beyond the call of duty to demonstrate
16 uncommon service and commitment to the people of Iowa;
17 and
18 *Whereas*, recipients of the award will become
19 honorary members of the Herbert Hoover Presidential
20 Library Association for one year and a plaque for each
21 recipient will be hung on the "Wall of Uncommon
22 Iowans" which will be on permanent display in the
23 Herbert Hoover Presidential Library Museum; *Now*
24 *Therefore*,
25 *Be It Resolved By The House Of Representatives*,
26 That the House of Representatives recognizes the
27 Herbert Hoover Presidential Library Association and
28 thanks its members for the creation of the Uncommon
29 Public Service Award.

HR 123 filed March 18, 2008; House adopted April 7, 2008.

1 House Resolution 123
2 By Zirkelbach and Foege
3 A resolution recognizing the Grant Wood Art Festival.
4 *Whereas*, Grant DeVolson Wood was born on February
5 13, 1891, on his parents' farm four miles east of
6 Anamosa, Iowa, where he spent the first 10 years of
7 his life; and
8 *Whereas*, Grant Wood was an exceptional artist from
9 a very young age; at the age of 14 he took third prize
10 in a national contest for a crayon drawing of oak
11 leaves and said that winning that prize was his
12 inspiration to become an artist; and
13 *Whereas*, from that beginning, Grant Wood blossomed
14 into one of the great artists of the twentieth
15 century; and
16 *Whereas*, taking inspiration from the work of German
17 and Flemish painters, in 1930 Mr. Wood created the
18 painting that defines his art and assured his success,
19 "American Gothic"; and
20 *Whereas*, today we continue to honor this remarkable
21 man, his unique talent, and the artist colony he
22 founded in Stone City, with the annual Grant Wood Art
23 Festival; and
24 *Whereas*, the 36th Annual Grant Wood Art Festival
25 will be held Sunday, June 8, 2008, in Anamosa, Iowa,
26 featuring day-long events and the work of many local
27 and regional artists; *Now Therefore*,
28 *Be it Resolved by the House of Representatives*,

29 That the House of Representatives recognizes the
30 upcoming 36th annual Grant Wood Art Festival and urges

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1 all Iowans to plan a visit to this celebration as part
2 of their summer vacation plans.

HR 127 filed March 19, 2008; House adopted March 19, 2008.

1 House Resolution 127
2 By Jacobs, Clute, Abdul-Samad, Alons, Anderson,
3 Bailey, Baudler, Bell, Berry, Boal, Bukta,
4 Chambers, Cohoon, Dandekar, Davitt, De Boef,
5 Deyoe, Dolecheck, Drake, Foege, Ford, Forristall,
6 Frevert, Gaskill, Gayman, Gipp, Granzow, Grassley,
7 Greiner, Heaton, Heddens, Hoffman, Horbach,
8 Hunter, Huseman, Huser, Jacoby, Jochum, Kelley,
9 Kressig, Kuhn, Lensing, Lukan, Lykam,
10 Mascher, May, McCarthy, Mertz, H. Miller,
11 L. Miller, Murphy, Oldson, D. Olson, R. Olson,
12 S. Olson, T. Olson, Palmer, Petersen,
13 Pettengill, Quirk, Raecker, Rants, Rasmussen,
14 Rayhons, Reasoner, Reichert, Roberts, Sands,
15 Schueller, Smith, Soderberg, Staed, Struyk,
16 Swaim, D. Taylor, T. Taylor, Thomas, Tjepkes,
17 Tomenga, Tymeson, Upmeyer, Van Engelenhoven,
18 Van Fossen, Watts, Wendt, Wenthe, Wessel-Kroeschell,
19 Whitaker, Whitead, Winckler, Windschitl,
20 Wise, Zirkelbach, Arnold, Wiencek, Schickel,
21 Paulsen, and Kaufmann
22 A resolution honoring the remarkable achievements of
23 Iowa's own Shawn Johnson.
24 *Whereas*, the life and career of Iowa high school
25 student Shawn Johnson is a testament to the value of
26 hard work and a dedication to excellence; and
27 *Whereas*, Ms. Johnson began a career in gymnastics
28 at the age of three and through more than a decade of
29 perseverance and hard work is now an elite
30 international gymnast at the age of 16, already being

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1 compared to the United States' first female all-around
2 world champion gymnast, Kim Zmeskal; and
3 *Whereas*, under the guidance of coaches Liang Qiao
4 and Liwen Zhuang, Ms. Johnson first appeared on the
5 national scene in 2005, placing third in the junior
6 division at the 2005 U.S. Classic and in 2006 was the
7 2006 U.S. Junior National All-Around Champion; and
8 *Whereas*, in 2007, Ms. Johnson's fiery combination

9 of power and skills catapulted her to world attention,
10 winning the all-around at the 2007 Tyson American Cup,
11 winning four gold medals and one silver medal at the
12 2007 Pan American Games, and winning the 2007 Visa
13 National Championships; and
14 *Whereas*, in September 2007, along with teammates
15 Nastia Liukin, Shayla Worley, Alicia Sacramone, Ivana
16 Hong, and Samantha Peszek, Ms. Johnson placed first in
17 the team competition in the 40th World Artistic
18 Gymnastics Championships held in Stuttgart, Germany,
19 and individually placed first in the all-around and
20 the floor competition; and
21 *Whereas*, as the 2007 World All-Around Champion, Ms.
22 Johnson is now training in the hope of joining the
23 United States women's gymnastic team at the 2008
24 Beijing Olympics; *Now Therefore*,
25 *Be It Resolved By The House Of Representatives*,
26 That on behalf of all Iowans, the House of
27 Representatives honors Shawn Johnson, a remarkable
28 young athlete whose dedication, skill, poise, and
29 grace have taken her to the world stage and will take
30 her farther still in the future.

HR 130 filed March 24, 2008; House adopted March 25, 2008.

1 House Resolution 130
2 By Berry
3 A resolution recognizing the visit of five distinguished
4 women leaders from Nigeria.
5 *Whereas*, Iowa has long been a leader in promoting
6 the goals of international education and
7 cross-cultural learning, and is home to several
8 organizations that actively pursue such opportunities
9 to share knowledge and understanding; and
10 *Whereas*, Iowa also has a rich history of pioneering
11 women leaders and was active in the national women's
12 suffrage movement and other movements to bring about
13 social change; and
14 *Whereas*, five women leaders from Nigeria have
15 traveled to Iowa as part of a two-year project of the
16 United States Department of State called Women in
17 Northern Nigeria that organizes cultural exchanges in
18 an attempt to answer the question posed by First Lady
19 Laura Bush in 2006, "How do we nurture the development
20 of the next generation of women leaders in Africa and
21 worldwide?"; and
22 *Whereas*, in 2007, four women political leaders from
23 Iowa traveled to Nigeria, a democracy since 1999, to
24 learn about the issues facing Nigerian women as they
25 struggle for equality in education, the economy,
26 politics, health care delivery, and the social life of

27 that country; and
28 *Whereas*, Iowans have much to learn about the
29 complexity of the global society of which we are a
30 part and have much to teach about good governance and

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1 the involvement of women in education and civic life;
2 *Now Therefore*,
3 *Be it Resolved by the House of Representatives*,
4 That the House of Representatives welcomes the
5 Nigerian women to Iowa and expects that Iowa and
6 Nigeria will both benefit from the Women in Northern
7 Nigeria cultural exchange in terms of shared
8 experiences and ideas between the two nations and that
9 their visit can serve as a catalyst for the
10 advancement of women who aspire to leadership
11 positions in government, business, and other sectors
12 of life in Nigeria.

HR 131 filed March 25, 2008; House adopted April 8, 2008.

1 House Resolution 131
2 By Schickel, Windschitl, Sands, Berry,
3 T. Olson, D. Olson, Watts, Kressig, Staed,
4 Heddens, Roberts, Bailey, Soderberg, Deyoe,
5 Gaskill, Granzow, Rayhons, Upmeyer, Huseman,
6 Gayman, Jacobs, Hoffman, Palmer, Tymeson,
7 Horbach, Wendt, Chambers, Pettengill,
8 Van Fossen, Mertz, and Jacoby
9 A resolution celebrating the 100th birthday of the
10 United States Army Reserve, honoring the commitment,
11 dedication, and service to America, and wishing for
12 its continued support to our soldiers.
13 *Whereas*, in 1908, the nation's leaders, knowing
14 that the most up-to-date medical experience resided in
15 the civilian sector, created the first reservoir of
16 trained officers in a reserve status known as the
17 Medical Reserve Corps; and
18 *Whereas*, today, over 67 percent of the Army's
19 medical assets lie within the Army Reserve; and
20 *Whereas*, in 1916, Congress passed the National
21 Defense Act, creating the Officers' Reserve Corps, the
22 Enlisted Reserve Corps, and the Reserve Officers'
23 Training Corps, later named the Organized Reserve
24 Corps (ORC), all of which are forerunners of the
25 current Army Reserve; and
26 *Whereas*, in World War I, 89,500 reserve officers
27 were mobilized and during World War II, 200,000
28 members of the ORC participated, with reserve officers
29 providing 29 percent of the Army's officers; and

30 *Whereas*, in 1952, legislation renamed the ORC as

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1 the Army Reserve and then divided it into three
2 reserves, a Ready Reserve, a Standby Reserve, and a
3 Retired Reserve, and also provided reserve units with
4 24 initial training days and up to 17 days of annual
5 training; and

6 *Whereas*, the Army Reserve has been an integral part
7 of numerous conflicts with more than 70 Army Reserve
8 units deployed to the Korean Peninsula, more than
9 84,000 soldiers providing combat support and combat
10 service support during Operation Desert Shield/Storm,
11 and others providing support in Somalia, Haiti,
12 Bosnia, Kosovo, Operation Enduring Freedom, Operation
13 Noble Eagle, and Operation Iraqi Freedom; and

14 *Whereas*, the role of the Army Reserve has changed
15 over time, moving from a Strategic Reserve to an
16 Operational Force, providing resources and training to
17 first-responder organizations across the nation,
18 training soldiers, implementing national objectives,
19 keeping the Army mobile, and enabling the Army to do
20 more with fewer resources; and

21 *Whereas*, the Army Reserve makes up 20 percent of
22 the Army's organized units, but provides one-half of
23 the Army's combat support and one-fourth of its
24 mobilization base expansion capabilities; *Now*
25 *Therefore*,

26 *Be it Resolved by the House of Representatives*,
27 That the members of the House of Representatives, by
28 this resolution, celebrate the 100th birthday of the
29 United States Army Reserve, honor its service to
30 America, and wish them another century of continued

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1 support.

HR 139 filed April 1, 2008; House adopted April 1, 2008.

1 House Resolution 139
2 By Heddens, Van Fossen, Abdul-Samad, Alons,
3 Anderson, Arnold, Bailey, Baudler, Bell, Berry,
4 Boal, Bukta, Chambers, Clute, Cohoon, Dandekar,
5 Davitt, De Boef, Deyoe, Dolecheck, Drake, Foege,
6 Ford, Forristall, Frevert, Gaskill, Gayman, Gipp,
7 Granzow, Grassley, Greiner, Heaton, Hoffman,
8 Horbach, Hunter, Huseman, Huser, Jacobs, Jacoby,
9 Jochum, Kaufmann, Kelley, Kressig, Kuhn, Lensing,
10 Lukan, Lykam, Mascher, May, McCarthy, Mertz,

11 H. Miller, L. Miller, Murphy, Oldson, D. Olson,
 12 R. Olson, S. Olson, T. Olson, Palmer, Paulsen,
 13 Petersen, Pettengill, Quirk, Raecker, Rants,
 14 Rasmussen, Rayhons, Reasoner, Reichert,
 15 Roberts, Sands, Schickel, Schueller, Shomshor,
 16 Smith, Soderberg, Staed, Struyk, Swaim,
 17 D. Taylor, T. Taylor, Thomas, Tjepkes, Tomenga,
 18 Tymeson, Upmeyer, Van Engelenhoven, Watts,
 19 Wendt, Wenthe, Wessel-Kroeschell, Whitaker,
 20 Whitead, Wiencek, Winckler, Windschitl, Wise,
 21 Worthan, and Zirkelbach
 22 A resolution honoring Iowa's Olympic athletes.
 23 *Whereas*, the tradition of the Olympic games was
 24 revived in 1896 in Athens, Greece, with 14 nations
 25 participating in 43 events; and
 26 *Whereas*, 112 years later the Olympics includes 35
 27 sports, nearly 400 events, and thousands of athletes;
 28 and
 29 *Whereas*, Iowa has a long and proud Olympic
 30 tradition, including many gold medal winners; and

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1 *Whereas*, in 2008, Iowa will be represented by the
 2 following nine athletes, serving as principal
 3 competitors or as alternates, competing in five
 4 Olympic sports:
 5 Haley Dunn, from Eddyville, competing in skeet
 6 shooting; Lee Fullhart, from Hesper, competing in
 7 wrestling; Kirk Hinrich, from Sioux City, competing in
 8 basketball; Shawn Johnson, from West Des Moines,
 9 competing in gymnastics; Sara McMann, from Iowa City,
 10 competing in wrestling; Doug Schwab, from Osage,
 11 competing in wrestling; Tolly Thompson, from
 12 Janesville, competing in wrestling; Joe Williams, from
 13 Iowa City, competing in wrestling; and Joey Woody,
 14 from Iowa City, competing in track and field; *Now*
 15 *Therefore*,
 16 *Be It Resolved By The House Of Representatives*,
 17 That the House of Representatives honors these young
 18 Iowans, whose efforts bring honor not only to
 19 themselves, but also to their communities and all
 20 Iowa, and wishes them the best of luck in the XXIX
 21 Olympiad.

HR 140 filed April 2, 2008; House adopted April 3, 2008.

1 House Resolution 140
 2 By Heddens, Wessel-Kroeschell,
 3 Deyoe, and D. Olson
 4 A resolution congratulating Iowa State University of

5 Science and Technology for 150 years of leadership
6 and service to the nation and the world as Iowa's
7 land-grant university.
8 *Whereas*, Iowa State University of Science and
9 Technology was established by the General Assembly on
10 March 22, 1858, as the Iowa Agricultural College and
11 Model Farm in response to the state's desire to
12 provide higher education opportunities to farm
13 families and working classes in Iowa; and
14 *Whereas*, on September 11, 1862, Iowa became the
15 first state in the nation to accept the terms and
16 conditions of the federal Morrill Act creating the
17 land-grant system of colleges and universities; and
18 *Whereas*, the Iowa Agricultural College and Model
19 Farm, today Iowa State University of Science and
20 Technology, received Iowa's land-grant charter on
21 March 29, 1864, making it one of the first land-grant
22 institutions in the nation; and
23 *Whereas*, Iowa State University was a pioneer in all
24 three parts of the land-grant mission, namely:
25 1. Access to all, regardless of race, gender, or
26 social class: Iowa State University was the first
27 land-grant institution to be coeducational from its
28 opening, with 16 women in its first class; future
29 suffragist Carrie Chapman Catt was an 1880 graduate;
30 and George Washington Carver was the first

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1 African-American student, earning a bachelor's degree
2 in 1894 and a master's degree in 1896, and was also
3 the institution's first African-American faculty
4 member;
5 2. Practical research: Iowa State University
6 established the nation's first engineering experiment
7 station and domestic economy experimental kitchen, and
8 one of the first agriculture experiment stations;
9 3. Outreach: Among the earliest land-grant
10 institution outreach activities were the Farmers
11 Institutes in the winter of 1869-1870 by Iowa State
12 University President Adonijah Welch, and the nation's
13 first county extension service was organized in 1903
14 in Sioux County in northwest Iowa by Professor Perry
15 Holden; and
16 *Whereas*, some of the most important technological
17 advancements of the modern world were the result of
18 research at Iowa State University, including:
19 development of hybrid seed corn in the 1920s;
20 pioneering work on soybean oil extraction and
21 producing ethanol from corn and other plant materials
22 by Professor Orland Sweeney in the 1930s; invention of
23 the electronic digital computer in the late 1930s by

24 Professor John Atanasoff and graduate student Clifford
25 Berry, whose Atanasoff-Berry computer was the first to
26 incorporate the seven basic principles of modern
27 computing; development of modern livestock animal
28 genetics by Professor Jay Lush; development of a
29 digital encoding process that made the fax machine a
30 business office staple, by graduate student David

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1 Nicholas in 1971; and first field-testing of a
2 genetically altered woody plant in 1989 by Professor
3 Robert Thornburg; and
4 *Whereas*, Iowa State University hired one of the
5 nation's first permanent campus artists-in-residence,
6 with sculptor Christian Petersen holding that position
7 from 1934 to 1955; and
8 *Whereas*, Iowa State University has had a technology
9 transfer office since 1935, longer than all but one
10 other university in the nation, and is today
11 acknowledged as a national leader in putting
12 technology to work, being cited as a "model of
13 economic development" and "licensing powerhouse" in a
14 2007 study commissioned by the National Science
15 Foundation; and
16 *Whereas*, Iowa State University is today
17 spearheading new advances in science and technology,
18 including new materials, information sciences, green
19 architecture, biological research, and the development
20 of biorenewable fuels and other resources to support
21 the bioeconomy and the nation's independence from
22 nonrenewable petroleum resources; and
23 *Whereas*, more than 257,000 degrees have been
24 awarded by Iowa State University, and its graduates
25 include heads of state, leaders of industry, great
26 humanitarians, and gifted scientists, whose work has
27 improved the quality of life for people worldwide; *Now*
28 *Therefore*,
29 *Be it Resolved by the House of Representatives*,
30 That the House of Representatives congratulates Iowa

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1 State University of Science and Technology for 150
2 years of outstanding service to the State of Iowa, the
3 United States, and the world in fulfilling its mission
4 as a land-grant university, and thanks the State of
5 Iowa for its visionary leadership in the beginning of
6 the land-grant movement in the United States.

HR 141 filed April 2, 2008; House adopted April 15, 2008.

1 House Resolution 141
2 By Hoffman and Roberts
3 A resolution to recognize the 2008 annual Donna Reed
4 Festival for the Performing Arts.
5 *Whereas*, Donna Belle Mullenger was born on January
6 27, 1921, in Denison, Iowa; and
7 *Whereas*, still a teenager, she left Iowa to attend
8 Los Angeles City College, where she was named campus
9 queen, and her striking beauty drew the attention of
10 Hollywood producers; and
11 *Whereas*, taking the stage name of Donna Reed, she
12 rose to stardom in the 1946 classic "It's a Wonderful
13 Life" and the 1953 "From Here to Eternity", for which
14 she won the Oscar in 1954; and
15 *Whereas*, turning to the medium of television in
16 1958, Donna Reed won the hearts of millions of viewers
17 as the quintessential TV mom in the "Donna Reed Show";
18 and
19 *Whereas*, the year 2008 marks the 50th anniversary
20 of this popular 1950s TV show about a close family,
21 starring Donna Reed as a loving mother and homemaker;
22 and
23 *Whereas*, as a result of her outstanding performance
24 on that show, Donna Reed was nominated four times for
25 an Emmy award, and in 1963 received the Golden Globe
26 award for best female television star; and
27 *Whereas*, Donna Reed always remained an Iowan, often
28 returning home to visit family and friends and to
29 support local community projects; and
30 *Whereas*, with her passing in 1986, friends and

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1 family created the Donna Reed Foundation for the
2 Performing Arts, which awards scholarships to young
3 people studying the arts; and
4 *Whereas*, to honor her life, work, and memory the
5 Donna Reed Festival for the Performing Arts began in
6 1987, featuring student workshops by industry
7 professionals and a scholarship program centered in
8 Denison, Iowa; *Now Therefore*,
9 *Be it Resolved by the House of Representatives*,
10 That the House of Representatives recognizes the 2008
11 annual Donna Reed Festival for the Performing Arts,
12 held June 16 through 21, 2008, in Denison, and invites
13 all Iowans to make a visit to this annual event part
14 of their summer vacation plans.

HR 144 filed April 2, 2008; House adopted April 9, 2008.

1 House Resolution 144
2 By Murphy, Heddens and Upmeyer
3 A resolution to honor Tyler Joseph Steinke as the youngest
4 Global Messenger for Special Olympics Iowa.
5 *Whereas*, Global Messengers are Special Olympics
6 athletes who help spread the message and vision of the
7 movement as well as the benefits they have gained by
8 participating in Special Olympics; and
9 *Whereas*, every year, 10 to 12 athletes are selected
10 to train and serve as Iowa Global Messengers,
11 representing the Special Olympics Iowa movement; and
12 *Whereas*, at the age of 10, Tyler Steinke became the
13 youngest Global Messenger in Iowa for Special
14 Olympics; and
15 *Whereas*, this achievement is even more remarkable
16 because at the age of two, doctors stated that Tyler
17 would never walk or talk; and
18 *Whereas*, today Tyler is a fourth grade student at
19 Valerius Elementary School in Urbandale, Iowa; and
20 *Whereas*, Tyler has been involved with Special
21 Olympics Iowa for two years and has won a silver medal
22 in the 50-meter dash, and has recently won a gold
23 medal in basketball skills at the mid-winter games in
24 Iowa City; *Now Therefore*,
25 *Be it Resolved by the House of Representatives*,
26 That the House of Representatives congratulates Tyler
27 Joseph Steinke in his new role as Global Messenger for
28 Special Olympics Iowa and honors his remarkable
29 spirit, determination, and hard work to overcome his
30 challenges and become a Special Olympics athlete.

HR 146 filed April 7, 2008; House adopted April 8, 2008.

1 House Resolution 146
2 By Foege and Grassley
3 A resolution honoring Wartburg College's wrestling team
4 for winning the National Collegiate Athletic Association
5 Division III Wrestling Championship.
6 *Whereas*, the Wartburg College wrestling team, the
7 Knights, has won its sixth National Collegiate
8 Athletic Association (NCAA) Division III wrestling
9 title; and
10 *Whereas*, led by Head Coach Jim Miller, the Knights
11 won the championship on March 8, 2008, with 147
12 points, clearing the rest of the field by 47 points;
13 and
14 *Whereas*, the Knights also added three more
15 individual title winners to the all-time total:
16 junior Jacob Naig of Emmetsburg, junior Aaron

17 Wernimont of Pocahontas, and junior Romeo Djoumessi of
18 Waverly each won individual national titles, pushing
19 the program total to 27; and
20 *Whereas*, the Knights' nine All-American team
21 members are a Wartburg tradition -- in each of the
22 last six national championships, Wartburg has earned
23 at least five All-American honors, for a grand program
24 total of 140; and
25 *Whereas*, two team members, Jacob Naig and senior
26 T. J. Miller of Cedar Falls, picked up their third
27 All-American awards; three Knights, Romeo Djoumessi,
28 senior Jacob Helvey of Mitchellville, and Aaron
29 Wernimont, all recorded their second All-American
30 award; while senior Robert Struthers of Emmetsburg,

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1 sophomore Matt Kelly of Dubuque, and junior Justin
2 Hanson of Humboldt each earned his first All-American
3 award; and
4 *Whereas*, the Knights also had three runners-up in
5 Jacob Helvey, T. J. Miller, who was a 2007 national
6 champion, and senior Brian Borchers of Holstein; and
7 *Whereas*, in addition to their athletic prowess, the
8 Knights also placed in the top 10 of the 2007-2008
9 National Wrestling Coaches Association Division III
10 Scholar Team Top 25 and had six individuals earn
11 Scholar All-American awards; and
12 *Whereas*, those team members who were awarded
13 Scholar All-American honors were Aaron Wernimont,
14 Brian Borchers for the second time, junior Craig
15 Kreman of Tipton, sophomore Chris Sandy of Spirit
16 Lake, and sophomore Dustin Jaeger of Manchester; and
17 *Whereas*, the extraordinary success of the Wartburg
18 College Knights wrestling team of 2007-2008 is a
19 source of pride for all Iowans; *Now Therefore*,
20 *Be it Resolved by the House of Representatives*,
21 That the House of Representatives congratulates the
22 Wartburg College Knights wrestling team and Coach
23 Miller on the success of their 2007-2008 wrestling
24 season and wishes them continued success in all their
25 future endeavors.

HR 150 filed April 8, 2008; House adopted April 14, 2008.

1 House Resolution 150
2 By Ford, Jacobs, Raecker, Abdul-Samad,
3 Alons, Anderson, Arnold, Bailey, Baudler, Bell,
4 Berry, Boal, Bukta, Chambers, Clute, Cohoon,
5 Dandekar, Davitt, De Boef, Deyoe, Dolecheck, Drake,
6 Foege, Forristall, Frevert, Gaskill, Gayman, Gipp,

7 Granzow, Grassley, Greiner, Heaton, Heddens,
8 Hoffman, Horbach, Hunter, Huseman, Huser, Jacoby,
9 Jochum, Kaufmann, Kelley, Kressig, Kuhn, Lensing,
10 Lukan, Lykam, Mascher, May, McCarthy, Mertz,
11 H. Miller, L. Miller, Murphy, Oldson, D. Olson,
12 R. Olson, S. Olson, T. Olson, Palmer, Paulsen,
13 Petersen, Pettengill, Quirk, Rants, Rasmussen,
14 Rayhons, Reasoner, Reichert, Roberts, Sands,
15 Schickel, Schueller, Shomshor, Smith, Soderberg,
16 Staed, Struyk, Swaim, D. Taylor, T. Taylor,
17 Thomas, Tjepkes, Tomenga, Tymeson, Upmeyer,
18 Van Engelenhoven, Van Fossen, Watts,
19 Wendt, Wenthe, Wessel-Kroeschell, Whitaker,
20 Whitead, Wienczek, Winckler, Windschitl, Wise,
21 Worthan, and Zirkelbach
22 A resolution to honor Drake University's men's and
23 women's basketball teams.
24 *Whereas*, in 2007, Drake University's men's
25 basketball team, the Bulldogs, fought to its first
26 winning season in 20 years, and by 2008 had twice won
27 the Big Four Trophy, besting the University of Iowa,
28 the University of Northern Iowa, and Iowa State
29 University; and
30 *Whereas*, the Bulldogs are led by Coach Keno Davis,

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1 a remarkable young man who came to Drake in 2003 and
2 became head coach in 2007, succeeding his own father,
3 Dr. Tom Davis; and
4 *Whereas*, the Bulldogs secured its first berth in
5 the National Collegiate Athletic Association (NCAA)
6 national tournament since 1971, defeating Illinois
7 State, with a first-ever 30-point win, in the Missouri
8 Valley Conference championship game; and
9 *Whereas*, with that victory in the Missouri Valley
10 tournament the Bulldogs, with a record of 28 wins and
11 four losses, became one of the top 20 basketball teams
12 in the nation; and
13 *Whereas*, Bulldog guard Adam Emmenecker, initially a
14 walk-on player, was named the winner of the Larry Bird
15 Missouri Valley Conference Player of the Year Award
16 and, with a 3.97 grade-point average, was named the
17 Academic All-American University Division Basketball
18 Player of the Year and the Missouri Valley Conference
19 Men's Basketball Scholar-Athlete of the Year; and
20 *Whereas*, Mr. Emmenecker, along with sophomore
21 teammate Josh Young, was a first team All-Missouri
22 Valley Conference selection; and
23 *Whereas*, in an NCAA Tournament nail-biter, the
24 Bulldogs, playing Western Kentucky and forcing the
25 game into overtime, showed the skill, the tenacity,

26 and the courage that has marked the team throughout
 27 the season; and
 28 *Whereas*, at that same time the Drake women's
 29 basketball team, led by fifth-year head coach Amy
 30 Stephens, continued its tradition of excellence with

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1 the Bulldogs' first 20-win season since 2001-2002 and
 2 by winning its first Missouri Valley Conference
 3 regular season title since the 2000-2001 season; and
 4 *Whereas*, senior forward Jill Martin was selected
 5 four times as the State Farm/Missouri Valley
 6 Conference Women's Player of the Week, and junior
 7 guard/forward Lauren Dybing also shared that honor
 8 once, while senior guard Lindsay Whorton, with a 4.0
 9 grade-point average and a double major in English and
 10 education, was selected as the Prairie Farms Missouri
 11 Valley Conference Women's Basketball Scholar-Athlete
 12 of the Year; and
 13 *Whereas*, for the ninth time in school history, and
 14 the third time under coach Amy Stephens, the Bulldogs
 15 participated in the 48-team Women's National
 16 Invitational Tournament (WNIT); and
 17 *Whereas*, in the first round at the WNIT, led by Ms.
 18 Martin and Ms. Whorton, the Bulldogs bested Green Bay;
 19 *Now Therefore*,
 20 *Be it Resolved by the House of Representatives*,
 21 That the House of Representatives honors those
 22 remarkably talented young men and women who make up
 23 the 2007-2008 Drake University men's and women's
 24 basketball teams and congratulates them for incredible
 25 seasons that have elevated the Bulldogs to rank among
 26 the best teams in the nation, with the hope for
 27 continued greatness in the future.

HR 152 filed April 14, 2008; House adopted April 14, 2008.

1 House Resolution 152
 2 By Jacobs, Raecker, Abdul-Samad, Alons,
 3 Anderson, Arnold, Bailey, Baudler, Bell, Berry,
 4 Boal, Bukta, Chambers, Clute, Cohoon, Dandekar,
 5 Davitt, De Boef, Deyoe, Dolecheck, Drake, Foege,
 6 Ford, Forristall, Frevert, Gaskill, Gayman, Gipp,
 7 Granzow, Grassley, Greiner, Heaton, Heddens,
 8 Hoffman, Horbach, Hunter, Huseman, Huser, Jacoby,
 9 Jochum, Kaufmann, Kelley, Kressig, Kuhn, Lensing,
 10 Lukan, Lykam, Mascher, May, McCarthy, Mertz,
 11 H. Miller, L. Miller, Murphy, Oldson, D. Olson,
 12 R. Olson, S. Olson, T. Olson, Palmer, Paulsen,
 13 Petersen, Pettengill, Quirk, Rants, Rasmussen,

14 Rayhons, Reasoner, Reichert, Roberts, Sands,
 15 Schickel, Schueller, Shomshor, Smith, Soderberg,
 16 Staed, Struyk, Swaim, D. Taylor, T. Taylor,
 17 Thomas, Tjepkes, Tomenga, Tymeson, Upmeyer,
 18 Van Engelenhoven, Van Fossen, Watts,
 19 Wendt, Wenthe, Wessel-Kroeschell, Whitaker,
 20 Whitead, Wiencek, Winckler, Windschitl, Wise,
 21 Worthan, and Zirkelbach

22

23 A resolution to honor the Drake University men's basketball
 24 coach Keno Davis.

25 *Whereas*, Coach Keno Davis began his career by
 26 serving six years as assistant coach at Southeast
 27 Missouri State University, and in 2003 joined his
 28 legendary father, Dr. Tom Davis, as part of the Drake
 29 men's basketball coaching staff; and
 30 *Whereas*, building on the work of his father, Keno

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1 Davis assumed the head coaching position in 2007 and
 2 immediately led the team to its first appearance in
 3 NCAA's national tournament since 1971, defeating
 4 Illinois State University 79-49 in the Missouri Valley
 5 Conference championship game; and

6 *Whereas*, the Bulldogs, with that victory in the
 7 Missouri Valley Conference tournament, and with a
 8 record of 28 wins and 4 losses, became one of the top
 9 20 basketball teams in the nation; and

10 *Whereas*, Coach Maury John, who took the Drake
 11 University men's basketball team to the NCAA Final
 12 Four in 1969 and the Midwest Regional final in 1970
 13 and 1971, would be proud to see the talent, the
 14 dedication, and the fire of today's team and the young
 15 coach who has taken them so far and so fast; and

16 *Whereas*, just completing his first year as head
 17 coach, Keno Davis has been named the Missouri Valley
 18 Conference Coach of the Year and The Sporting News
 19 College Basketball Coach of the Year and was given the
 20 Henry Iba Coach of the Year Award by the U.S.
 21 Basketball Writers Association; and

22 *Whereas*, Keno Davis has been named the Associated
 23 Press National Coach of the Year for 2007-2008, only
 24 the third first-year coach to win that award; *Now*
 25 *Therefore*,

26 *Be It Resolved By The House Of Representatives*,
 27 That the House of Representatives honors Coach Keno
 28 Davis, a worthy successor to his father and to the
 29 memory of Maury John, for being named coach of the
 30 year by both the Missouri Valley Conference and

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1 Sporting News; and
 2 *Be It Further Resolved By The House Of*
 3 *Representatives*, That the House of Representatives
 4 thanks Coach Davis for the honor he has brought to
 5 Drake University, to Bulldog fans everywhere, and to
 6 his home state of Iowa.

HR 155 filed April 16, 2008; House adopted April 21, 2008.

1 House Resolution 155
 2 By Wessel-Kroeschell and Heddens
 3 A resolution honoring Iowa State University track
 4 student-athlete and Fort Dodge native Lisa Koll.
 5 *Whereas*, Lisa Koll set the American collegiate
 6 10,000-meter record with a time of 32 minutes and 11.5
 7 seconds and won the Stanford Invitational on April 4,
 8 2008; and
 9 *Whereas*, Lisa Koll's winning time in the 10,000
 10 meters broke the previous record by more than eight
 11 seconds; and
 12 *Whereas*, Lisa Koll, under the guidance of head
 13 coach Corey Ihmels, won the 2008 Big 12 Conference
 14 indoor 5,000-meter title, placed second in the
 15 5,000-meter event at the NCAA indoor meet; and earned
 16 All-American honors in the 3,000-meter run; and
 17 *Whereas*, Lisa Koll is the defending Big 12
 18 Conference 10,000-meter champion; and
 19 *Whereas*, Lisa Koll has earned All-American honors
 20 four times; and
 21 *Whereas*, Lisa Koll earned Academic All-American
 22 recognition in 2007; and
 23 *Whereas*, Lisa Koll has made the Dean's List every
 24 semester that she has been a biology major at Iowa
 25 State University; and
 26 *Whereas*, Lisa Koll will earn her bachelor's degree
 27 in May, graduating Summa Cum Laude, and she has been
 28 accepted into Iowa State University's College of
 29 Veterinary Medicine; *Now Therefore*,
 30 *Be It Resolved By The House Of Representatives*,

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1 That the House of Representatives recognizes, honors,
 2 and congratulates Lisa Koll for her academic and
 3 athletic achievements.

HR 156 filed April 21, 2008; House adopted April 24, 2008.

1 House Resolution 156

2 By Bell, Gipp, Roberts, and H. Miller
3 A resolution supporting a free trade agreement between
4 the Republic of China on Taiwan and the United States.
5 *Whereas*, the Republic of China on Taiwan and the
6 United States enjoy one of the most important economic
7 and strategic international relationships that exists
8 today; and
9 *Whereas*, together, Taiwan and the United States
10 promote a shared belief in freedom, democracy, and
11 market principles; and
12 *Whereas*, the level of mutual investment between
13 Taiwan and the United States is substantial; and
14 *Whereas*, streamlined foreign investment procedures
15 developed under a free trade agreement between Taiwan
16 and the United States would create new business
17 opportunities and new jobs; and
18 *Whereas*, a free trade agreement between Taiwan and
19 the United States would encourage greater innovations
20 and manufacturing efficiencies by stimulating joint
21 technological development, practical applications, and
22 new cooperative ventures; and
23 *Whereas*, a recent study by the United States
24 International Trade Commission supports the
25 negotiation of a free trade agreement between Taiwan
26 and the United States; and
27 *Whereas*, a free trade agreement between Taiwan and
28 the United States would build on the existing strong
29 relations between Taiwan and the United States to
30 simultaneously boost Taiwan's security and democracy

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1 and serve the broader interests of the United States
2 in the Asia-Pacific region; *Now Therefore*,
3 *Be It Resolved By The House Of Representatives*,
4 That the House of Representatives supports the
5 negotiation of a free trade agreement between the
6 Republic of China on Taiwan and the United States of
7 America; and
8 *Be It Further Resolved*, That upon adoption, an
9 official copy of this Resolution be prepared and
10 presented to the Taipei Economic and Cultural Office
11 located in Chicago, Illinois.

HR 157 filed April 21, 2008; House adopted April 24, 2008.

1 House Resolution 157
2 By Bell, Gipp, Bailey,
3 Roberts, and H. Miller
4 A resolution supporting a proposal to invite the
5 Republic of China (Taiwan) to participate in the

6 upcoming meeting of the World Health Assembly as an
7 observer.

8 *Whereas*, the sixty-first World Health Assembly
9 meeting is scheduled to take place May 19 through 24,
10 2008, in Geneva, Switzerland; and

11 *Whereas*, the Republic of China, commonly known as
12 Taiwan, was a founding member of the World Health
13 Organization and participated for 24 years as a full
14 member contributing to achieving the organization's
15 objectives; and

16 *Whereas*, in 1972, in the wake of the admission of
17 the People's Republic of China to the United Nations,
18 Taiwan's membership in the World Health Organization
19 was discontinued; and

20 *Whereas*, Taiwanese health officials and medical
21 professionals have been unable to participate in World
22 Health Organization forums and workshops regarding
23 technological advances in the diagnosis, monitoring,
24 and control of diseases since 1972, and have been
25 denied the right to maintain contact and coordination
26 with the World Health Organization in emergency
27 situations involving the containment and cure of
28 existing and newly emerging infectious diseases; and

29 *Whereas*, Taiwan's location at the juncture of
30 important maritime routes between northeast and

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1 southeast Asia has resulted in extensive world trade
2 with Taiwan, a thriving Taiwanese tourism industry,
3 and a large foreign migrant worker population in
4 Taiwan; and

5 *Whereas*, Taiwan's absence from the World Health
6 Organization system has become a missing link in the
7 global framework of providing health and medical care;
8 and

9 *Whereas*, the granting of observer status to Taiwan
10 would not constitute a challenge to representation by
11 the People's Republic of China in the World Health
12 Organization and would demonstrate that the
13 organization is inclusive with regard to Taiwan's 23
14 million inhabitants; and

15 *Whereas*, as a democratically elected government,
16 the government of Taiwan has a duty and responsibility
17 to ensure that the people of Taiwan are represented in
18 an organization which establishes and oversees an
19 international framework for the control of disease and
20 the promotion of universal health; and

21 *Whereas*, Taiwan has made substantial progress in
22 the health field, has one of the highest life
23 expectancy rates in Asia, has maternal and infant
24 mortality rates comparable to those in western

25 countries, has eradicated infectious diseases such as
26 cholera, smallpox, and the plague, and has been the
27 first country in the region to eradicate polio and
28 provide children with hepatitis B vaccinations; and
29 *Whereas*, Taiwan has expressed a willingness in
30 recent years to provide financial and technological

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1 assistance in international aid and health activities
2 supported by the World Health Organization; NOW
3 *Therefore*,
4 *Be It Resolved By The House Of Representatives*,
5 That the House of Representatives supports the
6 granting of observer status to Taiwan during the World
7 Health Assembly to be held in May 2008; and
8 *Be It Further Resolved*, That an official copy of
9 this Resolution be prepared and forwarded by the Chief
10 Clerk of the House of Representatives to the governing
11 authority and member states of the World Health
12 Organization, the World Health Assembly, and the
13 governments of Taiwan and of the People's Republic of
14 China.

HR 159 filed April 23, 2008; House adopted April 24, 2008.

1 House Resolution 159
2 By Bell, Bailey, L. Miller, and Roberts
3 A resolution requesting the Congress of the United
4 States to give due consideration to the readiness
5 of the Republic of China on Taiwan for membership
6 in the United Nations.
7 *Whereas*, the Republic of China on Taiwan has
8 established a democratic, multiparty political system,
9 its diplomacy aimed at national unification
10 demonstrates its progressive spirit as a government
11 and a people, and its inclusion in the United Nations
12 would only further the universality of this essential
13 global forum; and
14 *Whereas*, already having provided many developing
15 nations with financial assistance, as well as overseas
16 aid, training, and disaster relief, Taiwan has amply
17 illustrated its concern for the welfare of the world;
18 and
19 *Whereas*, the government of Taiwan has accepted the
20 obligations contained in the United Nations Charter
21 and agrees to promote international peace and
22 security; and
23 *Whereas*, the fundamental right of the over 22
24 million citizens of Taiwan to be partners in the
25 community of nations should no longer be denied; *Now*

26 *Therefore,*

27 *Be It Resolved By The House Of Representatives,*

28 That the House of Representatives supports the
29 membership of the Republic of China on Taiwan in the

30 United Nations and urges due consideration by the

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1 Congress of the United States; and

2 *Be It Further Resolved,* That upon adoption, an

3 official copy of this Resolution be prepared and

4 presented to the President of the United States

5 Senate, the Secretary of the United States Senate, the

6 Speaker of the United States House of Representatives,

7 the Clerk of the United States House of

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10 Nations.

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- House Resolution 139—honor Iowa’s Olympic athletes—975 adopted.
- House Resolution 142—honor University of Iowa Hawkeye wrestling team and Coach Tom Brands for winning the 2008 National Collegiate Athletic Association’s team championship—1024,
- House Resolution 143—honor Lisa Bluder, Head Coach of the University of Iowa’s Women’s Basketball Team and 2008 Big Ten Coach of the Year—1024, 1025,
- House Resolution 144—honor Tyler Joseph Steinke as the youngest Global Messenger for Special Olympics Iowa—1025, 1123 adopted.
- House Resolution 146—honor Wartburg College’s wrestling team for winning the National Collegiate Athletic Association Division III Wrestling Championship—1086, 1087 adopted.
- House Resolution 150—honor Drake University’s men’s and women’s basketball teams—1121, 1231, 1232 adopted.
- House Resolution 152—honor Drake University men’s basketball coach Keno Davis—1232 adopted.
- House Resolution 153—honor 2007 Iowa State University Cyclones women’s volleyball team for a phenomenal 2007 season that culminated in team’s appearance in the NCAA Women’s Volleyball Tournament Regional semifinal—1328, 1329,
- House Resolution 154—honor Iowa State University Cyclone wrestling team and head coach Cael Sanderson for their second consecutive Big 12 Conference team championship—1329,
- House Resolution 155—honor Iowa State University track student-athlete and Fort Dodge native Lisa Koll—1329, 1387 adopted.
- House Resolution 158—honor Coach Kim Muhl and the Kirkwood Community College Women’s Basketball team—1551,
- House Resolution 160—honor accomplishments of Iowa State University women’s basketball head coach Bill Fennelly, associate head coach Jack Easley, assistant coaches Latoja Schaben and Jodi Steyer, director of basketball operations Michele Roberts, graduate assistant coach Molly Parrott, and the 2007-2008 Cyclones—1863,

AWARDS AND GIFTS—

- Representative Murphy presented to Representative Zirkelbach the United States flag that draped upon his desk during his tour of Iraq—10
- Representatives McCarthy and Rants presented certificates of appreciation to former doorkeepers Jim Glenn and Jerry Orman—189

Representative Whitaker presented a certificate of recognition to Emily Meyer to thank her for her service in the computer services area—303

Special presentation to House Pages—434, 1798-1799

The Honorable Robert Ray, former Governor of Iowa, presented to the Honorable Dave Johnson and the Honorable Mark Smith the Uncommon Public Service Award—669

Representative Soderberg presented Greg Christy, President of Northwestern College, with a certificate honoring his 9th year as president and the school for 125 years of educational excellence—821

Representative Alons presented a certificate of excellence to Greg Christy for the Northwestern College women's basketball team—821

Representative Murphy presented a certificate of honor to Tyler Joseph Steinke, youngest Global Messenger for Special Olympics Iowa—1123

Representative Murphy and McCarthy presented plaques to retiring members of the House—1965-1966

BAILEY, MCKINLEY—Representative **Hamilton**-Webster-Wright Counties

Amendments filed—344, 456, 482, 558, 593, 618, 980, 981, 1086, 1154, 1156, 1161, 1864

Amendments offered—551, 615, 1057, 1154, 1199

Amendments withdrawn—614, 616

Bills introduced—11, 37, 61, 67, 92, 93, 131, 164, 165, 179, 182, 189, 201, 202, 203, 221, 223, 244, 290, 302, 318, 355, 416, 488, 667

Committee appointment—38

Presented to the House dignitaries from Lithuania—365

Presented to the House David Stanton, T.D. a Fine Gael member of the Irish Parliament representing County Cork East and his wife Mary—566

Presented to the House several foreign exchange students from Afghanistan, Serbia, Montenegro, Russia, Kazakhstan, Armenia, Ukraine and Uzbekistan—603

Presented to the House the Irish flag in celebration of St. Patrick's Day—669

Presented to the House several judges visiting from Russia—1029

Presented to the House a delegation of government officials from Nigeria—1688

Resolutions filed—709, 908, 951, 975, 1024, 1121, 1232, 1328, 1329, 1551, 1762, 1863

Resolutions offered—1088, 1764

Subcommittee assignments—34, 101, 102, 134, 172, 184, 215, 241, 255, 357, 373, 405, 406, 491, 630, 655, 704

BAUDLER, CLEL—Representative **Adair**-Audubon-Cass-Guthrie Counties

Amendments filed—187, 200, 498, 533, 631, 656, 688, 781, 782, 783, 784, 785, 870, 871, 910, 1024, 1025, 1079, 1086, 1161, 1218, 1233, 1242, 1244, 1338, 1339, 1384, 1528, 1551, 1864, 1865

Amendments offered—924, 1074, 1076, 1244, 1338, 1339, 1791, 1893, 1900, 1905, 1963

Amendments withdrawn—851, 1338, 1893

Bills introduced—11, 19, 51, 68, 69, 111, 123, 130, 131, 149, 162, 164, 179, 222, 234, 235, 247, 292, 302, 318, 346, 354, 355, 382, 413, 415, 416, 467, 468

Resolutions filed—709, 909, 951, 975, 1024, 1121, 1232

Resolution offered—1220

Subcommittee assignments—63, 64, 101, 102, 126, 158, 172, 184, 196, 197, 230, 241, 257, 339, 372, 383, 406, 422, 462, 513, 630, 704, 1047

BELL, PAUL—Representative **Jasper** County

Amendments filed—687, 980, 1048, 1517, 1864

Amendment offered—851

Amendments withdrawn—1880, 1892

Bills introduced—37, 131, 205, 223, 355, 385, 457

Presided at session of the House—1088

Resolutions filed—456, 709, 951, 975, 1024, 1121, 1232, 1328, 1329, 1550, 1551, 1762, 1863

Resolution offered—1764

Subcommittee assignments—59, 63, 196, 371, 405, 452, 462, 492, 815

BERRY, DEBORAH L.—Representative **Black Hawk** County

Amendments filed—594, 817, 910, 980, 1188, 1259, 1363

Amendment offered—993

Amendment withdrawn—1363

Bills introduced—11, 61, 68, 149, 179, 188, 203, 223, 280, 281, 318, 355, 385, 416, 430

Presented to the House several women from Nigeria, South Africa—822

Resolutions filed—361, 709, 870, 908, 909, 951, 975, 1024, 1121, 1232, 1328, 1329

Resolutions offered—363, 873

Subcommittee assignments—64, 85, 102, 126, 158, 196, 215, 230, 371, 372, 383, 406, 492, 654, 780, 932, 1119

BILLS—

(See also action on **HOUSE JOINT RESOLUTIONS**, **HOUSE FILES**, **SENATE JOINT RESOLUTIONS** and **SENATE FILES** in **LEGISLATIVE INDEX VOLUME**)

Approved by governor—182, 252, 285, 356, 461, 529, 628, 666, 903-904, 929, 946, 975-976, 1045, 1050, 1115-1116, 1253-1256, 1280, 1382-1383, 1545-1546, 1760, 1861, 2121-2122

Approved, vetoed or item vetoed subsequent to adjournment—2124-2140

Consideration of—113, 151, 189, 206, 223, 249, 264, 282, 320, 348, 364, 397, 417, 434, 501, 548, 567, 573, 621, 638, 670, 692, 710, 787, 823, 875, 912, 923, 938, 957, 968, 985, 1032, 1052, 1101, 1124, 1221, 1276, 1284, 1289, 1388, 1554, 1688, 1770, 1866

Deferred, retained on calendar—365, 739, 749, 1007, 1035, 1378, 1860

Introduction of—11, 19-21, 36-37, 49-51, 61-62, 67-69, 91-93, 111-112, 123-125, 129-130, 130-131, 137-138, 148-150, 162-166, 177-179, 181-182, 188-189, 201-203, 204-205, 221-223, 233-236, 238-239, 244, 246-248, 263-264, 278-279, 280-281, 290-294, 295-296, 301-303, 318-320, 345-347, 352-355, 362-363, 367-369, 381-382, 385-387, 388-390, 395-396, 413-416, 430-433, 457-461, 466-469, 484-485, 488-490, 499-501, 507-508, 523, 526-528, 534, 547-548, 559-562, 572, 596-600, 619-621, 632-634, 658-663, 667, 689, 708, 739, 774, 786, 872, 911, 936-937, 953-954, 1027-1028, 1049-1050, 1113-1114, 1135-1136, 1149, 1162-1163, 1185-1186, 1213, 1232, 1252, 1261, 1294, 1330, 1331, 1387, 1686, 1831, 1848

Item veto messages after session—2135-2140

Passed on file—701, 860, 903, 1115

Placed on calendar—941

Placed on unfinished business calendar—525, 940-941, 1036-1037, 1039-1040

Referred to committees—683, 775, 860, 903, 928, 932, 934, 941, 975, 1021, 1063, 1327

Rereferred to committees—69, 131, 153, 211, 284, 491, 701, 861, 1083, 1253

Sent to governor—240, 251, 400, 469, 589, 628, 861, 903, 946, 1083, 1157, 1253, 1325, 1545, 1861, 2120, 2124
 Substitutions—151, 364, 399, 638, 640, 641, 643, 646, 679, 681, 806, 833, 899, 924, 991, 995, 996, 999, 1004, 1007, 1014, 1015, 1017, 1137, 1139, 1142, 1143, 1148, 1209, 1286, 1290, 1388, 1389, 1510, 1557, 1691, 1756, 1770, 1795, 2061
 Veto message after session—2131-2134
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BILLS SENT TO GOVERNOR—

(See **BILLS**, subheading, Sent to Governor)

BOAL, CARMINE—Representative **Polk** County

Amendments filed—276, 498, 782, 783, 784, 785, 1218, 1233, 1528, 1684, 1762, 2072
 Amendments offered—325, 1930, 2072
 Bills introduced—50, 51, 68, 123, 131, 137, 149, 162, 178, 246, 247, 264, 318, 320, 355, 362, 382, 413, 414, 415, 416, 467, 468, 501
 Committee appointment—1382
 Presented to the House several engineering students here to participate in the mentoring program—138
 Presided at sessions of the House—1139, 1149
 Report—1555-1556
 Resolutions filed—709, 817, 951, 975, 1121, 1232
 Subcommittee assignments—59, 100, 101, 144, 173, 196, 214, 299, 422, 451, 479, 513, 591, 654, 867

BOARDS, COMMISSIONS, COMMITTEES AND/OR COUNCILS—

(See **APPOINTMENTS** and/or **COMMUNICATIONS FROM**, subheading Reports and/or **INDIVIDUAL HEADINGS**)

BUDGET MESSAGE—

(See **STATE OF THE STATE** and **BUDGET MESSAGE**)

BUKTA, POLLY—Representative **Clinton** County, Speaker Pro Tempore

Amendments filed—871, 980, 1259
 Bills introduced—11, 37, 111, 165, 179, 201, 203, 223, 248, 318, 353, 355, 385, 416, 430
 Bills placed on calendar (as acting Speaker)—941
 Bills placed on unfinished business calendar (as acting Speaker)—940-941
 Bills referred to committee (as acting Speaker)—941, 1063
 Committee appointment—37
 Presented to the House the Irish flag in celebration of St. Patrick's Day—669
 Presented plaques to Representatives Murphy, McCarthy and Rants in appreciation for their dedication and service to the Iowa House of Representatives—1966
 Presided at sessions of the House—295, 345, 457, 548, 571, 741, 936, 938, 1052, 1123, 1272, 1398, 1552, 1764, 2017
 Resolutions filed—456, 709, 951, 975, 1024, 1121, 1232, 1328, 1329
 Rulings made (as acting Speaker)—1053, 1063, 1069, 1073
 Subcommittee assignments—34, 64, 101, 116, 173, 197, 257, 272, 339, 371, 391, 405, 451, 452, 492, 493, 654, 815

CALL OF THE HOUSE—

Lifted:

House File 2660, H-8398—1078

Requested:

House File 2660, H-8398—1077

CERTIFICATES OF RECOGNITION—16-18, 33-34, 52-58, 62, 73-84, 98-99, 114-115, 125-126, 132-134, 138-144, 153-157, 166-172, 180, 182-184, 193-196, 211-213, 229-230, 240-241, 253-255, 267-272, 285-286, 294, 297-299, 336-338, 356-357, 369-370, 390, 400-404, 421-422, 446-451, 462, 469-479, 491, 509-511, 529-530, 557, 590, 628-629, 648-654, 683-685, 701-704, 776-780, 808-813, 862-867, 905-906, 929-931, 941-943, 946-947, 976-978, 1021-1022, 1045-1047, 1084-1085, 1117-1119, 1158-1159, 1215-1217, 1256-1257, 1280-1281, 1325-1327, 1383, 1546-1548, 1679-1682, 1761, 1862, 2122-2123

CHAMBERS, ROYD E.—Representative Clay-O'Brien-Osceola-Sioux Counties

Amendments filed—742, 781, 782, 783, 784, 785, 909, 944, 981, 1086, 1218, 1235, 1242, 1528, 1534, 1840, 1864

Amendments offered—742, 1223, 1235, 1840, 1907

Amendment withdrawn—1534

Bills introduced—51, 68, 111, 112, 123, 124, 125, 130, 131, 149, 162, 205, 247, 302, 318, 355, 382, 413, 415, 416, 430, 468, 485, 499, 508, 911

Presented to the House the Honorable Richard Vande Hoef former member of the House—279

Resolutions filed—709, 817, 908, 951, 975, 1024, 1121, 1232

Subcommittee assignments—63, 86, 102, 116, 134, 197, 256, 272, 391, 422, 479, 591, 655, 814, 1219

CHIEF CLERK OF THE HOUSE, Mark Brandsgard

Communications received and on file—13-16, 51-52, 65-66, 67,69-70, 71-73, 110, 121-122, 127, 129, 131-132, 135-136, 147, 161, 162, 174-176, 186-187, 211, 218-220, 236-237, 242-243, 252-253, 260-261, 275, 288-289, 342-343, 360-361, 377-380, 384, 393, 410, 425-428, 455-456, 464-465, 481, 495-498, 499, 515-522, 532, 535-546, 556-557, 593, 632, 655, 686, 705, 780-781, 815-816, 861, 868-869, 904-905, 906-908, 932-935, 947-951, 978-979, 1023, 1047-1048, 1083-1084, 1087, 1120, 1160-1161, 1217-1218, 1220, 1258, 1276, 1280, 1281-1282, 1327-1328, 1384, 1549-1550, 1683, 1832, 1852, 1854, 1863

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Committee recommendations—66, 69-70, 110, 121-122, 127, 135-136, 147, 161, 174-176, 186-187, 218-220, 236-237, 242-243, 260-261, 275, 288-289, 342-343, 360-361, 377-380, 384, 393, 410, 425-428, 455-456, 464-465, 481, 495-498, 515-522, 532, 535-546, 593, 655, 686, 705, 780-781, 815-816, 868-869, 906-908, 932-

935, 947-951, 978-979, 1023, 1047-1048, 1120, 1160-1161, 1217-1218, 1258, 1276, 1281-1282, 1327-1328, 1384, 1549-1550, 1683, 1832, 1852, 1854, 1863
 Enrolled bills—240, 251, 400, 469, 589, 628, 861, 903, 946, 1083, 1157, 1253, 1325, 1545, 1861, 2120, 2124

Resolutions relating to:

House Resolution 114—annual budget for the daily operations of the House of Representatives—482, 1392 adopted.

CHIEF JUSTICE OF THE SUPREME COURT, The Honorable Marsha K. Ternus
 (See SUPREME COURT OF IOWA)

CLUTE, DAN—Representative **Polk** County

Amendment filed—275

Bills introduced—51, 123, 162, 165, 179, 318, 355, 416, 432

Committee appointment—2

Leaves of absence—643, 1398, 1552

Presided at session of the House—953

Resolutions filed—709, 951, 975, 1024, 1121, 1232

Subcommittee assignments—86, 158, 184, 339, 371, 372, 373, 405, 406, 932

COHOON, DENNIS M.—Representative **Des Moines** County

Amendments filed—980, 2018

Amendment offered—2018

Bills introduced—37, 353, 355, 385

Resolutions filed—456, 709, 951, 975, 1024, 1121, 1232, 1328, 1329, 1863

Subcommittee assignments—34, 64, 86, 116, 134, 145, 158, 173, 197, 214, 256, 257, 272, 299, 338, 339, 405, 406, 423, 452, 479, 512, 513, 591, 906, 1761

COMMERCE, COMMITTEE ON—

Amendments filed—935, 952

Amendments offered—986, 1018, 1150, 1341, 1358

Amendment withdrawn—1340

Bills introduced—239, 291, 387, 500, 561, 619, 621, 633, 634, 659, 661, 662, 663

Recommendations—218, 260, 377, 425, 515, 536-537, 932-933, 948-949

Subcommittee assignments—84, 85, 86, 100, 115, 117, 157, 158, 172, 184, 215, 272, 371, 372, 373, 405, 406, 452, 492, 493, 629, 654, 704, 780, 815, 868, 932

COMMISSIONS, COMMITTEES, BOARDS AND/OR COUNCILS—

(See APPOINTMENTS and/or COMMUNICATIONS, sub-heading Reports and/or INDIVIDUAL HEADINGS)

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Subcommittee assignment—422

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CONDITION OF THE STATE MESSAGE—

(See STATE OF THE STATE and BUDGET MESSAGE)

CONFERENCE COMMITTEE—

Appointed—710, 745, 1288, 1382, 1579, 1697, 1846

Report:

House File 2197—1555-1556
 House File 2212—1090-1099
 House File 2539—1980-2017
 Senate File 2308—1379-1380
 Senate File 2425—1966-1978

Reports adopted:

House File 2197—1556
 House File 2212—1100
 House File 2539—2017
 Senate File 2308—1380

Senate File 2425—1978

Reports called up:

House File 2197—1555

House File 2212—1089

House File 2539—1980

Senate File 2308—1378

Senate File 2425—1966

Reports filed:

House File 2197—1553

House File 2212—1089

House File 2539—1979

Senate File 2308—1331

Senate File 2425—1845

Senate File 2425—1861

CONGRESS AND/OR PRESIDENT OF THE UNITED STATES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES)

DANDEKAR, SWATI A.—Representative **Linn** County

Amendments filed—980, 1086, 1282

Amendment offered—1304

Bills introduced—11, 150, 179, 203, 318, 355, 368, 416

Committee appointment—304

Leave of absence—111

Presided at session of the House—874

Resolutions filed—456, 709, 817, 951, 975, 1024, 1121, 1232, 1328, 1329

Subcommittee assignments—64, 116, 117, 173, 373, 943

DAVITT, MARK—Representative **Warren** County

Amendment filed—893

Amendment withdrawn—893

Bills introduced—11, 37, 61, 111, 131, 223, 264, 355, 385, 508

Presided at session of the House—1387

Resolutions filed—709, 951, 975, 1024, 1121, 1232, 1328, 1329, 1863

Subcommittee assignments—62, 101, 126, 145, 172, 405, 511, 513, 630, 813, 1119

DE BOEF, BETTY—Representative Iowa-**Keokuk**-Poweshiek-Tama Counties

Amendments filed—187, 200, 262, 781, 782, 783, 784, 785, 909, 1025, 1111, 1112, 1528

Amendment withdrawn—1112

Bills introduced—50, 51, 68, 123, 130, 131, 149, 162, 247, 264, 279, 293, 318, 347, 355, 368, 382, 413, 415, 416, 459, 467, 468, 667

Leaves of absence—936, 1529, 1552

Petition presented—

Resolutions filed—709, 817, 951, 975, 1024, 1121, 1232

Subcommittee assignments—34, 423, 452, 814

DEYOE, DAVE—Representative Hamilton-**Story** Counties

Amendments filed—688, 910, 1528

Bills introduced—68, 123, 131, 149, 162, 247, 264, 293, 318, 355, 382, 413, 415, 416, 467, 468, 484, 485, 499, 501, 508

Committee appointments—

Explanation of vote—125

Leave of absence—111

Resolutions filed—709, 817, 908, 951, 975, 1024, 1121, 1232

Resolution offered—1029

Subcommittee assignments—287, 358, 371, 372, 423, 463, 492, 514, 591, 629, 813, 814, 867, 1159

DOLECHECK, CECIL—Representative Adams-Montgomery-**Ringgold**-Taylor-Union Counties

Amendments filed—262, 276, 456, 782, 783, 784, 785, 910, 1528, 1864, 2069

Amendment offered—1886

Bills introduced—51, 111, 123, 130, 131, 179, 247, 248, 279, 293, 318, 355, 382, 413, 416, 667

Committee appointment—710

Explanation of vote—1214

Leave of absence—1035

Resolutions filed—709, 951, 975, 1024, 1121, 1232

Subcommittee assignments—116, 158, 197, 215, 256, 257, 339, 513, 686, 704

DRAKE, JACK—Representative Cass-**Pottawattamie**-Shelby Counties

Amendments filed—187, 200, 262, 782, 783, 784, 785, 870, 1024, 1528, 1684, 2068, 2069

Amendments offered—1052, 1137

Amendment withdrawn—2068

Bills introduced—50, 51, 68, 123, 131, 149, 235, 236, 247, 318, 355, 368, 382, 413, 415, 416, 432, 484, 485, 499, 508, 667

Resolutions filed—709, 951, 975, 1024, 1121, 1232

Subcommittee assignments—100, 144, 371, 391, 423, 511, 1281

ECONOMIC GROWTH, COMMITTEE ON—

Bills introduced—234, 239, 387, 389, 458, 489, 527, 528, 562, 599, 620, 658, 661

Recommendations—218, 236-237, 377, 410, 464, 516-517, 538, 816

Subcommittee assignments—101, 102, 184, 357, 358, 491, 492, 513, 685

EDUCATION, COMMITTEE ON—

Amendments filed—289, 498, 910, 935

Amendments offered—583, 1055, 1221

Bills introduced—149, 178, 202, 234, 239, 248, 381, 484, 526, 527, 562, 596, 620, 658, 662

Recommendations—135, 161, 175, 186, 219, 243, 288-289, 377-378, 455-456, 496-497, 537-538, 906-907, 933, 1550

Subcommittee assignments—64, 85, 86, 116, 134, 158, 172, 173, 196, 197, 215, 255, 256, 257, 299, 338, 339, 373, 390, 391, 422, 423, 452, 479, 512, 513, 591, 685, 814, 867, 906

EIGHTY-SECOND GENERAL ASSEMBLY—

(See GENERAL ASSEMBLY—HOUSE)

EMPLOYEES—

(See OFFICERS AND EMPLOYEES)

ENROLLED BILLS—

(See BILLS, subheading, Sent to Governor; CHIEF CLERK OF THE HOUSE, Mark Brandsgard, Reports; and/or SPEAKER OF THE HOUSE, Patrick J. Murphy, subheading, Bills signed by)

ENVIRONMENTAL PROTECTION, COMMITTEE ON—

Amendment filed—176

Amendment offered—223

Bills introduced—353, 395, 489, 500, 526, 528, 596, 597, 660, 667, 689

Recommendations—175, 342, 378, 426, 497, 538-539, 949

Subcommittee assignments—64, 115, 116, 118, 371, 372, 423, 530, 932

EXPLANATION OF VOTE—

House File 2065—Representative Deyoe—125

House File 2164—Representative Van Engelenhoven—628

House File 2195—Representative Petersen—556

House File 2212—Representative Upmeyer—1115

House File 2213—Representative Petersen—556

House File 2215—Representative Petersen—556

House File 2266—Representative Winckler—1382

House File 2283—Representative Paulsen—1253

House File 2372—Representative Van Engelenhoven—628

House File 2385—Representative Van Engelenhoven—628

House File 2390—Representative Huser—683

House File 2392—Representative Van Engelenhoven—628

House File 2400—Representative Van Engelenhoven—628

House File 2410—Representative Huser—683

House File 2411—Representative Huser—683

House File 2440—Representative Van Engelenhoven—628

House File 2452—Representative Huser—683

House File 2539—Representative Van Engelenhoven—628

House File 2547—Representative Huser—683

House File 2558—Representative Raecker—941

House File 2559—Representative Raecker—941

House File 2570—Representative Raecker—941

House File 2580—Representative Van Fossen—929

House File 2580—Representative Raecker—941

House File 2581—Representative Lensing—928

House File 2581—Representative Van Fossen—929

House File 2581—Representative Raecker—941

House File 2600—Representative Van Fossen—929

House File 2600—Representative Raecker—941

House File 2603—Representative Raecker—941

House File 2651—Representative Paulsen—1253

House File 2668—Representative Paulsen—1253

House File 2669—Representative Paulsen—1253

House File 2700, motion to suspend rules to consider H-8669, H-8670, H-8674, H-8680 & H-8688—Representative Arnold—2120

House File 2700, H-8665, H-8704 & H-8705—Representative Arnold—2120

House File 2700, H-8675 & H-8704—Representative Schickel—2120

House File 2700, H-8674—Representative Mertz—2120

Senate Joint Resolution 2002—Representative Staed—1214

Senate File 261—Representative Lykam—240
 Senate File 2059—Representative Hoffman—369
 Senate File 2111—Representative Van Engelenhoven—628
 Senate File 2134—Representative Paulsen—1253
 Senate File 2154—Representative Winckler—1382
 Senate File 2156—Representative Winckler—1382
 Senate File 2221—Representative Winckler—1382
 Senate File 2269—Representative Paulsen—1253
 Senate File 2276—Representative Paulsen—1253
 Senate File 2304—Representative Winckler—1382
 Senate File 2316—Representative Watts—1044
 Senate File 2317—Representative Winckler—1382
 Senate File 2320—Representative Huser—683
 Senate File 2321—Representative Paulsen—1253
 Senate File 2328—Representative Raecker—941
 Senate File 2335—Representative Gaskill—1045
 Senate File 2338—Representative Watts—1044
 Senate File 2349—Representative Watts—1044
 Senate File 2379—Representative Watts—1044
 Senate File 2380—Representative Watts—1044
 Senate File 2394—Representative Dolecheck—1214

FEDERAL AGENCIES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS and/or FEDERAL AGENCIES)

FOEGE, RO—Representative Johnson-**Linn** Counties

Amendments filed—567, 871, 910, 980, 1233, 1259, 1402, 1510, 1517, 1519, 1530, 1542
 Amendments offered—1276, 1402, 1510, 1517, 1519, 1530, 1542
 Bills introduced—11, 37, 61, 93, 112, 130, 165, 179, 182, 203, 223, 235, 292, 296, 301, 302, 318, 353, 355, 385, 416
 Committee appointments—1579, 1846
 Presented to the House Jim Miller, Head Coach of the Wartburg College wrestling team—1087
 Presided at session of the House—911
 Report—1966-1978
 Resolutions filed—300, 705, 709, 816, 909, 951, 952, 975, 1024, 1086, 1121, 1232
 Resolutions offered—1051, 1087
 Subcommittee assignments—64, 103, 116, 117, 118, 158, 197, 214-215, 230, 256, 257, 338, 339, 358, 391, 405, 406, 423, 452, 479, 513, 558, 591, 704, 814, 867, 906, 932, 1119, 1281

FORD, WAYNE—Representative **Polk** County

Amendments filed—567, 594, 687, 785, 817, 870, 871, 980, 981, 1188, 1258, 1259, 1329
 Amendments offered—799, 895, 1000, 1004, 1139, 1394
 Amendments withdrawn—1188, 1558
 Bills introduced—37, 179, 203, 205, 239, 246, 281, 296, 302, 303, 346, 354, 355, 457, 458, 460, 466, 467, 485, 488
 Presided at session of the House—1219
 Requested to be removed as a sponsor of HF 2026—297

Resolutions filed—361, 380, 706, 709, 909, 951, 975, 1024, 1121, 1232, 1328, 1329, 1863, 2123
 Resolutions offered—363, 1231
 Subcommittee assignments—117, 157, 196, 241, 338, 339, 358, 372, 406, 512, 513, 1047

FORRISTALL, GREG—Representative Mills-**Pottawattamie** Counties

Amendments filed—782, 783, 784, 785, 1124, 1233
 Amendment offered—1124
 Bills introduced—50, 51, 125, 130, 131, 137, 149, 181, 292, 293, 318, 319, 355, 382, 413, 416, 432, 467, 468, 469, 484, 485, 499, 508
 Leaves of absence—499, 1395, 1685, 1763, 1849, 2075
 Resolutions filed—709, 817, 951, 975, 1024, 1121, 1232
 Subcommittee assignments—64, 85, 116, 158, 197, 241, 256, 339, 373, 406, 511, 630, 780, 867

FREVERT, MARCELLA R.—Representative Emmet-Kossuth-**Palo Alto** Counties

Amendments filed—594, 871, 910, 980, 1161, 1258, 1259, 1329, 1684, 1864
 Amendment offered—1866
 Amendments withdrawn—1373, 1898, 1964
 Bills introduced—36, 37, 61, 111, 179, 182, 201, 203, 223, 248, 302, 355, 368, 385, 386
 Leaves of absence—487, 503
 Petitions presented—632, 1087
 Presented to the House The Little Irish Dancers and Miss Shamrock, April Gunderson—566
 Resolutions filed—709, 909, 951, 975, 1024, 1121, 1232, 1328, 1329
 Subcommittee assignments—63, 64, 115, 116, 118, 371, 373, 391, 423, 513, 530, 591, 814, 867, 978

GASKILL, MARY—Representative **Wapello** County

Amendments filed—631, 871, 910, 980, 1086, 1121, 1218, 1258, 1259
 Amendments offered—962, 1189
 Amendment withdrawn—1375
 Bills introduced—11, 37, 179, 181, 182, 203, 222, 223, 235, 248, 302, 355, 363, 385, 430
 Committee appointment—2
 Explanation of vote—1045
 Resolutions filed—456, 709, 908, 909, 951, 975, 1024, 1121, 1232, 1328, 1329, 1863
 Requested to be added as a sponsor of H-8587 & H-8588 to SF 2425—1544
 Subcommittee assignments—59, 64, 86, 99, 100, 115, 158, 173, 197, 215, 257, 286, 371, 405, 451, 452, 453, 492, 493, 513, 654, 867, 932, 943

GAYMAN, ELESHA—Representative **Scott** County

Amendments filed—910, 980, 1161, 1218, 1517, 1531, 1857, 1864
 Amendments offered—583, 1857, 1888
 Amendments withdrawn—1531, 1860
 Bills introduced—11, 37, 61, 93, 131, 179, 182, 201, 203, 223, 302, 353, 355
 Committee appointments—1382, 1579, 1846
 Presented to the House several engineering students here to participate in the mentoring program—138
 Reports—1555-1556, 1966-1978

Resolutions filed—566, 709, 817, 908, 909, 951, 975, 1024, 1121, 1232, 1328, 1329
 Resolution offered—566
 Subcommittee assignments—34, 86, 102, 103, 116, 118, 134, 158, 172, 173, 197, 214, 215, 230, 255, 256, 257, 272, 299, 339, 405, 423, 512, 558, 591, 685, 704, 814, 932, 1281

GENERAL ASSEMBLY—HOUSE—

(See also ADMINISTRATION AND RULES COMMITTEE in the GENERAL INDEX and/or HOUSE CONCURRENT RESOLUTIONS, HOUSE RESOLUTIONS and SENATE CONCURRENT RESOLUTIONS listed in LEGISLATIVE INDEX VOLUME)

Resolutions relating to:

- House Concurrent Resolution 101—a joint convention on Tuesday, January 15, 2008, at 10:00 a.m. for Governor Chester J. Culver deliver his condition of the state budget message—3 adopted & msgd. – S.J. – 10, 11 adopted & msgd. – H.J. 12.
- House Concurrent Resolution 102—a joint convention on Wednesday, January 16, 2008, at 10:00 a.m. for Chief Justice Ternus to present her condition of the judicial system message—3 adopted & msgd. – S.J. – 10, 11 adopted & msgd. – H.J. 12.
- House Concurrent Resolution 103—amending the joint rules of the Senate and the House of Representatives for the Eighty-second General Assembly—136,
- House Concurrent Resolution 104—a joint convention on Tuesday, February 19, 2008 at 10:00 a.m. for Major General Ron Dardis to present his condition of the Iowa National Guard message—261, 296 adopted, 297 msgd. – S.J. – 281, 282 adopted & msgd.
- House Concurrent Resolution 105—designate May 2008 as Motorcycle Safety Month—456, 1220 adopted.
- House Concurrent Resolution 107—recognize the rights of workers in Iowa’s meatpacking industry—816,
- House Concurrent Resolution 109—provide for adjournment sine die—2123,
- House Resolution 102—designating February 5, 2008, as Iowa Insurance Day—187, 189 adopted.
- House Resolution 104—designating March 2008 as Iowa Women’s History Month—232, 486 adopted.
- House Resolution 106—designate month of March 2008 as Professional Social Work Month—300,
- House Resolution 107—honor Winnebago Industries on its 50th anniversary—300, 347 adopted.
- House Resolution 108—recognize Iowa Small Business Development Centers and honor 2007 award winners Anna Bradley and Marguerite White—344, 348 adopted.
- House Resolution 109—designate February 2008 as Black History Month—361, 363 adopted.
- House Resolution 110—request legislative council to authorize a 2008 interim study of methods and funding for mitigating the presence of lead-based paint and other lead hazards—380,
- House Resolution 111—recognize the Month of March 2008 as Deep Vein Thrombosis Awareness Month—393, 938 adopted.
- House Resolution 114—annual budget for the daily operations of the House of Representatives—482, 1392 adopted.

- House Resolution 115—congratulate J. Barry Griswell and the Principal Financial Group for being named one of the “Top 25 Best Places To Work” by Fortune Magazine—532, 533,
- House Resolution 117—honor AARP on its’ 50th Anniversary—566 adopted.
- House Resolution 118—request legislative council authorize study committee for 2008 interim to review Iowa’s system of mental health patient advocates appointed by the courts—630,
- House Resolution 120—honor Sam Wagner and Talia Leman, the Iowa Prudential Spirit of Community Award Winners—687,
- House Resolution 121—recognizing Uncommon Public Service Award—669 adopted.
- House Resolution 122—honor work of department of elder affairs and Iowa’s area agencies on aging home-delivered nutrition programs and March for Meals campaign—687,
- House Resolution 123—recognize the Grant Wood Art Festival—705, 1051 adopted.
- House Resolution 124—honor and commemorate the University of Northern Iowa Institute for Decision Making for 20 years of economic development service in Iowa—705,
- House Resolution 125—request legislative council to authorize a study for 2008 interim to review the use of psychostimulant medication for treating attention-deficit hyperactivity disorder (ADHD) in children—706,
- House Resolution 128—designate second week in June as Home Education Week in Iowa—817,
- House Resolution 129—congratulate Iowa State University of Science and Technology for 150 years of leadership and service to the nation and the world as Iowa’s land-grant university—817,
- House Resolution 130—recognize the visit of five distinguished women leaders from Nigeria—870, 873 adopted.
- House Resolution 133—designate September 2008 as Prostate Cancer Awareness Month—909,
- House Resolution 134—designate Tuesday, April 22, 2008 as Equal Pay Day—909,
- House Resolution 135—recognize March 15, 2008 as Buckle Up for Safety Day—909,
- House Resolution 138—urge implementation of disability-friendly principles for Iowa’s health care coverage system—952,
- House Resolution 140—congratulate Iowa State University of Science and Technology for 150 years of leadership and service to the nation and the world as Iowa’s land-grant university—1024, 1029 adopted.
- House Resolution 141—recognize the 2008 annual Donna Reed Festival for the Performing Arts—1024, 1262 adopted.
- House Resolution 145—recognize the life and work of Dr. Kenneth Jernigan and the Iowa Department for the Blind—1085, 1086,
- House Resolution 147—recognize the 50th anniversary of the Iowa Rose Festival in State Center—1086, 1687 adopted.
- House Resolution 148—honor city of Sutherland on its quasiquintennial anniversary—1121,
- House Resolution 149—honor city of Paullina on its quasiquintennial anniversary—1121,
- House Resolution 151—recognize April 13 through 19, 2008 as the Week of the Young Child—1258,

House Resolution 161—urge Iowa State Fair Board to seek greater diversity in its events and attractions—2123,
Senate Concurrent Resolution 106—provide for adjournment sine die—1304, 1306 adopted, 1307 msgd. – H.J. – 2119, 2120 adopted.

GIFTS—

(See AWARDS AND GIFTS)

GIPP, CHUCK—Representative Allamakee-**Winneshiek** Counties

Amendments filed—687, 706, 1528, 1864, 1914, 2062
Amendment offered—1878
Amendments withdrawn—695, 753
Bills introduced—123, 125, 179, 246, 318, 355, 416
Resolutions filed—709, 951, 975, 1024, 1121, 1232, 1550, 1551

GOVERNMENT OVERSIGHT, COMMITTEE ON—

Bills introduced—1049, 1186
Recommendations—1048, 1120, 1217, 1550
Subcommittee assignments—126, 157, 196, 1047

GOVERNOR CULVER, CHESTER J.—

Addressed joint convention—23-33
Bills signed by—182, 252, 285, 356, 461, 529, 628, 666, 903-904, 929, 946, 975-976, 1045, 1050, 1115-1116, 1253-1256, 1280, 1382-1383, 1545-1546, 1760, 1861, 2121-2122, 2124-2131
Committee to notify and escort—2, 22, 38, 305
Communication from—182, 252, 285, 355-356, 461, 529, 628, 666, 903-904, 929, 946, 975-976, 1045, 1050, 1115-1116, 1253-1256, 1280, 1382-1383, 1545-1546, 1760, 1861, 2121-2122, 2124-2140
Delivered the condition of the State and Budget Message—23-33
Item veto messages after session—2135-2140
Resolution relating to the condition of the State and Budget Message, House Concurrent Resolution 101—a joint convention on Tuesday, January 15, 2008, at 10:00 a.m. for Governor Chester J. Culver deliver his condition of the state budget message—3 adopted & msgd. – S.J. – 10, 11 adopted & msgd. – H.J. 12.
Resolutions relating to:
House Concurrent Resolution 101—a joint convention on Tuesday, January 15, 2008, at 10:00 a.m. for Governor Chester J. Culver deliver his condition of the state budget message—3 adopted & msgd. – S.J. – 10, 11 adopted & msgd. – H.J. 12.
Veto message after session—2131-2134

GRANZOW, POLLY—Representative Franklin-**Hardin**-Marshall Counties

Amendments filed—262, 781, 910, 952, 1190, 1528, 1533, 1535
Amendments offered—1190, 1533, 1535
Amendment withdrawn—987
Bills introduced—51, 67, 93, 129, 131, 162, 179, 246, 247, 278, 279, 293, 302, 320, 355, 382, 413, 414, 416, 432, 468, 484, 485, 499, 508, 667
Committee appointment—38
Presented to the House the soccer team from Marshalltown Community College and their coach Marcelo Serrano—912
Presided at session of the House—567

Resolutions filed—481, 709, 817, 908, 951, 952, 975, 1024, 1086, 1121, 1232
 Resolutions offered—911, 1687
 Subcommittee assignments—101, 102, 117, 196, 241, 286, 358, 372, 452, 492, 655, 867

GRASSLEY, PAT—Representative Bremer-**Butler** Counties

Amendments filed—781, 782, 783, 784, 785, 1048, 1121, 1122, 1233, 1528
 Amendments offered—852, 1171, 1206, 1233
 Bills introduced—51, 131, 149, 247, 318, 355, 382, 396, 413, 415, 416, 458, 460, 467, 667
 Committee appointment—21
 Resolutions filed—709, 951, 975, 1024, 1086, 1121, 1232
 Resolution offered—1087
 Subcommittee assignments—63, 65, 145, 158, 196, 215, 230, 338, 358, 512, 513, 813, 978, 1119

GREINER, SANDRA H.—Representative Jefferson-Johnson-**Washington** Counties

Amendments filed—782, 783, 784, 785, 910, 1528, 1684
 Bills introduced—51, 68, 91, 123, 130, 149, 247, 279, 293, 318, 355, 416, 467, 667
 Leave of absence—547
 Petition presented—499
 Presided at session of the House—1136
 Resolutions filed—709, 951, 975, 1024, 1121, 1232
 Subcommittee assignments—215, 256, 257, 272, 338, 371, 391, 405, 423, 512, 814, 868

HEATON, DAVID E.—Representative **Henry**-Lee Counties

Amendments filed—558, 782, 783, 784, 785, 817, 871, 910, 943, 1025, 1218, 1233, 1520, 1523, 1524, 1528, 1529, 1530, 1535, 1536, 1541, 1757, 2071
 Amendments offered—568, 998, 1520, 1523, 1524, 1529, 1536, 1541, 1757, 1874
 Amendments withdrawn—1233, 1530, 1535
 Bills introduced—11, 50, 51, 92, 123, 130, 131, 149, 179, 182, 205, 244, 246, 247, 264, 278, 281, 293, 302, 318, 355, 382, 388, 413, 415, 432, 467, 468, 484, 485, 499, 508, 667
 Committee appointments—1579, 1697, 1846
 Reports—1966-1978, 1980-2017
 Resolutions filed—709, 817, 909, 951, 975, 1024, 1121, 1232
 Subcommittee assignments—102, 103, 115, 116, 117, 196, 214, 215, 286, 287, 338, 339, 405, 406, 422, 423, 512, 513, 558, 591, 592, 704, 813, 814, 932, 1119, 1281

HEDDENS, LISA—Representative Boone-**Story** Counties, Assistant Majority Leader

Amendments filed—593, 687, 1079, 1259, 1531, 1532, 1540, 1551, 1676
 Amendments offered—417, 695, 1079, 1531, 1532, 1621, 1676
 Amendments withdrawn—695, 1531, 1621
 Bills introduced—11, 37, 61, 130, 179, 203, 204, 223, 278, 281, 319, 353, 354, 355, 368
 Committee appointments—490, 1697
 Leave of absence—1698
 Presided at session of the House—318
 Report—1980-2017
 Resolutions filed—709, 817, 908, 909, 951, 975, 1024, 1025, 1121, 1232, 1328, 1329, 1863

Resolutions offered—975, 1029, 1123, 1387
Subcommittee assignments—64, 85, 116, 134, 197, 215, 256, 286, 338, 339, 655, 780, 867

HOFFMAN, CLARENCE—Representative **Crawford**-Ida-Monona-Woodbury Counties

Amendments filed—870, 898, 1121, 1528, 1864
Amendment offered—1172
Amendment withdrawn—898
Bill rereferred to committee (as acting Speaker)—284
Bills introduced—51, 111, 131, 165, 179, 247, 293, 318, 355, 416, 432, 433, 485, 499, 508, 667
Explanation of vote—369
Leaves of absence—503, 523, 638, 1039, 1197
Presided at session of the House—280
Requested to be added as a sponsor of HJR 8—12
Resolutions filed—709, 908, 909, 951, 975, 1024, 1121, 1232
Resolutions offered—798, 1262
Subcommittee assignments—84, 85, 86, 100, 184, 256, 405, 451

HORBACH, LANCE—Representative Grundy-**Tama** Counties

Amendments filed—262, 289, 326, 498, 558, 687, 706, 725, 782, 784, 785, 870, 910, 1025, 1026, 1122, 1238, 1282, 1338, 1528, 1551, 1864
Amendments offered—326, 725, 1338, 1895
Amendments withdrawn—554, 753, 1064, 1065, 1238
Bills introduced—50, 51, 68, 131, 137, 149, 179, 182, 189, 202, 293, 355, 382, 468, 667, 689
Leaves of absence—692, 1866, 1914
Presented to the House Bonnie Linsenmeyer and Marilyn Kidd, nurses who attended to an emergency with a House staff member and Susan Cameron whom called 911—912
Presented to the House the Honorable Phil Tyrell former member of the House—989
Resolutions filed—481, 709, 817, 908, 951, 975, 1024, 1121, 1232
Subcommittee assignments—63, 64, 117, 197, 286, 338, 372, 422, 654, 666, 932, 1383

HOUSE CONCURRED—

House File 901, H-8646—1766
House File 2212, H-8054, as amended—617
House File 2266, H-8389—1332
House File 2283, H-8388—1201
House File 2309, H-8062—524
House File 2310, H-8385—1265
House File 2392, H-8250—1031
House File 2450, H-8360—1269
House File 2526, H-8384—1271
House File 2539, H-8439, as amended—1677
House File 2555, H-8386—1165
House File 2558, H-8472—1275
House File 2601, H-8485—1264
House File 2612, H-8552—1339
House File 2628, H-8403, as amended—1292
House File 2633, H-8551—1335
House File 2651, H-8414—1204

House File 2660, H-8633—1710
 House File 2662, H-8541—1401
 House File 2669, H-8571—1732
 House File 2679, H-8652, as amended—1843
 House File 2687, H-8664—1924
 House File 2688, H-8653—1851
 House File 2689, H-8660—1830
 House File 2700, H-8728, as amended—2110
 Senate File 2400, H-8650—1790
 Senate File 2406, H-8651—1768
 Senate File 2417, H-8632—1706
 Senate File 2428, H-8684—1847

HOUSE INSISTS—

House File 2212—710
 House File 2539—1697
 Senate File 2425—1579

HOUSE RECEDES—

Senate File 2216—1926

HOUSE REFUSED TO CONCUR—

House File 2177, H-8627—1794
 House File 2197, H-8361—1267
 Senate File 2308, H-8465—1272

HUMAN RESOURCES, COMMITTEE ON—

Amendments filed—122, 656
 Amendments offered—417, 957
 Bills introduced—138, 179, 182, 202, 319, 352, 382, 389, 416, 484, 485, 489, 500, 528, 559, 560, 597, 598, 599, 600, 621, 633, 634, 662
 Recommendations—121-122, 136, 147, 175-176, 186, 289, 342, 378, 410, 426, 517, 532, 539-541, 655, 705, 907, 949
 Resolution filed—630
 Subcommittee assignments—116, 117, 134, 158, 172, 196, 197, 230, 241, 257, 286, 338, 339, 358, 372, 406, 423, 452, 453, 512, 513, 630, 780, 867

HUNTER, BRUCE L.—Representative **Polk** County

Amendments filed—656, 817, 871, 935, 980, 1086, 1259, 1756
 Amendments offered—838, 957, 960, 1015, 1187, 1189, 1756
 Bills introduced—37, 130, 203, 223, 246, 248, 293, 355, 363, 416
 Presided at session of the House—534
 Resolutions filed—709, 909, 951, 975, 1024, 1121, 1232, 1328, 1329, 1863
 Subcommittee assignments—115, 116, 117, 118, 134, 172, 257, 286, 338, 358, 383, 405, 406, 451, 452, 492, 630, 813, 814, 867, 932, 1085, 1119, 1383

HUSEMAN, DANIEL A.—Representative **Cherokee**-Plymouth-Woodbury Counties

Amendments filed—781, 782, 783, 784, 785, 910, 1528, 2062, 2071
 Bills introduced—51, 68, 123, 130, 131, 149, 162, 247, 318, 355, 368, 382, 413, 416, 667
 Resolutions filed—456, 709, 908, 951, 975, 1024, 1121, 1232
 Subcommittee assignments—34, 101, 173, 197, 214, 272, 339, 405, 512, 814

HUSER, GERI D.—Representative Polk County

- Amendments filed—187, 200, 594, 706, 817, 833, 870, 887, 891, 894, 935, 981, 1025, 1040, 1086, 1282, 1384, 1540, 1865, 1916
- Amendments offered—226, 833, 878, 882, 887, 888, 890, 891, 893, 1040, 1143, 1285, 1540, 1701, 1898
- Amendments withdrawn—225, 832, 894
- Bills introduced—50, 150, 177, 203, 293, 318, 355, 416, 459
- Committee appointment—1288
- Explanation of vote—683
- Leave of absence—397
- Report—1379-1380
- Resolutions filed—456, 709, 951, 975, 1024, 1121, 1232, 1328, 1329
- Resolution offered—1220
- Subcommittee assignments—62, 84, 85, 101, 115, 116, 117, 158, 184, 197, 214, 339, 373, 422, 423, 451, 492, 813

INTERIM COMMITTEES—

(See also LEGISLATIVE COUNCIL and/or STUDY COMMITTEES)

Resolutions relating to:

- House Resolution 110—380,
- House Resolution 118—630,
- House Resolution 125—706,

IOWA NATIONAL GUARD—

- Communication from—15
- Condition of the Iowa National Guard message—306-318
- Joint Convention—304-318
- Resolutions relating to:

House Concurrent Resolution 104—a joint convention on Tuesday, February 19, 2008 at 10:00 a.m. for Major General Ron Dardis to present his condition of the Iowa National Guard message—261, 296 adopted, 297 msgd. – S.J. – 281, 282 adopted & msgd.

JACOBS, LIBBY—Representative Polk County

- Amendments filed—275, 558, 593, 631, 687, 706, 781, 782, 783, 784, 785, 806, 1523, 1528, 1551, 1684, 1914
- Amendments offered—790, 805, 857, 858, 1523, 1914
- Amendment withdrawn—1964
- Bills introduced—50, 51, 124, 149, 247, 264, 278, 293, 295, 318, 347, 355, 416, 432
- Committee appointment—1288
- Leaves of absence—1039, 2017
- Presented to the House Shawn Johnson, world champion gymnast—709
- Presented to the House captains of the Drake men and women's basketball team, Adam Emmenecker and Lindsey Whorton—1232
- Presided at session of the House—990
- Report—1379-1380
- Resolutions filed—128, 709, 908, 909, 952, 975, 1024, 1121, 1232
- Resolutions offered—709, 1232, 1764
- Subcommittee assignments—85, 86, 100, 101, 115, 117, 157, 158, 172, 214, 215, 257, 286, 357, 371, 372, 373, 422, 451, 453, 492, 512, 655, 704, 780, 815, 867, 906

JACOBY, DAVID—Representative **Johnson** County

Amendments filed—980, 1259, 1694

Amendment offered—1694

Bills introduced—11, 37, 61, 67, 165, 179, 189, 201, 292, 318, 355, 389, 466, 489, 739

Committee appointments—1288

Leave of absence—818

Presented to the House the Honorable Robert D. Ray former governor of the State of Iowa—669

Presented to the House students from Iowa State University whom are participating in government policy research—874

Presented to the House the University of Iowa Hawkeye Wrestling Team and coach Tom Brands—1043

Report—1379-1380

Resolutions filed—669, 706, 709, 909, 952, 975, 1024, 1121, 1232, 1328, 1329

Resolution offered—669

Subcommittee assignments—59, 100, 102, 115, 117, 157, 158, 214, 215, 255, 256, 257, 272, 338, 339, 358, 371, 405, 451, 452, 491, 492, 493, 591, 630, 654, 655, 704, 705, 780, 813, 814, 815, 867, 868, 1119

JOCHUM, PAM—Representative **Dubuque** County

Amendments filed—707, 871, 910, 980, 1259, 1309, 1329, 1384, 1551, 1684

Amendments offered—1309, 1928, 1930

Bills introduced—61, 290, 347, 355, 1028

Committee appointment—304

Presented to the House the Honorable Paul Scherrman, former member of the House—151

Presided at session of the House—882

Resolutions filed—709, 909, 952, 975, 1024, 1121, 1232, 1328, 1329, 1863

Rulings made (as acting Speaker)—901

Subcommittee assignments—63, 64, 65, 100, 101, 144, 158, 214, 215, 372, 373, 423, 513, 704, 867, 978, 1047

JOINT CONVENTIONS—

Condition of the Iowa National Guard—304-318

Condition of the Judicial Department Message—38-49

Condition of the State and Budget Message—22-33

Resolutions relating to:

House Concurrent Resolution 101—a joint convention on Tuesday, January 15, 2008, at 10:00 a.m. for Governor Chester J. Culver deliver his condition of the state budget message—3 adopted & msgd. – S.J. – 10, 11 adopted & msgd. – H.J. 12.

House Concurrent Resolution 102—a joint convention on Wednesday, January 16, 2008, at 10:00 a.m. for Chief Justice Ternus to present her condition of the judicial system message—3 adopted & msgd. – S.J. – 10, 11 adopted & msgd. – H.J. 12.

House Concurrent Resolution 104—a joint convention on Tuesday, February 19, 2008 at 10:00 a.m. for Major General Ron Dardis to present his condition of the Iowa National Guard message—261, 296 adopted, 297 msgd. – S.J. – 281, 282 adopted & msgd.

JOINT RULES—

Resolutions relating to:

House Concurrent Resolution 103—amending the joint rules of the Senate and the House of Representatives for the Eighty-second General Assembly—136,

JUDICIARY, COMMITTEE ON—

Amendments filed—428, 533, 687, 910, 980
 Amendments offered—646, 679, 966, 968, 1035
 Amendment withdrawn—968
 Bills introduced—189, 202, 222, 239, 354, 431, 489, 508, 523, 534, 597, 598, 599, 632, 634, 658, 660, 661
 Recommendations—186, 219, 237, 360, 384, 427, 464-465, 517-518, 541-542, 686, 868, 907, 950, 979
 Subcommittee assignments—59, 101, 102, 115, 158, 184, 197, 241, 286, 287, 357, 372, 422, 423, 512, 513, 514, 591, 592, 654, 655, 666, 704, 815, 867, 906

KAUFMANN, JEFF—Representative **Cedar**-Johnson-Muscatine Counties, Assistant Minority Leader

Amendments filed—533, 781, 785, 870, 944, 980, 1048, 1086, 1218, 1233, 1247, 1258, 1259, 1528, 1684, 1826, 1842, 2069, 2073
 Amendments offered—574, 1235, 1238, 1247, 1826
 Amendments withdrawn—1241, 1698, 1792, 2073
 Bills introduced—51, 111, 123, 131, 137, 149, 162, 165, 201, 247, 292, 293, 318, 319, 354, 355, 369, 396, 415, 416, 431, 458, 459, 460, 461, 528
 Leaves of absence—875, 911
 Resolutions filed—669, 817, 952, 975, 1024, 1121, 1232
 Resolutions offered—669, 709
 Subcommittee assignments—86, 101, 116, 134, 144, 158, 255, 257, 391, 405, 451, 452, 491, 492, 512, 591, 978, 1119

KELLEY, DORIS—Representative **Black Hawk** County

Amendments filed—980, 1024, 1086, 1259, 1282, 1329, 1517, 1864
 Amendments offered—191, 986, 988, 989
 Amendments withdrawn—191, 1267, 1795
 Bills introduced—11, 37, 150, 164, 179, 189, 201, 203, 223, 293, 318, 353, 355, 416
 Committee appointments—1288, 1382
 Reports—1379-1380, 1555-1556
 Resolutions filed—705, 709, 952, 975, 1024, 1121, 1232, 1328, 1329, 1863
 Resolution offered—189
 Subcommittee assignments—63, 64, 65, 86, 158, 172, 173, 196, 287, 371, 423, 492, 591, 704, 780, 814, 815, 978

KRESSIG, BOB—Representative **Black Hawk** County

Amendments filed—220, 980, 1121, 1259, 1517, 1758, 1864
 Amendments offered—223, 227, 1141
 Bills introduced—11, 37, 130, 164, 179, 201, 203, 204, 248, 280, 292, 296, 302, 355, 385, 430, 431
 Committee appointments—2, 490
 Presided at sessions of the House—1029, 1162, 1521, 1690, 1693, 1694
 Resolutions filed—566, 709, 908, 909, 952, 975, 1024, 1121, 1232, 1328, 1329, 1863
 Resolution offered—566
 Subcommittee assignments—64, 85, 86, 100, 157, 158, 172, 184, 196, 256, 339, 371, 372, 423, 463, 704, 780, 815, 932

KUHN, MARK—Representative Cerro Gordo-**Floyd**-Howard-Mitchell Counties

Amendments filed—870, 871, 980, 1024, 1111, 1259
 Amendments offered—1111, 1372, 1374, 1375
 Bills introduced—37, 61, 201, 223, 264, 347, 355, 385, 414, 432, 708
 Committee appointment—37
 Resolutions filed—232, 300, 709, 952, 975, 1024, 1121, 1232, 1328, 1329
 Resolutions offered—347
 Subcommittee assignments—64, 102, 134, 256, 371, 423, 452, 655, 814

LABOR, COMMITTEE ON—

Amendments filed—980, 1259, 1551
 Amendment withdrawn—1770
 Bills introduced—233, 352, 353, 396, 431, 460, 484, 547, 596, 599, 620, 633, 661, 662
 Recommendations—219, 342-343, 393, 427, 518-519, 542-543, 933-934, 950, 979, 1258, 1550
 Subcommittee assignments—63, 64, 65, 115, 117, 118, 338, 383, 463, 932, 1085, 1219, 1383

LEAVE OF ABSENCE—71, 111, 150, 188, 205, 221, 345, 362, 397, 487, 499, 503, 523, 547, 559, 618, 637, 643, 667, 692, 732, 741, 788, 818, 875, 911, 936, 953, 1012, 1033, 1035, 1039, 1052, 1149, 1163, 1197, 1388, 1394, 1395, 1398, 1529, 1552, 1685, 1698, 1763, 1849, 1866, 1914, 2017, 2078

LEGISLATIVE COUNCIL—

Resolutions relating to:
 House Resolution 110—380,
 House Resolution 118—630,
 House Resolution 125—706,

LEGISLATIVE EMPLOYEES—

(See OFFICERS AND EMPLOYEES)

LENSING, VICKI—Representative **Johnson** County

Amendments filed—871, 1259, 1309, 1329, 1540, 1713
 Amendment offered—1713
 Bills introduced—37, 61, 130, 203, 223, 248, 355, 368, 395, 430
 Committee appointment—38
 Explanation of vote—928
 Resolutions filed—706, 709, 909, 952, 975, 1024, 1121, 1232, 1328, 1329, 1863
 Subcommittee assignments—100, 101, 102, 115, 117, 145, 157, 184, 197, 214, 256, 257, 286, 287, 371, 372, 373, 405, 406, 422, 423, 451, 462, 491, 492, 513, 654, 655, 704, 815, 867, 906

LOBBYISTS—

(See ETHICS, COMMITTEE ON)

LOCAL GOVERNMENT, COMMITTEE ON—

Bills introduced—381, 389, 508, 560, 562
 Recommendations—69-70, 360-361, 427, 497-498, 543, 869
 Subcommittee assignments—86, 197, 256, 257, 286, 339, 358, 405, 423, 451, 463, 492, 493, 654, 932

LUKAN, STEVEN F.—Representative Delaware-**Dubuque** Counties

- Amendments filed—275, 706, 781, 782, 783, 784, 785, 910, 944, 1025, 1026, 1218, 1258, 1528, 1693, 2068
- Amendments offered—333, 764, 1243, 2068
- Amendments withdrawn—325, 330
- Bills introduced—68, 130, 131, 137, 149, 162, 163, 164, 247, 293, 318, 355, 382, 416, 430, 432, 484, 485, 499, 508, 660, 667
- Committee appointment—37
- Resolutions filed—397, 709, 952, 975, 1024, 1121, 1232
- Resolution offered—397
- Subcommittee assignments—86, 102, 117, 126, 172, 287, 338, 372, 383, 406, 451, 654, 704, 813

LYKAM, JIM—Representative **Scott** County

- Amendment filed—1864
- Bills introduced—11, 36, 37, 124, 223, 248, 355, 385
- Explanation of vote—240
- Resolutions filed—456, 687, 709, 952, 975, 1024, 1121, 1232, 1328, 1329
- Subcommittee assignments—34, 59, 64, 84, 85, 102, 115, 116, 145, 158, 172, 173, 197, 272, 286, 339, 372, 373, 383, 406, 423, 451, 493

MAJORITY LEADER, Kevin McCarthy—Representative **Polk** County

(See MCCARTHY, KEVIN—Representative **Polk** County, Majority Leader)

MASCHER, MARY—Representative **Johnson** County

- Amendments filed—200, 593, 687, 817, 871, 910, 935, 980, 1025, 1259, 1309, 1329, 1540, 1762, 1865
- Amendments offered—1126, 1128, 1129, 1870
- Amendments withdrawn—209, 1196, 1225
- Bills introduced—37, 61, 163, 164, 165, 201, 223, 236, 248, 302, 353, 355, 430, 459, 1028
- Committee appointment—2
- Presided at session of the House—1233
- Resolutions filed—706, 709, 816, 952, 975, 1024, 1121, 1232, 1328, 1329
- Subcommittee assignments—63, 100, 115, 116, 117, 144, 173, 196, 256, 257, 286, 373, 390, 391, 406, 422, 423, 451, 452, 453, 462, 492, 512, 513, 630, 867

MAY, MIKE—Representative Clay-**Dickinson** Counties

- Amendments filed—262, 276, 289, 706, 782, 783, 784, 785, 870, 871, 909, 1218, 1248, 1259, 1528, 1864
- Amendments offered—323, 729, 753, 761, 766, 767, 1248, 1374, 1887
- Bills introduced—50, 51, 68, 124, 125, 131, 149, 162, 165, 179, 182, 247, 318, 347, 354, 355, 362, 367, 416, 432, 457, 460, 500, 659, 667, 786
- Leaves of absence—523, 2075
- Presented to the House members of the Dickinson County Soil and Water Conservation District and state dignitaries—280
- Presented to the House his father Charles visiting from Arizona—1129
- Resolutions filed—261, 456, 709, 817, 952, 975, 1024, 1121, 1232
- Resolution offered—279
- Subcommittee assignments—59, 64, 86, 101, 173, 196, 391, 423, 452, 491, 492, 591, 814, 867, 906

MCCARTHY, KEVIN—Representative **Polk** County, Majority Leader

Amendments filed—688, 726

Amendment offered—726

Bills introduced—37, 112, 355, 936, 953, 1050, 1113, 1114, 1232, 1252, 1261

Leaves of absence—1388, 1394

Presentation to House Pages—434, 1798-1799

Presented certificates of appreciation to former doorkeepers Jim Glenn and Jerry Orman—189

Presented plaques to retiring members of the House—1965-1966

Received a plaque in appreciation of his dedication and service to the Iowa House of Representatives—1966

Remarks—4-5, 2110-2111

Resolutions filed—3, 187, 261, 532, 566, 709, 952, 975, 1024, 1121, 1232, 2123

Resolutions offered—3, 296

MERTZ, DOLORES M.—Representative Humboldt-**Kossuth**-Pocahontas-Webster Counties

Amendments filed—200, 594, 870, 910, 980, 1086, 1218

Bills introduced—36, 37, 61, 93, 130, 131, 179, 182, 201, 203, 223, 248, 302, 355, 368, 369, 382, 385, 388, 396, 415, 460, 468

Committee appointment—21

Explanation of vote—2120

Presented to the House the Irish flag and danced the traditional Irish jig in celebration of St. Patrick's Day—669

Resolutions filed—456, 709, 817, 909, 952, 975, 1024, 1121, 1232, 1328, 1329, 1863

Subcommittee assignments—59, 102, 172, 173, 184, 241, 272, 338, 357, 422, 630, 815, 868, 1281

MESSAGES—

(See also COMMUNICATIONS)

From Senate—12, 91, 148, 238, 245, 277-278, 351-352, 387-388, 396-397, 412-413, 429, 483-484, 488, 562-566, 571, 595-596, 618-619, 636-637, 638, 648, 657-658, 668-669, 681, 690-692, 698, 708-709, 709-710, 740-741, 818-820, 873, 874-875, 913, 922-923, 945, 954-957, 982-984, 984-985, 1020, 1028-1029, 1030, 1044, 1088-1089, 1101, 1114-1115, 1134-1135, 1139, 1163, 1169, 1252, 1260-1261, 1266, 1283-1284, 1288-1289, 1378, 1381, 1386, 1397-1398, 1398-1399, 1553, 1578, 1685-1686, 1687, 1691, 1697, 1712-1713, 1759-1760, 1763, 1797, 1798, 1827, 1845, 1846, 1860, 1928, 2074, 2075-2076, 2119

From Governor—182, 252, 284-285, 355-356, 461, 529, 628, 666, 903-904, 929, 946, 975-976, 1045, 1050, 1115-1116, 1253-1256, 1280, 1382-1383, 1545-1546, 1760, 1861, 2121-2122, 2124-2140

Immediate messages—3, 114, 153, 192, 210, 229, 251, 267, 284, 297, 324, 335, 351, 366, 400, 421, 446, 509, 525, 553, 556, 570, 585, 589, 618, 627, 643, 648, 677, 680, 683, 695, 698, 786, 790, 796, 799, 805, 807, 808, 826, 830, 835, 851, 856, 860, 895, 900, 903, 916, 922, 926, 928, 967, 972, 975, 991, 996, 1000, 1007, 1011, 1015, 1018, 1021, 1039, 1044, 1064, 1083, 1101, 1113, 1136, 1139, 1146, 1149, 1157, 1167, 1169, 1175, 1176, 1197, 1205, 1214, 1252, 1267, 1272, 1279, 1287, 1294, 1325, 1340, 1372, 1378, 1382, 1395, 1398, 1544, 1577, 1678, 1691, 1692, 1696, 1703, 1705, 1711, 1728, 1731, 1733, 1759, 1767, 1769, 1773, 1793, 1794, 1827, 1832, 1833, 1844, 1848, 1852, 1854, 1923, 1928, 1965, 2074, 2110

Item veto message after session—2135-2140

Senate messages considered—11-12, 112-113, 151, 248-249, 281-282, 355, 416-417, 433, 461, 490, 501, 508-509, 572-573, 600-602, 635-636, 663-666, 668, 670, 689-690, 699-701, 740, 774-775, 820-821, 822-823, 874, 923, 937, 945-946, 982, 1028, 1050, 1114, 1149, 1186, 1260, 1261-1262, 1284, 1295, 1330, 1331, 1386-1387, 1399-1400, 1553, 1687, 1696, 1713, 1860-1861
 Veto message after session—2131-2134

MILLER, HELEN—Representative **Webster** County, Assistant Majority Leader

Amendments filed—980, 1188, 1259
 Amendment offered—1102
 Bills introduced—11, 36, 50, 61, 201, 203, 223, 355, 385, 386, 430, 547, 1028
 Presented to the House Jeremy Edouard and his parents Patrick and Grace—295
 Resolutions filed—361, 709, 909, 952, 975, 1024, 1121, 1232, 1328, 1329, 1550, 1551
 Resolutions offered—363, 873, 1387
 Subcommittee assignments—102, 358, 371, 423, 814, 932

MILLER, LINDA—Representative **Scott** County

Amendments filed—782, 783, 784, 785, 944, 1161, 1218, 1518, 1528, 1530, 1684
 Bills introduced—51, 93, 149, 179, 182, 222, 246, 302, 318, 355, 382, 413, 415, 416, 432, 467, 468, 484, 485, 499, 508, 667
 Presented to the House winners of the “Write Women Back Into History” essay contest winners—486
 Presented to the House the Honorable Dave Millage former member of the House—646
 Resolutions filed—232, 709, 817, 909, 952, 975, 1024, 1121, 1232, 1762
 Resolution offered—486
 Subcommittee assignments—115, 116, 117, 144, 158, 173, 196, 214, 241, 256, 257, 338, 339, 358, 390, 391, 452, 479, 513, 630, 704

MINORITY LEADER, Christopher C. Rants—Representative **Woodbury** County

(See RANTS, CHRISTOPHER C.—Representative **Woodbury** County, Minority Leader)

MOTIONS TO RECONSIDER—

Filed:

House File 2645—775
 House File 2662—1544
 Senate File 2216—1253
 Senate File 2394—1214

Prevailed:

House File 2700, H-8672—1920

Motions to reconsider (filed from the floor):

House File 2700, H-8672—1920

Lost (filed from the floor):

Unanimous Consent:

House File 2700, H-8671—1921
 Senate File 2134, H-8354—1197

Withdrawn:

House File 2645—786
 House File 2662—2074
 Senate File 2216—1711
 Senate File 2394—2074

MURPHY, PATRICK J.—Representative **Dubuque** County, Speaker of the House
(See SPEAKER OF THE HOUSE, Patrick J. Murphy, Representative **Dubuque**
County)

NATURAL RESOURCES, COMMITTEE ON—

Amendment filed—870
Amendment offered—964
Bills introduced—205, 432, 526, 598, 599, 633, 658
Recommendations—187, 219, 410, 456, 481, 543-544, 869, 907-908, 934
Subcommittee assignments—101, 102, 126, 134, 172, 184, 241, 372, 405, 406, 630,
705

OBJECTIONS—

Raised—208, 365, 436, 504, 577, 580, 626, 751, 854, 901, 1053, 1073, 1075, 1104,
1105, 1132, 1172, 1177, 1179, 1191, 1195, 1269, 1369, 1689, 1891, 1906, 1908,
1917, 1980

OFFICERS AND EMPLOYEES—

Employees of the House—94-97
House employees classification, grades and steps—94-96
Pages (groups I & II)—96-97
Resignations—97
Resolutions relating to:
House Resolution 114—annual budget for the daily operations of the House of
Representatives—482, 1392 adopted.
Special presentation to House Pages—434, 1798-1799
Special presentation to retiring members of the House—1965-1966
Special presentation to Representatives Murphy, McCarthy and Rants in
appreciation for their service and dedication to the Iowa House of
Representatives—1966

OLDSON, JO—Representative **Polk** County

Amendments filed—688, 781, 1517, 1865
Amendments offered—792, 793, 1868
Bills introduced—11, 37, 355, 1028
Leave of absence—1395
Resolutions filed—686, 709, 952, 975, 1024, 1121, 1232
Resolution offered—798
Subcommittee assignments—59, 115, 371, 372, 405, 406, 422, 451, 452, 813, 814, 932

OLSON, DONOVAN—Representative **Boone**-Dallas Counties

Amendments filed—688, 706, 781, 870, 871, 980, 1259, 1384, 1396
Amendments offered—916, 920, 1396
Amendment withdrawn—916
Bills introduced—11, 37, 111, 179, 182, 223, 278, 347, 355, 414, 431, 432, 457, 458
Leave of absence—188
Presided at session of the House—1125
Resolutions filed—456, 709, 817, 908, 952, 975, 1024, 1121, 1232, 1328, 1329, 1863
Resolution offered—1029
Requested to be added as a sponsor of H-8587 & H-8588 to SF 2425—1544

Subcommittee assignments—59, 101, 115, 116, 118, 184, 256, 339, 357, 358, 371, 423, 492, 493, 530, 932

OLSON, RICK—Representative **Polk** County

Amendments filed—594, 631, 656, 687, 707, 781, 870, 871, 891, 935, 952, 980, 1161, 1258, 1259, 1282, 1297, 1302, 1303, 1329, 1865

Amendments offered—710, 826, 1292, 1297, 1302, 1303, 1791, 1795, 1909

Amendments withdrawn—891, 1292, 1309, 1791, 1795

Bills introduced—11, 37, 61, 62, 150, 165, 203, 204, 247, 248, 279, 303, 318, 355, 385, 386, 416

Leave of absence—362

Resolutions filed—709, 952, 975, 1024, 1121, 1232, 1328, 1329

Subcommittee assignments—59, 63, 64, 101, 102, 134, 158, 230, 241, 286, 357, 371, 372, 422, 423, 591, 654, 655, 666, 704, 906

OLSON, STEVEN N.—Representative **Clinton-Scott** Counties

Amendments filed—187, 200, 782, 783, 910, 1086, 1122, 1528, 1551

Amendment offered—1178

Amendment withdrawn—1204

Bills introduced—20, 68, 130, 131, 149, 247, 293, 355, 368, 382, 413, 416, 468, 484, 485, 499, 508

Leave of absence—936

Resolutions filed—709, 952, 975, 1024, 1121, 1232

Subcommittee assignments—115, 116, 118, 371, 423, 512, 530, 630, 655, 815, 1281

OLSON, TYLER—Representative **Linn** County

Amendments filed—262, 289, 706, 980, 1121

Amendments offered—265, 325, 989, 1208

Bills introduced—37, 61, 179, 182, 201, 203, 355, 367, 1028

Committee appointment—710

Leaves of absence—732, 741

Report—1089-1099

Resolutions filed—709, 817, 908, 909, 952, 975, 1024, 1121, 1232, 1328, 1329, 1863

Resolution offered—189

Subcommittee assignments—62, 63, 64, 84, 85, 86, 100, 117, 184, 197, 215, 230, 358, 371, 372, 406, 452, 493, 512, 513, 591, 629, 780, 814, 867, 1119

PAGES—

Appointment of—96-97

Special presentation to—434, 1798-1799

PALMER, ERIC—Representative **Mahaska-Poweshiek** Counties

Amendments filed—781, 909, 980, 1517, 1864

Bills introduced—11, 37, 93, 179, 353, 355, 385

Resolutions filed—533, 566, 687, 709, 908, 952, 975, 1024, 1121, 1232, 1328, 1329, 1863

Resolution offered—566

Subcommittee assignments—63, 64, 85, 117, 158, 172, 173, 184, 196, 197, 215, 241, 256, 257, 286, 287, 299, 338, 339, 357, 373, 390, 391, 422, 423, 479, 512, 513, 514, 591, 655, 704, 867, 906, 978, 1119, 1159

PAULSEN, KRAIG—Representative **Linn** County, Minority Whip

Amendments filed—187, 276, 394, 594, 630, 656, 706, 782, 783, 784, 870, 944, 952, 1048, 1086, 1122, 1132, 1133, 1528, 1839, 1843, 1864, 1865

Amendments offered—207, 330, 765, 1132, 1180, 1839, 1880

Amendments withdrawn—878, 1133, 1843

Bills introduced—51, 123, 149, 165, 177, 181, 234, 235, 238, 302, 318, 347, 355, 382, 413, 416, 485, 528

Committee appointment—710

Explanation of vote—1253

Leave of absence—1197

Presented a plaques to Representatives Murphy, McCarthy and Rants in appreciation for their service and dedication to the Iowa House of Representatives—1966

Resolutions filed—456, 709, 817, 952, 975, 1024, 1121, 1232

Subcommittee assignment—422

PERFORMANCE PRIOR TO CONVENING—

Jeremy Edouard played the theme from Schindler's list on the violin—295

Anthony Menendez sang Ava Maria—1220

PERSONNEL COMMITTEE

(See ADMINISTRATION AND RULES, COMMITTEE ON)

PETERSEN, JANET—Representative **Polk** County

Amendments filed—871, 980, 1259, 1329

Bills introduced—149, 179, 182, 188, 201, 203, 355, 367, 368, 388, 432, 457, 1028

Committee appointment—305, 710

Explanation of vote—556

Leaves of absence—150, 345, 487, 499, 953

Presided at sessions of the House—1364, 1687, 1845, 1923

Reports—1089-1099

Resolutions filed—686, 709, 909, 952, 975, 1024, 1085, 1121, 1232, 1258, 1328, 1329, 1863

Resolution offered—798

Rulings made (as acting Speaker)—1368, 1689

Subcommittee assignments—86, 101, 115, 117, 134, 158, 184, 272, 371, 372, 373, 423, 452, 453, 493, 629, 654, 780, 868, 932

PETITIONS—

(See also INDIVIDUAL HEADINGS)

Filed—67, 129, 162, 499, 632, 1087, 1220

PETTENGILL, DAWN E.—Representative **Benton**-Iowa Counties

Amendments filed—262, 782, 783, 784, 785, 910, 952, 1122, 1161, 1236, 1528, 1684

Amendments offered—1181, 1236

Amendments withdrawn—988, 1019, 1184

Bills introduced—50, 51, 61, 68, 93, 123, 130, 131, 137, 149, 162, 164, 179, 189, 201, 293, 296, 318, 345, 346, 355, 382, 416, 432, 467, 468, 484, 490, 667

Committee appointment—22

Leaves of absence—188, 1033, 1052

Requested to be added as a sponsor of HJR 8—12

Requested to be withdrawn as a sponsor of HF 2158—369

Resolutions filed—709, 908, 952, 975, 1024, 1121, 1232
 Subcommittee assignments—63, 64, 84, 85, 86, 99, 100, 115, 117, 144, 214, 215, 272,
 406, 452, 492, 493, 512, 513, 591, 654, 780, 932, 978, 1047

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 395, 412, 429, 457, 466, 483, 499, 523, 534, 547, 559, 595, 632, 657, 667, 689, 708,
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 1220, 1260, 1283, 1330, 1386, 1552, 1685, 1763, 1866

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 House File 2660, H-8396—Representative T. Taylor—1073
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 House File 2660, H-8430—Representative Raecker—1081
 House File 2662, H-8404—Representative H. Miller—1104
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 House File 2679, H-8507—Representative Winckler—1245
 House File 2679, H-8496—Representative Winckler—1246
 House File 2687, H-8555—Representative Wise—1368
 House File 2688, H-8529—Representative Granzow—1376
 House File 2700, H-8697—Representative Paulsen—1859
 House File 2700, H-8700—Representative Oldson—1874
 House File 2700, H-8668—Representative Oldson—1875
 House File 2700, H-8670—Representative Oldson—1877
 House File 2700, H-8671—Representative Oldson—1880
 House File 2700, H-8705—Representative Oldson—1881
 House File 2700, H-8669—Representative Oldson—1885
 House File 2700, H-8667—Representative Oldson—1888
 House File 2700, H-8675—Representative Oldson—1890
 House File 2700, H-8682—Representative Oldson—1896
 House File 2700, H-8674, as amended—Representative Hunter—1906
 House File 2700, H-8688—Representative Oldson—1907
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 Senate File 2123, H-8043—Representative Shomshor—443
 Senate File 2124, H-8130—Representative Huser—1035
 Senate File 2134, invoked Rule 32—Representative Oldson—1062
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 Senate File 2400, H-8479—Representative Hunter—1194
 Senate File 2422, H-8634—Representative Reichert—1689
 Senate File 2428, H-8647—Representative T. Taylor—1757
 Senate File 2428, H-8645—Representative T. Taylor—1757

PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES—

Resolutions relating to:

House Concurrent Resolution 106—urge United States Environmental Protection Agency take all actions necessary to provide American consumers with opportunity to use higher ethanol blended gasoline for general use in conventional engines—630,
 House Concurrent Resolution 108—urge United States Congress to adopt a budget that meets the needs of Iowa's children and families, restores funding for human needs, and avoids shifting the responsibility for funding of necessary human needs from the federal to state government—816,
 House Resolution 116—urge United States Postal Service to issue commemorative postage stamps honoring four great Iowa conservationists: J.N. Ding Darling, Aldo Leopold, John F. Lacey and William Temple Hornaday—533,
 House Resolution 119—express opposition to federal legislation that would threaten the power of the states to oversee, regulate, and investigate the business of insurance and protect consumers—686, 687, 798, 799 adopted.
 House Resolution 156—support free trade agreement between the Republic of China on Taiwan and the United States—1550, 1764 adopted.
 House Resolution 157—support proposal to invite the Republic of china (Taiwan) to participate in upcoming meeting of the World Health Assembly as an observer—1551, 1764 adopted.
 House Resolution 159—request Congress of the United States to give due consideration to the readiness of the Republic of China on Taiwan for membership in the United Nations—1762, 1764 adopted.
 Senate Concurrent Resolution 102—urge United States Environmental Protection Agency take all actions necessary to provide American consumers with opportunity to use higher ethanol blended gasoline for general use in conventional engines—426, 429, 542 adopted, 543 msgd. – H.J. – 566, 630,

PUBLIC SAFETY, COMMITTEE ON—

Amendment filed—935
 Amendment offered—1791
 Bills introduced—112, 164, 291, 386, 389, 390, 526, 560, 572, 620, 633, 659

Recommendations—66, 122, 161, 176, 261, 343, 378-379, 428, 465, 519-520, 544, 816, 934

Subcommittee assignments—59, 63, 64, 102, 134, 158, 172, 196, 230, 256, 257, 286, 287, 338, 339, 372, 383, 405, 406, 423, 452, 462, 492, 655, 814

QUIRK, BRIAN—Representative **Chickasaw**-Howard-Winneshiek Counties

Amendments filed—276, 482, 594, 631, 674, 687, 706, 781, 910, 980, 1086, 1154, 1156, 1551, 1864

Amendments offered—671, 674, 794, 1016, 1018, 1154, 1558, 1914

Amendments withdrawn—671, 794, 1557

Bills introduced—37, 131, 164, 178, 179, 182, 201, 203, 223, 302, 318, 355, 382, 416, 468

Presented to the House the Irish flag in celebration of St. Patrick's Day—669

Presided at session of the House—1698

Resolutions filed—456, 709, 952, 975, 1024, 1121, 1232, 1328, 1329

Resolution offered—1391

Subcommittee assignments—63, 64, 65, 84, 85, 86, 144, 158, 184, 214, 215, 256, 257, 287, 338, 373, 405, 406, 492, 493, 511, 512, 530, 591, 704, 705, 813, 868, 1119

QUORUM CALLS—205, 318, 571, 727, 741, 823, 875, 968, 1039, 1088, 1101, 1162, 1331, 1398, 1553, 1578, 1688, 1712, 1770, 1845, 1923

RAECKER, J. SCOTT—Representative **Polk** County

Amendments filed—176, 276, 411, 533, 558, 781, 782, 783, 784, 785, 806, 870, 879, 944, 980, 1025, 1026, 1086, 1161, 1277, 1528, 1533, 1541, 1684, 1917, 2062, 2071

Amendments offered—503, 879, 1103, 1225, 1228, 1277, 1533, 1541, 1729, 2062

Amendments withdrawn—1225, 1229

Bills introduced—51, 149, 165, 234, 247, 293, 318, 320, 346, 355, 382, 413, 416, 432

Committee appointments—1579, 1846

Explanation of vote—941

Leaves of absence—638, 911, 936

Presided at session of the House—233

Report—1966-1978

Requested to be added as a sponsor of HJR 8—13

Resolutions filed—709, 952, 975, 1024, 1121, 1232, 1551

Resolution offered—1231

Subcommittee assignments—59, 144, 172, 197, 214, 256, 257, 299, 373, 479, 868

RANTS, CHRISTOPHER C.—Representative **Woodbury** County, Minority Leader

Amendments filed—344, 394, 428, 728, 729, 731, 732, 734, 742, 743, 745, 746, 747, 774, 870, 910, 935, 1025, 1102, 1129, 1365, 1528, 1841, 1855, 1864, 1865, 2062, 2071

Amendments offered—438, 440, 728, 731, 732, 734, 743, 745, 747, 1102, 1129, 1365, 1841, 1855, 1873, 1892, 2071

Amendments withdrawn—434, 742, 743, 746

Bills introduced—50, 131, 246, 247, 318, 355, 382, 413, 416, 507, 1232

Presentation to House Pages—434, 1798-1799

Presented certificates of appreciation to former doorkeepers Jim Glenn and Jerry Orman—189

Received a plaque in appreciation of his service and dedication to the Iowa House of Representatives—1966

Remarks—5-8, 2115-2119

Resolutions filed—3, 187, 261, 709, 952, 975, 1024, 1121, 1232, 2123

RASMUSSEN, DAN—Representative Black Hawk-**Buchanan**-Fayette Counties

Amendments filed—262, 687, 783, 784, 785, 910, 1528

Bills introduced—51, 68, 130, 131, 149, 293, 318, 355, 382, 413, 416, 432, 484, 485, 499, 508, 667

Committee appointment—305

Resolutions filed—456, 709, 952, 975, 1024, 1121, 1232

Subcommittee assignments—59, 102, 172, 272, 339, 372, 406, 493, 630, 705

RAYHONS, HENRY—Representative **Hancock**-Winnebago-Worth Counties

Amendments filed—910, 1528, 2068, 2069

Bills introduced—51, 68, 123, 130, 149, 162, 179, 182, 247, 279, 293, 302, 318, 355, 382, 413, 416, 432, 467, 468, 667

Presented to the House Bruce Hertzke, Chairman and CEO of Winnebago Industries—347

Resolutions filed—300, 709, 817, 908, 952, 975, 1024, 1121, 1232

Resolution offered—347

Subcommittee assignments—102, 629

REASONER, MICHAEL J.—Representative Clarke-Decatur-**Union** Counties, Assistant Majority Leader

Amendments filed—891, 980, 1551, 1576

Amendments offered—1559, 1576

Bills introduced—11, 21, 37, 61, 222, 223, 355, 385

Committee appointments—2, 710

Presided at sessions of the House—1833, 1866

Report—1089-1099

Resolutions filed—456, 709, 952, 975, 1024, 1121, 1232, 1328, 1329, 1863

Rulings made (as acting Speaker)—1874, 1875, 1877, 1880, 1881

Subcommittee assignments—158, 159, 272, 286, 339, 370, 511, 512, 514, 591, 629, 630, 813, 814, 815, 867, 978, 1047, 1119, 1159, 1281

REICHERT, NATHAN—Representative **Muscatine** County

Amendments filed—1154, 1156, 1258, 1329, 1361, 1518, 1864

Amendments offered—1169, 1341, 1356, 1358, 1361, 1376, 1911

Amendment withdrawn—1340

Bills introduced—11, 37, 93, 131, 179, 201, 202, 203, 221, 223, 263, 293, 296, 319, 354, 355, 367, 368, 369, 385

Leave of absence—487

Resolutions filed—344, 709, 952, 975, 1024, 1121, 1232, 1328, 1329, 1863

Resolution offered—348

Subcommittee assignments—86, 101, 172, 214, 272, 371, 372, 373, 391, 405, 511, 512, 629, 686, 704, 705, 780, 814, 868, 1281

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(See **OFFICERS AND EMPLOYEES**)

RESOLUTIONS—

(See also LEGISLATIVE INDEX VOLUME)

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House Concurrent Resolution 102—3
House Concurrent Resolution 104—297
House Concurrent Resolution 105—1220
House Resolution 102—189
House Resolution 104—486
House Resolution 105—280
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House Resolution 108—348
House Resolution 109—363
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House Resolution 157—1764
House Resolution 159—1764
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Filed:

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House Concurrent Resolution 104—261
House Concurrent Resolution 105—456
House Concurrent Resolution 106—630
House Concurrent Resolution 107—816
House Concurrent Resolution 108—816
House Concurrent Resolution 109—2123
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House Resolution 160—1863

House Resolution 161—2123

Passed on file:

Senate Concurrent Resolution 102—630

Placed on calendar:

House Concurrent Resolution 106—630

House Resolution 118—630

Referred to committee:

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House Resolution 112—397

House Resolution 117—566

House Resolution 121—669

House Resolution 127—709

House Resolution 139—975

House Resolution 152—1232

Senate Concurrent Resolution 106—2119

ROBERTS, ROD—Representative **Carroll**-Crawford-Sac Counties, Assistant Minority Leader

Amendments filed—781, 782, 783, 784, 785

Bills introduced—51, 130, 247, 293, 318, 355, 382, 413, 416, 508, 667

Leaves of absence—1395, 1552, 1685, 1763, 1866

Presented to the House students from Iowa State University whom are participating in government policy research—874

Presented to the House the Honorable Gene Manternach former member of the House—877

Resolutions filed—456, 709, 817, 908, 952, 975, 1024, 1121, 1232, 1550, 1551, 1762

Resolution offered—1262

Subcommittee assignments—59, 100, 145, 172, 197, 214, 255, 257, 339, 358, 371, 373, 405, 406, 423, 451, 453, 462, 491, 492, 511, 513, 654, 655, 705

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Senate File 2134—1062

Rule 60 (withdrawal of bills from committee):

House Joint Resolution 8—487

Rule 75 (duty of voting):

House Joint Resolution 8, invoke Rule 60—487

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 House File 2400, H-8067—577
 House File 2400, H-8068—580
 House File 2417, H-8052—436
 House File 2450, H-8086—626
 House File 2498, H-8479—1207
 House File 2523, H-8279—924
 House File 2612, H-8203—854
 House File 2645, H-8164B—751
 House File 2660, H-8272—1069
 House File 2660, H-8396—1073
 House File 2660, H-8397—1075
 House File 2660, H-8398—1078
 House File 2662, H-8404—1104
 House File 2662, H-8405—1110
 House File 2679, H-8507—1245
 House File 2679, H-8496—1246
 House File 2687, H-8555—1369
 House File 2700, H-8697—1859
 House File 2700, H-8668—1875
 House File 2700, H-8670—1877
 House File 2700, H-8705—1881
 House File 2700, H-8669—1885
 House File 2700, H-8675—1891
 House File 2700, H-8674, as amended—1906
 House File 2700, H-8688—1908
 Senate File 2123, H-8043—443
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 Senate File 2394, H-8452—1177

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 Senate File 2400, H-8479—1195
 Senate File 2422, H-8634—1689

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 House File 2359, H-8046—505
 House File 2400, H-8067—578
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 House File 2538—932
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 Rule 31.8 (first reading, commitment and amendment):
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 Pursuant to Rule 42 (certification of engrossment):
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 Pursuant to Rule 78 (call of the House):
 House File 2660—1077

SANDS, THOMAS R.—Representative Des Moines-**Louisa**-Muscatine Counties

Amendments filed—187, 200, 262, 781, 782, 783, 784, 785, 909, 944, 1025, 1236, 1528, 1864
 Amendments offered—224, 225, 1105, 1876
 Bills introduced—51, 123, 130, 131, 149, 165, 179, 201, 247, 293, 302, 318, 355, 382, 413, 416, 468, 485
 Leave of absence—523
 Resolutions filed—136, 709, 908, 952, 975, 1024, 1121, 1232
 Subcommittee assignments—64, 134, 158, 215, 230, 272, 286, 371, 405, 452, 492, 512, 513, 591, 704, 780, 813, 814, 815, 978, 1119

SCHICKEL, BILL—Representative **Cerro Gordo** County

Amendments filed—782, 783, 784, 1528
 Bills introduced—20, 21, 37, 51, 68, 69, 124, 129, 131, 179, 318, 346, 355, 413, 416, 432, 467
 Committee appointments—2, 1382
 Explanation of vote—2120
 Presided at session of the House—823
 Report—1555-1556
 Requested to be added as a sponsor of HJR 8—13
 Resolutions filed—566, 709, 817, 908, 952, 975, 1024, 1121, 1232
 Resolutions offered—566, 1088
 Subcommittee assignments—101, 184, 513, 704, 813, 814, 1761

SCHUELLER, THOMAS J.—Representative Clinton-Dubuque-**Jackson** Counties

- Amendments filed—558, 593, 910, 980, 1121
- Amendments offered—646, 679
- Bills introduced—11, 37, 61, 177, 179, 182, 201, 203, 223, 302, 355, 369, 461
- Committee appointment—22
- Resolutions filed—709, 952, 975, 1024, 1121, 1232, 1863
- Subcommittee assignments—63, 64, 101, 102, 115, 145, 197, 372, 422, 423, 492, 493, 512, 591, 704, 813, 814, 1047

SECRETARY OF STATE, Michael Mauro

- Communications from—16, 557

SHOMSHOR, PAUL C., JR.—Representative **Pottawattamie** County

- Amendments filed—428, 980, 1864, 1865
- Amendments offered—444, 1887
- Bills introduced—37, 179, 223, 318, 355, 416
- Leaves of absence—638, 667
- Resolutions filed—952, 975, 1024, 1121, 1232, 1328, 1329
- Subcommittee assignments—101, 126, 144, 158, 159, 214, 256, 257, 272, 372, 512, 514, 591, 813, 814, 978, 1119

SMITH, MARK—Representative **Marshall** County

- Amendments filed—428, 482, 567, 569, 593, 631, 687, 781, 817, 871, 910, 980, 1024, 1259, 1309, 1517, 1865
- Amendments offered—437, 567, 614, 939, 966, 1035, 1892
- Amendments withdrawn—614, 895
- Bills introduced—11, 92, 93, 112, 179, 203, 205, 223, 264, 303, 319, 345, 355, 457, 466
- Committee appointments—21, 1579, 1697, 1729, 1846
- Presented to the House the soccer team from Marshalltown Community College and their coach Marcelo Serrano—912
- Received the Uncommon Public Service Award—669
- Reports—1966-1978, 1980-2017
- Resolutions filed—300, 393, 481, 709, 816, 909, 952, 975, 1024, 1086, 1121, 1232, 1328, 1329, 1863
- Resolutions offered—911, 938
- Subcommittee assignments—102, 117, 196, 241, 257, 286, 287, 338, 358, 372, 406, 422, 452, 453, 512, 513, 514, 630, 704, 815, 867, 932

SODERBERG, CHUCK—Representative **Plymouth-Sioux** Counties

- Amendments filed—707, 910, 1528, 2069
- Amendment offered—769
- Bills introduced—51, 68, 125, 130, 131, 149, 162, 179, 247, 264, 280, 318, 355, 382, 413, 415, 416, 432, 467, 468, 484, 485, 499, 508, 667
- Committee appointment—710
- Leaves of absence—547, 559
- Presented to the House Greg Christy, President of Northwestern College—821
- Presented to the House Katie Buntsma, the 2008 Tulip Queen of the Orange City Tulip Festival and her court—1051
- Resolutions filed—566, 709, 817, 908, 952, 975, 1024, 1121, 1232
- Subcommittee assignments—63, 64, 86, 102, 115, 117, 134, 184, 371, 372, 373, 512, 513, 530, 629, 780, 814, 868

- SPEAKER OF THE HOUSE—Patrick J. Murphy—Representative Dubuque County**
- Amendments filed—980
 - Bills deferred, retained on calendar—365, 1035, 1827, 1860
 - Bills introduced—11, 37, 163, 165, 179, 223, 302, 355, 416
 - Bills passed on file—860, 903, 1115
 - Bills placed on calendar—701
 - Bills placed on unfinished business calendar—1036-1037
 - Bills referred and rereferred to committees—69, 131, 153, 211, 284, 491, 683, 701, 775, 860, 861, 903, 928, 975, 1083, 1253
 - Bills signed by—240, 251, 400, 469, 589, 628, 861, 903, 946, 1083, 1157, 1253, 1325, 1545, 1861, 2120, 2124
 - Committee appointments—2, 21, 37, 304, 490, 710, 745, 1288, 1579, 1697, 1729, 1846
 - Final adjournment—2123
 - Leave of absence—1388
 - Presentation of visitors—589, 1760-1761, 2122
 - Presented to Representative Zirkelbach the United States flag that was draped upon his desk during his tour of Iraq—10
 - Presented to the House Tyler Joseph Steinke, youngest Global Messenger for Special Olympics Iowa—1123
 - Presented a certificate of honor to Tyler Joseph Steinke—1123
 - Presented plaques to retiring members of the House—1965-1966
 - Presided at sessions of the House—2, 4, 12, 19, 21, 33, 36, 37, 49, 61, 67, 91, 123, 129, 130, 137, 148, 162, 177, 181, 188, 201, 204, 221, 238, 244, 245, 263, 277, 290, 301, 303, 304, 325, 352, 362, 365, 367, 381, 385, 387, 395, 412, 429, 434, 466, 483, 487, 488, 499, 507, 523, 525, 547, 559, 571, 595, 603, 618, 632, 637, 657, 667, 669, 670, 680, 689, 698, 708, 709, 745, 774, 786, 787, 818, 822, 823, 850, 872, 873, 902, 922, 923, 945, 968, 975, 982, 984, 1027, 1030, 1049, 1051, 1073, 1087, 1089, 1103, 1113, 1123, 1124, 1125, 1150, 1162, 1185, 1220, 1243, 1260, 1272, 1283, 1284, 1288, 1330, 1331, 1386, 1387, 1398, 1521, 1522, 1542, 1552, 1578, 1685, 1696, 1697, 1711, 1763, 1770, 1797, 1845, 1848, 1860, 1882, 1926, 2075
 - Received a plaque in appreciation of his service and dedication to the Iowa House of Representatives—1966
 - Remarks by—8-10, 2112-2116
 - Requested to be added as a sponsor of HF 2055—336
 - Resolutions filed—187, 380, 709, 952, 975, 1024, 1025, 1121, 1328, 1329
 - Resolution offered—1123
 - Rulings made—208, 225, 333, 436, 443, 504, 577, 580, 625, 854, 924, 1075, 1078, 1081, 1104, 1105, 1110, 1132, 1172, 1177, 1179, 1180, 1183, 1245, 1246, 1269, 1757, 1859, 1885, 1888, 1891, 1896, 1906, 1908, 1911, 1916
 - Special presentation to House Pages—434, 1798-1799
- SPEAKER PRO TEMPORE,—Polly Bukta—Representative Clinton County**
(See BUKTA, POLLY—Representative Clinton County, Speaker Pro Tempore)
- SPECIAL COMMITTEES—**
(See COMMITTEES, SPECIAL)
- SPECIAL MOTIONS—**
Motion to defer HF 2645—Representative Rants—734

- Motion to close debate and pose question to HF 2645 to 4:00 a.m. March 20, 2008—
Representative McCarthy—735
- Motion to amend time to close debate on HF 2645 to 7:00 p.m. on March 21, 2008—
Representative Raecker—735
- Motion to amend time to close debate on HF 2645 to 4:00 p.m. on March 21, 2008—
Representative Rants—736
- Motion to amend time to close debate on HF 2645 to 6:00 p.m. on March 21, 2008—
Representative Kaufmann—737
- Motion to amend time to close debate on HF 2645 to 4:05 a.m. on March 20, 2008—
Representative Hunter—738
- Motion to amend time to close debate on HF 2645 to 12:00 p.m. on March 20, 2008—
Representative Raecker—738
- Motion to amend time to close debate on HF 2645 to 11:30 a.m. on March 20, 2008—
Representative McCarthy—739
- Motion to reconsider time certain to close debate on HF 2645—Representative
McCarthy—749
- Motion to amend time to close debate on HF 2645 to 11:45 a.m. on March 19, 2008—
Representative McCarthy—750

SPECIAL PRESENTATION—

- Representative Murphy presented to Representative Zirkelbach the United States
flag that draped upon his desk during his tour of Iraq—10
- Representatives Boal and Gayman presented to the House several engineering
students here to participate in the mentoring program—138
- Representative Jochum presented to the House the Honorable Paul Scherrman
former member of the House—151
- Representative Wendt presented to the House the Honorable Mike Peters former
member of the House—153
- Representatives McCarthy and Rants presented certificates of appreciation to former
doorkeepers Jim Glenn and Jerry Orman—189
- Representative Chambers presented to the House the Honorable Richard Vande
Hoef former member of the House—279
- Representative May presented to the House members of the Dickinson County Soil
and Water Conservation District and some state dignitaries—280
- Representative H. Miller presented to the House Jeremy Edouard and his parents
Patrick and Grace—295
- Representative Whitaker presented a certificate of recognition to Emily Meyer to
thank her for her service in the computer services area—303
- Representative Rayhons presented to the House Bruce Hertzke, Chairman and CEO
of Winnebago Industries—347
- Representative Bailey presented to the House dignitaries from Lithuania—365
- Representatives Murphy, McCarthy and Rants presented certificates of appreciation
to the House Pages—434, 1798-1799
- Representatives L. Miller and Winckler presented to the House the winners of the
“Write Women Back Into History” essay contest winners—486
- Representative Bailey presented to the House David Stanton, T.D. a Fine Gael
member of the Irish Parliament representing County Cork East and his wife
Mary—566
- Representative Frevert presented to the House The Little Irish Dancers and Miss
Shamrock, April Gunderson—566

- Representative Bailey presented to the House several foreign exchange students from Afghanistan, Serbia, Montenegro, Russia, Kazakhstan, Armenia, Ukraine and Uzbekistan—603
- Representative L. Miller presented to the House the Honorable Dave Millage former member of the House—646
- Representatives Bailey, Mertz, Bukta and Quirk presented to the House the Irish flag in celebration of St. Patrick's Day—669
- Representative Mertz danced the traditional Irish jig in celebration of St. Patrick's Day—669
- The Honorable Robert Ray, former Governor of Iowa presented to the Honorable Dave Johnson and the Honorable Mark Smith the Uncommon Public Service Award—669
- Representative Jacobs presented to the House Shawn Johnson, world champion gymnast—709
- Representative Soderberg presented to the House Greg Christy, President of Northwestern College—821
- Representative Alons presented to the Greg Christy a certificate of excellence for the Northwestern College women's basketball team—821
- Representative Berry presented to the House several women from Nigeria, South Africa—822
- Representatives Jacoby and Roberts presented to the House students from Iowa State University whom are participating in government policy research—874
- Representative Roberts presented to the House the Honorable Gene Manternach former member of the House—877
- Representatives Granzow and Smith presented to the House the soccer team from Marshalltown Community College and their coach Marcelo Serrano—912
- Representative Horbach presented to the House Bonnie Linsenmeyer and Marilyn Kidd, nurses who attended to an emergency with a House staff member and Susan Cameron whom called 911—912
- Representative Van Engelenhoven presented to the House Ally Huffman, Queen of the 2008 Pella Tulip Festival, her court and her parents—937
- Representative Horbach presented to the House the Honorable Phil Tyrell former member of the House—989
- Representative Bailey presented to the House several judges visiting from Russia—1029
- Representative Jacoby presented to the House the University of Iowa Hawkeye Wrestling Team and their coach Tom Brands—1043
- Representative Soderberg presented to the House Katie Buntsma, the 2008 Tulip Queen of the Orange City Tulip Festival and her court—1051
- Representative Foege presented to the House Jim Miller, Head Coach of the Wartburg College wrestling team—1087
- Representative Murphy presented to the House Tyler Joseph Steinke, the youngest Global Messenger for Special Olympics Iowa and presented him with a certificate of honor—1123
- Representative Zirkelbach presented to the House his daughter Claire whom is celebrating her 2nd birthday—1129
- Representative May presented to the House his father Charles visiting from Arizona—1129
- Representative Jacobs presented to the House captains for the Drake men and women's basketball teams, Adam Emmenecker and Lindsey Whorton—1232
- Representative Bailey presented to the House a delegation of government officials from Nigeria—1688

SPONSOR—

Added:

- House Joint Resolution 8—Representatives Hoffman and Pettengill—12
- House Joint Resolution 8—Representatives Raecker and Schickel—13
- House File 2055—Representative Murphy—336
- Senate File 2425, H-8587 & 8588—Representatives Gaskill and D. Olson—1544

Withdrawn:

- House File 2026—Representative Ford—297
- House File 2158—Representative Pettengill—369

STAED, ART—Representative **Linn** County

- Amendments filed—980, 1025, 1259, 1517, 1864
- Amendments offered—973, 1033, 1055, 1056
- Bills introduced—11, 37, 61, 92, 93, 150, 201, 293, 302, 353, 355, 528
- Explanation of vote—1214
- Petition presented—162
- Resolutions filed—566, 709, 817, 908, 952, 975, 1024, 1121, 1232, 1328, 1329, 1863
- Resolution offered—566
- Subcommittee assignments—86, 101, 116, 173, 197, 215, 256, 272, 299, 339, 357, 370, 373, 383, 463, 479, 655, 685, 814, 867, 1219

STATE GOVERNMENT, COMMITTEE ON—

- Amendments filed—456, 593, 781, 817, 1329, 1551
- Amendments offered—962, 1928
- Bills introduced—244, 290, 291, 382, 388, 389, 414, 500, 526, 527, 560, 572, 597, 620, 634, 660, 662
- Recommendations—243, 260-261, 343, 379, 428, 456, 465, 520, 544-545, 593, 781, 816, 908, 950-951, 1327, 1550, 1683
- Subcommittee assignments—99, 100, 101, 115, 117, 144, 145, 158, 214, 215, 255, 256, 257, 286, 338, 371, 373, 405, 406, 451, 452, 453, 462, 491, 492, 513, 654, 655, 704, 705, 867, 868

STATE OF THE STATE AND BUDGET MESSAGE—

- Delivered by Governor Chester J. Culver—23-33
- Resolution relating to the condition of the State Message and Budget Message, House Concurrent Resolution 101—a joint convention on Tuesday, January 15, 2008, at 10:00 a.m. for Governor Chester J. Culver deliver his condition of the state budget message—3 adopted & msgd. – S.J. – 10, 11 adopted & msgd. – H.J. 12.

STRUYK, DOUG—Representative **Pottawattamie** County, Assistant Minority Leader

- Amendments filed—262, 276, 289, 631, 687, 749, 782, 783, 784, 785, 817, 1024, 1122, 1155, 1161, 1528, 1865, 1916
- Amendments offered—329, 330, 1072, 1128, 1249, 1916
- Amendments withdrawn—749, 1155, 1156
- Bills introduced—50, 51, 123, 131, 149, 164, 177, 235, 293, 295, 318, 355, 382, 413, 416, 431, 432, 457, 467, 468, 469
- Resolutions filed—344, 456, 709, 952, 975, 1024, 1121, 1232
- Resolution offered—348
- Subcommittee assignments—85, 102, 184, 272, 357, 370, 371, 422, 493, 511, 512, 814, 815, 867, 906, 932, 1119, 1159

STUDY BILL COMMITTEE ASSIGNMENTS—

- Agriculture—300, 375, 376, 392, 408, 455, 494, 531
- Appropriations—109, 531, 592, 686, 1022, 1085, 1327, 1384, 1549, 1854
- Commerce—90, 105, 106, 146, 218, 273, 408, 453, 480, 494
- Economic Growth—90, 104, 105, 107, 109, 145, 199, 341, 409, 494, 495
- Education—34, 88, 89, 108, 121, 135, 259, 300, 359
- Environmental Protection—198, 259, 359, 375, 410, 454
- Government Oversight—272, 274, 341, 1022
- Human Resources—35, 87, 104, 108, 146, 198, 199, 217, 231, 274, 299, 300, 341, 359, 360, 374, 392, 409, 455, 494, 1159
- Judiciary—59, 60, 105, 109, 127, 161, 174, 198, 199, 273, 274, 341, 342, 376, 425, 480, 494, 495, 530, 532
- Labor—160, 161, 259, 273, 275, 392, 454, 531
- Local Government—145, 232, 242, 375, 454, 495
- Natural Resources—408, 454, 495
- Public Safety—87, 88, 127, 135, 174, 218, 273, 480, 532
- State Government—60, 107, 146, 185, 198, 217, 232, 242, 259, 359, 391, 392, 393, 530
- Transportation—34, 60, 64, 107, 217, 258, 274, 299, 391, 392, 480
- Veteran's Affairs—109, 200, 376, 494
- Ways and Means—109, 146, 217, 242, 273, 407, 592, 780, 1022, 1119, 1120

STUDY BILL SUBCOMMITTEE ASSIGNMENTS—

- Assigned—65, 87, 103-104, 118-120, 126-127, 135, 145, 159-160, 173-174, 185, 215-216, 230-231, 236, 241-242, 257-258, 272, 287-288, 339-340, 358-359, 373-374, 383-384, 391, 406-407, 424-425, 453, 463, 493-494, 514-515, 534-535, 815, 1159, 1217
- Reassigned—65, 373, 374, 391

STUDY COMMITTEES—

(See also LEGISLATIVE COUNCIL)

Resolutions relating to:

- House Resolution 110—380,
- House Resolution 118—630,
- House Resolution 125—706,

SUBCOMMITTEE ASSIGNMENTS—

- Assigned—34, 59, 62-65, 84-86, 99-103, 115-118, 126, 134, 144-145, 157-159, 172-173, 184, 196-197, 214-215, 230, 241, 255-257, 272, 286-287, 299, 338-339, 357-358, 370-373, 383, 390-391, 405-406, 422-423, 451-453, 462-463, 479, 491-493, 511-514, 530, 558, 591-592, 629-630, 654-655, 685-686, 704-705, 780, 813-815, 867-868, 906, 932, 943, 978, 1047, 1085, 1119, 1281, 1383, 1761
- Reassigned—62, 63, 65, 84, 85, 86, 99, 100, 115, 117, 118, 134, 145, 157, 172, 215, 338, 370, 422, 451, 511, 530, 666, 867, 1159, 1219

SUPREME COURT OF IOWA—

(Chief Justice Marsha K. Ternus)

Delivered the Condition of the Judicial Department's Message—39-49

Resolutions relating to:

- House Concurrent Resolution 102—a joint convention on Wednesday, January 16, 2008, at 10:00 a.m. for Chief Justice Ternus to present her condition of the

judicial system message—3 adopted & msgd. – S.J. – 10, 11 adopted & msgd. – H.J. 12.

SWAIM, KURT—Representative Appanoose-**Davis**-Wayne Counties

Amendments filed—706, 817, 871, 980, 1258, 1259, 1865

Amendment offered—968

Amendments withdrawn—831, 968

Bills introduced—19, 37, 61, 69, 179, 182, 203, 246, 248, 264, 278, 293, 302, 319, 355, 382, 385, 415, 667

Committee appointment—38

Resolutions filed—456, 709, 909, 952, 975, 1024, 1121, 1232, 1328, 1329

Resolution offered—1220

Subcommittee assignments—59, 158, 196, 197, 286, 287, 338, 339, 372, 383, 406, 422, 423, 591, 814, 906

TAYLOR, DICK—Representative **Linn** County

Amendments filed—482, 656, 870, 980, 1025, 1048, 1259

Bills introduced—37, 123, 131, 162, 163, 179, 201, 223, 248, 302, 318, 355, 385, 415, 416

Resolutions filed—709, 952, 975, 1024, 1121, 1232, 1328, 1329

Subcommittee assignments—86, 102, 172, 184, 286, 370, 372, 373, 405, 406, 451, 492, 655, 780, 868

TAYLOR, TODD—Representative **Linn** County

Amendments filed—631, 944, 952, 980, 1025, 1048, 1259, 1733, 1758, 1762

Amendments offered—639, 693, 1011, 1063, 1733, 1758, 1770, 1772

Amendments withdrawn—1124, 1770

Bills introduced—37, 179, 205, 318, 355, 385, 416

Petition presented—67

Resolutions filed—709, 952, 975, 1024, 1121, 1232, 1863

Subcommittee assignments—63, 64, 65, 100, 102, 115, 117, 144, 158, 214, 215, 241, 257, 371, 405, 406, 654, 655, 814, 932, 1085, 1219, 1383, 1761

THOMAS, ROGER—Representative **Clayton**-Delaware-Fayette Counties

Amendments filed—593, 594, 631, 781, 910, 980, 1857, 1864

Amendments offered—624, 1052, 1857

Amendment withdrawn—1868

Bills introduced—11, 21, 37, 61, 92, 163, 188, 201, 203, 223, 355, 368, 433, 469

Resolutions filed—709, 952, 975, 1024, 1121, 1232, 1328, 1329, 1863

Subcommittee assignments—34, 62, 63, 64, 86, 101, 172, 184, 214, 257, 287, 339, 491, 512, 513, 530, 591, 655, 685, 813, 814, 978, 1119

TJEPKES, DAVID A.—Representative Calhoun-Greene-**Webster** Counties

Amendments filed—781, 910, 952, 1528

Amendment offered—987

Bills introduced—36, 51, 111, 123, 125, 130, 131, 149, 162, 179, 205, 247, 318, 355, 382, 413, 415, 416, 432, 458

Committee appointment—1288

Presided at sessions of the House—1330

Report—1379-1380

Resolutions filed—456, 709, 952, 975, 1024, 1121, 1232

Subcommittee assignments—64, 84, 85, 86, 115, 116, 134, 173, 256, 339, 373, 451, 814

TOMENGA, F. WALTER—Representative **Polk** County

Amendments filed—656, 817, 871, 1528

Bills introduced—51, 111, 149, 165, 179, 182, 246, 293, 318, 355, 416

Leaves of absence—1039, 1866

Resolutions filed—566, 709, 952, 975, 1024, 1121, 1232

Resolution offered—566

Subcommittee assignments—59, 101, 286, 358, 422, 423, 514, 655

TRANSPORTATION, COMMITTEE ON—

Amendment filed—980

Bills introduced—234, 239, 414, 415, 458, 501, 572, 599, 619, 663

Recommendations—219-220, 379-380, 428, 465, 520-521, 545-546, 951, 979

Subcommittee assignments—34, 59, 64, 84, 85, 115, 116, 117, 145, 173, 197, 272, 286, 338, 339, 371, 373, 451, 452, 492, 493, 815, 943

TYMESON, JODI—Representative Dallas-**Madison**-Warren Counties

Amendments filed—289, 411, 428, 533, 594, 631, 656, 706, 724, 747, 782, 783, 784, 785, 870, 944, 952, 981, 1048, 1086, 1127, 1218, 1230, 1242, 1250, 1528, 1529, 1536, 1727, 1825, 1834, 1837, 1864

Amendments offered—503, 505, 506, 578, 625, 724, 747, 771, 858, 1127, 1130, 1229, 1230, 1242, 1250, 1529, 1727, 1825, 1834, 1837, 1899

Amendments withdrawn—916, 1133, 1230

Bills introduced—50, 51, 68, 123, 124, 130, 131, 149, 162, 165, 178, 234, 235, 244, 246, 247, 264, 302, 318, 355, 388, 396, 413, 415, 416, 432, 458, 460, 468, 507

Resolutions filed—709, 817, 908, 952, 975, 1121, 1232

Subcommittee assignments—34, 63, 115, 116, 158, 299, 357, 370, 371, 372, 463, 685

UNANIMOUS CONSENT—3, 189, 279, 363, 397, 566, 669, 709, 798, 872, 938, 975, 1029, 1231, 1232, 1276, 1402, 1553, 1688, 1693, 1699, 1701, 1703, 1729, 1733, 1769, 1794, 1852, 1854, 1980

UNFINISHED BUSINESS CALENDAR—

Bills placed on—252, 940-941, 1036-1037

UPMEYER, LINDA L.—Representative Cerro Gordo-Franklin-**Hancock** Counties, Assistant Minority Leader

Amendments filed—289, 567, 569, 687, 706, 782, 783, 784, 1191, 1233, 1528, 1530, 1534, 1676

Amendments offered—331, 567, 569, 938, 1191, 1530

Amendment withdrawn—753

Bills introduced—50, 51, 93, 137, 149, 182, 235, 246, 247, 293, 303, 318, 355, 382, 386, 413, 416, 432, 459, 467, 484, 485, 499, 508

Committee appointment—1697

Explanation of vote—1115

Leaves of absence—1685, 1849, 1866

Reports—1980-2017

Resolutions filed—300, 393, 687, 709, 817, 908, 952, 975, 1024, 1025, 1121, 1232

Resolutions offered—347, 938, 1123

Subcommittee assignments—85, 86, 184, 257, 286, 358, 372, 405, 406, 452, 513, 867

VAN ENGELENHOVEN, JIM—Representative Jasper-**Marion** Counties

Amendments filed—783, 784, 785, 1528, 1534

Amendment offered—1534

Bills introduced—51, 149, 247, 318, 355, 382, 413, 416, 432, 468, 484, 485, 499, 508, 667

Explanation of vote—628

Leaves of absence—559, 2017

Presented to the House Ally Huffman, Queen of the 2008 Pella Tulip Festival and her court and her parents—937

Resolutions filed—709, 952, 975, 1024, 1121, 1232

Subcommittee assignments—102, 383

VAN FOSSEN, JAMIE—Representative **Scott** County

Amendments filed—344, 428, 688, 870, 910, 944, 1122, 1131, 1218, 1258, 1268, 1384, 1521, 1528, 1551, 1693, 1864, 2065

Amendments offered—434, 881, 900, 1131, 1246, 1268, 1521, 1693, 1871, 1874, 2065

Bills introduced—51, 131, 149, 164, 179, 181, 233, 247, 293, 318, 354, 355, 382, 416, 432, 467, 485, 499, 667

Explanation of vote—929

Leaves of absence—71, 911

Resolutions filed—709, 909, 951, 975, 1024, 1121, 1232

Resolution offered—975

Subcommittee assignments—62, 86, 117, 184, 197, 215, 257, 358, 370, 371, 372, 373, 452, 493, 511, 629, 654, 780, 814, 867, 868, 1119

VETERANS—

Resolutions relating to:

House Resolution 131—celebrate 100th birthday of United States Army Reserve, honor the commitment, dedication, and service to America, and wishing for its continued support to our soldiers—909, 1088 adopted.

VETERANS AFFAIRS, COMMITTEE ON—

Amendments filed—522, 781, 952

Amendments offered—973, 1033, 1057

Bills introduced—93, 294, 296, 368, 526, 527, 562, 600, 661

Recommendations—110, 275, 361, 521-522, 546, 781, 908, 951

Subcommittee assignments—34, 101, 102, 172, 184, 255, 257, 272, 357, 370, 371, 372, 655

VISITORS—

Presentation of—589, 1021, 1045, 1760-1761, 2122

VOTES—

Non-record—225, 228, 325, 330, 331, 615, 616, 805, 857, 858, 859, 924, 1100, 1111, 1127, 1128, 1130, 1155, 1172, 1191, 1250, 1338, 1339, 1376, 1525, 1529, 1534, 1859

Record—209, 328, 329-330, 334, 436-437, 439-440, 444, 487-488, 502-503, 505, 577-578, 580-581, 626, 724-725, 726, 727-728, 728-729, 730, 731-732, 733, 734-735, 735-736, 736-737, 737-738, 738-739, 742-743, 744, 745-746, 748-749, 750-751, 751-752, 752-753, 755-756, 757-758, 759, 760-761, 761-762, 763-764, 764-765, 765-766, 767, 768, 769-770, 770-771, 772-773, 854-855, 1054, 1069-1070, 1073-1074, 1075-1076, 1078-1079, 1105, 1110-1111, 1125-1126, 1127-1128, 1130-1131, 1177-1178,

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 Quorum call—205, 318, 571, 727, 741, 823, 875, 968, 1039, 1088, 1101, 1162, 1331, 1398, 1553, 1578, 1688, 1712, 1770, 1845, 1923

WATTS, RALPH—Representative Boone-**Dallas** Counties

Amendments filed—176, 200, 706, 762, 1197, 1329, 1528, 1688, 1864
 Amendments offered—756, 758, 759, 762, 770, 1197, 1688, 1882
 Bills introduced—51, 123, 125, 130, 131, 149, 247, 318, 347, 355, 382, 413, 415, 416, 432, 467, 468, 469
 Explanation of vote—1044
 Leaves of absence—487, 1012
 Resolutions filed—687, 709, 817, 908, 952, 975, 1024, 1121, 1232
 Subcommittee assignments—64, 118, 157, 196, 257, 383, 405, 406, 1085

WAYS AND MEANS, COMMITTEE ON—

Amendments filed—122, 380, 935
 Amendment offered—191
 Bills introduced—124, 247, 415, 872, 937, 1027, 1049, 1135, 1136, 1149, 1162, 1163, 1185, 1213, 1330, 1331
 Recommendations—122, 127, 261, 272, 343, 380, 393, 869, 934-935, 1023, 1160-1161, 1217-1218, 1328
 Subcommittee assignments—62, 63, 64, 65, 101, 145, 158, 159, 214, 215, 287, 370, 372, 373, 511, 512, 513, 514, 530, 591, 629, 813, 814, 867, 978, 1047, 1119, 1159

WENDT, ROGER F.—Representative **Woodbury** County

Amendments filed—593, 687, 781, 782, 785, 859, 870, 935, 980, 1259, 1699, 1864, 1865
 Amendments offered—856, 1699, 1898
 Bills introduced—11, 37, 61, 111, 130, 179, 201, 203, 223, 353, 355, 433
 Bills placed on unfinished business calendar (as acting Speaker)—1039-1040
 Committee appointment—1382
 Presentation of visitors (as acting Speaker)—1045
 Presented to the House the Honorable Mike Peters former member of the House—153
 Presided at session of the House—1039
 Report—1555-1556
 Resolutions filed—709, 908, 909, 952, 975, 1024, 1121, 1232, 1328, 1329, 1863
 Subcommittee assignments—63, 86, 100, 102, 134, 144, 158, 214, 215, 256, 257, 299, 370, 373, 422, 479, 511, 512, 513, 591, 654, 685, 814, 867, 978

WENTHE, ANDREW—Representative Black Hawk-Bremer-**Fayette** Counties

Amendments filed—482, 706, 910, 980, 1518, 1864
 Amendments offered—787, 964, 1896
 Bills introduced—11, 37, 61, 93, 111, 164, 179, 201, 203, 204, 293, 302, 355, 416
 Committee appointment—38

Resolutions filed—709, 952, 975, 1024, 1025, 1121, 1232, 1328, 1863
 Subcommittee assignments—34, 101, 102, 172, 184, 241, 372, 391, 511, 512, 513, 591, 630, 686, 704, 814

WESSELL-KROESCHELL, BETH—Representative **Story** County

Amendments filed—482, 558, 656, 781, 871, 980, 1258, 1259, 1309, 1329, 1540
 Amendment offered—1307
 Bills introduced—61, 93, 130, 179, 203, 223, 248, 302, 355, 368, 416, 430
 Committee appointment—1729
 Resolutions filed—709, 817, 952, 975, 1024, 1025, 1121, 1232, 1328, 1329, 1863
 Resolutions offered—1029, 1387
 Subcommittee assignments—100, 101, 116, 117, 134, 144, 158, 172, 184, 286, 338, 339, 357, 358, 371, 372, 373, 405, 422, 492, 512, 513, 591, 592, 655, 704, 867

WHITAKER, JOHN—Representative **Jefferson-Van Buren-Wapello** Counties, Assistant Majority Leader

Amendments filed—687, 870, 871, 910, 980, 1258, 1259
 Amendments offered—829, 923, 1373
 Bills introduced—11, 20, 37, 61, 68, 111, 130, 131, 150, 164, 202, 203, 223, 234, 247, 263, 292, 302, 355, 363, 367, 368, 385, 414, 459
 Presented a certificate of recognition to Emily Meyer to thank her for her service in computer services—303
 Presided at sessions of the House—71, 1101
 Resolutions filed—456, 709, 952, 975, 1024, 1025, 1121, 1232, 1328, 1329
 Subcommittee assignments—59, 102, 134, 172, 173, 196, 230, 241, 257, 286, 339, 405, 452, 462, 492, 493, 512

WHITEAD, WESLEY—Representative **Woodbury** County

Amendments filed—871, 980, 1212, 1258, 1259, 1517
 Amendment offered—1212
 Bills introduced—11, 37, 201, 248, 264, 302, 346, 355, 385, 433
 Committee appointment—305
 Presided at session of the House—1770
 Resolutions filed—709, 952, 975, 1024, 1025, 1121, 1232, 1328, 1329
 Subcommittee assignments—86, 102, 115, 126, 134, 144, 158, 197, 214, 222, 223, 241, 255, 256, 272, 357, 358, 370, 371, 372, 405, 451, 463, 491, 492, 655, 704, 705, 1047

WIENCEK, TAMI—Representative **Black Hawk** County

Amendments filed—687, 910, 1519, 1528, 1856, 2066
 Amendments offered—1034, 1187, 1519, 1856, 2066
 Bills introduced—51, 68, 125, 149, 162, 165, 177, 355, 382, 413, 432
 Resolutions filed—709, 909, 952, 975, 1025, 1121, 1232
 Subcommittee assignments—63, 64, 65, 134, 173, 197, 256, 287, 299, 338, 357, 373, 423, 591, 685, 813, 978

WINCKLER, CINDY—Representative **Scott** County

Amendments filed—1218, 1233, 1259, 1309, 1329, 1540, 1842, 1864, 1917
 Amendments offered—1221, 1233, 1842, 1917
 Amendment withdrawn—1401
 Bills introduced—37, 130, 201, 203, 223, 248, 302, 353, 355, 395, 416
 Explanation of vote—1382

Leave of absence—638

Presented to the House winners of the “Write Women Back Into History” essay contest winners—486

Resolutions filed—232, 709, 909, 952, 975, 1024, 1025, 1121, 1232, 1328, 1329, 1863

Resolution offered—486

Subcommittee assignments—86, 118, 158, 173, 197, 241, 286, 391, 406, 422, 423, 479, 513, 591, 655, 666, 704, 814, 867

WINDSCHITL, MATT—Representative **Harrison-Monona-Pottawattamie** Counties

Amendments filed—187, 262, 289, 482, 558, 782, 783, 784, 785, 893, 944, 1122, 1161, 1528, 1864, 2069

Amendments offered—893, 2069

Bills introduced—51, 68, 123, 130, 131, 149, 164, 181, 201, 247, 293, 302, 318, 355, 382, 415, 416, 430, 467, 468, 469, 484, 485, 499, 508

Committee appointment—305

Resolutions filed—456, 709, 817, 908, 952, 975, 1025, 1121, 1232, 1329

Subcommittee assignments—62, 63, 101, 116, 158, 159, 172, 214, 255, 286, 370, 493, 591, 655, 813, 815, 943, 1047

WISE, PHILIP—Representative **Lee** County

Amendments filed—616, 910, 980, 981, 1086, 1121, 1122, 1161, 1218, 1329, 1864, 2068, 2109

Amendments offered—616, 1150, 1155, 1156, 1295, 1370, 1371, 2109

Amendment withdrawn—1917

Bill deferred, retained on calendar (as acting Speaker)—739, 749, 1007, 1378

Bills introduced—11, 37, 49, 92, 112, 131, 149, 164, 188, 223, 234, 248, 318, 355, 367, 416, 459, 1028

Bills referred to committee (as acting Speaker)—1021

Committee appointed (as acting Speaker)—1382

Committee appointments—305, 745

Presentation of visitors (as acting Speaker)—1021

Presided at sessions of the House—726, 727, 731, 739, 741, 745, 968, 1007, 1186, 1372, 1388

Resolutions filed—397, 686, 709, 952, 975, 1024, 1025, 1121, 1232, 1328, 1329, 1863

Resolutions offered—397, 798

Rulings made (as acting Speaker)—745, 751, 773, 1190, 1191, 1193, 1195, 1207, 1376

Subcommittee assignments—84, 85, 86, 100, 117, 184, 215, 255, 299, 370, 371, 372, 511, 629, 654, 814, 867, 932, 1119, 1159

WORTHAN, GARY—Representative **Buena Vista-Sac** Counties

Amendments filed—910, 1384, 1528, 1836

Amendment offered—1836

Bills introduced—51, 124, 125, 130, 131, 149, 201, 247, 302, 318, 355, 382, 413, 415, 416, 432, 467, 468, 667

Committee appointment—304

Leaves of absence—618, 638, 692, 788

Resolutions filed—456, 952, 975, 1025, 1121, 1232

Subcommittee assignments—117, 173, 257, 338, 373, 452, 492

ZIRKELBACH, RAYMOND—Representative **Dubuque-Jones** Counties

Amendments filed—594, 781, 910, 935, 944, 980, 1025, 1048, 1065, 1218, 1259

Amendments offered—926, 1009, 1064, 1065, 1071

Amendments withdrawn—1062, 1225

Bills introduced—11, 19, 20, 21, 37, 50, 125, 148, 165, 179, 182, 201, 205, 223, 248, 264, 318, 355, 368, 385, 488

Committee appointments—22, 305

Presented to the House his daughter Claire whom is celebrating her 2nd birthday—1129

Presided at session of the House—111

Received the United States flag that was draped over his desk during his tour of duty in Iraq—10

Remarks—11

Resolutions filed—705, 709, 952, 975, 1024, 1025, 1121, 1232, 1328, 1863

Resolution offered—1051

Subcommittee assignments—63, 64, 172, 255, 256, 257, 287, 370, 371, 372, 383, 463, 511