

State of Iowa
2005

JOURNAL OF THE HOUSE

2005
REGULAR SESSION
EIGHTY – FIRST
GENERAL ASSEMBLY

Convened January 10, 2005
Adjourned May 20, 2005

Volume II
April 21, 2005—May 20, 2005

THOMAS J. VILSACK, Governor
CHRISTOPHER RANTS, Speaker of the House
JOHN P. KIBBIE, Co-President of the Senate
JEFF LAMBERTI, Co-President of the Senate

Published by the
STATE OF IOWA
Des Moines

JOURNAL OF THE HOUSE

One Hundred Second Calendar Day - Sixty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 21, 2005

The House met pursuant to adjournment at 8:55 a.m., Speaker Rants in the chair.

Prayer was offered by the Honorable Doug Shull, state senator from Warren County and the Honorable David Johnson, state senator from Osceola County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, April 20, 2005 was approved.

SENATE MESSAGE CONSIDERED

Senate File 409, by committee on ways and means, a bill for an act relating to financial transactions including the sale of specific items used in livestock and plant production, providing for an exemption and refund of sales and use taxes, providing for a maximum finance charge on consumer loans secured by a certificate of title to a motor vehicle, making penalties applicable, and including an effective and retroactive applicability date provision.

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

CONSIDERATION OF BILLS

Unfinished Business Calendar

Senate File 321, a bill for an act relating to the use of moneys deposited into the inmate labor fund, with report of committee recommending passage, was taken up for consideration.

Sands of Louisa 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. 321)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Berry

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

SENATE AMENDMENT CONSIDERED

Granzow of Hardin called up for consideration **House File 616**, bill for an act revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects, amended by the Senate, and moved that the House concur in the following Senate amendment H-1398:

H-1398

- 1 Amend House File 616, as passed by the House, as
 2 follows:
 3 1. Page 3, line 8, by striking the words "shall
 4 manage" and inserting the following: "has authority
 5 over".
 6 2. Page 3, line 9, by inserting after the word
 7 "pool" the following: "and shall manage the pool".
 8 3. Page 3, line 17, by inserting after the word
 9 "expenditure" the following: "as directed by the
 10 project's governance board".

The motion prevailed and the House concurred in the Senate amendment H-1398.

Granzow of Hardin 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. 616)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell

Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Berry

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

SENATE AMENDMENT CONSIDERED

Heddens of Story called up for consideration **House File 538**, a bill for an act revising child welfare requirements involving children with mental health, behavioral, or emotional disorders and providing a contingent effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-1425:

H-1425

1 Amend House File 538, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by striking lines 12 through 19, and
 4 inserting the following:
 5 "b. The waiver request shall provide for
 6 appropriately addressing the needs of children
 7 described in paragraph "a" by implementing any of the
 8 following options: using a wraparound services
 9 approach, renegotiating the medical assistance program
 10 contract provisions for behavioral health services, or
 11 applying another approach for appropriately meeting
 12 the children's needs.
 13 c. If federal approval of the waiver request is
 14 not received, the department shall submit options to
 15 the governor and general assembly to meet the needs of
 16 such children through a state-funded program."

The motion prevailed and the House concurred in the Senate amendment H-1425:

Heddens of Story 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. 538)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Berry

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 201, a bill for an act providing for veterinary emergency preparedness and response by the department of agriculture and land stewardship, with report of committee recommending passage, was taken up for consideration.

Lalk 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. 201)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Berry

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

SENATE AMENDMENT CONSIDERED

Raecker of Polk called up for consideration **House File 253**, a bill for an act relating to governmental ethics and the duties of the Iowa

ethics and campaign disclosure board, amended by the Senate, and moved that the House concur in the following Senate amendment H-1436:

H-1436

- 1 Amend House File 253, as passed by the House, as
 2 follows:
 3 1. Page 2, by striking lines 11 through 30 and
 4 inserting the following:
 5 "Sec. ____ Section 68B.22, subsection 4, paragraph
 6 r, Code 2005, is amended to read as follows:
 7 r. Gifts of food, beverage, and entertainment
 8 received by public officials or public employees at a
 9 ~~reception function~~ where every member of the general
 10 assembly has been invited to attend, when the
 11 ~~reception function~~ takes place during a regular
 12 session of the general assembly. A sponsor of a
 13 ~~reception function~~ under this paragraph shall file a
 14 report disclosing the total amount expended, including
 15 in-kind expenditures, on food, beverage, and
 16 entertainment for the ~~reception function~~. The report
 17 shall be filed with the person or persons designated
 18 by the secretary of the senate; and the chief clerk of
 19 the house, and the board within five business days
 20 following the date of the ~~reception function~~. The
 21 person or persons designated by the secretary of the
 22 senate and the chief clerk of the house shall forward
 23 a copy of each report to the board."
 24 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1436.

Raecker 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. 253)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner

Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wildurdyke
Winckler	Wise	Zirkelbach	Mr. Speaker
			Rants

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

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 253, 538, 616** and **Senate Files 201** and **321**.

SENATE AMENDMENT CONSIDERED

Carroll of Poweshiek called up for consideration **Senate File 330**, a bill for an act relating to family law provisions including dissolution of marriage and domestic relations and termination of parental rights provisions, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1422 to the House amendment:

H-1422

- 1 Amend the House amendment, S-3072, to Senate File
- 2 330, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 2 through 14, and

4 inserting the following:

5 "____. Page 39, by inserting after line 26 the
6 following:

7 "Sec.____. Section 598.41, subsection 5, paragraph
8 a, Code 2005, is amended to read as follows:

9 a. If joint legal custody is awarded to both
10 parents, the court may award joint physical care to
11 both joint custodial parents upon the request of
12 either parent. Prior to ruling on the request for the
13 award of joint physical care, the court may require
14 the parents to submit, either individually or jointly,
15 a proposed joint physical care parenting plan. A
16 proposed joint physical care parenting plan shall
17 address how the parents will make decisions affecting
18 the child, how the parents will provide a home for the
19 child, how the child's time will be divided between
20 the parents and how each parent will facilitate the
21 child's time with the other parent, arrangements in
22 addition to court-ordered child support for the
23 child's expenses, how the parents will resolve major
24 changes or disagreements affecting the child including
25 changes that arise due to the child's age and
26 developmental needs, and any other issues the court
27 may require. If the court denies the request for
28 joint physical care, the determination shall be
29 accompanied by specific findings of fact and
30 conclusions of law that the awarding of joint physical
31 care is not in the best interest of the child."
32 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1422, to the House amendment.

Carroll of Poweshiek 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. 330)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner

Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Mr. Speaker
			Rants

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

J.R. Van Fossen of Scott called up for consideration **House File 745**, a bill for an act relating to the criminal offense of theft of leased or rented personal property and making penalties applicable, amended by the Senate, and moved that the House concur in the following Senate amendment H-1371:

H-1371

1 Amend House File 745, 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 714.1, subsection 2, Code
6 2005, is amended to read as follows:

7 2. Misappropriates property which the person has
8 in trust, or property of another which the person has
9 in the person's possession or control, whether such
10 possession or control is lawful or unlawful, by using
11 or disposing of it in a manner which is inconsistent
12 with or a denial of the trust or of the owner's rights

13 in such property, or conceals found property, or
 14 appropriates such property to the person's own use,
 15 when the owner of such property is known to the
 16 person.
 17 a. Failure by a bailee or lessee of personal
 18 property to return the property within seventy-two
 19 hours after a time specified in a written agreement of
 20 lease or bailment shall be evidence of
 21 misappropriation.
 22 b. If a time is not specified in the written
 23 agreement of lease or bailment for the expiration or
 24 termination of the lease or bailment or for the return
 25 of the personal property, failure by a lessee or
 26 bailee to return the property within five days after
 27 proper notice to the lessee or bailee shall be
 28 evidence of misappropriation. For the purposes of
 29 this paragraph, "proper notice" means a written notice
 30 of the expiration or termination of the lease or
 31 bailment agreement sent to the lessee or bailee by
 32 certified or restricted certified mail at the address
 33 of the lessee or bailee specified in the agreement.
 34 The notice shall be considered effective on the date
 35 of the mailing of the notice regardless of whether or
 36 not the lessee or bailee signs a receipt for the
 37 notice."

The motion prevailed and the House concurred in the Senate amendment H-1371.

J.R. Van Fossen 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. 745)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevrt
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig

Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Mr. Speaker
			Rants

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 323, a bill for an act establishing a uniform mediation Act, with report of committee recommending passage, was taken up for consideration.

Eichhorn 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. 323)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing

Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wildurdyke
Winckler	Wise	Zirkelbach	Mr. Speaker Rants

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

Maddox of Polk called up for consideration **House File 683**, a bill for an act authorizing the appointment of an attorney to represent an indigent parole violator, and providing effective and retroactive applicability date provisions, amended by the Senate, and moved that the House concur in the following Senate amendment H-1358:

H-1358

1 Amend House File 683, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking line 1.
 4 2. Page 1, by inserting after line 16 the
 5 following:
 6 "Sec. __. Section 600A.2, Code 2005, is amended
 7 by adding the following new subsection:
 8 NEW SUBSECTION. 10A. "Indigent" means a person
 9 has an income level at or below one hundred percent of
 10 the United States poverty level as defined by the most
 11 recently revised poverty income guidelines published
 12 by the United States department of health and human
 13 services, unless the court determines that the person
 14 is able to pay for the cost of an attorney in the
 15 pending case. In making the determination of a
 16 person's ability to pay for the cost of an attorney,
 17 the court shall consider the person's income and the

18 availability of any assets subject to execution,
 19 including but not limited to cash, stocks, bonds, and
 20 any other property which may be applied to the
 21 satisfaction of judgments, and the nature and
 22 complexity of the case.

23 Sec. __. Section 600A.6, subsection 3, Code 2005,
 24 is amended by adding the following new paragraph:
 25 NEW PARAGRAPH. c. A statement that the person
 26 against whom a proceeding for termination of parental
 27 rights is brought shall have the right to counsel
 28 pursuant to section 600A.6A.

29 Sec. __. NEW SECTION. 600A.6A RIGHT TO AND
 30 APPOINTMENT OF COUNSEL.

31 1. Upon the filing of a petition for termination
 32 of parental rights under this chapter, the parent
 33 identified in the petition shall have the right to
 34 counsel in connection with all subsequent hearings and
 35 proceedings.

36 2. If the parent against whom the petition is
 37 filed desires but is financially unable to employ
 38 counsel, the court, following an in-court colloquy,
 39 shall appoint counsel for the person if all of the
 40 following criteria are met:

- 41 a. The person requests appointment of counsel.
- 42 b. The person is indigent.
- 43 c. The court determines both of the following:
 - 44 (1) The person, because of lack of skill or
 - 45 education, would have difficulty in presenting the
 - 46 person's version of the facts in dispute, particularly
 - 47 where the presentation of the facts requires the
 - 48 examination or cross-examination of witnesses or the
 - 49 presentation of complex documentary evidence.
 - 50 (2) The person has a colorable defense to the

Page 2

1 termination of parental rights, or there are
 2 substantial reasons that make termination of parental
 3 rights inappropriate.

4 Sec. __. NEW SECTION. 600A.6B PAYMENT OF
 5 ATTORNEY FEES.

6 1. A person filing a petition for termination of
 7 parental rights under this chapter or the person on
 8 whose behalf the petition is filed shall be
 9 responsible for the payment of reasonable attorney
 10 fees for counsel appointed pursuant to section 600A.6A
 11 unless the court determines that the person filing the
 12 petition or the person on whose behalf the petition is
 13 filed is indigent.

14 2. If the person filing the petition or the person
 15 on whose behalf the petition is filed is indigent, the
 16 appointed attorney shall be paid reasonable attorney

17 fees by the county as determined by the court pursuant
18 to section 602.1302."

19 3. Page 1, by inserting before line 17 the
20 following:

21 "Sec. __. Section 602.1302, subsections 3 and 4,
22 Code 2005, are amended to read as follows:

23 3. A revolving fund is created in the state
24 treasury for the payment of jury and witness fees,
25 attorney fees, mileage, and costs related to summoning
26 jurors by the judicial branch. The judicial branch
27 shall deposit any reimbursements to the state for the
28 payment of jury and witness fees and mileage in the
29 revolving fund. Notwithstanding section 8.33,
30 unencumbered and unobligated receipts in the revolving
31 fund at the end of a fiscal year do not revert to the
32 general fund of the state. The judicial branch shall
33 on or before February 1 file a financial accounting of
34 the moneys in the revolving fund with the legislative
35 services agency. The accounting shall include an
36 estimate of disbursements from the revolving fund for
37 the remainder of the fiscal year and for the next
38 fiscal year.

39 4. The judicial branch shall reimburse counties
40 for the costs of witness and mileage fees and for
41 attorney fees paid pursuant to section ~~232.141,~~
42 ~~subsection 1 600A.6B from the revolving fund~~
43 established in subsection 3."

44 4. Page 4, line 19, by striking the words
45 "enactment, and applies" and inserting the following:
46 "enactment. The sections of this Act amending chapter
47 600A and section 602.1302, apply retroactively to May
48 12, 2004, and the remaining sections of this Act
49 apply".

50 5. Title page, line 2, by inserting after the

Page 3

1 word "indigent" the following: "person during a
2 termination of parental rights proceeding or an
3 indigent".

Maddox of Polk offered the following amendment H-1456, to the Senate amendment H-1358, filed by him from the floor and moved its adoption:

H-1456

1 Amend the Senate amendment, H-1358, to House File
2 683, as passed by the House as, follows:

3 1. Page 2, by striking lines 17 and 18 and
4 inserting the following: "fees as determined by the

5 state public defender."

6 2. Page 2, by inserting after line 18 the
7 following:

8 "3. The state public defender shall review all the
9 claims submitted under this section and shall have the
10 same authority with regard to the payment of these
11 claims as the state public defender has with regard to
12 claims submitted under chapters 13B and 815, including
13 the authority to adopt rules concerning the review and
14 payment of claims submitted."

15 3. Page 2, by striking lines 21 and 22 and
16 inserting the following:

17 "Sec. __. Section 602.1302, subsection 3, Code
18 2005, is amended to read as follows:"

19 4. Page 2, by striking lines 25 and 26 and
20 inserting the following: "mileage, ~~and~~ costs related
21 to summoning jurors by the judicial branch, and
22 attorney fees paid by the state public defender for
23 counsel appointed pursuant to section 600A.6A. The
24 judicial branch".

25 5. Page 2, line 29, by inserting after the word
26 "fund." the following: "In each calendar quarter the
27 judicial branch shall reimburse the state public
28 defender for attorney fees paid pursuant to section
29 600A.6B."

30 6. Page 2, by striking lines 39 through 43.

31 7. Page 2, by inserting before line 44 the
32 following:

33 "__. Page 1, line 26, by inserting after the
34 figure "229A," the following: "termination under
35 chapter 600A."

36 __. Page 1, line 29, by inserting after the
37 figure "229A," the following: "termination under
38 chapter 600A."

39 __. Page 2, line 10, by inserting after the
40 figure "598.23A," the following: "600A.6B.,"

41 8. Page 2, line 47, by inserting after the figure
42 "602.1302," the following: "and the portions of this
43 Act amending sections 815.10 and 815.11 relating to
44 chapter 600A",

45 9. Page 2, line 48, by inserting after the word
46 "Act" the following: ", including the portions of
47 this Act amending sections 815.10 and 815.11 relating
48 to chapter 908,".

Amendment H-1456 was adopted.

On motion by Maddox of Polk the House concurred in the Senate amendment H-1358, as amended.

Maddox 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. 683)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Frevert

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that

the following bills be immediately messaged to the Senate: **House Files 683, 745 and Senate Files 323 and 330.**

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 21, 2005, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 14, a concurrent resolution designating November 13 through 19, 2005, as Iowa Homeless Awareness Week.

MICHAEL E. MARSHALL, Secretary

Unfinished Business Calendar

House File 801, a bill for an act providing a deduction in computing the individual income tax for certain unreimbursed expenses relating to a human organ transplant and including a retroactive applicability date, was taken up for consideration.

Upmeyer of Hancock 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. 801)

The ayes were, 93:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
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, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdylke	Winckler	Wise	Zirkelbach
Mr. Speaker			
Rants			

The nays were, 5:

Fallon	Gaskill	Hunter	Mascher
Shoultz			

Absent or not voting, 2:

Carroll	Frevert
---------	---------

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 801** be immediately messaged to the Senate.

The House stood at ease at 9:59 a.m., until the fall of the gavel.

The House resumed session at 11:30 a.m., Speaker Rants in the chair.

SENATE AMENDMENT CONSIDERED

Boal of Polk called up for consideration **House File 682**, a bill for an act relating to the assessment of a civil penalty upon the entry of a deferred judgment, amended by the Senate, and moved that the House concur in the following Senate amendment H-1438:

H-1438

- 1 Amend House File 682, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec.____. Section 602.8108, subsection 3, Code
- 6 2005, is amended to read as follows:

7 3. The clerk of the district court shall remit to
 8 the state court administrator, not later than the
 9 fifteenth day of each month, ninety-five percent of
 10 all moneys collected from the criminal penalty
 11 surcharge provided in section 911.1 during the
 12 preceding calendar month. The clerk shall remit the
 13 remainder to the county treasurer of the county that
 14 was the plaintiff in the action or to the city that
 15 was the plaintiff in the action. Of the amount
 16 received from the clerk, the state court administrator
 17 shall allocate ~~eighteen~~ seventeen percent to be
 18 deposited in the victim compensation fund established
 19 in section 915.94, and ~~eighty-two~~ eighty-three percent
 20 to be deposited in the general fund.

21 Sec. __. Section 602.8108, Code 2005, is amended
 22 by adding the following new subsection:

23 NEW SUBSECTION. 9. A criminalistics laboratory
 24 fund is created as a separate fund in the state
 25 treasury under the control of the department of public
 26 safety. The fund shall consist of appropriations made
 27 to the fund and transfers of interest, and earnings.
 28 All moneys in the fund are appropriated to the
 29 department of public safety for use by the department
 30 in criminalistics laboratory equipment purchasing,
 31 maintenance, depreciation, and training. Any balance
 32 in the fund on June 30 of any fiscal year shall not
 33 revert to any other fund of the state but shall remain
 34 available for the purposes described in this
 35 subsection."

36 2. Page 2, by inserting after line 5 the
 37 following:

38 "Sec. __. Section 911.1, subsection 1, Code 2005,
 39 is amended to read as follows:

40 1. A criminal penalty surcharge shall be levied
 41 against law violators as provided in this section.
 42 When a court imposes a fine or forfeiture for a
 43 violation of state law, or a city or county ordinance,
 44 except an ordinance regulating the parking of motor
 45 vehicles, the court or the clerk of the district court
 46 shall assess an additional penalty in the form of a
 47 criminal penalty surcharge equal to ~~thirty~~ thirty-two
 48 percent of the fine or forfeiture imposed."

49 3. Title page, lines 1 and 2, by striking the
 50 words "upon the entry of a deferred judgment" and

Page 2

1 inserting the following: "and criminal penalty
 2 surcharge, and creating a criminalistics laboratory
 3 fund".

4 4. By renumbering, relettering, or redesignating
 5 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1438.

Boal 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. 682)

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foega
Ford	Freeman	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessell-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, 4:

Fallon	Hunter	Taylor, D.	Taylor, T.
--------	--------	------------	------------

Absent or not voting, 1:

Frevert

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 682** be immediately messaged to the Senate.

On motion by Gipp of Winneshiek, the House was recessed at 11:37 a.m., until 12:30 p.m.

AFTERNOON SESSION

The House reconvened at 12:42 p.m., Speaker Rants in the chair.

CONSIDERATION OF BILLS
Unfinished Business Calendar

House File 586, a bill for an act relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date, was taken up for consideration.

Upmeyer of Hancock offered the following amendment H-1457 filed by her from the floor and moved its adoption:

H-1457

- 1 Amend House File 586 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. TASK FORCE – MEDICARE PART D
- 5 IMPLEMENTATION.
- 6 1. The department of human services shall convene
- 7 a task force to determine the most efficient means of
- 8 implementing the Medicare drug benefit established as
- 9 Medicare Part D under the federal Medicare
- 10 Prescription Drug, Improvement and Modernization Act
- 11 of 2003. The task force shall consist of all of the
- 12 following voting members:
- 13 a. The director of human services, or the
- 14 director's designee.
- 15 b. The director of the department of elder
- 16 affairs, or the director's designee.
- 17 c. The director of public health, or the
- 18 director's designee.
- 19 d. A representative of the area agencies on aging.
- 20 e. A representative of the AARP.
- 21 f. A representative of the governor's
- 22 developmental disabilities council.

- 23 g. A representative of the insurance division of
24 the department of commerce.
- 25 h. A representative of the national alliance for
26 the mentally ill Iowa.
- 27 i. A representative of the United States social
28 security administration.
- 29 j. A representative of the Iowa association of
30 homes and services for the aging.
- 31 k. A representative of the Iowa health care
32 association.
- 33 l. A representative of the Iowa state association
34 of counties.
- 35 m. A representative of the Iowa council of health
36 care centers.
- 37 n. Eight members of the general assembly.
- 38 2. a. The legislative members of the task force
39 shall be appointed by the republican and democratic
40 leaders of the senate, after consultation with the
41 president of the senate, and by the speaker of the
42 house of representatives, after consultation with the
43 majority leader and the minority leader of the house
44 of representatives. The legislative appointments
45 shall comply with sections 69.16 and 69.16A.
- 46 b. Vacancies on the task force shall be filled by
47 the original appointing authority and in the manner of
48 the original appointments.
- 49 3. The task force shall elect a chairperson. A
50 majority of the members of the task force shall

Page 2

- 1 constitute a quorum. A majority vote of those members
2 present shall be required for any action of the task
3 force. The department of human services shall provide
4 staffing for the task force.
- 5 4. The task force shall make recommendations
6 regarding all of the following:
- 7 a. Issues related to low-income elderly and
8 individuals with disabilities who are enrolled in both
9 Medicaid and Medicare, or "dual eligibles", who will
10 no longer be eligible for coverage of prescription
11 drugs under Medicaid.
- 12 b. The extent to which the state will provide
13 benefits to wraparound Medicare Part D benefits.
- 14 c. Administration of the subsidy for low-income
15 beneficiaries.
- 16 d. General administration of the Medicare Part D
17 program throughout the state.
- 18 5. The task force shall submit a report of its
19 findings and recommendations to the oversight
20 committee of the general assembly no later than
21 October 1, 2005.

22 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
23 immediate importance, takes effect upon enactment."

Amendment H-1457 was adopted.

SENATE FILE 355 SUBSTITUTED FOR HOUSE FILE 586

Upmeyer of Hancock asked and received unanimous consent to substitute Senate File 355 for House File 586.

Senate File 355, a bill for an act relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date, was taken up for consideration.

Upmeyer of Hancock asked and received unanimous consent to withdraw amendment H-1461 filed by her from the floor.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-six members present, twenty-four absent.

Upmeyer of Hancock offered the following amendment H-1464 filed by her from the floor and moved its adoption:

H-1464

- 1 Amend Senate File 355, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 14 through 17.
- 4 2. Page 1, by striking lines 20 and 21.
- 5 3. Page 1, by striking lines 24 through 30.
- 6 4. By renumbering as necessary.

Amendment H-1464 was adopted.

Upmeyer of Hancock 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. 355)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting and 1:

Frevert

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 355** be immediately messaged to the Senate.

HOUSE FILE 586 WITHDRAWN

Upmeyer of Hancock asked and received unanimous consent to withdraw House File 586 from further consideration by the House.

ADOPTION OF SENATE CONCURRENT RESOLUTION 14

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of **Senate Concurrent Resolution 14**, a concurrent resolution designating November 13 through 19, 2005, as Iowa Homeless Awareness Week. Fallon of Polk moved its adoption.

Roberts of Carroll in the chair at 1:00 p.m.

The motion prevailed and the resolution was adopted.

Ways and Means Calendar

House File 847, a bill for an act relating to property taxation by requiring funding of essential services by cities and counties, modifying property assessment guidelines and notification requirements, creating a property assessment appeal board to hear appeals of the actions of local boards of review, tying together the assessment limitations of certain classes of property, and including a retroactive applicability date provision, was taken up for consideration.

The following amendments were deferred by unanimous consent:

Amendments H-1460, H-1415, H-1463, H-1395, H-1354, H-1458, H-1386, H-1387, H-1405, H-1406, H-1407, H-1408 and H-1355.

Paulsen of Linn offered the following amendment H-1466 filed by him from the floor and moved its adoption:

H-1466

- 1 Amend House File 847 as follows:
- 2 1. By striking page 1, line 1, through page 2,
- 3 line 30.
- 4 2. Title page, by striking lines 1 and 2, and
- 5 inserting the following: "An Act relating to property
- 6 taxation by modifying property".

Amendment H-1466 was adopted, placing the following amendments out of order:

Amendment H-1354, previously deferred, filed by Wessel-Kroeschell of Story and Heddens of Story on April 12, 2005.

Amendment H-1355, previously deferred, filed by Wessel-Kroeschell of Story and Heddens of Story on April 12, 2005.

Amendment H-1386, previously deferred, filed by Hogg of Linn on April 14, 2005.

Amendment H-1387, previously deferred, filed by Hogg of Linn on April 14, 2005.

Amendment H-1395, previously deferred, filed by Mascher of Johnson on April 18, 2005.

Amendment H-1405, previously deferred, filed by Kuhn of Floyd on April 19, 2005.

Amendment H-1406, previously deferred, filed by Gaskill of Wapello on April 19, 2005.

Amendment H-1407, previously deferred, filed by Ford of Polk on April 19, 2005.

Amendment H-1408, previously deferred, filed by Smith of Marshall on April 19, 2005.

Amendment H-1415, previously deferred, filed by Gaskill of Wapello on April 19, 2005.

Amendment H-1458, previously deferred, filed by Wessel-Kroeschell of Story, from the floor.

Amendment H-1463, previously deferred, filed by Hogg of Linn from the floor.

Speaker Rants in the chair at 1:25 p.m.

Hogg of Linn offered amendment H-1467 filed by him from the floor as follows:

H-1467

- 1 Amend House File 847 as follows:
- 2 1. Page 5, by inserting after line 15, the
- 3 following:
- 4 "Sec. . **NEW SECTION.** 426C.1 COMMERCIAL AND
- 5 INDUSTRIAL PROPERTY TAX CREDIT - FUND -
- 6 APPORTIONMENT - PAYMENT.
- 7 1. A commercial and industrial property tax credit
- 8 fund is created. There is appropriated from the
- 9 general fund of the state to the department of revenue
- 10 to be credited to the commercial and industrial
- 11 property tax credit fund for the fiscal year beginning
- 12 July 1, 2006, and for each subsequent fiscal year, an

13 amount sufficient to pay the warrants required under
14 this chapter.

15 The director of the department of administrative
16 services shall issue warrants on the commercial and
17 industrial property tax credit fund payable to the
18 county treasurers of the several counties of the state
19 under this chapter.

20 2. The commercial and industrial property tax
21 credit fund shall be apportioned each year so as to
22 give a credit against the tax on eligible commercial
23 and industrial property in the state in an amount
24 equal to ten percent of the actual levy on the actual
25 value of such property.

26 3. The amount due each county shall be paid in two
27 payments on November 15 and March 15 of each fiscal
28 year, drawn upon warrants payable to the respective
29 county treasurers. The two payments shall be as
30 nearly equal as possible.

31 4. The amount of credits shall be apportioned by
32 each county treasurer to the several taxing districts
33 as provided by law, in the same manner as though the
34 amount of the credit had been paid by the owners.
35 However, the several taxing districts shall not draw
36 the funds so credited until after the semiannual
37 allocations have been received by the county
38 treasurer, as provided in this chapter.

39 Sec. . NEW SECTION. 426C.2 COMPUTATION BY
40 AUDITOR.

41 On or before May 15, the county auditor shall
42 compute the amount of property taxes to be levied on
43 or estimated to be levied on all property eligible for
44 the commercial and industrial property tax credit
45 which are due and payable in the ensuing fiscal year
46 and on or before May 15 shall certify the total amount
47 to the department of revenue.

48 Sec. . NEW SECTION. 426C.3 WARRANTS
49 AUTHORIZED BY DIRECTOR.

50 After receiving from the county auditors the

Page 2

1 certifications provided for in section 426C.2, and
2 during the following fiscal year, the director of
3 revenue shall authorize the department of
4 administrative services to draw warrants on the
5 commercial and industrial property tax credit fund
6 payable to the county treasurers as provided in
7 section 426C.1.

8 Sec. . NEW SECTION. 426C.4 APPORTIONMENT BY
9 AUDITOR.

10 The county auditor shall determine the amount to be
11 credited to each parcel of commercial or industrial

12 property, and shall enter upon tax lists as a credit
13 against the tax levied on each parcel of commercial or
14 industrial property on which there has been made an
15 allowance of credit before delivering said tax lists
16 to the county treasurer. Upon receipt of the warrant
17 by the county auditor, the auditor shall deliver the
18 warrant to the county treasurer for apportionment.
19 The county treasurer shall show on each tax receipt
20 the amount of tax credit for each parcel of business
21 property. In case of change of ownership the credit
22 shall follow the title.

23 Sec. . NEW SECTION. 426C.5 RULES.

24 The director of revenue shall prescribe forms and
25 rules, not inconsistent with this chapter, necessary
26 to carry out its purposes."

27 2. By striking page 8, line 16, through page 13,
28 line 23.

29 3. Page 20, by striking lines 26 through 29, and
30 inserting the following:

31 "Sec. . APPLICABILITY DATE. The sections of
32 this Act enacting chapter 426C apply to property taxes
33 due and payable in fiscal years beginning on or after
34 July 1, 2006."

35 4. Page 20, by inserting before line 30, the
36 following:

37 "Sec. . IMPLEMENTATION. The provisions of
38 section 25B.7 do not apply to the commercial and
39 industrial property tax credits established in this
40 Act."

41 5. Title page, by striking lines 5 through 7, and
42 inserting the following: "actions of local boards of
43 review, providing for a property tax credit for
44 property taxes due on commercial and industrial
45 property, making an appropriation, and providing an
46 applicability date."

47 6. By renumbering as necessary.

Paulsen of Linn offered amendment H-1468, to amendment
H-1467, filed by him from the floor as follows:

H-1468

1 Amend the amendment, H-1467, to House File 847 as
2 follows:

3 1. Page 2, by striking lines 27 through 31, and
4 inserting the following:

5 " . Page 20, by striking line 26 and inserting
6 the following:

7 "Sec. . APPLICABILITY DATES.""

8 2. Page 2, line 32, by inserting before the word
9 "this" the following:

- 10 "1. The sections of".
11 3. Page 2, by inserting after line 34, the
12 following:
13 "2. The sections of this Act amending section
14 441.21, subsections 4 and 5, and enacting section
15 441.21, subsection 5A, apply retroactively to January
16 1, 2005, for assessment years beginning on or after
17 that date."
18 4. Page 2, by striking lines 41 through 46, and
19 inserting the following:
20 "___ Title page, by striking line 7, and
21 inserting the following: "providing for a property
22 tax credit for property taxes due on commercial and
23 industrial property, making an appropriation, and
24 providing a retroactive applicability and other
25 applicability dates."
26 5. By renumbering as necessary.

The House stood at ease at 1:29 p.m., until the fall of the gavel.

The House resumed session at 1:46 p.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bukta of Clinton on request of Miller of Webster.

Paulsen of Linn moved the adoption of amendment H-1468 to amendment H-1467.

A non-record roll call was requested.

The ayes were 48, nays 31.

Amendment H-1468 was adopted.

J.K. Van Fossen of Scott rose on a point of order that amendment H-1467, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-1467, as amended, not germane.

Paulsen of Linn offered the following amendment H-1459 filed by him from the floor and moved its adoption:

H-1459

- 1 Amend House File 847 as follows:
2 1. Page 6, line 21, by striking the word
3 "paragraph" and inserting the following:

- 4 "paragraphs".
- 5 2. Page 7, line 2, by inserting after the word
- 6 "compliance." the following: "A county or city for
- 7 which such funds have been withheld may appeal the
- 8 action of the department to the state board of tax
- 9 review."
- 10 3. Page 7, by inserting before line 4, the
- 11 following:
- 12 "NEW PARAGRAPH. i. If the assessor wishes to use
- 13 any manuals, guidelines, or forms other than those
- 14 prescribed by the department of revenue, the assessor
- 15 shall first receive permission from the director of
- 16 revenue."
- 17 4. By renumbering and correcting internal
- 18 references as necessary.

Amendment H-1459 was adopted.

Wise of Lee asked and received unanimous consent to withdraw amendment H-1470 filed by him from the floor.

Shoultz of Black Hawk offered amendment H-1460, previously deferred, filed by him from the floor as follows:

H-1460

- 1 Amend House File 847 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "DIVISION I
- 5 LOCAL FUNDING OF ESSENTIAL SERVICES".
- 6 2. Page 2, by inserting before line 31, the
- 7 following:
- 8 "DIVISION II
- 9 PROPERTY ASSESSMENT".
- 10
- 11 3. Page 20, line 26, by inserting after the word
- 12 "this" the following: "division of this".
- 13 4. Page 20, by inserting before line 30, the
- 14 following:
- 15 "DIVISION III
- 16 MAXIMUM PROPERTY TAX DOLLARS
- 17 Sec. __. Section 24.48, unnumbered paragraphs 4,
- 18 5, and 7, Code 2005, are amended by striking the
- 19 unnumbered paragraphs.
- 20 Sec. __. Section 24.48, unnumbered paragraph 6,
- 21 Code 2005, is amended to read as follows:
- 22 For purposes of this section only, "political
- 23 subdivision" means a city, school district, or any
- 24 other special purpose district which certifies its

25 budget to the county auditor and derives funds from a
 26 property tax levied against taxable property situated
 27 within the political subdivision.

28 Sec. __. Section 331.263, subsection 2, Code
 29 2005, is amended to read as follows:

30 2. The governing body of the community
 31 commonwealth shall have the authority to levy county
 32 taxes and shall have the authority to levy city taxes
 33 to the extent the city tax levy authority is
 34 transferred by the charter to the community
 35 commonwealth. A city participating in the community
 36 commonwealth shall transfer a portion of the city's
 37 tax levy authorized under section 384.1 or 384.12,
 38 whichever is applicable, to the governing body of the
 39 community commonwealth. The maximum ~~rates~~ amount of
 40 taxes authorized to be levied under ~~sections~~ section
 41 384.1 and the maximum rates of taxes authorized to be
 42 levied under section 384.12 by a city participating in
 43 the community commonwealth shall be reduced by an
 44 amount equal to the rates of the same or similar taxes
 45 levied in the city by the governing body of the
 46 community commonwealth.

47 Sec. __. Section 331.325, Code 2005, is amended
 48 to read as follows:

49 331.325 CONTROL AND MAINTENANCE OF PIONEER
 50 CEMETERIES – CEMETERY COMMISSION.

Page 2

- 1 1. As used in this section, "pioneer cemetery"
- 2 means a cemetery where there have been six or fewer
- 3 burials in the preceding fifty years.
- 4 2. Each county board of supervisors may adopt an
- 5 ordinance assuming jurisdiction and control of pioneer
- 6 cemeteries in the county. The board shall exercise
- 7 the powers and duties of township trustees relating to
- 8 the maintenance and repair of cemeteries in the county
- 9 as provided in sections 359.28 through 359.41 except
- 10 that the board shall not certify a tax levy pursuant
- 11 to section 359.30 or 359.33 and except that the
- 12 maintenance and repair of all cemeteries under the
- 13 jurisdiction of the county including pioneer
- 14 cemeteries shall be paid from the ~~county general~~
- 15 cemetery fund. The maintenance and improvement
- 16 program for a pioneer cemetery may include restoration
- 17 and management of native prairie grasses and
- 18 wildflowers.
- 19 3. In lieu of management of the cemeteries, the
- 20 board of supervisors may create, by ordinance, a
- 21 cemetery commission to assume jurisdiction and
- 22 management of the pioneer cemeteries in the county.
- 23 The ordinance shall delineate the number of

24 commissioners, the appointing authority, the term of
25 office, officers, employees, organizational matters,
26 rules of procedure, compensation and expenses, and
27 other matters deemed pertinent by the board. The
28 board may delegate any power and duties relating to
29 cemeteries which may otherwise be exercised by
30 township trustees pursuant to sections 359.28 through
31 359.41 to the cemetery commission except the
32 commission shall not certify a tax levy pursuant to
33 section 359.30 or 359.33 and except that the expenses
34 of the cemetery commission shall be paid from the
35 ~~county general~~ cemetery fund.

36 4. Notwithstanding sections 359.30 and 359.33, the
37 costs of management, repair, and maintenance of
38 pioneer cemeteries shall be paid from the ~~county~~
39 general cemetery fund.

40 Sec. __. Section 331.423, Code 2005, is amended
41 by striking the section and inserting in lieu thereof
42 the following:

43 331.423 PROPERTY TAX DOLLARS – MAXIMUMS.

44 1. Annually, the board shall determine separate
45 property tax levy limits to pay for general county
46 services and rural county services in accordance with
47 this section. The property tax levies separately
48 certified for general county services and rural county
49 services in accordance with section 331.434 shall not
50 exceed the amount determined under this section.

Page 3

1 2. For purposes of this section and section
2 331.423A:

3 a. "Annual price index" means the sum of one plus
4 the change, computed to four decimal places, between
5 the preliminary price index for the third quarter of
6 the calendar year preceding the calendar year in which
7 the budget year begins and the revised price index for
8 the third quarter of the previous calendar year. The
9 price index used shall be the state and local
10 government chain-type price index used in the quantity
11 and price indexes for gross domestic product as
12 published by the United States department of commerce.

13 b. "Boundary adjustment" means annexation,
14 severance, incorporation, or discontinuance as those
15 terms are defined in section 368.1.

16 c. "Budget year" is the fiscal year beginning
17 during the calendar year in which a budget is
18 certified.

19 d. "Current fiscal year" is the fiscal year ending
20 during the calendar year in which a budget is
21 certified.

22 e. "Net new valuation taxes" means the amount of

23 property tax dollars equal to the certified general
 24 rate for the current fiscal year for purposes of the
 25 general fund, or the certified rural rate for the
 26 current fiscal year for purposes of the rural services
 27 fund, times the increase from the current fiscal year
 28 to the budget year in taxable valuation due to the
 29 following:
 30 (1) New construction.
 31 (2) Additions or improvements to existing
 32 structures.
 33 (3) Remodeling of existing structures for which a
 34 building permit is required.
 35 (4) Net boundary adjustment.
 36 (5) A municipality no longer dividing tax revenues
 37 in an urban renewal area as provided in section
 38 403.19, to the extent that the incremental valuation
 39 released is due to new construction or revaluation on
 40 property newly constructed, additions or improvements
 41 to existing property, net boundary adjustment, or
 42 expiration of tax abatements, all occurring after the
 43 division of revenue begins.
 44 (6) That portion of taxable property located in an
 45 urban revitalization area on which an exemption was
 46 allowed and such exemption has expired.
 47 3. a. For the fiscal year beginning July 1, 2008,
 48 and subsequent fiscal years, the maximum amount of
 49 property tax dollars which may be certified for levy
 50 by a county for general county services and rural

Page 4

1 county services shall be the maximum property tax
 2 dollars calculated under paragraphs "b" and "c",
 3 respectively.
 4 b. The maximum property tax dollars that may be
 5 levied for general county services is an amount equal
 6 to the sum of the following:
 7 (1) The annual price index times the current
 8 fiscal year's maximum property tax dollars for general
 9 county services.
 10 (2) The amount of net new valuation taxes in the
 11 county.
 12 c. The maximum property tax dollars that may be
 13 levied for rural county services is an amount equal to
 14 the sum of the following:
 15 (1) The annual price index times the current
 16 fiscal year's maximum property tax dollars for rural
 17 county services.
 18 (2) The amount of net new valuation taxes in the
 19 unincorporated area of the county.
 20 4. a. For purposes of calculating maximum
 21 property tax dollars for general county services for

22 the fiscal year beginning July 1, 2008, only, the term
23 "current fiscal year's maximum property tax dollars"
24 shall mean the greater of the following:

25 (1) The actual taxes certified for the general
26 basic fund for either the fiscal year beginning July
27 1, 2006, or the fiscal year beginning July 1, 2007, as
28 selected by the county.

29 (2) The taxes that could have been certified for
30 the general basic fund for either the fiscal year
31 beginning July 1, 2006, or the fiscal year beginning
32 July 1, 2007, if the county had levied a rate of three
33 dollars and fifty cents per one thousand dollars of
34 valuation, as selected by the county.

35 b. For purposes of calculating maximum property
36 tax dollars for rural county services for the fiscal
37 year beginning July 1, 2008, only, the term "current
38 fiscal year's maximum property tax dollars" shall mean
39 the greater of the following:

40 (1) The actual taxes certified for the rural basic
41 fund for either the fiscal year beginning July 1,
42 2006, or the fiscal year beginning July 1, 2007, as
43 selected by the county.

44 (2) The taxes that could have been certified for
45 the rural basic fund for either the fiscal year
46 beginning July 1, 2006, or the fiscal year beginning
47 July 1, 2007, if the county had levied a rate of three
48 dollars and ninety-five cents per one thousand dollars
49 of valuation, as selected by the county.

50 c. Each county shall notify the department of

Page 5

1 management by August 1, 2007, whether it will use the
2 fiscal year beginning July 1, 2006, or the fiscal year
3 beginning July 1, 2007, for the calculation under this
4 subsection. If a county does not notify the
5 department by August 1, 2007, the fiscal year used for
6 the calculation under this subsection shall be the
7 fiscal year beginning July 1, 2007.

8 5. Property taxes certified for deposit in the
9 county general and rural supplemental funds in section
10 331.424, the mental health, mental retardation, and
11 developmental disabilities services fund in section
12 331.424A, the cemetery fund in section 331.424B, the
13 emergency services fund in section 331.424C, the debt
14 service fund in section 331.430, any capital projects
15 fund established by the county for deposit of bond,
16 loan, or note proceeds, and any increase approved
17 pursuant to sections 331.425 and 331.426, are not
18 included in the maximum amount of property tax dollars
19 that may be certified for a budget year under
20 subsection 3.

21 6. The department of management, in consultation
 22 with the county finance committee, shall adopt rules
 23 to administer this section. The department shall
 24 prescribe forms to be used by counties when making
 25 calculations required by this section.

26 Sec. __. NEW SECTION. 331.423A ENDING FUND
 27 BALANCE LIMITATION.

28 The county board of supervisors shall adopt a
 29 resolution on or before January 1, 2008, establishing
 30 a fund balance limitation in both the general basic
 31 and rural basic funds. The fund balance limitation
 32 shall be in the form of the unreserved, undesignated
 33 fund balance in each fund, expressed as a percentage
 34 of budgeted expenditures in the appropriate fund. The
 35 board of supervisors may change the fund balance
 36 limitation at any time after January 1, 2008, by
 37 adopting a resolution stating the new fund balance
 38 limitation.

39 Sec. __. Section 331.424B, Code 2005, is amended
 40 to read as follows:

41 331.424B CEMETERY LEVY.

42 The board may levy annually a tax on all taxable
 43 property in the county not to exceed six and three-
 44 fourths cents per thousand dollars of the assessed
 45 value of all taxable property in the county to repair
 46 and maintain all cemeteries under the jurisdiction of
 47 the board including pioneer cemeteries and to pay
 48 other expenses of the board or the cemetery commission
 49 as provided in section 331.325. The proceeds of the
 50 tax levy shall be credited to the county general

Page 6

1 cemetary fund.

2 Sec. __. Section 331.425, unnumbered paragraph 1,
 3 Code 2005, is amended to read as follows:

4 The board may certify an for levy property tax
 5 dollars in addition to a levy in excess of the amounts'
 6 Xetherwise permitted under sections 331.423, 331.424,
 7 and 331.426 the maximum amount of property tax dollars'
 8 Uthat may be levied, as computed under section 331.423,
 9 for the general basic fund and the rural basic fund if
 10 the proposition to certify an addition to a levy
 11 additional property tax dollars has been submitted at
 12 a special levy election and received a favorable
 13 majority of the votes cast on the proposition. A
 14 special levy election is subject to the following:

15 Sec. __. Section 331.425, subsection 3, Code
 16 2005, is amended by striking the subsection and
 17 inserting in lieu thereof the following:

18 3. The proposition to exceed the maximum dollar
 19 amount shall be substantially in the following form:

20 "Vote "yes" or "no" on the following question:

21 Shall the county of _____ levy for an
22 additional \$_____ each year for ____ years beginning
23 July 1, _____, in excess of the statutory limits
24 otherwise applicable for the (general county services
25 or rural services) fund for the purposes of _____?"

26 Sec.____. Section 331.426, Code 2005, is amended
27 to read as follows:

28 ~~331.426 ADDITIONS TO BASIC LEVIES~~ AUTHORITY TO
29 LEVY BEYOND MAXIMUM PROPERTY TAX DOLLARS – UNUSUAL
30 CIRCUMSTANCES.

31 If a county has unusual circumstances, creating a
32 need for additional property ~~taxes~~ tax dollars for
33 general county services or rural county services in
34 excess of the maximum amount ~~that can be raised by the~~
35 ~~levies otherwise permitted under sections 331.423~~
36 ~~through 331.425 of property tax dollars computed under~~
37 section 331.423, the board may certify additions to
38 each of the basic levies as follows:

39 1. The basis for justifying ~~an~~ additional property
40 tax dollars under this section must be one or more of
41 the following:

42 a. An unusual increase in population as determined
43 by the preceding certified federal census.

44 b. A natural disaster or other emergency.

45 c. Unusual problems relating to major new
46 functions required by state law.

47 d. Unusual staffing problems.

48 e. Unusual need for additional moneys to permit
49 continuance of a program which provides substantial
50 benefit to county residents.

Page 7

1 f. Unusual need for a new program which will
2 provide substantial benefit to county residents, if
3 the county establishes the need and the amount of
4 necessary increased cost.

5 g. A reduced or unusually low growth rate in the
6 property tax base of the county.

7 2. The public notice of a hearing on the county
8 budget required by section 331.434, subsection 3,
9 shall include the following additional information for
10 the applicable class of services:

11 a. A statement that the accompanying budget
12 summary requires a proposed basic property tax rate
13 exceeding the maximum rate ~~established by the general~~
14 assembly based on maximum property tax dollars
15 computed under section 331.423.

16 b. A comparison of the proposed basic tax rate
17 with the maximum basic tax rate, and the dollar amount
18 of the difference between the proposed rate and the

19 maximum rate.

20 c. A statement of the major reasons for the
21 difference between the proposed basic tax rate and the
22 maximum basic tax rate.

23 The information required by this subsection shall
24 be published in a conspicuous form as prescribed by
25 the committee.

26 Sec. __. Section 331.435, unnumbered paragraph 1,
27 Code 2005, is amended to read as follows:

28 The board may amend the adopted county budget,
29 subject to sections 331.423 through 331.426 and other
30 applicable state law, to permit increases in any class
31 of proposed expenditures contained in the certified
32 budget summary published under section 331.434,
33 subsection 3.

34 Sec. __. Section 357B.8, subsection 2, paragraph
35 c, Code 2005, is amended to read as follows:

36 c. The benefited fire district shall certify the
37 tax levy as provided in this subsection only after
38 agreement granted by resolution of the city council.
39 The amount of the tax rate levied under this
40 subsection shall reduce by an equal amount the maximum
41 ~~tax levy amount of taxes~~ authorized for the general
42 ~~fund of that city~~ levy under section 384.1. If the
43 district levies directly against property within a
44 city to provide fire protection for that city, the
45 city shall not be responsible for providing fire
46 protection as provided in section 364.16, and shall
47 have no liability for the method, manner, or means in
48 which the district provides the fire protection.

49 Sec. __. Section 373.10, Code 2005, is amended to
50 read as follows:

Page 8

1 373.10 TAXING AUTHORITY.

2 The metropolitan council shall have the authority
3 to levy city taxes to the extent the city tax levy
4 authority is transferred by the charter to the
5 metropolitan council. A member city shall transfer a
6 portion of the city's tax levy authorized under
7 section 384.1 or 384.12, whichever is applicable, to
8 the metropolitan council. The maximum ~~rates~~ amount o
9 taxes authorized to be levied under sections section
10 384.1 and the maximum rates of taxes authorized to be
11 levied under section 384.12 by a member city shall be
12 reduced by an amount equal to the rates of the same or
13 similar taxes levied in the city by the metropolitan
14 council.

15 Sec. __. Section 384.1, Code 2005, is amended by
16 striking the section and inserting in lieu thereof the
17 following:

18 384.1 PROPERTY TAX DOLLARS – MAXIMUMS.

19 1. A city shall certify taxes to be levied by the
20 county on all taxable property within the city limits,
21 for all city government purposes. Annually, the city
22 council may certify basic levies for deposit in the
23 general fund, subject to the limitation on property
24 tax dollars provided in this section.

25 2. For purposes of this section and section
26 384.1A:

27 a. "Annual price index" means the sum of one plus
28 the change, computed to four decimal places, between
29 the preliminary price index for the third quarter of
30 the calendar year preceding the calendar year in which
31 the budget year begins and the revised price index for
32 the third quarter of the previous calendar year. The
33 price index used shall be the state and local
34 government chain-type price index used in the quantity
35 and price indexes for gross domestic product as
36 published by the United States department of commerce.

37 b. "Boundary adjustment" means annexation,
38 severance, incorporation, or discontinuance as those
39 terms are defined in section 368.1.

40 c. "Budget year" is the fiscal year beginning
41 during the calendar year in which a budget is
42 certified.

43 d. "Current fiscal year" is the fiscal year ending
44 during the calendar year in which a budget is
45 certified.

46 e. "Net new valuation taxes" means the amount of
47 property tax dollars equal to the certified general
48 rate for the current fiscal year for purposes of the
49 city general fund times the increase from the current
50 fiscal year to the budget year in taxable valuation

Page 9

1 due to the following:

2 (1) New construction.

3 (2) Additions or improvements to existing
4 structures.

5 (3) Remodeling of existing structures for which a
6 building permit is required.

7 (4) Net boundary adjustment.

8 (5) A municipality no longer dividing tax revenues
9 in an urban renewal area as provided in section

10 403.19, to the extent that the incremental valuation
11 released is due to new construction or revaluation on

12 property newly constructed, additions or improvements
13 to existing property, net boundary adjustment, or
14 expiration of tax abatements, all occurring after the
15 division of revenue begins.

16 (6) That portion of taxable property located in an

17 urban revitalization area on which an exemption was
18 allowed and such exemption has expired.

19 3. a. For the fiscal year beginning July 1, 2008,
20 and subsequent fiscal years, the maximum amount of
21 property tax dollars which may be certified by a city
22 for the general fund shall be the maximum property tax
23 dollars calculated under paragraph "b".

24 b. The maximum property tax dollars that may be
25 levied for deposit in the general fund is an amount
26 equal to the sum of the following:

27 (1) The annual price index times the current
28 fiscal year's maximum property tax dollars for the
29 general fund.

30 (2) The amount of net new valuation taxes.

31 4. a. For purposes of calculating maximum
32 property tax dollars for the city general fund for the
33 fiscal year beginning July 1, 2008, only, the term
34 "current fiscal year's maximum property tax dollars"
35 shall mean the greater of the following:

36 (1) The actual taxes certified for the general
37 fund for either the fiscal year beginning July 1,
38 2006, or the fiscal year beginning July 1, 2007, as
39 selected by the city.

40 (2) The taxes that could have been certified for
41 the general fund for either the fiscal year beginning
42 July 1, 2006, or the fiscal year beginning July 1,
43 2007, if the city had levied a rate of eight dollars
44 and ten cents per one thousand dollars of valuation,
45 as selected by the city.

46 b. Each city shall notify the department of
47 management by August 1, 2007, whether it will use the
48 fiscal year beginning July 1, 2006, or the fiscal year
49 beginning July 1, 2007, for the calculation under this
50 subsection. If a city does not notify the department

Page 10

1 by August 1, 2007, the fiscal year used for the
2 calculation under this subsection shall be the fiscal
3 year beginning July 1, 2007.

4 5. Property taxes certified for deposit in the
5 general fund do not include property taxes certified
6 for the debt service fund in section 384.4, trust and
7 agency funds in section 384.6, the capital
8 improvements reserve fund in section 384.7, any
9 capital projects fund established by the city for
10 deposit of bond, loan, or note proceeds, property
11 taxes collected from a voted levy in section 384.12,
12 and property taxes levied under section 384.12,
13 subsection 18, and any increase approved pursuant to
14 section 384.12A. Such taxes certified for these funds
15 and for these purposes shall not be included in the

16 maximum amount of property tax dollars that may be
17 certified for a budget year under subsection 3.

18 6. Notwithstanding the maximum amount of taxes a
19 city may certify for levy, the tax certified for levy
20 by a city on tracts of land and improvements on the
21 tracts of land used and assessed for agricultural or
22 horticultural purposes shall not exceed three dollars
23 and three-eighths cents per thousand dollars of
24 assessed value in any year. Improvements located on
25 such tracts of land and not used for agricultural or
26 horticultural purposes and all residential dwellings
27 are subject to the same rate of tax certified for levy
28 by the city on all other taxable property within the
29 city.

30 7. The department of management, in consultation
31 with the city finance committee, shall adopt rules to
32 administer this section. The department shall
33 prescribe forms to be used by cities when making
34 calculations required by this section.

35 Sec. . **NEW SECTION.** 384.1A ENDING FUND
36 BALANCE LIMITATION.

37 The city council shall adopt a resolution on or
38 before January 1, 2008, establishing a fund balance
39 limitation for the city general fund. The fund
40 balance limitation shall be in the form of the
41 unreserved, undesignated fund balance in the fund,
42 expressed as a percentage of budgeted expenditures in
43 the fund. The city council may change the fund
44 balance limitation at any time after January 1, 2008,
45 by adopting a resolution stating the new fund balance
46 limitation.

47 Sec. . Section 384.3, Code 2005, is amended to
48 read as follows:

49 384.3 GENERAL FUND.

50 All moneys received for city government purposes

Page 11

1 from taxes and other sources must be credited to the
2 general fund of the city, except that moneys received
3 for the purposes of the debt service fund, the trust
4 and agency funds, the capital improvements reserve
5 fund, ~~the emergency fund~~ and other funds established
6 by state law must be deposited as otherwise required
7 or authorized by state law. All moneys received by a
8 city from the federal government must be reported to
9 the department of management who shall transmit a copy
10 to the legislative services agency.

11 Sec. . Section 384.12, subsection 20,
12 unnumbered paragraph 1, Code 2005, is amended by
13 striking the unnumbered paragraph and inserting in
14 lieu thereof the following:

15 The city council may certify for levy property tax
 16 dollars in addition to the maximum amount of property
 17 tax dollars computed under section 384.1 provided the
 18 question has been submitted at a special levy election
 19 and received a simple majority of the votes cast on
 20 the proposition.

21 Sec. ____ Section 384.12, subsection 20, paragraph
 22 c, Code 2005, is amended by striking the paragraph and
 23 inserting in lieu thereof the following:

24 c. The proposition to exceed the maximum dollar
 25 amount shall be substantially in the following form:

26 "Vote "yes" or "no" on the following question:

27 Shall the city of _____ levy for an additional
 28 \$ _____ each year for ____ years beginning July 1,
 29 _____, in excess of the statutory limits otherwise
 30 applicable for the city general fund for the purposes
 31 of _____?"

32 Sec. ____ **NEW SECTION. 384.12A AUTHORITY TO LEVY**
 33 **BEYOND MAXIMUM PROPERTY TAX DOLLARS – UNUSUAL**
 34 **CIRCUMSTANCES.**

35 If a city has unusual circumstances, creating a
 36 need for additional property tax dollars in excess of
 37 the maximum amount of property tax dollars computed
 38 under section 384.1, the city council may certify
 39 additional property tax dollars for deposit in the
 40 general fund as follows:

41 1. The basis for justifying additional property
 42 tax dollars under this section must be one or more of
 43 the following:

- 44 a. An unusual increase in population as determined
- 45 by the preceding certified federal census.
- 46 b. A natural disaster or other emergency.
- 47 c. Unusual problems relating to major new
- 48 functions required by state law.
- 49 d. Unusual staffing problems.
- 50 e. Unusual need for additional moneys to permit

Page 12

1 continuance of a program which provides substantial
 2 benefit to city residents.

3 f. Unusual need for a new program which will
 4 provide substantial benefit to city residents, if the
 5 city establishes the need and the amount of necessary
 6 increased cost.

7 g. A reduced or unusually low growth rate in the
 8 property tax base of the city.

9 2. The public notice of a hearing on the city
 10 budget required by section 384.16 shall include the
 11 following additional information for the applicable
 12 class of services:

- 13 a. A statement that the accompanying budget

14 summary requires a proposed property tax rate
15 exceeding the maximum rate based on maximum property
16 tax dollars computed under section 384.1.

17 b. A comparison of the proposed basic tax rate
18 with the maximum basic tax rate, and the dollar amount
19 of the difference between the proposed rate and the
20 maximum rate.

21 c. A statement of the major reasons for the
22 difference between the proposed basic tax rate and the
23 maximum basic tax rate.

24 The information required by this subsection shall
25 be published in a conspicuous form as prescribed by
26 the city finance committee.

27 Sec. ___. Section 384.18, subsection 3, Code 2005,
28 is amended to read as follows:

29 3. To permit transfers from the debt service fund,
30 the capital improvements reserve fund, ~~the emergency~~
31 ~~fund~~, or other funds established by state law, to any
32 other city fund, unless specifically prohibited by
33 state law.

34 Sec. ___. Section 386.8, Code 2005, is amended to
35 read as follows:

36 386.8 OPERATION TAX.

37 A city may establish a self-supported improvement
38 district operation fund, and may certify taxes not to
39 exceed the rate limitation as established in the
40 ordinance creating the district, or any amendment
41 thereto, each year to be levied for the fund against
42 all of the property in the district, for the purpose
43 of paying the administrative expenses of the district,
44 which may include but are not limited to
45 administrative personnel salaries, a separate
46 administrative office, planning costs including
47 consultation fees, engineering fees, architectural
48 fees, and legal fees and all other expenses reasonably
49 associated with the administration of the district and
50 the fulfilling of the purposes of the district. The

Page 13

1 taxes levied for this fund may also be used for the
2 purpose of paying maintenance expenses of improvements
3 or self-liquidating improvements for a specified
4 length of time with one or more options to renew if
5 such is clearly stated in the petition which requests
6 the council to authorize construction of the
7 improvement or self-liquidating improvement, whether
8 or not such petition is combined with the petition
9 requesting creation of a district. Parcels of
10 property which are assessed as residential property
11 for property tax purposes are exempt from the tax
12 levied under this section except residential

13 properties within a duly designated historic district.

14 A tax levied under this section is not subject to the

15 maximum dollars levy limitation in section 384.1.

16 Sec. ___. Section 386.9, Code 2005, is amended to

17 read as follows:

18 386.9 CAPITAL IMPROVEMENT TAX.

19 A city may establish a capital improvement fund for

20 a district and may certify taxes, not to exceed the

21 rate established by the ordinance creating the

22 district, or any subsequent amendment thereto, each

23 year to be levied for the fund against all of the

24 property in the district, for the purpose of

25 accumulating moneys for the financing or payment of a

26 part or all of the costs of any improvement or self-

27 liquidating improvement. However, parcels of property

28 which are assessed as residential property for

29 property tax purposes are exempt from the tax levied

30 under this section except residential properties

31 within a duly designated historic district. A tax

32 levied under this section is not subject to the

33 maximum dollars levy ~~limitations~~ limitation in section

34 384.1 or the levy rate limitation in section 384.7.

35 Sec. ___. Section 384.8, Code 2005, is repealed.

36 Sec. ___. APPLICABILITY DATE. This division of

37 this Act takes effect July 1, 2007, and applies to the

38 fiscal year beginning July 1, 2008, and all subsequent

39 fiscal years."

40 5. Title page, line 3, by inserting after the

41 word "requirements," the following: "imposing a

42 maximum dollars limitation on cities and counties and

43 including an applicability provision,".

44 6. By renumbering as necessary.

Amendment H-1460 lost.

Paulsen 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. 847)

The ayes were, 65:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Carroll	Chambers
Cohoon	Dandekar	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Frevort	Gipp	Greiner
Heaton	Hoffman	Horbach	Huseman
Huser	Hutter	Jacobs	Jones

Kaufmann	Kurtenbach	Lalk	Lukan
Lykam	Maddox	May	McCarthy
Mertz	Olson, R.	Olson, S.	Paulsen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Shomshor	Soderberg	Struyk
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Whitaker	Wilderdryke	Wise
Mr. Speaker			
Rants			

The nays were, 34:

Berry	Davitt	Fallon	Foege
Ford	Gaskill	Granzow	Heddens
Hogg	Hunter	Jacoby	Jenkins
Jochum	Kressig	Kuhn	Lensing
Mascher	Miller	Murphy	Oldson
Olson, D.	Petersen	Pettengill	Schueller
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Wendt	Wessel-Kroeschell	Whitead
Winckler	Zirkelbach		

Absent or not voting, 1:

Bukta

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 847** and **Senate Concurrent Resolution 14**.

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, 2005, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 350, a bill for an act relating to the suspension of a child support obligation.

Also: That the Senate has on April 21, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 405, a bill for an act establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 874, by committee on ways and means, a bill for an act relating to the regulation of whitetail, and providing for fees and penalties.

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

House File 875, 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, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, general fund of the state, and related matters, and including effective and retroactive applicability date provisions.

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

SENATE MESSAGE CONSIDERED

Senate File 405, by committee on ways and means, a bill for an act establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

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

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 21, 2005. Had I been present, I would have voted "aye" on House Files 682, 683, 745, 801 and Senate Files 323, 330 and 355.

FREVERT of Palo Alto

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, 2005: House Files 613, 641, 726, 760, 768, 776 and 784.

MARGARET A. THOMSON
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.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|---|
| 2005\1278 | Charles and Lois Kruse, Denison – For celebrating their 50 th wedding anniversary. |
| 2005\1279 | Wilbur and Winola Wienert, Holstein – For celebrating their 60 th wedding anniversary. |
| 2005\1280 | Darrell and Betty Swanson, Dension – For celebrating their 50 th wedding anniversary. |
| 2005\1281 | John and Verda Lintin, Mapleton – For celebrating their 60 th wedding anniversary. |
| 2005\1282 | Dorothy Petersen, Battle Creek – For celebrating her 85 th birthday. |
| 2005\1283 | Albert Dose, Battle Creek – For celebrating his 80 th birthday. |
| 2005\1284 | Richard and Mary Vogel, Jesup – For celebrating their 50 th wedding anniversary. |
| 2005\1285 | Howard and Joy Saunders, Independence – For celebrating their 50 th wedding anniversary. |
| 2005\1286 | Jeannette Schweitzer, Independence –For celebrating her 80 th birthday. |

- 2005\1287 Michael Sewell, Milford – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1288 Tyler Joseph Coleman, Milford – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1289 Andrew Hamann, Milford – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1290 Jason Wesselman, Milford – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1291 Giff and Ruth Covault, Guthrie Center – For celebrating their 60th wedding anniversary.
- 2005\1292 Dale and Virginia Purcell, Guthrie Center – For celebrating their 50th wedding anniversary.
- 2005\1293 Rolland Betts, Guthrie Center – For celebrating his 80th birthday.
- 2005\1294 Edna Relph, Russell – For celebrating her 90th birthday.
- 2005\1295 Lovell and Darlene Cummins, Lehigh – For celebrating their 50th wedding anniversary.
- 2005\1296 Dale and Sharon Reedy, Humboldt – For celebrating their 50th wedding anniversary.
- 2005\1297 Harold Gerard, Lehigh – For celebrating his 80th birthday.
- 2005\1298 Mary Podlesak, Lehigh – For celebrating her 80th birthday.
- 2005\1299 Patrick John Crawford, Denison – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

House File 870

Commerce, Regulation and Labor: Horbach, Chair; Hoffman and Oldson.

House File 872

Local Government: Schickel, Chair; Arnold, Gaskill, D. Olson, Rasmussen, Schueller and Van Engelenhoven.

House File 873

Education: Raecker, Chair; Chambers, Dolecheck, Oldson, Tymeson, Wendt and Winckler.

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.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 303), relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, general fund of the state, and related matters, and including an effective date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 20, 2005.

COMMITTEE ON GOVERNMENT OVERSIGHT

Senate File 403, a bill for an act providing for the receipt of and costs relating to public records requests.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1465** April 21, 2005.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 759), relating to the keeping of farm deer, and providing for fees and the appropriation of the fees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 20, 2005.

AMENDMENTS FILED

H—1462	H.F.	863	Hogg of Linn
H—1465	S.F.	403	Committee on Government Oversight
H—1469	S.F.	350	Senate Amendment
H—1471	S.F.	272	Carroll of Poweshiek
H—1472	H.F.	868	Ford of Polk

H—1473	S.F.	395	Winckler of Scott Jochum of Dubuque Shoultz of Black Hawk
H—1474	H.F.	861	Struyk of Pottawattamie
H—1475	H.F.	868	Schueller of Jackson
Bell of Jasper			Berry of Black Hawk
Bukta of Clinton			Cohon of Des Moines
Fallon of Polk			Ford of Polk
Gaskill of Wapello			Heddens of Story
Jacoby of Johnson			Jochum of Dubuque
Kressig of Black Hawk			Lensing of Johnson
Lykam of Scott			Mascher of Johnson
Mertz of Kossuth			Miller of Webster
Murphy of Dubuque			Oldson of Polk
Petersen of Polk			Pettengill of Benton
Reichert of Muscatine			Shomshor of Pottawattamie
Smith of Marshall			T. Taylor of Linn
Wendt of Woodbury			Wessel-Kroeschell of Story
Whitaker of Van Buren			Whitead of Woodbury
Winckler of Scott			Wise of Lee
Zirkelbach of Jones			

On motion by Gipp of Winneshiek the House adjourned at 2:28 p.m., until 9:00 a.m., Friday, April 22, 2005.

JOURNAL OF THE HOUSE

One Hundred Third Calendar Day - Seventieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 22, 2005

The House met pursuant to adjournment at 9:00 a.m., Tymeson of Madison in the chair.

The Journal of Thursday, April 21, 2005 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 21, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 821, a bill for an act relating to the establishment of a prescription drug assistance clearinghouse program by the commissioner of insurance, and providing for a contingent appropriation.

Also: That the Senate has on April 21, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 839, a bill for an act providing for the establishment of a technology governance board within the department of administrative services, and making an appropriation.

Also: That the Senate has on April 21, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 392, a bill for an act relating to entities eligible to claim certain property-related tax credits.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 392, by committee on ways and means, a bill for an act relating to entities eligible to claim certain property-related tax credits.

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

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.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON COMMERCE, REGULATION AND LABOR

House File 870, a bill for an act relating to the applicability of motor vehicle financial responsibility provisions to special mobile equipment and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 21, 2005.

AMENDMENTS FILED

H—1476	H.F.	374	Paulsen of Linn Tymeson of Madison Quirk of Chickasaw
H—1477	H.F.	716	Paulsen of Linn Quirk of Chickasaw

On motion by Gipp of Winneshiek the House adjourned at 9:04 a.m., until 1:00 p.m., Monday, April 25, 2005.

JOURNAL OF THE HOUSE

One Hundred Sixth Calendar Day - Seventy-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 25, 2005

The House met pursuant to adjournment at 1:11 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Bob Kunz, pastor of Marion Christian Church, Marion. He was the guest of Representative Swati Dandekar and Representative Ro Foege from Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the 4th grade class from St. Augustin's Catholic School, Des Moines. They were accompanied by Janie Peters, including the daughter of Representative Rick Olson from Polk County. They were the guests of Representative Rick Olson.

The Journal of Friday, April 22, 2005 was approved.

On motion by Gipp of Winneshiek, the House was recessed at 1:15 p.m., until completion of the caucus preceding the meeting of the committee on ways and means.

AFTERNOON SESSION

The House reconvened at 4:16 p.m., Speaker pro tempore Carroll in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-six members present, twenty-four 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 13, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 614, a bill for an act relating to the transmission, installation, and use of computer software through deceptive or unauthorized means and providing for penalties.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS Unfinished Business Calendar

House File 819, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation, was taken up for consideration.

Sands of Louisa offered the following amendment H-1479 filed by him from the floor and moved its adoption:

H-1479

1 Amend House File 819 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 249A.35 PURCHASE OF
5 CERTIFIED LONG-TERM CARE INSURANCE POLICY –
6 COMPUTATION UNDER MEDICAL ASSISTANCE PROGRAM.

7 A computation for the purposes of determining
8 eligibility under this chapter concerning an
9 individual who is the beneficiary of a certified long-
10 term care insurance policy under chapter 514H shall
11 include consideration of the asset disregard provided
12 in section 514H.5.

13 Sec. 2. NEW SECTION. 514H.1 DEFINITIONS.

14 As used in this chapter, unless the context
15 otherwise requires:

16 1. "Certified long-term care insurance policy"
17 means a long-term care insurance contract that is
18 issued by an insurer or other person who complies with
19 section 514H.4.

20 2. "Long-term care facility" means a facility
21 licensed under chapter 135C or an assisted living
22 program certified under chapter 231C.

23 3. "Long-term care insurance" means long-term care
24 insurance as defined in section 514G.4 and regulated
25 in section 514G.7.

26 4. "Qualified long-term care services" means
27 qualified long-term care services as defined in
28 section 7702B(c) of the Internal Revenue Code.
29 Sec. 3. NEW SECTION. 514H.2 IOWA LONG-TERM CARE
30 ASSET DISREGARD INCENTIVE PROGRAM – ESTABLISHMENT AND
31 ADMINISTRATION.

32 1. The Iowa long-term care asset disregard
33 incentive program is established to do all of the
34 following:
35 a. Provide incentives for individuals to insure
36 against the costs of providing for their long-term
37 care needs.
38 b. Provide a mechanism for individuals to qualify
39 for coverage of the costs of their long-term care
40 needs under the medical assistance program without
41 first being required to substantially exhaust all
42 their resources.
43 c. Assist in developing methods for increasing
44 access to and the affordability of long-term care
45 insurance.
46 d. Alleviate the financial burden on the state's
47 medical assistance program by encouraging the pursuit
48 of private initiatives.
49 2. The insurance division of the department of
50 commerce shall administer the program in cooperation

Page 2

1 with the division responsible for medical services
2 within the department of human services. Each agency
3 shall take appropriate action to maintain the waiver
4 granted by the centers for Medicare and Medicaid
5 services of the United States department of health and
6 human services under 42 U.S.C. § 1396 relating to
7 providing medical assistance under chapter 249A, in
8 effect prior to the effective date of this Act.

9 Sec. 4. NEW SECTION. 514H.3 ELIGIBILITY.
10 An individual who is the beneficiary of a certified
11 long-term care insurance policy approved by the
12 insurance division may be eligible for assistance
13 under the medical assistance program using the asset
14 disregard provisions pursuant to section 514H.5.

15 Sec. 5. NEW SECTION. 514H.4 INSURER
16 REQUIREMENTS.

17 1. An insurer or other person who wishes to issue
18 a certified long-term care insurance policy meeting
19 the requirements of this chapter shall, at a minimum,
20 offer to each policyholder or prospective policyholder
21 a policy that provides both of the following:
22 a. Facility coverage, including but not limited to
23 long-term care facility coverage.
24 b. Nonfacility coverage, including but not limited

25 to home and community-based care coverage.

26 2. An insurer or other person who complies with
27 subsection 1 may also elect to offer a certified long-
28 term care insurance policy that provides only facility
29 coverage.

30 Sec. 6. NEW SECTION. 514H.5 ASSET DISREGARD
31 ADJUSTMENT.

32 1. As used in this section, "asset disregard"
33 means a one dollar increase in the amount of assets an
34 individual who is the beneficiary of a certified long-
35 term care insurance policy and meets the requirements
36 of section 514H.3 may retain under section 249A.35 for
37 each one dollar of benefit paid out under the
38 individual's certified long-term care insurance policy
39 for qualified long-term care services if the policy
40 meets all of the following criteria:

41 a. If purchased prior to January 1, 2005, provides
42 benefits in an amount equal to at least seventy
43 thousand dollars as computed on January 1, 2005.

44 b. If purchased on or after January 1, 2005,
45 provides benefits in an amount equal to at least
46 seventy thousand dollars as computed on January 1,
47 2005, compounded annually by at least five percent, or
48 an amount equal to at least the minimum face amount
49 specified by the commissioner of insurance pursuant to
50 subsection 3, whichever amount is greater.

Page 3

1 c. Includes a provision under which the total
2 amount of the benefit increases by at least five
3 percent, compounded annually.

4 2. When the division responsible for medical
5 services within the department of human services
6 determines whether an individual is eligible for
7 medical assistance under chapter 249A, the division
8 shall make an asset disregard adjustment for any
9 individual who meets the requirements of section
10 514H.3. The asset disregard shall be available after
11 benefits of the certified long-term care insurance
12 policy have been applied to the cost of qualified
13 long-term care services as required under this
14 chapter.

15 3. Beginning September 1, 2006, or one year after
16 the effective date of this Act, whichever is later,
17 the commissioner of insurance shall issue a bulletin
18 annually on that date, declaring the minimum face
19 amount for policies to qualify for the Iowa long-term
20 care asset disregard incentive program for the
21 following calendar year. In making this
22 determination, the commissioner shall consult with the
23 division responsible for collecting data on average

24 nursing home costs in Iowa. Additionally, in making
25 this determination, the commissioner shall consider
26 the current average daily cost for three years of
27 nursing home care and other relevant information.
28 Sec. 7. NEW SECTION. 514H.6 APPLICATION OF ASSET
29 DISREGARD TO DETERMINATION OF INDIVIDUAL'S ASSETS.
30 A public program administered by the state that
31 provides long-term care services and bases eligibility
32 upon the amount of the individual's assets shall apply
33 the asset disregard under section 514H.5 in
34 determining the amount of the individual's assets.
35 Sec. 8. NEW SECTION. 514H.7 PRIOR PROGRAM -
36 DISCONTINUATION OF PROGRAM.
37 1. If the Iowa long-term care asset disregard
38 incentive program is discontinued, an individual who
39 is covered by a certified long-term care insurance
40 policy prior to the date the program is discontinued
41 is eligible to continue to receive an asset disregard
42 as defined under section 514H.5.
43 2. An individual who is covered by a long-term
44 care insurance policy under the long-term care asset
45 preservation program established pursuant to chapter
46 249G, Code 2005, on or before the effective date of
47 this Act, is eligible to continue to receive the asset
48 adjustment as defined under that chapter.
49 3. The insurance division, in cooperation with the
50 department of human services, shall adopt rules to

Page 4

1 provide an asset disregard to individuals who are
2 covered by a long-term care insurance policy prior to
3 the effective date of this Act, consistent with the
4 Iowa long-term care asset disregard incentive program.
5 Sec. 9. NEW SECTION. 514H.8 RECIPROCAL
6 AGREEMENTS TO EXTEND ASSET DISREGARD.
7 The division responsible for medical services
8 within the department of human services may enter into
9 reciprocal agreements with other states to extend the
10 asset disregard under section 514H.5 to Iowa residents
11 who had purchased or were covered by certified long-
12 term care insurance policies in other states.
13 Sec. 10. NEW SECTION. 514H.9 RULES.
14 The insurance division of the department of
15 commerce in cooperation with the department of human
16 services shall adopt rules pursuant to chapter 17A as
17 necessary to administer this chapter. The insurance
18 division shall consult with representatives of the
19 insurance industry in adopting such rules. This
20 delegation of rulemaking authority shall be construed
21 narrowly.
22 Sec. 11. Chapter 249G, Code 2005, is repealed.

23 Sec. 12. MEDICAL ASSISTANCE STATE PLAN AMENDMENT
24 - WAIVER - IOWA LONG-TERM CARE ASSET DISREGARD
25 INCENTIVE PROGRAM.

26 1. The department of human services shall amend
27 the medical assistance state plan to provide that all
28 amounts paid for qualified long-term care services
29 under a certified long-term care insurance policy
30 pursuant to chapter 514H, as enacted in this Act,
31 shall be considered in determining the amount of the
32 asset disregard.

33 2. The department of human services shall seek
34 approval of a medical assistance state plan amendment
35 or make application to the United States department of
36 health and human services for any waiver necessary to
37 implement chapter 514H, as enacted in this Act.

38 Sec. 13. CONTINGENT EFFECTIVE DATE - IOWA LONG-
39 TERM CARE ASSET DISREGARD INCENTIVE PROGRAM.

40 1. This Act shall not take effect until all
41 medical assistance state plan amendments and waivers
42 necessary to implement chapter 514H, as enacted in
43 this Act, are approved by the United States department
44 of health and human services. The department of human
45 services shall notify the Code editor if such approval
46 is received.

47 2. If the requirement of subsection 1 is met, the
48 program shall begin no sooner than six months
49 following the date that the requirement is met.

50 Sec. 14. APPROPRIATION. There is appropriated

Page 5

1 from the general fund of the state to the division of
2 insurance of the department of commerce for the fiscal
3 year beginning July 1, 2005, and ending June 30, 2006,
4 the following amount, or so much thereof as is
5 necessary, to establish an educational program to
6 inform Iowans regarding the Iowa long-term care asset
7 disregard incentive program and for up to the
8 following full-time equivalent positions:

9	\$	300,000
10	FTEs	2.00"

Amendment H-1479 was adopted placing out of order amendment H-1341 filed by Petersen of Polk on April 7, 2005.

Sands of Louisa 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. 819)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T. .	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Carroll,	
		Presiding	

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 FILES 353 and 736 WITHDRAWN

Sands of Louisa asked and received unanimous consent to withdraw House Files 353 and 736 from further consideration by the House.

Ways and Means Calendar

House File 869, a bill for an act relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates, was taken up for consideration.

Alons of Sioux 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. 869)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wildurdyke
Winckler	Wise	Zirkelbach	Carroll, 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 FILES 137 and 387 WITHDRAWN

Drake of Pottawattamie asked and received unanimous consent to withdraw House Files 137 and 387 from further consideration by the House.

Unfinished Business Calendar

Senate File 375, a bill for an act creating the uniform environmental covenants Act, with report of committee recommending amendment and passage, was taken up for consideration.

Greiner of Washington offered the following amendment H-1340 filed by the committee on environmental protection and moved its adoption:

H-1340

1 Amend Senate File 375, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking line 5 and inserting the
4 following: "455L and accept or maintain such other
5 real".

6 2. Page 5, lines 2 and 3, by striking the words
7 "or protecting ecological features associated with
8 real property".

9 3. Page 5, by striking line 16.

10 4. Page 7, by striking lines 13 through 15 and
11 inserting the following:

12 "e. A signature by the grantor, the agency, every
13 holder, and, unless waived".

14 5. Page 9, by striking lines 32 and 33 and
15 inserting the following: "agency:"

16 6. Page 11, line 5, by inserting after the word
17 "covenant" the following: ", unless the person waived
18 in a signed record the right to consent or a court
19 finds that the person no longer exists or cannot be
20 located or identified with the exercise of reasonable
21 diligence,".

22 7. Page 12, by striking lines 24 through 26 and
23 inserting the following:

24 "a. The agency."

25 8. Page 13, by striking lines 24 and 25 and
26 inserting the following:

27 "b. The agency or, if".

28 9. By renumbering as necessary.

The committee amendment H-1340 was adopted.

Greiner of Washington 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. 375)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Carroll, Presiding	

The nays were, 1:

Olson, R.

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

House File 856, a bill for an act providing a sales and use tax exemption for certain nonprofit organizations that build or repair low-income dwellings, was taken up for consideration.

Kurtenbach 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. 856)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdryke	Winckler
Wise	Zirkelbach	Carroll,	
		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.

Unfinished Business Calendar

House File 687, a bill for an act relating to the issuance of traffic citations for railroad crossing violations, was taken up for consideration.

Rayhons of Hancock offered the following amendment H-1401 filed by him and Bukta of Clinton and moved its adoption:

H-1401

1 Amend House File 687 as follows:

2 1. Page 2, line 3, by striking the word
3 "registered".

4 2. Page 2, line 5, by striking the word
5 "registered".

6 3. Page 2, by inserting after line 6 the
7 following:

8 "c. For purposes of this subsection, "owner" means
9 a person who holds the legal title to a motor vehicle;
10 however, if the motor vehicle is the subject of a
11 security agreement with a right of possession in the
12 debtor, the debtor shall be deemed the owner for
13 purposes of this subsection, or if the motor vehicle
14 is leased as defined in section 321.493, the lessee
15 shall be deemed the owner for purposes of this
16 subsection.

17 Sec. __. Section 321.372A, subsection 2,
18 paragraph b, Code 2005, is amended to read as follows:

19 b. If, from the investigation, the peace officer
20 has reasonable cause to believe that a violation of
21 section 321.372, subsection 3, occurred but is unable
22 to identify the driver, the peace officer shall serve
23 a uniform traffic citation for the violation to the
24 owner of the motor vehicle. Notwithstanding section
25 321.484, in a proceeding where the peace officer who
26 conducted the investigation was not able to identify
27 the driver of the motor vehicle, proof that the motor
28 vehicle described in the uniform traffic citation was
29 used to commit the violation of section 321.372,
30 subsection 3, together with proof that the defendant
31 named in the citation was the ~~registered~~ owner of the
32 motor vehicle at the time the violation occurred,
33 constitutes a permissible inference that the
34 ~~registered~~ owner was the driver who committed the
35 violation.

36 Sec. __. Section 321.372A, subsection 2, Code
 37 2005, is amended by adding the following new
 38 paragraph:
 39 NEW PARAGRAPH. c. For purposes of this
 40 subsection, "owner" means a person who holds the legal
 41 title to a motor vehicle; however, if the motor
 42 vehicle is the subject of a security agreement with a
 43 right of possession in the debtor, the debtor shall be
 44 deemed the owner for purposes of this subsection, or
 45 if the motor vehicle is leased as defined in section
 46 321.493, the lessee shall be deemed the owner for
 47 purposes of this subsection."
 48 4. Title page, line 1, by inserting after the
 49 word "for" the following: "school bus warning device
 50 and".

Page 2

1 5. By renumbering as necessary.

Amendment H-1401 was adopted.

SENATE FILE 313 SUBSTITUTED FOR HOUSE FILE 687

Rayhons of Hancock asked and received unanimous consent to substitute Senate File 313 for House File 687.

Senate File 313, a bill for an act relating to traffic citations issued for school bus warning device and railroad crossing violations, was taken up for consideration.

Rayhons of Hancock 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. 313)

The ayes were, 86:

- | | | | |
|----------|----------|-----------|---------|
| Alons | Anderson | Arnold | Baudler |
| Bell | Berry | Boal | Bukta |
| Chambers | Cohoon | Dandekar | Davitt |
| De Boef | Dix | Dolecheck | Drake |
| Eichhorn | Elgin | Fallon | Ford |
| Freeman | Frevert | Gaskill | Gipp |
| Granzow | Greiner | Heaton | Heddens |
| Hoffman | Hogg | Horbach | Huseman |

Huser	Hutter	Jacobs	Jacoby
Jenkins	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	May	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Struyk	Swaim
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wildurdyke	Carroll, Presiding		

The nays were, 14:

Foege	Hunter	Jochum	Lensing
Mascher	McCarthy	Olson, R.	Shultz
Taylor, D.	Tomenga	Van Fossen, J.R.	Winckler
Wise	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 410 WITHDRAWN

Kurtenbach of Story asked and received unanimous consent to withdraw House File 410 from further consideration by the House.

HOUSE FILES 331 and 687 WITHDRAWN

Rayhons of Hancock asked and received unanimous consent to withdraw House Files 331 and 687 from further consideration by the House.

ADOPTION OF HOUSE RESOLUTION 48

Raecker of Polk called up for consideration **House Resolution 48** as follows, and moved its adoption:

- 1 House Resolution 48
- 2 By Committee On Ethics
- 3 (Successor To HSB 300)

4 A resolution amending the House code of ethics.
5 *Be It Resolved By The House Of Representatives,*
6 That Rule 12, paragraph c, of the House Code of
7 Ethics, as adopted by the House of Representatives
8 during the 2005 Session in House Resolution 7, is
9 amended to read as follows:

10 c. Form and contents of complaint. A complaint
11 shall be in writing.
12 Complaint forms shall be available from the chief
13 clerk of the house, but a complaint shall not be
14 rejected for failure to use the approved form if it
15 complies with the requirements of these rules. The
16 complaint shall contain a certification made by the
17 complainant, under penalty of perjury, that the facts
18 stated in the complaint are true to the best of the
19 complainant's knowledge.

20 To be valid, a complaint shall allege all of the
21 following:

22 (1) Facts, ~~including the approximate date and~~
23 ~~location of any event, incident, or transaction that,~~
24 that if true, establish a violation of a provision of
25 chapter 68B of the Code, the house code of ethics, or
26 house rules governing lobbyists for which penalties or
27 other remedies are provided.

28 (2) That the conduct providing the basis for the
29 complaint occurred within three years of the filing of
30 the complaint.

Page 2

1 (3) That the party charged with a violation is a
2 ~~member or employee of the house, a lobbyist, or a~~
3 ~~client of a lobbyist party subject to the jurisdiction~~
4 of the ethics committee.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 819, 856, 869, Senate Files 313 and 375.**

SENATE FILE 405 REREFERRED

The Speaker announced that Senate File 405, previously referred to committee on **state government** 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 April, 2005: House Files 276, 710, 717, 757 and 771.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 22, 2005, he approved and transmitted to the Secretary of State the following bills:

House File 613, an Act relating to the regulation of hot water heating boilers for swimming pools and spas.

House File 641, an Act concerning the determination of state regulatory fees on excursion gambling boats relating to the number of gaming enforcement officers on larger excursion gambling boats.

House File 726, an Act allowing a physician assistant and an advanced registered nurse practitioner to certify an alleged intoxicated driver's incapacitated state for purposes of chemical testing.

House File 760, an Act relating to dependent adults and the provision of protective services.

House File 768, an Act relating to the publishing of notice of recommendations to grant permits for diversion, storage, and withdrawal of water.

House File 776, an Act relating to governmental financial and information technology activities, including membership in state insurance plans by former members of the general assembly, designation of a chief information officer for the state, cooperative procurement agreements, distribution of state employee salary information, setoff authority for capitol complex and state laboratory parking fines collection, sales of disposed personal property of the state by not-for-profit organizations, a local government setoff authority pilot project, and providing for a study concerning credit card payments accepted by government.

House File 784, an Act to establish an advanced practice registered nurse compact and including a future repeal.

Senate File 260, an Act relating to debt collection disclosure requirements for certain financial institution affiliates.

Senate File 304, an Act relating to the provisions of the Elder Iowans Act.

Senate File 335, an Act relating to access to dependent adult abuse information and unemployment compensation claims.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- 2005\1300 Earl Ashcraft, Sioux City – For celebrating his 105th birthday.
- 2005\1301 Francis Ohl, Woodbine – For celebrating her 80th birthday.
- 2005\1302 Loie McElwain, Woodbine – For celebrating her 80th birthday.
- 2005\1303 Mary Azney, Woodbine – For celebrating her 80th birthday.
- 2005\1304 Rudy and Harold Phipps, Onawa – For celebrating their 65th wedding anniversary.
- 2005\1305 Herold and Arlene Meyer, Onawa – For celebrating their 50th wedding anniversary.
- 2005\1306 Robert and Julia Gochenour, Mondamin – For celebrating their 50th wedding anniversary.
- 2005\1307 Emily Hubert-McDermott, Dubuque – For being selected to the National People To People Leadership Forum.
- 2005\1308 Ginny Luke, Dubuque – For receiving Honorable Mention in the Walgreens National Concerto Competition in the Junior Open division.
- 2005\1309 Alexander Persaud, Dubuque – For being named to the Iowa Academic All Star Recognition Team.
- 2005\1310 Laverne and Marie Ambrosy, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\1311 Floyd and Doris Tomter, Dubuque – For celebrating their 65th wedding anniversary.

- 2005\1312 Kelly Rehan, Sioux City – For receiving the Harry S. Bunker Memorial Scholarship at the University of Iowa.
- 2005\1313 Norm Marienau, Hawarden – For celebrating his 80th birthday.
- 2005\1314 Mel Hulleman, Hawarden – For celebrating his 80th birthday.
- 2005\1315 Wayne Waterman, Akron – For celebrating his 101st birthday.
- 2005\1316 Wilma Kulvik, Akron – For celebrating her 80th birthday.
- 2005\1317 Marion Groff, Le Mars – For celebrating her 90th birthday.
- 2005\1318 Anita Berkenpas, Le Mars – For celebrating her 87th birthday.
- 2005\1319 Margaret Kennedy, Le Mars – For celebrating her 101st birthday.
- 2005\1320 Clifford and Shirley Waag, Elk Point – For celebrating their 50th wedding anniversary.
- 2005\1321 Vernon and Joyce Reihmann, Middle Amana – For celebrating their 50th wedding anniversary.
- 2005\1322 Wayne Waterman, Sioux City – For celebrating his 101st birthday.
- 2005\1323 Vince and Evelyn Tierney, Melrose – For celebrating their 50th wedding anniversary.
- 2005\1324 Josephine Stark, Waterloo – For celebrating her 100th birthday.
- 2005\1325 Robert and Patricia Prine, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\1326 Abigail Compton, Sheffield – For celebrating her 85th birthday.
- 2005\1327 Dorothy Pedersen, Clear Lake – For celebrating her 90th birthday.
- 2005\1328 Art and Berniece Koenigsberg, Sheffield – For celebrating their 60th wedding anniversary.
- 2005\1329 Myron and Shirley Hulsing, Rockwell – For celebrating their 50th wedding anniversary.
- 2005\1330 Frankie (Bud) and Helen Meyers, Clear Lake – For celebrating their 50th wedding anniversary.

RESOLUTION FILED

HR 50, by Paulsen, a resolution requesting the establishment of an interim study committee by the legislative council to conduct a study

of issues related to the costs of professional liability (malpractice) insurance for health care providers in Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1478	H.F.	868	Jochum of Dubuque Winckler of Scott
H—1480	H.F.	868	Mascher of Johnson
H—1481	H.F.	875	Huser of Polk
H—1482	H.F.	614	Senate Amendment
H—1483	H.F.	870	Horbach of Tama

On motion by Jacobs of Polk the House adjourned at 5:05 p.m., until 8:45 a.m., Tuesday, April 26, 2005.

JOURNAL OF THE HOUSE

One Hundred Seventh Calendar Day - Seventy-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 26, 2005

The House met pursuant to adjournment at 8:49 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Jane Sheperd, pastor of Gowrie United Methodist Church, Gowrie. She was the guest of Representative David Tjepkes from Webster County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, April 25, 2005 was approved.

SPECIAL PRESENTATION

Bell of Jasper and Jenkins of Black Hawk introduced to the House a delegation from Taiwan including Director General Chen who spoke briefly regarding trade relations and thanking the Iowa House and Senate for adopting resolutions supporting trade with Taiwan.

The House rose and expressed its welcome.

On motion by Gipp of Winneshiek, the House was recessed at 9:02 a.m., until 10:30 a.m.

AFTERNOON SESSION

The House reconvened at 12:04 p.m., Roberts of Carroll in the chair.

INTRODUCTION OF BILLS

House File 876, by committee on ways and means, a bill for an act relating to mental health, mental retardation, developmental

disabilities, and brain injury service requirements and including an effective and applicability date.

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

House File 877, by committee on ways and means, a bill for an act establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

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

House File 878, by committee on ways and means, a bill for an act relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision.

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

House File 879, by committee on ways and means, a bill for an act relating to the regulation of snowmobiles and establishing fees.

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 26, 2005, 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 683, a bill for an act authorizing the appointment of an attorney to represent an indigent parole violator, and providing effective and retroactive applicability date provisions.

Also: That the Senate has on April 26, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 413, a bill for an act relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision.

MICHAEL E. MARSHALL, Secretary

On motion by Jacobs of Polk, the House was recessed at 12:05 p.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:24 p.m., Paulsen of Linn in the chair.

The House stood at ease at 1:24 p.m., until the fall of the gavel.

The House resumed session at 2:56 p.m., Roberts of Carroll in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-six members present, fourteen absent.

ADOPTION OF HOUSE RESOLUTION 50

Paulsen of Linn called up for consideration **House Resolution 50**, a resolution requesting the establishment of an interim study committee by the legislative council to conduct a study of issues related to the costs of professional liability (malpractice) insurance for health care providers in Iowa, as follows:

Jochum of Dubuque offered the following amendment H-1493 filed by her from the floor and moved its adoption:

H-1493

- 1 Amend House Resolution 50 as follows:
- 2 1. Page 1, by striking line 30, and inserting the
- 3 following: "requirements, and applicable federal and
- 4 state law, including a review of chapter 519A, Iowa's
- 5 medical malpractice insurance statute."
- 6 2. By renumbering as necessary.

Amendment H-1493 was adopted.

Swaim of Davis offered the following amendment H-1487 filed by him from the floor and moved its adoption:

H-1487

- 1 Amend House Resolution 50 as follows:
- 2 1. Page 2, line 3, by striking the word "three"
- 3 and inserting the following: "four".
- 4 2. Page 2, line 5, by striking the words "one
- 5 member" and inserting the following: "two members".

Amendment H-1487 lost.

On motion by Paulsen of Linn the resolution, as amended, was adopted.

CONSIDERATION OF BILLS Ways and Means Calendar

House File 866, a bill for an act relating to a sales tax holiday for purchases of certain computers during certain times, was taken up for consideration.

Tymeson of Madison offered the following amendment H-1485 filed by her, Upmeyer of Hancock, Kaufmann of Cedar and Paulsen of Linn from the floor as follows:

H-1485

- 1 Amend House File 866 as follows:
- 2 1. Page 1, line 2, by striking the word
- 3 "subsection" and inserting the following:
- 4 "subsections".
- 5 2. Page 1, by inserting after line 9 the
- 6 following:
- 7 "NEW SUBSECTION. 68B. The sales price from the
- 8 sale of general school supplies which are intended for
- 9 classroom use if all of the following apply:
- 10 a. The sales price of each item is less than
- 11 twenty dollars.
- 12 b. The sale takes place during a period beginning
- 13 at 12:01 a.m. on the first Friday in August and ending
- 14 at midnight on the following Saturday."
- 15 3. Title page, line 2, by inserting after the
- 16 word "computers" the following: "and general school
- 17 supplies".

Mascher of Johnson rose on a point of order requesting a fiscal note for amendment H-1485.

Gipp of Winneshiek asked and received unanimous consent that House File 866 be deferred and that the bill retain its place on the calendar. (Amendment H-1485 pending)

Appropriations Calendar

House File 875, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, general fund of the state, and related matters, and including effective and retroactive applicability date provisions, was taken up for consideration.

Wise of Lee asked and received unanimous consent to defer amendment H-1489.

Gipp of Winneshiek asked and received unanimous consent that House File 875 be deferred and that the bill retain its place on the calendar.

Ways and Means Calendar

House File 871, a bill for an act providing for income tax credits for the cost of purchasing health insurance coverage by certain small employers and providing effective and retroactive applicability dates, was taken up for consideration.

Davitt of Warren offered the following amendment H-1509 filed by him and Kaufmann of Cedar from the floor and moved its adoption:

H-1509

- 1 Amend House File 871 as follows:
- 2 1. Page 1, by inserting after line 24, the
- 3 following:
- 4 "___ If a small employer elects to take the small
- 5 employer health insurance coverage tax credit, the
- 6 small employer shall reduce, by the amount used in the
- 7 computation of the credit, the deduction for Iowa
- 8 income tax purposes of the cost of health insurance
- 9 premiums paid by the employer during the tax year in
- 10 which the tax credit is computed, that is deductible
- 11 for federal tax purposes."
- 12 2. Page 3, line 2, by striking the words and

- 13 figure ", as defined in section 513B.2,"
 14 3. Page 3, line 3, by inserting after the word
 15 "coverage" the following: ", as defined in section
 16 513B.2,"
 17 4. Page 3, by inserting after line 19, the
 18 following:
 19 "___ . If a small employer elects to take the small
 20 employer health insurance coverage tax credit, the
 21 small employer shall reduce, by the amount used in the
 22 computation of the credit, the deduction for Iowa
 23 income tax purposes of the cost of health insurance
 24 premiums paid by the employer during the tax year in
 25 which the tax credit is computed, that is deductible
 26 for federal tax purposes."
 27 5. By renumbering as necessary.

Amendment H-1509 was adopted.

Kaufmann of Cedar 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. 871)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Heaton
Heddens	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead

Wilderdyke
Roberts,
Presiding

Winckler

Wise

Zirkelbach

The nays were, none.

Absent or not voting, 3:

Greiner

Hoffman

Rasmussen

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

HOUSE FILE 689 WITHDRAWN

Kaufmann of Cedar asked and received unanimous consent to withdraw House File 689 from further consideration by the House.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 871** be immediately messaged to the Senate.

House File 860, a bill for an act establishing a tax credit certificate transfer program, was taken up for consideration.

Soderberg of Plymouth offered the following amendment H-1511 filed by him from the floor and moved its adoption:

H-1511

- 1 Amend House File 860 as follows:
- 2 1. Page 2, line 19, by inserting after the word
- 3 "V," the following: "Any tax credit in excess of the
- 4 tax liability for the tax year may be credited to the
- 5 tax liability for the following seven years or until
- 6 depleted, whichever occurs first."

Amendment H-1511 was adopted.

Soderberg of Plymouth 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. 860)

The ayes were, 74:

Alons	Anderson	Arnold	Bell
Berry	Boal	Carroll	Chambers
Dandekar	Davitt	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Frevert	Gipp	Granzow
Greiner	Heaton	Heddens	Hoffman
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jones	Kaufmann
Kressig	Kurtenbach	Lalk	Lukan
Lykam	Maddox	May	McCarthy
Mertz	Miller	Olson, D.	Olson, S.
Paulsen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Struyk	Swaim
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Whitead	Wildurdyke	Wise
Zirkelbach	Roberts, Presiding		

The nays were, 23:

Bukta	Cohoon	Fallon	Foege
Ford	Gaskill	Hogg	Hunter
Jacoby	Jochum	Kuhn	Lensing
Mascher	Oldson	Olson, R.	Petersen
Shoultz	Taylor, D.	Taylor, T.	Wendt
Wessel-Kroeschell	Whitaker	Winckler	

Absent or not voting, 3:

Baudler	Murphy	Rants, Spkr.
---------	--------	--------------

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 860** be immediately messaged to the Senate.

INTRODUCTION OF BILL

House File 880, by committee on ways and means, a bill for an act relating to the disposition of certain real estate transfer tax receipts by the treasurer of state.

Read first time and placed on the ways and means calendar.

SENATE MESSAGE CONSIDERED

Senate File 413, by committee on ways and means, a bill for an act relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision.

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

The House resumed consideration of House File 875, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, general fund of the state, and related matters, and including effective and retroactive applicability date provisions, previously deferred and found on page 1490 of the House Journal.

Dix of Butler offered amendment H-1505 filed by him from the floor as follows:

H-1505

1 Amend House File 875 as follows:

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

4 "STATE GENERAL FUND

5 Section 1. There is appropriated from the general
6 fund of the state to the following departments and
7 agencies for the fiscal year beginning July 1, 2005,
8 and ending June 30, 2006, the following amounts, or so
9 much thereof as is necessary, to be used for the
10 purposes designated:

11 1. DEPARTMENT OF CORRECTIONS

12 a. For maintenance costs of the department of
13 corrections and board of parole associated with the
14 department of administrative services:

15 \$ 105,300

16 b. For rent payments for the community-based
17 corrections facility located in Davenport and the Vine
18 street building located in West Des Moines:

19 \$ 122,000

20 2. DEPARTMENT OF CULTURAL AFFAIRS

21 For continuation of the project recommended by the
22 Iowa battle flag advisory committee to stabilize the

23 condition of the battle flag collection:
 24 \$ 220,000
 25 3. DEPARTMENT OF EDUCATION
 26 To the vocational rehabilitation division to
 27 replace lost indirect costs:
 28 \$ 101,164
 29 4. DEPARTMENT OF PUBLIC SAFETY
 30 For capitol building and judicial building
 31 security:
 32 \$ 800,000

DIVISION II"

- 34 2. Page 1, line 29, by striking the figure
- 35 "1,925,427" and inserting the following: "3,151,891".
- 36 3. Page 2, by striking lines 7 through 10.
- 37 4. Page 2, by striking lines 21 through 25.
- 38 5. By striking page 2, line 31, through page 3,
- 39 line 5.
- 40 6. Page 3, by striking lines 17 through 19.
- 41 7. By striking page 4, line 34, through page 5,
- 42 line 1.
- 43 8. Page 5, by striking lines 15 and 16.
- 44 9. Page 8, by inserting after line 4 the
- 45 following:
- 46 "Sec. __. Section 8.57B, subsection 4, Code 2005,
- 47 is amended to read as follows:
- 48 4. There is appropriated from the rebuild Iowa
- 49 infrastructure fund to the vertical infrastructure
- 50 fund, the following:

Page 2

- 1 a. For the fiscal year beginning July 1, 2005, and
- 2 ending June 30, 2006, the sum of fifteen million
- 3 dollars.
- 4 b. For the fiscal year beginning July 1, 2006, and
- 5 ending June 30, 2007, the sum of fifteen million
- 6 dollars.
- 7 c. For the fiscal year beginning July 1, 2007, and
- 8 ending June 30, 2008, the sum of fifty million
- 9 dollars.
- 10 d. For the fiscal year beginning July 1, 2008, and
- 11 ending June 30, 2009, the sum of fifty million
- 12 dollars."
- 13 10. Page 19, line 8, by inserting after the word
- 14 "fund" the following: "for the fiscal year that
- 15 begins July 1, 2005,".
- 16 11. Page 19, by inserting after line 14 the
- 17 following:
- 18 "Sec. __. DEPARTMENT OF ADMINISTRATIVE SERVICES.
- 19 1. There is appropriated from the vertical
- 20 infrastructure fund to the department of
- 21 administrative services for the designated fiscal

22 years, the following amounts, or so much thereof as if
 23 necessary, to be used for the purposes designated:
 24 For major renovation and major repair needs,
 25 including health, life, and fire safety needs, and for
 26 compliance with the federal Americans With
 27 Disabilities Act, for state buildings and facilities
 28 under the purview of the department:
 29 FY 2006-2007 \$ 10,000,000
 30 FY 2007-2008 \$ 40,000,000
 31 FY 2008-2009 \$ 40,000,000
 32 Notwithstanding section 8.33, moneys appropriated
 33 in this section shall not revert at the close of the
 34 fiscal year for which they were appropriated but shall
 35 remain available for the purposes designated until the
 36 close of the fiscal year that begins July 1, 2010, or
 37 until the project for which the appropriation was made
 38 is completed, whichever is earlier."
 39 12. By renumbering as necessary.

Dix of Butler offered amendment H-1525, to amendment H-1505,
 filed by him from the floor as follows:

H-1525

- 1 Amend the amendment, H-1505, to House File 875 as
- 2 follows:
- 3 1. Page 1, line 35, by striking the figure
- 4 "3,151,891" and inserting the following: "3,291,891".

Amendment H-1525 was adopted.

Reichert of Muscatine asked and received unanimous consent to
 withdraw amendment H-1521 to amendment H-1505, filed by him
 from the floor.

Division was requested on amendment H-1505, as amended, as
 follows:

Page 1, Lines 2 through 37, Line 40, Line 43 and Page 2, lines 2
 through 38, Division A.

Page 1, Lines 38 through 39 and Lines 41 through 42, Division B.

Dix of Butler asked and received unanimous consent that
 amendment H-1505A be deferred.

Dix of Butler asked and received unanimous consent to withdraw
 amendment H-1505B.

Pettengill of Benton offered the following amendment H-1503 filed by Pettengill, Cohoon of Des Moines, Mertz of Kossuth, Davitt of Warren, Bell of Jasper, Mascher of Johnson, Shomshor of Pottawattamie, Berry of Black Hawk, Wendt of Woodbury, Jacoby of Johnson, Oldson of Polk, Ford of Polk, Thomas of Clayton, R. Olson of Polk, Swaim of Davis, Schueller of Jackson, Reasoner of Union, Reichert of Muscatine, Petersen of Polk, Hogg of Linn, Foege of Linn, Whitaker of Van Buren, Heddens of Story, D. Olson of Boone, Frevert of Palo Alto, Wessel-Kroeschell of Story, Lensing of Johnson, Winckler of Scott, Kressig of Black Hawk, Miller of Webster, Zirkelbach of Jones, T. Taylor of Linn, Jochum of Dubuque, Gaskill of Wapello, Smith of Marshall, Bukta of Clinton, Murphy of Dubuque, D. Taylor of Linn, Dandekar of Linn, Hunter of Polk, Fallon of Polk, Whitead of Woodbury and Kuhn of Floyd from the floor and moved its adoption:

H-1503

- 1 Amend House File 875 as follows:
- 2 1. Page 3, line 10, by striking the figure
- 3 "600,000" and inserting the following: "900,000".

Roll call was requested by Cohoon of Des Moines and Reasoner of Union.

On the question "Shall amendment H-1503 be adopted?" (H.F. 875)

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef

Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Roberts, Presiding	

Absent or not voting, none.

Amendment H-1503 lost.

Ford of Polk offered the following amendment H-1533 filed by him from the floor and moved its adoption:

H-1533

- 1 Amend House File 875 as follows:
- 2 1. Page 3, by inserting after line 19 the
- 3 following:
- 4 "___ DEPARTMENT OF HUMAN RIGHTS
- 5 For capital improvements at the African-American
- 6 museum in Cedar Rapids:
- 7 \$ 250,000"

A non-record roll call was requested.

The ayes were 50, nays 50.

Amendment H-1533 lost.

Hunter of Polk offered the following amendment H-1488 filed by him from the floor and moved its adoption:

H-1488

- 1 Amend House File 875 as follows:
- 2 1. Page 4, by inserting after line 33 the
- 3 following:
- 4 "___ For the southside Des Moines YMCA swimming
- 5 pool capital improvement project:
- 6 \$ 150,000"

Amendment H-1488 lost.

Shoultz of Black Hawk offered the following amendment H-1494 filed by Shoultz, Jenkins of Black Hawk, Kressig of Black Hawk, Berry of Black Hawk and Lukan of Dubuque from the floor and moved its adoption:

H-1494

- 1 Amend House File 875 as follows:
- 2 1. Page 5, by inserting after line 10 the
- 3 following:
- 4 "Of the amount appropriated in this lettered
- 5 paragraph, \$100,000 shall be allocated to the Waterloo
- 6 fire regional training center. The moneys allocated
- 7 to the Waterloo fire regional training center are
- 8 contingent upon a match of \$200,000."

Amendment H-1494 was adopted.

Huser of Polk asked and received unanimous consent to withdraw amendment H-1481, placing out of order amendment H-1524 filed by Lukan of Dubuque from the floor.

Huseman of Cherokee offered the following amendment H-1507 filed by him from the floor and moved its adoption:

H-1507

- 1 Amend House File 875 as follows:
- 2 1. Page 6, by inserting after line 33 the
- 3 following:
- 4 "Sec. __. 2001 Iowa Acts, chapter 185, section
- 5 12, is amended to read as follows:
- 6 SEC. 12. REVERSION. Notwithstanding
- 7 1. Except as provided in subsection 2 and
- 8 notwithstanding section 8.33, moneys appropriated in
- 9 this division of this Act 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, 2004, or until the project for
- 14 which the appropriation was made is completed,
- 15 whichever is earlier.
- 16 2. Notwithstanding section 8.33, moneys
- 17 appropriated in section 6, subsection 1, of this
- 18 division of this Act shall not revert at the close of
- 19 the fiscal year for which they were appropriated but

20 shall remain available for the purpose designated
 21 until the close of the fiscal year that begins July 1,
 22 2005, or until the project for which the appropriation
 23 was made is completed, whichever is earlier."

24 2. Page 8, line 27, by inserting after the word
 25 "agreement," the following: "relating to the
 26 amendment to 2001 Iowa Acts, chapter 185, section
 27 12,".

28 3. Page 17, by inserting after line 18 the
 29 following:

30 "Sec. __. 2001 Iowa Acts, chapter 185, section
 31 30, is amended to read as follows:

32 SEC. 30. REVERSION. ~~Notwithstanding~~

33 1. Except as provided in subsection 2 and
 34 notwithstanding section 8.33, moneys appropriated in
 35 this division of this Act shall not revert at the
 36 close of the fiscal year for which they were
 37 appropriated but shall remain available for the
 38 purposes designated until the close of the fiscal year
 39 that begins July 1, 2004, or until the project for
 40 which the appropriation was made is completed,
 41 whichever is earlier.

42 2. Notwithstanding section 8.33, moneys
 43 appropriated in section 28 of this division of this
 44 Act shall not revert at the close of the fiscal year
 45 for which they were appropriated but shall remain
 46 available for the purpose designated until the close
 47 of the fiscal year that begins July 1, 2005, or until
 48 the project for which the appropriation was made is
 49 completed, whichever is earlier.

50 Sec. __. EFFECTIVE DATE. The section of this

Page 2

1 division of this Act relating to the amendment to 2001
 2 Iowa Acts, chapter 185, section 30, being deemed of
 3 immediate importance, takes effect upon enactment."

4 4. Page 19, line 22, by striking the word
 5 "department" and inserting the following: "~~department~~
 6 authority".

7 5. Page 19, line 34, by striking the word
 8 "department" and inserting the following: "~~department~~
 9 authority".

10 6. Page 20, line 3, by striking the word
 11 "~~department~~" and inserting the following:
 12 "authority".

13 7. Page 20, line 5, by striking the word
 14 "department" and inserting the following: "~~department~~
 15 authority".

16 8. Page 20, by inserting after line 18, the
 17 following:

18 "Sec. __. Section 327H.26, Code 2005, is amended

19 to read as follows:

20 327H.26 DEFINITION DEFINITIONS.

21 As used in this chapter, unless the context

22 otherwise requires, "~~department~~":

23 1. "Department" means the state department of
24 transportation.

25 2. "Authority" means the railway finance authority
26 created in chapter 327L.

27 Sec. ___. Section 327I.8, Code 2005, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 8. Administer the railroad
30 revolving loan and grant fund as provided in section
31 327H.20A."

32 9. Page 20, by striking lines 23 through 26 and
33 inserting the following: "the state to the railroad
34 revolving loan fund established in section 327H.20A
35 for the fiscal year beginning July 1, 2004, and ending
36 June 30, 2005, an amount equal to the amount of the
37 loan".

38 10. Page 20, by striking lines 32 through 35 and
39 inserting the following: "the state to the railroad
40 revolving loan and grant fund established in section
41 327H.20A, as amended by this Act, for the fiscal year
42 beginning July 1, 2005, and ending June 30, 2006, an".

43 11. By renumbering as necessary.

Amendment H-1507 was adopted.

Kressig of Black Hawk offered the following amendment H-1517 filed by Kressig, Cohoon of Des Moines, Mertz of Kossuth, Davitt of Warren, Bell of Jasper, Shomshor of Pottawattamie, Berry of Black Hawk, Wendt of Woodbury, Hunter of Polk, T. Taylor of Linn, Jochum of Dubuque, Zirkelbach of Jones, Miller of Webster, Winckler of Scott, Lensing of Johnson, Wessel-Kroeschell of Story, Frevert of Palo Alto, D. Olson of Boone, Heddens of Story, Smith of Marshall, Dandekar of Linn, Gaskill of Wapello, Whitaker of Van Buren, Bukta of Clinton, D. Taylor of Linn, Jacoby of Johnson, Oldson of Polk, Lykam of Scott, Whitead of Woodbury, McCarthy of Polk, Ford of Polk, Thomas of Clayton, Shoultz of Black Hawk, R. Olson of Polk, Swaim of Davis, Pettengill of Benton, Schueller of Jackson, Reasoner of Union, Reichert of Muscatine, Petersen of Polk, Wise of Lee, Hogg of Linn, Fallon of Polk, Foege of Linn and Kuhn of Floyd from the floor and moved its adoption:

H-1517

1 Amend House File 875 as follows:

- 2 1. Page 13, line 1, by striking the words
 3 "environment first fund" and inserting the following:
 4 "designated funds".
 5 2. Page 13, line 4, by striking the word "amount"
 6 and inserting the following: "amounts".
 7 3. Page 13, by striking line 6, and inserting the
 8 following:
 9 "1. From the environment first fund:
 10 \$ 11,000,000
 11 2. From the general fund of the state:
 12 \$ 4,500,000"

Roll call was requested by Cohoon of Des Moines and Murphy of Dubuque.

On the question "Shall amendment H-1517 be adopted?" (H.F. 875)

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Roberts,	
		Presiding	

Absent or not voting, none.

Amendment H-1517 lost.

Oldson of Polk offered amendment H-1502 filed by Oldson, Cohoon of Des Moines, Mertz of Kossuth, Davitt of Warren, Bell of Jasper, Mascher of Johnson, Shomshor of Pottawattamie, Berry of Black Hawk, Wendt of Woodbury, Ford of Polk, Shoultz of Black Hawk, R. Olson of Polk, Pettengill of Benton, D. Olson of Boone, Lensing of Johnson, Winckler of Scott, Kressig of Black Hawk, T. Taylor of Linn, Bukta of Clinton, Murphy of Dubuque, D. Taylor of Linn, Hunter of Polk, Whitead of Woodbury and Foege of Linn from the floor as follows:

H-1502

- 1 Amend House File 875 as follows:
- 2 1. Page 17, line 27, by inserting before the word
- 3 "For" the following: "a."
- 4 2. Page 17, line 32, by striking the word
- 5 "subsection" and inserting the following: "lettered
- 6 paragraph".
- 7 3. Page 17, by inserting after line 35 the
- 8 following:
- 9 "b. For maintenance of the Terrace Hill complex:
- 10 \$ 571,000"

Huseman of Cherokee offered the following amendment H-1520, to amendment H-1502, filed by him and Cohoon of Des Moines from the floor and moved its adoption:

H-1520

- 1 Amend the amendment, H-1502, to House File 875 as
- 2 follows:
- 3 1. By striking everything after the amending
- 4 clause and inserting the following:
- 5 "___ Page 2, by inserting after line 5 the
- 6 following:
- 7 "___ For maintenance of the Terrace Hill complex:
- 8 \$ 571,000"
- 9 ___ Page 4, line 14, by striking the figure
- 10 "1,000,000" and inserting the following: "429,000".

Amendment H-1520 was adopted, placing out of order amendment H-1522 filed by Cohoon of Des Moines from the floor.

Dolecheck of Ringgold in the chair at 5:02 p.m.

On motion by Oldson of Polk, amendment H-1502, as amended, was adopted.

Wise of Lee asked and received unanimous consent to withdraw amendment H-1489, previously deferred, filed by Wise of Lee from the floor, placing out of order amendments H-1512 and H-1523 filed by Dix of Butler from the floor.

On motion by Dix of Butler amendment H-1505A, as amended, was adopted.

Huseman of Cherokee 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. 875)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyeke	Winckler
Wise	Zirkelbach	Dolecheck, Presiding	

The nays were, 1:

Fallon

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 26, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 420, a bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

Also: That the Senate has on April 26, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 805, a bill for an act relating to agricultural production including animal feeding operations, by providing for the regulation of open feedlot operations, and agricultural production liens, and providing for penalties.

Also: That the Senate has on April 26, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 819, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation.

Also: That the Senate has on April 26, 2005, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 206, a bill for an act relating to deer population management and providing penalties and appropriations.

MICHAEL E. MARSHALL, Secretary

Unfinished Business Calendar

House File 828, a bill for an act relating to the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire

or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund, was taken up for consideration. .

Freeman of Buena Vista offered the following amendment H-1447 filed by her and Baudler of Adair and moved its adoption:

H-1447

1 Amend House File 828 as follows:

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

4 "Section 1. Section 455A.4, subsection 1,
5 paragraph j, Code 2005, is amended by striking the
6 paragraph.

7 Sec. 2. Section 456A.37, subsection 1, paragraph
8 c, Code 2005, is amended to read as follows:

9 c. "Aquatic invasive species" means a species that
10 is not native to an ecosystem and whose introduction
11 causes or is likely to cause economic or environmental
12 harm or harm to human health including but not limited
13 to habitat alteration and degradation, and loss of
14 biodiversity. For the purposes of this section,
15 "aquatic invasive species" are limited to Eurasian
16 water milfoil, purple loosestrife, and zebra mussels,
17 ~~except as provided in subsection 4 and those species~~
18 identified as "aquatic invasive species" by the
19 commission by rule.

20 Sec. 3. Section 456A.37, subsection 4, unnumbered
21 paragraph 2, Code 2005, is amended to read as follows:

22 c. If the commission determines that an additional
23 species should be defined as an "aquatic invasive
24 species", the species ~~may~~ shall be defined by the
25 commission by rule as an "aquatic invasive species"
26 ~~subject to enactment of the definition by the general~~
27 ~~assembly at the next regular session of the general~~
28 ~~assembly. Failure of the general assembly to enact~~
29 ~~the definition pursuant to this paragraph constitutes~~
30 ~~a nullification of the definition effective upon~~
31 ~~adjournment of that next regular session of the~~
32 ~~general assembly."~~

33 2. Title page, line 1, by inserting after the
34 word "to" the following: "aquatic regulations and
35 activities, including aquatic invasive species,".

36 3. By renumbering as necessary.

Amendment H-1447 was adopted.

May of Dickinson offered the following amendment H-1484 filed by him from the floor and moved its adoption:

H-1484

1 Amend House File 828 as follows:
 2 1. Page 2, by striking lines 13 through 18 and
 3 inserting the following: "After January 1 in even-
 4 numbered years When unregistered vessels are
 5 registered after May 1 of the second year of the
 6 three-year registration period, such unregistered
 7 vessels may be registered for the remainder of the
 8 current registration period at fifty sixty-six percent
 9 of the appropriate registration fee. When
 10 unregistered vessels are registered after May 1 of the
 11 third year of the three-year registration period, such
 12 unregistered vessels may be registered for the
 13 remainder of the current registration period at
 14 thirty-three percent of the appropriate registration
 15 fee."

Amendment H-1484 was adopted.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-1231 filed by him on March 30, 2005.

Reichert of Muscatine asked and received unanimous consent to withdraw amendment H-1516 filed by him from the floor.

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. 828)

The ayes were, 68:

Alons	Anderson	Arnold	Bell
Berry	Boal	Bukta	Carrroll
Chambers	Davitt	Drake	Eichhorn
Elgin	Fallon	Freeman	Frevert
Gaskill	Gipp	Granzow	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kressig
Kuhn	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
Mertz	Oldson	Olson, D.	Olson, R.

Olson, S.	Petersen	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Schickel	Schueller
Shoultz	Soderberg	Swaim	Taylor, D.
Taylor, T.	Tomenga	Tymeson	Upmeyer
Van Fossen, J.K.	Watts	Wendt	Wessel-Kroeschell
Whitead	Wildurdyke	Winckler	Dolecheck, Presiding

The nays were, 31:

Baudler	Cohoon	Dandekar	De Boef
Dix	Foege	Ford	Greiner
Huser	Hutter	Kaufmann	McCarthy
Miller	Murphy	Paulsen	Pettengill
Quirk	Raecker	Reasoner	Reichert
Sands	Shomshor	Smith	Struyk
Thomas	Tjepkes	Van Engelenhoven	Van Fossen, J.R.
Whitaker	Wise	Zirkelbach	

Absent or not voting, 1:

Kurtenbach

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 828 and 875.**

Ways and Means Calendar

House File 864, a bill for an act providing an exemption from and a refund of sales and use taxes on materials and services used in the construction of a building or addition to a building to be used as a collaborative educational facility and including effective and applicability date provisions, was taken up for consideration.

Tomenga 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. 864)

The ayes were, 79:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Drake	Elgin
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Hoffman
Hogg	Horbach	Huseman	Huser
Hutter	Jacobs	Jenkins	Jones
Kaufmann	Kressig	Kurtenbach	Lalk
Lukan	Lykam	Maddox	May
McCarthy	Mertz	Miller	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Shomshor	Smith	Soderberg	Struyk
Swaim	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitead
Wilderdyke	Wise	Dolecheck, Presiding	

The nays were, 21:

Bukta	Eichhorn	Fallon	Foege
Gaskill	Heddens	Hunter	Jacoby
Jochum	Kuhn	Lensing	Mascher
Murphy	Schueller	Shoultz	Taylor, D.
Taylor, T.	Wessel-Kroeschell	Whitaker	Winckler
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 FILES 149 and 640 WITHDRAWN

May of Dickinson asked and received unanimous consent to withdraw House Files 149 and 640 from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 864** be immediately messaged to the Senate.

Senate File 395, a bill for an act relating to the activities of the grape and wine development commission, and providing for the transfer of wine gallonage tax revenues to the grape and wine development fund, with report of committee recommending passage, was taken up for consideration.

Winckler of Scott asked and received unanimous consent to withdraw amendment H-1473 filed by Winckler, et al., on April 21, 2005.

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. 395)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Drake
Eichhorn	Elgin	Fallon	Foegen
Ford	Freeman	Frevort	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Dolecheck, 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.

Unfinished Business Calendar

House File 539, a bill for an act relating to the membership of the council with which the director of human services consults regarding the medical assistance program, was taken up for consideration.

Tomenga of Polk offered amendment H-1388 filed by him as follows:

H-1388

1 Amend House File 539 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 249A.4, subsection 8,
5 unnumbered paragraphs 1 and 3, Code 2005, are amended
6 to read as follows:

7 Shall advise and consult at least semiannually with
8 a council composed of the presidents or directors of
9 the following organizations or agencies, or a
10 president's representative who is a member of the
11 organization represented by the president, or a
12 director's representative: the Iowa medical society,
13 the Iowa osteopathic medical association, the Iowa
14 academy of family physicians, the Iowa chapter of the
15 American academy of pediatrics, the Iowa physical
16 therapy association, the Iowa dental association, the
17 Iowa nurses association, the Iowa pharmacy
18 association, the Iowa podiatric medical society, the
19 Iowa optometric association, the Iowa association of
20 community providers, the Iowa psychological
21 association, the Iowa psychiatric society, the Iowa
22 chapter of the national association of social workers,
23 the coalition for family and children's services in
24 Iowa, the Iowa hospital association, the Iowa
25 association of rural health clinics, the opticians'
26 association of Iowa, inc., the Iowa association of
27 hearing health professionals, the Iowa speech and
28 hearing association, the Iowa health care association,
29 the Iowa association of area agencies on aging, AARP,
30 the Iowa caregivers association, the Iowa coalition of
31 home and community-based services for seniors, the
32 Iowa adult day services association, the Iowa
33 association for home care, the Iowa council of health
34 care centers, the Iowa physician assistant society,
35 the Iowa association of nurse practitioners, the Iowa

36 nurse practitioner society, the Iowa occupational
37 therapy association, the Iowa association of homes and
38 services for the aging, the ARC of Iowa which was
39 formerly known as the association for retarded
40 citizens of Iowa, the alliance for the mentally ill of
41 Iowa, Iowa state association of counties, and the
42 governor's developmental disabilities council,
43 together with one person designated by the Iowa
44 chiropractic society; one state representative from
45 each of the two major political parties appointed by
46 the speaker of the house, one state senator from each
47 of the two major political parties appointed by the
48 president of the senate, after consultation with the
49 majority leader and the minority leader of the senate,
50 each for a term of two years; four public

Page 2

1 representatives, appointed by the governor for
2 staggered terms of two years each, none of whom shall
3 be members of, or practitioners of, or have a
4 pecuniary interest in any of the professions or
5 businesses represented by any of the several
6 professional groups and associations specifically
7 represented on the council under this subsection, and
8 at least one of whom shall be a recipient of medical
9 assistance; the director of public health, or a
10 representative designated by the director; the
11 director of the department of elder affairs, or a
12 representative designated by the director; the dean of
13 Des Moines university – osteopathic medical center,
14 or a representative designated by the dean; and the
15 dean of the university of Iowa college of medicine, or
16 a representative designated by the dean.
17 The director shall consider the advice and
18 consultation offered by the council in the director's
19 preparation of medical assistance budget
20 recommendations to the council on human services
21 pursuant to section 217.3."

Amendment H-1388 was adopted, placing out of order amendment H-1172 filed by Tomenga of Polk on March 23, 2005.

SENATE FILE 272 SUBSTITUTED FOR HOUSE FILE 539

Tomenga of Polk asked and received unanimous consent to substitute Senate File 272 for House File 539.

Senate File 272, a bill for an act relating to the council with which the director of human services consults regarding the medical assistance program, was taken up for consideration.

Carroll of Poweshiek asked and received unanimous consent that amendment H-1471 be deferred.

Tomenga of Polk offered amendment H-1504 filed by him, Heddens of Story and Carroll of Poweshiek from the floor as follows:

H-1504

1 Amend Senate File 272, 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. Section 217.3, subsection 4, Code
6 2005, is amended to read as follows:

7 4. Approve the budget of the department of human
8 services prior to submission to the governor. Prior
9 to approval of the budget, the council shall publicize
10 and hold a public hearing to provide explanations and
11 hear questions, opinions, and suggestions regarding
12 the budget. Invitations to the hearing shall be
13 extended to the governor, the governor-elect, the
14 director of the department of management, and other
15 persons deemed by the council as integral to the
16 budget process. The budget materials submitted to the
17 governor shall include a review of options for
18 revising the medical assistance program made available
19 by federal action or by actions implemented by other
20 states as identified by the department, the medical
21 assistance advisory council and the executive
22 committee of the medical assistance advisory council
23 created in section 249A.4, subsection 8 249A.4B, and
24 by county representatives. The review shall address
25 what potential revisions could be made in this state
26 and how the changes would be beneficial to Iowans.

27 Sec. 2. Section 249A.4, subsection 8, Code 2005,
28 is amended by striking the subsection.

29 Sec. 3. NEW SECTION. 249A.4B MEDICAL ASSISTANCE
30 ADVISORY COUNCIL.

31 1. A medical assistance advisory council is
32 created to comply with 42 C.F.R. § 431.12 based on
33 section 1902(a)(4) of the federal Social Security Act
34 and to advise the director about health and medical
35 care services under the medical assistance program.
36 The council shall meet no more than quarterly. The
37 director of public health shall serve as chairperson

38 of the council.

39 2. The council shall include all of the following
40 members:

41 a. The president, or the president's
42 representative, of each of the following professional
43 or business entities, or a member of each of the
44 following professional or business entities, selected
45 by the entity:

46 (1) The Iowa medical society.

47 (2) The Iowa osteopathic medical association.

48 (3) The Iowa academy of family physicians.

49 (4) The Iowa chapter of the American academy of
50 pediatrics.

Page 2

1 (5) The Iowa physical therapy association.

2 (6) The Iowa dental association.

3 (7) The Iowa nurses association.

4 (8) The Iowa pharmacy association.

5 (9) The Iowa podiatric medical society.

6 (10) The Iowa optometric association.

7 (11) The Iowa association of community providers.

8 (12) The Iowa psychological association.

9 (13) The Iowa psychiatric society.

10 (14) The Iowa chapter of the national association
11 of social workers.

12 (15) The coalition for family and children's
13 services in Iowa.

14 (16) The Iowa hospital association.

15 (17) The Iowa association of rural health clinics.

16 (18) The Iowa/Nebraska primary care association.

17 (19) Free clinics of Iowa.

18 (20) The opticians' association of Iowa, inc.

19 (21) The Iowa association of hearing health
20 professionals.

21 (22) The Iowa speech and hearing association.

22 (23) The Iowa health care association.

23 (24) The Iowa association of area agencies on
24 aging.

25 (25) AARP.

26 (26) The Iowa caregivers association.

27 (27) The Iowa coalition of home and community-
28 based services for seniors.

29 (28) The Iowa adult day services association.

30 (29) The Iowa association of homes and services
31 for the aging.

32 (30) The Iowa association for home care.

33 (31) The Iowa council of health care centers.

34 (32) The Iowa physician assistant society.

35 (33) The Iowa association of nurse practitioners.

36 (34) The Iowa nurse practitioner society.

- 37 (35) The Iowa occupational therapy association.
38 (36) The ARC of Iowa, formerly known as the
39 association for retarded citizens of Iowa.
40 (37) The alliance for the mentally ill of Iowa.
41 (38) The Iowa state association of counties.
42 (39) The governor's developmental disabilities
43 council.
44 (40) The Iowa chiropractic society.
45 b. Public representatives which may include
46 members of consumer groups, including recipients of
47 medical assistance or their families, consumer
48 organizations, and others, equal in number to the
49 number of representatives of the professional and
50 business entities specifically represented under

Page 3

- 1 paragraph "a", appointed by the governor for staggered
2 terms of two years each, none of whom shall be members
3 of, or practitioners of, or have a pecuniary interest
4 in any of the professional or business entities
5 specifically represented under paragraph "a", and a
6 majority of whom shall be current or former recipients
7 of medical assistance or members of the families of
8 current or former recipients.
9 c. The director of public health, or the
10 director's designee.
11 d. The director of the department of elder
12 affairs, or the director's designee.
13 e. The dean of Des Moines university –
14 osteopathic medical center, or the dean's designee.
15 f. The dean of the university of Iowa college of
16 medicine, or the dean's designee.
17 g. The following members of the general assembly,
18 each for a term of two years:
19 (1) One member of the house of representatives
20 from each of the two major political parties,
21 appointed by the speaker of the house.
22 (2) One member of the senate from each of the two
23 major political parties, appointed by the president of
24 the senate, after consultation with the majority
25 leader and the minority leader of the senate.
26 3. a. An executive committee of the council is
27 created and shall consist of the following members of
28 the council:
29 (1) Five of the professional or business entity
30 members designated pursuant to subsection 2, paragraph
31 "a", and selected by the members specified under that
32 paragraph.
33 (2) Five of the public members appointed pursuant
34 to subsection 2, paragraph "b", and selected by the
35 members specified under that paragraph. Of the five

36 public members, at least one member shall be a
 37 recipient of medical assistance.
 38 (3) The director of public health, or the
 39 director's designee.
 40 b. The executive committee shall meet on a monthly
 41 basis. The director of public health shall serve as
 42 chairperson of the executive committee.
 43 c. Based upon the deliberations of the council and
 44 the executive committee, the executive committee shall
 45 make recommendations to the director regarding the
 46 budget, policy, and administration of the medical
 47 assistance program.
 48 4. For each council meeting, other than those held
 49 during the time the general assembly is in session,
 50 each legislative member of the council shall be

Page 4

1 reimbursed for actual travel and other necessary
 2 expenses and shall receive a per diem as specified in
 3 section 7E.6 for each day in attendance, as shall the
 4 members of the council or the executive committee who
 5 are recipients or the family members of recipients of
 6 medical assistance, regardless of whether the general
 7 assembly is in session.
 8 5. The department shall provide staff support and
 9 independent technical assistance to the council and
 10 the executive committee.
 11 6. The director shall consider the recommendations
 12 offered by the council and the executive committee in
 13 the director's preparation of medical assistance
 14 budget recommendations to the council on human
 15 services pursuant to section 217.3 and in
 16 implementation of medical assistance program policies.
 17 Sec. 4. Section 249A.34, subsection 1, paragraph
 18 h, Code 2005, is amended to read as follows:
 19 h. A representative of the medical assistance
 20 advisory council executive committee established
 21 pursuant to section ~~249A.4, subsection 8~~ 249A.4B."
 22 2. By renumbering as necessary.

Murphy of Dubuque offered the following amendment H-1518, to amendment H-1504, filed by him from the floor and moved its adoption:

H-1518

1 Amend the amendment, H-1504, to Senate File 272, as
 2 passed by the Senate, as follows:
 3 1. Page 3, by striking lines 19 through 21 and
 4 inserting the following:

5 "(1) Two members of the house of representatives,
6 one appointed by the speaker of the house and one
7 appointed by the minority leader of the house of
8 representatives from their respective parties."

Amendment H-1518 was adopted.

On motion by Tomenga of Polk, amendment H-1504, as amended, was adopted, placing out of order amendment H-1389 filed by Tomenga of Polk on April 18, 2005, amendment H-1471, previously deferred and filed by Carroll of Poweshiek on April 21, 2005 and amendment H-1490 filed by Murphy of Dubuque from the floor.

Tomenga 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. 272)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Dolecheck, Presiding

The nays were, none.

Absent or not voting and none.

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 272 and 395.**

HOUSE FILE 539 WITHDRAWN

Tomenga of Polk asked and received unanimous consent to withdraw House File 539 from further consideration by the House.

The House resumed consideration of **House File 866**, a bill for an act relating to a sales tax holiday for purchases of certain computers during certain times, previously deferred and found on page 1489 of the House Journal. (Amendment H-1485 pending)

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-1485 filed by Tymeson, Upmeyer of Hancock, Kaufmann of Cedar and Paulsen of Linn from the floor.

J.K. Van Fossen 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. 866)

The ayes were, 65:

Alons	Arnold	Baudler	Bell
Boal	Carroll	Chambers	Dandekar
De Boef	Dix	Drake	Eichhorn
Elgin	Ford	Freeman	Frevert
Gipp	Granzow	Greiner	Heaton
Hoffman	Horbach	Huseman	Huser
Hutter	Jacobs	Jenkins	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
Lykam	Maddox	May	McCarthy
Mertz	Olson, S.	Paulsen	Quirk

Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Shomshor	Soderberg	Struyk
Swaim	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wildurdyke	Wise
Dolecheck, Presiding			

The nays were, 35:

Anderson	Berry	Bukta	Cohoon
Davitt	Fallon	Foege	Gaskill
Heddens	Hogg	Hunter	Jacoby
Jochum	Kressig	Kuhn	Lensing
Mascher	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Petersen	Pettengill
Schickel	Shoultz	Smith	Taylor, D.
Taylor, T.	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	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

Gipp of Winneshiek asked and received unanimous consent that **House File 866** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Rayhons of Hancock called up for consideration **Senate File 206**, a bill for an act relating to deer population management and providing penalties and appropriations, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1536 to the House amendment:

H-1536

1 Amend the House amendment, S-3096, to Senate File
 2 206, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, line 3, by striking the figure "14."
 5 and inserting the following: "14, and inserting the
 6 following:
 7 "Sec. __. Section 170.1, subsection 4, Code 2005,

8 is amended to read as follows:

9 4. a. "Farm deer" means an animal belonging to
10 the cervidae family and classified as part of the dama
11 species of the dama genus, commonly referred to as
12 fallow deer; part of the elaphus species of the cervus
13 genus, commonly referred to as red deer or elk; part
14 of the virginianus species of the odocoileus genus,
15 commonly referred to as whitetail; part of the
16 hemionus species of the odocoileus genus, commonly
17 referred to as mule deer; or part of the nippon
18 species of the cervus genus, commonly referred to as
19 sika. ~~However, a farm deer~~

20 b. "Farm deer" does not include any unmarked free-
21 ranging elk, whitetail, or mule deer. "Farm deer"
22 also does not include preserve whitetail which are
23 kept on a hunting preserve as provided in chapter
24 484C.

25 Sec. __. NEW SECTION. 170.1A APPLICATION OF
26 CHAPTER.

27 1. A landowner shall not keep whitetail unless the
28 whitetail are kept as farm deer under this chapter or
29 kept as preserve whitetail on a hunting preserve
30 pursuant to chapter 484C.

31 2. This chapter authorizes the department of
32 agriculture and land stewardship to regulate whitetail
33 kept as farm deer. However, the department of natural
34 resources shall regulate preserve whitetail kept on a
35 hunting preserve pursuant to chapter 484C."

36 2. Page 1, by striking lines 5 through 12.

37 3. Page 1, by striking lines 35 and 36, and
38 inserting the following:

39 "__. Page 4, line 20, by inserting after the
40 word "land" the following: "~~not necessarily~~".

41 __. Page 4, by striking lines 23 and 24, and
42 inserting the following:

43 "(a) Are in tracts of two or more contiguous,
44 acres."

45 4. Page 2, by striking lines 24 through 27, and
46 inserting the following: "the special season."

47 5. Page 2, by inserting after line 45, the
48 following:

49 "__. Page 6, by inserting after line 35, the
50 following:

Page 2

1 "Sec. __. Section 484B.3, Code 2005, is amended
2 to read as follows:

3 484B.3 AUTHORITY OF THE DIRECTOR.

4 1. The director shall develop, administer, and
5 enforce hunting preserve programs and requirements
6 within the state which implement the provisions of

7 this chapter and the rules adopted by the commission
8 pursuant to this chapter.

9 2. The chapter does not apply to keeping farm deer
10 as defined in section 170.1 as regulated by the
11 department of agriculture and land stewardship
12 pursuant to chapter 170 or to preserve whitetail kept
13 on a hunting preserve as regulated by the department
14 of natural resources pursuant to chapter 484C.

15 Sec. __. NEW SECTION. 484C.1 DEFINITIONS.

16 As used in this chapter, unless the context
17 otherwise requires:

18 1. "Commission" means the natural resource
19 commission as created pursuant to section 455A.6.

20 2. "Department" means the department of natural
21 resources as created pursuant to section 455A.2.

22 3. "Documented event" includes but is not limited
23 to the birth, death, harvest, transfer for
24 consideration, or release of preserve whitetail.

25 4. "Fence" means a boundary fence which encloses
26 preserve whitetail within a landowner's property as
27 required to be constructed and maintained pursuant to
28 this chapter.

29 5. "Hunting preserve" means land where a landowner
30 keeps preserve whitetail as part of a business, if the
31 business's purpose is to provide persons with the
32 opportunity to hunt the preserve whitetail.

33 6. "Landowner" means a person who holds an
34 interest in land, including a titleholder.

35 7. "Preserve whitetail" means whitetail kept on a
36 hunting preserve.

37 8. "Whitetail" means an animal belonging to the
38 cervidae family and classified as part of the
39 virginianus species of the odocoileus genus.

40 Sec. __. NEW SECTION. 484C.2 APPLICATION OF
41 CHAPTER.

42 1. A landowner shall not keep whitetail unless the
43 whitetail are kept as preserve whitetail pursuant to
44 this chapter or as farm deer pursuant to chapter 170.

45 2. This chapter authorizes the department of
46 natural resources to regulate preserve whitetail.
47 However, the department of agriculture and land
48 stewardship shall regulate whitetail kept as farm deer
49 pursuant to chapter 170.

50 Sec. __. NEW SECTION. 484C.3 RULES.

Page 3

1 The department shall adopt rules pursuant to
2 chapter 17A as necessary to administer this chapter.

3 Sec. __. NEW SECTION. 484C.4 DEPARTMENTAL
4 PROGRAMS AND REQUIREMENTS.

5 The department shall develop, administer, and

6 enforce hunting preserve programs and requirements,
7 which implement the provisions of this chapter and
8 rules adopted by the department pursuant to section
9 484C.3, regarding fencing, recordkeeping, reporting,
10 and the tagging, transportation, testing, and
11 monitoring for disease of preserve whitetail.
12 Sec. . NEW SECTION. 484C.5 MINIMUM ENCLOSED
13 ACREAGE – EXCEPTIONS.

14 A hunting preserve must include at least three
15 hundred twenty contiguous acres which are enclosed by
16 a fence certified pursuant to section 484C.6.
17 However, the hunting preserve may include a fewer
18 number of enclosed acres if any of the following
19 applies:

20 1. The commission grants a waiver for the hunting
21 preserve according to terms and conditions required by
22 the commission. The hunting preserve must include at
23 least one hundred sixty contiguous acres.

24 2. a. The hunting preserve was operated as a
25 business on January 1, 2005.

26 b. If the hunting preserve operated as a business
27 on January 1, 2005, the landowner or the landowner's
28 successor in interest may sell or otherwise transfer
29 ownership of the hunting preserve to another person
30 who may continue to operate the hunting preserve in
31 the same manner as the landowner. However, this
32 paragraph shall not apply if the owner of the hunting
33 preserve or any successor in interest fails to
34 register with the department as provided in section
35 484C.7 for three or more consecutive years.

36 3. a. The hunting preserve was not operated as a
37 business on January 1, 2005, and all of the following
38 apply:

39 (1) The hunting preserve has at least one hundred
40 contiguous acres.

41 (2) The hunting preserve's fence is certified by
42 the department not later than September 1, 2005.

43 b. If the hunting preserve complies with paragraph
44 "a", the landowner or the landowner's successor in
45 interest may sell or otherwise transfer ownership of
46 the hunting preserve to another person who may
47 continue to operate the hunting preserve in the same
48 manner as the landowner. However, this paragraph
49 shall not apply if the owner of the hunting preserve
50 or any successor in interest fails to register with

Page 4

1 the department as provided in section 484C.7 for three
2 or more consecutive years.

3 Sec. . NEW SECTION. 484C.6 FENCING –
4 CERTIFICATION.

5 1. A fence required to enclose preserve whitetail
6 under section 484C.5 must be constructed and
7 maintained as prescribed by rules adopted by the
8 department and as certified by the department. The
9 fence shall be constructed and maintained to ensure
10 that the preserve whitetail are kept in the enclosure
11 and all other whitetail are excluded from the
12 enclosure.

13 2. A fence that was certified by the department of
14 agriculture and land stewardship pursuant to chapter
15 170 prior to the effective date of this Act shall be
16 certified by the department of natural resources.

17 3. A fence shall be at least eight feet in height
18 above ground level. The enclosure shall be posted
19 with signs as prescribed by rules adopted by the
20 department.

21 4. The department may require that the fence be
22 inspected and approved by the department prior to
23 certification. The department shall periodically
24 inspect the fence at any reasonable time by
25 appointment or by providing the landowner with at
26 least forty-eight hours' notice.

27 Sec. __. NEW SECTION. 484C.7 REGISTRATION AND
28 FEE.

29 A landowner who keeps preserve whitetail shall
30 annually register the landowner's hunting preserve
31 with the department by June 30. The landowner shall
32 pay the department a registration fee. The amount of
33 the registration fee shall not exceed three hundred
34 fifty dollars per fiscal year. The fee shall be
35 deposited into the state fish and game protection
36 fund.

37 Sec. __. NEW SECTION. 484C.8 REQUIREMENTS FOR
38 RELEASING WHITETAIL – PROPERTY INTERESTS.

39 A person shall not release whitetail kept as
40 preserve whitetail onto land unless the landowner
41 complies with all of the following:

42 1. The landowner must notify the department at
43 least thirty days prior to first releasing the
44 preserve whitetail on the land. The notice shall be
45 provided in a manner required by the department. The
46 notice must at least provide all of the following:
47 a. A statement verifying that the fence which
48 encloses the land is certified by the department
49 pursuant to section 484C.6.

50 b. The landowner's name.

Page 5

- 1 c. The location of the land enclosed by the fence.
- 2 2. The landowner shall cooperate with the
- 3 department to remove any whitetail from the enclosed

4 land. However, after the thirtieth day following
5 receipt of the notice, the state shall relinquish its
6 property interest in any remaining whitetail that the
7 landowner and the department were unable to remove
8 from the enclosed land. Any remaining whitetail
9 existing at that time on the enclosed land, and any
10 progeny of the whitetail, shall become preserve
11 whitetail and property of the landowner.

12 3. A hunting preserve may include whitetail which
13 were regulated as farm deer by the department of
14 agriculture and land stewardship pursuant to chapter
15 170 and transported to the hunting preserve. The
16 whitetail shall be considered farm deer until released
17 onto the hunting preserve. Once released onto the
18 hunting preserve, the whitetail and its progeny become
19 preserve whitetail and are subject to regulation by
20 the department of natural resources.

21 Sec. . NEW SECTION. 484C.9 DOCUMENTATION -
22 INSPECTIONS.

23 1. The department shall prepare forms for
24 documents, including records and reports, and provide
25 such forms to landowners in order to comply with this
26 section. The department shall provide procedures for
27 the receipt, filing, processing, and return of
28 documents in an electronic format. The department
29 shall provide for the authentication of the documents
30 that may include electronic signatures as provided in
31 chapter 554D. However, this subsection does not
32 require a landowner to complete or receive a document
33 in an electronic format.

34 2. A landowner who operates a hunting preserve
35 shall do all of the following:

36 a. Keep records as required by the department.
37 The records shall be open for inspection at any
38 reasonable time by the department.

39 b. File an annual report with the department on or
40 before June 30. The report shall describe the hunting
41 preserve operations during the preceding twelve
42 months. The original report shall be forwarded to the
43 department and a copy shall be retained in the hunting
44 preserve's file for three years from the date of
45 expiration of the landowner's last registration as
46 provided in section 484C.7.

47 c. Keep a record of a documented event as required
48 by the department. The record of the documented event
49 shall be entered in the annual report required in this
50 section. The record of the documented event shall be

Page 6

1 maintained by the landowner and submitted to the
2 department. The entry of the documented event shall

3 be made within twenty-four hours after its occurrence
4 as prescribed by departmental rule.

5 Sec. . **NEW SECTION.** 484C.10 TAKING PRESERVE
6 WHITETAIL – TRANSPORTATION TAGS.

7 The department shall provide transportation tags to
8 a landowner for use in identifying the carcass of
9 preserve whitetail.

10 1. The tags shall be used to designate all
11 preserve whitetail taken by persons on the hunting
12 preserve. A person taking the preserve whitetail
13 shall tag the preserve whitetail in accordance with
14 the rules adopted by the department.

15 2. The preserve whitetail taken on a hunting
16 preserve shall be tagged prior to being removed from
17 the hunting preserve.

18 3. A tag shall remain attached to the carcass of
19 the dead preserve whitetail until processed for
20 consumption. The person taking the preserve whitetail
21 shall be provided with a bill of sale by the
22 landowner. The bill of sale shall remain in the
23 possession of the person taking the preserve
24 whitetail.

25 4. Preserve whitetail tags issued to a hunting
26 preserve are not transferable.

27 Sec. . **NEW SECTION.** 484C.11 TAKING PRESERVE
28 WHITETAIL – PROCESSING.

29 If preserve whitetail have been taken, the
30 harvested preserve whitetail may be processed by the
31 hunting preserve as prescribed by rules adopted by the
32 department. The rules shall provide for the marking
33 and shipment of meat.

34 Sec. . **NEW SECTION.** 484C.12 HEALTH
35 REQUIREMENTS – CHRONIC WASTING DISEASE.

36 1. Preserve whitetail that are purchased,
37 propagated, confined, released, or sold by a hunting
38 preserve shall be free of diseases considered
39 reportable for wildlife, poultry, or livestock. The
40 department may provide for the quarantine of diseased
41 preserve whitetail that threaten the health of animal
42 populations.

43 2. The landowner, or the landowner's veterinarian,
44 and an epidemiologist designated by the department
45 shall develop a plan for eradicating a reportable
46 disease among the preserved whitetail population. The
47 plan shall be designed to reduce and then eliminate
48 the reportable disease, and to prevent the spread of
49 the disease to other animals. The plan must be
50 developed and signed within sixty days after a

Page 7

1 determination that the preserved whitetail population

2 is affected with the disease. The plan must address
3 population management and adhere to rules adopted by
4 the department. The plan must be formalized as a
5 memorandum of agreement executed by the landowner or
6 landowner's veterinarian and the epidemiologist. The
7 plan must be approved by the department.

8 Sec. __. NEW SECTION. 484C.13 PENALTIES.

9 1. A person who violates a provision of this
10 chapter or a rule adopted pursuant to this chapter is
11 guilty of a simple misdemeanor.

12 2. A landowner who keeps preserve whitetail and
13 who fails to register with the department as required
14 in section 484C.7 is subject to a civil penalty of not
15 more than two thousand five hundred dollars. The
16 civil penalty shall be deposited in the state fish and
17 game protection fund.

18 3. The department may suspend or revoke a fence
19 certification issued pursuant to section 484C.6 if the
20 department determines that a landowner has done any of
21 the following:

22 a. Provided false information to the department in
23 an application for fence certification pursuant to
24 section 484C.6.

25 b. Failed to provide access to the department for
26 an inspection as provided in this chapter.

27 c. Failed to maintain adequate records or to
28 submit timely reports as provided in section 484C.9.

29 d. Failed to maintain a fence enclosing the land
30 where preserve whitetail are kept as required by this
31 chapter. The department shall not suspend or revoke a
32 certification, if the landowner remedies each item as
33 provided in a notice of deficiency delivered to the
34 landowner by the department. The remedies shall be
35 completed within seven days from receipt of the
36 notice. The notice shall be hand delivered or sent by
37 certified mail."

38 __. Page 7, by inserting after line 1 the
39 following:

40 "Sec. __. DEPARTMENT OF AGRICULTURE AND LAND
41 STEWARDSHIP AND DEPARTMENT OF NATURAL RESOURCES -
42 JOINT STUDY AND RECOMMENDATIONS.

43 1. The department of agriculture and land
44 stewardship and the department of natural resources
45 shall conduct a joint study to consider issues
46 relating to keeping of whitetail farm deer pursuant to
47 Code chapter 170 and keeping preserve whitetail as
48 part of a hunting preserve pursuant to Code chapter
49 484C as enacted by this Act. As part of the study,
50 the departments shall consider all of the following:

Page 8

- 1 a. The fair and effective regulation of whitetail
 2 farm deer and preserve whitetail by the departments.
 3 b. Threats to whitetail farm deer, preserve
 4 whitetail, and state-owned whitetail caused by
 5 potential outbreaks of infectious diseases including
 6 but not limited to chronic wasting disease, and
 7 methods to cooperate in monitoring and controlling
 8 infectious diseases and obtaining federal moneys
 9 necessary to provide for the prevention and
 10 suppression of infectious diseases.
 11 2. The departments shall jointly report the
 12 results of the study, including findings and
 13 recommendations, to the government oversight
 14 committees by November 2005 as required by the
 15 committees.
 16 Sec. __. DEPARTMENT OF NATURAL RESOURCES AND
 17 HUNTING PRESERVE INDUSTRY – JOINT STUDY AND
 18 RECOMMENDATIONS.
 19 1. A preserve whitetail committee is established.
 20 The committee shall be composed of the following:
 21 a. Not more than five persons appointed by the
 22 governor who shall be members of the Iowa whitetail
 23 deer association.
 24 b. Not more than five persons appointed by the
 25 director of the department of natural resources who
 26 shall be knowledgeable regarding hunting preserves.
 27 2. The committee shall develop recommendations for
 28 industry standards and guidelines to be used by the
 29 natural resource commission when considering the
 30 granting of waivers for minimum acreage requirements
 31 for hunting preserves as provided in section 484C.5 as
 32 enacted in this Act.
 33 3. The committee shall submit the recommendations
 34 required in this section to the natural resource
 35 commission by January 1, 2006."
 36 6. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and Whitaker of Van Buren.

On the question "Shall the House concur in the Senate amendment H-1536?" (S.F. 206)

The ayes were, 56:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Bukta	Carroll
Chambers	Davitt	Elgin	Freeman

Gipp	Granzow	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Hutter	Jacobs	Jenkins	Jochum
Jones	Kaufmann	Lalk	Lensing
Lykam	Maddox	Mascher	May
Murphy	Oldson	Olson, S.	Paulsen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Roberts	Schickel	Shomshor	Shoultz
Smith	Soderberg	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Watts
Wendt	Whitead	Wilderdyke	Dolecheck, Presiding

The nays were, 40:

Berry	Cohoon	Dandekar	De Boef
Dix	Drake	Eichhorn	Fallon
Foege	Ford	Frevert	Gaskill
Heaton	Huser	Jacoby	Kressig
Kuhn	Kurtenbach	McCarthy	Mertz
Miller	Olson, D.	Olson, R.	Petersen
Pettengill	Quirk	Reasoner	Reichert
Schueller	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Van Fossen, J.R.	Wessel-Kroeschell
Whitaker	Winckler	Wise	Zirkelbach

Absent or not voting, 4:

Greiner	Lukan	Sands	Van Fossen, J.K.
---------	-------	-------	------------------

The motion prevailed and the House concurred in the Senate amendment H-1536, to the House amendment.

Rayhons of Hancock 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. 206)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens

Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Dolecheck, Presiding			

The nays were, 3:

Frevert	Mertz	Quirk
---------	-------	-------

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

Gipp of Winneshiek asked and received unanimous consent that **Senate File 206** 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 26th day of April, 2005: House Files 310, 312, 476, 585, 587, 607 and 748.

MARGARET A. THOMSON
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.

MARGARET A. THOMSON
Chief Clerk of the House

- 2005\1331 Virg and Pat Jaques, Iowa Falls – For celebrating their 50th wedding anniversary.
- 2005\1332 Ivan “Smity” Smith, Iowa Falls – For celebrating his 85th birthday.
- 2005\1333 Elsie Johnson, Exira – For celebrating her 95th birthday.
- 2005\1334 Edith Martin, Exira – For celebrating her 95th birthday.
- 2005\1335 Gertrude Van Zanten, Rock Valley – For celebrating her 100th birthday.
- 2005\1336 Fanny Ten Haken, Hull – For celebrating her 99th birthday.
- 2005\1337 Eugene and Marian Nichols, Spirit Lake – For celebrating their 50th wedding anniversary.
- 2005\1338 Kyle Sturm, Clarinda – For attaining the rank of the Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1339 Doris Sandquist, Shenandoah – For celebrating her 80th birthday.
- 2005\1340 Grace Adams, Calarinda – For celebrating her 90th birthday.
- 2005\1341 Sally Barnes, Braddyville – For celebrating her 80th birthday.
- 2005\1342 LaWayne Weinard, West Liberty – For celebrating his 80th birthday.
- 2005\1343 Wilma LaCoste, Mason City – For celebrating her 90th birthday.
- 2005\1344 Florence Luecht, Mason City – For celebrating her 90th birthday.
- 2005\1345 Frieda Udelhofen, Mason City – For celebrating her 90th birthday.
- 2005\1346 Mary Paulus, Mason City – For celebrating her 80th birthday.
- 2005\1347 Alma O’Donnell, Nevada – For celebrating her 85th birthday.
- 2005\1348 John and Lucille Jacobson, McCallsburg – For celebrating their 50th wedding anniversary.

- 2005\1349 Alice Larkin, Cambridge – For celebrating her 90th birthday.
- 2005\1350 Dale Pyle, Maxwell – For celebrating his 85th birthday.
- 2005\1351 Louie and Carol Koeneke, Nevada – For celebrating their 50th wedding anniversary.
- 2005\1352 Iowa State University, College of Veterinary Medicine, Ames – For celebrating its 125th anniversary.
- 2005\1353 Magdalen Frost, Gilbertville – For celebrating her 85th birthday.
- 2005\1354 Madeline Kerns, Fairbank – For celebrating her 80th birthday.
- 2005\1355 Robert (Bob) Donovan, Brandon – For celebrating his 80th birthday.
- 2005\1356 Junior McBride, La Porte City – For celebrating his 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.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON EDUCATION

House File 873, a bill for an act relating to recommendations of the education subcommittee of the governor's committee on local governance by providing for the development of a school sharing and efficiencies in operations process, the referral of certain issues to legislative standing committees for further review and consideration, and a study by the department of education concerning certain barriers to effective structure and delivery models that promote optimum student achievement.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1513** April 26, 2005.

COMMITTEE ON WAYS AND MEANS

Senate File 389, a bill for an act providing individual and corporate income tax credits for soy-based cutting tool oil and including an applicability date provision.

Fiscal Note is not required.

Recommended **Do Pass** April 25, 2005.

Senate File 404, a bill for an act providing for county eligibility for state payment of property tax relief moneys and allowed growth funding for mental health, mental retardation, and developmental disabilities services and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** April 25, 2005.

Committee Bill (Formerly House File 714), establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

Fiscal Note is not required.

Recommended **Do Pass** April 25, 2005.

Committee Bill (Formerly House File 725), relating to the regulation of snowmobiles, establishing fees, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 25, 2005.

Committee Bill (Formerly House File 785), relating to mental health, mental retardation, developmental disabilities, and brain injury service requirements and including an effective and applicability date.

Fiscal Note is not required.

Recommended **Do Pass** April 25, 2005.

Committee Bill (Formerly House File 815), relating to the disposition of certain real estate transfer tax receipts by the treasurer of state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 25, 2005.

Committee Bill (Formerly House Study Bill 301), relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 25, 2005.

RESOLUTION FILED

HR 51, by Ford, a resolution urging Congress to take action to renew certain portions of the Voting Rights Act of 1965.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1486	H.F.	868	Reichert of Muscatine
Miller of Webster			Berry of Black Hawk
Winckler of Scott			Lensing of Johnson
Schueller of Jackson			Ford of Polk
H—1491	H.F.	848	Paulsen of Linn
H—1492	H.F.	848	Heaton of Henry
H—1506	H.F.	874	Baudler of Adair
H—1508	H.F.	868	Frevert of Palo Alto
H—1510	H.F.	848	Berry of Black Hawk
Ford of Polk			Hogg of Linn
Jochum of Dubuque			Lykam of Scott
Miller of Webster			Heddens of Story
Hunter of Polk			Kressig of Black Hawk
Lensing of Johnson			Schueller of Jackson
Wendt of Woodbury			Winckler of Scott
Thomas of Clayton			Wessel-Kroeschell of Story
H—1513	H.F.	873	Committee on Education
H—1514	H.F.	848	Rayhons of Hancock
H—1515	H.F.	848	Rayhons of Hancock
H—1519	H.F.	848	Hogg of Linn
H—1526	H.F.	868	Ford of Polk
H—1527	H.F.	874	Mertz of Kossuth
			Drake of Pottawattamie
H—1528	H.F.	874	Mertz of Kossuth
H—1529	H.F.	874	Mertz of Kossuth
H—1530	H.F.	874	Mertz of Kossuth
H—1531	H.F.	874	Mertz of Kossuth
H—1532	S.F.	220	Wilderdyke of Harrison
H—1534	H.F.	868	Zirkelbach of Jones
H—1535	H.F.	805	Senate Amendment
H—1537	H.F.	874	Zirkelbach of Jones
H—1538	H.F.	868	Hoffman of Crawford
			Thomas of Clayton

On motion by Gipp of Winneshiek the House adjourned at 6:30 p.m., until 8:45 a.m., Wednesday, April 27, 2005.

JOURNAL OF THE HOUSE

One Hundred Eighth Calendar Day - Seventy-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 27, 2005

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Alan Hatner, pastor of St. James Lutheran Church, Victor. He was the guest of Representative Betty De Boef from Keokuk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, April 26, 2005 was approved.

On motion by Jacobs of Polk, the House was recessed at 8:52 a.m., until the conclusion of the committee on appropriations.

MORNING SESSION

The House reconvened at 11:14 a.m., Roberts of Carroll 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 27, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 540, a bill for an act relating to reports of traffic accidents involving certified law enforcement officers.

Also: That the Senate has on April 14, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 646, a bill for an act concerning social and charitable gambling, including the regulation of cash raffles at fairs, prohibiting raffles at annual game nights, establishing a permanent electrical and mechanical amusement devices special

fund and providing an appropriation, prohibiting certain electrical or mechanical amusement devices and bona fide contests, and providing for the denial, suspension, and revocation of certain gambling licenses by the department of inspections and appeals.

Also: That the Senate has on April 14, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 809, a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board and related matters.

Also: That the Senate has on April 26, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 840, a bill for an act authorizing the rebate of state sales tax to the owner or operator of a sanctioned automobile racetrack facility.

Also: That the Senate has on April 27, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 857, a bill for an act relating to eligible housing businesses under the enterprise zone program.

MICHAEL E. MARSHALL, Secretary

On motion by Gipp of Winneshiek, the House was recessed at 11:15 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:11 p.m., Roberts of Carroll in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-one members present, nineteen absent.

SPECIAL PRESENTATION

Berry of Black Hawk introduced Steven Scott, the Director of "Prevent Child Abuse of Iowa" who briefly addressed the House regarding the status of preventing child abuse of Iowa.

ADOPTION OF HOUSE RESOLUTION 47

Berry of Black Hawk called up for consideration **House Resolution 47**, a house resolution proclaiming April 2005 as Child Abuse Prevention Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Paulsen of Linn called up for consideration **House File 716**, a bill for an act relating to the military division and the homeland security and emergency management division of the department of public defense concerning the activation and use of the civil air patrol, the authority of the adjutant general to enter into interstate agreements for use of national guard personnel, and the use of the national incident management system for state emergencies, amended by the Senate amendment H-1359 as follows:

H-1359

- 1 Amend House File 716, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 19, by inserting after the figure
- 4 "29A.3A" the following: "subject to the terms of
- 5 joint services agreements executed pursuant to chapter
- 6 28E".

Paulsen of Linn offered the following amendment H-1477, to the Senate amendment H-1359, filed by him and Quirk of Chickasaw and moved its adoption:

H-1477

- 1 Amend the Senate amendment, H-1359, to House File
- 2 716, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 4 through 6 and
- 5 inserting the following: ""29A.3A" the following:
- 6 "in 'accordance with operational and funding criteria
- 7 developed with the adjutant general and coordinated
- 8 with the civil air patrol"."

Amendment H-1477 was adopted.

On motion by Paulsen of Linn the House concurred in the Senate amendment H-1359, as amended.

Paulsen of Linn 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. 716)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyeke
Winckler	Wise	Zirkelbach	Roberts, 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 AMENDMENT CONSIDERED

Paulsen of Linn called up for consideration **House File 374**, a bill for an act relating to veterans by providing for the compensation of members of a county commission of veteran affairs, providing for the issuance of combined hunting and fishing licenses to certain veterans, establishing a hepatitis C awareness program for veterans, concerning funds in an account for a state veterans cemetery, and providing an effective date, amended by the Senate amendment H-1437 as follows:

H-1437

1 Amend House File 374, 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. Section 7E.5, subsection 1, paragraph
6 v, Code 2005, is amended to read as follows:

7 v. The department of veterans affairs. However,
8 the commission of veterans affairs, which has creatd
9 in section 35A.2 shall have primary responsibility for
10 state veterans affairs.

11 Sec. 2. Section 35.1, subsection 1, Code 2005, is
12 amended to read as follows:

13 1. "~~Commission~~" "Department" means the ~~commission~~
14 Iowa department of veterans affairs created in section
15 ~~35A.2~~ 35A.4.

16 Sec. 3. Section 35.1, subsection 2, paragraph b,
17 subparagraphs (1) and (2), Code 2005, are amended to
18 read as follows:

19 (1) Former members of the reserve forces of the
20 United States who served at least twenty years in the
21 reserve forces ~~after January 28, 1973~~, and who were
22 discharged under honorable conditions. However, a
23 member of the reserve forces of the United States who
24 completed a minimum aggregate of ninety days of active
25 federal service, other than training, and was
26 discharged under honorable conditions, or was retired
27 under Title X of the United States Code shall be
28 included as a veteran.

29 (2) Former members of the Iowa national guard who
30 served at least twenty years in the Iowa national
31 guard ~~after January 28, 1973~~, and who were discharged
32 under honorable conditions. However, a member of the
33 Iowa national guard who was activated for federal
34 duty, other than training, for a minimum aggregate of
35 ninety days, and was discharged under honorable
36 conditions or was retired under Title X of the United
37 States Code shall be included as a veteran.

38 Sec. 4. Section 35.1, subsection 2, paragraph b,
39 Code 2005, is amended by adding the following new
40 subparagraphs:
41 NEW SUBPARAGRAPH. (6) Members of the reserve
42 forces of the United States who have served at least
43 twenty years in the reserve forces and who continue to
44 serve in the reserve forces.
45 NEW SUBPARAGRAPH. (7) Members of the Iowa
46 national guard who have served at least twenty years
47 in the Iowa national guard and who continue to serve
48 in the Iowa national guard.
49 Sec. 5. NEW SECTION. 35.2 PROOF OF VETERAN
50 STATUS FOR CERTAIN VETERANS.

Page 2

1 In order to fulfill any eligibility requirements
2 under Iowa law pertaining to veteran status, a veteran
3 described in section 35.1, subsection 2, paragraph
4 "b", subparagraph (6) or (7), shall submit the
5 veteran's retirement points accounting statement
6 issued by the armed forces of the United States, the
7 state adjutant general, or the adjutant general of any
8 other state, to confirm that the person has completed
9 twenty years of service with the reserve forces or the
10 national guard.

11 Sec. 6. Section 35.8, Code 2005, is amended to
12 read as follows:

13 35.8 WAR ORPHANS EDUCATIONAL AID FUND.

14 A war orphans educational aid fund is created as a
15 separate fund in the state treasury under the control
16 of the ~~commission~~ department of veterans affairs. Any
17 money appropriated for the purpose of aiding in the
18 education of orphaned children of veterans, as defined
19 in section 35.1, shall be deposited in the war orphans
20 educational aid fund.

21 Sec. 7. Section 35.9, unnumbered paragraph 1, Code
22 2005, is amended to read as follows:

23 The ~~commission~~ department of veterans affairs may
24 expend not more than six hundred dollars per year for
25 any one child who has lived in the state of Iowa for
26 two years preceding application for aid, and who is
27 the child of a person who died during active federal
28 military service while serving in the armed forces or
29 during active federal military service in the Iowa
30 national guard or other military component of the
31 United States, to defray the expenses of tuition,
32 matriculation, laboratory and similar fees, books and
33 supplies, board, lodging, and any other reasonably
34 necessary expense for the child or children incident
35 to attendance in this state at an educational or
36 training institution of college grade, or in a

37 business or vocational training school with standards
38 approved by the ~~commission~~ department of veterans
39 affairs.

40 Sec. 8. Section 35.10, Code 2005, is amended to
41 read as follows:

42 35.10 ELIGIBILITY AND PAYMENT OF AID.

43 Eligibility for aid shall be determined upon
44 application to the ~~commission~~ department of veterans
45 affairs, whose decision is final. The eligibility of
46 eligible applicants shall be certified by the
47 ~~commission~~ department of veterans affairs to the
48 director of the department of administrative services,
49 and all amounts that are or become due to an
50 individual or a training institution under this

Page 3

1 chapter shall be paid to the individual or institution
2 by the director of the department of administrative
3 services upon receipt by the director of certification
4 by the president or governing board of the educational
5 or training institution as to accuracy of charges
6 made, and as to the attendance of the individual at
7 the educational or training institution. The
8 ~~commission~~ department of veterans affairs may pay over
9 the annual sum of four hundred dollars to the
10 educational or training institution in a lump sum, or
11 in installments as the circumstances warrant, upon
12 receiving from the institution such written
13 undertaking as the ~~commission~~ department may require
14 to assure the use of funds for the child for the
15 authorized purposes and for no other purpose. A
16 person is not eligible for the benefits of this
17 chapter until the person has graduated from a high
18 school or educational institution offering a course of
19 training equivalent to high school training.

20 Sec. 9. Section 35A.1, Code 2005, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 3A. "Department" means the Iowa
23 department of veterans affairs established in section
24 35A.4.

25 Sec. 10. Section 35A.3, subsections 2 and 3, Code
26 2005, are amended to read as follows:

27 2. Adopt rules pursuant to chapter 17A and
28 establish policy for the management and operation of
29 the ~~department and the~~ commission.

30 3. Prescribe the duties of an executive director
31 ~~and other employees as the commission shall deem~~
32 ~~necessary to carry out the duties of the commission.~~

33 Sec. 11. Section 35A.3, subsections 5, 6, 7, 8, 9,
34 10, 11, 12, and 14, Code 2005, are amended by striking
35 the subsections.

36 Sec. 12. NEW SECTION. 35A.4 DEPARTMENT
37 ESTABLISHED.

38 There is established an Iowa department of veterans
39 affairs which shall consist of a commission, an
40 executive director, and any additional personnel as
41 employed by the executive director.

42 Sec. 13. NEW SECTION. 35A.5 DUTIES OF THE
43 DEPARTMENT.

44 The department shall do all of the following:

- 45 1. Maintain information and data concerning the
46 military service records of Iowa veterans.
- 47 2. Assist county veteran affairs commissions
48 established pursuant to chapter 35B. The department
49 shall provide to county commissions suggested uniform
50 benefits and administrative procedures for carrying

Page 4

1 out the functions and duties of the county
2 commissions.

3 3. Permanently maintain the records including
4 certified records of bonus applications for awards
5 paid from the war orphans educational fund under
6 chapter 35.

7 4. Collect and maintain information concerning
8 veterans affairs.

9 5. Conduct two service schools each year for the
10 Iowa association of county commissioners and executive
11 directors.

12 6. Assist the United States veterans
13 administration, the Iowa veterans home, funeral
14 directors, and federally chartered veterans service
15 organizations in providing information concerning
16 veterans service records and veterans affairs data.

17 7. Maintain alphabetically a permanent registry of
18 the graves of all persons who served in the military
19 or naval forces of the United States in time of war
20 and whose mortal remains rest in Iowa.

21 8. Provide training to executive directors of
22 county commissions of veteran affairs pursuant to
23 section 35B.6. The commission may adopt rules in
24 accordance with chapter 17A to provide for training of
25 county veteran affairs executive directors.

26 9. Establish and operate a state veterans cemetery
27 and make application to the government of the United
28 States or any subdivision, agency, or instrumentality
29 thereof, for funds for the purpose of establishing
30 such a cemetery. The state may enter into agreements
31 with any subdivision of the state for assistance in
32 operating the cemetery. The state shall own the land
33 on which the cemetery is located. The department
34 shall have the authority to accept federal grant

35 funds, funding from state subdivisions, donations from
36 private sources, and federal "plot allowance"
37 payments. All such funds shall be deposited into an
38 account dedicated to the establishment, operation, and
39 maintenance of a veterans cemetery and these funds
40 shall be expended only for those purposes. The
41 department through the director shall have the
42 authority to accept suitable cemetery land, in
43 accordance with federal veterans cemetery grant
44 guidelines, from the federal government, state
45 government, state subdivisions, private sources, and
46 any other source wishing to transfer land for use as a
47 veterans cemetery. Notwithstanding section 8.33, any
48 moneys in the account for a state veterans cemetery
49 shall not revert and, notwithstanding section 12C.7,
50 subsection 2, interest or earnings on moneys deposited

Page 5

1 in the fund shall be credited to the account.
2 10. Carry out the policies of the department.
3 Sec. 14. Section 35A.8, subsections 1 and 3, Code
4 2005, are amended to read as follows:
5 1. The governor shall appoint an executive
6 director, subject to confirmation by the senate, who
7 shall serve at the pleasure of the governor. The
8 executive director is responsible for administering
9 the duties of the department and the commission other
10 than those related to the Iowa veterans home.
11 3. Except for the employment duties and
12 responsibilities assigned to the commandant for the
13 Iowa veterans home, the executive director shall
14 employ such personnel as are necessary for the
15 performance of the duties and responsibilities
16 assigned to the department and the commission. All
17 employees shall be selected on a basis of fitness for
18 the work to be performed with due regard to training
19 and experience and shall be subject to the provisions
20 of chapter 8A, subchapter IV.
21 Sec. 15. Section 35A.9, subsections 1 and 2, Code
22 2005, are amended to read as follows:
23 1. The executive director, commandant, and
24 employees of the commission department and the Iowa
25 veterans home are entitled to receive, in addition to
26 salary, reimbursement for actual expenses incurred
27 while engaged in the performance of official duties.
28 2. All out-of-state travel by commissioners, the
29 executive director, the commandant, or employees of
30 the commission department or the Iowa veterans home
31 shall be approved by the chairperson of the
32 commission.
33 Sec. 16. Section 35B.5, Code 2005, is amended to

34 read as follows:

35 35B.5 COMPENSATION.

36 A member of the commission shall receive twenty-
37 five dollars or a greater amount as established by the
38 board of supervisors for each month during which the
39 member attends one or more commission meetings and
40 shall be reimbursed for mileage the same as a member
41 of the board of supervisors. Compensation and mileage
42 shall be paid out of the appropriation authorized in
43 section 35B.14.

44 Sec. 17. Section 35B.6, subsection 1, paragraph b,
45 Code 2005, is amended to read as follows:

46 b. Upon the employment of an executive director,
47 the executive director shall complete a course of
48 initial training provided by the ~~commission~~ department
49 of veterans affairs pursuant to section ~~35A.3~~ 35A.5.
50 If an executive director is not appointed, a

Page 6

1 commissioner or a clerical assistant shall complete
2 the course of training. The ~~commission~~ department
3 shall issue the executive director, commissioner, or
4 clerical assistant a certificate of training after
5 completion of the initial training course. To
6 maintain annual certification, the executive director,
7 commissioner, or clerical assistant shall attend one
8 ~~commission~~ department training course each year.
9 Failure to maintain certification may be cause for
10 removal from office. The expenses of training shall
11 be paid from the appropriation authorized in section
12 35B.14.

13 Sec. 18. Section 35B.11, Code 2005, is amended to
14 read as follows:

15 35B.11 DATA FURNISHED STATE COMMISSION IOWA
16 DEPARTMENT OF VETERANS AFFAIRS.

17 The commission of veteran affairs of each county
18 shall provide information to the ~~state commission~~
19 department of veterans affairs as the ~~state commission~~
20 department may request.

21 Sec. 19. Section 35B.19, Code 2005, is amended to
22 read as follows:

23 35B.19 BURIAL RECORDS.

24 The county commission of veteran affairs shall be
25 charged with securing the information requested by the
26 ~~commission~~ department of veterans affairs of every
27 person having a military service record and buried in
28 that county. Such information shall be secured from
29 the undertaker in charge of the burial and shall be
30 transmitted by the undertaker to the commission of
31 veteran affairs of the county where burial is made.
32 This information shall be recorded alphabetically and

33 by description of location in the cemetery where the
 34 veteran is buried. This recording shall conform to
 35 the directives of the ~~state commission~~ department of
 36 veterans affairs and shall be kept in a book by the
 37 county commission.

38 Sec. 20. Section 36.1, subsection 3, Code 2005, is
 39 amended to read as follows:

40 3. "Commission" means the commission of veterans
 41 affairs established in section 35A.2.

42 Sec. 21. Section 36.1, Code 2005, is amended by
 43 adding the following new subsection:

44 NEW SUBSECTION. 3A. "Department" means the
 45 department of veterans affairs established in section
 46 35A.4.

47 Sec. 22. Section 36.2, Code 2005, is amended to
 48 read as follows:

49 36.2 CHEMICAL EXPOSURE REPORT TO COMMISSION
 50 DEPARTMENT.

Page 7

1 A licensed physician, as defined in section 135.1,
 2 subsection 4, who treats a veteran the physician
 3 believes may have been exposed to chemicals while
 4 serving in the armed forces of the United States shall
 5 submit a report indicating that information to the
 6 ~~commission~~ department at the request of the veteran
 7 pursuant to section 36.3.

8 Sec. 23. Section 36.3, Code 2005, is amended to
 9 read as follows:

10 36.3 DUTIES OF THE COMMISSION DEPARTMENT.

11 The ~~commission~~ department shall:

12 1. Provide the forms for the reports required in
 13 section 36.2. The report form shall require the
 14 doctor to provide all of the following:

- 15 a. Symptoms of the veteran which may be related to
- 16 exposure to chemicals.
- 17 b. Diagnosis of the veteran.
- 18 c. Methods of treatment prescribed.

19 2. Annually compile and evaluate the information
 20 submitted in the reports pursuant to subsection 1, in
 21 consultation and cooperation with a certified medical
 22 toxicologist selected by the ~~commission~~ department.
 23 The ~~commission~~ department shall submit the report to
 24 the governor, the general assembly, and the United
 25 States veterans' administration. The report shall
 26 include current research data on the effects of
 27 exposure to chemicals, statistical information
 28 received from individual physicians' reports, and
 29 statistical information from the epidemiological
 30 investigations pursuant to subsection 3.

31 3. Conduct epidemiological investigations of

32 veterans who have cancer or other medical problems or
33 who have children born with birth defects associated
34 with exposure to chemicals, in consultation and
35 cooperation with a certified medical toxicologist
36 selected by the ~~commission~~ department. The ~~commission~~
37 department shall obtain consent from a veteran before
38 conducting the investigations.

39 The ~~commission~~ department shall cooperate with
40 local and state agencies during the course of an
41 investigation.

42 Sec. 24. Section 36.4, unnumbered paragraph 1,
43 Code 2005, is amended to read as follows:

44 The ~~commission~~ department shall not identify a
45 veteran consenting to the epidemiological
46 investigations pursuant to section 36.3, subsection 3,
47 unless the veteran consents to the release of
48 identity. The statistical information compiled by the
49 ~~commission~~ department pursuant to section 36.3 is a
50 public record.

Page 8

1 Sec. 25. Section 36.6, unnumbered paragraph 1,
2 Code 2005, is amended to read as follows:

3 The ~~commission~~ department and appropriate medical
4 facilities at the state university of Iowa under the
5 control of the state board of regents shall institute
6 a cooperative program to:

7 Sec. 26. Section 36.7, Code 2005, is amended to
8 read as follows:

9 **36.7 FEDERAL PROGRAM.**

10 If the ~~commission~~ department or the general
11 assembly determines that an agency of the federal
12 government or the state of Iowa is providing the
13 referral and genetic services pursuant to section
14 36.6, the ~~commission~~ department or the general
15 assembly by specific action may discontinue all or
16 part of the services and requirements in this chapter.

17 Sec. 27. **NEW SECTION. 135.20 HEPATITIS C**
18 **AWARENESS PROGRAM – VETERANS – VACCINATIONS.**

19 1. The department shall establish and administer a
20 hepatitis C awareness program. The goal of the
21 program shall be to distribute information to veterans
22 regarding the higher incidence of hepatitis C exposure
23 and infection among veterans, the dangers presented by
24 the disease, and contacts for additional information
25 and referrals. For purposes of this section,
26 "veteran" means an individual meeting the definition
27 contained in section 35.1.

28 2. The information to be distributed shall be
29 determined by the department by rule, in consultation
30 with the commission of veterans affairs. The

31 information shall, at a minimum, contain statements
32 indicating that:
33 a. The federal department of veterans affairs
34 estimates a hepatitis C infection rate in veterans
35 more than three times higher than for the general
36 population.
37 b. The infection rate for Vietnam veterans is
38 estimated to be even higher than for other veterans
39 groups.
40 c. The disease is caused by a bloodborne virus
41 readily transmitted during combat and combat-related
42 emergency medical treatment.
43 d. Many veterans currently carrying the virus were
44 infected prior to the development of medical screening
45 tests.
46 e. The hepatitis C virus often resolves into a
47 chronic infection without symptoms for ten to thirty
48 years before signs of resultant liver disease appear.
49 f. This unusually long latency period makes it
50 difficult to connect current symptoms with an

Page 9

1 infection that may have actually been contracted
2 during military service decades ago.
3 The information shall also present treatment
4 options and shall specify a procedure to be followed
5 for veterans desiring a medical consultation for
6 screening and treatment purposes. The department
7 shall cooperate with the state commission of veterans
8 affairs regarding distribution of the information to
9 the veterans home, the county commissions of veteran
10 affairs, veterans hospitals, and other appropriate
11 points of distribution.
12 Sec. 28. Section 135C.31A, Code 2005, is amended
13 to read as follows:
14 135C.31A ASSESSMENT OF RESIDENTS – PROGRAM
15 ELIGIBILITY.
16 Beginning July 1, 2003, a health care facility
17 receiving reimbursement through the medical assistance
18 program under chapter 249A shall assist the Iowa
19 ~~commission~~ department of veterans affairs in
20 identifying, upon admission of a resident, the
21 resident's eligibility for benefits through the
22 federal department of veterans affairs. The health
23 care facility shall also assist the Iowa ~~commission~~
24 department of veterans affairs in determining such
25 eligibility for residents residing in the facility on
26 July 1, 2003. The department of inspections and
27 appeals, in cooperation with the department of human
28 services, shall adopt rules to administer this
29 section, including a provision that ensures that if a

30 resident is eligible for benefits through the federal
31 department of veterans affairs or other third-party
32 payor, the payor of last resort for reimbursement of
33 the health care facility is the medical assistance
34 program. This section shall not apply to the
35 admission of an individual to a state mental health
36 institute for acute psychiatric care or to the
37 admission of an individual to the Iowa veterans home.
38 Sec. 29. Section 256.9, subsection 48, Code 2005,
39 is amended to read as follows:
40 48. Develop and administer, with the cooperation
41 of the ~~commission~~ department of veterans affairs, a
42 program which shall be known as operation recognition.
43 The purpose of the program is to award high school
44 diplomas to veterans of World War I, World War II, and
45 the Korean and Vietnam conflicts who left high school
46 prior to graduation to enter United States military
47 service. The department of education and the
48 ~~commission~~ department of veterans affairs shall
49 jointly develop an application procedure, distribute
50 applications, and publicize the program to school

Page 10

1 districts, accredited nonpublic schools, county
2 commissions of veteran affairs, veterans
3 organizations, and state, regional, and local media.
4 All honorably discharged veterans who are residents or
5 former residents of the state; who served at any time
6 between April 6, 1917, and November 11, 1918, at any
7 time between September 16, 1940, and December 31,
8 1946, at any time between June 25, 1950, and January
9 31, 1955, or at any time between February 28, 1961,
10 and May 5, 1975, all dates inclusive; and who did not
11 return to school and complete their education after
12 the war or conflict shall be eligible to receive a
13 diploma. Diplomas may be issued posthumously. Upon
14 approval of an application, the department shall issue
15 an honorary high school diploma for an eligible
16 veteran. The diploma shall indicate the veteran's
17 school of attendance. The department of education and
18 the ~~commission~~ department of veterans affairs shall
19 work together to provide school districts, schools,
20 communities, and county commissions of veteran affairs
21 with information about hosting a diploma ceremony on
22 or around Veterans Day. The diploma shall be mailed
23 to the veteran or, if the veteran is deceased, to the
24 veteran's family.
25 Sec. 30. Section 303.2, subsection 2, paragraph k,
26 Code 2005, is amended to read as follows:
27 k. Administer, preserve, and interpret the battle
28 flag collection assembled by the state in consultation

29 and coordination with the ~~commission~~ department of
30 veterans affairs and the department of administrative
31 services. A portion of the battle flag collection
32 shall be on display at the state capitol and the state
33 historical building at all times, unless on loan
34 approved by the department of cultural affairs.

35 Sec. 31. Section 331.608, subsection 6, paragraph
36 e, Code 2005, is amended to read as follows:

37 e. When otherwise required by a department or
38 agency of the federal or state government or a
39 political subdivision. The recorder shall make these
40 records available to the ~~commission~~ department of
41 veterans affairs. The ~~commission~~ department of
42 veterans affairs and its employees shall be subject to
43 the same state and federal confidentiality
44 restrictions and requirements that are imposed on the
45 recorder.

46 Sec. 32. Section 426A.13, unnumbered paragraphs 1
47 through 3, Code 2005, are amended to read as follows:

48 A person named in section 426A.11, who is a
49 resident of and domiciled in the state of Iowa, shall
50 receive a reduction equal to the exemption, to be made

Page 11

1 from any property owned by the person or owned by a
2 family farm corporation of which the person is a
3 shareholder and who occupies the property and so
4 designated by proceeding as provided in the section.
5 To be eligible to receive the exemption the person
6 claiming it shall have recorded in the office of the
7 county recorder of the county in which is located the
8 property designated for the exemption, evidence of
9 property ownership by that person or the family farm
10 corporation of which the person is a shareholder and
11 the military certificate of satisfactory service,
12 order transferring to inactive status, reserve,
13 retirement, order of separation from service,
14 honorable discharge or a copy of any of these
15 documents of the person claiming or through whom is
16 claimed the exemption. In the case of a person
17 claiming the exemption as a veteran described in
18 section 35.1, subsection 2, paragraph "b",
19 subparagraph (6) or (7), the person shall file the
20 statement required by section 35.2.

21 The person shall file with the appropriate assessor
22 on forms obtained from the assessor the claim for
23 exemption for the year for which the person is first
24 claiming the exemption. The claim shall be filed not
25 later than July 1 of the year for which the person is
26 claiming the exemption. The claim shall set out the
27 fact that the person is a resident of and domiciled in

28 the state of Iowa, and a person within the terms of
29 section 426A.11, and shall give the volume and page on
30 which the certificate of satisfactory service, order
31 of separation, retirement, furlough to reserve,
32 inactive status, or honorable discharge or certified
33 copy thereof is recorded in the office of the county
34 recorder, and may include the designation of the
35 property from which the exemption is to be made, and
36 shall further state that the claimant is the equitable
37 or legal owner of the property designated or if the
38 property is owned by a family farm corporation, that
39 the person is a shareholder of that corporation and
40 that the person occupies the property. In the case of
41 a person claiming the exemption as a veteran described
42 in section 35.1, subsection 2, paragraph "b",
43 subparagraph (6) or (7), the person shall file the
44 statement required by section 35.2.
45 Upon the filing and allowance of the claim, the
46 claim shall be allowed to that person for successive
47 years without further filing. However, in the case of
48 a person claiming the exemption as a veteran described
49 in section 35.1, subsection 2, paragraph "b",
50 subparagraph (6) or (7), such person shall file each

Page 12

1 year to be eligible to obtain the exemption.
2 Provided, that notwithstanding the filing or having on
3 file a claim for exemption, the person or person's
4 spouse is the legal or equitable owner of the property
5 on July 1 of the year for which the claim is allowed.
6 When the property is sold or transferred or the person
7 wishes to designate different property for the
8 exemption, a person who wishes to receive the
9 exemption shall refile for the exemption. A person
10 who sells or transfers property which is designated
11 for the exemption or the personal representative of a
12 deceased person who owned such property shall provide
13 written notice to the assessor that the property is no
14 longer legally or equitably owned by the former
15 claimant.
16 Sec. 33. Section 483A.24, subsection 13, Code
17 2005, is amended to read as follows:
18 13. Upon payment of the fee of thirty dollars for
19 a lifetime hunting and fishing combined license, the
20 department shall issue a hunting and fishing combined
21 license to a resident of Iowa who ~~is a veteran, as~~
22 defined in section 35.1, served in the armed forces of
23 the United States for a minimum aggregate of ninety
24 days of active federal service and who was disabled or
25 was a prisoner of war during that veteran's military
26 service. The department shall prepare an application

27 to be used by a person requesting a hunting and
28 fishing combined license under this subsection. The
29 ~~commission~~ department of veterans affairs shall assist
30 the department in verifying the status or claims of
31 applicants under this subsection. As used in this
32 subsection, "disabled" means entitled to compensation
33 under the United States Code, Title 38, ch. 11.
34 Sec. 34. Section 669.2, subsection 4, unnumbered
35 paragraph 1, Code 2005, is amended to read as follows:
36 "Employee of the state" includes any one or more
37 officers, agents, or employees of the state or any
38 state agency, including members of the general
39 assembly, and persons acting on behalf of the state or
40 any state agency in any official capacity, temporarily
41 or permanently in the service of the state of Iowa,
42 whether with or without compensation, but does not
43 include a contractor doing business with the state.
44 Professional personnel, including physicians,
45 osteopathic physicians and surgeons, osteopathic
46 physicians, optometrists, dentists, nurses, physician
47 assistants, and other medical personnel, who render
48 services to patients or inmates of state institutions
49 under the jurisdiction of the department of human
50 services or the Iowa department of corrections, and

Page 13

1 employees of the ~~commission~~ department of veterans
2 affairs, are to be considered employees of the state,
3 whether the personnel are employed on a full-time
4 basis or render services on a part-time basis on a fee
5 schedule or other arrangement. Criminal defendants
6 while performing unpaid community service ordered by
7 the district court, board of parole, or judicial
8 district department of correctional services, or an
9 inmate providing services pursuant to a chapter 28E
10 agreement entered into pursuant to section 904.703,
11 and persons supervising those inmates under and
12 according to the terms of the chapter 28E agreement,
13 are to be considered employees of the state.
14 Sec. 35. 2003 Iowa Acts, chapter 179, section 21,
15 subsections 2 and 5, as enacted by 2005 Iowa Acts,
16 Senate File 75, section 1, are amended to read as
17 follows:
18 2. Of the funds appropriated in this section,
19 \$10,000 is transferred to the ~~Iowa~~ department of
20 ~~public health~~ human services for allocation to
21 community mental health centers to provide counseling
22 services to persons, whether or not employed by the
23 state, who are members of the national guard or
24 reservists and who are assigned to active duty service
25 in the armed forces of the United States and to the

26 persons' family members. The sessions shall be
27 provided on a first come, first served basis and shall
28 be limited to three visits per family.
29 5. The remainder of the funds appropriated in this
30 section are transferred to the Iowa finance authority
31 to be used for a home ownership assistance program for
32 persons who are eligible members of the armed forces
33 of the United States. In the event an eligible member
34 is deceased, the surviving spouse of the eligible
35 member shall be eligible for a loan under the program,
36 subject to the surviving spouse meeting the program's
37 eligibility requirements other than the military
38 service requirement. For the purposes of this
39 subsection, "eligible member of the armed forces of
40 the United States" means a resident of this state who
41 is or was a member of the national guard, reserve, or
42 regular component of the armed forces of the United
43 States who has served at least ninety days of active
44 duty service during the period beginning September 11,
45 2001, and ending June 30, 2006.

46 Sec. 36. VETERANS HEPATITIS C AWARENESS PROGRAM
47 REPORT. The Iowa department of public health shall
48 submit a report to the members of the general assembly
49 by January 1, 2007, regarding the development and
50 distribution of the information required by the

Page 14

1 section of this Act enacting section 135.20 and any
2 resulting impact.

3 Sec. 37. STATE FUNDING. The military service tax
4 credits and exemptions provided pursuant to this Act
5 shall be funded pursuant to chapter 426A and section
6 25B.7, subsection 2.

7 Sec. 38. EFFECTIVE DATE. This Act, being deemed
8 of immediate importance, takes effect upon enactment.

9 Sec. 39. RETROACTIVE APPLICABILITY. The section
10 of this Act amending 2003 Iowa Acts, chapter 179, is
11 retroactively applicable to May 17, 2004."

12 2. Title page, line 1, by inserting after the
13 words "veterans by" the following: "providing for the
14 establishment of a department of veterans affairs,
15 extending certain veterans' benefits and the military
16 service tax credit and exemption to certain members of
17 the reserve forces of the United States and the Iowa
18 national guard,".

19 3. Title page, line 6, by inserting after the
20 word "cemetery," the following: "concerning military
21 pay differential,".

22 4. Title page, line 6, by inserting after the
23 word "date" the following: "and a retroactive
24 applicability date".

Paulsen of Linn offered the following amendment H-1476, to the Senate amendment H-1437, filed by Paulsen, et al., and moved its adoption:

H-1476

1 Amend the Senate amendment, H-1437, to House File
2 374, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 3, by striking lines 31 and 32, and
5 inserting the following: "and other employees as the
6 ~~commission shall deem necessary to carry out the~~
7 ~~duties of the commission~~ department."

8 2. Page 10, by inserting after line 45, the
9 following:

10 "Sec. ___. Section 426A.11, Code 2005, is amended
11 by adding the following new subsection:
12 NEW SUBSECTION. 2A. For purposes of this chapter,
13 unless the context otherwise requires, "veteran" also
14 means a resident of this state who is a former member
15 of the armed forces of the United States and who
16 served for a minimum aggregate of three years and who
17 was discharged under honorable conditions.

18 Sec. ___. Section 426A.12, Code 2005, is amended
19 to read as follows:

20 426A.12 EXEMPTIONS TO RELATIVES.

21 In case any person in the foregoing classifications
22 does not claim the exemption from taxation, it shall
23 be allowed in the name of the person to the same
24 extent on the property of any one of the following
25 persons in the order named:

26 1. The spouse, or surviving spouse remaining
27 unmarried, of a veteran, as defined in this chapter or
28 in section 35.1, where they are living together or
29 were living together at the time of the death of the
30 veteran.

31 2. The parent whose spouse is deceased and who
32 remains unmarried, of a veteran, as defined in this
33 chapter or in section 35.1, whether living or
34 deceased, where the parent is, or was at the time of
35 death of the veteran, dependent on the veteran for
36 support.

37 3. The minor child, or children owning property as
38 tenants in common, of a deceased veteran, as defined
39 in this chapter or in section 35.1.

40 No more than one tax exemption shall be allowed
41 under this section or section 426A.11 in the name of a
42 veteran, as defined in this chapter or in section
43 35.1."

44 3. Page 10, line 47, by striking the word and
45 figure "through 3," and inserting the following: "and

46 2,".
 47 4. By striking page 11, line 45, through page 12,
 48 line 15.
 49 5. Page 14, by striking line 9, and inserting the
 50 following:

Page 2

1 "Sec.____. APPLICABILITY DATES."
 2 6. Page 14, line 10, by inserting before the word
 3 "of" the following:
 4 "1. The section".
 5 7. Page 14, by inserting after line 11, the
 6 following:
 7 "2. The sections of this Act relating to military
 8 service tax credits and exemptions apply to military
 9 service tax credits and exemptions for taxes due and
 10 payable for fiscal years beginning on or after July 1,
 11 2005."
 12 8. Page 14, by striking lines 15 through 18, and
 13 inserting the following: "modifying the definition of
 14 veteran for property taxation and certain other
 15 purposes,".
 16 9. Page 14, by striking lines 23 and 24, and
 17 inserting the following: "word "date" the following:
 18 "and retroactive and other applicability dates"."
 19 10. By renumbering as necessary.

Amendment H-1476 was adopted.

On motion by Paulsen of Linn the House concurred in the Senate amendment H-1437, as amended.

Paulsen of Linn 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. 374)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner

Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyeke
Winckler	Wise	Zirkelbach	Roberts, 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.

SENATE AMENDMENT CONSIDERED

Carroll of Poweshiek called up for consideration **House File 840**, a bill for an act authorizing the rebate of state sales tax to the owner or operator of a sanctioned automobile racetrack facility, amended by the Senate, and moved that the House concur in the following Senate amendment H-1543:

H-1543

- 1 Amend House File 840, 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. FINDINGS. The general assembly finds
- 6 that a nationally sanctioned automobile racetrack
- 7 facility in Iowa would result in a substantial
- 8 economic benefit to the state and would offer
- 9 thousands of spectators the opportunity to experience
- 10 and discover Iowa.
- 11 The general assembly further finds that the
- 12 development of the racetrack facility and surrounding

13 entertainment complex including a museum would enhance
14 the economic development of the area through an
15 increase in tourism.

16 The general assembly further finds that the rebate
17 of state sales tax collected at the racetrack facility
18 and entertainment complex to assist in the development
19 of such facility and complex would further tourism and
20 is a public purpose for which state funds may be used.

21 The general assembly further finds that the rebate
22 of state sales tax to the racetrack facility should be
23 viewed as a pilot project and considered a potential
24 program to be used as a means to increase tourism into
25 the state.

26 Sec. 2. Section 423.4, Code 2005, is amended by
27 adding the following new subsection:

28 NEW SUBSECTION. 4. a. For purposes of this
29 subsection:

30 (1) "Automobile racetrack facility" means a
31 sanctioned automobile racetrack facility located as
32 part of a racetrack and entertainment complex,
33 including any museum attached to or included in the
34 racetrack facility but excluding any restaurant, and
35 which facility is located, on a maximum of two hundred
36 thirty-two acres, in a city with a population of at
37 least fourteen thousand five hundred but not more than
38 sixteen thousand five hundred residents, which city is
39 located in a county with a population of at least
40 thirty-five thousand but not more than forty thousand
41 residents and where the construction on the racetrack
42 facility commenced not later than one year following
43 the enactment of this Act and the cost of the
44 construction upon completion was at least thirty-five
45 million dollars.

46 (2) "Change of control" means any of the
47 following:

48 (a) Any change in the ownership of the original or
49 any subsequent legal entity that is the owner or
50 operator of the automobile racetrack facility such

Page 2

1 that at least sixty percent of the equity interests in
2 the legal entity cease to be owned by individuals who
3 are residents of Iowa, an Iowa corporation, or
4 combination of both.

5 (b) The original owners of the legal entity that
6 is the owner or operator of the automobile racetrack
7 facility shall collectively cease to own more than
8 fifty percent of the voting equity interests of such
9 legal entity or shall otherwise cease to have
10 effective control of such legal entity.

11 (3) "Iowa corporation" means a corporation

12 incorporated under the laws of Iowa where at least
13 sixty percent of the corporation's equity interests
14 are owned by individuals who are residents of Iowa.
15 (4) "Owner or operator" means a for-profit legal
16 entity where at least sixty percent of its equity
17 interests are owned by individuals who are residents
18 of Iowa, an Iowa corporation, or combination of both
19 and that is the owner or operator of an automobile
20 racetrack facility and is primarily a promoter of
21 motor vehicle races.
22 (5) "Population" means the population based upon
23 the 2000 certified federal census.
24 b. The owner or operator of an automobile
25 racetrack facility may apply to the department for a
26 rebate of sales tax imposed and collected by retailers
27 upon sales of any goods, wares, merchandise, or
28 services furnished to purchasers at the automobile
29 racetrack facility.
30 c. The rebate may be obtained only in the
31 following amounts and manner and only under the
32 following conditions:
33 (1) On forms furnished by the department within
34 the time period provided by the department by rule,
35 which time period shall not be longer than quarterly.
36 (2) The owner or operator shall provide
37 information as deemed necessary by the department.
38 (3) The transactions for which sales tax was
39 collected and the rebate is sought occurred on or
40 after January 1, 2006, but before January 1, 2016.
41 However, not more than twelve million five hundred
42 thousand dollars in total rebates shall be provided
43 pursuant to this subsection.
44 (4) Notwithstanding subparagraph (3), the rebate
45 of sales tax shall cease for transactions occurring on
46 or after the date of the sale or other transfer,
47 whether voluntarily or involuntarily, of the
48 automobile racetrack facility to a party other than
49 the original owner of the facility or upon a change of
50 control of such facility.

Page 3

1 (5) The automobile racetrack facility has not
2 received or shall not receive any grants under the
3 community attraction and tourism program pursuant to
4 chapter 15F, subchapter II, or the vision Iowa program
5 pursuant to chapter 15F, subchapter III.
6 d. To assist the department in determining the
7 amount of the rebate, the owner or operator shall
8 identify to the department retailers located at the
9 automobile racetrack facility who will be collecting
10 sales tax. The department shall verify such identity

11 and ensure that all proper permits have been issued.
12 For purposes of this subsection, advance ticket and
13 admissions sales shall be considered occurring at the
14 automobile racetrack facility regardless of where the
15 transactions actually occur.

16 e. Upon determining that the conditions and
17 requirements of this subsection and the department are
18 met, the department shall issue a warrant to the owner
19 or operator in the amount equal to the amount claimed
20 and verified by the department.

21 f. Only the state sales tax is subject to rebate.
22 Any local option taxes paid and collected shall not be
23 subject to rebate under this subsection.

24 g. This subsection is repealed June 30, 2016, or
25 thirty days following the date on which twelve million
26 five hundred thousand dollars in total rebates have
27 been provided, or thirty days following the date on
28 which rebates cease as provided in paragraph "c",
29 subparagraph (4), whichever is the earliest.

30 Sec. 3. PILOT PROJECT – EVALUATION. The sales
31 tax rebate provided in this Act for the owner or
32 operator of an automobile racetrack facility is viewed
33 as a pilot project to gauge the feasibility of using
34 such an approach to assist large capital projects that
35 have the potential to increase tourism into the state.
36 The department of economic development and the
37 department of revenue shall review and evaluate the
38 pilot project established in this Act and determine
39 the benefits to the state. A report from each
40 department shall be filed with the general assembly no
41 later than January 15, 2008, and shall contain its
42 evaluation and recommendations, especially with regard
43 to the creation of a sales tax rebate program as part
44 of the state's economic development tools. However,
45 the departments may file a joint report if this would
46 prove more beneficial to the general assembly and the
47 evaluation of the pilot project."

The motion prevailed and the House concurred in the Senate amendment H-1543.

Carroll of Poweshiek 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. 840)

The ayes were, 84:

Alons	Anderson	Arnold	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cohon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Hoffman
Horbach	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jones
Kaufmann	Kressig	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Reasoner	Reichert	Sands	Schickel
Shomshor	Smith	Soderberg	Struyk
Swaim	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Fossen, J.K.
Van Fossen, J.R.	Wendt	Whitaker	Whitead
Wildurdyke	Wise	Zirkelbach	Roberts, Presiding

The nays were, 16:

Baudler	Fallon	Heddens	Hogg
Hunter	Jochum	Kuhn	Olson, D.
Rayhons	Schueller	Shoultz	Taylor, D.
Van Engelenhoven	Watts	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 was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 374, 716 and 840.**

Regular Calendar

House File 870, a bill for an act relating to the applicability of motor vehicle financial responsibility provisions to special mobile

equipment and providing an effective date, was taken up for consideration.

Horbach of Tama offered amendment H-1483 filed by him as follows:

H-1483

- 1 Amend House File 870 as follows:
- 2 1. Page 1, lines 12 and 13, by striking the words
- 3 "except special mobile equipment".
- 4 2. Page 1, by striking lines 29 through 34, and
- 5 inserting the following:
- 6 "**NEW SUBSECTION. 12A. SPECIAL MOBILE EQUIPMENT.**
- 7 "Special mobile equipment" means every vehicle not
- 8 designed or used primarily for the transportation of
- 9 persons or property and incidentally operated or moved
- 10 over the highways, including road construction or
- 11 maintenance machinery and ditch-digging apparatus.
- 12 This description does not exclude other vehicles which
- 13 are within the general terms of this subsection."
- 14 3. By renumbering as necessary.

Rayhons of Hancock offered amendment H-1539 to amendment H-1483, filed by Rayhons, May of Dickinson, Jones of Mills, Sands of Louisa, Carroll of Poweshiek, Struyk of Pottawattamie, S. Olson of Clinton, Drake of Pottawattamie, Frevert of Palo Alto, Van Engelenhoven of Marion, Smith of Marshall, Quirk of Chickasaw, Baudler of Adair, Cohoon of Des Moines, Shomshor of Pottawattamie, Freeman of Buena Vista, Mertz of Kossuth, Soderberg of Plymouth, Upmeyer of Hancock, Alons of Sioux, Kaufmann of Cedar, Thomas of Clayton, Roberts of Carroll, Wilderdyke of Harrison, Lukan of Dubuque and Whitaker of Van Buren from the floor as follows:

H-1539

- 1 Amend the amendment, H-1483, to House File 870, as
- 2 follows:
- 3 1. Page 1, line 11, by striking the words "and
- 4 ditch-digging apparatus" and inserting the following:
- 5 ", ditch-digging apparatus, and implements of
- 6 husbandry as defined in section 321.1, subsection 32".

Amendment H-1539 was adopted.

On motion by Horbach of Tama, amendment H-1483, as amended, was adopted.

Horbach of Tama 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. 870)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdye
Winckler	Wise	Zirkelbach	Roberts, 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 AMENDMENT CONSIDERED

Lukan of Dubuque called up for consideration **Senate File 350**, a bill for an act relating to the suspension of a child support obligation, amended by the House, further amended by the Senate and moved

that the House concur in the following Senate amendment H-1469 to the House amendment:

H-1469

1 Amend the House amendment, S-3130, to Senate File
2 350, as passed by the Senate, as follows:

3 1. Page 1, line 27, by striking the word "The"
4 and inserting the following: "However, if the obligor
5 objects to the consolidation of the actions regarding
6 multiple orders into a single action for contempt, and
7 the court determines that severance of the single
8 action into multiple actions is in the interest of
9 justice, the unit shall bring multiple actions for
10 contempt to enforce the multiple orders. If the
11 single action is brought and the obligor does not
12 object, the".

13 2. Page 1, line 28, by inserting after the word
14 "where" the following: "the obligor resides, or if
15 the obligor does not reside in the state, in the
16 district court of the county where".

17 3. By striking page 4, line 43 through page 5,
18 line 13.

19 4. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 50, nays 48.

The motion prevailed and the House concurred in the Senate amendment H-1469, to the House amendment.

Lukan of Dubuque 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. 350)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevrt
Gipp	Granzow	Greiner	Heaton

Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Roberts, Presiding		

The nays were, 2:

Gaskill 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.

Regular Calendar

House File 845, 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.

Jacobs of Polk offered the following amendment H-1411 filed by the committee on administration and rules and moved its adoption:

H-1411

- 1 Amend House File 845 as follows:
- 2 1. Page 3, by striking lines 2 through 30.
- 3 2. By renumbering as necessary.

The committee amendment H-1411 was adopted.

Jacobs 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. 845)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevort
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Jenkins

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

SENATE AMENDMENT CONSIDERED

Hutter of Scott called up for consideration **House File 275**, a bill for an act relating to the purchase, possession, or consumption of

alcohol by a person under legal age, and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H-1397:

H-1397

1 Amend House File 275, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 3 through 20 and
4 inserting the following:

5 "3. a. A person who is under legal age, other
6 than a licensee or permittee, who violates this
7 section regarding the purchase of or attempt to
8 purchase alcoholic liquor, wine, or beer, or
9 possessing or having control of alcoholic liquor,
10 wine, or beer, commits a the following:

11 (1) A simple misdemeanor punishable by a fine of
12 one hundred dollars for the first offense as a
13 scheduled violation under section 805.8C, subsection
14 7.

15 (2) A second or subsequent offense shall be a
16 simple misdemeanor punishable by a fine of two five
17 hundred dollars and the suspension of the person's
18 motor vehicle operating privileges for a period not to
19 exceed one year. In addition to any other applicable
20 penalty, the person in violation of this section shall
21 choose between either completing a substance abuse
22 evaluation or the suspension of the person's motor
23 vehicle operating privileges for a period not to
24 exceed one year.

25 (3) A third or subsequent offense shall be a
26 simple misdemeanor punishable by a fine of five
27 hundred dollars and the suspension of the person's
28 motor vehicle operating privileges for a period not to
29 exceed one year.

30 b. The court may, in its discretion, order the
31 person who is under legal age to perform community
32 service work under section 909.3A, of an equivalent
33 value to the fine imposed under this section.
34 However, if

35 c. If the person who commits the a violation of
36 this section is under the age of eighteen, the matter
37 shall be disposed of in the manner provided in chapter
38 232."

39 2. Page 1, by striking lines 24 through 29 and
40 inserting the following: "UNDER LEGAL AGE. For first
41 offense violations of section 123.47, subsection 3,
42 the scheduled fine is two hundred dollars."

The motion prevailed and the House concurred in the Senate amendment H-1397.

Hutter 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. 275)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Roberts, 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 AMENDMENT CONSIDERED

Boal of Polk called up for consideration **House File 739**, a bill for

an act relating to education technology, including the creation of an Iowa learning technology commission and pilot program, and the establishment of a research triangle and clearinghouse, amended by the Senate, and moved that the House concur in the following Senate amendment H-1399:

H-1399

- 1 Amend House File 739, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 26, by striking the words "a
- 4 pilot program" and inserting the following: "pilot
- 5 programs".
- 6 2. Page 1, line 28, by striking the words "that
- 7 shall" and inserting the following: "that may".
- 8 3. Page 1, line 32, by striking the word
- 9 "nineteen".
- 10 4. Page 1, line 34, by striking the word "Nine"
- 11 and inserting the following: "Seven".
- 12 5. Page 2, by striking line 1.
- 13 6. Page 2, line 10, by striking the words "a
- 14 member" and inserting the following: "the
- 15 chairperson".
- 16 7. Page 2, by striking lines 11 and 12 and
- 17 inserting the following: "education or the
- 18 chairperson's designee."
- 19 8. By striking page 2, line 13, through page 3,
- 20 line 2 and inserting the following:
- 21 "b. Ex officio, nonvoting members as follows:
- 22 (1) The members of the state board of education
- 23 technology advisory committee."
- 24 9. Page 4, line 13, by striking the word
- 25 "program" and inserting the following: "programs".
- 26 10. Page 4, by striking lines 17 through 19 and
- 27 inserting the following:
- 28 "2. Develop an accurate assessment of the
- 29 current".
- 30 11. Page 4, by striking lines 33 through 35 and
- 31 inserting the following: "state levels."
- 32 12. Page 5, lines 1 and 2, by striking the words
- 33 "and the recommended appropriations".
- 34 13. Page 5, line 6, by striking the word
- 35 "PROGRAM" and inserting the following: "PROGRAMS".
- 36 14. Page 5, line 9, by striking the word
- 37 "program" and inserting the following: "programs".
- 38 15. Page 5, line 11, by striking the word
- 39 "program" and inserting the following: "programs".
- 40 16. Page 5, line 14, by striking the word "shall"
- 41 and inserting the following: "may".
- 42 17. Page 5, line 16, by inserting after the word

43 "possibilities;" the following: "provide for
44 development of individual education plans for
45 students";
46 18. Page 5, line 19, by striking the words "of
47 the" and inserting the following: "for each".
48 19. Page 5, line 21, by striking the words
49 "commit state funds toward" and inserting the
50 following: "consider".

Page 2

1 20. Page 5, line 27, by striking the words
2 "program, the" and inserting the following: "programs,
3 each".
4 21. Page 5, line 33, by striking the word "The"
5 and inserting the following: "Each".
6 22. Page 6, by striking lines 2 and 3 and
7 inserting the following: "achievement should include
8 identification of the".
9 23. Page 6, by inserting after line 33 the
10 following:
11 "Sec. NEW SECTION. 280A.5 FUTURE REPEAL.
12 This chapter is repealed effective July 1, 2011."
13 24. Page 6, by inserting after line 33 the
14 following:
15 "Sec. CONTINGENT EFFECTIVENESS. The sections
16 of this Act creating new Code chapter 280A take effect
17 only if the general assembly appropriates funds for
18 the fiscal year beginning July 1, 2005, in an amount
19 sufficient to implement the provisions of Code chapter
20 280A, if enacted."
21 25. Title page, line 2, by striking the word
22 "program" and inserting the following: "programs".
23 26. Title page, line 4, by inserting after the
24 word "clearinghouse" the following: ", and providing
25 for contingent effectiveness".
26 27. By renumbering, redesignating, and correcting
27 internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1399.

Boal 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. 739)

The ayes were, 53:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Freeman	Gipp
Granzow	Greiner	Heaton	Hoffman
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jones	Kaufmann
Kurtenbach	Lalk	Lukan	Maddox
May	Olson, S.	Paulsen	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdye
Roberts, Presiding			

The nays were, 47:

Bell	Berry	Bukta	Cphoon
Dandekar	Davitt	Fallon	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Jacoby	Jochum	Kressig
Kuhn	Lensing	Lykam	Mašcher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Petersen
Pettengill	Quirk	Reasoner	Reichert
Schueller	Shomshor	Shoultz	Smith
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	

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

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 275, 739, 845, 870** and **Senate File 350**.

Unfinished Business Calendar

Senate File 78, a bill for an act relating to the exemption from city taxes of land included in an application for voluntary annexation

or in a city's involuntary annexation petition and including effective and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

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?" (S.F. 78)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foegen
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schuessler	Shomshor	Shultz	Smith
Soderberg	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyeke	Winckler	Wise
Zirkelbach	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Carroll Struyk

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

Senate File 210, a bill for an act relating to specified requirements applicable to a real estate broker or attorney providing services in connection with a real estate auction, with report of committee recommending passage, was taken up for consideration.

Jacobs 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. 210)

The ayes were, 59:

Alons	Anderson	Arnold	Bell
Boal	Carroll	Chambers	Dandekar
Dix	Dolecheck	Drake	Elgin
Freeman	Gipp	Heaton	Heddens
Horbach	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jones
Kurtenbach	Lalk	Lukan	Maddox
May	McCarthy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Smith
Soderberg	Struyk	Swaim	Tomenga
Tymeson	Upmeyer	Van Fossen, J.K.	Van Fossen, J.R.
Wildurdyke	Wise	Roberts,	
		Presiding	

The nays were, 41:

Baudler	Berry	Bukta	Cohoon
Davitt	De Boef	Eichhorn	Fallon
Foege	Ford	Frevert	Gaskill
Granzow	Greiner	Hoffman	Hogg
Hunter	Jochum	Kaufmann	Kressig
Kuhn	Lensing	Lykam	Mascher
Mertz	Miller	Murphy	Shomshor
Shoultz	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Van Engelenhoven	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
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.

Senate File 245, a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, requiring school districts to report student core curriculum progress annually, requiring school districts and schools to report core curriculum completion percentages annually, and providing for the coordination of an educational data definitions working group, with report of committee recommending amendment and passage, was taken up for consideration.

Boal of Polk offered the following amendment H-1342 filed by the committee on education and moved its adoption:

H-1342

- 1 Amend Senate File 245, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 7, by inserting after the word
- 4 "STUDENT" the following: "PLAN FOR".
- 5 2. Page 2, line 8, by striking the word
- 6 "ADMISSIONS" and inserting the following: "ADMISSIONS
- 7 -".
- 8 3. Page 2, by inserting after line 8 the
- 9 following:
- 10 "1. For the school year beginning July 1, 2006,
- 11 and each succeeding school year, the board of
- 12 directors of each school district shall cooperate with
- 13 each student enrolled in grade eight to develop for
- 14 the student a core curriculum plan to guide the
- 15 student toward the goal of successfully completing, at
- 16 a minimum, the model core curriculum developed by the
- 17 state board of education pursuant to section 256.7,
- 18 subsection 26, by the time the student graduates from
- 19 high school."
- 20 4. Page 2, line 9, by inserting before the word
- 21 "For" the following: "2."
- 22 5. By striking page 2, line 17, through page 3,
- 23 line 28.
- 24 6. Title page, line 4, by inserting after the
- 25 word "districts" the following: "to develop a core
- 26 curriculum plan for eighth grade students and".
- 27 7. Title page, line 5, by inserting after the
- 28 word "annually," the following: "and".
- 29 8. Title page, by striking lines 7 and 8, and
- 30 inserting the following: "annually".
- 31 9. By renumbering as necessary.

The committee amendment H-1342 was adopted.

Boal 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. 245)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach		

The nays were, 2:

Fallon	Roberts,
	Presiding

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

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 78, 210 and 245.**

Regular Calendar

Senate File 403, a bill for an act providing for the receipt of and costs relating to public records requests, with report of committee recommending amendment and passage, was taken up for consideration.

Raecker of Polk offered the following amendment H-1465 filed by the committee on government oversight and moved its adoption:

H-1465

1 Amend Senate File 403, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 7 through 11 and
4 inserting the following: "lawful custodian shall not
5 require the physical presence of a person requesting
6 or receiving a copy of a public record and shall
7 fulfill requests for a copy of a public record
8 received in writing, by telephone, or by electronic
9 means. Fulfillment of a request for a copy of a
10 public record may be contingent upon receipt of
11 payment of expenses to be incurred in fulfilling the
12 request and such estimated expenses shall be
13 communicated to the requester upon receipt of the
14 request. The lawful custodian may adopt and".

15 2. By renumbering as necessary.

The committee amendment H-1465 was adopted.

Raecker 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. 403)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foegen	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser

Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wildurdyke
Winckler	Wise	Zirkelbach	Roberts, 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 AMENDMENT CONSIDERED

Dix of Butler called up for consideration **House File 614**, a bill for an act relating to the transmission, installation, and use of computer software through deceptive or unauthorized means and providing for penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-1482:

H-1482

- 1 Amend House File 614, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, line 2, by inserting after the word
- 4 "chapter." the following: "Nothing in this chapter
- 5 shall limit the rights of providers of wire and
- 6 electronic communications under 18 U.S.C. § 2511."

The motion prevailed and the House concurred in the Senate amendment H-1482.

Dix of Butler 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. 614)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Roberts, 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 AMENDMENT CONSIDERED

Raecker of Polk called up for consideration **House File 646**, a bill for an act concerning social and charitable gambling, including the regulation of cash raffles at fairs, prohibiting raffles at annual game nights, establishing a permanent electrical and mechanical amusement devices special fund and providing an appropriation, prohibiting certain electrical or mechanical amusement devices and

bona fide contests, and providing for the denial, suspension, and revocation of certain gambling licenses by the department of inspections and appeals, amended by the Senate, and moved that the House concur in the following Senate amendment H-1545:

H-1545

1 Amend House File 646, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 5 the
4 following:

5 "Sec. __. Section 99B.7, subsection 1, paragraph
6 d, unnumbered paragraphs 1 and 2, Code 2005, are
7 amended to read as follows:

8 Cash prizes shall not be awarded in games other
9 than bingo and raffles. The value of a prize shall
10 not exceed ten thousand dollars and merchandise prizes
11 shall not be repurchased. If a prize consists of more
12 than one item, unit, or part, the aggregate value of
13 all items, units, or parts shall not exceed ten
14 thousand dollars. However, one raffle may be
15 conducted per calendar year at which real property or
16 one or more merchandise prizes having a combined value
17 of more than ten thousand dollars may be awarded or a
18 cash prize prizes of up to a total of two hundred
19 thousand dollars may be awarded.

20 If a raffle licensee holds a statewide raffle
21 license, the licensee may hold not more than eight
22 raffles per calendar year at which real property or
23 one or more merchandise prizes having a combined value
24 of more than ten thousand dollars may be awarded or a
25 cash prize prizes of up to a total of two hundred
26 thousand dollars may be awarded. Each such raffle
27 held under a statewide license shall be held in a
28 separate county."

29 2. Page 3, line 24, by inserting after the word
30 "licensee." the following: "In addition, a person
31 whose license is revoked under this section who is a
32 person for which a class "A", class "B", class "C", or
33 class "D" liquor control license has been issued
34 pursuant to chapter 123 shall have the person's liquor
35 control license suspended for a period of fourteen
36 days in the same manner as provided in section 123.50,
37 subsection 3, paragraph "a". In addition, a person
38 whose license is revoked under this section who is a
39 person for which only a class "B" or class "C" beer
40 permit has been issued pursuant to chapter 123 shall
41 have the person's class "B" or class "C" beer permit
42 suspended and that person's sales tax permit suspended
43 for a period of fourteen days in the same manner as
44 provided in section 123.50, subsection 3, paragraph

45 "a".

46 3. Page 5, by inserting after line 3 the

47 following:

48 "Sec. __. EFFECTIVE DATE. The section of this

49 Act amending section 99B.7, subsection 1, paragraph

50 "d", being deemed of immediate importance, takes

Page 2

1 effect upon enactment."

2 4. Title page, line 2, by striking the words "at

3 fairs".

4 5. Title page, line 8, by inserting after the

5 word "appeals" the following: ", and providing an

6 effective date".

7 6. By renumbering, relettering, or redesignating

8 and correcting internal references as necessary.

Speaker pro tempore Carroll in the chair at 3:00 p.m.

The motion prevailed and the House concurred in the Senate amendment H-1545.

Raecker 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. 646)

The ayes were, 82:

Anderson	Arnold	Baudler	Bell
Berry	Boal	Bukta	Cohoon
Dandekar	Davitt	Dix	Dolecheck
Drake	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Greiner	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kressig
Kurtenbach	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Schueller	Shomshor	Shoultz	Struyk
Swaim	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven

Van Fossen, J.K.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach	Carroll, Presiding		

The nays were, 18:

Alons	Chambers	De Boef	Eichhorn
Fallon	Granzow	Kaufmann	Kuhn
Lalk	May	Raecker	Reichert
Roberts	Smith	Soderberg	Taylor, D.
Van Fossen, J.R.	Wilderdyke		

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.

ADOPTION OF SENATE CONCURRENT RESOLUTION 13

Upmeyer of Hancock called up for consideration **Senate Concurrent Resolution 13**, a concurrent resolution relating to cervical cancer awareness, and recognizing efforts by the Iowa Department of Public Health and the Iowa Consortium for Comprehensive Cancer Control in promoting that awareness, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 43

Raecker of Polk and Ford of Polk called up for consideration **House Resolution 43**, a resolution encouraging the state board of regents to establish a task force to review college student-athlete graduation rates at the universities under its control, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House**

Files 614, 646, Senate File 403 and Senate Concurrent Resolution 13.

The House stood at ease at 3:14 p.m., until the fall of the gavel.

The House resumed session at 4:27 p.m., Speaker pro tempore Carroll in the chair.

ADOPTION OF HOUSE RESOLUTION 19

Mascher of Johnson, Jacoby of Johnson, Lensing of Johnson and Foege of Linn called up for consideration **House Resolution 19**, a resolution honoring the University of Iowa football team and Coach Kirk Ferentz, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

R. Olson of Polk played a recording of the winning catch by Warren Holloway when the Iowa Hawkeyes football team beat Louisiana State University in the Capital One Bowl.

The House rose and expressed its welcome.

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

The House resumed session at 4:59 p.m., Speaker pro tempore Carroll in the chair.

On motion by Gipp of Winneshiek, the House was recessed at 5:00 p.m., until 6:00 p.m.

EVENING SESSION

The House reconvened at 6:17 p.m., Speaker Rants in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed 100 members present, 0 absent.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 868, a bill for an act relating to economic development, business, workforce, and regulatory assistance and tax credits, and to state developmental, research, and regulatory oversight, and including effective date and retroactive applicability provisions, was taken up for consideration.

Hoffman of Crawford asked and received unanimous consent to withdraw amendment H-1548 filed by him from the floor.

Hoffman of Crawford offered amendment H-1553 filed by him, Wise of Lee and Struyk of Pottawattamie from the floor as follows:

H-1553

- 1 Amend House File 868 as follows:
- 2 1. Page 1, by striking lines 18 through 34.
- 3 2. Page 1, line 35, by striking the figure and
- 4 word "2. a." and inserting the following: "1."
- 5 3. Page 2, by striking lines 7 through 10 and
- 6 inserting the following:
- 7 "2. An applicant may apply to the Iowa economic
- 8 development board for a waiver of the wage
- 9 requirements in subsection 1."
- 10 4. Page 4, line 32, by striking the words
- 11 "department of economic development" and inserting the
- 12 following: "Iowa economic development board".
- 13 5. Page 13, line 6, by inserting after the word
- 14 and figure "subsection 1," the following: "if
- 15 enacted,".
- 16 6. Page 18, line 25, by inserting after the word
- 17 "chapter" the following: "for projects located inside
- 18 or outside certified cultural and entertainment
- 19 districts".
- 20 7. Page 18, line 35, by inserting after the
- 21 figure "303.3B" the following: "or for rehabilitation
- 22 projects approved pursuant to section 404A.3
- 23 regardless of the location of such rehabilitation
- 24 projects".
- 25 8. Page 20, by striking lines 20 through 22 and
- 26 inserting the following: "personnel in charge of
- 27 intellectual property management and technology at
- 28 colleges and universities in the state."
- 29 9. Page 20, lines 23 and 24, by striking the
- 30 words "at colleges and universities in the state".
- 31 10. Page 20, line 27, by inserting after the word

- 32 "businesses" the following: "at colleges and
33 universities in the state".
- 34 11. Page 29, by inserting after line 26 the
35 following:
36 "(11) Trucking and warehousing."
- 37 12. Page 29, line 27, by striking the word
38 "business" and inserting the following: "and service
39 businesses".
- 40 13. Page 31, line 35, by striking the word "
41 whether" and inserting the following: "and".
- 42 14. Page 32, line 23, by striking the words "the
43 community and".
- 44 15. Page 32, line 24, by inserting after the word
45 "agreement." the following: "If the business receives
46 a local property tax exemption, the business shall
47 also certify annually to the community the compliance
48 of the business with the requirements of the
49 agreement."
- 50 16. Page 45, line 21, by inserting after the

Page 2

- 1 words "for a" the following: "project-specific".
- 2 17. Page 45, line 23, by inserting after the
3 words "grant a" the following: "project-specific".
- 4 18. Page 46, by inserting after line 16 the
5 following:
6 "6. The department shall negotiate the amount of
7 tax incentives provided to an applicant under the
8 program in accordance with this section."
- 9 19. Page 46, by striking lines 25 through 27, and
10 inserting the following: "community economic
11 betterment program or wage-benefits tax credits under
12 chapter 15H."
- 13 20. By striking page 48, line 32, through page
14 49, line 1.
- 15 21. Page 51, line 8, by striking the words "and
16 made the qualifying investment".
- 17 22. Page 51, lines 11 and 12, by striking the
18 words "without making additional qualifying
19 investments".
- 20 23. Page 51, by striking lines 15 through 17.
- 21 24. Page 51, line 19, by striking the words "and
22 made the qualifying investments".
- 23 25. Page 51, by striking lines 24 through 26, and
24 inserting the following: "by the department may
25 appeal the decision to the Iowa economic development
26 board within thirty days of notice of disapproval. If
27 the board".
- 28 26. Page 51, line 32, by striking the words
29 "department of economic development" and inserting the
30 following: "Iowa economic development board".

31 27. Page 51, line 35, by striking the words
 32 "department of economic development" and inserting the
 33 following: "Iowa economic development board".
 34 28. Page 52, line 3, by striking the word
 35 "department" and inserting the following: "board".
 36 29. Page 52, by striking lines 19 and 20, and
 37 inserting the following: "development program or tax
 38 incentives under the high quality job creation program
 39 in chapter 15, subchapter II, part 13."
 40 30. Page 53, line 16, by striking the figure
 41 "17." and inserting the following: "18."
 42 31. Page 53, line 21, by striking the figure "9."
 43 and inserting the following: "10."
 44 32. Page 54, line 15, by striking the figure "6."
 45 and inserting the following: "7."
 46 33. Page 54, by inserting after line 19 the
 47 following:
 48 "Sec. __. CONTRACT VALIDITY – NEW JOBS AND
 49 INCOME PROGRAM – NEW CAPITAL INVESTMENT PROGRAM. Any
 50 contract entered into for a project or activity

Page 3

1 approved by the department of economic development
 2 under the new jobs and income program and the new
 3 capital investment program remains valid. The
 4 elimination of the new jobs and income program and the
 5 new capital investment program under this Act shall
 6 not constitute grounds for rescission or modification of
 7 contracts entered into with the department under the
 8 programs."
 9 34. By renumbering as necessary.

Hoffman of Crawford offered the following amendment H–1566, to amendment H–1553, filed by him from the floor and moved its adoption:

H–1566

1 Amend the amendment, H–1553, to House File 868 as
 2 follows:
 3 1. Page 2, by striking lines 9 through 12, and
 4 inserting the following:
 5 " __. Page 46, by striking lines 23 through 27,
 6 and inserting the following: "in the program under
 7 this part shall not receive any ~~funds from the~~
 8 ~~community economic development account under the~~
 9 ~~community economic betterment program~~ wage-benefits
 10 tax credits under chapter 15H."
 11 2. Page 2, by striking lines 36 through 39 and
 12 inserting the following:

13 " ___. Page 52, by striking lines 17 through 20
14 and inserting the following: "chapter shall not
15 receive tax incentives under the high quality job
16 creation program in chapter 15, subchapter II, part
17 13.""
18 3. By renumbering as necessary.

Amendment H-1566 was adopted.

On motion by Hoffman of Crawford, amendment H-1553, as amended, was adopted.

Jochum of Dubuque offered amendment H-1478 filed by her and Winckler of Scott and requested division as follows:

H-1478

1 Amend House File 868 as follows:

H-1478A

2 1. Page 2, by inserting after line 10 the
3 following:
4 "Sec. __. **NEW SECTION. 16B.1 DISCLOSURE OF**
5 **PROPERTY TAX REDUCTIONS AND ABATEMENTS.**
6 On or before January 1, 2006, the department of
7 revenue shall prescribe a standardized disclosure form
8 for use by all property-taxing entities. The form
9 shall require the inclusion of, but not be limited to,
10 the following data:
11 1. The name of the property owner.
12 2. The address and description of the property.
13 3. The date upon which any individual property tax
14 reduction or abatement first took effect.
15 4. The date upon which any individual property tax
16 reduction or abatement is scheduled to expire.
17 5. The aggregate foregone revenue of the entity
18 for the calendar year as a result of each property tax
19 reduction or abatement, including the impact on other
20 properties as a result of tax increment financing.
21 6. Effective January 1, 2007, and each subsequent
22 year, every property-taxing entity in this state shall
23 use the standardized form to report to the department
24 of revenue all property tax reductions or abatements
25 which were in effect during the previous fiscal year.
26 7. The department of revenue shall, by January 1,
27 2008, and for each subsequent year, compile and
28 publish all data from the disclosure forms in both
29 written and electronic form."
30 2. Page 5, by striking lines 7 through 22 and

31 inserting the following: "delineates development
32 assistance. Development assistance includes any form
33 of public assistance, including tax expenditures, made
34 for the purpose of stimulating the economic
35 development of a given corporation, industry,
36 geographic jurisdiction, or other subset of the
37 state's economy, including but not limited to
38 assistance in the form of industrial development
39 bonds, loans, loan guarantees, revolving loan funds,
40 bond bank programs, enterprise zone incentives and
41 assistance, tax increment financing, property tax
42 exemptions or abatements, tax credits and tax
43 discounts of every kind, including corporate income
44 tax, personal income tax, excise tax, insurance
45 premium tax, sales and use tax, job creation credits,
46 exemptions, and deductions, industrial investment
47 credits, exemptions, and deductions, and research and
48 development tax credits, exemptions, and deductions.
49 The department shall provide in the report the
50 following information for development assistance

Page 2

- 1 projects funded during the previous fiscal year:
 - 2 a. The name, street, mailing address, and
3 telephone number of the chief officer of the recipient
4 entity at the specific project site for which the
5 development assistance was approved.
 - 6 b. The kind of state development assistance and
7 value of assistance that was approved.
 - 8 c. The kind and value, if any, of local government
9 development assistance expended and promised as of the
10 time of reporting.
 - 11 d. The kind and amount of private moneys expended,
12 if any.
 - 13 e. The number of new jobs the recipient stated in
14 its application would be created through the
15 development assistance, broken down by full-time,
16 part-time, and temporary employment.
 - 17 f. The number of new jobs the recipient created as
18 of the time of reporting, broken down by full-time,
19 part-time, and temporary employment.
 - 20 g. The hourly wage paid as of the reporting year
21 to employees filling the new jobs at the project site
22 and specified by the following wage groupings:
 - 23 (1) At least six dollars and fifty cents an hour,
24 but less than eleven dollars an hour.
 - 25 (2) At least eleven dollars an hour, but less than
26 sixteen dollars an hour.
 - 27 (3) At least sixteen dollars an hour, but less
28 than twenty-one dollars an hour.
 - 29 (4) At least twenty-one dollars an hour, but less

30 than twenty-six dollars an hour.

31 (5) At least twenty-six dollars an hour, but less
32 than thirty-one dollars an hour.

33 (6) At least thirty-one dollars an hour, but less
34 than forty dollars an hour.

35 (7) At least forty dollars an hour, but less than
36 fifty dollars an hour.

37 (8) At least fifty dollars an hour.

38 h. The nature of employer-paid health care
39 coverage provided within ninety days of hiring to the
40 employees filling the new jobs, including any costs
41 incurred by new employees.

42 i. A statement describing how the recipient's use
43 of the development assistance during the reporting
44 year reduced employment at another site controlled by
45 the recipient or any corporate parent of the
46 recipient, including but not limited to events such as
47 automation, consolidation, merger, acquisition,
48 product line movement, business activity movement, or
49 restructuring by either the recipient or any corporate
50 parent of the recipient."

Page 3

H-1478B

1 3. Page 29, by inserting after line 8 the
2 following:

3 "d. Provide and pay at least eighty percent of the
4 cost of a standard medical and dental insurance plan
5 for all full-time employees working at the facility in
6 which the qualifying investment occurred."

7 4. Page 29, by striking lines 29 through 32.

H-1478C

8 5. Page 48, line 6, by inserting after the word
9 "development" the following: "or twenty-eight
10 thousand five hundred dollars, whichever is greater".

H-1478A

11 6. Page 52, by inserting after line 20 the
12 following:

13 "Sec. . **NEW SECTION.** 16B.2 DISCLOSURE OF
14 STATE TAX EXPENDITURES.

15 1. Effective July 1, 2006, and each succeeding
16 year, the department of revenue shall provide a
17 detailed tax expenditure budget disclosure report to
18 the general assembly, derived from state income tax
19 filings or other relevant state filings for the
20 previous calendar year. The disclosure report shall

21 include, but not be limited to, the following data:
22 a. The dollar amount of tax expenditures made by
23 the state, in the form of uncollected revenues, for
24 each individual tax credit provided by the state,
25 including credits for wages of certain qualified
26 employees, enterprise zone incentives or assistance,
27 tax increment financing, grants, matching funds, tax
28 abatements, and tax credits and tax discounts of every
29 kind, including corporate income, personal income,
30 excise, insurance premium, sales and use, job
31 creation, industrial investment, and research and
32 development tax credits and deductions.
33 b. For each of the tax expenditures in paragraph
34 "a", except as specified in paragraph "c", an
35 itemization of the name of each individual corporate
36 taxpayer which claimed the credit of any value equal
37 to or greater than five thousand dollars, and the
38 specific dollar amount credited to the corporation's
39 tax liability under that credit for that year.
40 c. Credits claimed by individual corporations of
41 less than five thousand dollars shall not be itemized
42 as required in paragraph "b". Instead, in reporting
43 credits for each tax expenditure, the department of
44 revenue shall aggregate all claims of less than five
45 thousand dollars and report them as a single
46 nonspecified group, with the number of claimants
47 stated.
48 2. All data produced by the department of revenue
49 and received by the general assembly in compliance
50 with this chapter shall be a public record subject to

Page 4

H-1478A

1 examination and copying under chapter 22,
2 notwithstanding sections 422.20, 422.72, and 423.42,
3 or any other provision of state law to the contrary
4 pertaining to confidentiality of information."
5 7. By renumbering as necessary.

Jochum of Dubuque moved the adoption of amendment H-1478A.

Amendment H-1478A lost.

Hoffman of Crawford offered amendment H-1547 filed by him from the floor as follows:

H-1547

- 1 Amend House File 868 as follows:
2 1. Page 2, by inserting after line 10 the
3 following:
4 "3. In awarding moneys appropriated from the grow
5 Iowa values fund, the department shall give special
6 consideration to projects that include significant
7 physical infrastructure components designed to
8 increase property tax revenues to local governments."

Amendment H-1547 was adopted.

Ford of Polk offered the following amendment H-1472 filed by him and moved its adoption:

H-1472

- 1 Amend House File 868 as follows:
2 1. Page 5, line 4, by striking the word
3 "subsection" and inserting the following:
4 "subsections".
5 2. Page 5, by inserting after line 22 the
6 following:
7 "NEW SUBSECTION. 10. By January 15 of each year,
8 submit a report to the general assembly and the
9 governor identifying the number of minority-owned
10 businesses that received financial assistance from
11 moneys appropriated from the grow Iowa values fund
12 during the previous calendar year. The report shall
13 provide an analysis as to the reasons why more
14 minority-owned businesses have not applied for
15 assistance and include recommendations regarding how
16 to encourage the creation of more minority-owned
17 businesses."

Amendment H-1472 was adopted.

Ford of Polk offered the following amendment H-1526 filed by him and moved its adoption:

H-1526

- 1 Amend House File 868 as follows:
2 1. Page 5, line 4, by striking the word
3 "subsection" and inserting the following:
4 "subsections".
5 2. Page 5, by inserting after line 22 the
6 following:

7 "NEW SUBSECTION. 10. By January 15 of each year,
 8 submit a report to the general assembly and the
 9 governor identifying the number of woman-owned
 10 businesses that received financial assistance from
 11 moneys appropriated from the grow Iowa values fund
 12 during the previous calendar year. The report shall
 13 provide an analysis as to the reasons why more woman-
 14 owned businesses have not applied for assistance and
 15 include recommendations regarding how to encourage the
 16 creation of more woman-owned businesses."

Amendment H-1526 was adopted.

Kurtenbach of Story offered the following amendment H-1561
 filed by him from the floor and moved its adoption:

H-1561

1 Amend House File 868 as follows:
 2 1. Page 13, line 12, by inserting after the words
 3 "be a" the following: "profit or".

Amendment H-1561 lost.

Schueller of Jackson offered the following amendment H-1475
 filed by Schueller, et al., and moved its adoption:

H-1475

1 Amend House File 868 as follows:
 2 1. Page 18, line 7, by inserting after the word
 3 "transferred." the following: "Any tax credit
 4 certificate issued by the state historic preservation
 5 office to a taxpayer prior to July 1, 2005, but not
 6 transferred to another person or entity, may be
 7 reissued with an earlier maturity date if additional
 8 tax credits become available."
 9 2. Page 18, line 25, by striking the word "two"
 10 and inserting the following: "two twenty".
 11 3. By striking page 18, line 26, through page 19,
 12 line 9, and inserting the following: "million ~~four~~
 13 ~~hundred thousand~~ dollars. ~~For the fiscal years~~
 14 ~~beginning July 1, 2005, and July 1, 2006, an~~
 15 ~~additional five hundred thousand dollars of tax~~
 16 ~~credits may be approved each fiscal year for purposes~~
 17 ~~of projects located in cultural and entertainment~~
 18 ~~districts certified pursuant to section 303.3B. Any~~
 19 ~~of the additional tax credits allocated for projects~~
 20 ~~located in certified cultural and entertainment~~

21 ~~districts that are not approved during a fiscal year~~
 22 ~~may be carried over to the succeeding fiscal year.~~
 23 For each fiscal year, at least ten percent of the
 24 maximum amount of credits that may be approved shall
 25 be dedicated for awards to projects with qualified
 26 rehabilitation costs equal to five hundred thousand
 27 dollars or less. For each fiscal year, at least
 28 twenty-five percent of the maximum amount of credits
 29 that may be approved shall be dedicated for awards to
 30 projects located in a cultural and entertainment
 31 district certified pursuant to section 303.3B. Any of
 32 the additional tax credits allocated for projects
 33 located in certified cultural and entertainment
 34 districts that are not approved during a fiscal year
 35 may be carried over to the succeeding fiscal year.
 36 Notwithstanding section 404A.1, the tax credits
 37 approved for projects located in certified cultural
 38 and entertainment districts may be for projects which
 39 include new construction or new infrastructure
 40 projects that enhance the historic and cultural
 41 integrity of the certified cultural and entertainment
 42 district. The department of".

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

Rule 75 was invoked.

On the question "Shall amendment H-1475 be adopted?" (H.F. 868)

The ayes were, 49:

Bell	Berry	Bukta	Cphoon
Davitt	Fallon	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	Dandekar

De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Heaton	Hoffman
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Kaufmann	Kurtenbach
Lalk	Lukan	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Mr. Speaker	
		Rants	

Absent or not voting, none.

Amendment H-1475 lost.

Thomas of Clayton offered the following amendment H-1538 filed by him and Hoffman of Crawford and moved its adoption:

H-1538

- 1 Amend House File 868 as follows:
- 2 1. Page 18, by striking lines 26 through 30, and
- 3 inserting the following: "million four hundred
- 4 thousand dollars. For the fiscal years".

Amendment H-1538 was adopted.

Jenkins of Black Hawk offered the following amendment H-1563 filed by him from the floor and moved its adoption:

H-1563

- 1 Amend House File 868 as follows:
- 2 1. Page 21, by inserting after line 8 the
- 3 following:
- 4 "Sec. . NEW SECTION. 15.115A TECHNOLOGY
- 5 COMMERCIALIZATION COMMITTEE.
- 6 To evaluate and approve funding for projects and
- 7 programs under section 15G.111, subsection 2, if
- 8 enacted, the economic development board shall create a
- 9 technology commercialization committee composed of
- 10 members with expertise in the areas of biosciences,
- 11 engineering, manufacturing, pharmaceuticals,
- 12 materials, information solutions, software, and
- 13 energy. An organization designated by the department,
- 14 composed of members from both the public and private
- 15 sectors and composed of subunits or subcommittees in

- 16 the areas of already identified bioscience platforms,
 17 education and workforce development,
 18 commercialization, communication, policy and
 19 governance, and finance, shall provide funding
 20 recommendations to the technology commercialization
 21 committee."
 22 2. By renumbering as necessary.

Amendment H-1563 was adopted.

Jochum of Dubuque moved the adoption of amendment H-1478B.

Roll call was requested by Jochum of Dubuque and Shoultz of Black Hawk.

On the question "Shall amendment H-1478B be adopted?" (H.F. 868)

The ayes were, 41:

Bell	Berry	Bukta	Cphoon
Davitt	Fallon	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Jacoby	Jochum	Kressig
Kuhn	Lensing	Lykam	Mascher
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Petersen	Pettengill
Reichert	Schueller	Shomshor	Shoultz
Smith	Taylor, D.	Taylor, T.	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Zirkelbach			

The nays were, 59:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	Dandekar
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Heaton	Hoffman
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jones	Kaufmann
Kurtenbach	Lalk	Lukan	Maddox
May	McCarthy	Olson, S.	Paulsen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Soderberg	Struyk	Swaim	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyeke	Wise	Mr. Speaker	
		Rants	

Absent or not voting, none.

Amendment H-1478B lost.

Horbach of Tama in the chair at 8:37 p.m.

Speaker Rants in the chair at 8:45 p.m.

Jochum of Dubuque moved the adoption of amendment H-1478C.

Roll call was requested by Jochum of Dubuque and Hunter of Polk.

On the question "Shall amendment H-1478C be adopted?" (H.F. 868)

The ayes were, 35:

Berry	Bukta	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Heddens	Hogg	Hunter	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Pettengill
Reichert	Schueller	Shomshor	Shoultz
Smith	Taylor, D.	Taylor, T.	Wendt
Wessel-Kroeschell	Whitead	Winckler	

The nays were, 65:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Carroll	Chambers
Cohoon	Dandekar	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Heaton	Hoffman	Horbach	Huseman
Huser	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	McCarthy
Mertz	Olson, S.	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Soderberg	Struyk	Swaim	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Whitaker	Wildurdyke	Wise	Zirkelbach
Mr. Speaker			
Rants			

Absent or not voting, none.

Amendment H-1478C lost.

Hoffman of Crawford offered the following amendment H-1567 filed by him from the floor and moved its adoption:

H-1567

- 1 Amend House File 868 as follows:
- 2 1. Page 51, lines 5 and 6, by striking the words
- 3 "a pro rata" and inserting the following: "an
- 4 earliest date applied".

Amendment H-1567 was adopted.

Miller of Webster offered the following amendment H-1442 filed by her and Reichert of Muscatine and moved its adoption:

H-1442

- 1 Amend House File 868 as follows:
- 2 1. Page 52, by inserting after line 20 the
- 3 following:
- 4 "Sec. ___. Section 422.7, Code 2005, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 44. Subtract, to the extent not
- 7 otherwise excluded, the first twenty-five thousand
- 8 dollars of the gain from the sale of a unique work of
- 9 art, provided the artist, as defined by the department
- 10 of cultural affairs, lives and works in a cultural and
- 11 entertainment district certified pursuant to section
- 12 303.3B."
- 13 2. Page 54, by striking line 20 and inserting the
- 14 following:
- 15 "Sec. ___. EFFECTIVE AND APPLICABILITY DATES.
- 16 1. The provisions".
- 17 3. Page 54, by inserting after line 26 the
- 18 following:
- 19 "2. The provision of this division of this Act
- 20 amending section 422.7 and allowing an exclusion from
- 21 income regarding a unique work of art applies
- 22 retroactively to January 1, 2005, for tax years
- 23 beginning on or after that date."
- 24 4. Title page, line 2, by inserting after the
- 25 word "credits" the following: "and exclusions".
- 26 5. By renumbering as necessary.

Amendment H-1442 lost.

Zirkelbach of Jones asked and received unanimous consent to withdraw amendment H-1534 filed by him on April 26, 2005.

Hunter of Polk asked and received unanimous consent to withdraw amendment H-1451 filed by him, et al., on April 20, 2005.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-1480 filed by her on April 25, 2005.

Reichert of Muscatine asked and received unanimous consent to withdraw amendment H-1486 filed by Reichert, et al., on April 26, 2005.

Frevert of Palo Alto asked and received unanimous consent to withdraw amendment H-1508 filed by her on April 26, 2005.

Raecker of Polk offered the following amendment H-1573 filed by him from the floor and moved its adoption:

H-1573

- 1 Amend House File 868 as follows:
- 2 1. Page 58, by inserting after line 22 the
- 3 following:
- 4 "Sec. __. LEGISLATIVE INTENT. It is the intent
- 5 of the general assembly that the entire two million
- 6 dollars worth of tax credits allowed under section
- 7 15E.305, subsection 2, shall be issued."
- 8 2. By renumbering as necessary.

Amendment H-1573 was adopted.

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. 868)

The ayes were, 92:

Alons	Anderson	Arnold	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
Dix	Dolecheck	Drake	Elgin
Foege	Ford	Freeman	Frevert

Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Schickel	Schueller
Shomshor	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Mr. Speaker Rants

The nays were, 8:

Baudler	De Boef	Eichhorn	Fallon
Jochum	Sands	Shoultz	Van Engelenhoven

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 FILES 794 and 850 WITHDRAWN

Hoffman of Crawford asked and received unanimous consent to withdraw House Files 794 and 850 from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 868** be immediately messaged to the Senate.

INTRODUCTION OF BILL

House File 881, by committee on appropriations, a bill for an act relating to the compensation and benefits for public officials and employees and members of the general assembly, providing for

related matters, making appropriations, and including effective and retroactive applicability date provisions.

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

SENATE FILE 413 REREFERRED

The Speaker announced that Senate File 413, previously referred to committee on **ways and means** 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 27th day of April, 2005: House Files 253, 313, 398, 423, 532, 645, 700, 737, 745, 746, 754, 777, 781, 789 and 839.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 27, 2005, he approved and transmitted to the Secretary of State the following bills:

House File 276, an Act requiring that meetings relating to postsecondary school registration held by the Iowa Coordinating Council for post-high school education be open to the public.

House File 585, an Act relating to assisted living programs, providing for a fee, providing penalties, and providing an effective date.

House File 587, an Act relating to adult day services regulation, providing penalties, and providing an effective date.

House File 710, an Act relating to the regulation of elder group homes and providing penalties.

House File 717, an Act prohibiting the unauthorized sale, ownership, possession, or use of traffic signal preemption devices and providing a penalty.

House File 757, an Act relating to the disposition of abandoned vehicles.

House File 771, an Act relating to the timing of a mental competency hearing for a person accused of a criminal offense.

Senate File 340, an Act relating to motor vehicle registration and driver licensing services provided by county treasurers and providing for the collection of certain fees, fines, and penalties, and providing an effective date.

Senate File 352, an Act relating to confidentiality and liability provisions involving the child advocacy board and the programs associated with the board and making a penalty applicable.

Senate File 363, an Act providing for the regulation of persons engaged in soliciting business opportunities, including franchises.

Senate File 365, an Act relating to the application deadline for certification of enterprise zones.

Senate File 370, an Act relating to the duration of a no-contact order in a criminal case.

GOVERNOR'S ITEM VETO MESSAGE

April 19, 2005

Christopher Rants
Speaker of the House
State Capitol Building
L O C A L

Dear Speaker Rants:

I hereby transmit House File 826, an Act relating to the speed limit for vehicular traffic on highways, the fines for violations, and court costs for simple misdemeanor offenses and providing a fee and making appropriations.

I approve, in part, House File 826 to increase the speed limit to 70 miles per hour on Iowa's interstate highways and to increase fines for violations and court costs. However, I remain concerned about the impacts of higher speeds on our roads; so I am taking the additional step today to direct the Department of Public Safety to strictly enforce the 70 miles per hour limit once it becomes effective. Current Department of Transportation data indicated a vast majority of interstate drivers travel at 69.8 miles per hour on average. Through my action today, the speed limit will increase, but actual speeds on Iowa's highways will not. I expect Iowa drivers to respect the law and the posted speed limit.

The higher speed limit will become effective on July 1, 2005. In the meantime, I direct the Department of Transportation to work in cooperation with the Department of Public Safety to conduct a study of the interstate system to determine areas that 70 miles per hour may not be safe. Under this law, the Department of Transportation is authorized to establish a lower speed limit if warranted. Based on the study's findings,

a determination will be made on the appropriate speed limit for individual areas of Iowa's interstate system.

House File 826 is approved on this date with the following exceptions, which I hereby disapprove:

I am unable to approve the items designated as Section 7 and Section 9 in their entirety. These sections deal with the allocation of funds to the Department of Public Safety for vehicles utilized by the Iowa State Patrol from fines attributable to speeding fines. Although I agree with the need to increase funding for the Iowa State Patrol vehicle fleet, I do not believe the proper way is to directly tie the increase in speeding fines with the allocation for vehicles. This could leave the impression by some of tickets being written solely for improving the Iowa State Patrol fleet as opposed to the need for safety on our roads. I would encourage the Legislature to appropriate through the normal process for the Department of Public Safety and fund directly from the general fund additional resources for the Iowa State Patrol vehicle fleet.

For the above reasons, I respectfully disapprove these items in accordance with Article 3, Section 16, of the Constitution of the State of Iowa. All other items in House File 826 are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Six government students from North Tama High School, Tama, Iowa, accompanied by Stacey Stull. By Horbach of Tama.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF NATURAL RESOURCES Energy and Waste Management Bureau

Report on toxic cleanup days regional collection centers, pursuant to Chapter 455F.8A, 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.

MARGARET A. THOMSON
Chief Clerk of the House

- 2005\1357 Florian and Eileen Winter, Waucoma – For celebrating their 50th wedding anniversary
- 2005\1358 Melvin and Eileen Molokken, West Union – For celebrating their 50th wedding anniversary.
- 2005\1359 Elsie Gruber, Tripoli – For celebrating her 85th birthday.
- 2005\1360 Wayne Gonnerman, Sumner – For receiving the 2004 Lifetime Achievement Award for the Sun Rivers District of the Winnebago Council of Boy Scouts of America.
- 2005\1361 Mabel Murphy, Dundee – For celebrating her 98th birthday.
- 2005\1362 Joe and Mary Pedretti, Elkader – For celebrating their 50th wedding anniversary.
- 2005\1363 Joseph and Anna Mae Rothmeyer, Monona – For celebrating their 50th wedding anniversary.
- 2005\1364 Gerald and Betty Andregg, Garnavillo – For celebrating their 50th wedding anniversary.
- 2005\1365 Tim Riedl, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America
- 2005\1366 Babe Reinke, Hartley – For celebrating her 90th birthday.
- 2005\1367 Ruth Ohlmann, Ida Grove – For celebrating her 80th birthday.
- 2005\1368 Chris Hartgenbush, Ida Grove – For celebrating her 93rd birthday.
- 2005\1369 Donald Picken, Oskaloosa – For celebrating his 85th birthday.
- 2005\1370 George and Ilene Strable, Montezuma – For celebrating their 58th wedding anniversary.
- 2005\1371 William and Agnes Ridley, Oskaloosa – For celebrating their 65th wedding anniversary.

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.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 297), relating to the compensation and benefits for public officials and employees and members of the general assembly, providing for related matters, making appropriations, and including an effective date provision.

Fiscal Note is note required.

Recommended **Amend and Do Pass** April 27, 2005.

RESOLUTIONS FILED

HR 52, by Paulsen and Swaim, a resolution recognizing May 1, 2005, as Law Day.

Laid over under **Rule 25**.

HR 53, by Bukta, a resolution honoring the city of Clinton on its sesquicentennial.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1540	S.F.	200	Greiner of Washington
H—1541	H.F.	857	Senate Amendment
H—1542	H.F.	540	Senate Amendment
H—1544	H.F.	809	Senate Amendment
H—1546	S.F.	390	Frevert of Palo Alto
H—1549	H.F.	877	Greiner of Washington
H—1550	H.F.	809	Hoffman of Crawford
H—1551	H.F.	809	Miller of Webster
H—1552	H.F.	809	Fallon of Polk
H—1554	H.F.	809	Hoffman of Crawford

H—1555	H.F.	877	Greiner of Washington
H—1556	H.F.	809	Miller of Webster
H—1557	H.F.	876	Carroll of Poweshiek
			Smith of Marshall
			Foege of Linn
			Heaton of Henry
			Upmeyer of Hancock
H—1558	S.C.R.	9	Ford of Polk
H—1559	S.C.R.	9	Ford of Polk
H—1560	S.C.R.	9	Ford of Polk
H—1562	H.F.	809	Fallon of Polk
H—1564	H.F.	809	Jenkins of Black Hawk
H—1565	H.F.	809	Hoffman of Crawford
H—1568	H.F.	809	Miller of Webster
H—1569	H.F.	873	Raecker of Polk
			Wendt of Woodbury
			Winckler of Scott
			Dolecheck of Ringgold
H—1570	H.F.	809	Fallon of Polk
H—1571	H.F.	880	Huser of Polk
			Kurtenbach of Story
			Jacobs of Polk
			Wessel-Kroeschell of Story
H—1572	H.F.	809	Jochum of Dubuque
H—1574	H.F.	809	Thomas of Clayton
Hogg of Linn			Wise of Lee
Dandekar of Linn			D. Olson of Boone
Schueller of Jackson			Miller of Webster
Reichert of Muscatine			Zirkelbach of Jones
H—1575	S.F.	413	J.K. Van Fossen of Scott
			Shomshor of Pottawattamie

On motion by Gipp of Winneshiek the House adjourned at 10:23 p.m., until 8:45 a.m., Thursday, April 28, 2005.

JOURNAL OF THE HOUSE

One Hundred Ninth Calendar Day - Seventy-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 28, 2005

The House met pursuant to adjournment at 9:01 a.m., Roberts of Carroll in the chair.

Prayer was offered by the Honorable Carmine Boal, state representative from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Rod Roberts, state representative from Carroll County.

The Journal of Wednesday, April 27, 2005 was approved.

INTRODUCTION OF BILL

House File 882, by committee on appropriations, a bill for an act making, reducing, and transferring appropriations, providing for fees, and providing for properly related matters and including effective and retroactive applicability date provisions.

Read first time and placed on the **appropriations 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 27, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 610, a bill for an act relating to the transmission of electronic mail including the transmission of unsolicited bulk electronic mail, and the sale or offer for direct sale of prescription drugs and the sale of adulterated or misbranded drugs through the use of electronic mail or the internet, and providing for penalties.

Also: That the Senate has on April 27, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 836, a bill for an act relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreements and reporting, establishing and appropriating fees, and providing penalties.

Also: That the Senate has on April 27, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 408, a bill for an act relating to the exemption from property taxation of certain low-rent housing and including effective date and applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SPECIAL PRESENTATION

Swaim of Davis introduced to the House, John Talbot, a veteran and war hero from the Battle of Midway during WWII.

The House rose and expressed its appreciation.

ADOPTION OF HOUSE RESOLUTION 29

Jenkins of Black Hawk called up for consideration **House Resolution 29**, a resolution designating April 2005 as Financial Literacy for Youth Month in Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 9:13 a.m., until the fall of the gavel.

The House resumed session at 3:20 p.m., Speaker pro tempore Carroll in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-seven members present, twenty-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 28, 2005, 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 374, a bill for an act relating to veterans by providing for the compensation of members of a county commission of veteran affairs, providing for the issuance of combined hunting and fishing licenses to certain veterans, establishing a hepatitis C awareness program for veterans, concerning funds in an account for a state veterans cemetery, and providing an effective date.

Also: That the Senate has on April 28, 2005, 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 716, a bill for an act relating to the military division and the homeland security and emergency management division of the department of public defense concerning the activation and use of the civil air patrol, the authority of the adjutant general to enter into interstate agreements for use of national guard personnel, and the use of the national incident management system for state emergencies.

Also: That the Senate has on April 28, 2005, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 375, a bill for an act creating the uniform environmental covenants Act.

Also: That the Senate has on April 28, 2005, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 403, a bill for an act providing for the receipt of and costs relating to public records requests.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 408, by committee on ways and means, a bill for an act relating to the exemption from property taxation of certain low-rent housing and including effective date and applicability date provisions.

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

RULES SUSPENDED

Jacobs of Polk asked and received unanimous consent to suspend the rules for the consideration of House File 880 and Senate Files 389 and 404.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 858, a bill for an act establishing a statewide work-based learning intermediary network program and creating a fund, was taken up for consideration.

Jenkins 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. 858)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Carroll, 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 FILES 264 and 639 WITHDRAWN

Jenkins of Black Hawk asked and received unanimous consent to withdraw House Files 264 and 639 from further consideration by the House.

Ways and Means Calendar

House File 880, a bill for an act relating to the disposition of certain real estate transfer tax receipts by the treasurer of state, was taken up for consideration.

Huser of Polk offered the following amendment H-1571 filed by Huser, et al., and moved its adoption:

H-1571

- 1 Amend House File 880 as follows:
- 2 1. Page 2, by striking lines 2 through 27 and
- 3 inserting the following:
- 4 "a. For the fiscal year beginning July 1, 2005,
- 5 ninety-five percent of the receipts shall be deposited
- 6 in the general fund and five percent of the receipts
- 7 shall be transferred to the shelter assistance fund.
- 8 b. For the fiscal year beginning July 1, 2006,
- 9 ninety-five percent of the receipts, less one million
- 10 dollars which shall be transferred to the housing
- 11 trust fund, shall be deposited in the general fund and
- 12 five percent of the receipts shall be transferred to
- 13 the shelter assistance fund.
- 14 c. For the fiscal year beginning July 1, 2007,
- 15 ninety-five percent of the receipts, less two million
- 16 dollars which shall be transferred to the housing
- 17 trust fund, shall be deposited in the general fund and
- 18 five percent of the receipts shall be transferred to
- 19 the shelter assistance fund.
- 20 d. For the fiscal year beginning July 1, 2008,
- 21 seventy percent of the receipts shall be deposited in
- 22 the general fund, twenty-five percent of the receipts
- 23 shall be transferred to the housing trust fund, and
- 24 five percent of the receipts shall be transferred to
- 25 the shelter assistance fund.
- 26 e. For the fiscal year beginning July 1, 2009,
- 27 sixty-five percent of the receipts shall be deposited
- 28 in the general fund, thirty percent of the receipts
- 29 shall be transferred to the housing trust fund, and
- 30 five percent of the receipts shall be transferred to

31 the shelter assistance fund.
 32 f. For the fiscal year beginning July 1, 2010,
 33 sixty percent of the receipts shall be deposited in
 34 the general fund, thirty-five percent of the receipts
 35 shall be transferred to the housing trust fund, and
 36 five percent of the receipts shall be transferred to
 37 the shelter assistance fund.
 38 g. For the fiscal year beginning July 1, 2011,
 39 fifty-five percent of the receipts shall be deposited
 40 in the general fund, forty percent of the receipts
 41 shall be transferred to the housing trust fund, and
 42 five percent of the receipts shall be transferred to
 43 the shelter assistance fund.
 44 h. For the fiscal year beginning July 1, 2012, and
 45 each fiscal year thereafter, fifty percent of the
 46 receipts shall be deposited in the general fund,
 47 forty-five percent of the receipts shall be
 48 transferred to the housing trust fund, and five
 49 percent of the receipts shall be transferred to the
 50 shelter assistance fund."

Amendment H-1571 was adopted.

Kurtenbach 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. 880)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz

Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wildurdyke
Winckler	Wise	Zirkelbach	Carroll, 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 815 WITHDRAWN

Kurtenbach of Story asked and received unanimous consent to withdraw House File 815 from further consideration by the House.

Senate File 404, a bill for an act providing for county eligibility for state payment of property tax relief moneys and allowed growth funding for mental health, mental retardation, and developmental disabilities services and providing effective and retroactive applicability dates, with report of committee recommending passage, was taken up for consideration.

Upmeyer of Hancock 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. 404)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cphoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz

Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wildurdyke	Winckler	Wise	Zirkelbach
Carroll, Presiding			

The nays were, none.

Absent or not voting, 3:

Gipp	Kurtenbach	Rants, Spkr.
------	------------	--------------

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

Senate File 389, a bill for an act providing individual and corporate income tax credits for soy-based cutting tool oil and including an applicability date provision, with report of committee recommending passage, was taken up for consideration.

Kaufmann of Cedar 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. 389)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox

Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Carroll, Presiding			

The nays were, 1:

Hunter

Absent or not voting, 2:

Gipp Rants, Spkr.

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

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 858, 880, and Senate Files 389 and 404.**

RULES SUSPENDED

Jacobs of Polk asked and received unanimous consent to suspend the rules for the consideration of House File 879 and Senate Files 341 and 343.

House File 879, a bill for an act relating to the regulation of snowmobiles and establishing fees, 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?" (H.F. 879)

The ayes were, 96:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyeke
Winckler	Wise	Zirkelbach	Carroll, Presiding

The nays were, 2:

McCarthy Reasoner

Absent or not voting, 2:

Gipp Rants, Spkr.

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

SPECIAL PRESENTATION

May of Dickinson introduced to the House Alex Waters, a former Page in the House who was injured in a boating accident. The Pages this year raised funds to help with his medical costs.

The House rose and expressed its welcome.

HOUSE FILE 725 WITHDRAWN

Lukan of Dubuque asked and received unanimous consent to withdraw House File 725 from further consideration by the House.

Roberts of Carroll in the chair at 3:58 p.m.

Regular Calendar

Senate File 200, a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties, with report of committee recommending amendment and passage, was taken up for consideration.

Struyk of Pottawattamie offered the following amendment H-1344 filed by the committee on agriculture and moved its adoption:

H-1344

- 1 Amend Senate File 200, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 7 through 23.
- 4 2. By renumbering as necessary.

The committee amendment H-1344 was adopted.

Greiner of Washington offered amendment H-1540 filed by her as follows:

H-1540

- 1 Amend Senate File 200 as follows:
- 2 1. Page 1, by inserting after line 27, the
- 3 following:
- 4 "DIVISION IV
- 5 WATERSHED IMPROVEMENT
- 6 Sec. __. Section 16.5, Code 2005, is amended by
- 7 adding the following new subsection:
- 8 NEW SUBSECTION. 19. Provide administrative and
- 9 fiscal oversight and support for local watershed
- 10 improvement grants awarded pursuant to section 16.185.
- 11 Sec. __. NEW SECTION. 16.185 WATERSHED
- 12 IMPROVEMENT FUND – BOARD – DUTIES.
- 13 1. A watershed improvement fund is created in the
- 14 state treasury under the control of the Iowa finance
- 15 authority. Moneys appropriated to the watershed

16 improvement fund and any other moneys available to and
17 obtained or accepted by the authority for placement in
18 the watershed improvement fund shall be deposited in
19 the fund. Additionally, payments of interest,
20 recaptures of awards, and other repayments to the
21 watershed improvement fund shall be deposited in the
22 fund. Notwithstanding section 12C.7, subsection 2,
23 interest or earnings on moneys in the watershed
24 improvement fund shall be credited to the fund.
25 Notwithstanding section 8.33, moneys in the fund that
26 remain unencumbered or unobligated at the end of the
27 fiscal year shall not revert, but shall remain
28 available for the same purpose in the succeeding
29 fiscal year.

30 2. A watershed improvement board is created with
31 the following purposes:

- 32 a. Enhancement of water quality in the state
33 through a variety of impairment-based, locally
34 directed watershed improvement grant projects.
- 35 b. Positively affecting the management and use of
36 water for the purposes of drinking, agriculture,
37 recreation, sport, and economic development in the
38 state.
- 39 c. Ensuring public participation in the process of
40 determining priorities related to water quality
41 including but not limited to all of the following:
 - 42 (1) Agricultural runoff and drainage.
 - 43 (2) Stream bank erosion.
 - 44 (3) Municipal discharge.
 - 45 (4) Stormwater runoff.
 - 46 (5) Unsewered communities.
 - 47 (6) Industrial discharge.
 - 48 (7) Livestock runoff.
- 49 3. The watershed improvement board shall consist
50 of all of the following voting members, appointed by

Page 2

- 1 the named entity:
 - 2 a. One member of the Iowa association of business
3 and industry.
 - 4 b. One member of the Iowa association of municipal
5 utilities.
 - 6 c. One member of the Iowa association of water
7 agencies.
 - 8 d. One member of the Iowa cattlemen's association.
 - 9 e. One member of the Iowa environmental council.
 - 10 f. One member of the Iowa environmental health
11 association.
 - 12 g. One member of the Iowa farm bureau federation.
 - 13 h. One member of the Iowa league of cities.
 - 14 i. One member of the Iowa pork producers

- 15 association.
- 16 j. One member of the Iowa rural water association.
- 17 k. One member of the Iowa soybean association.
- 18 l. One member representing soil and water
19 conservation districts of Iowa.
- 20 m. One member of the Iowa corn growers
21 association.
- 22 n. One member of the Iowa poultry association.
- 23 o. One member of the Iowa land improvement
24 contractors association.
- 25 4. The chairpersons and ranking members of the
26 committee on natural resources in the senate and the
27 committee on environmental protection in the house of
28 representatives shall serve as ex officio members of
29 the board.
- 30 5. The members of the watershed improvement board
31 shall serve three-year staggered terms commencing and
32 ending as provided in section 69.19. If a vacancy
33 occurs, a successor shall be appointed in the same
34 manner and subject to the same qualifications as the
35 original appointment to serve the remainder of the
36 term.
- 37 6. The members of the board shall elect a
38 chairperson and vice chairperson annually from the
39 voting membership of the board. A majority of the
40 voting members of the board constitutes a quorum. If
41 the chairperson and vice chairperson are unable to
42 preside over the board due to absence or disability, a
43 majority of the voting members present may elect a
44 temporary chairperson by a majority vote providing a
45 quorum is present.
- 46 7. The board shall meet no more than on a
47 quarterly basis.
- 48 8. The members of the watershed improvement board
49 may receive reimbursement for actual expenses incurred
50 while engaged in the performance of their official

Page 3

- 1 duties. A board member may also be eligible to
2 receive compensation as provided in section 7E.6.
- 3 9. The chairperson of the board shall notify the
4 legislative council of the membership of the board on
5 an annual basis and shall notify the legislative
6 council of any changes in membership that occur due to
7 a vacancy on the board.
- 8 10. A watershed improvement board member shall not
9 serve on a local watershed improvement committee.
- 10 11. The Iowa finance authority shall provide
11 administrative support to the board. Not more than
12 twelve thousand dollars of the moneys appropriated for
13 the purposes of the local watershed improvement

- 14 grants, annually, shall be used for administrative
15 purposes.
- 16 12. The watershed improvement board shall do all
17 of the following:
- 18 a. Award local watershed improvement grants and
19 monitor the progress of local watershed improvement
20 projects awarded grants. A local watershed
21 improvement grant may be awarded for a period not to
22 exceed three years. Each local watershed improvement
23 grant awarded shall not exceed ten percent of the
24 moneys appropriated for the grants during a fiscal
25 year.
- 26 b. Assist with the development of monitoring plans
27 for local watershed improvement projects.
- 28 c. Review monitoring results before, during, and
29 after completion of a local watershed improvement
30 project.
- 31 d. Review costs and benefits of mitigation
32 practices utilized by a project.
- 33 e. By January 31, annually, submit an electronic
34 report to the governor and the general assembly
35 regarding the progress of the watershed improvement
36 projects during the previous calendar year.
- 37 f. Adopt administrative rules pursuant to chapter
38 17A to administer this section.
- 39 13. The board may elicit the expertise of other
40 organizations for technical assistance in the work of
41 the board. The organizations may include but are not
42 limited to all of the following:
- 43 a. The state university of Iowa.
- 44 b. The Iowa state university of science and
45 technology.
- 46 c. The department of natural resources.
- 47 d. The department of agriculture and land
48 stewardship.
- 49 e. The United States geological survey.
- 50 f. The United States department of agriculture,

Page 4

- 1 agricultural research service national soil tilth
2 laboratory.
- 3 g. The Leopold center for sustainable agriculture.
- 4 14. a. A local watershed improvement committee
5 shall be organized for the purposes of applying for a
6 local watershed improvement grant and implementing a
7 local watershed improvement project. A majority of
8 the members of the local watershed improvement
9 committee shall represent a cause for the impairment
10 of the watershed. The committee shall be authorized
11 as a not-for-profit organization by the secretary of
12 state. Soil and water conservation districts may also

13 be eligible and apply for and receive local watershed
14 improvement grants.

15 b. A local watershed improvement committee shall
16 be responsible for application for and implementation
17 of an approved local watershed improvement grant,
18 including providing authorization for project bids and
19 project expenditures under the grant. A portion of
20 the grant moneys may be used to engage engineering
21 expertise related to the project. The committee shall
22 monitor local performance throughout the local
23 watershed grant project and shall submit a report at
24 six-month intervals regarding the progress and
25 findings of the project as required by the watershed
26 improvement board."

27 2. Title page, by striking lines 1 through 3 and
28 inserting the following: "An Act relating to
29 agriculture by providing for the powers and duties of
30 the department of agriculture and land stewardship and
31 watershed improvement."

32 3. By renumbering as necessary.

Kuhn of Floyd offered the following amendment H-1585, to amendment H-1540, filed by him from the floor and moved its adoption:

H-1585

1 Amend the amendment, H-1540, to Senate File 200, as
2 passed by the Senate, as follows:

3 1. Page 2, line 1, by inserting after the word
4 "entity" the following: "and approved by the
5 governor".

6 2. Page 2, by inserting after line 24 the
7 following:

8 " ___. One member of the Iowa farmers union.

9 " ___. One member of the Iowa state association of
10 counties.

11 " ___. One member of the Iowa chapter of the sierra
12 club.

13 " ___. One member of the Iowa citizens for community
14 improvement.

15 " ___. Two members of the general public with
16 expertise in water quality appointed by the governor."

17 3. Page 4, line 7, by inserting after the word
18 "project." the following: "Each local watershed
19 improvement grant application shall include a
20 methodology for attaining measurable, observable, and
21 performance-based results."

22 4. By relettering as necessary.

Amendment H-1585 lost.

On motion by Greiner of Washington, amendment H-1540 was adopted.

Struyk 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. 200)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Rants, Spkr.

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

Senate File 341, a bill for an act relating to the long-term living system in Iowa including establishment of the intent for Iowa's long-term living system, with report of committee recommending passage, was taken up for consideration.

Upmeyer of Hancock offered the following amendment H-1587 filed by her from the floor and moved its adoption:

H-1587

1 Amend Senate File 341, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking line 1, and inserting the
4 following:

5 "Section 1. INTENT FOR IOWA'S LONG--".

6 2. By striking page 1, line 33, through page 2,
7 line 15, and inserting the following:

8 "Sec. __. LONG-TERM LIVING PLANNING – UNIFORM
9 ASSESSMENT TOOL.

10 1. The department of human services, the
11 department of elder affairs, the Iowa department of
12 public health, and the insurance division of the Iowa
13 department of commerce shall work collaboratively to
14 develop a plan for submission to the governor and the
15 general assembly by November 1, 2005, to coordinate
16 efforts to improve public access to informational and
17 educational resources that will assist Iowans of all
18 ages in making informed choices relating to their
19 long-term living needs. The plan shall address the
20 availability of long-term living services in the
21 community, the potential cost of services, and long-
22 term care insurance.

23 2. The department of human services, in
24 cooperation with the division of insurance of the Iowa
25 department of commerce, shall submit an application to
26 the United States department of health and human
27 services to participate in the "Own Your Future" long-
28 term care awareness initiative. If the application is
29 not approved and the state is unable to participate in
30 such initiative, the department of human services and
31 the division of insurance of the Iowa department of
32 commerce shall submit a plan to the governor and the
33 general assembly by January 1, 2006, regarding a
34 state-only long-term care awareness initiative.

35 3. The department of human services and the
36 department of elder affairs shall continue to identify
37 barriers and opportunities related to a program of
38 all-inclusive care for the elderly (PACE program) as
39 defined in section 249H.3. The departments shall
40 determine the state's readiness and capacity to

41 support a PACE program, including whether the PACE
42 program is in opposition to or is able to be
43 integrated with the Iowa Medicaid enterprise, the
44 costs associated with implementing the PACE program,
45 the rate-setting methodology for the PACE program, and
46 an estimated capitation rate for PACE program services
47 to share with prospective providers. The departments
48 shall report their findings and determinations to the
49 governor and the general assembly by December 31,
50 2005.

Page 2

1 4. The department of human services, the
2 department of elder affairs, and the Iowa department
3 of public health shall jointly submit a report to the
4 governor and the general assembly by August 15, 2005,
5 providing recommendations relating to project seamless
6 administered by the department of elder affairs. The
7 recommendations shall address all of the following:
8 a. The continued sharing of information between
9 the departments related to elder Iowans.
10 b. The possible expansion of project seamless to
11 other appropriate populations.
12 c. The possible expansion of project seamless to
13 other appropriate services.
14 d. The sufficiency of data currently being
15 collected for the purposes of public policy decisions
16 and operational management.
17 e. Necessary resources to maintain the existing
18 project seamless and necessary resources for proposed
19 program expansion and data analysis.
20 5. The department of human services, the
21 department of elder affairs, the Iowa department of
22 public health, and the insurance division of the Iowa
23 department of commerce shall jointly submit a plan to
24 the governor and the general assembly by November 1,
25 2005, identifying the various assessment tools
26 utilized for access to programs and services under the
27 purview of the respective department or division and
28 recommending a uniform assessment tool to be used by
29 the departments and the division for access to such
30 programs and services beginning July 1, 2007. At a
31 minimum, the uniform assessment tool shall comply with
32 requirements of the Iowa Medicaid enterprise and shall
33 conform to existing systems or replace existing
34 systems to avoid duplication and redundancy."
35 3. By renumbering as necessary.

Dolecheck of Ringgold in the chair at 4:26 p.m.

Amendment H-1587 was adopted.

Upmeyer of Hancock 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. 341)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carrroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wildurdyke
Winckler	Wise	Zirkelbach	Dolecheck, 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 343, a bill for an act relating to governmental services involving audit reports and the family investment program, with report of committee recommending amendment and passage, was taken up for consideration.

Carroll of Poweshiek offered the following amendment H-1343 filed by the committee on human resources and moved its adoption:

H-1343

1 Amend Senate File 343, as passed by the Senate, as
2 follows:

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

5 "Sec. ___. Section 232.69, subsection 1, paragraph
6 b, Code 2005, is amended by adding the following new
7 subparagraph:

8 NEW SUBPARAGRAPH. (13) An employee or operator of
9 a provider of services to children funded under a
10 federally approved medical assistance home and
11 community-based services waiver.

12 Sec. ___. Section 232.71D, subsection 3, paragraph
13 i, Code 2005, is amended by striking the paragraph.

14 Sec. ___. Section 235A.15, subsection 2, paragraph
15 b, subparagraph (9), Code 2005, is amended by striking
16 the subparagraph.

17 Sec. ___. Section 235A.15, subsection 2, paragraph
18 c, Code 2005, is amended by adding the following new
19 subparagraphs:

20 NEW SUBPARAGRAPH. (12) To an area education
21 agency or other person responsible for providing early
22 intervention services to children that is funded under
23 part C of the federal Individuals with Disabilities
24 Education Act.

25 NEW SUBPARAGRAPH. (13) To a federal, state, or
26 local governmental unit, or agent of the unit, that
27 has a need for the information in order to carry out
28 its responsibilities under law to protect children
29 from abuse and neglect.

30 Sec. ___. Section 235A.15, subsection 2, paragraph
31 e, Code 2005, is amended by adding the following new
32 subparagraph:

33 NEW SUBPARAGRAPH. (18) To a person or agency
34 responsible for the care or supervision of a child
35 named in a report as an alleged victim of abuse or a
36 person named in a report as having allegedly abused a
37 child, if the juvenile court or department deems
38 access to report data and disposition data by the
39 person or agency to be necessary.

40 Sec. ___. Section 235A.15, subsection 3,
41 paragraphs b and c, Code 2005, are amended to read as
42 follows:

43 b. Persons involved in an assessment of child
44 abuse identified in subsection 2, paragraph "b",
45 subparagraphs (2), (3), (4), (6), and (7), ~~and (9)~~.

46 c. Others identified in subsection 2, paragraph

47 "e", subparagraphs (2), (3), and (6), and (18).
 48 Sec. __. Section 235A.15, subsection 4, paragraph
 49 c, Code 2005, is amended to read as follows:
 50 c. Others identified in subsection 2, paragraph

Page 2

1 "e", subparagraph subparagraphs (2) and (18).
 2 Sec. __. Section 235A.19, subsection 2, paragraph
 3 b, Code 2005, is amended by adding the following new
 4 subparagraph:
 5 NEW SUBPARAGRAPH. (9) For others identified in
 6 section 235A.15, subsection 2, paragraph "d",
 7 subparagraph (7), and paragraph "e", subparagraphs (9)
 8 and (16)."
 9 2. Title page, line 1, by striking the word
 10 "reports" and inserting the following: "reports,
 11 child abuse reporting and registry requirements,".
 12 3. By renumbering as necessary.

The committee amendment H-1343 was adopted.

Carroll of Poweshiek 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. 343)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carrroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.

Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Dolecheck, Presiding	

The nays were, none.

Absent or not voting, 1:

Dix

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

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 879** and **Senate Files 200, 341 and 343**.

RULES SUSPENDED

Jacobs of Polk asked and received unanimous consent to suspend the rules for the consideration of House Files 873, 876 and 877.

Ways and Means Calendar

House File 873, a bill for an act relating to recommendations of the education subcommittee of the governor's committee on local governance by providing for the development of a school sharing and efficiencies in operations process, the referral of certain issues to legislative standing committees for further review and consideration, and a study by the department of education concerning certain barriers to effective structure and delivery models that promote optimum student achievement, with report of committee recommending amendment and passage, was taken up for consideration.

Raecker of Polk offered amendment H-1513 filed by the committee on education as follows:

H-1513

- 1 Amend House File 873 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "to" the following: "support rigorous and relevant
- 4 student programming and efforts to increase student
- 5 achievement, and to".
- 6 2. Page 2, line 31, by striking the figure "3,"
- 7 and inserting the following: "3;"
- 8 3. Page 2, line 32, by striking the word
- 9 "efforts," and inserting the following: "efforts;"
- 10 4. Page 2, line 32, by inserting after the word
- 11 "recommend" the following: "a timeline for
- 12 implementation of sharing and efficiency of operations
- 13 efforts and".
- 14 5. Page 2, line 33, by striking the words "with
- 15 this section" and inserting the following: "with the
- 16 implementation of sharing and efficiency of operations
- 17 efforts".
- 18 6. By renumbering, relettering, or redesignating
- 19 and correcting internal references as necessary.

Raecker of Polk offered the following amendment H-1569, to the committee amendment H-1513, filed by Raecker, et al., and moved its adoption:

H-1569

- 1 Amend the amendment, H-1513, to House File 873, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 5 and
- 4 inserting the following:
- 5 "___ Page 1, by striking lines 4 through 16, and
- 6 inserting the following:
- 7 "1. Not later than September 15, 2005, the
- 8 department of education and the boards of directors of
- 9 the area education agencies shall, in consultation
- 10 with other appropriate education stakeholders as
- 11 necessary, develop a uniform structured conversation
- 12 process, including specific categories of discussion.
- 13 The purpose of the process shall be to facilitate
- 14 discussion between school district leaders in order to
- 15 support rigorous and relevant student programming and
- 16 efforts to increase student achievement through
- 17 identification and realization of sharing and
- 18 efficiency of operations efforts with other school
- 19 districts, educational partners, and governmental
- 20 subdivisions, which will result in reductions in the
- 21 costs of operations and create additional resource
- 22 availability. The process shall".
- 23 2. By renumbering as necessary.

Amendment H-1569 was adopted.

On motion by Raecker of Polk, the committee amendment H-1513, as amended, was adopted.

Raecker 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. 873)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Wise
Zirkelbach	Dolecheck, Presiding		

The nays were, 1:

Winckler

Absent or not voting, 1:

Murphy

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

House File 877, a bill for an act establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties, was taken up for consideration.

Greiner of Washington asked and received unanimous consent to withdraw amendment H-1549 filed by her on April 27, 2005.

Greiner of Washington offered the following amendment H-1555 filed by her and moved its adoption:

H-1555

1 Amend House File 877 as follows:

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

4 "Section 1. Section 544A.16, subsection 7, Code
5 2005, is amended by striking the subsection."

6 2. Page 1, by striking lines 9 and 10 and
7 inserting the following: "including the preparation
8 of documents relating".

9 3. Page 1, line 13, by striking the word
10 "directly".

11 4. Page 1, line 14, by inserting after the word
12 "building," the following: "'Interior design" does
13 not include services that constitute the practice of
14 architecture or the practice of professional
15 engineering."

16 5. Page 1, by striking lines 16 through 19 and
17 inserting the following: "registered under this
18 chapter."

19 6. Page 2, line 20, by inserting after the word
20 "duties," the following: "The rules shall include
21 provisions addressing conflicts of interest and full
22 disclosure, including sources of compensation."

23 7. Page 3, lines 12 and 13, by striking the words
24 and figure ", as provided in subsection 1".

25 8. Page 3, by striking lines 21 through 26 and
26 inserting the following:

27 "2. Has completed any of the following:

28 a. Four years of interior design education plus
29 two years of full-time work experience in interior
30 design.

31 b. Three years of interior design education plus
32 three years of full-time work experience in interior
33 design.

34 c. Two years of interior design education plus

35 four years of full-time work experience in interior
36 design."
37 9. Page 6, by striking lines 2 through 9 and
38 inserting the following:
39 "1. A person licensed to practice architecture
40 pursuant to the laws of this state.
41 2. A person licensed as a professional engineer
42 pursuant to the laws of this state."
43 10. Page 6, by striking lines 22 through 27.
44 11. By striking page 6, line 31 through page 7,
45 line 7 and inserting the following: "interior
46 designer to a person residing in Iowa who does not
47 meet the examination requirements specified in section
48 544C.5, if the person submits evidence to the board
49 demonstrating both of the following:
50 1. A minimum of two years of interior design

Page 2

1 education and a combined total of six years of
2 interior design education and experience that is
3 acceptable to the board.
4 2. Successful completion of section 1 of the
5 national council for interior design qualification
6 examination relating to life safety codes and barrier-
7 free requirements."
8 12. By renumbering as necessary.

Amendment H-1555 was adopted.

SENATE FILE 405 SUBSTITUTED FOR HOUSE FILE 877

Greiner of Washington asked and received unanimous consent to substitute Senate File 405 for House File 877.

Senate File 405, a bill for an act establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties, was taken up for consideration.

Greiner of Washington 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. 405)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohon	Dandekar
Davitt	De Boef	Dix	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.R.
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyeke	Winckler	Wise	Zirkelbach
Dolecheck, Presiding			

The nays were, 1:

Watts

Absent or not voting, 2:

Kurtenbach Van Fossen, J.K.

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

House File 876, a bill for an act relating to mental health, mental retardation, developmental disabilities, and brain injury service requirements and including an effective and applicability date, was taken up for consideration.

Paulsen of Linn in the chair at 5:05 p.m.

Carroll of Poweshiek offered the following amendment H-1557 filed by Carroll, et al., and moved its adoption:

H-1557

1 Amend House File 876 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 225C.8A STATE CASES –
5 MINIMUM STANDARDS.

6 If a person receiving services or other support
7 provided under chapter 222, 230, or 249A has no legal
8 settlement or the legal settlement is unknown so that
9 the person is deemed to be a state case, the state's
10 responsibility is limited to the cost of services or
11 other support under the minimum standards required to
12 be available to persons covered by a county management
13 plan in accordance with the rules adopted by the
14 commission pursuant to section 331.439A. However, a
15 person receiving services or other support as a state
16 case as of June 30, 2006, shall remain eligible for
17 the services or other support available to the person
18 on that date and the state shall continue to be
19 responsible for the cost.

20 Sec. 2. Section 331.439, Code 2005, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 9. The county management plan
23 shall designate at least one hospital licensed under
24 chapter 135B that the county has contracted with to
25 provide services covered under the plan. If the
26 designated hospital does not have a bed available to
27 provide the services, the county is responsible for
28 the cost of covered services provided at an alternate
29 hospital licensed under chapter 135B.

30 Sec. 3. NEW SECTION. 331.439A COUNTY MANAGEMENT
31 PLANS – MINIMUM STANDARDS.

32 The county management plan approved in accordance
33 with section 331.439 shall comply with the minimum
34 standards for the services and other support required
35 to be available to persons covered by the plan in
36 accordance with administrative rules adopted by the
37 state commission to implement this section. The rules
38 shall address processes for managing utilization and
39 access to services and other support, including but
40 not limited to the usage of fiscal management
41 practices if state or county funding is insufficient
42 to pay the costs of the services and other support
43 required to be available. The initial minimum
44 standards shall require the provision of the services
45 provided to persons covered by the plan under the
46 medical assistance program for which the county is
47 responsible for the nonfederal share and the
48 availability of the following services and other
49 support, based upon an individual having the specified
50 primary diagnosis:

Page 2

- 1 1. For persons with mental illness:
- 2 a. Payment of costs associated with commitment
- 3 proceedings that are a county responsibility,
- 4 including but not limited to costs for diagnostic
- 5 evaluations, transportation by the sheriff, legal
- 6 representation, and the patient advocate.
- 7 b. Inpatient psychiatric evaluation and treatment
- 8 in a county-designated hospital.
- 9 c. Inpatient treatment provided at a state mental
- 10 health institute.
- 11 d. Outpatient treatment.
- 12 2. For persons with chronic mental illness:
- 13 a. Case management or service coordination that is
- 14 funded under the medical assistance program.
- 15 b. Payment of costs associated with commitment
- 16 proceedings that are a county responsibility,
- 17 including but not limited to costs for diagnostic
- 18 evaluations, transportation by the sheriff, legal
- 19 representation, and the patient advocate.
- 20 c. Inpatient psychiatric evaluation and treatment
- 21 in a county-designated hospital.
- 22 d. Inpatient treatment provided at a state mental
- 23 health institute.
- 24 e. Outpatient treatment.
- 25 3. For persons with mental retardation:
- 26 a. Case management or service coordination that is
- 27 funded through the medical assistance program.
- 28 b. Payment of costs associated with commitment
- 29 proceedings that are a county responsibility,
- 30 including but not limited to costs for diagnostic
- 31 evaluations, transportation by the sheriff, and legal
- 32 representation.
- 33 c. Employment-related services, including but not
- 34 limited to adult day care, sheltered workshop, work
- 35 activity, and supported employment.
- 36 d. Inpatient behavioral health evaluation and
- 37 treatment in a county-designated hospital.
- 38 e. Inpatient treatment provided at a state
- 39 resource center.
- 40 f. Outpatient treatment, including but not limited
- 41 to partial hospitalization and day treatment.
- 42 g. Residential services covered under the medical
- 43 assistance program.
- 44 4. For persons with a developmental disability
- 45 other than mental retardation:
- 46 a. Case management funded through the medical
- 47 assistance program.
- 48 b. Payment of costs associated with commitment
- 49 proceedings that are a county responsibility,
- 50 including but not limited to costs for diagnostic

Page 3

1 evaluations, transportation by the sheriff, and legal
2 representation.

3 c. Inpatient treatment provided at a state
4 resource center.

5 5. For persons with brain injury, services under
6 the medical assistance program home and community-
7 based services brain injury waiver that are received
8 while utilizing an approved waiver opening and are a
9 county responsibility under section 249A.26.

10 Sec. 4. PSYCHOACTIVE MEDICATION PILOT PROJECT.

11 The department of human services shall issue a request
12 for proposals during the fiscal year beginning July 1,
13 2005, for a pilot project based out of a community
14 mental health center for providing no or low cost
15 psychoactive medications to low-income persons who are
16 in need of treatment with the medications.

17 Sec. 5. STATE CASES – FISCAL YEAR 2005-2006. If
18 the costs of the services provided to a person with
19 mental retardation receiving services as a state case
20 can be covered under a medical assistance program home
21 and community-based waiver or other medical assistance
22 program provision, the department of human services
23 may transfer moneys to cover the nonfederal share of
24 such costs from the appropriation made for the fiscal
25 year beginning July 1, 2005, for state cases to the
26 appropriation made for the medical assistance program.
27 The department shall act expeditiously to obtain
28 federal approval for additional waiver slots to cover
29 the state cases beginning at the earliest possible
30 time in the fiscal year, if such approval is
31 necessary.

32 Sec. 6. SERVICES FOR PERSONS WITH BRAIN INJURY –
33 LEGISLATIVE INTENT.

34 1. The general assembly intends to enact
35 legislation in the 2006 regular legislative session
36 authorizing coverage under county management plans of
37 additional services and other support for persons with
38 brain injury, based upon the information provided
39 pursuant to this section. The general assembly
40 intends to provide for the availability of cost share
41 with counties for the coverage as part of the allowed
42 growth funding provided by the state for county mental
43 health, mental retardation, and developmental
44 disabilities services commencing in the fiscal year
45 beginning July 1, 2006.

46 2. For the purposes of developing options under
47 subsection 3, "individual with brain injury" means an
48 individual resident of this state who has a diagnosis
49 of brain injury and is described by all of the
50 following:

Page 4

1 a. The individual is age twenty-two through sixty-
2 four years.

3 b. The individual would be eligible under the
4 income, resource, and other eligibility requirements
5 for the medical assistance program home and community-
6 based waiver for persons with brain injury except the
7 individual does not have sufficient deficits under the
8 waiver's functional assessment requirements to qualify
9 but the individual could achieve a higher level of
10 functioning or maintain the current level of
11 functioning with support from the services available
12 under the waiver.

13 c. The individual meets statewide functional
14 assessment eligibility requirements to be determined
15 pursuant to this section.

16 3. It is the intent of the general assembly to
17 enact a directive during the 2006 regular legislative
18 session for the mental health, mental retardation,
19 developmental disabilities, and brain injury
20 commission to adopt functional assessment eligibility
21 requirements in rule that may be used to complete the
22 definition in subsection 2 and to identify parameters
23 for the eligibility requirements in the statutory
24 directive. The department of human services shall
25 provide for the department's contractor for medical
26 assistance eligibility determination to identify
27 options that may be used for the functional assessment
28 eligibility requirements. A work group consisting of
29 representatives of the department of management,
30 department of human services, and the legislative
31 services agency shall develop cost projections for the
32 options in consultation with representatives of the
33 Iowa state association of counties and service
34 providers. The work group may provide for the options
35 to be reviewed and revised by the contractor based
36 upon the cost projections. In addition, proposals may
37 be provided by the work group for revising the
38 definition in subsection 2 if necessary to develop
39 improved options. In addition to the functional
40 assessment eligibility requirements, the work group
41 shall also identify options for a minimum set of
42 services and other support that may be made available
43 to persons with brain injury. The options shall be
44 designed in a manner so that the state and county
45 funding designated for provision of services to
46 persons with brain injury is not exceeded.

47 4. The work group shall submit a report of the
48 options developed pursuant to subsection 3 along with
49 any findings and recommendations to the governor,
50 general assembly, and the commission on or before

Page 5

- 1 December 16, 2005.
- 2 Sec. 7. EFFECTIVE AND APPLICABILITY DATE. The
- 3 sections of this Act enacting sections 225C.8A and
- 4 331.439A take effect July 1, 2006. The mental health,
- 5 mental retardation, developmental disabilities, and
- 6 brain injury commission shall act in advance of that
- 7 effective date by adopting rules to implement the
- 8 provisions that take effect July 1, 2006."

Amendment H-1557 was adopted.

Carroll of Poweshiek 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. 876)

The ayes were, 79

Alons	Anderson	Arnold	Baudler
Bell	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foegen	Freeman
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
Murphy	Olson, D.	Olson, S.	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shultz
Smith	Soderberg	Struyk	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wessel-Kroeschell	Wilderdyeke
Wise	Zirkelbach	Paulsen,	
		Presiding	

The nays were, 20:

Berry	Ford	Frevret	Gaskill
Hogg	Hunter	Huser	Kuhn
McCarthy	Mertz	Miller	Oldson
Olson, R.	Petersen	Pettengill	Swaim
Wendt	Whitaker	Whitead	Winckler

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.

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 873, 876 and Senate File 405.**

Speaker Rants in the chair at 5:20 p.m.

SENATE AMENDMENT CONSIDERED

Lukan of Dubuque called up for consideration **House File 809**, a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board and related matters, amended by the Senate amendment H-1544 as follows:

H-1544

1 Amend House File 809, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 10 the
4 following:

5 "e. The department shall not charge a nonprofit,
6 public entity a fee for placement of informational
7 materials in a welcome center."

8 2. Page 11, by inserting after line 4 the
9 following:

10 "Sec. 500. 2004 Iowa Acts, chapter 1175, section
11 50, is amended by adding the following new subsection:

12 NEW SUBSECTION. 5. For sole source grant costs
13 associated with the hosting of the national special
14 olympics in Iowa by a special olympics nonprofit
15 entity, in addition to the amount appropriated for
16 this purpose in 2004 Iowa Acts, chapter 1175, section
17 288, subsection 6, paragraph "b":

18 \$ 500,000

19 Notwithstanding section 8.33, moneys appropriated
20 in this subsection that remain unencumbered or
21 unobligated at the close of the fiscal year shall not
22 revert but shall remain available for expenditure for

23 the purpose designated until the close of the fiscal
24 year that begins July 1, 2006."
25 3. Page 12, by inserting after line 8 the
26 following:
27 "Sec.____. EFFECTIVE DATE. Section 500 of this
28 Act amending 2004 Iowa Acts, chapter 1175, section 50,
29 being deemed of immediate importance, takes effect
30 upon enactment."
31 4. Title page, line 4, by striking the words "and
32 related matters" and inserting the following: ",
33 related matters, and providing an effective date".
34 5. By renumbering, relettering, or redesignating
35 and correcting internal references as necessary.

Hoffman of Crawford asked and received unanimous consent to withdraw amendment H-1550 to the Senate amendment H-1544 filed by him on April 27, 2005, placing out of order amendment H-1552 filed by Fallon of Polk on April 27, 2005.

Miller of Webster offered the following amendment H-1551, to the Senate amendment H-1544, filed by her and moved its adoption:

H-1551

1 Amend the Senate amendment, H-1544, to House File
2 809, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 7 the
5 following:
6 "____. Page 10, by inserting after line 31 the
7 following:
8 "Sec.____. DEPARTMENT OF CULTURAL AFFAIRS. There
9 is appropriated from the general fund of the state to
10 the department of cultural affairs for the fiscal year
11 beginning July 1, 2005, and ending June 30, 2006, two
12 hundred fifty thousand dollars for planning and
13 programming for the community cultural grant program
14 established under section 303.3. The moneys
15 appropriated under this section shall be in addition
16 to any other moneys appropriated to the department for
17 the same purposes.""
18 2. Page 1, by inserting after line 30 the
19 following:
20 "____. Title page, line 2, by inserting after the
21 word "development," the following: "the department of
22 cultural affairs,"."
23 3. By renumbering as necessary.

Amendment H-1551 lost.

Hoffman of Crawford offered amendment H-1554, to the Senate amendment H-1544, filed by him as follows:

H-1554

1 Amend the Senate amendment, H-1544, to House File
2 809, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 7 the
5 following:

6 "___ Page 10, by inserting after line 31 the
7 following:

8 "Sec. ___. ENDOW IOWA GRANTS APPROPRIATIONS.

9 1. There is appropriated from the general fund of
10 the state to the department of economic development
11 for the fiscal period beginning July 1, 2005, and
12 ending June 30, 2008, the following amounts, or so
13 much thereof as is necessary, to be used for the
14 purpose designated:

15 For endow Iowa grants to lead philanthropic
16 entities pursuant to section 15E.304:

17 FY 2005-2006	\$	50,000
18 FY 2006-2007	\$	50,000
19 FY 2007-2008	\$	50,000

20 2. Notwithstanding section 8.33, moneys that
21 remain unexpended at the end of the fiscal year shall
22 not revert to any fund but shall remain available for
23 expenditure for the designated purposes during the
24 succeeding fiscal year.

25 Sec. ___. NEW SECTION. 15G.110 APPROPRIATION.

26 For the fiscal period beginning July 1, 2005, and
27 ending June 30, 2015, there is appropriated to the
28 department of economic development each fiscal year
29 fifty million dollars from the general fund of the
30 state for deposit in the grow Iowa values fund.

31 Sec. ___. NEW SECTION. 15G.111 APPROPRIATIONS.

32 1. a. For the fiscal period beginning July 1,
33 2005, and ending June 30, 2015, there is appropriated
34 each fiscal year from the grow Iowa values fund
35 created in section 15G.108, if enacted, to the
36 department of economic development thirty-five million
37 dollars for programs administered by the department of
38 economic development.

39 b. Each year that moneys are appropriated under
40 this subsection, the department shall allocate a
41 percentage of the moneys for each of the following
42 types of activities:

- 43 (1) Business start-ups.
- 44 (2) Business expansion.
- 45 (3) Business modernization.

- 46 (4) Business attraction.
- 47 (5) Business retention.
- 48 (6) Marketing.
- 49 (7) Research and development.
- 50 c. The department shall require an applicant for

Page 2

1 moneys appropriated under this subsection to include
2 in the application a statement regarding the intended
3 return on investment. A recipient of moneys
4 appropriated under this subsection shall annually
5 submit a statement to the department regarding the
6 progress achieved on the intended return on investment
7 stated in the application. The department, in
8 cooperation with the department of revenue, shall
9 develop a method of identifying and tracking each new
10 job created and the leveraging of moneys through
11 financial assistance from moneys appropriated under
12 this subsection. The department of economic
13 development shall identify research and development
14 activities funded through financial assistance from
15 not more than ten percent of the moneys appropriated
16 under this subsection, and, instead of determining
17 return on investment and job creation for the
18 identified funding, determine the potential impact on
19 the state's economy.

20 d. The department may use moneys appropriated
21 under this subsection to procure technical assistance
22 from either the public or private sector, for
23 information technology purposes, for a statewide labor
24 shed study, and for rail, air, or river port
25 transportation-related purposes. The use of moneys
26 appropriated for rail, air, or river port
27 transportation-related purposes must be directly
28 related to an economic development project and the
29 moneys must be used to leverage other financial
30 assistance moneys.

31 e. Of the moneys appropriated under this
32 subsection, the department may use up to one and one-
33 half percent for administrative purposes.

34 f. The Iowa economic development board shall
35 approve or deny applications for financial assistance
36 provided with moneys appropriated under this
37 subsection. In providing such financial assistance,
38 the board shall, whenever possible, coordinate the
39 assistance with other programs administered by the
40 department of economic development, including the
41 community economic betterment program established in
42 section 15.317 and the value-added agricultural
43 products and processes financial assistance program
44 established in section 15E.111.

45 g. It is the policy of this state to expand and
46 stimulate the state economy by advancing, promoting,
47 and expanding biotechnology industries in this state.
48 To implement this policy, the Iowa economic
49 development board shall consider providing assistance
50 to projects that increase value-added income to

Page 3

1 individuals or organizations involved in agricultural
2 business or biotechnology projects. Such a project
3 need not create jobs specific to the project site;
4 however, such a project must foster the knowledge and
5 creativity necessary to promote the state's
6 agricultural economy and to increase employment in
7 urban and rural areas as a result.

8 2. For the fiscal period beginning July 1, 2005,
9 and ending June 30, 2015, there is appropriated each
10 fiscal year from the grow Iowa values fund created in
11 section 15G.108, if enacted, to the department of
12 economic development five million dollars for
13 financial assistance to institutions of higher
14 learning under the control of the state board of
15 regents and to accredited private universities in this
16 state for capacity building infrastructure in areas
17 related to technology commercialization, for marketing
18 and business development efforts in areas related to
19 technology commercialization, entrepreneurship, and
20 business growth, and for infrastructure projects and
21 programs needed to assist in the implementation of
22 activities under chapter 262B, if so amended. In
23 allocating moneys to institutions under the control of
24 the state board of regents, the board shall require
25 the institutions to provide a one-to-one match of
26 additional moneys for the activities funded with
27 moneys appropriated under this subsection. The state
28 board of regents shall annually prepare a report for
29 submission to the governor, the general assembly, and
30 the legislative services agency regarding the
31 activities, projects, and programs funded with moneys
32 appropriated under this subsection.

33 The state board of regents may allocate any moneys
34 appropriated under this subsection and received from
35 the department for financial assistance to a single
36 biosciences development organization determined by the
37 department to possess expertise in promoting the area
38 of bioscience entrepreneurship. The organization must
39 be composed of representatives of both the public and
40 the private sector and shall be composed of subunits
41 or subcommittees in the areas of existing identified
42 biosciences platforms, education and workforce
43 development, commercialization, communication, policy

44 and governance, and finance. Such financial
45 assistance shall be used for purposes of activities
46 related to biosciences and bioeconomy development
47 under chapter 262B, if so amended.

48 3. For the fiscal period beginning July 1, 2005,
49 and ending June 30, 2015, there is appropriated each
50 fiscal year from the grow Iowa values fund created in

Page 4

1 section 15G.108, if enacted, to the department of
2 economic development one million dollars for purposes
3 of providing financial assistance for projects in
4 targeted state parks, state banner parks, and
5 destination parks. The department of natural
6 resources shall submit a plan to the department of
7 economic development for the expenditure of moneys
8 appropriated under this subsection. The plan shall
9 focus on improving state parks, state banner parks,
10 and destination parks for economic development
11 purposes. Based on the report submitted, the
12 department of economic development shall provide
13 financial assistance to the department of natural
14 resources for support of state parks, state banner
15 parks, and destination parks. For purposes of this
16 subsection, "state banner park" means a park with
17 multiple uses and which focuses on the economic
18 development benefits of a community or area of the
19 state.

20 4. For the fiscal period beginning July 1, 2005,
21 and ending June 30, 2015, there is appropriated each
22 fiscal year from the grow Iowa values fund created in
23 section 15G.108, if enacted, to the office of the
24 treasurer of state one million dollars for deposit in
25 the Iowa cultural trust fund created in section
26 303A.4.

27 5. For the fiscal period beginning July 1, 2005,
28 and ending June 30, 2015, there is appropriated each
29 fiscal year from the grow Iowa values fund created in
30 section 15G.108, if enacted, to the department of
31 economic development seven million dollars for deposit
32 into the workforce training and economic development
33 funds of the community colleges created pursuant to
34 section 260C.18A.

35 6. a. For the fiscal period beginning July 1,
36 2005, and ending June 30, 2015, there is appropriated
37 each fiscal year from the grow Iowa values fund
38 created in section 15G.108, if enacted, to the
39 department of economic development one million dollars
40 for providing economic development region financial
41 assistance under section 15E.232, subsections 3, 4, 5,
42 and 6, if enacted, and under section 15E.233, if

43 enacted.

44 b. Of the moneys appropriated in this subsection,
 45 the department shall transfer three hundred fifty
 46 thousand dollars each fiscal year for the fiscal
 47 period beginning July 1, 2005, and ending June 30,
 48 2015, to Iowa state university of science and
 49 technology, for purposes of providing financial
 50 assistance to establish small business development

Page 5

1 centers in areas of the state previously served by a
 2 small business development center and to maintain
 3 existing small business development centers.
 4 Financial assistance for a small business development
 5 center shall not be awarded unless the city of county
 6 where the center is located or scheduled to be located
 7 demonstrates the ability to obtain local matching
 8 moneys on a dollar-for-dollar basis. An award of
 9 financial assistance to a small business development
 10 center under this paragraph shall not exceed twenty
 11 thousand dollars.

12 c. Of the moneys appropriated under this
 13 subsection, the department may use up to fifty
 14 thousand dollars each fiscal year during the fiscal
 15 period beginning July 1, 2005, and ending June 30,
 16 2015, for purposes of providing training, materials,
 17 and assistance to Iowa business resource centers.

18 7. Notwithstanding section 8.33, moneys that
 19 remain unexpended at the end of a fiscal year shall
 20 not revert to any fund but shall remain available for
 21 expenditure for the designated purposes during the
 22 succeeding fiscal year."

23 2. Page 1, by inserting after line 30 the
 24 following:

25 " _____. Title page, line 2, by inserting after the
 26 word "development," the following: "the office of the
 27 treasurer of state,"."

28 3. By renumbering as necessary.

Fallon of Polk offered amendment H-1562, to amendment
 H-1554 to the Senate amendment H-1544 filed by him as follows:

H-1562

1 Amend the amendment, H-1554, to the Senate
 2 amendment, H-1544, to House File 809, as amended,
 3 passed, and reprinted by the House, as follows:

4 1. By striking page 1, line 8, through page 5,
 5 line 22, and inserting the following:

6 ""Section 1. NEW SECTION. 15E.315 REGULATORY

7 EFFICIENCY COMMISSION.

8 1. A regulatory efficiency commission is
9 established for purposes of identifying unneeded,
10 outdated, or ineffective regulations, fines, and fees
11 that hinder business development or efficient
12 governmental operation relative to business
13 development activities. The commission shall also
14 develop methods for streamlining business access to
15 regulatory information. The commission shall maintain
16 an ongoing process for inviting, receiving, and
17 considering suggestions from the public, business
18 owners, employees, and others for regulatory changes.
19 Commission staffing shall be provided by the
20 department.

21 2. The commission shall consist of ten voting
22 members appointed by the governor and four ex officio
23 members. Members appointed by the governor are
24 subject to confirmation by the senate and shall serve
25 three-year staggered terms as designated by the
26 governor beginning and ending as provided in section
27 69.19. A vacancy in membership shall be filled in the
28 same manner as the original appointment. The members
29 shall serve without compensation, but shall be
30 reimbursed for actual and necessary expenses incurred
31 in the performance of official duties as a member.
32 The members of the commission shall select a
33 chairperson and any other officers deemed by the
34 commission to be necessary from their membership. The
35 commission shall meet at least quarterly but may meet
36 as often as necessary. Meetings shall be set by a
37 majority of the commission or upon the call of the
38 chairperson. A majority of the commission members
39 shall constitute a quorum.

40 a. The ten voting members shall consist of the
41 following:

42 (1) Two members shall be economic development
43 representatives from two different chambers of
44 commerce. One shall be from a metropolitan area with
45 more than fifty thousand people and one shall be from
46 a metropolitan area with fifty thousand people or
47 less.

48 (2) Two members representing agricultural
49 interests, at least one of whom is involved in
50 marketing farm products directly to consumers or

Page 2

1 businesses.

2 (3) One member representing the Iowa association
3 of business and industry.

4 (4) One member representing commercial-based
5 businesses.

6 (5) One member representing manufacturing-based
7 businesses.

8 (6) One member representing an environmental
9 organization.

10 (7) One member representing labor interests.

11 (8) One member representing consumer advocacy
12 organizations.

13 b. The four ex officio members shall be members of
14 the general assembly. Two members shall be from the
15 senate and two members shall be from the house of
16 representatives, with not more than one member from
17 each chamber being from the same political party. The
18 two senators shall be designated by the president of
19 the senate after consultation with the majority and
20 minority leaders of the senate. The two
21 representatives shall be designated by the speaker of
22 the house of representatives after consultation with
23 the majority and minority leaders of the house of
24 representatives. Legislative members shall serve in
25 an ex officio, nonvoting capacity.

26 3. The commission shall submit a written report
27 annually by December 15 to the governor and the
28 general assembly. The report shall include the
29 findings and legislative recommendations of the
30 commission. The report shall be distributed by the
31 secretary of the senate and the chief clerk of the
32 house of representatives to the chairpersons and
33 members of the administrative rules review committee
34 and to the standing committees in the senate and the
35 house of representatives that deal with economic
36 development and economic growth.

37 Sec. 2. NEW SECTION. 15E.316 REGULATORY
38 OMBUDSMAN OFFICE.

39 The department shall establish a regulatory
40 ombudsman office for purposes of assisting businesses
41 with regulatory issues. The office shall assist
42 businesses with state program and regulatory
43 applications, direct businesses to proper entities for
44 specialized assistance, and provide businesses with
45 general information regarding programs and regulatory
46 issues.

47 Sec. 3. Section 260C.18A, subsection 2, paragraph
48 b, Code 2005, is amended to read as follows:

49 b. Projects in which an agreement between a
50 community college and a business meet all the

Page 3

1 requirements of the Iowa jobs training Act under
2 chapter 260F. However, projects funded by moneys
3 provided by a local workforce training and economic
4 development fund of a community college are not

5 subject to the maximum advance or award limitations
6 contained in section 260F.6, subsection 2, or the
7 allocation limitations contained in section 260F.8,
8 subsection 1.

9 Sec. 4. Section 260C.18A, subsection 2, Code 2005,
10 is amended by adding the following new paragraph:
11 NEW PARAGRAPH. f. Training and retraining
12 programs for targeted industries as authorized in
13 section 15.343, subsection 2, paragraph "a".

14 Sec. 5. Section 260C.18A, subsection 5, Code 2005,
15 is amended by striking the subsection.

16 Sec. 6. NEW SECTION. 303.3B CULTURAL AND
17 ENTERTAINMENT DISTRICTS.

18 1. The department of cultural affairs shall
19 establish and administer a cultural and entertainment
20 district certification program. The program shall
21 encourage the growth of communities through the
22 development of areas within a city for public and
23 private uses related to cultural and entertainment
24 purposes.

25 2. A city may create and designate a cultural and
26 entertainment district subject to certification by the
27 department of cultural affairs, in consultation with
28 the department of economic development. A cultural
29 and entertainment district is encouraged to
30 incorporate historic buildings within the district and
31 must incorporate the planning principles listed in
32 section 15F.203, subsection 3, paragraph "g". A
33 cultural and entertainment district certification
34 shall remain in effect for ten years following the
35 date of certification. Two or more cities may apply
36 jointly for certification of a district that extends
37 across a common boundary. Through the adoption of
38 administrative rules, the department of cultural
39 affairs shall develop a certification application for
40 use in the certification process.

41 3. The department of cultural affairs shall
42 encourage development projects and activities located
43 in certified cultural and entertainment districts
44 through incentives under cultural grant programs
45 pursuant to section 303.3, chapter 303A, and any other
46 grant programs.

47 4. A city may form a cultural and entertainment
48 district administrative committee for purposes of
49 administering and fostering activities in the
50 district. At least half of the committee membership

Page 4

1 must include members who are younger than thirty-five
2 years of age at the time of appointment to the
3 committee.

4 5. The department shall establish and administer a
 5 cultural and entertainment district events program for
 6 purposes of providing financial assistance for
 7 cultural and entertainment events located in cultural
 8 and entertainment districts certified pursuant to this
 9 section. Financial assistance under the program shall
 10 take the form of grants.

11 Sec. 7. Section 404A.4, subsection 4, Code 2005,
 12 is amended to read as follows:

13 4. The For the fiscal year beginning July 1, 2005,
 14 the total amount of tax credits that may be approved
 15 for the fiscal year under this chapter shall not
 16 exceed twenty million dollars. For the fiscal year
 17 beginning July 1, 2006, and every fiscal year
 18 thereafter, the total amount of tax credits that may
 19 be approved for a fiscal year under this chapter shall
 20 not exceed two million four hundred thousand dollars.
 21 For the fiscal ~~years~~ year beginning ~~July 1, 2005, and~~
 22 ~~July 1, 2006,~~ an additional five hundred thousand
 23 dollars of tax credits may be approved ~~each fiscal~~
 24 ~~year~~ for purposes of projects located in cultural and
 25 entertainment districts certified pursuant to section
 26 303.3B. Any of the additional tax credits allocated
 27 for projects located in certified cultural and
 28 entertainment districts that are not approved during a
 29 fiscal year may be carried over to the succeeding
 30 fiscal year. The department of cultural affairs shall
 31 establish by rule the procedures for the application,
 32 review, selection, and awarding of certifications of
 33 completion. The departments of economic development,
 34 cultural affairs, and revenue shall each adopt rules
 35 to jointly administer this subsection and shall
 36 provide by rule for the method to be used to determine
 37 for which fiscal year the tax credits are available.

38 Sec. 8. APPROPRIATIONS.

39 1. MAIN STREET PROGRAM.

40 a. For the fiscal year beginning July 1, 2005, and
 41 ending June 30, 2006, there is appropriated from the
 42 general fund of the state to the department of
 43 cultural affairs one million dollars for purposes of
 44 the main street program.

45 b. The department of economic development shall
 46 transfer the administrative duties of the main street
 47 program to the department of cultural affairs. The
 48 department of cultural affairs shall adopt rules
 49 pursuant to chapter 17A for purposes of administering
 50 the program. The department of cultural affairs shall

Page 5

1 make the program available to cities of any size in
 2 the state. Any approved project or activity

3 originally approved by the department of economic
4 development under the main street program remains
5 valid. The transfer of administrative duties to the
6 department of cultural affairs shall not constitute
7 grounds for rescision or modification of main street
8 program contracts entered into with the department of
9 economic development.

10 2. CULTURAL AND ENTERTAINMENT DISTRICT EVENTS

11 PROGRAM. For the fiscal year beginning July 1, 2005,
12 and ending June 30, 2006, there is appropriated from
13 the general fund of the state to the department of
14 economic development one million dollars for purposes
15 of administering section 15E.321.

16 3. WORKFORCE TRAINING. For the fiscal year
17 beginning July 1, 2005, and ending June 30, 2006,
18 there is appropriated from the general fund of the
19 state to the department of economic development
20 fourteen million dollars for deposit into the
21 workforce training and economic development funds of
22 the community colleges created pursuant to section
23 260C.18A.

24 4. LOAN AND CREDIT GUARANTEE.

25 a. For the fiscal year beginning July 1, 2005, and
26 ending June 30, 2006, there is appropriated from the
27 general fund of the state to the department of
28 economic development ten million dollars for deposit
29 into the loan and credit guarantee fund created
30 pursuant to section 15E.227.

31 b. The moneys appropriated under this subsection
32 shall be used by the department under the loan and
33 credit guarantee program for purposes of loan or
34 credit guarantees to small businesses in
35 geographically diverse parts of the state. Within two
36 years of receiving a loan or credit guarantee under
37 the program, a small business must provide and pay at
38 least eighty percent of the cost of a standard medical
39 and dental insurance plan for full-time employees. A
40 small business receiving a loan or credit guarantee
41 under the program shall agree to pay a median wage for
42 new full-time jobs of at least thirteen dollars and
43 thirty-five cents per hour indexed to 2004 dollars
44 based on the gross national product implicit price
45 deflator published by the bureau of economic analysis
46 of the United States department of commerce or one
47 hundred thirty percent of the average wage in the
48 county in which the small business is located,
49 whichever is higher. For purposes of this paragraph,
50 "small business" means a business with less than fifty

2 5. SMALL BUSINESS DEVELOPMENT CENTERS.

3 a. For the fiscal year beginning July 1, 2005, and
4 ending June 30, 2006, there is appropriated from the
5 general fund of the state to Iowa state university of
6 science and technology two million dollars for the
7 purposes provided in paragraph "b".

8 b. The moneys appropriated in this subsection
9 shall be allocated by Iowa state university to small
10 business development centers to develop and administer
11 programs to assist small businesses to plan for the
12 transfer of ownership of the business, including the
13 transfer of all or a part of the ownership of a
14 business to an employee stock ownership plan.

15 6. REGULATORY OMBUDSMAN OFFICE. For the fiscal
16 year beginning July 1, 2005, and ending June 30, 2006,
17 there is appropriated from the general fund of the
18 state to the department of economic development two
19 hundred fifty thousand dollars for purposes of
20 administering section 15E.316. The department may
21 create three full-time equivalent positions for
22 purposes of administering section 15E.316."""
23 2. By renumbering as necessary.

Lukan of Dubuque rose on a point of order that amendment H-1562 was not germane, to amendment H-1554.

The Speaker ruled the point well taken and amendment H-1562 not germane, to amendment H-1554.

Miller of Webster asked and received unanimous consent to withdraw amendment H-1556 to amendment H-1554 to the Senate amendment H-1544 filed by her on April 27, 2005.

Jenkins of Black Hawk offered the following amendment H-1564, to amendment H-1554 to the Senate amendment H-1544 filed by him and moved its adoption:

H-1564

1 Amend the amendment, H-1554, to the Senate
2 amendment, H-1544, to House File 809, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 3, lines 15 and 16, by striking the words
5 "and to accredited private universities in this
6 state".

7 2. Page 3, line 47, by inserting after the word
8 "amended" the following: ", and to accredited private
9 universities in this state".

Amendment H-1564 to amendment H-1554 to the Senate amendment H-1544 was adopted.

Hoffman of Crawford moved the adoption of amendment H-1554, as amended, to the Senate amendment H-1544, as amended.

Roll call was requested by J. K. Van Fossen of Scott and Greiner of Washington.

On the question "Shall amendment H-1554, as amended, to the Senate amendment H-1544 be adopted?" (H.F. 809)

The ayes were, 78:

Alons	Anderson	Bell	Berry
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	Dolecheck	Drake
Elgin	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kressig	Kuhn	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Raecker
Rayhons	Reasoner	Reichert	Roberts
Schickel	Schueller	Shomshor	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Upmeyer	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, 22:

Arnold	Baudler	Boal	De Boef
Dix	Eichhorn	Fallon	Greiner
Hutter	Kaufmann	Kurtenbach	Lalk
Olson, S.	Paulsen	Rasmussen	Sands
Shultz	Tymeson	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts		

Absent or not voting, none.

Amendment H-1554, as amended, was adopted, placing out of order the following amendments:

Amendment H-1565 filed by Hoffman of Crawford on April 27, 2005.
 Amendment H-1568 filed by Miller of Webster on April 27, 2005.
 Amendment H-1570 filed by Fallon of Polk on April 27, 2005.
 Amendment H-1572 filed by Jochum of Dubuque on April 27, 2005.
 Amendment H-1574 filed by Thomas of Clayton on April 27, 2005.

On motion by Lukan of Dubuque the House concurred in the Senate amendment H-1544, as amended.

Lukan of Dubuque 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. 809)

The ayes were, 84:

Alons	Anderson	Bell	Berry
Boal	Bukta	Carroll	Chambers
Cohoon	Dandekar	Davitt	Dolecheck
Drake	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Petersen	Pettengill	Quirk	Raecker
Rayhons	Reasoner	Reichert	Roberts
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Upmeyer	Van Fossen, J.R.	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wildurdyke
Winckler	Wise	Zirkelbach	Mr. Speaker Rants

The nays were, 16:

Arnold	Baudler	De Boef	Dix
Eichhorn	Fallon	Greiner	Kurtenbach
Lalk	Paulsen	Rasmussen	Sands
Tymeson	Van Engelenhoven	Van Fossen, J.K.	Watts

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.

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 28, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 869, a bill for an act relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates.

Also: That the Senate has on April 28, 2005, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 272, A bill for an act relating to the council with which the director of human services consults regarding the medical assistance program.

MICHAEL E. MARSHALL, Secretary

HOUSE FILE 785 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House File 785 from further consideration by the House.

HOUSE FILES 714 and 877 WITHDRAWN

Greiner of Washington asked and received unanimous consent to withdraw House Files 714 and 877 from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 809** be immediately messaged to the Senate.

On motion by Gipp of Winneshiek, the House was recessed at 6:13 p.m., until 7:30 p.m.

EVENING SESSION

The House reconvened at 8:12 p.m., Speaker Rants 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 28, 2005, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 245, a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, requiring school districts to report student core curriculum progress annually, requiring school districts and school to report core curriculum completion percentages annually, and providing for the coordination of an educational data definitions working group.

MICHAEL E. MARSHALL, Secretary

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 28, 2005, he approved and transmitted to the Secretary of State the following bills:

House File 310, an Act exempting the sale of toys to certain nonprofit organizations from state sales and use taxes.

House File 312, an Act relating to campaign finance committee reporting, use of committee funds or property, independent expenditures, and placement of campaign signs.

House File 476, an Act regulating the sale of ammonium nitrate by fertilizer dealers, and providing penalties.

House File 607, an Act relating to emergency services provided to residents of certain townships and including effective date and retroactive applicability date provisions.

House File 748, an Act providing for state employee payroll deductions for qualified program contributions.

Senate File 57, an Act authorizing the appointment of a nine-member city zoning board of adjustment.

Senate File 321, an Act relating to the use of moneys deposited into the inmate labor fund.

Senate File 323, an Act establishing a uniform mediation act.

Senate File 330, an Act relating to family law provisions including dissolution of marriage and domestic relations and termination of parental rights provisions.

Senate File 360, an Act relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, insurance applications, the Iowa Comprehensive Health Association, fire insurance policies, the Iowa Insurance Guaranty Association, the fair plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable 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.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|--|
| 2005\1372 | Dickey C. McMullen, Des Moines – For celebrating her 80 th birthday. |
| 2005\1373 | Al and Martha Dohman, West Point – For celebrating their 50 th wedding anniversary. |
| 2005\1374 | Clarence and Ramona Huedepohl, North English – For celebrating their 60 th wedding anniversary. |
| 2005\1375 | Lynn and Gloria Popham, North English – For celebrating their 50 th wedding anniversary. |
| 2005\1376 | Charles and Neoma Wonderlich, Ollie – For celebrating their 60 th wedding anniversary. |
| 2005\1377 | Edna Teggtatz, Williamsburg – For celebrating her 97 th birthday. |
| 2005\1378 | Mearl Heitmann, Williamsburg – For celebrating his 90 th birthday. |
| 2005\1379 | Iva Mae Meany, Evansdale – For celebrating her 80 th birthday. |

- 2005\1380 The Family of Olive McDowell, Mt. Pleasant – Olive McDowell celebrated her 102nd birthday on August 31, 2004, and that with her recent passing, the House of Representatives does hereby extend its deepest sympathy.
- 2005\1381 April Doty, Mt. Pleasant – For winning Best Evening Gown, Supermodel and Miss Congeniality.

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.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly 1588HA), making, reducing, and transferring appropriations, providing for fees, and providing for properly related matters and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 27, 2005.

RESOLUTION FILED

HCR 17, by Jenkins, Bell, Jacobs, Dandekar, Miller, Soderberg and Raecker, a concurrent resolution expressing the State of Iowa's appreciation of its strong relations with the Republic of China on Taiwan and urging the establishment of an Iowa presence in the Republic of China on Taiwan.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1576	S.F.	413	J.K. Van Fossen of Scott
H—1577	H.F.	882	Foege of Linn Heddens of Story
H—1578	H.F.	882	Wise of Lee Dandekar of Linn Petersen of Polk

H—1579	H.F.	882	Boal of Polk
H—1580	H.F.	882	Raecker of Polk
H—1581	H.F.	882	Eichhorn of Hamilton Tjepkes of Webster
H—1582	H.F.	882	Hunter of Polk Fallon of Polk Frevort of Palo Alto Gaskill of Wapello Jacoby of Johnson Kressig of Black Hawk Mascher of Johnson Reasoner of Union Zirkelbach of Jones Hogg of Linn Shomshor of Pottawattamie D. Taylor of Linn Wendt of Woodbury Whitaker of Van Buren Winckler of Scott
Bukta of Clinton			
Foege of Linn			
Davitt of Warren			
Heddens of Story			
Jochum of Dubuque			
Lensing of Johnson			
R. Olson of Polk			
Bell of Jasper			
Smith of Marshall			
Cohoon of Des Moines			
Shoultz of Black Hawk			
T. Taylor of Linn			
Wessel-Kroeschell of Story			
Whitead of Woodbury			
Murphy of Dubuque			
H—1583	H.F.	882	Hunter of Polk Zirkelbach of Jones Bukta of Clinton Davitt of Warren Foege of Linn Heddens of Story Jacoby of Johnson Kressig of Black Hawk Mascher of Johnson R. Olson of Polk Smith of Marshall Wendt of Woodbury Whitaker of Van Buren Winckler of Scott
T. Taylor of Linn			
Bell of Jasper			
Cohoon of Des Moines			
Fallon of Polk			
Gaskill of Wapello			
Hogg of Linn			
Jochum of Dubuque			
Lensing of Johnson			
Murphy of Dubuque			
Shoultz of Black Hawk			
D. Taylor of Linn			
Wessel-Kroeschell of Story			
Whitead of Woodbury			
H—1584	H.F.	882	Winckler of Scott
H—1586	H.F.	882	Kurtenbach of Story
H—1588	H.F.	882	Carroll of Poweshiek Foege of Linn Upmeyer of Hancock
Smith of Marshall			
Heaton of Henry			
H—1589	H.F.	861	Struyk of Pottawattamie Huser of Polk
Kurtenbach of Story			

Wise of Lee			Quirk of Chickasaw
H—1590	S.F.	413	Hogg of Linn
H—1591	H.F.	882	J.K. Van Fossen of Scott
H—1592	H.F.	882	Dix of Butler
H—1593	H.F.	861	May of Dickinson
Freeman of Buena Vista			Jochum of Dubuque
Kressig of Black Hawk			Mertz of Kossuth
H—1594	H.F.	869	Senate Amendment
H—1595	H.F.	882	Kressig of Black Hawk
Lensing of Johnson			Mascher of Johnson
Jacoby of Johnson			Berry of Black Hawk
Heddens of Story			Wessel-Kroeschell of Story
Shoultz of Black Hawk			
H—1596	S.F.	245	Senate Amendment
H—1597	H.F.	882	Petersen of Polk
			Hogg of Linn
H—1598	H.F.	882	J.K. Van Fossen of Scott
H—1599	H.F.	882	Oldson of Polk
Bell of Jasper			Bukta of Clinton
Dandekar of Linn			Ford of Polk
Hogg of Linn			Huser of Polk
Jochum of Dubuque			Kuhn of Floyd
Lykam of Scott			Miller of Webster
Berry of Black Hawk			Cohon of Des Moines
Davitt of Warren			Frevert of Palo Alto
Heddens of Story			Hunter of Polk
Jacoby of Johnson			Kressig of Black Hawk
Lensing of Johnson			Mascher of Johnson
Mertz of Kossuth			Murphy of Dubuque
D. Olson of Boone			R. Olson of Polk
Pettengill of Benton			Reasoner of Union
Schueller of Jackson			Shoultz of Black Hawk
Swaim of Davis			T. Taylor of Linn
Wendt of Woodbury			Whitaker of Van Buren
Winckler of Scott			Zirkelbach of Jones
Petersen of Polk			Quirk of Chickasaw
Reichert of Muscatine			Shomshor of Pottawattamie
Smith of Marshall			D. Taylor of Linn
Thomas of Clayton			Wessel-Kroeschell of Story
Whitead of Woodbury			Wise of Lee

H—1600	H.F.	882	Wendt of Woodbury
Bell of Jasper			Bukta of Clinton
Dandekar of Linn			Ford of Polk
Gaskill of Wapello			Hogg of Linn
Huser of Polk			Jochum of Dubuque
Kuhn of Floyd			Lykam of Scott
Miller of Webster			Oldson Polk
Berry of Black Hawk			Cohoon of Des Moines
Davitt of Warren			Frevert of Palo Alto
Heddens of Story			Hunter of Polk
Jacoby of Johnson			Kressig of Black Hawk
Lensing of Johnson			Mascher of Johnson
Mertz of Kossuth			Murphy of Dubuque
D. Olson of Boone			R. Olson of Polk
Pettengill of Benton			Reasoner of Union
Schueller of Jackson			Shoultz of Black Hawk
Swaim of Davis			T. Taylor of Linn
Whitaker of Van Buren			Winckler of Scott
Zirkelbach of Jones			Quirk of Chickasaw
Reichert of Muscatine			Shomshor of Pottawattamie
Smith of Marshall			D. Taylor of Linn
Thomas of Clayton			Wessel-Kroeschell of Story
Whitead of Woodbury			Wise of Lee
H—1601	H.F.	882	Gaskill of Wapello
H—1602	H.F.	882	Thomas of Clayton
H—1603	H.F.	882	Dix of Butler

On motion by Gipp of Winneshiek the House adjourned at 9:42 p.m., until 8:45 a.m., Friday, April 29, 2005.

JOURNAL OF THE HOUSE

One Hundred Tenth Calendar Day - Seventy-fifth Session Day -

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 29, 2005

The House met pursuant to adjournment at 8:44 a.m., Speaker Rants 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 Honorable Minority Leader of the House, Pat Murphy.

The Journal of Thursday, April 28, 2005 was approved.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Rants 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 First Regular Session of the Eighty-first General Assembly were presented to the following Pages by Speaker Christopher Rants of Woodbury County, Majority Leader Chuck Gipp of Winneshiek County and Minority Leader Pat Murphy of Dubuque County.

Maison Bleam
Jennifer Danilson
Ashlee Drake
Erica Ellison
Kyle Groote
Megan Hess
Erin Hopp
Amy Hulstein
Benjamin Johansen
Kelsey Klaver

Anthony Menendez
Josie Rundlett
Christina Running
Mitchell Schaben
Emily Schirmer
Larry Sheeley
Karalyn Stott
William Tuthill
Benjamin Varley

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of House File 882.

CONSIDERATION OF BILLS
Appropriations Calendar

House File 882, a bill for an act making, reducing, and transferring appropriations, providing for fees, and providing for properly related matters and including effective and retroactive applicability date provisions, was taken up for consideration.

Carroll of Poweshiek offered the following amendment H-1588 filed by Carroll, et al., and moved its adoption:

H-1588

- 1 Amend House File 882 as follows:
- 2 1. Page 1, line 16, by striking the figure
- 3 "33,361,148" and inserting the following:
- 4 "35,788,041".
- 5 2. Page 1, by inserting after line 31 the
- 6 following:
- 7 "d. For distribution to counties as cost share for
- 8 county coverage of services to adult persons with
- 9 brain injury in accordance with the law enacted as a
- 10 result of the provisions of 2005 Iowa Acts, House File
- 11 876, or other law providing for such coverage to
- 12 commence in the fiscal year beginning July 1, 2006:
- 13 \$ 2,426,893"

Amendment H-1588 was adopted.

Oldson of Polk asked and received unanimous consent that amendment H-1599 be deferred.

Dix of Butler asked and received unanimous consent that amendment H-1603 be deferred.

Wise of Lee asked and received unanimous consent that amendment H-1577 be deferred.

Hogg of Linn asked and received unanimous consent that amendment H-1595 be deferred.

Wendt of Woodbury asked and received unanimous consent to withdraw amendment H-1600 filed by Wendt, et al., on April 28, 2005.

Huser of Polk asked and received unanimous consent that amendment H-1597 be deferred.

Wise of Lee asked and received unanimous consent to withdraw amendment H-1578 filed by Wise, et al., on April 28, 2005.

Hunter of Polk asked and received unanimous consent to withdraw amendment H-1583 filed by Hunter, et al., on April 28, 2005.

J.K. Van Fossen of Scott offered the following amendment H-1591 filed by him as follows:

H-1591

1 Amend House File 882 as follows:

2 1. Page 9, by inserting after line 29, the
3 following:

4 "Sec. __. Section 15E.193B, subsection 5, Code
5 2005, is amended by adding the following new
6 paragraph:

7 **NEW PARAGRAPH.** f. If the eligible housing
8 business is a partnership, S corporation, or limited
9 liability company using low-income housing tax credits
10 authorized under section 42 of the Internal Revenue
11 Code to assist in the financing of the housing
12 development, the name of any partner if the business
13 is a partnership, a shareholder if the business is an
14 S corporation, or a member if the business is a
15 limited liability company and the amount designated as
16 allowed under subsection 8.

17 Sec. __. Section 15E.193B, subsection 6,
18 paragraph a, Code 2005, is amended to read as follows:

19 a. An eligible housing business may claim a tax
20 credit up to a maximum of ten percent of the new
21 investment which is directly related to the building
22 or rehabilitating of a minimum of four single-family
23 homes located in that part of a city or county in
24 which there is a designated enterprise zone or one
25 multiple dwelling unit building containing three or
26 more individual dwelling units located in that part of
27 a city or county in which there is a designated
28 enterprise zone. The new investment that may be used
29 to compute the tax credit shall not exceed the new
30 investment used for the first one hundred forty

31 thousand dollars of value for each single-family home
32 or for each unit of a multiple dwelling unit building
33 containing three or more units. The tax credit may be
34 used to reduce the tax liability imposed under chapter
35 422, division II, III, or V, or chapter 432. Any
36 credit in excess of the tax liability for the tax year
37 may be credited to the tax liability for the following
38 seven years or until depleted, whichever occurs
39 earlier. If the business is a partnership, S
40 corporation, limited liability company, or estate or
41 trust electing to have the income taxed directly to
42 the individual, an individual may claim the tax credit
43 allowed. The amount claimed by the individual shall
44 be based upon the pro rata share of the individual's
45 earnings of the partnership, S corporation, limited
46 liability company, or estate or trust except as
47 allowed for under subsection 8 when low-income housing
48 tax credits authorized under section 42 of the
49 Internal Revenue Code are used to assist in the
50 financing of the housing development.

Page 2

1 Sec. __. Section 15E.193B, subsection 8,
2 unnumbered paragraph 1, Code 2005, is amended to read
3 as follows:

4 The amount of the tax credits determined pursuant
5 to subsection 6, paragraph "a", for each project shall
6 be approved by the department of economic development.
7 The department shall utilize the financial information
8 required to be provided under subsection 5, paragraph
9 "e", to determine the tax credits allowed for each
10 project. In determining the amount of tax credits to
11 be allowed for a project, the department shall not
12 include the portion of the project cost financed
13 through federal, state, and local government tax
14 credits, grants, and forgivable loans. Upon approving
15 the amount of the tax credit, the department of
16 economic development shall issue a tax credit
17 certificate to the eligible housing business except
18 when low-income housing tax credits authorized under
19 section 42 of the Internal Revenue Code are used to
20 assist in the financing of the housing development in
21 which case the tax credit certificate may be issued to
22 a partner if the business is a partnership, a
23 shareholder if the business is an S corporation, or a
24 member if the business is a limited liability company
25 in the amounts designated by the eligible partnership,
26 S corporation, or limited liability company. An
27 eligible housing business or the designated partner if
28 the business is a partnership, designated shareholder
29 if the business is an S corporation, or designated

30 member if the business is a limited liability company,
31 or transferee shall not claim the tax credit unless a
32 tax credit certificate issued by the department of
33 economic development is attached to the taxpayer's
34 return for the tax year for which the tax credit is
35 claimed. The tax credit certificate shall contain the
36 taxpayer's name, address, tax identification number,
37 the amount of the tax credit, and other information
38 required by the department of revenue. The tax credit
39 certificate shall be transferable if low-income
40 housing tax credits authorized under section 42 of the
41 Internal Revenue Code are used to assist in the
42 financing of the housing development. Tax credit
43 certificates issued under this chapter may be
44 transferred to any person or entity. Within ninety
45 days of transfer, the transferee must submit the
46 transferred tax credit certificate to the department
47 of economic development along with a statement
48 containing the transferee's name, tax identification
49 number, and address, and the denomination that each
50 replacement tax credit certificate is to carry and any

Page 3

1 other information required by the department of
2 revenue. Within thirty days of receiving the
3 transferred tax credit certificate and the
4 transferee's statement, the department of economic
5 development shall issue one or more replacement tax
6 credit certificates to the transferee. Each
7 replacement certificate must contain the information
8 required to receive the original certificate and must
9 have the same expiration date that appeared in the
10 transferred tax credit certificate. Tax credit
11 certificate amounts of less than the minimum amount
12 established by rule of the department of economic
13 development shall not be transferable. A tax credit
14 shall not be claimed by a transferee under subsection
15 6, paragraph "a", until a replacement tax credit
16 certificate identifying the transferee as the proper
17 holder has been issued."

18 2. Page 12, by inserting after line 18 the
19 following:

20 "Sec. __. Section 422.11D, subsection 2, Code
21 2005, is amended to read as follows:

22 2. An individual may claim a property
23 rehabilitation tax credit allowed a partnership,
24 limited liability company, S corporation, estate, or
25 trust electing to have the income taxed directly to
26 the individual. The amount claimed by the individual
27 shall be based upon the pro rata share of the
28 individual's earnings of a partnership, limited

29 liability company, S corporation, estate, or trust
30 except when low-income housing tax credits authorized
31 under section 42 of the Internal Revenue Code are used
32 to assist in the financing of the housing development
33 in which case the amount claimed by a partner if the
34 business is a partnership, a shareholder if the
35 business is an S corporation, or a member if the
36 business is a limited liability company shall be based
37 on the amounts designated by the eligible partnership,
38 S corporation, or limited liability company."

J.K. Van Fossen of Scott offered the following amendment H-1598,
to amendment H-1591, filed by him and moved its adoption:

H-1598

1 Amend the amendment, H-1591, to House File 882 as
2 follows:
3 1. Page 3, by inserting after line 38 the
4 following:
5 "___ Page 12, by inserting before line 19 the
6 following:
7 "Sec. ___. Section 423.3, Code 2005, is amended by
8 adding the following new subsection:
9 **NEW SUBSECTION. 29A.** The sales price of all
10 goods, wares, or merchandise sold, or of services
11 furnished, which are used in the fulfillment of a
12 written construction contract with a residential
13 treatment facility for youth with emotional or
14 behavioral disorders licensed pursuant to chapter 237
15 or 135H if all of the following apply:
16 a. The sales and delivery of the goods, wares, or
17 merchandise, or the services furnished occurred
18 between July 1, 2004, and December 31, 2006.
19 b. The written construction contract was entered
20 into after December 31, 2003.
21 c. The sales or services were purchased by a
22 contractor as the agent for the facility or were
23 purchased directly by the facility."
24 ___ Page 16, by inserting after line 16 the
25 following:
26 "Sec. ___. **EFFECTIVE DATE.** The section of this
27 division of this Act enacting section 423.3,
28 subsection 29A, being deemed of immediate importance,
29 takes effect upon enactment."

Amendment H-1598 was adopted.

On motion by Tomenga of Polk, amendment H-1591, as amended
was adopted.

Dix of Butler offered the following amendment H-1592 filed by him and moved its adoption:

H-1592

- 1 Amend House File 882 as follows:
- 2 1. By striking page 9, line 30, through page 11,
- 3 line 18.

Amendment H-1592 was adopted.

Kurtenbach of Story asked and received unanimous consent to withdraw amendment H-1586 filed by him on April 28, 2005.

Winckler of Scott asked and received unanimous consent that amendment H-1584 be deferred.

Boal of Polk offered the following amendment H-1579 filed by her and moved its adoption:

H-1579

- 1 Amend House File 882 as follows:
- 2 1. Page 16, by inserting after line 16, the
- 3 following:
- 4 "Sec. __. 2005 Iowa Acts, House File 739, if
- 5 enacted, is amended by adding the following new
- 6 section:
- 7 NEW SECTION. Sec. __. EFFECTIVE DATE. The
- 8 section of this Act amending section 262.9 to
- 9 establish a research triangle and clearinghouse takes
- 10 effect July 1, 2006."

Amendment H-1579 was adopted.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-1580 filed by him on April 28, 2005.

Eichhorn of Hamilton offered amendment H-1581 filed by him and Tjepkes of Webster as follows:

H-1581

- 1 Amend House File 882 as follow:
- 2 1. By striking page 26, line 18, through page 29,
- 3 line 24.

Thomas of Clayton asked and received unanimous consent to withdraw amendment H-1602, to amendment H-1581, filed by him on April 28, 2005.

Lensing of Johnson offered the following amendment H-1604, to amendment H-1581, filed by her from the floor and moved its adoption:

H-1604

- 1 Amend the amendment, H-1581, to House File 882, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "___ By striking page 26, line 20, through page
- 6 29, line 24, and inserting the following:
- 7 "Sec. ___. IOWA STATE ASSOCIATION OF COUNTIES.
- 8 The Iowa state association of counties shall provide a
- 9 report to the government oversight committees on or
- 10 before December 1, 2005, regarding the progress of the
- 11 county land record information system.""
- 12 2. By renumbering as necessary.

Amendment H-1604 was adopted.

Gaskill of Wapello offered the following amendment H-1601, to amendment H-1581, filed by her and moved its adoption:

H-1601

- 1 Amend the amendment, H-1581, to House File 882 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "___ By striking page 26, line 20, through page
- 6 29, line 24 and inserting the following:
- 7 "Sec. ___. AUDIT. The auditor of state is
- 8 authorized to audit the financial records of any
- 9 company that provides service to the county land
- 10 record information system.""
- 11 2. By renumbering as necessary.

Amendment H-1601 was adopted.

Eichhorn of Hamilton asked and received unanimous consent to defer amendment H-1581, as amended.

Hunter of Polk asked and received unanimous consent to withdraw amendment H-1582 filed by Hunter, et al., on April 28, 2005.

Oldson of Polk asked and received unanimous consent to withdraw amendment H-1599, previously deferred, filed by her on April 28, 2005.

Dix of Butler offered amendment H-1603, previously deferred, filed by him as follows:

H-1603

1 Amend House File 882 as follows:

2 1. Page 3, line 2, by striking the figure
3 "159,600,000" and inserting the following:
4 "159,663,964".

5 2. Page 5, line 6, by striking the words "human
6 services" and inserting the following: "public
7 health".

8 3. Page 5, line 10, by striking the words
9 "families with one or more children" and inserting the
10 following: "individual patients".

11 4. Page 5, line 12, by striking the words "by the
12 children".

13 5. Page 5, by inserting after line 13, the
14 following:

15 "Sec.____. ARCHIVE GOVERNORS' RECORDS. There is
16 appropriated from the general fund of the state to the
17 department of cultural affairs for the fiscal year
18 beginning July 1, 2005, and ending June 30, 2006, the
19 following amount, or so much thereof as is necessary,
20 to be used for the purpose designated:
21 To match private funding for archiving the records
22 of Iowa governors:
23 75,000

24 Sec.____. CIVIL AIR PATROL. There is appropriated
25 from the general fund of the state to the state
26 department of transportation for the fiscal year
27 beginning July 1, 2005, and ending June 30, 2006, the
28 following amount, or so much thereof as is necessary,
29 to be used for the purpose designated:
30 For the Iowa civil air patrol:
31 \$125,000

32 Sec.____. BIENNIAL REPORTING. There is
33 appropriated from the general fund of the state to the
34 secretary of state for the fiscal year beginning July
35 1, 2005, and ending June 30, 2006, the following
36 amount, or so much thereof as is necessary, to be used
37 for the purpose designated:

38 For administering the biennial reporting
 39 requirements for limited liability companies as
 40 required in section 490A.131, if enacted by 2005 Iowa
 41 Acts, House File 859:
 42 \$275,000
 43 Sec.____ SCHOOL SHARING AND EFFICIENCIES. There
 44 is appropriated from the general fund of the state to
 45 the department of education for the fiscal year
 46 beginning July 1, 2005, and ending June 30, 2006, the
 47 following amount, or so much thereof as is necessary,
 48 to be used for the purpose designated:
 49 For implementation of 2005 Iowa Acts, House File
 50 873, if enacted:

Page 2

1 \$ 200,000"
 2 6. Page 6, line 4, by striking the figure "72.00"
 3 and inserting the following: "71.00".
 4 7. Page 6, by inserting after line 14 the
 5 following:
 6 "Sec.____. 2005 Iowa Acts, House File 816, section
 7 5, subsection 10, unnumbered paragraph 1, if enacted,
 8 is amended to read as follows:
 9 For deposit in the school ready children grants
 10 account of the Iowa empowerment fund created in
 11 section 28.9:
 12 \$ ~~22,481,594~~
 13 21,481,594
 14 Sec.____. 2005 Iowa Acts, House File 816, section
 15 5, subsection 10, paragraph d, if enacted, is amended
 16 to read as follows:
 17 d. Of the amount appropriated in this subsection
 18 for deposit in the school ready children grants
 19 account of the Iowa empowerment fund, ~~\$1,000,000~~
 20 \$500,000 shall be allocated to a collaborative effort
 21 between the Iowa community empowerment board and Iowa
 22 state university extension to provide hands-on
 23 assistance to child care providers.
 24 Sec.____. 2005 Iowa Acts, House File 816, section
 25 5, subsection 12, if enacted, is amended to read as
 26 follows:
 27 12. STUDENT ACHIEVEMENT AND TEACHER QUALITY
 28 PROGRAM
 29 For purposes, as provided in law, of the student
 30 achievement and teacher quality program established
 31 pursuant to chapter 284:
 32 \$ ~~58,718,894~~
 33 67,618,894
 34 Sec.____. 2005 Iowa Acts, House File 816, section
 35 5, subsection 13, if enacted, is amended to read as
 36 follows:

37 13. COMMUNITY COLLEGES

38 For general state financial aid to merged areas as
39 defined in section 260C.2 in accordance with chapters
40 258 and 260C:

41 \$146,063,888

42 147,579,244

43 The funds appropriated in this subsection shall be
44 allocated as follows:

45 a. Merged Area I \$ 7,050,307

46 7,124,315

47 b. Merged Area II \$ 8,174,864

48 8,258,602

49 c. Merged Area III \$ 7,573,324

50 7,650,479

Page 3

1 d. Merged Area IV \$ 3,708,37

2 3,746,521

3 e. Merged Area V \$ 7,844,24

4 7,926,341

5 f. Merged Area VI \$ 7,187,87

6 7,261,075

7 g. Merged Area VII \$ 10,452,73

8 10,560,846

9 h. Merged Area IX \$ 12,871,40

10 13,005,054

11 i. Merged Area X \$ 20,387,667

12 20,603,300

13 j. Merged Area XI \$ 21,520,594

14 21,745,905

15 k. Merged Area XII \$ 8,447,771

16 8,535,410

17 l. Merged Area XIII \$ 8,664,978

18 8,754,676

19 m. Merged Area XIV \$ 3,753,491

20 3,791,821

21 n. Merged Area XV \$ 11,804,074

22 11,924,610

23 o. Merged Area XVI \$ 6,621,860

24 6,690,289

25 Sec. __. 2005 Iowa Acts, House File 816, section
26 10, subsection 1, paragraph f, if enacted, is amended
27 to read as follows:

28 f. For funds for regents universities' general
29 operating budgets:

30 \$ 12,569,288

31 14,969,288

32 Sec. __. 2005 Iowa Acts, House File 816, section
33 10, subsection 1, paragraph f, subparagraph (6), if
34 enacted, is amended to read as follows:

35 (6) From the moneys allocated to the Iowa state

36 university of science and technology pursuant to this
 37 lettered paragraph, an amount equal to ~~\$50,000~~
 38 \$1,000,000 shall be distributed to the college of
 39 veterinary medicine to reduce the operating fees
 40 charged by the veterinary diagnostic laboratory. If
 41 Iowa state university of science and technology fails
 42 to distribute funds to the college of veterinary
 43 science in accordance with this paragraph, the moneys
 44 shall revert to the general fund of the state.
 45 Sec. __. 2005 Iowa Acts, House File 825, section
 46 9, unnumbered paragraph 2, if enacted, is amended to
 47 read as follows:
 48 For medical assistance reimbursement and associated
 49 costs as specifically provided in the reimbursement
 50 methodologies in effect on June 30, 2005, except as

Page 4

1 otherwise expressly authorized by law, including
 2 reimbursement for abortion services, which shall be
 3 available under the medical assistance program only
 4 for those abortions which are medically necessary:
 5 \$524,800000
 6 518,300000

7 Sec. __. 2005 Iowa Acts, House File 825, section
 8 14, unnumbered paragraph 2, if enacted, is amended to
 9 read as follows:

10 For child care programs:
 11 \$ 8,350,752
 12 17,350,752

13 Sec. __. 2005 Iowa Acts, House File 825, section
 14 14, subsection 1, paragraph a, if enacted, is amended
 15 to read as follows:

16 a. Of the funds appropriated in this section,
 17 ~~\$7,325,228~~ \$16,325,228 shall be used for state child
 18 care assistance in accordance with section 237A.13."

19 8. Page 6, by inserting after line 23 the
 20 following:

21 "Sec. __. 2005 Iowa Acts, House File 825, section
 22 29, subsection 11, if enacted, is amended to read as
 23 follows:

24 11. For the fiscal year beginning July 1, 2005,
 25 for child care providers reimbursed under the state
 26 child care assistance program, the department shall
 27 set provider reimbursement rates based on the rate
 28 reimbursement survey completed in December ~~1998~~ 2002.
 29 The department shall set rates in a manner so as to
 30 provide incentives for a nonregistered provider to
 31 become registered. If the federal government provides
 32 additional funding for child care during the fiscal
 33 year beginning July 1, 2005, the additional funding
 34 shall be used to develop and implement an electronic

35 billing and payment system for child care providers."
 36 9. Page 6, line 31, by striking the figure
 37 "53,147,109" and inserting the following:
 38 "59,647,109".
 39 10. Page 7, by inserting after line 32 the
 40 following:
 41 "Sec. __. Section 284.13, subsection 1, paragraph
 42 dd, as enacted by 2005 Iowa Acts, House File 816,
 43 section 23, if enacted, is amended to read as follows:
 44 dd. For the fiscal year beginning July 1, 2005,
 45 and ending June 30, 2006, up to eight seventeen
 46 million ~~nine eight~~ hundred thousand dollars to the
 47 department of education for use by school districts to
 48 add ~~one two~~ additional teacher contract ~~day days~~ to
 49 the school calendar. Prior to receiving funds under
 50 this paragraph, a school district shall submit for

Page 5

1 approval to the department the school district's
 2 professional development plan for use of the moneys.
 3 From the moneys allocated to the department pursuant
 4 to this paragraph, not less than seventy-five thousand
 5 dollars shall be used to administer the ambassador to
 6 education position in accordance with section 256.45
 7 and the reporting and plan requirements of this
 8 subsection shall not apply to this allocation. The
 9 department shall submit a report on school district
 10 use of the moneys distributed pursuant to this
 11 paragraph to the chairpersons and ranking members of
 12 the house and senate standing committees on education,
 13 the joint appropriations subcommittee on education,
 14 and the legislative services agency not later than
 15 January 15, 2006.
 16 Sec. __. Section 490A.131, subsection 5, if
 17 enacted by 2005 Iowa Acts, House File 859, section
 18 109, is amended to read as follows:
 19 5. The first biennial report shall be delivered to
 20 the secretary of state between January 1 and April 1
 21 of the first ~~odd-numbered~~ even-numbered year following
 22 the calendar year in which a limited liability company
 23 was formed or a foreign limited liability company was
 24 authorized to transact business. Subsequent biennial
 25 reports must be delivered to the secretary of state
 26 between January 1 and April 1 of the following ~~odd-~~
 27 ~~numbered~~ even-numbered calendar years. A filing fee
 28 for the biennial report shall be determined by the
 29 secretary of state and deposited into the general fund
 30 of the state. For purposes of this section, each
 31 biennial report shall contain information related to
 32 the two-year period immediately preceding the calendar
 33 year in which the report is filed."

34 11. Page 12, by striking lines 3 through 18.

35 12. Page 13, by inserting after line 24, the
36 following:

37 "Sec.____. Section 427.1, Code 2005, is amended by
38 adding the following new subsection:

39 **NEW SUBSECTION. 21A.** Dwelling unit property owned
40 and managed by a nonprofit organization if the
41 nonprofit organization owns and manages more than
42 forty dwelling units that are located in a city with a
43 population of more than one hundred ten thousand which
44 has a public housing authority that does not own or
45 manage housing stock for the purpose of low-rent
46 housing."

47 13. Page 16, by inserting after line 16, the
48 following:

49 "Sec. ____ **BUDGET GUARANTEE RESOLUTION –**
50 **RESOLUTION ADOPTION EXTENSION.** Notwithstanding the

Page 6

1 provisions of section 257.14, subsection 3, unnumbered
2 paragraph 3, a school district that wishes to receive
3 a budget adjustment pursuant to that subsection for
4 the school budget year beginning July 1, 2005, shall
5 have until June 1, 2005, to adopt a resolution to
6 receive the budget adjustment and to notify the
7 department of management of the adoption of the
8 resolution and the amount of the budget adjustment to
9 be received.

10 Sec.____. **APPLICABILITY PROVISION.** The section of
11 this division of this Act enacting new subsection 21A
12 to section 427.1 shall not be considered a property
13 tax exemption within the meaning of or for the
14 purposes of section 25B.7.

15 Sec.____. **EFFECTIVE DATE.** The section of this
16 division of this Act providing an extension of time
17 for adoption of a budget adjustment resolution
18 pursuant to section 257.14, subsection 3, for a budget
19 adjustment for the school budget year beginning July
20 1, 2005, being deemed of immediate importance, takes
21 effect upon enactment."

Wendt of Woodbury offered the following amendment H-1607, to amendment H-1603, filed by him from the floor and moved its adoption:

H-1607

1 Amend the amendment, H-1603, to House File 882 as
2 follows:

3 1. Page 2, line 1, by striking the figure
4 "200,000" and inserting the following: "325,000".

Amendment H-1607 lost.

Shoultz of Black Hawk offered the following amendment H-1605, to amendment H-1603, filed by him from the floor and moved its adoption:

H-1605

- 1 Amend the amendment, H-1603, to House File 882 as
- 2 follows:
- 3 1. Page 3, by striking lines 32 through 44 and
- 4 inserting the following:
- 5 "Sec. __. 2005 Iowa Acts, House File 816, section
- 6 10, subsection 1, paragraph f, if enacted, is amended
- 7 by adding the following new subparagraph:
- 8 **NEW SUBPARAGRAPH.** (1A) The first \$1,000,000 shall
- 9 be distributed by the state board of regents to the
- 10 university of northern Iowa to provide additional
- 11 support for the agriculture-based industrial
- 12 lubricants research program and the remainder shall be
- 13 distributed as provided in subparagraph (2).
- 14 Sec. __. 2005 Iowa Acts, House File 816, section
- 15 10, subsection 1, paragraph f, subparagraph (6), if
- 16 enacted, is amended by striking the subparagraph."
- 17 2. By renumbering as necessary.

Speaker pro tempore Carroll in the chair at 9:56 a.m.

Roll call was requested by Shoultz of Black Hawk and Jochum of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H-1605 to amendment H-1603 be adopted?" (H.F. 882)

The ayes were, 48:

Bell	Berry	Bukta	Cphoon
Dandekar	Davitt	Foegel	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Smith	Swaim	Taylor, D.	Taylor, T.

Thomas	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
Maddox	May	Olson, S.	Paulsen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Carroll, Presiding	

Absent or not voting, 1:

Fallon

Amendment H-1605 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fallon of Polk on request of Murphy of Dubuque.

Wendt of Woodbury offered the following amendment H-1606, to amendment H-1603, filed by him from the floor and moved its adoption:

H-1606

- 1 Amend the amendment, H-1603, to House File 882 as
- 2 follows:
- 3 1. Page 3, by striking lines 32 through 44, and
- 4 inserting the following:
- 5 "Sec. 2005 Iowa Acts, House File 816, section
- 6 10, subsection 1, paragraph f, if enacted, is amended
- 7 by adding the following new subparagraph:
- 8 NEW SUBPARAGRAPH. (1A) The first \$1,000,000 shall
- 9 be equally distributed by the state board of regents
- 10 to the southwest Iowa graduate studies center, the
- 11 tristate graduate center, and quad-cities graduate

- 12 studies center for the centers to expand graduate
 13 programs and the remainder shall be distributed as
 14 provided in subparagraph (2).
 15 Sec. __. 2005 Iowa Acts, House File 816, section
 16 10, subsection 1, paragraph f, subparagraph (6), if
 17 enacted, is amended by striking the subparagraph."
 18 2. By renumbering as necessary.

Roll call was requested by Wendt of Woodbury and Hunter of Polk.

On the question "Shall amendment H-1606 to amendment H-1603 be adopted?" (H.F. 882)

The ayes were, 47:

Bell	Berry	Bukta	Cphoon
Dandekar	Davitt	Foege	Ford
Gaskill	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Petersen
Pettengill	Quirk	Reasoner	Reichert
Schueller	Shomshor	Shoultz	Smith
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
Maddox	May	Olson, S.	Paulsen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Carroll,	
		Presiding	

Absent or not voting, 2:

Fallon Frevert

Amendment H-1606 lost.

Speaker Rants in the chair at 10:09 a.m.

Pettengill of Benton offered the following amendment H-1608, to amendment H-1603, filed by her and Shomshor of Pottawattamie from the floor and moved its adoption:

H-1608

- 1 Amend the amendment, H-1603, to House File 882 as
- 2 follows:
- 3 1. Page 3, by striking lines 32 through 44 and
- 4 inserting the following:
- 5 "Sec. __. 2005 Iowa Acts, House File 816, section
- 6 10, subsection 1, paragraph f, if enacted, is amended
- 7 by adding the following new subparagraph:
- 8 NEW SUBPARAGRAPH. (1A) The first \$1,000,000 shall
- 9 be equally distributed by the state board of regents
- 10 to the state school for the deaf and the Iowa braille
- 11 and sight saving school to provide services by
- 12 specially trained interventionists to families of
- 13 identified children from birth through age five who
- 14 have hearing or vision impairments and the remainder
- 15 shall be distributed as provided in subparagraph (2).
- 16 Sec. __. 2005 Iowa Acts, House File 816, section
- 17 10, subsection 1, paragraph f, subparagraph (6), if
- 18 enacted, is amended by striking the subparagraph."
- 19 2. By renumbering as necessary.

Roll call was requested by Mascher of Johnson and Hunter of Polk.

On the question "Shall amendment H-1608 to amendment H-1603 be adopted?" (H.F. 882)

The ayes were, 46:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Foegel	Ford
Gaskill	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller	Murphy	Oldson
Olson, D.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach		

The nays were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Mr. Speaker		
	Rants		

Absent or not voting, 4:

Fallon	Frevert	Mertz	Olson, R.
--------	---------	-------	-----------

Amendment H-1608 lost.

Mascher of Johnson offered the following amendment H-1609, to amendment H-1603, filed by her from the floor and moved its adoption:

H-1609

- 1 Amend the amendment, H-1603, to House File 882 as
- 2 follows:
- 3 1. Page 3, by striking lines 32 through 44 and
- 4 inserting the following:
- 5 "Sec. __. 2005 Iowa Acts, House File 816, section
- 6 10, subsection 1, paragraph f, if enacted, is amended
- 7 by adding the following new subparagraph:
- 8 NEW SUBPARAGRAPH. (1A) The first \$1,000,000 shall
- 9 be distributed by the state board of regents to
- 10 supplement the regents universities' work-study
- 11 programs and the remainder shall be distributed as
- 12 provided in subparagraph (2).
- 13 Sec. __. 2005 Iowa Acts, House File 816, section
- 14 10, subsection 1, paragraph f, subparagraph (6), if
- 15 enacted, is amended by striking the subparagraph."
- 16 2. By renumbering as necessary.

Rule 75 was invoked.

Roll call was requested by Mascher of Johnson and Reasoner of Union.

On the question "Shall amendment H-1609 to amendment H-1603 be adopted?" (H.F. 882)

The ayes were, 46:

Bell	Berry	Bukta	Cphoon
Dandekar	Davitt	Foege	Ford
Gaskill	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Petersen	Pettengill
Quirk	Reasoner	Reichert	Schueller
Shomshor	Shoultz	Smith	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach		

The nays were, 53:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Hoffman
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Kaufmann	Kurtenbach
Lalk	Lukan	Maddox	May
Mertz	Olson, S.	Paulsen	Raecker
Rasmussen	Rayhons	Roberts	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdryke
Mr. Speaker			
Rants			

Absent or not voting, 1:

Fallon

Amendment H-1609 lost.

Speaker pro tempore Carroll in the chair at 10:36 a.m.

Thomas of Clayton offered the following amendment H-1616, to amendment H-1603, filed by him from the floor and moved its adoption:

H-1616

1 Amend the amendment, H-1603, to House File 882 as
 2 follows:
 3 1. Page 3, by striking lines 32 through 44 and
 4 inserting the following:
 5 "Sec. __. 2005 Iowa Acts, House File 816, section
 6 10, subsection 1, paragraph f, if enacted, is amended
 7 by adding the following new subparagraph:
 8 NEW SUBPARAGRAPH. (1A) The first \$1,000,000 shall
 9 be distributed by the state board of regents to
 10 provide stipends for regents university graduate
 11 students providing research for the Trans Ova project
 12 located in northwest Iowa and the remainder shall be
 13 distributed as provided in subparagraph (2).
 14 Sec. __. 2005 Iowa Acts, House File 816, section
 15 10, subsection 1, paragraph f, subparagraph (6), if
 16 enacted, is amended by striking the subparagraph."
 17 2. By renumbering as necessary.

Roll call was requested by Thomas of Clayton and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H-1616 to amendment H-1603 be adopted?" (H.F. 882)

The ayes were, 47:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Petersen
Pettengill	Quirk	Reasoner	Reichert
Schueller	Shomshor	Shoultz	Smith
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	

The nays were, 52:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
Maddox	May	Mertz	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wilderdyke	Carroll, Presiding

Absent or not voting, 1:

Fallon

Amendment H-1616 lost.

Kuhn of Floyd offered the following amendment H-1615, to amendment H-1603, filed by Kuhn, Kressig of Black Hawk, Lensing of Johnson, Mascher of Johnson, Oldson of Polk, Wendt of Woodbury, Wessel-Kroeschell of Story and Winckler of Scott from the floor and moved its adoption:

H-1615

- 1 Amend the amendment, H-1603, to House File 882 as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 " _____. Page 2, line 10, by striking the figure
- 6 "11,271,000" and inserting the following:
- 7 "29,971,000".
- 8 _____. Page 2, by striking lines 11 through 13, and
- 9 inserting the following:
- 10 "The amount appropriated under section 279.51,
- 11 subsection 1, pursuant to this subsection, is
- 12 allocated for purposes of the grants awarded by the
- 13 child development coordinating council and other
- 14 council duties as provided in section 279.51,
- 15 subsection 1, paragraph "b"."
- 16 2. Page 2, line 33, by striking the figure
- 17 "67,618,894" and inserting the following:
- 18 "92,683,894".
- 19 3. Page 3, line 31, by striking the figure

- 20 "14,969,288" and inserting the following:
 21 "40,000,000".
 22 4. Page 3, by striking lines 34 through 43 and
 23 inserting the following: "enacted, is amended by
 24 striking the subparagraph."

Speaker Rants in the chair at 10:47 a.m.

Roll call was requested by Kuhn of Floyd and Reasoner of Union.

Rule 75 was invoked.

On the question "Shall amendment H-1615 to amendment H-1603 be adopted?" (H.F. 882)

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Huser	Jacoby	Jenkins
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
Maddox	May	Olson, S.	Paulsen
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyke	Mr. Speaker		
	Rants		

Absent or not voting, 1:

Fallon

Amendment H-1615 lost.

Dix of Butler moved the adoption of amendment H-1603.

Roll call was requested by Murphy of Dubuque and Carroll of Poweshiek.

On the question "Shall amendment H-1603 be adopted?" (H.F. 882)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Fallon

Amendment H-1603 was adopted, placing out of order amendment H-1595, previously deferred, filed by Kressig, et al., on April 28, 2005.

Foege of Linn offered the following amendment H-1577, previously deferred, filed by him and Heddens of Story and moved its adoption:

H-1577

- 1 Amend House File 882 as follows:
- 2 1. Page 4, line 23, by striking the word "eleven"
- 3 and inserting the following: "~~eleven~~ seven".

Amendment H-1577 lost.

Hogg of Linn offered the following amendment H-1597, previously deferred, filed by him and Petersen of Polk and moved its adoption:

H-1597

- 1 Amend House File 882 as follows:
- 2 1. Page 7, by striking lines 14 through 27.
- 3 2. By renumbering as necessary.

Roll call was requested by Wise of Lee and Reasoner of Union.

On the question "Shall amendment H-1597 be adopted?" (H.F. 882)

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Eichhorn	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Elgin

Freeman	Gipp	Granzow	Greiner
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
Maddox	May	Olson, S.	Paulsen
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Mr. Speaker		
	Rants		

Absent or not voting, 1:

Fallon

Amendment H-1597 lost.

Winckler of Scott offered amendment H-1618 filed by Winckler, Wendt of Woodbury, Oldson of Polk, Frevert of Palo Alto and Davitt of Warren from the floor as follows:

H-1618

1 Amend House File 882 as follows:
 2 1. Page 7, by striking line 33 and inserting the
 3 following:
 4 "Sec. ___. Section 292.4, Code 2005, is amended to
 5 read as follows:
 6 292.4 APPROPRIATION.
 7 There is appropriated from the general fund of the
 8 state from moneys credited to the general fund of the
 9 state as a result of the state entering into the
 10 streamlined sales and use tax agreement to the secure
 11 an advanced vision for education fund created in
 12 section 423E.4, the sum of five million dollars for
 13 each fiscal year of the fiscal period beginning July
 14 1, 2004, and ending June 30, 2014. ~~The appropriation~~
 15 ~~in this section shall be made after the appropriation~~
 16 ~~from the same source to the grow Iowa values fund~~
 17 ~~created in section 15G-108.~~ For purposes of this
 18 section, "moneys credited to the general fund of the
 19 state as a result of entering into the streamlined
 20 sales and use tax agreement" means the amount of sales
 21 and use tax receipts credited to the general fund of
 22 the state during a fiscal year that exceeds by two
 23 percent or more the total sales and use tax receipts
 24 credited to the general fund of the state during the
 25 previous fiscal year, based upon the latest estimate
 26 for the amount of sales and use tax receipts issued

- 27 during the fiscal year by the revenue estimating
 28 conference."
 29 2. Page 7, line 35, by striking the word
 30 "repealing" and inserting the following: "amending".

Roll call was requested by Winckler of Scott and Hunter of Polk.

On the question "Shall amendment H-1618 be adopted?" (H.F. 882)

The ayes were, 45:

Bell	Berry	Bukta	Cohon
Davitt	Foege	Ford	Frevert
Gaskill	Heddens	Hunter	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 53:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	Dandekar
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Heaton	Hoffman
Hogg	Horbach	Huseman	Hutter
Jacobs	Jenkins	Jones	Kaufmann
Kurtenbach	Lalk	Lukan	Maddox
May	Olson, S.	Paulsen	Raecker
Rasmussen	Rayhons	Roberts	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdyke
Mr. Speaker			
Rants			

Absent or not voting, 2:

Fallon	Huser
--------	-------

Amendment H-1618 lost.

Frevert of Palo Alto offered amendment H-1614 filed by her and Kuhn of Floyd from the floor as follows:

H-1614

- 1 Amend House File 882 as follows:
- 2 1. Page 14, by inserting after line 12 the
- 3 following:
- 4 "Sec. __. Section 476C.1, subsection 6, paragraph
- 5 b, if enacted by 2005 Iowa Acts, Senate File 390,
- 6 section 7, is amended by adding the following new
- 7 subparagraph:
- 8 (8) A community college as defined in section
- 9 260C.2.
- 10 Sec. __. Section 476C.1, subsection 6, paragraph
- 11 d, if enacted by 2005 Iowa Acts, Senate File 390,
- 12 section 7, is amended to read as follows:
- 13 d. Was initially placed into service on or after
- 14 July November 1, 2005 2004, and before January 1,
- 15 2011."
- 16 2. Page 16, by inserting after line 16 the
- 17 following:
- 18 "Sec. __. EFFECTIVE DATE. The sections of this
- 19 division of this Act amending section 476C.1, if
- 20 enacted, being deemed of immediate importance, take
- 21 effect upon enactment and are applicable beginning on
- 22 the enactment date of 2005 Iowa Acts, Senate File 390,
- 23 if enacted."
- 24 3. By renumbering as necessary.

Dix of Butler rose on a point of order that amendment H-1614 was not germane.

The Speaker ruled the point well taken and amendment H-1614 not germane.

Murphy of Dubuque offered the following amendment H-1620 filed by him from the floor and moved its adoption:

H-1620

- 1 Amend House File 882 as follows:
- 2 1. Page 11, by striking lines 30 through 34.
- 3 2. By renumbering as necessary.

Amendment H-1620 lost.

Winckler of Scott offered the following amendment H-1584, previously deferred, filed by her and moved its adoption:

H-1584

1 Amend House File 882 as follows:
2 1. Page 12, by inserting after line 18 the
3 following:
4 "Sec.____. Section 423E.4, subsection 3, paragraph
5 a, Code 2005, is amended to read as follows:
6 a. The director of revenue by June 1 preceding
7 each 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 2005, 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 all the counties during the
22 entire fiscal year and dividing this estimated revenue
23 amount by the sum of the combined actual enrollment
24 for all counties as determined in section 423E.3,
25 subsection 5, paragraph "d", subparagraph (2)."

Amendment H-1584 lost.

Thomas of Clayton asked and received unanimous consent to withdraw amendment H-1612, to amendment H-1581, filed by him from the floor.

Speaker pro tempore Carroll in the chair at 12:31 p.m.

Winckler of Scott offered the following amendment H-1617, to amendment H-1581, filed by her from the floor and moved its adoption:

H-1617

1 Amend the amendment, H-1581, to House File 882 as
2 follows:
3 1. Page 1, by striking lines 2 and 3, and

4 inserting the following:
5 "____. By striking page 26, line 20, through page
6 29, line 24 and inserting the following:
7 "Sec.____. FEES. County recorders shall collect
8 only statutorily authorized fees for land records
9 management. County recorders shall not collect fees
10 for viewing, accessing, or printing electronic land
11 management documents until authorized by the general
12 assembly.""
13 2. By renumbering as necessary.

Amendment H-1617 was adopted.

Speaker Rants in the chair at 12:53 p.m.

Eichhorn of Hamilton moved the adoption of amendment H-1581,
as amended.

Rule 75 was invoked.

A non-record roll call was requested.

The ayes were 39, nays 57.

Amendment H-1581, as amended, lost.

Wise of Lee offered the following amendment H-1610, previously
deferred, filed by Wise, Dandekar of Linn, Huser of Polk, Hogg of
Linn, Petersen of Polk, Reichert of Muscatine, Whitaker of Van
Buren, D. Olson of Boone and Mertz of Kossuth from the floor and
moved its adoption:

H-1610

1 Amend House File 882 as follows:
2 1. Page 40, by inserting after line 15 the
3 following:
4 "DIVISION
5 REPAYMENT OF FUNDS
6 Sec.____. Section 8.54, subsection 2, Code 2005,
7 is amended to read as follows:
8 2. There is created a state general fund
9 expenditure limitation for each fiscal year calculated
10 as provided in this section. An expenditure
11 limitation shall be used for ~~the portion of~~ the budget
12 process commencing on the date the revenue estimating
13 conference agrees to a revenue estimate for the

14 following fiscal year in accordance with section
15 8.22A, subsection 3, and ending with the ~~governor's~~
16 ~~final approval or disapproval of the appropriations~~
17 ~~bills applicable to that fiscal year that were passed~~
18 ~~prior to July 1 of that fiscal year in a regular or~~
19 ~~extraordinary legislative session close of the fiscal~~
20 ~~year for which the expenditure limitation was~~
21 ~~calculated. Once the fiscal year for which the~~
22 ~~expenditure limitation was calculated commences, the~~
23 ~~expenditure limitation for that fiscal year is not~~
24 ~~subject to adjustment or readjustment except by law~~
25 ~~enacted for that purpose.~~

26 Sec. ____ Section 8.54, Code 2005, is amended by
27 adding the following new subsections:

28 NEW SUBSECTION. 8. a. The requirements of this
29 subsection are only applicable under the state general
30 fund expenditure limitation for a fiscal year when the
31 adjusted revenue estimate used to establish the
32 expenditure limitation for that fiscal year represents
33 an increase of two percent or more over the adjusted
34 revenue estimate used to establish the expenditure
35 limitation for the immediately preceding fiscal year.

36 b. If an appropriation is made for a fiscal year
37 from a source other than the general fund of the state
38 for a designated purpose and in either of the two
39 fiscal years immediately preceding that fiscal year
40 the designated purpose was funded by an appropriation
41 from the general fund of the state, for the purposes
42 of the state general fund expenditure limitation, the
43 amount of the appropriation from the other source
44 shall be considered to have been transferred to and
45 appropriated from the general fund of the state and
46 shall be counted as both a new revenue causing
47 readjustment of the expenditure limitation amount and
48 as an appropriation made under the expenditure
49 limitation amount. Subject to the applicability
50 condition in paragraph "a", the requirements of this

Page 2

1 subsection shall apply to either or both the initial
2 and immediately succeeding fiscal years for which the
3 appropriation is made from the other funding source.
4 NEW SUBSECTION. 9. a. Commencing during the
5 fiscal year that begins July 1, 2006, if the adjusted
6 revenue estimate used to establish the expenditure
7 limitation for the succeeding fiscal year represents
8 an increase over the adjusted revenue estimate used to
9 establish the expenditure limitation for the fiscal
10 year in progress by a percentage amount listed in this
11 paragraph, there is appropriated from the general fund
12 of the state to the office of the treasurer of state

13 for the succeeding fiscal year, the indicated amount.
14 An appropriation made pursuant to this subsection
15 shall be counted under the state general fund
16 expenditure limitation amount for the fiscal year for
17 which the appropriation is made. The treasurer of
18 state shall distribute the appropriation as provided
19 in paragraph "b" to be used to restore funding that
20 was transferred to the general fund of the state or
21 appropriated from various funds and accounts in lieu
22 of funding from the general fund of the state. The
23 appropriation made in this paragraph shall continue on
24 an annual basis until the amounts listed in paragraph
25 "b" have all been distributed. If the amount
26 appropriated would exceed the amount remaining to be
27 distributed, the appropriation shall be reduced by the
28 excess.

29 (1) For an increase in the adjusted revenue
30 estimate of at least two percent but less than four
31 percent, the appropriation made in this paragraph "a"
32 shall be an amount equal to one-half of one percent of
33 the adjusted revenue estimate used to establish the
34 state general fund expenditure limitation for the
35 fiscal year for which the appropriation is made.

36 (2) For an increase in the adjusted revenue
37 estimate of at least four percent but less than six
38 percent, the appropriation made in this paragraph "a"
39 shall be an amount equal to one percent of the
40 adjusted revenue estimate used to establish the state
41 general fund expenditure limitation for the fiscal
42 year for which the appropriation is made.

43 (3) For an increase in the adjusted revenue
44 estimate of at least six percent but less than eight
45 percent, the appropriation made in this paragraph "a"
46 shall be an amount equal to one and one-half percent
47 of the adjusted revenue estimate used to establish the
48 state general fund expenditure limitation for the
49 fiscal year for which the appropriation is made.

50 (4) For an increase in the adjusted revenue

Page 3

1 estimate of eight percent or more, the appropriation
2 made in this paragraph "a" shall be an amount equal to
3 two percent of the adjusted revenue estimate used to
4 establish the state general fund expenditure
5 limitation for the fiscal year for which the
6 appropriation is made.

7 b. The appropriation made in paragraph "a" shall
8 be annually, if necessary, distributed as provided in
9 this paragraph "b". Unless otherwise provided by law,
10 notwithstanding section 8.33, moneys distributed in
11 accordance with this paragraph that remain

12 unencumbered or unobligated at the close of the fiscal
13 year shall not revert but shall remain available for
14 expenditure for the purposes designated until
15 expended.

16 (1) Moneys appropriated in paragraph "a" shall be
17 distributed to the funds and departments listed in
18 this subparagraph, in the order and amounts listed
19 until the full amounts listed have been distributed.
20 To the extent the appropriation for a fiscal year is
21 insufficient to fully fund an amount listed or
22 remaining, the amount of the insufficiency shall be
23 distributed from the next succeeding appropriation or
24 appropriations. When all amounts listed in this
25 subparagraph have been distributed in full, any
26 remaining amounts of the appropriation made in
27 paragraph "a" shall be distributed as provided in
28 subparagraph (2). Moneys distributed pursuant to this
29 subparagraph (1) shall be used for the purposes of the
30 fund or department to which distributed, unless a
31 purpose is stated with the amount:

32 (a) The innovations fund created in section 8.63,
33 four hundred thousand dollars.

34 (b) The state department of transportation to be
35 used for aviation hangars, three hundred sixty
36 thousand dollars, and for airport engineering studies
37 and improvement projects, three hundred forty-seven
38 thousand dollars.

39 (c) The special all-terrain vehicle fund created
40 pursuant to section 321I.8, eight hundred thousand
41 dollars.

42 (d) The victim compensation fund established in
43 section 915.94, one million dollars.

44 (e) The special snowmobile fund created pursuant
45 to section 321G.7, one million dollars.

46 (f) The revolving fund created in section
47 602.1302, for the purpose of paying jury and witness
48 fees and mileage by the judicial branch, one million
49 dollars.

50 (g) The brucellosis and tuberculosis eradication

Page 4

1 fund created in section 165.18, one million dollars.

2 (h) The alternative drainage system assistance
3 fund created in section 460.303, one million one
4 hundred thousand dollars.

5 (i) The property tax relief fund risk pool created
6 in section 426B.5, subsection 2, one million five
7 hundred thousand dollars.

8 (j) The title guaranty fund created in section
9 16.91, two million seven hundred thousand dollars.

10 (k) The waste tire management fund created in

11 section 455D.11C, four million six hundred thousand
12 dollars.

13 (l) The groundwater protection fund established in
14 section 455E.11, five million two hundred thousand
15 dollars.

16 (m) The state department of transportation to be
17 used for recreational trails projects, five million
18 five hundred thousand dollars.

19 (n) The strategic investment fund created in
20 section 15.313, three million dollars.

21 (o) The physical infrastructure assistance fund
22 created in section 15E.175, two million five hundred
23 thousand dollars.

24 (p) The value-added agricultural products and
25 processes financial assistance fund created in section
26 15E.112, seven hundred fifty thousand dollars.

27 (q) The school infrastructure fund created in
28 section 12.82, twenty-two million dollars.

29 (2) When the amounts listed in subparagraph (1)
30 have all been distributed, any remaining amounts of
31 the appropriation made in paragraph "a" shall be
32 annually distributed to the account and funds listed
33 in this subparagraph (2) until the full amounts listed
34 have been distributed. If the appropriation is
35 insufficient to fully fund all amounts listed or
36 remaining, the appropriation shall be prorated among
37 the account and funds based upon an amount's
38 proportion of the total amount to be distributed. The
39 distribution of the appropriation made in paragraph
40 "a" shall continue in succeeding fiscal years until
41 the entire amount listed for each account or fund in
42 this subparagraph (2) has been distributed. Moneys
43 distributed shall be used for the purposes of the
44 account or fund to which distributed:

45 (a) The endowment for Iowa's health account of the
46 tobacco settlement trust fund created pursuant to
47 section 12E.12, four hundred twenty-nine million one
48 hundred thousand dollars.

49 (b) The environment first fund created in section
50 8.57A, fifty-four million five hundred thousand

Page 5

1 dollars.

2 (c) The rebuild Iowa infrastructure fund created
3 in section 8.57, subsection 6, forty-three million
4 eight hundred thousand dollars.

5 (d) The senior living trust fund created in
6 section 249H.4, four hundred forty-six million
7 dollars.

8 (e) The Iowa comprehensive petroleum underground
9 storage tank fund created in section 455G.3, forty-

10 eight million dollars.

11 (f) The cash reserve fund created in section 8.56,

12 two hundred ninety million dollars.

13 (3) The aggregate amount of the appropriations to
14 be transferred from the Iowa economic emergency fund
15 to the senior living trust fund and the endowment for
16 Iowa's health account of the tobacco settlement trust
17 fund pursuant to section 8.55, subsection 2,
18 paragraphs "b" and "c", and the amount to be
19 transferred to the senior living trust fund pursuant
20 to section 8.57, subsection 2, paragraph "d", shall be
21 reduced by the distributions made to the fund and
22 account in accordance with subparagraph (2). The
23 amounts to be distributed to the senior living trust
24 fund and the endowment for Iowa's health account in
25 accordance with subparagraph (2) shall be reduced by
26 any amounts transferred to the fund or account
27 pursuant to section 8.55, subsection 2, paragraphs "b"
28 and "c", or section 8.57, subsection 2, paragraph "d".

29 c. This subsection is repealed on July 1 following
30 the fiscal year in which all amounts listed in
31 paragraph "b" have been paid in full. The treasurer
32 of state shall notify the Code editor when the amounts
33 have been paid in full.

34 Sec. __. Section 8.55, subsection 2, paragraphs
35 b, c, and d, Code 2005, are amended to read as
36 follows:

37 ~~b. Notwithstanding paragraph "a", any moneys in
38 excess of the maximum balance in the economic
39 emergency fund after the distribution of the surplus
40 in the general fund of the state at the conclusion of
41 the fiscal year beginning July 1, 2002, and subsequent
42 fiscal years, shall not be transferred to the general
43 fund of the state but shall be transferred to the
44 endowment for Iowa's health account of the tobacco
45 settlement trust fund. The amount transferred under
46 this paragraph shall not exceed the difference between
47 forty million dollars and the total amount transferred
48 to the endowment for Iowa's health account pursuant to
49 2001 Iowa Acts, chapter 177, section 2, as amended by
50 2001 Iowa Acts, chapter 187, section 28, and previous~~

Page 6

1 ~~fiscal years.~~

2 e. ~~Notwithstanding paragraph "a", any moneys in
3 excess of the maximum balance in the economic
4 emergency fund after the distribution of the surplus
5 in the general fund of the state at the conclusion of
6 each fiscal year and after the appropriate amount has
7 been transferred pursuant to paragraph "b", shall not
8 be transferred to the general fund of the state but~~

9 shall be transferred to the senior living trust fund.
10 The total amount transferred, in the aggregate, under
11 this paragraph, section 8.54, subsection 9, paragraph
12 "b", and section 8.57, subsection 2, paragraph "d",
13 for all fiscal years shall not exceed ~~one~~ four hundred
14 ~~eighteen~~ forty-six million dollars.
15 ~~d. c.~~ Notwithstanding paragraph "a", any moneys
16 in excess of the maximum balance in the economic
17 emergency fund after the distribution of the surplus
18 in the general fund of the state at the conclusion of
19 each fiscal year and after the appropriate amounts
20 have been transferred pursuant to ~~paragraphs~~ paragraph
21 "b" and "e" shall not be transferred to the general
22 fund of the state but shall be transferred to the
23 endowment for Iowa's health account of the tobacco
24 settlement trust fund. The total amount transferred,
25 in the aggregate, under this paragraph for all fiscal
26 years shall not exceed the difference between ~~one~~ four
27 ~~hundred thirty-one~~ hundred twenty-nine million ~~five~~ one
28 ~~hundred thirty-six~~ thousand dollars and the amounts
29 transferred to the endowment for Iowa's health account
30 to repay the amounts transferred or appropriated from
31 the endowment for Iowa's health account in 2002 Iowa
32 Acts, chapter 1165, 2002 Iowa Acts, chapter 1166, 2002
33 Iowa Acts, chapter 1167, 2002 Iowa Acts, Second
34 Extraordinary Session, chapter 1003, 2003 Iowa Acts,
35 chapter 183, and 2004 Iowa Acts, chapter 1175, and the
36 amounts distributed to the endowment for Iowa's health
37 account pursuant to section 8.54, subsection 9,
38 paragraph "b".
39 Sec. . Section 8.57, subsection 2, paragraph d,
40 Code 2005, is amended to read as follows:
41 d. The aggregate amount of the appropriations to
42 be transferred from the Iowa economic emergency fund
43 to the senior living trust fund pursuant to section
44 8.55, subsection 2, paragraph "e" "b", shall be
45 reduced by the appropriations made pursuant to
46 paragraph "a" of this subsection and the amounts
47 distributed to the senior living trust fund pursuant
48 to section 8.54, subsection 9, paragraph "b".
49 Sec. . EFFECTIVE AND APPLICABILITY DATES. The
50 section of this division of this Act amending section

Page 7

1 8.54, subsection 2, and the provision of the section
2 of this division of this Act enacting section 8.54,
3 subsection 8, take effect July 1, 2006, and are first
4 applicable to the state general fund expenditure
5 limitation established for the fiscal year beginning
6 July 1, 2007."

7 2. By renumbering as necessary.

Roll call was requested by Wise of Lee and Reasoner of Union.

Rule 75 was invoked.

On the question "Shall amendment H-1610 be adopted?" (H.F. 882)

The ayes were, 48:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Mr. Speaker	
		Rants	

Absent or not voting, 1:

Fallon

Amendment H-1610 lost.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-1619 filed by him from the floor.

Murphy of Dubuque offered the following amendment H-1621 filed by him from the floor and moved its adoption:

H-1621

- 1 Amend House File 882 as follows:
- 2 1. Page 2, line 16, by striking the figure
- 3 "8,273,763" and inserting the following: "0".
- 4 2. Page 2, by striking lines 17 through 20.

Roll call was requested by Murphy of Dubuque and Reasoner of Union.

On the question "Shall amendment H-1621 be adopted?" (H.F. 882)

The ayes were, none.

The nays were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

Absent or not voting, 1:

Fallon

Amendment H-1621 lost.

Smith of Marshall offered amendment H-1622 filed by him from the floor as follows:

H-1622

1 Amend House File 882 as follows:

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

4 "Sec. . NEW SECTION. 327F.21 RAILROAD WORKER
5 WALKWAYS.

6 1. The state department of transportation shall
7 adopt rules requiring the provision of safe walkways
8 for railroad workers in areas where work is regularly
9 performed on the ground. The rules shall provide, at
10 a minimum, that any railroad walkway have a reasonably
11 uniform surface, be maintained in a safe condition,
12 and be reasonably free of obstacles, debris, and other
13 hazards.

14 2. Violation of a rule adopted under this section
15 is, upon conviction, subject to a schedule "one"
16 penalty as provided under section 327C.5."

17 2. By renumbering as necessary.

Dix of Butler rose on a point of order that amendment H-1622 was not germane.

The Speaker ruled the point well taken and amendment H-1622 not germane.

Dix of Butler 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. 882)

The ayes were, 54:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jones	Kaufmann	Kurtenbach
Lalk	Lukan	Maddox	May

McCarthy	Olson, R.	Olson, S.	Paulsen
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyke	Mr. Speaker		
	Rants		

The nays were, 45:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Jacoby	Jochum	Kressig
Kuhn	Lensing	Lykam	Mascher
Mertz	Miller	Murphy	Oldson
Olson, D.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

Absent or not voting, 1:

Fallon

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 882** be immediately messaged to the Senate.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of House File 881.

House File 881, a bill for an act relating to the compensation and benefits for public officials and employees and members of the general assembly, providing for related matters, making appropriations, and including effective and retroactive applicability date provisions, was taken up for consideration.

Roberts of Carroll 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. 881)

The ayes were, 52:

Anderson	Arnold	Bell	Berry
Boal	Bukta	Carroll	Cohoon
Dolecheck	Eichhorn	Elgin	Foegel
Ford	Gaskill	Gipp	Granzow
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Lensing
Lukan	Mascher	Mertz	Miller
Murphy	Oldson	Olson, R.	Petersen
Rasmussen	Reasoner	Roberts	Schickel
Shoultz	Smith	Soderberg	Taylor, D.
Taylor, T.	Tjepkes	Tomenga	Upmeyer
Van Fossen, J.R.	Wendt	Wise	Mr. Speaker Rants

The nays were, 46:

Alons	Chambers	Dandekar	Davitt
De Boef	Dix	Drake	Freeman
Frevort	Greiner	Hogg	Huser
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lykam	Maddox
May	McCarthy	Olson, D.	Olson, S.
Paulsen	Pettengill	Quirk	Raecker
Rayhons	Reichert	Sands	Schueller
Shomshor	Struyk	Swaim	Thomas
Tymeson	Van Engelenhoven	Van Fossen, J.K.	Watts
Wessel-Kroeschell	Whitaker	Whitead	Wildurdyke
Winckler	Zirkelbach		

Absent or not voting, 2:

Baudler	Fallon
---------	--------

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 881** be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baudler of Adair, until his arrival, on request of Gipp of Winneshiek.

Ways and Means Calendar

House File 878, a bill for an act relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision, was taken up for consideration.

SENATE FILE 413 SUBSTITUTED FOR HOUSE FILE 878

J.K. Van Fossen of Scott asked and received unanimous consent to substitute Senate File 413 for House File 878.

Senate File 413, a bill for an act relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision, was taken up for consideration.

J.K. Van Fossen of Scott offered amendment H-1575 filed by him and Shomshor of Pottawattamie as follows:

H-1575

1 Amend Senate File 413, as passed by the Senate, as
2 follows:

3 1. Page 26, by inserting after line 5 the
4 following:

5 "DIVISION

6 TAX POLICY AND ADMINISTRATION

7 Sec. ____ Section 421.17, subsection 12, Code
8 2005, is amended to read as follows:

9 12. To make ~~a summary~~ **an annual report** of the tax
10 situation in the state, setting out the amount of
11 moneys raised by both direct and indirect taxation;
12 and also to formulate and recommend legislation for
13 the better administration of the fiscal laws so as to
14 secure just and equal taxation. To recommend such
15 additions to and changes in the present system of

16 taxation that in the director's judgment are for the
 17 best interest of the state and will eliminate the
 18 necessity of any levy for state purposes. In
 19 compiling the annual report, state agencies shall
 20 assist the department and the department shall provide
 21 the revenues from, but not limited to, all of the
 22 following sources:
 23 a. Income tax.
 24 b. Sales tax.
 25 c. Property tax, by category.
 26 d. School income tax.
 27 e. Local option sales taxes.
 28 f. Transfers-in from federal government agencies.
 29 g. Fees and other dollars paid to state government
 30 agencies.

31 Sec. __. Section 422.9, subsection 1, Code 2005,
 32 is amended to read as follows:

33 1. An optional standard deduction, after deduction
 34 of federal income tax, equal to one thousand two
 35 hundred thirty dollars for a married person who files
 36 separately or a single person or equal to three
 37 thousand thirty dollars for a husband and wife who
 38 file a joint return, a surviving spouse, or an
 39 unmarried head of household. The optional standard
 40 deduction shall not exceed the amount remaining after
 41 deduction of the federal income tax. The amount of
 42 federal income tax deducted shall be computed as
 43 provided in subsection 2, paragraph "b".

44 Sec. __. Section 422.9, subsection 2, paragraph
 45 b, Code 2005, is amended to read as follows:

46 b. Add the amount of federal income taxes paid or
 47 accrued, as the case may be, during the tax year,
 48 ~~adjusted by and subtract~~ any federal income tax
 49 ~~refunds received during the tax year. Provided,~~
 50 ~~however, that where~~ Where married persons, who have

Page 2

1 filed a joint federal income tax return, file
 2 separately, such total shall be divided between them
 3 according to the portion ~~thereof of the total~~ paid or
 4 accrued, as the case may be, by each. Federal income
 5 taxes paid for a tax year in which an Iowa return was
 6 not required to be filed shall not be added and
 7 federal income tax refunds received from a tax year in
 8 which an Iowa return was not required to be filed
 9 shall not be subtracted.

10 Sec. __. Section 422.9, subsection 2, paragraphs
 11 g and h, Code 2005, are amended by striking the
 12 paragraphs.

13 Sec. __. Section 422.16, subsection 2, unnumbered
 14 paragraph 1, Code 2005, is amended to read as follows:

15 A withholding agent required to deduct and withhold
16 tax under subsections 1 and 12, ~~except those required~~
17 ~~to deposit on a semimonthly basis, shall deposit for~~
18 ~~each calendar quarterly period, shall file a return~~
19 ~~and remit to the department the amount of tax on or~~
20 ~~before the last day of the month following the close~~
21 ~~of the quarterly period, on a quarterly deposit form~~
22 ~~as on forms prescribed by the director and shall pay~~
23 ~~to the department, in the form of remittances made~~
24 ~~payable to "Treasurer, State of Iowa", the tax~~
25 ~~required to be withheld, or the tax actually withheld,~~
26 ~~whichever is greater, under subsections 1 and 12.~~
27 However, a withholding agent who withholds more than
28 fifty five hundred dollars in any one month, ~~except~~
29 ~~those required to deposit on a semimonthly basis, and~~
30 ~~not more than five thousand dollars in a semimonthly~~
31 ~~period shall deposit with the department the amount~~
32 ~~withheld, with a monthly deposit form as prescribed by~~
33 ~~the director. The monthly deposit form is due on or~~
34 ~~before the fifteenth day of the month following the~~
35 ~~month of withholding, except that a deposit is not~~
36 ~~required for the amount withheld in the third month of~~
37 ~~the calendar quarter but the total amount of~~
38 ~~withholding for the quarter shall be computed and the~~
39 ~~amount by which the deposits for that quarter fail to~~
40 ~~equal the total quarterly liability is due with the~~
41 ~~filing of the quarterly deposit form. The quarterly~~
42 ~~deposit form is due within the month following the end~~
43 ~~of the quarter. A The total quarterly amount, less~~
44 ~~the amounts deposited for the first two months of the~~
45 ~~quarter, is due with the quarterly return due on or~~
46 ~~before the last day of the month following the close~~
47 ~~of the quarterly period on forms prescribed by the~~
48 ~~director. However, a withholding agent who withholds~~
49 ~~more than eight five thousand dollars in a semimonthly~~
50 period shall deposit with the department the amount

Page 3

1 withheld, with a semimonthly deposit form as
2 prescribed by the director. The first semimonthly
3 deposit form for the period from the first of the
4 month through the fifteenth of the month is due on the
5 twenty-fifth day of the month in which the withholding
6 occurs. The second semimonthly deposit form for the
7 period from the sixteenth of the month through the end
8 of the month is due on the tenth day of the month
9 following the month in which the withholding occurs.
10 A withholding agent must also file a quarterly return
11 which reconciles the amount of tax withheld for the
12 quarter with the amount of semimonthly deposits. The
13 quarterly return is due on or before the last day of

14 the month following the close of the quarterly period
15 on forms prescribed by the director.

16 Sec. __. Section 422.35, subsection 15, Code
17 2005, is amended by striking the subsection.

18 Sec. __. Section 423.1, subsection 50, Code 2005,
19 is amended to read as follows:

20 50. "Services" means all acts or services
21 rendered, furnished, or performed, other than services
22 used in processing of tangible personal property for
23 use in retail sales or services, for an employer, ~~as~~
24 ~~defined in section 422.4, subsection 3, who pays the~~
25 wages of an employee for a valuable consideration by
26 any person engaged in any business or occupation
27 specifically enumerated in section 423.2. The tax
28 shall be due and collectible when the service is
29 rendered, furnished, or performed for the ultimate
30 user of the service.

31 Sec. __. Section 423.2, Code 2005, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 9A. Any person or that person's
34 affiliate, which is a retailer in this state or a
35 retailer maintaining a business in this state under
36 this chapter, that enters into a contract with an
37 agency of this state must register, collect, and remit
38 Iowa sales tax under this chapter on all sales of
39 tangible personal property and enumerated services.
40 Every bid submitted and each contract executed by a
41 state agency shall contain a certification by the
42 bidder or contractor stating that the bidder or
43 contractor is registered with the department and will
44 collect and remit Iowa sales tax due under this
45 chapter. In the certification, the bidder or
46 contractor shall also acknowledge that the state
47 agency may declare the contract or bid void if the
48 certification is false. Fraudulent certification, by
49 act or omission, may result in the state agency or its
50 representative filing for damages for breach of

Page 4

1 contract.

2 For the purposes of this subsection, the following
3 definitions apply:

4 a. "Affiliate" means any entity to which any of
5 the following applies:

6 (1) Directly, indirectly, or constructively
7 controls another entity.

8 (2) Is directly, indirectly, or constructively
9 controlled by another entity.

10 (3) Is subject to the control of a common entity.

11 A common entity is one which owns directly or
12 individually more than ten percent of the voting

13 securities of the entity.

14 b. "State agency" means an authority, board,
15 commission, department, instrumentality, or other
16 administrative office or unit of this state, or any
17 other state entity reported in the Iowa comprehensive
18 annual financial report, including public institutions
19 of higher education.

20 c. "Voting security" means a security to which any
21 of the following applies:

22 (1) Confers upon the holder the right to vote for
23 the election of members of the board of directors or
24 similar governing body of the entity.

25 (2) Is convertible into, or entitles the holder to
26 receive upon its exercise, a security that confers
27 such a right to vote.

28 (3) Is a general partnership interest.

29 Sec. __. Section 423.3, subsection 5, Code 2005,
30 is amended to read as follows:

31 5. a. The sales price of agricultural limestone,
32 herbicide, pesticide, insecticide, including
33 adjuvants, surfactants, and other products directly
34 related to the application enhancement of those
35 products, food, medication, or agricultural drain
36 tile, including installation of agricultural drain
37 tile, any of which are to be used in disease control,
38 weed control, insect control, or health promotion of
39 plants or livestock produced as part of agricultural
40 production for market.

41 b. The following enumerated materials associated
42 with the installation of agricultural drain tile which
43 is exempt pursuant to paragraph "a" shall also be
44 exempt under paragraph "a":

45 (1) Tile intakes.

46 (2) Outlet pipes and guards.

47 (3) Aluminum and gabion structures.

48 (4) Erosion control fabric.

49 (5) Water control structures.

50 (6) Miscellaneous tile fittings.

Page 5

1 Sec. __. Section 423.3, subsection 39, Code 2005,
2 is amended by adding the following new unnumbered
3 paragraph:

4 NEW UNNUMBERED PARAGRAPH. The exemption under this
5 subsection does not apply to vehicles subject to
6 registration, aircraft, or commercial or pleasure
7 watercraft or water vessels.

8 Sec. __. Section 423.3, Code 2005, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 85. The sales price from services
11 performed on a vessel if all of the following apply:

12 a. The vessel is a licensed vessel under the laws
13 of the United States coast guard.

14 b. The vessel is not moored or tied to a physical
15 location in this state.

16 c. The service is used to repair or restore a
17 defect in the vessel.

18 d. The vessel is engaged in interstate commerce
19 and will continue in interstate commerce once the
20 repairs or restoration is completed.

21 e. The vessel is in navigable water that borders
22 the eastern boundary of this state.

23 Sec. __. Section 423.5, Code 2005, is amended by
24 adding the following new subsection:

25 NEW SUBSECTION. 8. Any person or that person's
26 affiliate, which is a retailer in this state or a
27 retailer maintaining a business in this state under
28 this chapter, that enters into a contract with an
29 agency of this state must register, collect, and remit
30 Iowa use tax under this chapter on all sales of
31 tangible personal property and enumerated services.
32 Every bid submitted and each contract executed by a
33 state agency shall contain a certification by the
34 bidder or contractor stating that the bidder or
35 contractor is registered with the department and will
36 collect and remit Iowa use tax due under this chapter.
37 In the certification, the bidder or contractor shall
38 also acknowledge that the state agency may declare the
39 contract or bid void if the certification is false.
40 Fraudulent certification, by act or omission, may
41 result in the state agency or its representative
42 filing for damages for breach of contract.

43 For the purposes of this subsection, "affiliate",
44 "state agency", and "voting security" mean the same as
45 defined in section 423.2, subsection 9A.

46 Sec. __. Section 423A.1, unnumbered paragraph 3,
47 Code 2005, is amended to read as follows:

48 A local hotel and motel tax shall be imposed on
49 January 1, ~~April 1~~, or July 1, ~~or October 1~~, following
50 the notification of the director of revenue. Once

Page 6

1 imposed, the tax shall remain in effect at the rate
2 imposed for a minimum of one year. A local hotel and
3 motel tax shall terminate only on ~~March 31~~, June 30,
4 ~~September 30~~, or December 31. At least sixty days
5 prior to the tax being effective or prior to a
6 revision in the tax rate, or prior to the repeal of
7 the tax, a city or county shall provide notice by mail
8 of such action to the director of revenue.

9 Sec. __. Section 423E.4, subsection 3, paragraph
10 a, Code 2005, is amended to read as follows:

11 a. The director of revenue by ~~June 1~~ preceding
12 ~~August 15~~ of each fiscal year shall compute the
13 guaranteed school infrastructure amount for each
14 school district, each school district's sales tax
15 capacity per student for each county, and the
16 supplemental school infrastructure amount for the
17 coming fiscal year.

18 Sec. __. Section 424.7, Code 2005, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 5. The director may require by
21 rule that reports and returns be filed by electronic
22 transmission.

23 Sec. __. Section 424.10, subsection 3, Code 2005,
24 is amended to read as follows:

25 3. If the amount paid is greater than the correct
26 charge, penalty, and interest due, the department
27 shall refund the excess, with interest ~~after sixty~~
28 ~~days from the date of payment at the rate in effect~~
29 ~~under section 421.7~~, pursuant to rules prescribed by
30 the director. However, the director shall not allow a
31 claim for refund that has not been filed with the
32 department within three years after the charge payment
33 upon which a refund is claimed became due, or one year
34 after the charge payment was made, whichever time is
35 later. A determination by the department of the
36 amount of charge, penalty, and interest due, or the
37 amount of refund for any excess amount paid, is final
38 unless the person aggrieved by the determination
39 appeals to the director for a revision of the
40 determination within sixty days from the date of the
41 notice of determination of charge, penalty, and
42 interest due or refund owing. The director shall
43 grant a hearing, and upon hearing the director shall
44 determine the correct charge, penalty, and interest
45 due or refund owing, and notify the appellant of the
46 decision by mail. The decision of the director is
47 final unless the appellant seeks judicial review of
48 the director's decision under section 424.13.

49 Sec. __. Section 425.1, subsection 4, Code 2005,
50 is amended to read as follows:

Page 7

1 4. Annually the department of revenue shall
2 ~~estimate the credit not to exceed the actual levy on~~
3 ~~the first four thousand eight hundred fifty dollars of~~
4 ~~actual value of each eligible homestead, and shall~~
5 certify to the county auditor of each county the
6 credit and its amount in dollars. Each county auditor
7 shall then enter the credit against the tax levied on
8 each eligible homestead in each county payable during
9 the ensuing year, designating on the tax lists the

10 credit as being from the homestead credit fund, and
11 credit shall then be given to the several taxing
12 districts in which eligible homesteads are located in
13 an amount equal to the credits allowed on the taxes of
14 the homesteads. The amount of credits shall be
15 apportioned by each county treasurer to the several
16 taxing districts as provided by law, in the same
17 manner as though the amount of the credit had been
18 paid by the owners of the homesteads. However, the
19 several taxing districts shall not draw the funds so
20 credited until after the semiannual allocations have
21 been received by the county treasurer, as provided in
22 this chapter. Each county treasurer shall show on
23 each tax receipt the amount of credit received from
24 the homestead credit fund.

25 Sec. . NEW SECTION. 427.3 ABATEMENT OF TAXES
26 OF CERTAIN EXEMPT ENTITIES.

27 The board of supervisors may abate the taxes levied
28 against property acquired by gift by a person or
29 entity if the property acquired by gift was
30 transferred to the person or entity after the deadline
31 for filing for property tax exemption in the year in
32 which the property was transferred and the property
33 acquired by gift would have been exempt under section
34 427.1, subsection 7, 8, or 9, if the person or entity
35 had been able to file for exemption in a timely
36 manner.

37 Sec. . Section 441.6, unnumbered paragraph 2,
38 Code 2005, is amended to read as follows:

39 Upon receipt of the report of the examining board,
40 the chairperson of the conference board shall by
41 written notice call a meeting of the conference board
42 to appoint an assessor. The meeting shall be held not
43 later than seven days after the receipt of the report
44 of the examining board by the conference board. ~~The~~
45 ~~physical condition, general reputation of the~~
46 ~~applicants, and their fitness for the position as~~
47 ~~determined by the examining board shall be taken into~~
48 ~~consideration in making the appointment.~~ At the
49 meeting, the conference board shall appoint an
50 assessor from the register of eligible candidates.

Page 8

1 However, if a special examination has not been
2 conducted previously for the same vacancy, the
3 conference board may request the director of revenue
4 to hold a special examination pursuant to section
5 441.7. The chairperson of the conference board shall
6 give written notice to the director of revenue of the
7 appointment and its effective date within ten days of
8 the decision of the board.

9 Sec.____. Section 441.8, unnumbered paragraph 1,
10 Code 2005, is amended to read as follows:

11 The term of office of an assessor appointed under
12 this chapter shall be for six years. Appointments for
13 each succeeding term shall be made in the same manner
14 as the original appointment except that not less than
15 ninety days before the expiration of the term of the
16 assessor the conference board shall hold a meeting to
17 determine whether or not it desires to reappoint the
18 incumbent assessor to a new term. If the decision is
19 made not to reappoint the assessor, the assessor shall
20 be notified, in writing, of such decision not less
21 than ninety days prior to the expiration of the
22 assessor's term of office. Failure of the conference
23 board to provide timely notification of the decision
24 not to reappoint the assessor shall result in the
25 assessor being reappointed.

26 Sec.____. Section 441.8, unnumbered paragraphs 6
27 and 7, Code 2005, are amended to read as follows:

28 Upon receiving credit equal to one hundred fifty
29 hours of classroom instruction during the assessor's
30 current term of office of which at least ninety of the
31 one hundred fifty hours are from courses requiring an
32 examination upon conclusion of the course, the
33 director of revenue shall certify to the assessor's
34 conference board that the assessor is eligible to be
35 reappointed to the position. For persons appointed to
36 complete an unexpired term, the number of credits
37 required to be certified as eligible for reappointment
38 shall be prorated according to the amount of time
39 remaining in the present term of the assessor. If the
40 person was an assessor in another jurisdiction, the
41 assessor may carry forward any credit hours received
42 in the previous position in excess of the number that
43 would be necessary to be considered current in that
44 position. Upon written request by the person seeking
45 a waiver of the continuing education requirements, the
46 director may waive the continuing education
47 requirements if the director determines good cause
48 exists for the waiver.

49 Within each six-year period following the
50 appointment of a deputy assessor, the deputy assessor

Page 9

1 shall comply with this section except that upon the
2 successful completion of ninety hours of classroom
3 instruction of which at least sixty of the ninety
4 hours are from courses requiring an examination upon
5 conclusion of the course, the deputy assessor shall be
6 certified by the director of revenue as being eligible
7 to remain in the position. If a deputy assessor fails

8 to comply with this section, the deputy assessor shall
 9 be removed from the position until successful
 10 completion of the required hours of credit. If a
 11 deputy is appointed to the office of assessor, the
 12 hours of credit obtained as deputy pursuant to this
 13 section shall be credited to that individual as
 14 assessor and for the individual to be reappointed at
 15 the expiration of the term as assessor, that
 16 individual must obtain the credits which are necessary
 17 to total the number of hours for reappointment. Upon
 18 written request by the person seeking a waiver of the
 19 continuing education requirements, the director may
 20 waive the continuing education requirements if the
 21 director determines good cause exists for the waiver.
 22 Sec. __. Section 441.37, subsection 1, Code 2005,
 23 is amended by adding the following new unnumbered
 24 paragraph:

25 NEW UNNUMBERED PARAGRAPH. The property owner or
 26 aggrieved taxpayer may combine on one form protests of
 27 assessment on parcels separately assessed if the same
 28 grounds are relied upon as the basis for protesting
 29 each separate assessment. If an oral hearing is
 30 requested on more than one of such protests, the
 31 person making the combined protests may request that
 32 the oral hearings be held consecutively.

33 Sec. __. Section 441.37, subsection 3, Code 2005,
 34 is amended to read as follows:

35 3. After the board of review has considered any
 36 protest filed by a property owner or aggrieved
 37 taxpayer and made final disposition of the protest,
 38 the board shall give written notice to the property
 39 owner or aggrieved taxpayer who filed the protest of
 40 the action taken by the board of review on the
 41 protest. The written notice to the property owner or
 42 aggrieved taxpayer shall also specify the reasons for
 43 the action taken by the board of review on the
 44 protest. If protests of assessment on multiple
 45 parcels separately assessed were combined, the written
 46 notice shall state the action taken, and the reasons
 47 for the action, for each assessment protested.

48 Sec. __. Section 441.38, subsection 2, Code 2005,
 49 is amended to read as follows:

50 2. Notice of appeal shall be served as an original

Page 10

1 notice on the chairperson, presiding officer, or clerk
 2 of the board of review ~~after the filing of notice~~
 3 ~~under subsection 1 with the clerk of district court~~
 4 within twenty days after its adjournment or May 31,
 5 whichever is later.

6 Sec. __. NEW SECTION. 441.40A REIMBURSEMENT OF

7 APPELLANT COSTS.

8 1. Notwithstanding section 441.40, where the court
9 determines the appellant's property was assessed by
10 the assessor for more than one hundred ten percent of
11 its post-appeal value, the assessor shall pay all
12 reasonable attorney fees and any other reasonably
13 related costs incurred by the appellant. This
14 subsection applies only to appeals relating to
15 assessments on property assessed as residential or
16 agricultural property.

17 2. Notwithstanding section 441.40, where the court
18 determines the appellant's property was assessed by
19 the assessor for more than one hundred twenty percent
20 of its post-appeal value and the court finds that the
21 assessor's position in regard to assessment of the
22 property was not substantially justified, the assessor
23 shall pay all reasonable attorney fees and any other
24 reasonably related costs incurred by the appellant.
25 This subsection applies only to appeals relating to
26 assessments on property assessed as commercial or
27 industrial property.

28 Sec. ___. Section 452A.2, subsection 19,
29 unnumbered paragraph 2, Code 2005, is amended to read
30 as follows:

31 "Motor fuel" does not include special fuel, and
32 does not include liquefied gases which would not exist
33 as liquids at a temperature of sixty degrees
34 Fahrenheit and a pressure of fourteen and seven-tenths
35 pounds per square inch absolute, or naphthas and
36 solvents unless the liquefied gases or naphthas and
37 solvents are used as a component in the manufacture,
38 compounding, or blending of a liquid within paragraph
39 "b", in which event the resulting product shall be
40 deemed to be motor fuel. "Motor fuel" does not
41 include methanol unless blended with other motor fuels
42 for use in an aircraft or for propelling motor
43 vehicles.

44 Sec. ___. Section 452A.2, subsection 25, Code
45 2005, is amended to read as follows:

46 25. "Special fuel" means fuel oils and all
47 combustible gases and liquids suitable for the
48 generation of power for propulsion of motor vehicles
49 or turbine-powered aircraft, and includes any
50 substance used for that purpose, except that it does

Page 11

1 not include motor fuel. Kerosene shall not be
2 considered to be a special fuel, unless blended with
3 other special fuels for use in a motor vehicle with a
4 diesel engine. Methanol shall not be considered to be
5 a special fuel unless blended with other special fuels

6 for use in a motor vehicle with a diesel engine.

7 Sec. __. Section 452A.8, subsection 2, paragraph
8 e, unnumbered paragraph 2, Code 2005, is amended to
9 read as follows:

10 The department shall adopt rules governing the
11 dispensing of compressed natural gas and liquefied
12 petroleum gas by licensed dealers and licensed users.
13 The director may require by rule that reports and
14 returns be filed by electronic transmission. For
15 purposes of this paragraph, "dealer" and "user" mean a
16 licensed compressed natural gas or liquefied petroleum
17 gas dealer or user and "fuel" means compressed natural
18 gas or liquefied petroleum gas. The department shall
19 require that all pumps located at dealer locations and
20 user locations through which liquefied petroleum gas
21 can be dispensed shall be metered, inspected, tested
22 for accuracy, and sealed and licensed by the state
23 department of agriculture and land stewardship, and
24 that fuel delivered into the fuel supply tank of any
25 motor vehicle shall be dispensed only through tested
26 metered pumps and may be sold without temperature
27 correction or corrected to a temperature of sixty
28 degrees. If the metered gallonage is to be
29 temperature-corrected, only a temperature-compensated
30 meter shall be used. Natural gas used as fuel shall
31 be delivered into compressing equipment through sealed
32 meters certified for accuracy by the department of
33 agriculture and land stewardship.

34 Sec. __. Section 452A.8, subsections 3 and 4,
35 Code 2005, are amended to read as follows:

36 3. For the purpose of determining the amount of
37 the tax liability on alcohol blended to produce
38 ethanol blended gasoline or a blend of special fuel
39 products, each licensed blender shall, not later than
40 the last day of each month following the month in
41 which the blending is done, file with the department a
42 monthly return, signed under penalty for false
43 certificate, containing information required by rules
44 adopted by the director. The director may require by
45 rule that reports and returns be filed by electronic
46 transmission.

47 4. A person who possesses fuel or uses fuel in a
48 motor vehicle upon which no tax has been paid by a
49 licensee in this state is subject to reporting and
50 paying the applicable tax. The director may require

Page 12

1 by rule that reports and returns be filed by
2 electronic transmission.

3 Sec. __. Section 452A.10, Code 2005, is amended
4 to read as follows:

5 452A.10 REQUIRED RECORDS.

6 A motor fuel or special fuel supplier, restrictive
7 supplier, importer, exporter, blender, dealer, user,
8 common carrier, contract carrier, ~~or~~ terminal, or
9 nonterminal storage facility shall maintain, for a
10 period of three years, records of all transactions by
11 which the supplier, restrictive supplier, or importer
12 withdraws from a terminal or nonterminal storage
13 facility within this state or imports into this state
14 motor fuel or undyed special fuel together with
15 invoices, bills of lading, and other pertinent records
16 and papers as required by the department.

17 If in the normal conduct of a supplier's,
18 restrictive supplier's, importer's, exporter's,
19 blender's, dealer's, user's, common carrier's,
20 contract carrier's, ~~or~~ terminal's, or nonterminal
21 storage facility's business the records are maintained
22 and kept at an office outside this state, the records
23 shall be made available for audit and examination by
24 the department at the office outside this state, but
25 the audit and examination shall be without expense to
26 this state.

27 Each distributor handling motor fuel or special
28 fuel in this state shall maintain for a period of
29 three years records of all motor fuel or undyed
30 special fuel purchased or otherwise acquired by the
31 distributor, together with delivery tickets, invoices,
32 and bills of lading, and any other records required by
33 the department.

34 The department, after an audit and examination of
35 records required to be maintained under this section,
36 may authorize their disposal upon the written request
37 of the supplier, restrictive supplier, importer,
38 exporter, blender, dealer, user, carrier, terminal,
39 nonterminal storage facility, or distributor.

40 Sec.____. Section 452A.62, subsection 1, paragraph
41 a, Code 2005, is amended to read as follows:

42 a. A distributor, supplier, restrictive supplier,
43 importer, exporter, blender, terminal operator,
44 nonterminal storage facility, common carrier, or
45 contract carrier, pertaining to motor fuel or undyed
46 special fuel withdrawn from a terminal or nonterminal
47 storage facility, or brought into this state.

48 Sec.____. Section 452A.62, subsection 2,
49 unnumbered paragraph 1, Code 2005, is amended to read
50 as follows:

Page 13

1 To examine the records, books, papers, receipts,
2 and invoices of any distributor, supplier, restrictive
3 supplier, importer, blender, exporter, terminal

4 operator, nonterminal storage facility, licensed
 5 compressed natural gas or liquefied petroleum gas
 6 dealer or user, or any other person who possesses fuel
 7 upon which the tax has not been paid to determine
 8 financial responsibility for the payment of the taxes
 9 imposed by this chapter.

10 Sec. __. Section 452A.85, Code 2005, is amended
 11 by adding the following new subsection:

12 NEW SUBSECTION. 4. This section does not apply to
 13 an increase in the tax rate of a specified fuel,
 14 except for compressed natural gas, unless the increase
 15 in the tax rate of that fuel is in excess of one-half
 16 cent per gallon.

17 Sec. __. NEW SECTION. 602.6703 DECLARATORY
 18 JUDGMENT TO ADJUDICATE CONSTITUTIONAL NEXUS ISSUES
 19 REGARDING TAXATION.

20 1. District courts have original jurisdiction over
 21 civil actions seeking declaratory judgment when both
 22 of the following apply:

23 a. The party seeking declaratory relief is a
 24 business that is any of the following:

- 25 (1) Organized under the laws of this state.
 26 (2) A sole proprietorship owned by a domiciliary
 27 of this state.
 28 (3) Authorized to do business in this state.

29 b. The responding party is a government official
 30 of another state, or political subdivision of another
 31 state, who asserts that the business in question is
 32 obliged to collect sales or use taxes for such state
 33 or political subdivision based upon conduct of the
 34 business that occurs wholly or partially within that
 35 state or political subdivision.

36 2. A business meeting the requirements and facing
 37 the circumstances described in subsection 1 shall be
 38 entitled to declaratory relief on the issue of whether
 39 the requirement of another state, or political
 40 subdivision of another state, that the business
 41 collect and remit sales or use taxes to that state, or
 42 political subdivision, in the factual circumstances of
 43 the business' operations giving rise to the demand,
 44 constitutes an undue burden on interstate commerce
 45 within the meaning of the Constitution of the United
 46 States.

47 Sec. __. Section 708.3A, subsections 1 through 4,
 48 Code 2005, are amended to read as follows:

49 1. A person who commits an assault, as defined in
 50 section 708.1, against a peace officer, jailer,

Page 14

1 correctional staff, member or employee of the board of
 2 parole, health care provider, employee of the

3 department of human services, employee of the
4 department of revenue, or fire fighter, whether paid
5 or volunteer, with the knowledge that the person
6 against whom the assault is committed is a peace
7 officer, jailer, correctional staff, member or
8 employee of the board of parole, health care provider,
9 employee of the department of human services, employee
10 of the department of revenue, or fire fighter and with
11 the intent to inflict a serious injury upon the peace
12 officer, jailer, correctional staff, member or
13 employee of the board of parole, health care provider,
14 employee of the department of human services, employee
15 of the department of revenue, or fire fighter, is
16 guilty of a class "D" felony.

17 2. A person who commits an assault, as defined in
18 section 708.1, against a peace officer, jailer,
19 correctional staff, member or employee of the board of
20 parole, health care provider, employee of the
21 department of human services, employee of the
22 department of revenue, or fire fighter, whether paid
23 or volunteer, who knows that the person against whom
24 the assault is committed is a peace officer, jailer,
25 correctional staff, member or employee of the board of
26 parole, health care provider, employee of the
27 department of human services, employee of the
28 department of revenue, or fire fighter and who uses or
29 displays a dangerous weapon in connection with the
30 assault, is guilty of a class "D" felony.

31 3. A person who commits an assault, as defined in
32 section 708.1, against a peace officer, jailer,
33 correctional staff, member or employee of the board of
34 parole, health care provider, employee of the
35 department of human services, employee of the
36 department of revenue, or fire fighter, whether paid
37 or volunteer, who knows that the person against whom
38 the assault is committed is a peace officer, jailer,
39 correctional staff, member or employee of the board of
40 parole, health care provider, employee of the
41 department of human services, employee of the
42 department of revenue, or fire fighter, and who causes
43 bodily injury or mental illness, is guilty of an
44 aggravated misdemeanor.

45 4. Any other assault, as defined in section 708.1,
46 committed against a peace officer, jailer,
47 correctional staff, member or employee of the board of
48 parole, health care provider, employee of the
49 department of human services, employee of the
50 department of revenue, or fire fighter, whether paid

2 against whom the assault is committed is a peace
3 officer, jailer, correctional staff, member or
4 employee of the board of parole, health care provider,
5 employee of the department of human services, employee
6 of the department of revenue, or fire fighter, is a
7 serious misdemeanor.

8 Sec. __. Section 708.3A, Code 2005, is amended by
9 adding the following new subsection:

10 **NEW SUBSECTION. 9.** As used in this section,
11 "employee of the department of revenue" means a person
12 who is employed as an auditor, agent, tax collector,
13 or any contractor or representative acting in the same
14 capacity. The employee, contractor, or representative
15 shall maintain current identification indicating that
16 the person is an employee, contractor, or
17 representative of the department.

18 Sec. __. **ABATEMENT OF PROPERTY TAXES.**
19 Notwithstanding the requirement for the filing of a
20 claim for property tax exemption by February 1, as
21 provided in section 427.1, subsection 9, the board of
22 supervisors of a county having a population based upon
23 the latest federal decennial census of more than one
24 hundred eighty thousand but not more than two hundred
25 thousand shall abate the property taxes owed, with all
26 interest, fees, and costs, which were due and payable
27 during the fiscal years beginning July 1, 2004, and
28 July 1, 2005, on the land and buildings of an
29 educational institution that received the property by
30 gift and that did not receive a property tax exemption
31 due to the inability or failure to file for the
32 exemption. To receive the abatement provided for in
33 this section, the educational institution shall apply
34 to the county board of supervisors by October 1, 2005,
35 and provide appropriate information establishing that
36 the lands and buildings for which the abatement is
37 sought were used by the educational institution for
38 its appropriate objectives during the fiscal years
39 beginning July 1, 2004, and July 1, 2005. The
40 abatement allowed under this section only applies to
41 property taxes, with all interests, fees, and costs,
42 due and payable in the fiscal years beginning July 1,
43 2004, and July 1, 2005.

44 Sec. __. **REFUNDS.** Refunds of taxes, interest, or
45 penalties which arise from claims resulting from the
46 amendment to section 423.3, subsection 5, in this
47 division of this Act, for the sale of agricultural
48 drain tile materials occurring between January 1,
49 1998, and the effective date of the section amending
50 section 423.3, subsection 5, in this division of this

Page 16

1 Act, shall be limited to twenty-five thousand dollars
2 in the aggregate and shall not be allowed unless
3 refund claims are filed prior to October 1, 2005,
4 notwithstanding any other provision of law. If the
5 amount of claims totals more than twenty-five thousand
6 dollars in the aggregate, the department of revenue
7 shall prorate the twenty-five thousand dollars among
8 all claimants in relation to the amounts of the
9 claimants' valid claims.

10 Sec. __. RETROACTIVE APPLICABILITY.

11 1. The sections of this division of this Act
12 amending Code sections 422.9 and 422.35 apply
13 retroactively to January 1, 2005, for tax years
14 beginning on or after that date.

15 2. The section of this division of this Act
16 amending Code section 422.16, being deemed of
17 immediate importance, takes effect upon enactment and
18 applies to calendar quarters ending on or after the
19 effective date of this Act for income taxes withheld
20 for tax years beginning on or after January 1, 2005.

21 3. The section of this division of this Act
22 relating to the abatement of property taxes due and
23 payable in the fiscal years beginning July 1, 2004,
24 and July 1, 2005, and section 427.1, subsection 9,
25 being deemed of immediate importance, takes effect
26 upon enactment, and applies retroactively to property
27 taxes due and payable in the fiscal years beginning
28 July 1, 2004, and July 1, 2005.

29 4. The section of this division of this Act
30 amending section 423.3, subsection 5, being deemed of
31 immediate importance, takes effect upon enactment, and
32 applies retroactively to January 1, 1998.

33 5. The sections of this division of this Act
34 amending section 441.37 apply to protests of
35 assessment filed after January 1, 2006."

36 2. Title page, line 3, by inserting after the
37 word "equipment," the following: "and relating to the
38 policy and administration of other taxes and tax-
39 related matters,".

40 3. Title page, line 3, by striking the word "an".

41 4. Title page, line 4, by striking the word
42 "provision" and inserting the following:
43 "provisions".

J.K. Van Fossen of Scott offered the following amendment H-1576,
to amendment H-1575, filed by him and moved its adoption:

H-1576

1 Amend the amendment, H-1575, to Senate File 413, as
2 passed by the Senate, as follows:

3 1. Page 1, by inserting after line 30 the
4 following:

5 "Sec. ___. Section 421.60, subsection 2, paragraph
6 m, subparagraph (1), Code 2005, is amended by striking
7 the subparagraph and inserting in lieu thereof the
8 following:

9 (1) The department shall not maintain a position
10 against a retailer, in the event that the retailer
11 failed to collect the state sales or use tax or local
12 sales and services tax from a purchaser as a result of
13 erroneous written advice issued by an employee of the
14 department specially directed to the retailer by the
15 department that is inconsistent with the erroneous
16 written advice, except on the basis of subsequent
17 written advice sent by the department to that
18 retailer, or a change in state or federal law, a
19 reported court case to the contrary, a contrary rule
20 adopted by the department, a change in material facts
21 or circumstances relating to the retailer, or the
22 retailer's misrepresentation or incomplete or
23 inadequate representation of material facts and
24 circumstances in requesting the written advice. Any
25 tax, interest, or penalty that is assessed by the
26 department which is contrary to the erroneous written
27 advice issued by the department shall be abated upon
28 the retailer presenting a copy of the retailer's
29 request for written advice to the department and a
30 copy of the department's reply. For purposes of this
31 subparagraph, "written advice" includes a notice of
32 assessment issued by the department to the retailer
33 and all related documents, including the department's
34 report setting forth the basis for the assessment."

Amendment H-1576 was adopted.

Hogg of Linn offered the following amendment H-1590, to
amendment H-1575, filed by him and moved its adoption:

H-1590

1 Amend the amendment, H-1575, to Senate File 413, as
2 passed by the Senate, as follows:

3 1. Page 10, line 10, by striking the word "ten"
4 and inserting the following: "twenty".

Amendment H-1590 was adopted.

Shoultz of Black Hawk offered the following amendment H-1613, to amendment H-1575, filed by him from the floor and moved its adoption:

H-1613

- 1 Amend the amendment, H-1575, to Senate File 413, as
- 2 passed by the Senate, as follows:
- 3 1. Page 10, by striking lines 6 through 27.

Amendment H-1613 lost.

On motion by J.K. Van Fossen of Scott, amendment H-1575, as amended, was adopted.

J.K. Van Fossen 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. 413)

The ayes were, 85:

Alons	Anderson	Arnold	Bell
Boal	Bukta	Carroll	Chambers
Cohoon	Dandekar	Davitt	De Boef
Dix	Dolecheck	Drake	Elgin
Foege	Ford	Freeman	Gaskill
Gipp	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Shomshor	Smith	Soderberg	Struyk
Swaim	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Wise	Zirkelbach
Mr. Speaker			
Rants			

The nays were, 13:

Berry	Eichhorn	Frevert	Granzow
Hunter	Jochum	Lensing	Schickel
Shoultz	Taylor, D.	Upmeyer	Wessel-Kroeschell
Winckler			

Absent or not voting, 2:

Baudler	Fallon
---------	--------

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

HOUSE FILE 878 WITHDRAWN

J.K. Van Fossen of Scott asked and received unanimous consent to withdraw House File 878 from further consideration by the House.

SENATE AMENDMENT CONSIDERED

Boal of Polk called up for consideration **Senate File 245**, a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, requiring school districts to report student core curriculum progress annually, requiring school districts and schools to report core curriculum completion percentages annually, and providing for the coordination of an educational data definitions working group, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1596 to the House amendment:

H-1596

- 1 Amend the House amendment, S-3196, to Senate File
- 2 245, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 22 and 23.
- 5 2. Page 1, by striking lines 27 through 30.
- 6 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1596, to the House amendment.

Boal 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. 245)

The ayes were, 97:

Alons	Anderson	Arnold	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyeke	Winckler	Wise	Zirkelbach
Mr. Speaker			
Rants			

The nays were, 1:

Roberts

Absent or not voting, 2:

Baudler

Fallon

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

SENATE AMENDMENT CONSIDERED

Struyk of Pottawattamie called up for consideration **House File 805**, a bill for an act relating to agricultural production including animal feeding operations, by providing for the regulation of open feedlot operations, and agricultural production liens, and providing for penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-1535:

H-1535

1 Amend House File 805, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 8, by striking line 32, and inserting the
4 following:

5 "a. For an open feedlot operation submitting an
6 application for a construction permit on or after
7 September 30, 2006, a nutrient management plan as
8 provided in section".

9 2. Page 18, by striking line 15, and inserting
10 the following: "horizontally separated from the
11 outside edge of the berm of the basin. For an area of
12 the basin where there is not a berm, the drainage tile
13 line shall be rerouted at least fifty feet

14 horizontally separated from the edge of the basin."
15 3. Page 18, by striking line 18, and inserting
16 the following: "nonperforated tile line shall be
17 continuous and without connecting joints."

18 4. Page 18, by striking lines 34 and 35, and
19 inserting the following: "lines or other similar
20 system. However the following shall apply:

21 (1) Except as provided in subparagraph (2), an
22 open feedlot operation shall not use a nongravity
23 mechanical system that uses pumping equipment.

24 (2) If the open feedlot operation was constructed
25 before the effective date of this Act, the operation
26 may continue to use its existing nongravity mechanical
27 system that uses pumping equipment or it may construct
28 a new nongravity mechanical system that uses pumping
29 equipment. However, an open feedlot operation that
30 expands the area of its open feedlot on or after April
31 1, 2011, shall not use a nongravity mechanical system
32 that uses pumping equipment."

33 5. By striking page 20, line 27 through page 21,
34 line 4.

35 6. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1535.

Struyk of Pottawattamie 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. 805)

The ayes were, 97:

Alons	Anderson	Arnold	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Wise	Zirkelbach
Mr. Speaker			
Rants			

The nays were, 1:

Winckler

Absent or not voting, 2:

Baudler

Fallon

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

SENATE AMENDMENT CONSIDERED

Soderberg of Plymouth called up for consideration **House File 857**, a bill for an act relating to eligible housing businesses under the enterprise zone program, amended by the Senate, and moved that the House concur in the following Senate amendment H-1541:

H-1541

- 1 Amend House File 857, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 12.
- 4 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1541.

Soderberg of Plymouth 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. 857)

The ayes were, 98:

Alons	Anderson	Arnold	Bell
Berry	Boal	Bukta	Carrroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.

Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Baudler Fallon

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

SENATE AMENDMENT CONSIDERED

Alons of Sioux called up for consideration **House File 869**, a bill for an act relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates, amended by the Senate amendment H-1594 as follows:

H-1594

1 Amend House File 869, as passed by the House, as
2 follows:

3 1. Page 1, lines 6 and 7, by striking the words
4 "AGRICULTURAL ASSETS - TAX CREDIT" and inserting the
5 following: "AGRICULTURAL ASSETS TRANSFER TAX CREDIT".

6 2. Page 1, by striking lines 8 and 9, and
7 inserting the following:

8 "___ An agricultural assets transfer tax credit
9 is allowed under this section. The tax credit is
10 allowed against the taxes imposed in chapter 422,
11 division II, as provided in section 422.11I, and in
12 chapter 422, division III, as provided in section
13 422.33, to facilitate the transfer of".

14 3. Page 1, line 11, by striking the word "a."

15 4. Page 1, by striking lines 21 through 23.

16 5. Page 2, by striking lines 16 through 18, and
17 inserting the following:

18 "6. a. In order to qualify for the tax credit as
19 a beginning farmer, a person must be eligible to
20 receive financial assistance under section 175.12.
21 The taxpayer may claim the tax credit on the gross
22 amount paid to the taxpayer as provided in this
23 section until the beginning farmer is no longer

24 eligible to receive financial assistance under section
 25 175.12.
 26 b. A tax credit in excess of the".
 27 6. Page 2, line 26, by striking the figure "6."
 28 and inserting the following: "7."
 29 7. Page 3, line 25, by striking the figure "7."
 30 and inserting the following: "8."
 31 8. Page 3, line 30, by striking the figure "8."
 32 and inserting the following: "9."
 33 9. Page 4, by inserting after line 14, the
 34 following:
 35 "Sec. NEW SECTION. 422.11I AGRICULTURAL
 36 ASSETS TRANSFERRED TO BEGINNING FARMERS.
 37 The taxes imposed under this division, less the
 38 credits allowed under sections 422.12 and 422.12B,
 39 shall be reduced by an agricultural assets transfer
 40 tax credit as allowed under section 175.37.
 41 Sec. NEW SECTION. Section 422.33, Code 2005, is amended by
 42 adding the following new subsection:
 43 NEW SUBSECTION. 17. The taxes imposed under this
 44 division shall be reduced by an agricultural assets
 45 transfer tax credit as allowed under section 175.37."

Drake of Pottawattamie offered the following amendment H-1611,
 to the Senate amendment H-1594, filed by him and Alons of Sioux
 from the floor and moved its adoption:

H-1611

1 Amend the Senate amendment, H-1594, to House File
 2 869, as passed by the House, as follows:
 3 1. Page 1, line 18, by striking the words "for
 4 the tax credit".
 5 2. Page 1, by inserting after line 45, the
 6 following:
 7 " NEW SECTION. Page 4, by striking lines 15 through 17,
 8 and inserting the following:
 9 "Sec. NEW SECTION. Section 423.3, subsection 11,
 10 unnumbered paragraph 1, Code 2005, is amended to read
 11 as follows:
 12 The sales price exclusive of services of farm
 13 machinery and equipment, including auxiliary
 14 attachments which improve the performance, safety,
 15 operation, or efficiency of the machinery and
 16 equipment, and including auger systems, curtains and
 17 curtain systems, drip systems, fan and fan systems,
 18 shutters, inlets and shutter or inlet systems, and
 19 refrigerators, and replacement parts, if all of the
 20 following conditions are met:
 21 Sec. NEW SECTION. REFUNDS. Refunds of taxes, interest, or
 22 penalties which arise from claims resulting from the

23 amendment of section 423.3, subsection 11, in this
24 Act, for the exemption of sales of auger systems,
25 curtains and curtain systems, drip systems, fan and
26 fan systems, shutters, inlets and shutter or inlet
27 systems, and refrigerators occurring between January
28 1, 1992, and the effective date of this Act, shall be
29 limited to twenty-five thousand dollars in the
30 aggregate and shall not be allowed unless refund
31 claims are filed prior to October 1, 2005,
32 notwithstanding any other provision of law. If the
33 amount of claims totals more than twenty-five thousand
34 dollars in the aggregate, the department of revenue
35 shall prorate the twenty-five thousand dollars among
36 all claimants in relation to the amounts of the
37 claimants' valid claims. Claimants shall not be
38 entitled to interest on any refunds.

39 Sec.____. EFFECTIVE DATES AND RETROACTIVE
40 APPLICABILITY PROVISIONS.

41 1. Except as provided in subsection 2, this Act
42 takes effect January 1, 2006, and is applicable to tax
43 years beginning on or after that date.

44 2. The section of this Act amending section 423.3
45 and the section of this Act providing refunds
46 resulting from the amendment of section 423.3, being
47 deemed of immediate importance, take effect upon
48 enactment and apply retroactively to January 1, 1992."

49 3. Title page, by striking lines 1 through 3, and
50 inserting the following: "An Act relating to

Page 2

1 financial transactions associated with agricultural
2 production, by providing for taxes, including tax
3 credits and tax exemptions, and including effective
4 and retroactive and other applicability dates.""

5 4. By renumbering as necessary.

Amendment H-1611 was adopted.

On motion by Alons of Sioux, the House concurred in the Senate amendment H-1594, as amended.

Alons of Sioux 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. 869)

The ayes were, 98:

Alons	Anderson	Arnold	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Baudler Fallon

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 805, 857, 869** and **Senate Files 245 and 413**.

Ways and Means Calendar

House File 861, a bill for an act relating to telecommunications projects and facilities, including requirements regarding feasibility

studies and reports and requirements regarding financing, and providing an effective date, was taken up for consideration.

Struyk of Pottawattamie offered amendment H-1589 filed by him as follows:

H-1589

1 Amend House File 861 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 388.10, subsection 1,
5 paragraph a, Code 2005, is amended by adding the
6 following new subparagraph:

7 NEW SUBPARAGRAPH. (5) (a) Allow
8 telecommunications services to be provided through a
9 telecommunications system owned or operated by a city,
10 city utility, combined city utility, city enterprise,
11 or combined city enterprise by a provider other than
12 the city, city utility, combined city utility, city
13 enterprise, or combined city enterprise, or a private
14 investor providing or obligated to provide fifty
15 percent or more of the telecommunications system's
16 funding, either directly, through a joint venture, or
17 otherwise, unless all of the following requirements
18 are satisfied:

19 (i) The proposal is submitted to the voters of the
20 city for approval pursuant to section 388.2.

21 (ii) At least thirty days prior to the election
22 for voter approval of the proposal, a full cost
23 benefit analysis is made available to the voters which
24 includes but is not limited to the fully anticipated
25 cost of the provision of such telecommunications
26 services, the projected public debt, and an
27 explanation of how the public debt will be financed.

28 (iii) At least twenty days prior to the election
29 for voter approval of the proposal but after the cost
30 benefit analysis is made available to the voters, a
31 public hearing is held regarding the proposal.

32 (iv) Prior to the issuance of public debt for the
33 proposal, a financing plan for the proposal has been
34 approved by a majority of the voters of the city.

35 (b) This subparagraph shall not apply to a
36 telecommunications system owned or operated by a city,
37 city utility, combined city utility, city enterprise,
38 or combined city enterprise approved by voters
39 pursuant to section 388.2 on or before January 1,
40 2005.

41 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
42 immediate importance, takes effect upon enactment."

43 2. Title page, by striking lines 1 through 4 and
44 inserting the following: "An Act relating to the
45 provision of telecommunications services through a
46 telecommunications system owned or operated by a city,
47 city utility, combined city utility, city enterprise,
48 or combined city enterprise, and providing an
49 effective date."

May of Dickinson offered amendment H-1593, to amendment H-1589, filed by May, et al., as follows:

H-1593

1 Amend the amendment, H-1589, to House File 861 as
2 follows:

3 1. Page 1, line 6, by striking the word
4 "subparagraph" and inserting the following:
5 "subparagraphs".

6 2. Page 1, by inserting after line 40 the
7 following:

8 "NEW SUBPARAGRAPH. (6) Unfairly discriminate in
9 pricing in violation of section 551.12.

10 Sec. NEW SECTION. 551.12 UNFAIR
11 DISCRIMINATION IN PRICING BY PROVIDERS OF CABLE
12 TELEVISION SERVICES.

13 1. A provider of cable television services shall
14 not provide cable television services in a defined
15 geographic area at a rate less than ninety percent of
16 the provider's highest published rate charged to
17 customers in any other area of this state unless any
18 of the following apply:

19 a. The lower rate is not less than the cost of
20 providing such cable television services in the area
21 and the lower rate generates a profit for the provider
22 of cable television services.

23 b. The lower rate is available to any customer
24 within the state served by the provider.

25 2. Any aggrieved person or the attorney general
26 may commence a civil action against a provider of
27 cable television services for a violation of this
28 section for actual damages, court costs, and attorney
29 fees.

30 3. For purposes of this section, "provider of
31 cable television services" means a cable television
32 service provider with fifty thousand or more
33 customers."

34 3. Page 1, line 48, by inserting after the word
35 "enterprise," the following: "and through prohibiting

- 36 discrimination in pricing,".
37 4. By renumbering as necessary.

Kurtenbach of Story rose on a point of order that amendment H-1593 was not germane, to amendment H-1589.

The Speaker ruled the point well taken and amendment H-1593 not germane, to amendment H-1589.

Jochum of Dubuque offered the following amendment H-1623, to amendment H-1589, filed by her from the floor and moved its adoption:

H-1623

- 1 Amend the amendment, H-1589, to House File 861 as
2 follows:
3 1. Page 1, lines 12 and 13, by inserting after
4 the words "utility, city enterprise," the following:
5 "an entity created pursuant to chapter 28E or 28F
6 whose members are utility providers,".
7 2. Page 1, line 16, by striking the word
8 "funding," and inserting the following: "capital,
9 including initial operating capital,".
10 3. Page 1, line 36, by inserting after the word
11 "system" the following: "established on or before
12 January 1, 2005, that is".
13 4. Page 1, by striking lines 38 through 40, and
14 inserting the following: "or combined city
15 enterprise."

Amendment H-1623 lost.

Jochum of Dubuque offered the following amendment H-1624, to amendment H-1589, filed by her from the floor and moved its adoption:

H-1624

- 1 Amend the amendment, H-1589, to House File 861, as
2 follows:
3 1. Page 1, line 32, by striking the words "public
4 debt" and inserting the following: "general
5 obligations bonds".

Amendment H-1624 lost.

On motion by Struyk of Pottawattamie, amendment H-1589 was adopted, placing out of order amendment H-1474 filed by Struyk of Pottawattamie on April 21, 2005.

Struyk 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. 861)

The ayes were, 61:

Alons	Arnold	Bell	Boal
Carroll	Chambers	Cohoon	Dandekar
De Boef	Dix	Dolecheck	Drake
Elgin	Foege	Ford	Frevert
Gaskill	Granzow	Greiner	Heaton
Hoffman	Hogg	Horbach	Huser
Hutter	Jacobs	Jacoby	Kaufmann
Kurtenbach	Lalk	Maddox	McCarthy
Murphy	Oldson	Olson, S.	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Sands	Schueller
Shomshor	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tomonga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Wildurdyke
Mr. Speaker			
Rants			

The nays were, 36:

Anderson	Berry	Bukta	Davitt
Eichhorn	Freeman	Gipp	Heddens
Huseman	Jenkins	Jochum	Jones
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	Mertz
Miller	Olson, D.	Olson, R.	Pettengill
Reichert	Roberts	Schickel	Shoultz
Smith	Soderberg	Taylor, T.	Wessel-Kroeschell
Whitead	Winckler	Wise	Zirkelbach

Absent or not voting, 3:

Baudler	Fallon	Hunter
---------	--------	--------

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 861** be immediately messaged to the Senate.

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>
Chief Clerk	Margaret Thomson	44-3	P-FT
Asst. Chief Clerk I	Susan K. Jennings	32-6	E-FT
Sr. Caucus Staff Dir.	Paulee Lipsman	41-6	P-FT
Sr. Caucus Staff Director	Jeffrey G. Mitchell	41-6	P-FT
Administrative Asst. to Speaker	Timothy J. Albrecht	27-2	P-FT
Administrative Asst. to Leader	Marc A. Elcock	27-2	P-FT
Administrative Asst. II to Speaker	Allison G. Dorr Kleis	32-4	P-FT
Sr. Administrative Asst. to Leader	Mark W. Brandsgard	38-6	P-FT
Sr. Administrative Asst. to Leader	Susan S. Fenton	38-6	P-FT
Sr. Administrative Asst. to Leader	Carolyn McNeill Gaukel	38-3	P-FT
Legislative Research Analyst	Timothy R. Coonan	27-3	P-FT
Legislative Research Analyst I	Mary K. Earnhardt	29-3	P-FT
Legislative Research Analyst	Kelly M. Ryan	27-2	P-FT
Legislative Research Analyst I	Kellie L. Paschke	29-5	P-FT
Legislative Research Analyst III	Bradley A. Trow	35-3	P-FT
Sr. Legislative Research Analyst	Lon W. Anderson	38-4	P-FT
Sr. Legislative Research Analyst	Ann M. McCarthy	38-5	P-FT
Sr. Legislative Research Analyst	Lewis E. Olson	38-3	P-FT
Sr. Caucus Secretary	Bruce G. Brandt	24-6	P-FT
Legislative Research Analyst I	Dwayne Dean Fiihr, Jr.	29-3	P-FT
Legislative Research Analyst II	Anna M. Hyatt-Crozier	32-3	P-FT
Sr. Legislative Research Analyst	Mary C. Braun	38-6	P-FT
Sr. Legislative Research Analyst	Edward J. Conlow	38-6	P-FT
Sr. Legislative Research Analyst	Jenifer L. Parsons	38-6	P-FT
Sr. Legislative Research Analyst	Thomas R. Patterson	38-6	P-FT
Sr. Legislative Research Analyst	Joseph P. Romano	38-6	P-FT
Sr. Caucus Secretary	David L. Epley	24-5	P-FT
Confidential Sec. to Speaker	Becky L. Lorenz	27-5	P-FT
Confidential Sec. II to Chief Clerk	Jacquelyn M. Seymour	32-3	P-FT
Clerk to Chief Clerk	Betty M. Soener	16-6	S-O
Supervisor of Secretaries I	Linda C. Rosky	24-4	P-FT

Senior Editor	Gayle A. Goble	30-4	P-FT
Editor I	Vicki L. Jones	22-1	P-FT
Assistant Editor	Angela T. Cox	19-1	E-FT
Text Processor II	C. Elaine Schoonover	22-6	P-FT
Senior Finance Officer II	Debra K. Rex	35-6	P-FT
Finance Officer I	Kelly M. Bronsink	24-6	P-FT
Assistant Legal Counsel	Doreen R. Terrell	27-5	P-FT
Engrossing & Enrolling Processor	Pauline E. Kephart	27-7	S-O
Indexer II	Kristin L. Wentz	25-6	P-FT
Indexing Assistant	Barry J. Hartman	19-2	P-FT
Switchboard Operator	Paul W. Aardsma	14-2	S-O
Switchboard Operator	Madeline E. James	14-7	S-O
Legislative Secretary	Juliana P. Anderson	15-1	S-O
Legislative Secretary	Bradley P. Bell	16-1	S-O
Legislative Secretary	Jess R. Benson	16-1	S-O
Legislative Secretary	Judith M. Bernau	15-1	S-O
Legislative Secretary	Valerie J. Biddick	16-1	S-O
Legislative Secretary	Curtis I. Bigsby	16-1	S-O
Legislative Secretary	Devin L. Boerm	17-2	S-O
Legislative Secretary	Kathleen L. Boggs	16-1	S-O
Legislative Secretary	Thomas M. Brand	15-1	S-O
Legislative Secretary	Diane K. Burget	16-3	S-O
Legislative Secretary	Beverly A. Burns	17-1	S-O
Legislative Secretary	Diana K. Clay	17-1	S-O
Legislative Secretary	Shirley M. Danskin-White	15-7+2	S-O
Legislative Secretary	Mary K. Davis	15-2	S-O
Legislative Secretary	Judith K. Elliott	15-3	S-O
Legislative Secretary	Clinton M. Fichter	16-1	S-O
Legislative Secretary	Kelley A. Fifer	17-2	S-O
Legislative Secretary	Harry W. Flipping	15-1	S-O
Legislative Secretary	David C. Frost	15-1	S-O
Legislative Secretary	Martha L. Fullerton	17-2	S-O
Legislative Secretary	Ezekiel L. Furlong	16-1	S-O
Legislative Secretary	Adriann E. Gerardi	15-1	S-O
Legislative Secretary	Autumn L. Griffieon	15-1	S-O
Legislative Secretary	Robert L. Hamill	15-1	S-O
Legislative Secretary	Julie M. Heun	15-1	S-O
Legislative Secretary	Daniel W. Huitink	16-1	S-O
Legislative Secretary	Janet M. Jones	16-2	S-O
Legislative Secretary	Kim W. Jones	15-1	S-O
Legislative Secretary	Elizabeth A. Junk	16-1	S-O
Legislative Secretary	Catherine S. Jury	16-7	S-O
Legislative Secretary	Robert F. Kaufmann	16-1	S-O
Legislative Secretary	Josie L. Klingaman	16-1	S-O
Legislative Secretary	Erin T. Kreiman	16-1	S-O
Legislative Secretary	Alex J. Kuhn	16-1	S-O
Legislative Secretary	Debrah L. Lalk	17-1	S-O
Legislative Secretary	Kombiz N. Lavasany	16-1	S-O
Legislative Secretary	Jennifer Lee Lunsford	17-1	S-O
Legislative Secretary	Amy L. Lynch	15-1	S-O
Legislative Secretary	Susan M. Ridgway	17-1	S-O
Legislative Secretary	Marlene J. Martens	16-4	S-O

Legislative Secretary	Linda L. McCarthy	16-1	S-O
Legislative Secretary	Katherine L. McCaskey	17-1	S-O
Legislative Secretary	John B. McCormally	15-1	S-O
Legislative Secretary	Clark E. McMullen	16-2	S-O
Legislative Secretary	Catherine H. Mears	17-1	S-O
Legislative Secretary	Susan G. Meimann	15-1	S-O
Legislative Secretary	Twyla L. Miller	17-6+2	S-O
Legislative Secretary	Lacey R. Oliver	16-2	S-O
Legislative Secretary	Jean P. Olson	16-2	S-O
Legislative Secretary	Janet R. Ramsay	16-4	S-O
Legislative Secretary	Courtney M. Rickert	15-1	S-O
Legislative Secretary	Virginia A. Rowen	15-7	S-O
Legislative Secretary	Mary M. Sanders	16-3	S-O
Legislative Secretary	Robert P. Santi	16-1	S-O
Legislative Secretary	Melodie K. Schueller	15-1	S-O
Legislative Secretary	Dianne G. Shoultz	16-2	S-O
Legislative Secretary	Patricia J. Simmons	15-1	S-O
Legislative Secretary	Melissa R. Singer	16-1	S-O
Legislative Secretary	Virginia A. Sourbeer	17-3	S-O
Legislative Secretary	Sadie L. Stellish	16-1	S-O
Legislative Secretary	Nicholas L. Sunderbruch	16-2	S-O
Legislative Secretary	Jean Tannatt	16-4	S-O
Legislative Secretary	Gary M. Thelen	16-1	S-O
Legislative Secretary	Rosemary G. Thomas	16-1	S-O
Legislative Secretary	Paula J. Toms	16-1	S-O
Legislative Secretary	Eileen M. Tyler	18-6	S-O
Legislative Secretary	Jessica J. Van Fossen	16-1	S-O
Legislative Secretary	Darlene A. VanOort	18-3	S-O
Legislative Secretary	Amanda H. Wacha	16-1	S-O
Legislative Secretary	Yvonne S. Welshhons	16-1	S-O
Legislative Secretary	Anita R. Wendt	16-1	S-O
Legislative Secretary	Donna M. Whitead	15-2	S-O
Legislative Secretary	David H. White	16-1	S-O
Legislative Committee Secretary	Clarice E. Alons	17-2	S-O
Legislative Committee Secretary	Cheryl K. Arnold	17-2	S-O
Legislative Committee Secretary	Jill J. Beni	17-3	S-O
Legislative Committee Secretary	Susan M. Betsinger	17-3	S-O
Legislative Committee Secretary	Chad R. Burton	17-1	S-O
Legislative Committee Secretary	Joni M. Carroll	17-1	S-O
Legislative Committee Secretary	Aaron J. DeKock	17-1	S-O
Legislative Committee Secretary	Dawn R. Dillman	18-2	S-O
Legislative Committee Secretary	Shirley J. Drake	17-4	S-O
Legislative Committee Secretary	Shelley Dolf	17-1	S-O
Legislative Committee Secretary	Donna W. Greenwood	17-7	S-O
Legislative Committee Secretary	Matthew J. Gronewald	17-1	S-O
Legislative Committee Secretary	Deborah L. Helsen	17-1	S-O
Legislative Committee Secretary	Lynn M. Hoffman	17-3	S-O
Legislative Committee Secretary	H. Kay Jenkins	17-3	S-O
Legislative Committee Secretary	Kendra L. Kehoe	17-1	S-O
Legislative Committee Secretary	Anthony J. Kruse	17-1	S-O
Legislative Committee Secretary	Lindsey M. Looney	17-1	S-O
Legislative Committee Secretary	Laura L. Mommsen	17-1	S-O

Legislative Committee Secretary	Melba K. Murken	17-3	S-O
Legislative Committee Secretary	JoAnn Murray	17-2	S-O
Legislative Committee Secretary	Martha S. Raecker	17-2	S-O
Legislative Committee Secretary	Vinita J. Smith	17-5	S-O
Legislative Committee Secretary	Barbara B. Wennerstrum	17-7+2	S-O
Bill Clerk	Marie A. Kirby	14-5	S-O
Assistant Bill Clerk	Elaine A. Platt	12-1	S-O
Postmaster	William C. Walling	12-5	S-O
Sergeant-at-Arms	Wilbur N. Rhoads	17-3	S-O
Assistant Sergeant-at-Arms	Maynard L. Boatwright	14-4	S-O
Assistant Sergeant-at-Arms	Gerald V. Orman	14-3	S-O
Doorkeeper	James S. Glenn	11-1	S-O
Doorkeeper	Gary D. Lynch	11-2	S-O
Doorkeeper	Howard H. Scott, Sr.	11-2	S-O
Doorkeeper	Robert B. Yeager	11-2	S-O

PAGES-GROUP I

Speaker's Page	Kyle H. Groot	9-1	S-O
Chief Clerk's Page	Maison B. Bleam	9-1	S-O
Chief Clerk's Page	Ashlee A. Drake	9-1	S-O
Page	Jennifer M. Danilson	9-1	S-O
Page	Kaci M. Dannatt	9-1	S-O
Page	Tyler J. Dorin	9-1	S-O
Page	Spenser J. Frank	9-1	S-O
Page	Holly A. Grieder	9-1	S-O
Page	Megan L. Hess	9-1	S-O
Page	Erin M. Hopp	9-1	S-O
Page	Anthony R. Menendez	9-1	S-O
Page	Sara J. Micetich	9-1	S-O
Page	Sarita A. Patnaik	9-1	S-O
Page	Josie M. Rundlett	9-1	S-O
Page	Tyler C. Schipper	9-1	S-O
Page	Emily M. Schirmer	9-1	S-O
Page	Larry E. Sheely	9-1	S-O
Page	Andrea M. Skoog	9-1	S-O
Page	Sarah M. Staron	9-1	S-O

PAGES-GROUP II

Page	Erica Ann Ellison	9-1	S-O
Page	Amy Hulstein	9-1	S-O
Page	Benjamin L. Johansen	9-1	S-O
Page	Kelsey J. Klaver	9-1	S-O
Page	Christina J. Running	9-1	S-O
Page	Mitchell J. Schaben	9-1	S-O
Page	Karalyn J. Stott	9-1	S-O
Page	William M. Tuthill	9-1	S-O
Page	Benjamin W. Varley	9-1	S-O

Pursuant to Senate Concurrent Resolution 3, the following is a list of officers and Joint Senate/House employees for the Eighty-First General Assembly, 2005 Session, and their respective classification, grades and steps:

Facilities Manager II	Mark L. Willemsen	38-6	P-FT
Legislative Security Coordinator I	Shawna S. Ferguson	23-3	P-FT
Legislative Security Officer I	Nickolas S. Brown	20-3	P-FT
Legislative Security Officer I	Richard A. Crawford	20-3	P-FT
Legislative Security Officer I	Marshall T. Irwin	20-3	P-FT
Legislative Security Officer I	Carl E. Lami	20-3	P-FT
Legislative Security Officer I	Mahlon Y. Lamp	20-2	P-FT
Legislative Security Officer I	Steven D. Marsh	20-3	P-FT
Legislative Security Officer I	Roy E. Paradise	20-3	P-FT
Legislative Security Officer I	Robert J. Porter	20-3	P-FT
Legislative Security Officer I	Judith A. Salier	20-3	P-FT
Legislative Security Officer I	Curtis L. Scott	20-1	P-FT
Legislative Security Officer I	Leo R. Skeffington	20-1	P-FT
Conservation/Restoration Specialist II	Mark S. Lundberg	31-4	P-FT
Senior Copy Center Operator	Shirley M. Roach	21-6	E-FT

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, 2005: House Files 339, 420, 614, 616, 617, 724, 764, 814 and 819.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 29, 2005, he approved and transmitted to the Secretary of State the following bills:

House File 253, an Act relating to governmental ethics and the duties of the Iowa Ethics and Campaign Disclosure Board.

House File 313, an Act relating to the establishment of an industrial processing exception study committee and including an effective date.

House File 398, an Act adding an exemption for colleges and universities established by city ordinance to the requirements relating to the registration of postsecondary schools.

House File 423, an Act relating to participation in secondary school interscholastic sports at the varsity and inferior levels.

House File 532, an Act relating to the administrative functions of the Department of Cultural Affairs, including the Board of Trustees of the State Historical Society of Iowa and the State Records Commission.

House File 645, an Act relating to the regulation of lotteries, including the definition of a lottery, permissible lotteries by commercial organizations, and the prosecution of violators.

House File 700, an Act relating to the Iowa Soybean Association, by providing for its board of directors, market development, and providing for an assessment.

House File 737, an Act relating to the registration and licensing of mortgage bankers and brokers, providing for fees, and providing an effective date.

House File 745, an Act relating to the criminal offense of theft of leased or rented personal property and making penalties applicable.

House File 746, an Act providing procedures for a rural water district to transfer its right to provide water or wastewater service and for dissolution of the district.

House File 754, an Act relating to a homestead exemption waiver notice contained in a written contract affecting agricultural land.

House File 777, an Act relating to testing a person for contagious or infectious disease if the person assaults a person by exchanging or attempting to exchange bodily fluids, and providing a penalty.

House File 781, an Act relating to the establishment of a direct care worker task force.

House File 789, an Act relating to programs and functions under the purview of the Iowa Department of Public Health.

House File 839, an Act providing for the establishment of a technology governance board within the Department of Administrative Service, and making an appropriations.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Students from Peet and Holmes Jr. High, Cedar Falls, Iowa, accompanied by Jewell Hayes. By Kressig of Black Hawk.

Thirty-six 5th grade students from George-Little Rock Elementary School, Little Rock, Iowa, accompanied by Stacie Damstra. By Alons of Sioux.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|---|
| 2005\1382 | Jim and Jean Harmon, Collins – For celebrating their 70 th wedding anniversary. |
| 2005\1383 | DeWayne and Vivian Wilkening, Nevada – For celebrating their 60 th wedding anniversary |
| 2005\1384 | Marget Lee, Maxwell – For celebrating her 90 th birthday. |
| 2005\1385 | Ms. Karol Atwood, Collins – For celebrating her 80 th birthday. |
| 2005\1386 | Dorrance and Therese Kedley, DeWitt – For celebrating their 50 th wedding anniversary. |
| 2005\1387 | Bi-State Motorcycle Awareness Ride Committee – For the May 7 th , 2005 Bi-State Motorcycle Awareness Ride. |

RESOLUTIONS FILED

HCR 18, by Mertz, a concurrent resolution requesting that the legislative council establish an interim study committee to consider issues relating to and to recommend a comprehensive policy for the closure of agricultural drainage wells and the establishment of related alternative drainage systems.

Laid over under **Rule 25**.

HR 54, by Shomshor, a resolution declaring support for Amtrack.

Laid over under **Rule 25**.

HR 55, by Gipp, a resolution honoring Charles F. Wasker for 50 years of dedicated service to his clients, to the legislative process, and to the State of Iowa.

Laid over under **Rule 25**.

On motion by Gipp of Winneshiek the House adjourned at 4:35 p.m., until 10:00 a.m., Tuesday, May 3, 2005.

JOURNAL OF THE HOUSE

One Hundred Fourteenth Calendar Day - Seventy-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, May 3, 2005

The House met pursuant to adjournment at 10:05 a.m., Speaker Rants in the chair.

The Journal of Friday, April 29, 2005 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 May 2, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 774, a bill for an act relating to the petition and vote requirements for increasing or reducing board of supervisors membership in certain counties.

Also: That the Senate has on April 29, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 801, a bill for an act providing a deduction in computing the individual income tax for certain unreimbursed expenses relating to a human organ transplant and including a retroactive applicability date.

Also: That the Senate has on April 29, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 834, a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations.

Also: That the Senate has on April 29, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 837, a bill for an act relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations.

Also: That the Senate has on May 2, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 856, a bill for an act providing a sales and use tax exemption for certain nonprofit organizations that build or repair low-income dwellings.

Also: That the Senate has on April 29, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 859, a bill for an act relating to the establishment of a form of business association referred to as a cooperative, and providing for fees and tax credits, providing penalties, and providing an effective date.

Also: That the Senate has on April 29, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 862, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund.

Also: That the Senate has on April 29, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 870, a bill for an act relating to the applicability of motor vehicle financial responsibility provisions to special mobile equipment and providing an effective date.

Also: That the Senate has on April 29, 2005, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 343, a bill for an act relating to governmental services involving audit reports and the family investment program.

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 2nd day of May, 2005: House Files 275, 646, 683, 708, 772 and 797.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 2, 2005, he approved and transmitted to the Secretary of State the following bills:

House File 420, an Act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

House File 819, an Act relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- 2005\1388 Henry Markman, Greenfield – For celebrating his 94th birthday.
- 2005\1389 Gennadii Bordovskii, Russia – For the mutually beneficial, long-standing collaboration in international education between the University of Northern Iowa and the Herzen State Pedagogical University of St. Petersburg and the Moscow State Linguistics University.
- 2005\1390 Devin Wever, West Liberty – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

RESOLUTION FILED

HR 56, by Gipp, a resolution honoring Charles F. Wasker for 50 years of dedicated service to his clients, to the legislative process, and to the State of Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1625	H.F.	862	Senate Amendment
H—1626	H.F.	834	Senate Amendment

On motion by Gipp of Winneshiek the House adjourned at 10:06 a.m., until 8:00 a.m., Thursday, May 5, 2005.

JOURNAL OF THE HOUSE

One Hundred Sixteenth Calendar Day – Seventy-seventh Session Day.

Hall of the House of Representatives
Des Moines, Iowa, Thursday, May 5, 2005

The House met pursuant to adjournment at 8:05 a.m., Speaker Rants in the chair.

The Journal of Tuesday, May 3, 2005 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 May 3, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 619, a bill for an act establishing a sex offender registry database task force within the department of administrative services.

Also: That the Senate has on May 3, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 711, a bill for an act relating to judicial branch procedures involving the appointment process of certain officers and judges and applications for further review at the appellate level.

Also: That the Senate has on May 4, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 807, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date.

Also: That the Senate has on May 4, 2005, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 200, a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties.

Also: That the Senate has on May 3, 2005, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 415, a bill for an act relating to employment, including the payment of weekly workers' compensation benefits, workers' compensation settlements and filings,

and the direct deposit of wages paid by an employer, requiring a regular payday statement, and making civil penalties applicable.

Also: That the Senate has on May 4, 2005, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 16, a concurrent resolution expressing the State of Iowa's appreciation of its strong relations with the Republic of China on Taiwan and urging the establishment of an Iowa presence in the Republic of China on Taiwan.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 415, by Gronstal and Iverson, a bill for an act relating to employment, including the payment of weekly workers' compensation benefits, workers' compensation settlements and filings, and the direct deposit of wages paid by an employer, requiring a regular payday statement, and making civil penalties applicable.

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

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 May 5, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 828, a bill for an act relating to aquatic regulations and activities, including aquatic invasive species, the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund.

Also: That the Senate has on May 5, 2005, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 869, a bill for an act relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates.

Also: That the Senate has on May 5, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 879, a bill for an act relating to the regulation of snowmobiles and establishing fees.

Also: That the Senate has on May 5, 2005, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 413, a bill for an act relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision.

MICHAEL E. MARSHALL, Secretary

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 May, 2005: House Files 374, 438, 538, 620, 716 and 840.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 3, 2005, he approved and transmitted to the Secretary of State the following bills:

House File 339, an Act relating to the regulation of tobacco product retailers, and making penalties applicable.

House File 614, an Act relating to the transmission, installation, and use of computer software through deceptive or unauthorized means and providing for penalties.

House File 616, an Act revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects.

House File 617, an Act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

House File 724, an Act creating a prescription drug donation repository program.

House File 764, an Act relating to the unemployment rate of contribution of a person who acquires an organization, trade, or business and providing penalties.

House File 772, an Act relating to violations of the open meetings and open records law by a member of a governmental body, the lawful custodian of a public record, or any other appropriate person.

House File 814, an Act relating to the electronic notices of bidding opportunities for state purchases.

Senate File 313, an Act relating to traffic citations issued for school bus warning device and railroad crossing violations.

Also: the Governor announced on May 4, 2005, he approved and transmitted to the Secretary of State the following bills:

House File 275, an Act relating to the purchase, possession, or consumption of alcohol by person under legal age, and providing a penalty.

House File 646, an Act concerning social and charitable gambling, including the regulation of cash raffles, prohibiting raffles at annual game nights, establishing a permanent electrical and mechanical amusement devices special fund and providing an appropriation, prohibiting certain electrical or mechanical amusement devices and bona fide contests, and providing for the denial, suspension, and revocation of certain gambling licenses by the department of inspections and appeals, and providing an effective date.

House File 683, an Act authorizing the appointment of an attorney to represent an indigent person during a termination of parental rights proceeding or an indigent parole violator, and providing effective and retroactive applicability date provisions.

House File 708, an Act relating to the establishment of rural improvement zones.

House File 797, an Act relating to the establishment of a promotional program for national historic landmarks and certified cultural and entertainment districts.

Senate File 210, an Act relating to specified requirements applicable to a real estate broker or attorney providing services in connection with a real estate auction.

Senate File 375, an Act creating the Uniform Environmental Covenants Act.

Senate File 403, an Act providing for the receipt of and costs relating to public records requests.

Senate File 405, an Act establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- 2005\1391 Roland and Peggy Hansen, Kimballton – For celebrating their 50th wedding anniversary.
- 2005\1392 Karl Nielsen, Bayard – For celebrating his 85th birthday.
- 2005\1393 Bertha Deardorff, Yale – For celebrating her 90th birthday.
- 2005\1394 Doris Gipple, Bridgewater – For celebrating her 85th birthday.
- 2005\1395 Leta Hair, Greenfield – For celebrating her 84th birthday.
- 2005\1396 George Miller, Greenfield – For celebrating his 90th birthday.
- 2005\1397 Howard and Kay Wedig, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\1398 Paul and Danielle Kisting, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\1399 Alfred and Jeanette Mescher, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\1400 Judith Schmidt, Dubuque – For being named Dubuque Teacher of the Year.
- 2005\1401 Keera Duehr, Dubuque – For being named to the 2005 USA Today, American Association of Community Colleges and Phi theta Kappa International Honor Society All-Iowa Academic Team.
- 2005\1402 Larry Maxfield, Davenport – For celebrating his 80th birthday.
- 2005\1403 Leo Persoon, Alvord – For celebrating 60 years of membership with the Alvord DeBoer American Legion Post #714.
- 2005\1404 Marvin Dvorak, Oskaloosa – For celebrating his 80th birthday.
- 2005\1405 Willa Mae Bensink, Montezuma – For celebrating her 80th birthday.
- 2005\1406 Clovis Hollmann, Grinnell – For celebrating his 80th birthday.
- 2005\1407 Faye Marie Dow, Woodbine – For celebrating her 90th birthday.

- 2005\1408 Paul and Myrt Sexton, West Branch – For celebrating their 50th wedding anniversary.
- 2005\1409 Leo and Betty Hein, Durant – For celebrating their 50th wedding anniversary.
- 2005\1410 Ettwoyle “Twyle” Sanders, West Liberty – For celebrating his 90th birthday.

RESOLUTION FILED

SCR 16, by Boettger, Beall, Black, Fraise, Johnson, Tinsman, Behn, Gronstal, Connolly and Iverson, a concurrent resolution expressing the State of Iowa’s appreciation of its strong relations with the Republic of China on Taiwan and urging the establishment of an Iowa presence in the Republic of China on Taiwan.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1627	H.F.	711	Senate Amendment
H—1628	H.F.	619	Senate Amendment
H—1629	H.F.	807	Senate Amendment
H—1630	S.F.	200	Senate Amendment
H—1631	S.F.	413	Senate Amendment
H—1632	H.F.	828	Senate Amendment

On motion by Gipp of Winneshiek the House adjourned at 8:06 a.m., until 10:00 a.m., Monday, May 9, 2005.

JOURNAL OF THE HOUSE

One Hundred Twentieth Calendar Day - Seventy-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, May 9, 2005

The House met pursuant to adjournment at 10:06 a.m., Speaker Rants in the chair.

Prayer was offered by the Honorable Dwayne Alons, state representative from Sioux County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Thursday, May 5, 2005 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 May 5, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 761, a bill for an act relating to early childhood programs available through the community empowerment initiative.

Also: That the Senate has on May 6, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 816, 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 cultural affairs, the department of education, and the state board of regents.

Also: That the Senate has on May 4, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 841, a bill for an act relating to health care reform, including provisions relating to the medical assistance program, providing appropriations, providing effective dates, and providing for retroactive applicability.

Also: That the Senate has on May 5, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 868, a bill for an act relating to economic development, business, workforce, and regulatory assistance and tax credits, and to state developmental, research, and regulatory oversight, and including effective date and retroactive applicability provisions.

Also: That the Senate has on May 5, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 414, a bill for an act providing for income tax credits for the cost of purchasing life insurance coverage by certain members of the national guard and the reserves, providing for death benefits for certain deceased members of the national guard and the reserves, making appropriations, and providing for effective and retroactive applicability dates.

Also: That the Senate has on May 5, 2005 passed the following bill in which the concurrence of the Senate was asked:

Senate File 416, a bill for an act relating to additional educational funding by increasing the state regular program foundation base per pupil, by modifying the community college operations levy, creating local workforce and economic development funds for community colleges, increasing the state cigarette tax, modifying an appropriation, and including effective and applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 414, by committee on ways and means, a bill for an act providing for income tax credits for the cost of purchasing life insurance coverage by certain members of the national guard and the reserves, providing for death benefits for certain deceased members of the national guard and the reserves, providing for the payment of certain death benefits for members of the peace officers' retirement, accident, and disability system and for members of the retirement system for police officers and fire fighters, making appropriations, and providing for effective and retroactive applicability dates.

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

RULE 57 SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on appropriations at 1:00 p.m.

On motion by Gipp of Winneshiek, the House was recessed at 10:09 a.m., until the conclusion of the meeting of the committee on appropriations.

AFTERNOON SESSION

The House reconvened at 2:12 p.m., Roberts of Carroll in the chair.

SENATE MESSAGE CONSIDERED

Senate File 416, by committee on ways and means, a bill for an act relating to additional educational funding by increasing the state regular program foundation base per pupil, by modifying the community college operations levy, creating local workforce and economic development funds for community colleges, increasing the state cigarette tax, modifying an appropriation, and including effective and applicability date provisions.

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

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-three members present, seventeen absent.

SENATE AMENDMENT CONSIDERED

Carroll of Poweshiek called up for consideration **House File 841**, a bill for an act relating to health care reform, including provisions relating to the medical assistance program, providing appropriations, providing effective dates, and providing for retroactive applicability, amended by the Senate, and moved that the House concur in the following Senate amendment H-1636:

H-1636

- 1 Amend House File 841, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 8, by inserting after the word
- 4 "on" the following: "or after".
- 5 2. Page 5, line 31, by inserting after the word
- 6 "the" the following: "health risk assessment, the".

- 7 3. Page 6, line 20, by inserting after the word
8 "clinic" the following: "or rural health clinic".
- 9 4. Page 6, lines 21 and 22, by striking the words
10 "or rural health clinics".
- 11 5. Page 7, line 33, by striking the word "ten"
12 and inserting the following: "twenty".
- 13 6. Page 8, by striking lines 17 through 20, and
14 inserting the following:
- 15 "1. Beginning July 1, 2005, each expansion
16 population member whose family income equals or
17 exceeds one hundred percent of the federal poverty
18 level as defined by the most recently revised poverty
19 income guidelines published by the United States
20 department of health and human services shall pay a
21 monthly premium not to exceed one-twelfth of five
22 percent of the member's annual family income, and each
23 expansion population member whose family income is
24 less than one hundred percent of the federal poverty
25 level as defined by the most recently revised poverty
26 income guidelines published by the United States
27 department of health and human services shall pay a
28 monthly premium not to exceed one-twelfth of two
29 percent of the member's annual family income. All
30 premiums shall be paid on the last day of the month of
31 coverage. The department".
- 32 7. Page 9, line 6, by inserting after the word
33 "member." the following: "The department shall also
34 waive the required out-of-pocket expenditures for an
35 individual expansion population member based upon a
36 hardship that would accrue from imposing such required
37 expenditures."
- 38 8. Page 9, by inserting after line 26, the
39 following:
- 40 "4. The department shall track the impact of the
41 out-of-pocket expenditures on patient enrollment and
42 shall report the findings on at least a quarterly
43 basis to the medical assistance projections and
44 assessment council established pursuant to section
45 249J.19. The findings shall include estimates of the
46 number of expansion population members complying with
47 payment of required out-of-pocket expenditures, the
48 number of expansion population members not complying
49 with payment of required out-of-pocket expenditures
50 and the reasons for noncompliance, any impact as a

Page 2

- 1 result of the out-of-pocket requirements on the
2 provision of services to the populations previously
3 served, the administrative time and cost associated
4 with administering the out-of-pocket requirements, and
5 the benefit to the state resulting from the out-of-

6 pocket expenditures. To the extent possible, the
7 department shall track the income level of the member,
8 the health condition of the member, and the family
9 status of the member relative to the out-of-pocket
10 information."

11 9. By striking page 13, line 32, through page 14,
12 line 6, and inserting the following: "pursuant to
13 section 249A.3, and also meet the criteria specified
14 in section 234.7, subsection 2, if enacted in the 2005
15 legislative session."

16 10. By striking page 14, line 8, through page 15,
17 line 7, and inserting the following:

18 "1. The department of human services shall submit
19 an amendment to the home and community-based services
20 waiver for the elderly to the centers for Medicare and
21 Medicaid services of the United States department of
22 health and human services to provide for inclusion of
23 case management as a medical assistance covered
24 service. The department of human services shall
25 develop the amendment in collaboration with the
26 department of elder affairs.

27 2. If the request for an amendment to the waiver
28 is approved, the department of elder affairs shall use
29 existing funding for case management as nonfederal
30 matching funds. The department of elder affairs, in
31 collaboration with the department of human services,
32 shall determine the amount of existing funding that
33 would be eligible for use as nonfederal matching funds
34 so that sufficient funding is retained to also provide
35 case management services for frail elders who are not
36 eligible for the medical assistance program.

37 3. The department of human services, in
38 collaboration with the department of elder affairs,
39 shall establish a reimbursement rate for case
40 management for the frail elderly such that the amount
41 of state funding necessary to pay for such case
42 management does not exceed the amount appropriated to
43 the department of elder affairs for case management
44 for the frail elderly in the fiscal year beginning
45 July 1, 2005. Any state savings realized from
46 including case management under the home and
47 community-based services waiver for the elderly shall
48 be used for services for the frail elderly and for
49 substitute decision-making services to eligible
50 individuals pursuant to chapter 231E, if enacted by

Page 3

1 the Eighty-first General Assembly.

2 4. The department of human services, in
3 collaboration with the department of elder affairs,
4 shall determine whether case management for the frail

5 elderly should continue to be provided through a sole
6 source contract or if a request for proposals process
7 should be initiated to provide the services. The
8 departments shall submit their recommendations to the
9 general assembly by January 1, 2006."

10 11. Page 16, line 17, by inserting after the word
11 "department" the following: ", in collaboration with
12 Iowa department of public health programs relating to
13 tobacco use prevention and cessation."

14 12. Page 16, line 35, by striking the word "date"
15 and inserting the following: "data".

16 13. Page 19, line 12, by striking the word
17 "Costs" and inserting the following: "The department
18 shall inform the members of the task force that
19 costs".

20 14. Page 19, line 13, by striking the word
21 "shall" and inserting the following: "may".

22 15. Page 26, line 7, by inserting after the
23 figure "262.28" the following: "or any provision of
24 this chapter to the contrary".

25 16. Page 26, line 10, by inserting after the word
26 "installments" the following: "based upon the amount
27 appropriated or allocated, as applicable to a specific
28 public hospital, in a specific fiscal year".

29 17. Page 26, line 32, by inserting after the word
30 "account." the following: "The agreement shall
31 include provisions relating to exceptions to the
32 deadline for submission of clean claims as required
33 pursuant to section 249J.7 and provisions relating to
34 data reporting requirements regarding the expansion
35 population."

36 18. Page 27, line 3, by inserting after the
37 figure "4." the following: "Notwithstanding the
38 specified amount of proceeds to be transferred under
39 this subsection, if the amount allocated that does not
40 require federal matching funds under an appropriation
41 in a subsequent fiscal year to such hospital for
42 medical and surgical treatment of indigent patients,
43 for provision of services to expansion population
44 members, and for medical education, is reduced from
45 the amount allocated that does not require federal
46 matching funds under the appropriation for the fiscal
47 year beginning July 1, 2005, the amount of proceeds
48 required to be transferred under this subsection in
49 that subsequent fiscal year shall be reduced in the
50 same amount as the amount allocated that does not

Page 4

1 require federal matching funds under that
2 appropriation."

3 19. Page 27, line 9, by inserting after the word

- 4 "account." the following: "The agreement shall
 5 include provisions relating to exceptions to the
 6 deadline for submission of clean claims as required
 7 pursuant to section 249J.7 and provisions relating to
 8 data reporting requirements regarding the expansion
 9 population."
 10 20. Page 46, by striking line 33, and inserting
 11 the following: "services to members of the".
 12 21. Page 47, by striking lines 10 and 11 and
 13 inserting the following: "indigent patients, for
 14 provision of services to members of the expansion
 15 population".
 16 22. Page 47, line 16, by striking the figure
 17 "36,000,000" and inserting the following:
 18 "37,000,000".
 19 23. Page 47, line 20, by striking the figure
 20 "36,000,000" and inserting the following:
 21 "37,000,000".
 22 24. Page 47, by striking line 31, and inserting
 23 the following: "members of the expansion".
 24 25. Page 48, by striking line 2, and inserting
 25 the following: "members of the expansion".
 26 26. Page 48, by striking line 8, and inserting
 27 the following: "members of the expansion".
 28 27. Page 48, by striking line 14, and inserting
 29 the following: "services to members of the".
 30 28. By renumbering, relettering, or redesignating
 31 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1636.

Carroll of Poweshiek 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. 841)

The ayes were, 93:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Freeman	Gaskill	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser

Hutter	Jacobs	Jacoby	Jenkins
Jochum	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdye	Winckler	Wise	Zirkelbach
Roberts, Presiding			

The nays were, 1:

Prevert

Absent or not voting, 6:

Fallon	Ford	Gipp	Jones
Rants, Spkr.	Sands		

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

SENATE AMENDMENT CONSIDERED

Heaton of Henry called up for consideration **House File 862**, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, amended by the Senate, and moved that the House concur in the following Senate amendment H-1625:

H-1625

- 1 Amend House File 862, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, by inserting after line 21, the
- 4 following:
- 5 "The Iowa department of public health shall procure
- 6 a sole source contract to implement this paragraph
- 7 "h".
- 8 A program approved for a grant shall participate in
- 9 a program evaluation as a requirement for receiving

10 grant funds."

11 2. Page 6, by striking lines 18 and 19.

12 3. Page 6, by inserting before line 20, the
13 following:

14 "j. For a grant program to provide substance abuse
15 prevention programming, including tobacco use
16 prevention programming, for children:

17 \$ 800,000

18 The Iowa department of public health shall utilize
19 a request for proposals process to implement this
20 paragraph "j". A program approved for a grant under
21 paragraph "h" or paragraph "i" shall not be eligible
22 for a grant under this paragraph "j".

23 All grant recipients shall participate in a program
24 evaluation as a requirement for receiving grant
25 funds."

26 4. Page 6, line 22, by striking the figure
27 "286,217" and inserting the following: "296,217".

28 5. Page 6, line 29, by striking the figure
29 "110,359" and inserting the following: "100,359".

30 6. Page 6, by striking lines 32 through 34, and
31 inserting the following: "the drug court program."

32 7. Page 8, line 19, by striking the figure
33 "6,800,000" and inserting the following: "7,600,000".

The motion prevailed and the House concurred in the Senate amendment H-1625.

Heaton of Henry 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. 862)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox

Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wildurdyke
Winckler	Wise	Zirkelbach	Roberts, Presiding

The nays were, none.

Absent or not voting, 4:

Anderson	Ford	Jones	Sands
----------	------	-------	-------

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

SENATE AMENDMENT CONSIDERED

J.K. Van Fossen of Scott called up for consideration **Senate File 413**, a bill for an act relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1631 to the House amendment:

H-1631

- 1 Amend the House amendment, S-3218, to Senate File
- 2 413, as passed by the Senate, as follows:
- 3 1. By striking page 1, line 7, through page 2,
- 4 line 10.
- 5 2. By striking page 10, line 36, through page 11,
- 6 line 7.

The motion prevailed and the House concurred in the Senate amendment H-1631, to the House amendment.

J.K. Van Fossen of Scott 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. 413)

The ayes were, 87:

Alons	Arnold	Baudler	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Heaton	Heddens	Hoffman
Hogg	Horbach	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Schickel	Schueller	Shomshor
Smith	Soderberg	Struyk	Swaim
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wessel-Kroeschell	Wilderdyke	Winckler
Wise	Zirkelbach	Roberts,	
		Presiding	

The nays were, 9:

Fallon	Hunter	Jochum	Shoultz
Taylor, D.	Taylor, T.	Wendt	Whitaker
Whitead			

Absent or not voting, 4:

Anderson	Ford	Jones	Sands
----------	------	-------	-------

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 2:40 p.m., until the fall of the gavel.

The House resumed session at 3:55 p.m., Speaker Rants in the chair.

SENATE AMENDMENT CONSIDERED

Horbach of Tama called up for consideration **House File 807**, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date, amended by the Senate amendment H-1629 as follows:

H-1629

1 Amend House File 807, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 5, by striking the word "amount"
4 and inserting the following: "amounts".

5 2. Page 1, line 8, by inserting before the word
6 "For" the following: "a."

7 3. Page 1, line 20, by striking the figure
8 "118,084,282" and inserting the following:
9 "118,404,282".

10 4. Page 1, by inserting after line 20 the
11 following:

12 "b. For an initial grant to be determined by the
13 state court administrator, for the establishment of a
14 youth enrichment pilot project located in a county
15 with a population greater than three hundred thousand
16 that is involved in a public and private partnership
17 pursuing life skills, education, and mentoring
18 programs for offenders between the ages of sixteen and
19 twenty-two who have been charged with a felony:
20\$ 100,000"

21 5. By striking page 1, line 21, through page 2,
22 line 2.

23 6. Page 4, by inserting after line 4 the
24 following:

25 "Sec. __. Section 602.6401, subsection 1, Code
26 2005, is amended to read as follows:

27 1. ~~One Two~~ hundred ~~ninety one~~ ~~six~~ magistrates
28 shall be apportioned among the counties as provided in
29 this section. Magistrates appointed pursuant to
30 section 602.6402 shall not be counted for purposes of
31 this section.

32 Sec. NEW SECTION. 602.8102A NOTICES
33 RETURNED FOR UNKNOWN ADDRESS – RESENDING.

34 Notwithstanding any other provision of the Code to
35 the contrary, and subject to rules prescribed by the
36 supreme court, if the clerk of the district court
37 sends a mailing or notice to a person or party and the
38 mailing or notice is returned by the postal service to
39 the clerk of the district court as undeliverable, the
40 clerk is not required to send a repeat or subsequent
41 mailing or notice unless the clerk receives an updated

42 mailing address.

43 Sec. __. Section 602.8105, subsection 2, Code
44 2005, is amended to read as follows:

45 2. The clerk of the district court shall collect
46 the following fees for miscellaneous services:

47 a. For filing, entering, and endorsing a
48 mechanic's lien, twenty dollars, and if a suit is
49 brought, the fee is taxable as other costs in the
50 action.

Page 2

1 b. For filing and entering an agricultural supply
2 dealer's lien and any other statutory lien, twenty
3 dollars.

4 c. For a certificate and seal, ten dollars.
5 However, there shall be no charge for a certificate
6 and seal to an application to procure a pension,
7 bounty, or back pay for a member of the armed services
8 or other person.

9 d. For certifying a change in title of real
10 estate, twenty dollars.

11 e. For filing a praecipe to issue execution under
12 chapter 626, twenty-five dollars.

13 f. For filing a praecipe to issue execution under
14 chapter 654, fifty dollars.

15 g. For filing a confession of judgment under
16 chapter 676, fifty dollars if the judgment is five
17 thousand dollars or less, and one hundred dollars if
18 the judgment exceeds five thousand dollars.

19 e. h. Other fees provided by law.

20 Sec. __. Section 901.4, Code 2005, is amended to
21 read as follows:

22 901.4 PRESENTENCE INVESTIGATION REPORT
23 CONFIDENTIAL – DISTRIBUTION.

24 The presentence investigation report is
25 confidential and the court shall provide safeguards to
26 ensure its confidentiality, including but not limited
27 to sealing the report, which may be opened only by
28 further court order. At least three days prior to the
29 date set for sentencing, the court shall ~~serve~~ send a
30 copy of all of the presentence investigation report
31 upon by ordinary or electronic mail, to the
32 defendant's attorney and the attorney for the state,
33 and the report shall remain confidential except upon
34 court order. However, the court may conceal the
35 identity of the person who provided confidential
36 information. The report of a medical examination or
37 psychological or psychiatric evaluation shall be made
38 available to the attorney for the state and to the
39 defendant upon request. The reports are part of the
40 record but shall be sealed and opened only on order of

41 the court. If the defendant is committed to the
42 custody of the Iowa department of corrections and is
43 not a class "A" felon, a copy of the presentence
44 investigation report shall be forwarded by ordinary or
45 electronic mail to the director with the order of
46 commitment by the clerk of the district court and to
47 the board of parole at the time of commitment.
48 Pursuant to section 904.602, the presentence
49 investigation report may also be released by ordinary
50 or electronic mail by the department of corrections or

Page 3

1 a judicial district department of correctional
2 services to another jurisdiction for the purpose of
3 providing interstate probation and parole compact or
4 interstate compact for adult offender supervision
5 services or evaluations, or to a substance abuse or
6 mental health services provider when referring a
7 defendant for services. The defendant or the
8 defendant's attorney may file with the presentence
9 investigation report, a denial or refutation of the
10 allegations, or both, contained in the report. The
11 denial or refutation shall be included in the report.
12 If the person is sentenced for an offense which
13 requires registration under chapter 692A, the court
14 shall release the report by ordinary or electronic
15 mail to the department.

16 Sec. __. STUDY OF COURT RULES RELATING TO TRIBAL
17 COURTS. The general assembly acknowledges that
18 contact and interaction between the Iowa court system
19 and federally recognized tribal courts are ever
20 increasing and the general assembly urges the Iowa
21 supreme court to study this interaction and consider
22 developing and prescribing rules that relate to the
23 tribal court system, tribal court orders, judgments,
24 and decrees."

25 7. Page 4, by inserting after line 4 the
26 following:

27 "Sec. __. Section 607A.8, Code 2005, is amended
28 to read as follows:

29 607A.8 FEES AND EXPENSES FOR JURORS.

30 Grand jurors and petit jurors in all courts shall
31 receive ten dollars as compensation for each day's
32 service or attendance, including attendance required
33 for the purpose of being considered for service,
34 reimbursement for mileage expenses at the rate
35 specified in section 602.1509 for each mile traveled
36 each day to and from their residences to the place of
37 service or attendance, and reimbursement for actual
38 expenses of parking, as determined by the clerk. The
39 supreme court may adopt rules that allow additional

40 compensation for jurors whose attendance and service
 41 exceeds seven days. A juror who is a person with a
 42 disability may receive reimbursement for the costs of
 43 alternate transportation from the juror's residence to
 44 the place of service or attendance. A juror shall not
 45 receive reimbursement for mileage expenses or actual
 46 expenses of parking when the juror travels in a
 47 vehicle for which another juror is receiving
 48 reimbursement for mileage and parking expenses."
 49 8. By renumbering, relettering, or redesignating
 50 and correcting internal references as necessary.

Horbach of Tama offered the following amendment H-1637, to the Senate amendment H-1629, filed by him from the floor and moved its adoption:

H-1637

1 Amend the Senate amendment, H-1629, to House File
 2 807, 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, by striking line 1."
 7 2. Page 1, by striking lines 5 and 6.
 8 3. Page 1, by striking lines 10 through 22.
 9 4. By renumbering as necessary.

Amendment H-1637 was adopted.

On motion by Horbach of Tama the House concurred in the Senate amendment H-1629, as amended.

Horbach of Tama 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. 807)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford

Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wildurdyke
Winckler	Wise	Zirkelbach	Mr. Speaker Rants

The nays were, 1:

Fallon

Absent or not voting, 3:

Anderson Jones Sands

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

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 4, 2005, he approved and transmitted to the Secretary of State the following bill:

House File 840, an Act authorizing the rebate of state sales tax to the owner or operator of a sanctioned automobile racetrack facility.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF NATURAL RESOURCES

Report from the Waste Management Bureau on the Household Hazardous Materials program, pursuant to Chapter 455F.8, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Final report of the Secondary Road Fund Distribution Advisory Committee, pursuant to Chapter 312.3C, Code of Iowa.

Secondary Road Fund Distribution Committee

2002 to 2005 report, pursuant to Chapter 312.3C, 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.

MARGARET A. THOMSON
Chief Clerk of the House

- 2005\1411 Dorothea Van Vleet, Fontanelle – For celebrating her 90th birthday.
- 2005\1412 Howard A. White, Greenfield – For celebrating his 95th birthday.
- 2005\1413 Lois Sulgrove Roberts, Greenfield – For celebrating her 80th birthday.
- 2005\1414 Jim and Mary Jean Johannsen, La Porte City – For celebrating their 50th wedding anniversary.
- 2005\1415 Mary Nelson, La Porte City – For celebrating her 80th birthday.
- 2005\1416 Madeline Kerns, Fairbank – For celebrating her 80th birthday.
- 2005\1417 Rita Nuebel, Dunkerton – For celebrating her 80th birthday.
- 2005\1418 Doyle and Janice Marker, Melrose – For celebrating their 50th wedding anniversary.
- 2005\1419 Mary Scieszinski, Melrose – For celebrating her 90th birthday.
- 2005\1420 Virgil and Dorothy Storm, Lucas – For celebrating their 60th wedding anniversary.
- 2005\1421 Rosemary Rieber, Iowa Falls – For celebrating her 80th birthday.
- 2005\1422 Stan and Ione Riskedahl, Hubbard – For celebrating their 60th wedding anniversary.
- 2005\1423 Mary Lawler, Eldora – For celebrating her 90th birthday.
- 2005\1424 Ruth Balvanz, Wellsburg – For celebrating her 80th birthday.

- 2005\1425 Doris Rewerts, Iowa Falls – For celebrating her 80th birthday.
- 2005\1426 Ada Warford, Iowa Falls – For celebrating her 90th birthday.
- 2005\1427 Bert Hemmes, Iowa Falls – For celebrating his 101st birthday.
- 2005\1428 Lester Mill, Ackley – For celebrating his 80th birthday.
- 2005\1429 Genevieve Kosanke, Iowa Falls – For celebrating her 90th birthday.
- 2005\1430 Bill and Peggy Ham, Waterloo – For celebrating their 60th wedding anniversary.
- 2005\1431 Robert and Mary Flynn, Waterloo – For celebrating their 50th wedding anniversary.
- 2005\1432 Pat Kennedy, Waterloo – For celebrating her 80th birthday.
- 2005\1433 Dale Kirschman, Waterloo – For celebrating his 80th birthday.
- 2005\1434 Kimberly Bahe, Sumner – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2005\1435 Alex, Stepan, West Union – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1436 Gene and Margaret Kleve, Waucoma – For celebrating their 50th wedding anniversary.
- 2005\1437 Marvin and Verlaine Knoploh, Sumner – For celebrating their 50th wedding anniversary.
- 2005\1438 Leonard and Martha Schnadt, Sumner – For celebrating their 65th wedding anniversary.
- 2005\1439 John and Arlitha Pries, Sumner – For celebrating their 65th wedding anniversary.
- 2005\1440 Luella Heideman, Tripoli – For celebrating her 80th birthday.
- 2005\1441 Charles Zanatta, Oelwein – For celebrating his 80th birthday.
- 2005\1442 Floyd Alber, Maynard – For celebrating his 90th birthday.
- 2005\1443 Roy Lincoln, Oelwein – For celebrating his 90th birthday.
- 2005\1444 Mary Looney, Oelwein – For celebrating her 90th birthday.
- 2005\1445 Floyd Manson, Maynard – For celebrating his 95th birthday.
- 2005\1446 Mickey Hart, Sioux City – For celebrating her 99th birthday.

- 2005\1447 Eva Hansen, Sioux City – For celebrating her 80th birthday.
- 2005\1448 Merton White, Sioux City – For celebrating his 80th birthday.
- 2005\1449 Harold and Fran Rodman, Sioux City – For celebrating their 50th wedding anniversary.
- 2005\1450 Lenora Floy, Rockwell – For celebrating her 92nd birthday.
- 2005\1451 Ardis Fredericks, Hampton – For celebrating her 100th birthday.
- 2005\1452 Garland Van Kleeck, Hampton – For celebrating his 80th birthday.
- 2005\1453 Maxine Kite, Hampton – For celebrating her 90th birthday.
- 2005\1454 Anna Mae Meyer, Sheffield – For celebrating her 80th birthday.
- 2005\1455 Charity Marie Ward, Rockwell – For celebrating her 82nd birthday.
- 2005\1456 Jerry and Veronica Johnson, Kanawha – For celebrating their 50th wedding anniversary.
- 2005\1457 Thelma Bartlett, Burchinal – For celebrating her 95th birthday.
- 2005\1458 Robert and Betty Underwood, Clear Lake – For celebrating their 60th wedding anniversary.
- 2005\1459 Darcy Kohlmeyer, Garner – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2005\1460 Darwin and Darlene Kottenbrink, Hampton – For celebrating their 50th wedding anniversary.
- 2005\1461 Bernice Ingham, Swaledale – For celebrating her 90th birthday.
- 2005\1462 Allen N. Neely, Jr., Riverdale – For celebrating his 80th birthday.
- 2005\1463 Mary Jane Shields, Bettendorf – For celebrating her 80th birthday.
- 2005\1464 Lester Shields, Bettendorf – For celebrating his 80th birthday.
- 2005\1465 Robert Waack, DeWitt – For celebrating his 90th birthday.
- 2005\1466 Jerry Petersen, Donahue – For celebrating 50 years of membership with the Larry M. Gronewald American Legion Post #532.
- 2005\1467 Alyssa Maher, DeWitt – For winning the 4X100-meter relay at the 2005 Drake Relays.
- 2005\1468 Kelsey Steffens, DeWitt – For winning the 4X100-meter relay at the 2005 Drake Relays.

- 2005\1469 Ali Niemann, DeWitt – For winning the 4X100-meter relay at the 2005 Drake Relays.
- 2005\1470 Megan Machovec, DeWitt – For winning the 4X100-meter relay at the 2005 Drake Relays.

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.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 342, a bill for an act relating to appropriation matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, and providing effective and applicability date provisions.

Fiscal Note is note required.

Recommended **Amend and Do Pass with amendment H-1638** May 9, 2005.

AMENDMENTS FILED

H—1633	H.F.	868	Senate Amendment
H—1634	H.F.	761	Senate Amendment
H—1635	H.F.	816	Senate Amendment
H—1638	S.F.	342	Committee on Appropriations

On motion by Gipp of Winneshiek the House adjourned at 4:06 p.m., until 8:45 a.m., Tuesday, May 10, 2005.

JOURNAL OF THE HOUSE

One Hundred Twenty-first Calendar Day - Seventy-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, May 10, 2005

The House met pursuant to adjournment at 8:47 a.m., Speaker Rants in the chair.

Prayer was offered by the Honorable Rod Roberts, state representative from Carroll County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, May 9, 2005 was approved.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-six members present, fourteen absent.

SENATE AMENDMENT CONSIDERED

May of Dickinson called up for consideration **House File 828**, a bill for an act relating to aquatic regulations and activities, including aquatic invasive species, the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund, amended by the Senate, and moved that the House concur in the following Senate amendment H-1632:

H-1632

- 1 Amend House File 828, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 20, by striking the word "thirty"
- 4 and inserting the following: "thirty-six".
- 5 2. Page 2, line 27, by striking the word "sixty"

- 6 and inserting the following: "seventy-five".
 7 3. Page 2, by striking line 29 and inserting the
 8 following: "more, one hundred fifty dollars."

The motion prevailed and the House concurred in the Senate amendment H-1632.

May of Dickinson 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. 828)

The ayes were, 53:

Alons	Anderson	Arnold	Bell
Boal	Carroll	Chambers	De Boef
Dolecheck	Elgin	Freeman	Frevert
Gaskill	Gipp	Granzow	Heaton
Hoffman	Hogg	Horbach	Huseman
Huser	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kressig	Kurtenbach
Lensing	Lykam	Maddox	Mascher
May	Oldson	Olson, S.	Petersen
Rasmussen	Rayhons	Roberts	Schickel
Schueller	Shoultz	Soderberg	Taylor, D.
Tomenga	Tymeson	Upmeyer	Van Fossen, J.K.
Watts	Whitead	Wilderdyke	Winckler
Mr. Speaker			
Rants			

The nays were, 43:

Baudler	Berry	Bukta	Cohoon
Dandekar	Davitt	Dix	Drake
Fallon	Foege	Greiner	Heddens
Hunter	Hutter	Lukan	Kaufmann
Kuhn	Lalk	Mertz	Miller
Murphy	Olson, D.	Paulsen	Pettengill
Quirk	Raecker	Reasoner	Reichert
Sands	Shomshor	Smith	Struyk
Swaim	Taylor, T.	Thomas	Tjepkes
Van Engelenhoven	Van Fossen, J.R.	Wendt	Wessel-Kroeschell
Whitaker	Wise	Zirkelbach	

Absent or not voting, 4:

Eichhorn	Ford	McCarthy	Olson, R.
----------	------	----------	-----------

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 828** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Tymeson of Madison called up for consideration **House File 761**, a bill for an act relating to children's programs by collocating early childhood programs available through the community empowerment initiative and requiring the department of human services to develop and implement a voluntary child care quality rating system, amended by the Senate, and moved that the House concur in the following Senate amendment H-1634:

H-1634

1 Amend House File 761, 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 "DIVISION I

6 IOWA EMPOWERMENT BOARD

7 Section 1. Section 28.2, subsection 3, Code 2005,

8 is amended to read as follows:

9 3. To achieve the initial set of desired results,
10 the initiative's primary focus shall first be on the
11 efforts of the state and communities to work together
12 to improve the efficiency and effectiveness of early
13 care, education, health, and human services provided
14 to families with children from birth through age five
15 years.

16 Sec. 2. Section 28.3, subsections 1 and 2, Code
17 2005, are amended to read as follows:

18 1. An Iowa empowerment board is created to
19 facilitate state and community efforts involving
20 community empowerment areas, including strategic
21 planning, funding identification, and guidance, and to
22 promote collaboration among state and local early
23 care, education, health, and human services programs.

24 2. The Iowa board shall consist of eighteen voting
25 members with thirteen citizen members and five state
26 agency members. The five state agency members shall
27 be the directors of the following departments:
28 economic development, education, human rights, human
29 services, and public health. The thirteen citizen

30 members shall be appointed by the governor, subject to
31 confirmation by the senate. The governor's
32 appointments of citizen members shall be made in a
33 manner so that each of the state's congressional
34 districts is represented by two citizen members and so
35 that all the appointments as a whole reflect the
36 ethnic, cultural, social, and economic diversity of
37 the state. ~~The governor's appointees shall be~~
38 ~~selected from individuals nominated by community~~
39 ~~empowerment area boards. The nominations shall~~
40 ~~reflect the range of interests represented on the~~
41 ~~community boards so that the~~ The governor is able to
42 shall appoint one or more members each for early care,
43 education, health, human services, business, faith,
44 and public interests. At least one of the citizen
45 members shall be a service consumer or the parent of a
46 service consumer. Terms of office of all citizen
47 members are three years. A vacancy on the board shall
48 be filled in the same manner as the original
49 appointment for the balance of the unexpired term.
50 Sec. 3. Section 28.3, subsection 5, Code 2005, is

Page 2

1 amended to read as follows:

2 5. A community empowerment assistance team or
3 teams of state agency representatives shall be
4 designated to provide technical assistance and other
5 support to community empowerment areas and for the
6 board's efforts to address early care, education,
7 health, and human services. A technical assistance
8 system shall be developed using local representatives
9 of the state agencies represented on the Iowa board
10 and other state agencies and individuals involved with
11 local ~~community empowerment areas~~ early care,
12 education, health, and human services. ~~The technical~~
13 ~~assistance shall be available in at least three levels~~
14 ~~of support as follows:~~

- 15 a. ~~Support to areas experienced in operating an~~
16 ~~innovation zone or decategorization project with an~~
17 ~~extensive record of success in collaboration between~~
18 ~~education, health, or human services interests.~~
19 b. ~~Support to areas experienced in operating an~~
20 ~~innovation zone or decategorization project.~~
21 c. ~~Support to areas forming an initial community~~
22 ~~empowerment area with no previous experience operating~~
23 ~~an innovation zone or decategorization project.~~

24 Sec. 4. Section 28.3, subsection 6, paragraph b,
25 Code 2005, is amended to read as follows:

- 26 b. In addition, a community empowerment office is
27 established as a division of the department of
28 management to provide a center for facilitation,

29 communication, and coordination for community
30 empowerment activities and funding and for improvement
31 of the early care, education, health, and human
32 services systems. Staffing for the community
33 empowerment office shall be provided by a facilitator
34 appointed by the governor, subject to confirmation by
35 the senate, and who serves at the pleasure of the
36 governor. A deputy and support staff may be
37 designated, subject to appropriation made for this
38 purpose. The facilitator shall submit reports to the
39 governor, the Iowa board, and the general assembly.
40 The facilitator shall provide primary staffing to the
41 board, coordinate state technical assistance
42 activities and implementation of the technical
43 assistance system, and other communication and
44 coordination functions to move authority and decision-
45 making responsibility from the state to communities
46 and individuals.

47 Sec. 5. Section 28.3, Code 2005, is amended by
48 adding the following new subsection:
49 NEW SUBSECTION. 6A. The director of the
50 department of management shall appoint an early care

Page 3

1 coordinator to coordinate efforts to improve early
2 care of young children. The coordinator shall work
3 with the community empowerment initiative and with the
4 shared visions program and other efforts to address
5 child development that are provided under the auspices
6 of the child development coordinating council under
7 chapter 256A. The coordinator shall serve as a member
8 of the community empowerment assistance team. The
9 coordinator's duties shall include but are not limited
10 to all of the following:

11 a. Developing and disseminating measures for
12 assessing the outcomes produced by the programs and
13 other efforts of the department of education and the
14 community empowerment initiative to improve early care
15 of young children, including but not limited to shared
16 visions and other programs provided under the auspices
17 of the child development coordinating council, high-
18 quality preschool programs, head start programs, and
19 school ready children grant programs. The initial
20 measures utilized shall be the individual growth and
21 development indicators developed by the early
22 childhood research institute on measuring growth and
23 development or other measures of high quality to be
24 authorized by law.

25 b. Collecting, interpreting, and disseminating
26 data collected from the measures for assessing
27 outcomes under paragraph "a". Factors subject to

28 interpretation may include area demographics, relative
29 expenditures, collaboration between programs in an
30 area, and other factors impacting the outcomes
31 produced by an individual program.

32 c. Annually issuing a report to the governor and
33 general assembly regarding the outcomes produced by
34 individual programs.

35 Sec. 6. Section 28.4, subsection 4, Code 2005, is
36 amended to read as follows:

37 4. Identify boards, commissions, committees, and
38 other bodies in state government with overlapping and
39 similar purposes which contribute to redundancy and
40 fragmentation in early care, education, health, and
41 human services programs provided to the public. The
42 board shall also make recommendations and provide an
43 annually updated strategic plan to the governor and
44 general assembly as appropriate for increasing
45 coordination between these bodies, for eliminating
46 bureaucratic duplication, for consolidation where
47 appropriate, and for improving the efficiency of
48 working with federally mandated bodies, for
49 integration of services and service quality functions
50 to achieve improved results, and for integration of

Page 4

1 state-administered funding streams directed to
2 community empowerment areas and other community-based
3 efforts for providing early care, education, health,
4 and human services.

5 Sec. 7. Section 28.4, subsection 12, Code 2005, is
6 amended by striking the subsection and inserting in
7 lieu thereof the following:

8 12. Integrate statewide quality standards and
9 results indicators adopted by other boards and
10 commissions into the Iowa empowerment board's funding
11 requirements for investments in early care, education,
12 health, and human services.

13 Sec. 8. Section 28.4, Code 2005, is amended by
14 adding the following new subsection:

15 **NEW SUBSECTION.** 13. With the assistance of the
16 state departments represented on the Iowa empowerment
17 board and the community empowerment office, develop
18 and implement requirements for community empowerment
19 areas and the state administrators of programs
20 providing early care or early care services to
21 annually report to the public and the early care
22 coordinator regarding the results produced by the
23 community empowerment initiative and by the programs.
24 Source data shall be made available to the early care
25 coordinator.

26 Sec. 9. Section 28.5, subsection 1, Code 2005, is

27 amended to read as follows:

28 1. The purpose of a community empowerment area is
29 to enable local citizens to lead collaborative efforts
30 involving early care, education, health, and human
31 services programs on behalf of the children, families,
32 and other citizens residing in the area. Leadership
33 functions may include but are not limited to strategic
34 planning for and oversight and managing of such
35 programs and the funding made available to the
36 community empowerment area for such programs from
37 federal, state, local, and private sources. The
38 initial focus of the purpose is to improve results for
39 families with young children.

40 Sec. 10. Section 28.6, subsection 1, paragraph a,
41 Code 2005, is amended to read as follows:

42 a. Community empowerment area functions shall be
43 performed under the authority of a community
44 empowerment area board. A majority of the members of
45 a community board shall be elected officials and
46 members of the public who are not employed by a
47 provider of services to or for the community board.
48 At least one member shall be a service consumer or the
49 parent of a service consumer. Terms of office of
50 community board members shall be not more than three

Page 5

1 years and the terms shall be staggered. The
2 membership of a community empowerment area board shall
3 include members with early care, education, health,
4 human services, business, faith, and public interests.

5 Sec. 11. Section 28.8, subsection 5, paragraph a,
6 Code 2005, is amended to read as follows:

7 a. A school ready children grant shall be awarded
8 to a community board for a three-year period, with
9 annual payments made to the community board. The Iowa
10 empowerment board may grant an extension from the
11 award date and any application deadlines based upon
12 the award date, to allow for a later implementation
13 date in the initial year in which a community board
14 submits a comprehensive school ready grant plan to the
15 Iowa empowerment board. However, receipt of continued
16 funding is subject to submission of the required
17 annual report and the Iowa board's determination that
18 the community board is measuring, through the use of
19 performance and results indicators developed by the
20 Iowa board with input from community boards, progress
21 toward and is achieving the desired results identified
22 in the grant plan. If progress is not measured
23 through the use of performance and results indicators
24 toward achieving the identified results, that grant
25 shall not receive any increase in funding from the

26 state and the Iowa board may request a plan of
27 corrective action or may withdraw grant funding.
28 Sec. 12. Section 28.8, subsection 5, paragraph c,
29 unnumbered paragraph 1, Code 2005, is amended to read
30 as follows:

31 A community board's readiness shall be ascertained
32 by evidence of successful collaboration among public
33 or private early care, education, ~~human services,~~ or
34 health, or human services interests or a documented
35 program design evincing a strong likelihood of leading
36 to a successful collaboration between these interests.
37 Other criteria which may be used by the Iowa board to
38 ascertain readiness and to determine funding amounts
39 include one or more of the following:

40 Sec. 13. Section 28.8, subsection 5, Code 2005, is
41 amended by adding the following new paragraph:
42 NEW PARAGRAPH. e. The Iowa empowerment board
43 shall establish and implement limits on the
44 carryforward of school ready children grant funding
45 that has been identified by the department of
46 management as being an unreasonably high amount,
47 including provision for redistribution or other
48 redirection of the funding.

49 Sec. 14. NEW SECTION. 28.10 EARLY CHILDHOOD AND
50 EARLY CARE.

Page 6

1 1. The Iowa empowerment board shall provide for
2 the operation of an internet webpage for purposes of
3 widely distributing early childhood and early care
4 information provided by the departments represented on
5 the board and the public and private agencies
6 addressing early childhood and early care issues.

7 2. Information provided on the internet webpage
8 shall include but is not limited to all of the
9 following:

10 a. The early learning standards for children ages
11 three to five proposed by the early learning standards
12 group created pursuant to federal child care and
13 development block grant requirements and with
14 assistance from the Iowa child care and early
15 education network, department of education, department
16 of human services, Iowa head start association, and
17 Iowa state university of science and technology, as
18 integrated with standards and recommendations issued
19 by the United States department of education regarding
20 early childhood cognitive development and learning and
21 preschool and research-based standards for high-
22 quality early care, including but not limited to the
23 practices identified by the institute of education
24 sciences of the United States department of education.

25 As early learning standards are identified in law, the
 26 proposed standards posted on the webpage shall be
 27 replaced with the standards identified in law.

28 b. A link to a special webpage directed to
 29 parents, including parent-specific information on
 30 early childhood and early care, information regarding
 31 the tuition tax credit for early childhood development
 32 expenses under section 422.12, and links to other
 33 resources available on the internet and from other
 34 sources.

35 c. Program standards for early childhood or early
 36 care that have been approved by state agencies.

37 3. The Iowa empowerment board shall include
 38 information regarding the extent and frequency of
 39 usage of the webpage or webpages in the board's annual
 40 report to the governor and general assembly.

41 Sec. 15. NEW SECTION. 279.60 KINDERGARTEN
 42 ASSESSMENT.

43 Each school district shall administer the dynamic
 44 indicators of basic early literacy skills kindergarten
 45 benchmark assessment to every kindergarten student
 46 enrolled in the district not later than October 1.
 47 The school district shall also collect information
 48 from each parent, guardian, or legal custodian of a
 49 kindergarten student enrolled in the district,
 50 including but not limited to whether the student

Page 7

1 attended preschool, factors identified by the early
 2 care coordinator pursuant to section 28.3, and other
 3 demographic factors. Each school district shall
 4 report the results of the assessment and the preschool
 5 information collected to the department of education
 6 in the manner prescribed by the department not later
 7 than January 1 of that school year. The early care
 8 coordinator appointed pursuant to section 28.3 shall
 9 have access to the raw data. The department shall
 10 review the information submitted pursuant to this
 11 section and shall submit its findings and
 12 recommendations annually in a report to the governor,
 13 the general assembly, the Iowa empowerment board, and
 14 the community empowerment area boards.

DIVISION II

CHILD CARE QUALITY RATING

17 Sec. 16. Section 237A.30, Code 2005, is amended by
 18 striking the section and inserting in lieu thereof the
 19 following:

20 237A.30 CHILD CARE QUALITY RATING SYSTEM.

21 1. The department shall work with the community
 22 empowerment office of the department of management
 23 established in section 28.3 and the state child care

24 advisory council in designing and implementing a
25 quality rating system for each provider type of child
26 care facility.

27 2. The quality rating system shall be voluntary
28 and composed of multiple ratings based upon the rating
29 criteria adopted for the system. The initial system
30 shall provide for five levels; however, the department
31 may periodically revise the system to change the
32 number of levels and make other changes to improve the
33 system. The department shall identify the period for
34 which a rating is awarded and the means by which a
35 rating may be withdrawn or modified.

36 3. The criteria utilized for the rating system may
37 include but are not limited to any of the following:
38 facility type; provider staff experience, education,
39 training, and credentials; facility director education
40 and training; an environmental rating score or other
41 direct assessment environmental methodology; national
42 accreditation; facility history of compliance with law
43 and rules; child-to-staff ratio; curriculum, including
44 the extent to which the curriculum focuses on the
45 stages of child development and on child outcomes;
46 business practices; staff retention rates; evaluation
47 of staff members and program practices; staff
48 compensation and benefit practices; provider and staff
49 membership in professional early childhood
50 organizations; and parental involvement with the

Page 8

1 facility.

2 4. The department may directly administer or
3 contract for the administration of the quality rating
4 system. A facility's quality rating may be included
5 on the internet page and in the consumer information
6 provided by the department pursuant to section 237A.25
7 and shall be identified in the child care provider
8 referrals made by child care resource and referral
9 service grantees under section 237A.26.

10 5. For reimbursement paid under the state child
11 care assistance program established in section
12 237A.13, the department may implement a reimbursement
13 rate methodology applicable to child care facilities
14 participating in the rating system in which the
15 reimbursement rate varies based upon the rating of a
16 facility. A reimbursement rate methodology applicable
17 to child care facilities shall not cause a child care
18 facility to receive a lower reimbursement rate than
19 was paid under the prior methodology. In addition, as
20 part of the quality rating system, the department may
21 pay an achievement bonus to providers that are awarded
22 a quality rating.

23 Sec. 17. PHASED IMPLEMENTATION.

24 1. Effective July 1, 2005, the department of human
 25 services shall no longer accept applications for the
 26 gold seal quality designation for child care providers
 27 under section 237A.30, Code 2005. However, if a child
 28 care provider has been awarded the designation prior
 29 to July 1, 2005, the designation may continue to be
 30 utilized for that provider until the designated period
 31 of nationally recognized accreditation for which the
 32 gold seal designation was awarded has ended.

33 2. The department of human services shall commence
 34 implementation of the child care quality rating system
 35 under section 237A.30, as amended by this division of
 36 this Act, by awarding ratings beginning on or after
 37 January 1, 2006. The department may modify
 38 implementation of the rating system and the rating
 39 system itself as necessary to conform to the funding
 40 made available for the rating system for the fiscal
 41 year beginning July 1, 2005.

42 DIVISION III

43 EARLY CHILDHOOD TAX CREDIT

44 Sec. 18. Section 422.12, subsection 2, Code 2005,
 45 is amended to read as follows:

46 2. a. A tuition credit equal to twenty-five
 47 percent of the first one thousand dollars which the
 48 taxpayer has paid to others for each dependent in
 49 grades kindergarten through twelve, for tuition and
 50 textbooks of each dependent in attending an elementary

Page 9

1 or secondary school situated in Iowa, which school is
 2 accredited or approved under section 256.11, which is
 3 not operated for profit, and which adheres to the
 4 provisions of the federal Civil Rights Act of 1964 and
 5 chapter 216.

6 (1) As used in this subsection ~~paragraph "a",~~
 7 "textbooks" means books and other instructional
 8 materials and equipment used in elementary and
 9 secondary schools in teaching only those subjects
 10 legally and commonly taught in public elementary and
 11 secondary schools in this state and does not include
 12 instructional books and materials used in the teaching
 13 of religious tenets, doctrines, or worship, the
 14 purpose of which is to inculcate those tenets,
 15 doctrines, or worship. "Textbooks" includes books or
 16 materials used for extracurricular activities
 17 including sporting events, musical or dramatic events,
 18 speech activities, driver's education, or programs of
 19 a similar nature. ~~Notwithstanding any other~~
 20 ~~provision, all other credits allowed under this~~
 21 ~~section and section 422.12B shall be deducted before~~

22 ~~the tuition credit under this subsection.—The~~
23 ~~department, when conducting an audit of a taxpayer's~~
24 ~~return, shall also audit the tuition tax credit~~
25 ~~portion of the tax return.~~

26 (2) As used in this subsection paragraph "a",
27 "tuition" means any charges for the expenses of
28 personnel, buildings, equipment and materials other
29 than textbooks, and other expenses of elementary or
30 secondary schools which relate to the teaching only of
31 those subjects legally and commonly taught in public
32 elementary and secondary schools in this state and
33 which do not relate to the teaching of religious
34 tenets, doctrines, or worship, the purpose of which is
35 to inculcate those tenets, doctrines, or worship.

36 "Tuition" includes those expenses which relate to
37 extracurricular activities including sporting events,
38 musical or dramatic events, speech activities,
39 driver's education, or programs of a similar nature.

40 b. In addition to the tuition credit authorized in
41 paragraph "a", a tuition credit equal to twenty-five
42 percent of the first one thousand dollars which the
43 taxpayer has paid to others for each dependent ages
44 three through five for early childhood development
45 expenses. As used in this subsection, "early
46 childhood development expenses" means services
47 provided to the dependent by a preschool, as defined
48 in section 237A.1, materials, and other activities as
49 follows:

50 (1) Books that improve child development.

Page 10

1 including textbooks, music books, art books, teacher's
2 editions, and reading books.

3 (2) Instructional materials required to be used in
4 a child development or educational lesson activity,
5 including but not limited to paper, notebooks,
6 pencils, and art supplies.

7 (3) Lesson plans and curricula.

8 (4) Child development and educational activities
9 outside the home, including drama, art, music, and
10 museum activities, and the entrance fees for such
11 activities, but not including food or lodging,
12 membership fees, or other nonacademic expenses.

13 "Early childhood development expenses" does not
14 include services, materials, or activities for the
15 teaching of religious tenets, doctrines, or worship,
16 the purpose of which is to inculcate those tenets,
17 doctrines, or worship.

18 c. Each taxpayer intending to claim a credit under
19 paragraph "b" shall apply for the credit by filing a
20 notice with the department by January 21 following the

21 end of the tax year to which the credit is applicable.
22 The notice shall provide supporting documentation as
23 required by the department. The department shall
24 compute the total amount of credits contained in the
25 notices received by the department. The total amount
26 of credits that may be approved for any fiscal year
27 for purposes of paragraph "b" is limited to five
28 million dollars. If tax credits under paragraph "b"
29 exceed this limit, the amount of credit available to
30 each taxpayer shall be prorated. The department shall
31 notify the taxpayer of the amount of the taxpayer's
32 credit by February 28 following the deadline for
33 receipt of the notice.
34 d. Notwithstanding any other provision, all other
35 credits allowed under this section and section 422.12B
36 shall be deducted before the tuition credits under
37 this subsection. The department, when conducting an
38 audit of a taxpayer's return, shall also audit the
39 tuition tax credit portion of the tax return.
40 Sec. 19. APPLICABILITY DATE. This division of
41 this Act applies to tax years beginning on or after
42 January 1, 2006."
43 2. Title page, by striking lines 1 through 5 and
44 inserting the following: "An Act relating to
45 improvement of the early care, child care services,
46 education, health, and human services systems under
47 the oversight of the departments of education and
48 human services, the Iowa empowerment board, and the
49 child development coordinating council, expanding the
50 tuition and textbook tax credit, and providing an

Page 11

- 1 applicability date."
- 2 3. By renumbering as necessary.

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

The House resumed session at 10:51 a.m., Speaker Rants in the chair.

Gipp of Winneshiek asked and received unanimous consent that House File 761 be deferred and that the bill retain its place on the calendar.

Gipp of Winneshiek asked unanimous consent to suspend the rules for the immediate consideration of Senate File 342.

Objection was raised.

Gipp of Winneshiek moved to suspend the rules for the immediate consideration of Senate File 342.

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

On the question "Shall the rules be suspended?"

The ayes were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Mr. Speaker		
	Rants		

The nays were, 50:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Tomenga	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach		

Absent or not voting, none.

The motion to suspend the rules lost.

The House stood at ease at 10:59 a.m., until the fall of the gavel.

The House resumed session at 11:17 a.m., Speaker Rants in the chair.

SENATE AMENDMENT CONSIDERED

The House resumed consideration of **House File 761**, a bill for an act relating to children's programs by collocating early childhood programs available through the community empowerment initiative and requiring the department of human services to develop and implement a voluntary child care quality rating system and the Senate amendment H-1634 found on pages 1768 through 1778 of the House Journal.

Hogg of Linn offered amendment H-1639, to the Senate amendment H-1634, filed by him from the floor and requested division as follows:

H-1639

- 1 Amend the Senate amendment, H-1634, to House File
- 2 761, as amended, passed, and reprinted by the House,
- 3 as follows:

H-1639A

- 4 1. Page 8, by inserting after line 43 the
- 5 following:
- 6 "Sec. ____ Section 422.12, unnumbered paragraph 1,
- 7 Code 2005, is amended to read as follows:
- 8 There Except as otherwise provided in subsection 2,
- 9 paragraph "b", there shall be deducted from but not to
- 10 exceed the tax, after the same shall have been
- 11 computed as provided in this division, the following:"

H-1639B

- 12 2. Page 10, by striking lines 29 and 30 and
- 13 inserting the following: "exceed this limit the
- 14 taxpayers that shall receive the full amount of the
- 15 credit shall be determined under the procedures
- 16 established by rule of the department. The remaining
- 17 taxpayers shall receive their credits for the
- 18 subsequent fiscal year, subject to the maximum credit
- 19 limitation. The department shall".

H-1639A

- 20 3. Page 10, by inserting before line 34, the
- 21 following:

22 "cc. Any credit under paragraph "b" that is in
 23 excess of the taxpayer's tax liability shall be
 24 refunded. In lieu of claiming a refund, the taxpayer
 25 may elect to have the overpayment shown on the
 26 taxpayer's final, completed return credited to the tax
 27 liability for the following tax year."

H-1639

28 4. By renumbering as necessary.

Gipp of Winneshiek asked and received unanimous consent to defer House File 761 and that the bill retain its place on the calendar. (Amendment H-1639A pending.)

SENATE AMENDMENT CONSIDERED

Paulsen of Linn called up for consideration **House File 619**, a bill for an act relating to persons convicted of criminal offenses requiring registration on the sex offender registry or requiring an additional indeterminate sentence, establishing a sex offender registry database task force, and providing penalties, amended by the Senate amendment H-1628:

H-1628

1 Amend House File 619, 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 "DIVISION I
 6 DNA PROFILING
 7 Section 1. NEW SECTION. 81.1 DEFINITIONS.
 8 As used in this chapter, unless the context
 9 otherwise requires:
 10 1. "DNA" means deoxyribonucleic acid.
 11 2. "DNA databank" means the repository for DNA
 12 samples obtained pursuant to section 81.4.
 13 3. "DNA database" means the collection of DNA
 14 profiles and DNA records.
 15 4. "DNA profile" means the objective form of the
 16 results of DNA analysis performed on a DNA sample.
 17 The results of all DNA identification analysis on an
 18 individual's DNA sample are also collectively referred
 19 to as the DNA profile of an individual.
 20 5. "DNA profiling" means the procedure established
 21 by the division of criminal investigation, department
 22 of public safety, for determining a person's genetic
 23 identity.
 24 6. "DNA record" means the DNA sample and DNA
 25 profile, and other records in the DNA database and DNA

26 data bank used to identify a person.

27 7. "DNA sample" means a biological sample provided
28 by any person required to submit a DNA sample or a DNA
29 sample submitted for any other purpose under section
30 81.4.

31 8. "Person required to submit a DNA sample" means
32 a person convicted, adjudicated delinquent, receiving
33 a deferred judgment, or found not guilty by reason of
34 insanity of an offense requiring DNA profiling
35 pursuant to section 81.2. "Person required to submit
36 a DNA sample" also means a person determined to be a
37 sexually violent predator pursuant to section 229A.7.

38 Sec. 2. NEW SECTION. 81.2 PERSONS REQUIRED TO
39 SUBMIT A DNA SAMPLE.

40 1. A person who receives a deferred judgment for a
41 felony or against whom a judgment or conviction for a
42 felony has been entered shall be required to submit a
43 DNA sample for DNA profiling pursuant to section 81.4.

44 2. A person determined to be a sexually violent
45 predator pursuant to chapter 229A shall be required to
46 submit a DNA sample for DNA profiling pursuant to
47 section 81.4 prior to discharge or placement in a
48 transitional release program.

49 3. A person found not guilty by reason of insanity
50 of an offense that requires DNA profiling shall be

Page 2

1 required to submit a DNA sample for DNA profiling
2 pursuant to section 81.4 as part of the person's
3 treatment management program.

4 4. A juvenile adjudicated delinquent of an offense
5 that requires DNA profiling of an adult offender shall
6 be required to submit a DNA sample for DNA profiling
7 pursuant to section 81.4 as part of the disposition of
8 the juvenile's case.

9 5. An offender placed on probation shall
10 immediately report to the judicial district department
11 of correctional services after sentencing so it can be
12 determined if the offender has been convicted of an
13 offense requiring DNA profiling. If it is determined
14 by the judicial district that DNA profiling is
15 required, the offender shall immediately submit a DNA
16 sample.

17 6. A person required to register as a sex
18 offender.

19 Sec. 3. NEW SECTION. 81.3 ESTABLISHMENT OF DNA
20 DATABASE AND DNA DATABANK.

21 1. A state DNA database and a state DNA databank
22 are established under the control of the division of
23 criminal investigation, department of public safety.
24 The division of criminal investigation shall conduct

25 DNA profiling of a DNA sample submitted in accordance
26 with this section.

27 2. A DNA sample shall be submitted, and the
28 division of criminal investigation shall store and
29 maintain DNA records in the DNA database and DNA
30 databank for persons required to submit a DNA sample.

31 3. A DNA sample may be submitted, and the division
32 of criminal investigation shall store and maintain DNA
33 records in the DNA database and DNA databank for any
34 of the following:

35 a. Crime scene evidence and forensic casework.

36 b. A relative of a missing person.

37 c. An anonymous DNA profile used for forensic
38 validation, forensic protocol development, or quality
39 control purposes, or for the establishment of a
40 population statistics database.

41 4. A fingerprint record of a person required to
42 submit a DNA sample shall also be submitted to the
43 division of criminal investigation with the DNA sample
44 to verify the identity of the person required to
45 submit a DNA sample.

46 Sec. 4. **NEW SECTION. 81.4 COLLECTING,
47 SUBMITTING, ANALYZING, IDENTIFYING, AND STORING DNA
48 SAMPLES AND DNA RECORDS.**

49 1. The division of criminal investigation shall
50 adopt rules for the collection, submission, analysis,

Page 3

1 identification, storage, and disposition of DNA
2 records.

3 2. A supervising agency having control, custody,
4 or jurisdiction over a person shall collect a DNA
5 sample from a person required to submit a DNA sample.

6 The supervising agency shall collect a DNA sample,
7 upon admittance to the pertinent institution or
8 facility, of the person required to submit a DNA
9 sample or at a determined date and time set by the
10 supervising agency. If a person required to submit a
11 DNA sample is confined at the time a DNA sample is
12 required, the person shall submit a DNA sample as soon
13 as practicable. If a person required to submit a DNA
14 sample is not confined after the person is required to
15 submit a DNA sample, the supervising agency shall
16 determine the date and time to collect the DNA sample.

17 3. A person required to submit a DNA sample who
18 refuses to submit a DNA sample may be subject to
19 contempt proceedings pursuant to chapter 665 until the
20 DNA sample is submitted.

21 4. The division of criminal investigation shall
22 conduct DNA profiling on a DNA sample or may contract
23 with a private entity to conduct the DNA profiling.

24 Sec. 5. NEW SECTION. 81.5 CIVIL AND CRIMINAL
25 LIABILITY – LIMITATION.

26 A person who collects a DNA sample shall not be
27 civilly or criminally liable for the collection of the
28 DNA sample if the person performs the person's duties
29 in good faith and in a reasonable manner according to
30 generally accepted medical practices or in accordance
31 with the procedures set out in the administrative
32 rules of the department of public safety adopted
33 pursuant to section 81.4.

34 Sec. 6. NEW SECTION. 81.6 CRIMINAL OFFENSE.

35 1. A person who knowingly or intentionally does
36 any of the following commits an aggravated
37 misdemeanor:

38 a. Discloses any part of a DNA record to a person
39 or agency that is not authorized by the division of
40 criminal investigation to have access to the DNA
41 record.

42 b. Uses or obtains a DNA record for a purpose
43 other than what is authorized under this chapter.

44 2. A person who knowingly or intentionally alters
45 or attempts to alter a DNA sample, falsifies the
46 source of a DNA sample, or materially alters a
47 collection container used to collect the DNA sample,
48 commits a class "D" felony.

49 Sec. 7. NEW SECTION. 81.7 CONVICTION OR ARREST
50 NOT INVALIDATED.

Page 4

1 The detention, arrest, or conviction of a person
2 based upon a DNA database match is not invalidated if
3 it is determined that the DNA sample or DNA profile
4 was obtained or placed into the DNA database by
5 mistake or error.

6 Sec. 8. NEW SECTION. 81.8 CONFIDENTIAL RECORDS.

7 1. A DNA record shall be considered a confidential
8 record and disclosure of a DNA record is only
9 authorized pursuant to this section.

10 2. Confidential DNA records under this section may
11 be released to the following agencies for law
12 enforcement identification purposes:

13 a. Any criminal or juvenile justice agency as
14 defined in section 692.1.

15 b. Any criminal or juvenile justice agency in
16 another jurisdiction that meets the definition of a
17 criminal or juvenile justice agency as defined in
18 section 692.1.

19 3. The division of criminal investigation shall
20 share the DNA record information with the appropriate
21 federal agencies for use in a national DNA database.

22 4. A DNA record or other forensic information

23 developed pursuant to this chapter may be released for
24 use in a criminal or juvenile delinquency proceeding
25 in which the state is a party and where the DNA record
26 or forensic information is relevant and material to
27 the subject of the proceeding. Such a record or
28 information may become part of a public transcript or
29 other public recording of such a proceeding.

30 5. A DNA record or other forensic information may
31 be released pursuant to a court order for criminal
32 defense purposes to a defendant, who shall have access
33 to DNA samples and DNA profiles related to the case in
34 which the defendant is charged.

35 Sec. 9. NEW SECTION. 81.9 EXPUNGEMENT OF DNA
36 RECORDS.

37 1. A person whose DNA record has been included in
38 the DNA database or DNA databank established pursuant
39 to section 81.3 may request, in writing to the
40 division of criminal investigation, expungement of the
41 DNA record from the DNA database and DNA databank
42 based upon the person's conviction, adjudication, or
43 civil commitment which caused the submission of the
44 DNA sample being reversed on appeal and the case
45 dismissed. The written request shall contain a
46 certified copy of the final court order reversing the
47 conviction, adjudication, or civil commitment, and a
48 certified copy of the dismissal, and any other
49 information necessary to ascertain the validity of the
50 request.

Page 5

1 2. The division of criminal investigation, upon
2 receipt of a written request that validates reversal
3 on appeal of a person's conviction, adjudication, or
4 commitment, and subsequent dismissal of the case, or
5 upon receipt of a written request by a person who
6 voluntarily submitted a DNA sample under section 81.3,
7 subsection 3, paragraph "b", or upon receipt of a
8 written request by a person who voluntarily submitted
9 a DNA sample pursuant to section 81.3, subsection 3,
10 paragraph "b", shall expunge all of the DNA records
11 and identifiable information of the person in the DNA
12 database and DNA databank. However, if the division
13 of criminal investigation determines that the person
14 is otherwise obligated to submit a DNA sample, the DNA
15 records shall not be expunged. If the division of
16 criminal investigation denies an expungement request,
17 the division shall notify the person requesting the
18 expungement of the decision not to expunge the DNA
19 record and the reason supporting its decision. The
20 division of criminal investigation decision is subject
21 to judicial review pursuant to chapter 17A. The

22 department of public safety shall adopt rules
23 governing the expungement procedure and a review
24 process.

25 3. The division of criminal investigation is not
26 required to expunge or destroy a DNA record pursuant
27 to this section, if expungement or destruction of the
28 DNA record would destroy evidence related to another
29 person.

30 Sec. 10. NEW SECTION. 81.10 DNA PROFILING AFTER
31 CONVICTION.

32 1. A defendant who has been convicted of a felony
33 and who has not been required to submit a DNA sample
34 for DNA profiling may make a motion to the court for
35 an order to require that DNA analysis be performed on
36 evidence collected in the case for which the person
37 stands convicted.

38 2. The motion shall state the following:

39 a. The specific crimes for which the defendant
40 stands convicted in this case.

41 b. The facts of the underlying case, as proven at
42 trial or admitted to during a guilty plea proceeding.

43 c. Whether any of the charges include sexual abuse
44 or involve sexual assault, and if so, whether a sexual
45 assault examination was conducted and evidence
46 preserved, if known.

47 d. Whether identity was at issue or contested by
48 the defendant.

49 e. Whether the defendant offered an alibi, and if
50 so, testimony corroborating the alibi and, from whom.

Page 6

1 f. Whether eyewitness testimony was offered, and
2 if so from whom.

3 g. Whether any issues of police or prosecutor
4 misconduct have been raised in the past or are being
5 raised by the motion.

6 h. The type of inculpatory evidence admitted into
7 evidence at trial or admitted to during a guilty plea
8 proceeding.

9 i. Whether blood testing or other biological
10 evidence testing was conducted previously in
11 connection with the case and, if so, by whom and to
12 the result, if known.

13 j. What biological evidence exists and, if known,
14 the agency or laboratory storing the evidence that the
15 defendant seeks to have tested.

16 k. Why the requested analysis of DNA evidence is
17 material to the issue in the case and not merely
18 cumulative or impeaching.

19 l. Why the DNA evidence would have changed the
20 outcome of the trial or invalidated a guilty plea if

21 DNA profiling had been conducted prior to the
22 conviction.

23 3. A motion filed under this section shall be
24 filed in the county where the defendant was convicted,
25 and notice of the motion shall be served by certified
26 mail upon the county attorney and, if known, upon the
27 state, local agency, or laboratory holding evidence
28 described in subsection 2, paragraph "k". The county
29 attorney shall have sixty days to file an answer to
30 the motion.

31 4. Any DNA profiling of the defendant or other
32 biological evidence testing conducted by the state or
33 by the defendant shall be disclosed and the results of
34 such profiling or testing described in the motion or
35 answer.

36 5. If the evidence requested to be tested was
37 previously subjected to DNA or other biological
38 analysis by either party, the court may order the
39 disclosure of the results of such testing, including
40 laboratory reports, notes, and underlying data, to the
41 court and the parties.

42 6. The court may order a hearing on the motion to
43 determine if evidence should be subjected to DNA
44 analysis.

45 7. The court shall grant the motion if all of the
46 following apply:

47 a. The evidence subject to DNA testing is
48 available and in a condition that will permit
49 analysis.

50 b. A sufficient chain of custody has been

Page 7

1 established for the evidence.

2 c. The identity of the person who committed the
3 crime for which the defendant was convicted was a
4 significant issue in the crime for which the defendant
5 was convicted.

6 d. The evidence subject to DNA analysis is
7 material to, and not merely cumulative or impeaching
8 of, evidence included in the trial record or admitted
9 to at a guilty plea proceeding.

10 e. DNA analysis of the evidence would raise a
11 reasonable probability that the defendant would not
12 have been convicted if DNA profiling had been
13 available at the time of the conviction and had been
14 conducted prior to the conviction.

15 8. Upon the court granting a motion filed pursuant
16 to this section, DNA analysis of evidence shall be
17 conducted within the guidelines generally accepted by
18 the scientific community. The defendant shall provide
19 DNA samples for testing if requested by the state.

20 9. Results of DNA analysis conducted pursuant to
21 this section shall be reported to the parties and to
22 the court and may be provided to the board of parole,
23 department of corrections, and criminal and juvenile
24 justice agencies, as defined in section 692.1, for use
25 in the course of investigations and prosecutions, and
26 for consideration in connection with requests for
27 parole, pardon, reprieve, and commutation. DNA
28 samples obtained pursuant to this section may be
29 included in the DNA databank, and DNA profiles and DNA
30 records developed pursuant to this section may be
31 included in the DNA database.

32 10. A criminal or juvenile justice agency, as
33 defined in section 692.1, shall maintain DNA samples
34 and evidence that could be tested for DNA for a period
35 of three years beyond the limitations for the
36 commencement of criminal actions as set forth in
37 chapter 802. This section does not create a cause of
38 action for damages or a presumption of spoliation in
39 the event evidence is no longer available for testing.

40 11. If the court determines a defendant who files
41 a motion under this section is indigent, the defendant
42 shall be entitled to appointment of counsel as
43 provided in chapter 815.

44 12. If the court determines after DNA analysis
45 ordered pursuant to this section that the results
46 indicate conclusively that the DNA profile of the
47 defendant matches the profile from the analyzed
48 evidence used against the defendant, the court may
49 order the defendant to pay the costs of these
50 proceedings, including costs of all testing, court

Page 8

1 costs, and costs of court-appointed counsel, if any.

2 Sec. 11. Section 229A.7, Code 2005, is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. 5A. If the court or jury
5 determines that the respondent is a sexually violent
6 predator, the court shall order the respondent to
7 submit a DNA sample for DNA profiling pursuant to
8 section 81.4.

9 Sec. 12. Section 232.52, Code 2005, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 10. The court shall order a
12 juvenile adjudicated a delinquent for an offense that
13 requires DNA profiling under section 81.2 to submit a
14 DNA sample for DNA profiling pursuant to section 81.4.

15 Sec. 13. Section 669.14, Code 2005, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 15. Any claim arising from or
18 related to the collection of a DNA sample for DNA

19 profiling pursuant to section 81.4 or a DNA profiling
20 procedure performed by the division of criminal
21 investigation, department of public safety.

22 Sec. 14. Section 901.5, subsection 8A, Code 2005,
23 is amended to read as follows:

24 8A. a. The court shall order DNA profiling of a
25 defendant convicted of an offense that requires
26 profiling under section ~~13.10~~ 81.2.

27 b. Notwithstanding section ~~13.10~~ 81.2, the court
28 may order the defendant to provide a physical specimen
29 DNA sample to be submitted for DNA profiling if
30 appropriate. In determining the appropriateness of
31 ordering DNA profiling, the court shall consider the
32 deterrent effect of DNA profiling, the likelihood of
33 repeated offenses by the defendant, and the
34 seriousness of the offense.

35 Sec. 15. Section 906.4, unnumbered paragraph 3,
36 Code 2005, is amended to read as follows:

37 ~~Notwithstanding section 13.10, the~~ The board may
38 order the defendant to provide a physical specimen of
39 be submitted for DNA profiling as a condition of
40 parole or work release, if ~~appropriate~~ a DNA profile
41 has not been previously conducted pursuant to chapter
42 81. In determining the appropriateness of ordering
43 DNA profiling, the board shall consider the deterrent
44 effect of DNA profiling, the likelihood of repeated
45 offenses by the defendant, and the seriousness of the
46 offense.

47 Sec. 16. 2002 Iowa Acts, chapter 1080, is
48 repealed.

49 Sec. 17. Section 13.10, Code 2005, is repealed.

50 Sec. 18. PERSONS REQUIRED TO SUBMIT A DNA SAMPLE

Page 9

1 PRIOR TO EFFECTIVE DATE OF THIS DIVISION OF THIS ACT.

2 A person convicted, adjudicated a delinquent, civilly
3 committed as a sexually violent predator, or found not
4 guilty by reason of insanity, prior to the effective
5 date of this Act, who would otherwise be required to
6 submit a DNA sample under this Act, and who is under
7 the custody, control, or jurisdiction of a supervising
8 agency, shall submit a DNA sample prior to being
9 released from the supervising agency's custody,
10 control, or jurisdiction.

11 Sec. 19. EFFECTIVE DATE. This division of this
12 Act, being deemed of immediate importance, takes
13 effect upon enactment.

14 DIVISION II

15 SEX OFFENDER REGISTRY - TREATMENT - STUDY

16 Sec. 20. Section 232.68, subsection 2, Code 2005,
17 is amended by adding the following new paragraph:

18 NEW PARAGRAPH. i. Cohabitation with a person on
19 the sex offender registry under chapter 692A in
20 violation of section 726.6.

21 Sec. 21. Section 692A.1, subsection 8, Code 2005,
22 is amended to read as follows:

23 8. "Residence" means the place where a person
24 sleeps, which may include more than one location, and
25 may be mobile or transitory, including a shelter or
26 group home.

27 Sec. 22. Section 692A.2, Code 2005, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 1A. If a person is required to
30 register for a period of ten years under subsection 1
31 and the period under subsection 1 has expired, the
32 person shall be required to remain on the registry if
33 the person has been sentenced to a special sentence as
34 required under section 903B.0A or 903B.0B, for a
35 period equal to the term of the special sentence.

36 Sec. 23. Section 692A.4, Code 2005, is amended to
37 read as follows:

38 692A.4 VERIFICATION OF ADDRESS AND TAKING OF
39 PHOTOGRAPH.

40 1. The address of a person required to register
41 under this chapter shall be verified annually as
42 follows:

43 a. On a date which falls within the month in which
44 the person was initially required to register, the
45 department shall mail a verification form to the last
46 reported address of the person. Verification forms
47 shall not be forwarded to the person who is required
48 to register under this chapter if the person no longer
49 resides at the address, but shall be returned to the
50 department.

Page 10

1 b. The person shall complete and mail the
2 verification to the department within ten days of
3 receipt of the form.

4 c. The verification form shall be signed by the
5 person, and state the address at which the person
6 resides. If the person is in the process of changing
7 residences, the person shall state that fact as well
8 as the old and new addresses or places of residence.

9 2. Verification of address for a person who has
10 been convicted of an offense under the laws of this
11 state or of another state which would qualify the
12 person as a sexually violent predator shall be
13 accomplished in the same manner as in subsection 1,
14 except that the verification shall be done every three
15 months at times established by the department.

16 3. A photograph of a person required to register

17 under this chapter shall be updated, at a minimum,
18 annually. When the department mails the address
19 verification notice in subsection 1, the department
20 shall also enclose a form informing the person to
21 annually submit to being photographed by the sheriff
22 of the county of the person's residence within ten
23 days of receipt of the address verification form. The
24 sheriff shall send the updated photograph to the
25 department within ten days of the photograph being
26 taken and the department shall post the updated
27 photograph on the sex offender registry's web page.
28 The sheriff may require the person to submit to being
29 photographed by the sheriff more than once a year by
30 mailing another notice informing the person to submit
31 to being photographed.

32 Sec. 24. NEW SECTION. 692A.4A ELECTRONIC
33 MONITORING.

34 A person required to register under this chapter
35 who is placed on probation, parole, work release,
36 special sentence, or any other type of conditional
37 release, may be supervised by an electronic tracking
38 and monitoring system in addition to any other
39 conditions of supervision.

40 Sec. 25. Section 692A.5, subsection 1, Code 2005,
41 is amended by adding the following new paragraph:
42 NEW PARAGRAPH. i. Inform the person that the
43 person must, at a minimum, annually submit to being
44 photographed by the sheriff of the county of the
45 person's residence.

46 Sec. 26. Section 692A.13, subsection 3, Code 2005,
47 is amended to read as follows:

48 3. Any member of the public may contact a county
49 sheriff's office or police department to request
50 relevant information from the registry regarding a

Page 11

1 specific person required to register under this
2 chapter. ~~The request for information shall be in~~
3 ~~writing, and~~ A person making a request for relevant
4 information may make the request by telephone, in
5 writing, or in person, and the request shall include
6 the name of the person and at least one of the
7 following identifiers pertaining to the person about
8 whom the information is sought:
9 a. The date of birth of the person.
10 b. The social security number of the person.
11 c. The address of the person.
12 A county sheriff or police department shall not
13 charge a fee relating to a request for relevant
14 information.

15 Sec. 27. Section 692A.13, subsection 2, paragraph

16 b, Code 2005, is amended to read as follows:

17 b. The general public, including public and
18 private agencies, organizations, public places, ~~public~~
19 ~~and private schools~~, child care facilities, religious
20 and youth organizations, neighbors, neighborhood
21 associations, community meetings, and employers.
22 Registry information may be distributed to the public
23 through printed materials, visual or audio press
24 releases, radio communications, or through a criminal
25 or juvenile justice agency's web page.

26 Sec. 28. Section 692A.13, Code 2005, is amended by
27 adding the following new subsection:

28 NEW SUBSECTION. 2A. When a person required to
29 register under this chapter moves into a school
30 district or moves within a school district, the county
31 sheriff of the county of the person's new residence
32 shall provide relevant information from the sex
33 offender registry to the administrative office of the
34 school district in which the person required to
35 register resides, and shall also provide relevant
36 information to any private school near the person's
37 residence.

38 Sec. 29. Section 692A.13, subsection 5, Code 2005,
39 is amended to read as follows:

40 5. Relevant information provided to the general
41 public may include the offender's name, address, a
42 photograph, locations frequented by the offender,
43 relevant criminal history information from the
44 registry, and any other relevant information.
45 Relevant information provided to the public shall not
46 include the identity of any victim. For purposes of
47 inclusion in the sex offender registry's web page or
48 dissemination to the general public, a conviction for
49 incest shall be disclosed as either a violation of
50 section 709.4 or 709.8.

Page 12

1 Sec. 30. Section 726.6, subsection 1, Code 2005,
2 is amended by adding the following new paragraph:
3 NEW PARAGRAPH. h. Cohabits with a person after
4 knowing the person is required to register or is on
5 the sex offender registry as a sex offender under
6 chapter 692A. However, this paragraph does not apply
7 to a person who is a parent, guardian, or a person
8 having custody or control over a child or a minor who
9 is required to register as a sex offender.

10 Sec. 31. Section 903A.2, subsection 1, paragraph
11 a, Code 2005, is amended to read as follows:

12 a. Category "A" sentences are those sentences
13 which are not subject to a maximum accumulation of
14 earned time of fifteen percent of the total sentence

15 of confinement under section 902.12. To the extent
16 provided in subsection 5, category "A" sentences also
17 include life sentences imposed under section 902.1.
18 An inmate of an institution under the control of the
19 department of corrections who is serving a category
20 "A" sentence is eligible for a reduction of sentence
21 equal to one and two-tenths days for each day the
22 inmate demonstrates good conduct and satisfactorily
23 participates in any program or placement status
24 identified by the director to earn the reduction. The
25 programs include but are not limited to the following:

26 (1) Employment in the institution.

27 (2) Iowa state industries.

28 (3) An employment program established by the
29 director.

30 (4) A treatment program established by the
31 director.

32 (5) An inmate educational program approved by the
33 director.

34 However, an inmate required to participate in a sex
35 offender treatment program shall not be eligible for a
36 reduction of sentence unless the inmate participates
37 in and completes a sex offender treatment program
38 established by the director.

39 An inmate serving a category "A" sentence is
40 eligible for an additional reduction of sentence of up
41 to three hundred sixty-five days of the full term of
42 the sentence of the inmate for exemplary acts. In
43 accordance with section 903A.4, the director shall by
44 policy identify what constitutes an exemplary act that
45 may warrant an additional reduction of sentence.

46 Sec. 32. Section 903B.1, Code 2005, is amended by
47 adding the following new subsection:

48 NEW SUBSECTION. 7. A person who administers
49 medroxyprogesterone acetate or any other
50 pharmaceutical agent shall not be liable for civil

Page 13

1 damages for administering such pharmaceutical agents
2 pursuant to this chapter.

3 Sec. 33. SEX OFFENDER INTERIM STUDY COMMITTEE.

4 The legislative council is requested to authorize a
5 study for the 2005 legislative interim on sexual
6 abuse-related criminal offenses and the sex offender
7 registry. The study recommendations and findings
8 shall include but are not limited to identifying
9 possible changes to sexual abuse-related offenses and
10 the sex offender registry. The study report,
11 including findings and recommendations, shall be
12 submitted to the general assembly for consideration
13 during the 2006 legislative session. The study shall

14 be conducted by a study committee consisting of up to
 15 nine members of the general assembly. A chairperson
 16 or co-chairpersons shall be designated by the
 17 legislative council.

18 DIVISION III

19 ENHANCED CRIMINAL PENALTIES AND 20 STATUTE OF LIMITATIONS

21 Sec. 34. Section 709.8, Code 2005, is amended to
 22 read as follows:

23 709.8 LASCIVIOUS ACTS WITH A CHILD.

24 It is unlawful for any person ~~eighteen~~ sixteen
 25 years of age or older to perform any of the following
 26 acts with a child with or without the child's consent
 27 unless married to each other, for the purpose of
 28 arousing or satisfying the sexual desires of either of
 29 them:

30 1. Fondle or touch the pubes or genitals of a
 31 child.

32 2. Permit or cause a child to fondle or touch the
 33 person's genitals or pubes.

34 3. Solicit a child to engage in a sex act or
 35 solicit a person to arrange a sex act with a child.

36 4. Inflict pain or discomfort upon a child or
 37 permit a child to inflict pain or discomfort on the
 38 person.

39 Any person who violates a provision of this section
 40 involving an act included in subsection 1 or 2 shall,
 41 upon conviction, be guilty of a class "D" "C" felony.
 42 ~~A person who violates a provision of this section and~~
 43 ~~who is sentenced to a term of confinement shall also~~
 44 ~~be sentenced to an additional term of parole or work~~
 45 ~~release not to exceed two years. The board of parole~~
 46 ~~shall determine whether the person should be released~~
 47 ~~on parole or placed in a work release program. The~~
 48 ~~sentence of an additional term of parole or work~~
 49 ~~release supervision shall commence immediately upon~~
 50 ~~the expiration of the preceding sentence and shall be~~

Page 14

1 ~~under the terms and conditions as set out in chapter~~
 2 ~~906. Violations of parole or work release shall be~~
 3 ~~subject to the procedures set out in chapter 905 or~~
 4 ~~908 or rules adopted under those chapters. The~~
 5 ~~sentence of an additional term of parole or work~~
 6 ~~release shall be consecutive to the original term of~~
 7 ~~confinement. Any person who violates a provision of~~
 8 ~~this section involving an act included in subsection 3~~
 9 ~~or 4 shall, upon conviction, be guilty of a class "D"~~
 10 ~~felony.~~

11 Sec. 35. Section 802.2, Code 2005, is amended to
 12 read as follows:

13 802.2 SEXUAL ABUSE – FIRST, SECOND, OR THIRD
14 DEGREE.

15 1. An information or indictment for sexual abuse
16 in the first, second, or third degree committed on or
17 with a person who is under the age of eighteen years
18 shall be found within ten years after the person upon
19 whom the offense is committed attains eighteen years
20 of age, or if the identity of the person against whom
21 the information or indictment is sought is established
22 through the use of a DNA profile, an information or
23 indictment shall be found within three years from the
24 date the identity of the person is identified by the
25 person's DNA profile, whichever is later.

26 2. An information or indictment for any other
27 sexual abuse in the first, second, or third degree
28 shall be found within ten years after its commission,
29 or if the identity of the person against whom the
30 information or indictment is sought is established
31 through the use of a DNA profile, an information or
32 indictment shall be found within three years from the
33 date the identity of the person is identified by the
34 person's DNA profile, whichever is later.

35 3. As used in this section, "identified" means a
36 person's legal name is known and the person has been
37 determined to be the source of the DNA.

38 Sec. 36. Section 901.5, Code 2005, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 13. In addition to any other
41 sentence or other penalty imposed against the
42 defendant, the court shall impose a special sentence
43 if required under section 903B.0A or 903B.0B.

44 Sec. 37. NEW SECTION. 902.15 ENHANCED PENALTY –
45 SEXUAL ABUSE OR LASCIVIOUS ACTS WITH A CHILD.

46 1. A person commits a class "A" felony if the
47 person commits a second or subsequent offense
48 involving any combination of the following offenses:

49 a. Sexual abuse in the second degree in violation
50 of section 709.3.

Page 15

1 b. Sexual abuse in the third degree in violation
2 of section 709.4.

3 c. Lascivious acts with a child in violation of
4 section 709.8, subsection 1 or 2.

5 2. In determining if a violation charged is a
6 second or subsequent offense for purposes of criminal
7 sentencing in this section, each previous violation on
8 which conviction or deferral of judgment was entered
9 prior to the date of the violation charged shall be
10 considered and counted as a separate previous offense,
11 regardless of whether the previous offense occurred

12 before, on, or after the effective date of this Act.
 13 Convictions or the equivalent of deferred judgments
 14 for violations in any other states under statutes
 15 substantially corresponding to the offenses listed in
 16 subsection 1 shall be counted as previous offenses.
 17 The courts shall judicially notice the statutes of
 18 other states which define offenses substantially
 19 equivalent to the offenses listed in subsection 1 and
 20 can therefore be considered corresponding statutes.
 21 Sec. 38. NEW SECTION. 903B.0A SPECIAL SENTENCE
 22 – CLASS "B" OR CLASS "C" FELONIES.

23 A person convicted of a class "C" felony or greater
 24 offense under chapter 709, or a class "C" felony under
 25 section 728.12, shall also be sentenced, in addition
 26 to any other punishment provided by law, to a special
 27 sentence committing the person into the custody of the
 28 director of the Iowa department of corrections for the
 29 rest of the person's life, with eligibility for parole
 30 as provided in chapter 906. The special sentence
 31 imposed under this section shall commence upon
 32 completion of the sentence imposed under any
 33 applicable criminal sentencing provisions for the
 34 underlying criminal offense and the person shall begin
 35 the sentence under supervision as if on parole. The
 36 person shall be placed on the corrections continuum in
 37 chapter 901B, and the terms and conditions of the
 38 special sentence, including violations, shall be
 39 subject to the same set of procedures set out in
 40 chapters 901B, 905, 906, and chapter 908, and rules
 41 adopted under those chapters for persons on parole.
 42 The revocation of release shall not be for a period
 43 greater than two years upon any first revocation, and
 44 five years upon any second or subsequent revocation.
 45 A special sentence shall be considered a category "A"
 46 sentence for purposes of calculating earned time under
 47 section 903A.2.
 48 Sec. 39. NEW SECTION. 903B.0B SPECIAL SENTENCE
 49 –CLASS "D" FELONIES OR MISDEMEANORS.
 50 A person convicted of a misdemeanor or a class "D"

Page 16

1 felony offense under chapter 709, section 726.2, or
 2 section 728.12 shall also be sentenced, in addition to
 3 any other punishment provided by law, to a special
 4 sentence committing the person into the custody of the
 5 director of the Iowa department of corrections for a
 6 period of ten years, with eligibility for parole as
 7 provided in chapter 906. The special sentence imposed
 8 under this section shall commence upon completion of
 9 the sentence imposed under any applicable criminal
 10 sentencing provisions for the underlying criminal

11 offense and the person shall begin the sentence under
12 supervision as if on parole. The person shall be
13 placed on the corrections continuum in chapter 901B,
14 and the terms and conditions of the special sentence,
15 including violations, shall be subject to the same set
16 of procedures set out in chapters 901B, 905, 906, and
17 908, and rules adopted under those chapters for
18 persons on parole. The revocation of release shall
19 not be for a period greater than two years upon any
20 first revocation, and five years upon any second or
21 subsequent revocation. A special sentence shall be
22 considered a category "A" sentence for purposes of
23 calculating earned time under section 903A.2.

24 Sec. 40. Section 903B.1, subsection 3, Code 2005,
25 is amended by striking the subsection.

26 Sec. 41. Section 906.15, unnumbered paragraph 1,
27 Code 2005, is amended to read as follows:

28 Unless sooner discharged, a person released on
29 parole shall be discharged when the person's term of
30 parole equals the period of imprisonment specified in
31 the person's sentence, less all time served in
32 confinement. Discharge from parole may be granted
33 prior to such time, when an early discharge is
34 appropriate. The board shall periodically review all
35 paroles, and when the board determines that any person
36 on parole is able and willing to fulfill the
37 obligations of a law-abiding citizen without further
38 supervision, the board shall discharge the person from
39 parole. A parole officer shall periodically review
40 all paroles assigned to the parole officer, and when
41 the parole officer determines that any person assigned
42 to the officer is able and willing to fulfill the
43 obligations of a law-abiding citizen without further
44 supervision, the officer may discharge the person from
45 parole after notification and approval of the district
46 director and notification of the board of parole. In
47 any event, discharge from parole shall terminate the
48 person's sentence. If a person has been sentenced to
49 a special sentence under section 903B.0A or 903B.0B,
50 the person may be discharged early from the sentence

Page 17

1 in the same manner as any other person on parole.

2 However, a person convicted of a violation of section
3 709.3, 709.4, or 709.8 committed on or with a child,
4 or a person serving a sentence under section 902.12,
5 shall not be discharged from parole until the person's
6 term of parole equals the period of imprisonment
7 specified in the person's sentence, less all time
8 served in confinement.

9 Sec. 42. Section 908.5, Code 2005, is amended to

10 read as follows:

11 908.5 DISPOSITION.

12 1. If a violation of parole is established, the
13 administrative parole judge may continue the parole
14 with or without any modification of the conditions of
15 parole. The administrative parole judge may revoke
16 the parole and require the parolee to serve the
17 sentence originally imposed, or may revoke the parole
18 and reinstate the parolee's work release status.

19 2. If the person is serving a special sentence
20 under chapter 903B, the administrative parole judge
21 may revoke the release. Upon the revocation of
22 release, the person shall not serve the entire length
23 of the special sentence imposed, and the revocation
24 shall be for a period not to exceed two years in a
25 correctional institution upon a first revocation and
26 for a period not to exceed five years in a
27 correctional institution upon a second or subsequent
28 revocation.

29 3. The order of the administrative parole judge
30 shall contain findings of fact, conclusions of law,
31 and a disposition of the matter.

32 DIVISION IV

33 VICTIM RIGHTS

34 Sec. 43. NEW SECTION. 235D.1 CRIMINAL HISTORY
35 CHECK – APPLICANTS AT DOMESTIC ABUSE OR SEXUAL
36 ASSAULT CENTERS.

37 An applicant for employment at a domestic abuse or
38 sexual assault center shall be subject to a national
39 criminal history check through the federal bureau of
40 investigation. The domestic abuse or sexual assault
41 center shall request the criminal history check and
42 shall provide the applicant's fingerprints to the
43 department of public safety for submission through the
44 state criminal history repository to the federal
45 bureau of investigation. The applicant shall
46 authorize release of the results of the criminal
47 history check to the domestic abuse or sexual assault
48 center. The applicant shall pay the actual cost of
49 the fingerprinting and criminal history check, if any.
50 Unless the criminal history check was completed within

Page 18

1 the ninety calendar days prior to the date the
2 application is received by the domestic abuse or
3 sexual assault center, the center shall reject and
4 return the application to the applicant. The results
5 of a criminal history check conducted pursuant to this
6 subsection shall not be considered a public record
7 under chapter 22. For purposes of this section,
8 "domestic abuse or sexual assault center" means a

9 facility which is used to house victims of domestic
10 abuse or sexual assault, and is owned, operated, or
11 maintained by a nonprofit organization.

12 Sec. 44. NEW SECTION. 709.22 PREVENTION OF
13 FURTHER SEXUAL ASSAULT – NOTIFICATION OF RIGHTS.

14 If a peace officer has reason to believe that a
15 sexual assault as defined in section 915.40 has
16 occurred, the officer shall use all reasonable means
17 to prevent further violence including but not limited
18 to the following:

19 1. If requested, remaining on the scene of the
20 alleged sexual assault as long as there is a danger to
21 the victim's physical safety without the presence of a
22 peace officer, including but not limited to staying in
23 the dwelling unit, or if unable to remain on the
24 scene, assisting the victim in leaving the residence.

25 2. Assisting a victim in obtaining medical
26 treatment necessitated by the sexual assault,
27 including providing assistance to the victim in
28 obtaining transportation to the emergency room of the
29 nearest hospital.

30 3. Providing a victim with immediate and adequate
31 notice of the victim's rights. The notice shall
32 consist of handing the victim a copy of the following
33 statement written in English and Spanish, asking the
34 victim to read the statement, and asking whether the
35 victim understands the rights:

36 "You have the right to ask the court for help with
37 any of the following on a temporary basis:

38 a. Keeping your attacker away from you, your home,
39 and your place of work.

40 b. The right to stay at your home without
41 interference from your attacker.

42 c. The right to seek a no-contact order under
43 section 709.20 or 915.22, if your attacker is arrested
44 for sexual assault.

45 You have the right to register as a victim with the
46 county attorney under section 915.12.

47 You have the right to file a complaint for threats,
48 assaults, or other related crimes.

49 You have the right to seek restitution against your
50 attacker for harm to you or your property.

Page 19

1 You have the right to apply for victim
2 compensation.

3 You have the right to contact the county attorney
4 or local law enforcement to determine the status of
5 your case.

6 If you are in need of medical treatment, you have
7 the right to request that the officer present assist

8 you in obtaining transportation to the nearest
9 hospital or otherwise assist you.
10 You have the right to a sexual assault examination
11 performed at state expense.
12 If you believe that police protection is needed for
13 your physical safety, you have the right to request
14 that the officer present remain at the scene until you
15 and other affected parties can leave or until safety
16 is otherwise ensured."

17 The notice shall also contain the telephone numbers
18 of shelters, support groups, and crisis lines
19 operating in the area.

20 Sec. 45. Section 915.10, subsections 1 and 2, Code
21 2005, are amended to read as follows:

22 1. "Notification" means mailing by regular mail or
23 providing for hand delivery of appropriate information
24 or papers. However, this notification procedure does
25 not prohibit an office, agency, or department from
26 also providing appropriate information to a registered
27 victim by telephone, electronic mail, or other means.

28 2. "Registered" means having provided the county
29 attorney with the victim's written request for
30 registration and current mailing address and telephone
31 number. If an automated victim notification system is
32 implemented pursuant to section 915.10A, "registered"
33 also means having filed a request for registration
34 with the system.

35 Sec. 46. **NEW SECTION. 915.10A AUTOMATED VICTIM**
36 **NOTIFICATION SYSTEM.**

37 1. An automated victim notification system may be
38 utilized to assist public officials in informing crime
39 victims, the victim's family, or other interested
40 persons as provided in this subchapter and where
41 otherwise specifically provided. The system shall
42 disseminate the information to registered users
43 through telephonic, electronic, or other means of
44 access.

45 2. An office, agency, or department may satisfy a
46 notification obligation to registered victims required
47 by this subchapter through participation in the system
48 to the extent information is available for
49 dissemination through the system. Nothing in this
50 section shall relieve a notification obligation under

Page 20

1 this subchapter due to the unavailability of
2 information for dissemination through the system.
3 3. Notwithstanding section 232.147, information
4 concerning juveniles charged with a felony offense
5 shall be released to the extent necessary to comply
6 with this section.

7 Sec. 47. Section 915.11, Code 2005, is amended to
8 read as follows:

9 915.11 INITIAL NOTIFICATION BY LAW ENFORCEMENT.

10 A local police department or county sheriff's
11 department shall advise a victim of the right to
12 register with the county attorney, and shall provide a
13 request-for-registration form to each victim. If an
14 automated victim notification system is available
15 pursuant to section 915.10A, a local police department
16 or county sheriff's department shall provide a
17 telephone number and website to each victim to
18 register with the system.

19 Sec. 48. Section 915.12, Code 2005, is amended to
20 read as follows:

21 915.12 REGISTRATION.

22 ~~1. The county attorney shall be the sole registrar~~
23 ~~of victims under this subchapter.~~

24 ~~2. 1.~~ A victim may register by filing a written
25 request-for-registration form with the county
26 attorney. The county attorney shall notify the
27 victims in writing and advise them of their
28 registration and rights under this subchapter.

29 ~~3.~~ The county attorney shall provide a registered
30 victim list to the offices, agencies, and departments
31 required to provide information under this subchapter
32 for notification purposes.

33 ~~2.~~ If an automated victim notification system, the
34 victim's family, is available pursuant to section
35 915.10A, a victim, the victim's family, or other
36 interested person may register with the system by
37 filing a request for registration through written,
38 telephonic, or electronic means.

39 ~~4. 3.~~ Notwithstanding chapter 22 or any other
40 contrary provision of law, ~~a victim's~~ the registration
41 of a victim, victim's family, or other interested
42 person shall be strictly maintained in a separate
43 confidential file or other confidential medium, and
44 shall be available only to the offices, agencies, and
45 departments required to provide information under this
46 subchapter.

47 Sec. 49. Section 915.29, Code 2005, is amended by
48 adding the following new unnumbered paragraph:
49 NEW UNNUMBERED PARAGRAPH. The notification
50 required pursuant to this section may occur through

Page 21

1 the automated victim notification system referred to
2 in section 915.10A to the extent such information is
3 available for dissemination through the system.

4 Sec. 50. Section 915.45, Code 2005, is amended by
5 adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. The notification
 7 required pursuant to this section may occur through
 8 the automated victim notification system referred to
 9 in section 915.10A to the extent such information is
 10 available for dissemination through the system.

11 DIVISION V
 12 TASK FORCE

13 Sec. 51. SEX OFFENDER TREATMENT AND SUPERVISION
 14 TASK FORCE.

15 1. The division of criminal and juvenile justice
 16 planning shall establish a task force to study and
 17 make periodic recommendations for treating and
 18 supervising sex offenders in correctional institutions
 19 and in the community. The task force shall file a
 20 report with recommendations with the general assembly
 21 by January 15, 2006. The task force shall study the
 22 effectiveness of electronic monitoring and the
 23 potential effects and costs associated with the
 24 special sentence created in this Act. The task force
 25 shall study risk assessment models created for sex
 26 offenders. The task force shall also review this
 27 state's efforts and the efforts of other states to
 28 implement treatment programs and make recommendations
 29 as to the best treatment options available for sex
 30 offenders. The task force shall also develop a plan
 31 to integrate state government databases for the
 32 purpose of updating addresses of persons on the sex
 33 offender registry.

34 2. Members of the task force shall include
 35 representatives of the following state agencies and
 36 organizations:

- 37 a. One representative of the department of human
 38 services.
 39 b. One representative of the department of public
 40 safety.
 41 c. One representative of the Iowa state sheriffs
 42 and deputies association.
 43 d. One representative of the Iowa county attorneys
 44 association.
 45 e. One representative of the department of
 46 corrections.
 47 f. One representative of the board of parole.
 48 g. One representative of a judicial district
 49 department of correctional services.
 50 h. One representative of the department of

Page 22

- 1 justice.
 2 i. One representative of the state public
 3 defender.
 4 j. One representative of the Iowa coalition

5 against sexual assault.

6 DIVISION VI
7 STATE MANDATE

8 Sec. 52. IMPLEMENTATION OF ACT. Section 25B.2,
9 subsection 3, shall not apply to this Act."

10 2. Title page, by striking lines 1 through 5 and
11 inserting the following: "An Act relating to criminal
12 sentencing, victim notification, and the sex offender
13 registry, by establishing a special sentence for
14 certain offenders, requiring DNA testing of certain
15 offenders and lengthening the time an information or
16 indictment may be found in certain offenses where DNA
17 evidence is available, requiring sex offender
18 treatment in order to accumulate earned time,
19 restricting certain persons from residing with sex
20 offenders, establishing a sex offender treatment and
21 supervision task force, providing penalties, and
22 providing effective dates."

Paulsen of Linn offered the following amendment H-1640, to the Senate amendment H-1628, filed by him from the floor and moved its adoption:

H-1640

1 Amend the Senate amendment, H-1628, to House File
2 619, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 5, by striking lines 4 through 7 and
5 inserting the following: "commitment, and subsequent
6 dismissal of the case, or upon receipt of a".

7 2. Page 9, line 28, by striking the word
8 "subsection" and inserting the following:
9 "subsections".

10 3. Page 9, by inserting after line 35 the
11 following:

12 **"NEW SUBSECTION. 2A.** If a person violates any of
13 the requirements of section 692A.4, the person shall
14 register for an additional ten years beginning from
15 the date the first registration period ends as
16 calculated under subsection 1 or from the date the
17 special sentence ends under subsection 1A if the
18 person received a special sentence, whichever is
19 longer."

20 4. Page 10, line 39, by inserting after the word
21 "supervision." the following: "However, if the person
22 committed a criminal offense against a minor, or an
23 aggravated offense, sexually violent offense, or other
24 relevant offense that involved a minor, the person
25 shall be supervised by an electronic tracking and
26 monitoring system in addition to any other conditions

27 of release."

28 5. Page 11, line 42, by inserting after the word
29 "photograph," the following: "the results of any risk
30 assessment".

31 6. Page 11, by inserting after line 50 the
32 following:

33 "Sec. NEW SECTION. 692A.13A ASSESSMENT OF
34 RISK.

35 1. The department of corrections, the department
36 of human services, and the department of public safety
37 shall, in consultation with one another, develop
38 methods and procedures for the assessment of the risk
39 for persons required to register under this chapter on
40 or after the effective date of this division of this
41 Act, who have committed a criminal offense against a
42 minor, or an aggravated offense, sexually violent
43 offense, or other relevant offense that involved a
44 minor. The department of corrections, in consultation
45 with the department of human services, the department
46 of public safety, and the attorney general, shall
47 adopt rules relating to assessment procedures. The
48 assessment procedures shall include procedures for the
49 sharing of information between the department of
50 corrections, department of human services, the

Page 2

1 juvenile court, and the division of criminal
2 investigation of the department of public safety, as
3 well as the communication of the results of the risk
4 assessment to criminal and juvenile justice agencies.
5 The assignment of responsibility for the assessment of
6 risk shall be as follows:

7 a. The department of corrections or a judicial
8 district department of correctional services shall
9 perform the assessment of risk for persons who are
10 incarcerated in institutions under the control of the
11 director of the department of corrections, persons who
12 are under the supervision of the department of
13 corrections or a judicial district department of
14 correctional services, and persons who are under the
15 supervision or control of the department of
16 corrections or a judicial district department of
17 correctional services through an interstate compact.

18 b. The department of human services shall perform
19 the assessment of risk for persons who are confined in
20 institutions under the control of the director of
21 human services, persons who are under the supervision
22 of the department of human services, and persons who
23 are under the supervision or control of the department
24 of human services through an interstate compact.

25 c. The division of criminal investigation of the

26 department of public safety shall perform the
27 assessment of risk for persons who have moved to Iowa
28 but are not under the supervision of the department of
29 corrections, a judicial district department of
30 correctional services, or the department of human
31 services; federal parolees or probationers; persons
32 who have been released from a county jail but are not
33 under the supervision of the department of
34 corrections, a judicial district department of
35 correctional services, a juvenile court officer of the
36 judicial branch, or the department of human services;
37 and persons who are convicted and released by the
38 courts and are not incarcerated or placed under
39 supervision pursuant to the court's sentencing order.
40 Assessments of persons who have moved to Iowa and
41 persons on federal parole or probation shall be
42 performed on an expedited basis if the person was
43 classified as a person with a high degree of
44 likelihood of reoffending by the other jurisdiction or
45 the federal government.
46 d. A juvenile court officer shall perform the
47 assessment of risk for a juvenile who is adjudicated
48 delinquent for a criminal offense listed in section
49 692A.1 and who is under the juvenile court officer's
50 supervision.

Page 3

1 2. The department of public safety shall be
2 responsible for disclosing the assessment of risk
3 information to a criminal or juvenile justice agency
4 for law enforcement, prosecution, or for public
5 notification purposes. The results of the assessment
6 of risk shall be disclosed as other relevant
7 information is disclosed under section 692A.13."

8 7. Page 12, line 9, by inserting after the word
9 "offender" the following: ", or to a person who is
10 married to and living with a person required to
11 register as a sex offender".

12 8. Page 18, by striking lines 9 through 11 and
13 inserting the following: "crime victim center as
14 defined in section 915.20A."

15 9. Page 19, by inserting after line 19 the
16 following:

17 "4. A peace officer is not civilly or criminally
18 liable for actions taken in good faith pursuant to
19 this section."

20 10. Page 20, lines 33 and 34, by striking the
21 words "the victim's family."

22 11. Page 21, by striking lines 35 and 36, and
23 inserting the following: "members of the general
24 assembly selected by the legislative council and

25 representatives of the following:
26 _____. One representative from the state department
27 of transportation.
28 _____. One representative of the Iowa civil
29 liberties union."
30 12. Page 22, by inserting after line 5 the
31 following:
32 "DIVISION ____
33 SEVERABILITY CLAUSE
34 Sec. ____ SEVERABILITY CLAUSE. If any provision
35 of this Act or its application to any person or
36 circumstance is held invalid, the invalidity does not
37 affect other provisions or application of this Act
38 which can be given effect without the invalid
39 provision or application, and to this end the
40 provisions of this Act are severable."
41 13. By renumbering as necessary.

Huseman of Cherokee in the chair at 12:41 p.m.

Speaker Rants in the chair at 12:50 p.m.

The House stood at ease at 1:12 p.m., until the fall of the gavel.

The House resumed session at 2:07 p.m., Speaker Rants in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-five members present, twenty-five absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gaskill of Wapello on request of Murphy of Dubuque.

On motion by Paulsen of Linn, amendment H-1640 to Senate amendment H-1628 was adopted.

On motion by Paulsen of Linn, the House concurred in the Senate amendment H-1628, as amended.

Paulsen of Linn 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. 619)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Freeman	Frevrt	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wildurdyke	Winckler	Wise	Zirkelbach
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Ford	Gaskill	Maddox
------	---------	--------

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 619** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Chambers of O'Brien called up for consideration **House File 816**, 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 cultural affairs, the department of education, and the state board of regents and providing an effective date, amended by the Senate amendment H-1635 as follows:

H-1635

1 Amend House File 816, 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 "DEPARTMENT FOR THE BLIND

6 Section 1. ADMINISTRATION. There is appropriated
7 from the general fund of the state to the department
8 for the blind for the fiscal year beginning July 1,
9 2005, and ending June 30, 2006, the following amount,
10 or so much thereof as is necessary, to be used for the
11 purposes designated:

12 For salaries, support, maintenance, miscellaneous
13 purposes and for not more than the following full-time
14 equivalent positions:

15 \$ 1,886,842
16 FTEs 109.50

17 COLLEGE STUDENT AID COMMISSION

18 Sec. 2. There is appropriated from the general
19 fund of the state to the college student aid
20 commission for the fiscal year beginning July 1, 2005,
21 and ending June 30, 2006, the following amounts, or so
22 much thereof as may be necessary, to be used for the
23 purposes designated:

24 1. GENERAL ADMINISTRATION

25 For salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-
27 time equivalent positions:

28 \$ 349,494
29 FTEs 4.30

30 2. STUDENT AID PROGRAMS

31 For payments to students for the Iowa grant
32 program:

33 \$ 1,029,784

34 3. DES MOINES UNIVERSITY - OSTEOPATHIC MEDICAL
35 CENTER

36 a. For forgivable loans to Iowa students attending
37 the Des Moines university - osteopathic medical
38 center under the forgivable loan program pursuant to
39 section 261.19:

40 \$ 100,000
 41 To receive funds appropriated pursuant to this
 42 paragraph, Des Moines university – osteopathic
 43 medical center shall match the funds with
 44 institutional funds on a dollar-for-dollar basis.
 45 b. For the Des Moines university – osteopathic
 46 medical center for an initiative in primary health
 47 care to direct primary care physicians to shortage
 48 areas in the state:
 49 \$ 346,451
 50 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

Page 2

1 For purposes of providing national guard
 2 educational assistance under the program established
 3 in section 261.86:
 4 \$ 3,800,000
 5 5. TEACHER SHORTAGE FORGIVABLE LOAN PROGRAM
 6 For the teacher shortage forgivable loan program
 7 established in section 261.111:
 8 \$ 285,000
 9 Sec. 3. WORK-STUDY APPROPRIATION FOR FY 2005-
 10 2006. Notwithstanding section 261.85, for the fiscal
 11 year beginning July 1, 2005, and ending June 30, 2006,
 12 the amount appropriated from the general fund of the
 13 state to the college student aid commission for the
 14 work-study program under section 261.85 shall be
 15 \$140,000, and from the moneys appropriated in this
 16 section, \$76,365 shall be allocated to institutions of
 17 higher education under the state board of regents and
 18 community colleges and the remaining dollars
 19 appropriated in this section shall be allocated by the
 20 college student aid commission on the basis of need as
 21 determined by the portion of the federal formula for
 22 distribution for work-study funds that relates to the
 23 current need of institutions.
 24 Sec. 4. COLLEGE STUDENT AID COMMISSION STUDY –
 25 STATE AID FOR STUDENTS ENROLLED IN ACCREDITED PRIVATE
 26 INSTITUTIONS. The college student aid commission
 27 shall develop, in consultation with representatives
 28 from accredited private institutions whose income is
 29 not exempt from taxation under section 501(c) of the
 30 Internal Revenue Code, recommendations for a policy
 31 regarding the protection of educational consumers for
 32 inclusion in the definition of "accredited private
 33 institution" under section 261.9. It is the intent of
 34 the general assembly to consider such a policy as it
 35 might apply to private institutions whose income is
 36 not exempt, and those private institutions whose
 37 income is exempt, from taxation under section 501(c)
 38 of the Internal Revenue Code. In determining its

39 recommendations, the commission shall include a review
 40 of information that includes, but is not limited to,
 41 the percent of students who are enrolled in each
 42 institution who have high school graduation diplomas,
 43 the percentage of students enrolled in each
 44 institution who have high school equivalency diplomas,
 45 the percentage of low-income students enrolled in each
 46 institution, the percentage of nontraditional students
 47 enrolled in each institution, the graduation and job
 48 placement rates of each institution, and each
 49 institution's official cohort default rate, which is
 50 released annually by the United States department of

Page 3

1 education. The commission shall submit its findings
 2 and recommendations to the governor and the general
 3 assembly by January 10, 2006.

4 DEPARTMENT OF CULTURAL AFFAIRS

5 Sec. 5. There is appropriated from the general
 6 fund of the state to the department of cultural
 7 affairs for the fiscal year beginning July 1, 2005,
 8 and ending June 30, 2006, the following amounts, or so
 9 much thereof as is necessary, to be used for the
 10 purposes designated:

11 1. ADMINISTRATION

12 For salaries, support, maintenance, and
 13 miscellaneous purposes:

14 \$ 235,636

15 The department of cultural affairs shall coordinate
 16 activities with the tourism office of the department
 17 of economic development to promote attendance at the
 18 state historical building and at this state's historic
 19 sites.

20 2. COMMUNITY CULTURAL GRANTS

21 For planning and programming for the community
 22 cultural grants program established under section
 23 303.3:

24 \$ 299,240

25 3. HISTORICAL DIVISION

26 For salaries, support, maintenance, miscellaneous
 27 purposes, and for not more than the following full-
 28 time equivalent positions:

29 \$ 3,040,920

30 FTEs 65.00

31 4. HISTORIC SITES

32 For salaries, support, maintenance, and
 33 miscellaneous purposes:

34 \$ 526,459

35 5. ARTS DIVISION

36 For salaries, support, maintenance, miscellaneous
 37 purposes, including funds to match federal grants and

38 for not more than the following full-time equivalent
 39 positions:
 40 \$ 1,157,486
 41 FTEs 11.25
 42 6. GREAT PLACES
 43 For salaries, support, maintenance, and
 44 miscellaneous purposes:
 45 \$ 200,000
 46 7. ARCHIVE IOWA GOVERNORS' RECORDS
 47 For archiving the records of Iowa governors:
 48 \$ 75,000
 49 DEPARTMENT OF EDUCATION
 50 Sec. 6. There is appropriated from the general

Page 4

1 fund of the state to the department of education for
 2 the fiscal year beginning July 1, 2005, and ending
 3 June 30, 2006, the following amounts, or so much
 4 thereof as may be necessary, to be used for the
 5 purposes designated:
 6 1. GENERAL ADMINISTRATION
 7 For salaries, support, maintenance, miscellaneous
 8 purposes, and for not more than the following full-
 9 time equivalent positions:
 10 \$ 5,139,542
 11 FTEs 76.27
 12 The director of the department of education shall
 13 ensure that all school districts are aware of the
 14 state education resources available on the state
 15 website for listing teacher job openings and shall
 16 make every reasonable effort to enable qualified
 17 practitioners to post their resumes on the state
 18 website. The department shall administer the posting
 19 of job vacancies for school districts, accredited
 20 nonpublic schools, and area education agencies on the
 21 state website. The department may coordinate this
 22 activity with the Iowa school board association or
 23 other interested education associations in the state.
 24 The department shall strongly encourage school
 25 districts to seek direct claiming under the medical
 26 assistance program for funding of school district
 27 nursing services for students.
 28 2. VOCATIONAL EDUCATION ADMINISTRATION
 29 For salaries, support, maintenance, miscellaneous
 30 purposes, and for not more than the following full-
 31 time equivalent positions:
 32 \$ 514,828
 33 FTEs 13.80
 34 3. VOCATIONAL REHABILITATION SERVICES DIVISION
 35 a. For salaries, support, maintenance,
 36 miscellaneous purposes, and for not more than the

37 following full-time equivalent positions:
 38 \$ 4,475,050
 39 FTEs 273.50
 40 The division of vocational rehabilitation services
 41 shall seek funding from other sources, such as local
 42 funds, for purposes of matching the state's federal
 43 vocational rehabilitation allocation, as well as for
 44 matching other federal vocational rehabilitation
 45 funding that may become available.
 46 Except where prohibited under federal law, the
 47 division of vocational rehabilitation services of the
 48 department of education shall accept client
 49 assessments, or assessments of potential clients,
 50 performed by other agencies in order to reduce

Page 5

1 duplication of effort.
 2 Notwithstanding the full-time equivalent position
 3 limit established in this lettered paragraph, for the
 4 fiscal year ending June 30, 2006, if federal funding
 5 is received to pay the costs of additional employees
 6 for the vocational rehabilitation services division
 7 who would have duties relating to vocational
 8 rehabilitation services paid for through federal
 9 funding, authorization to hire not more than 4.00
 10 additional full-time equivalent employees shall be
 11 provided, the full-time equivalent position limit
 12 shall be exceeded, and the additional employees shall
 13 be hired by the division.

14 b. For matching funds for programs to enable
 15 persons with severe physical or mental disabilities to
 16 function more independently, including salaries and
 17 support, and for not more than the following full-time
 18 equivalent position:
 19 \$ 54,150
 20 FTEs 1.00

21 The highest priority use for the moneys
 22 appropriated under this lettered paragraph shall be
 23 for programs that emphasize employment and assist
 24 persons with severe physical or mental disabilities to
 25 find and maintain employment to enable them to
 26 function more independently.

27 4. STATE LIBRARY

28 a. For salaries, support, maintenance,
 29 miscellaneous purposes, and for not more than the
 30 following full-time equivalent positions:
 31 \$ 1,378,555
 32 FTEs 18.00

33 b. For the enrich Iowa program:
 34 \$ 1,698,432

35 (1) Funds allocated for purposes of the enrich

36 Iowa program as provided in this lettered paragraph
37 shall be distributed by the division of libraries and
38 information services to provide support for Iowa's
39 libraries. The commission of libraries shall develop
40 rules governing the allocation of funds provided by
41 the general assembly for the enrich Iowa program to
42 provide direct state assistance to public libraries
43 and to fund the open access and access plus programs.
44 Direct state assistance to eligible public libraries
45 is provided as an incentive to improve library
46 services and to reduce inequities among communities in
47 the delivery of library services based on recognized
48 and adopted performance measures. Funds distributed
49 as direct state assistance shall be distributed to
50 eligible public libraries that are in compliance with

Page 6

1 performance measures adopted by rule by the commission
2 of libraries. The funds allocated as provided in this
3 lettered paragraph shall not be used for the costs of
4 administration by the division. The amount of direct
5 state assistance distributed to each eligible public
6 library shall be based upon the following:
7 (a) The level of compliance by the eligible public
8 library with the performance measures adopted by the
9 commission as provided in this subparagraph.
10 (b) The number of people residing within an
11 eligible library's geographic service area for whom
12 the library provides services.
13 (c) The amount of other funding the eligible
14 public library received in the previous fiscal year
15 for providing services to rural residents and to
16 contracting communities.
17 (2) Moneys received by a public library under this
18 lettered paragraph shall supplement, not supplant, any
19 other funding received by the library.
20 (3) For purposes of this section, "eligible public
21 library" means a public library that meets all of the
22 following requirements:
23 (a) Submits to the division all of the following:
24 (i) The report provided for under section 256.51,
25 subsection 1, paragraph "h".
26 (ii) An application and accreditation report, in a
27 format approved by the commission, that provides
28 evidence of the library's compliance with at least one
29 level of the standards established in accordance with
30 section 256.51, subsection 1, paragraph "k".
31 (iii) Any other application or report the division
32 deems necessary for the implementation of the enrich
33 Iowa program.
34 (b) Participates in the library resource and

35 information sharing programs established by the state
36 library.

37 (c) Is a public library established by city
38 ordinance or a library district as provided in chapter
39 336.

40 (4) Each eligible public library shall maintain a
41 separate listing within its budget for payments
42 received and expenditures made pursuant to this
43 lettered paragraph, and shall annually submit this
44 listing to the division.

45 (5) By January 15, 2007, the division shall submit
46 a program evaluation report to the general assembly
47 and the governor detailing the uses and the impacts of
48 funds allocated under this lettered paragraph.

49 (6) A public library that receives funds in
50 accordance with this lettered paragraph shall have an

Page 7

1 internet use policy in place, which may or may not
2 include internet filtering. The library shall submit
3 a report describing the library's internet use efforts
4 to the division.

5 (7) A public library that receives funds in
6 accordance with this lettered paragraph shall provide
7 open access, the reciprocal borrowing program, as a
8 service to its patrons, at a reimbursement rate
9 determined by the state library.

10 5. LIBRARY SERVICE AREA SYSTEM

11 For state aid:

12 \$ 1,376,558

13 6. PUBLIC BROADCASTING DIVISION

14 For salaries, support, maintenance, capital
15 expenditures, miscellaneous purposes, and for not more
16 than the following full-time equivalent positions:

17 \$ 7,356,722

18 FTEs 86.00

19 7. REGIONAL TELECOMMUNICATIONS COUNCILS

20 For state aid:

21 \$ 1,240,478

22 The regional telecommunications councils
23 established in section 8D.5 shall use the funds
24 appropriated in this subsection to provide technical
25 assistance for network classrooms, planning and
26 troubleshooting for local area networks, scheduling of
27 video sites, and other related support activities.

28 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS

29 For reimbursement for vocational education
30 expenditures made by secondary schools:

31 \$ 2,936,904

32 Funds appropriated in this subsection shall be used
33 for expenditures made by school districts to meet the

34 standards set in sections 256.11, 258.4, and 260C.14
 35 as a result of the enactment of 1989 Iowa Acts,
 36 chapter 278. Funds shall be used as reimbursement for
 37 vocational education expenditures made by secondary
 38 schools in the manner provided by the department of
 39 education for implementation of the standards set in
 40 1989 Iowa Acts, chapter 278.

41 9. SCHOOL FOOD SERVICE

42 For use as state matching funds for federal
 43 programs that shall be disbursed according to federal
 44 regulations, including salaries, support, maintenance,
 45 and miscellaneous purposes:
 46 \$ 2,509,683

47 10. IOWA EMPOWERMENT FUND

48 For deposit in the school ready children grants
 49 account of the Iowa empowerment fund created in
 50 section 28.9:

Page 8

1 \$ 23,781,594

2 a. From the moneys deposited in the school ready
 3 children grants account for the fiscal year beginning
 4 July 1, 2005, and ending June 30, 2006, not more than
 5 \$300,000 is allocated for the community empowerment
 6 office and other technical assistance activities and
 7 of that amount, not more than \$50,000 shall be used to
 8 administer the early childhood coordinator's position
 9 pursuant to section 28.3, subsection 6A, if enacted by
 10 2005 Iowa Acts, House File 761, and not more than
 11 \$50,000 shall be used to implement an early childhood
 12 Iowa website for wide dissemination of early care and
 13 early childhood learning information and assistance.
 14 It is the intent of the general assembly that regional
 15 technical assistance teams will be established and
 16 will include staff from various agencies, as
 17 appropriate, including the area education agencies,
 18 community colleges, and the Iowa state university of
 19 science and technology cooperative extension service
 20 in agriculture and home economics. The Iowa
 21 empowerment board shall direct staff to work with the
 22 advisory council to inventory technical assistance
 23 needs. Funds allocated under this lettered paragraph
 24 may be used by the Iowa empowerment board for the
 25 purpose of skills development and support for ongoing
 26 training of the regional technical assistance teams.
 27 However, funds shall not be used for additional staff
 28 or for the reimbursement of staff.

29 b. Notwithstanding any other provision of law to
 30 the contrary, the community empowerment office shall
 31 use the documentation created by the legislative
 32 services agency to continue the implementation of the

33 four-year phase-in period of the distribution formula
 34 approved by the community empowerment board.
 35 c. As a condition of receiving funding
 36 appropriated in this subsection, each community
 37 empowerment area board shall report to the Iowa
 38 empowerment board progress on each of the state
 39 indicators approved by the state board, as well as
 40 progress on local indicators. The community
 41 empowerment area board must also submit a written plan
 42 amendment extending by one year the area's
 43 comprehensive school ready children grant plan
 44 developed for providing services for children from
 45 birth through five years of age and provide other
 46 information specified by the Iowa empowerment board.
 47 The amendment may also provide for changes in the
 48 programs and services provided under the plan. The
 49 Iowa empowerment board shall establish a submission
 50 deadline for the plan amendment that allows a

Page 9

1 reasonable period of time for preparation of the plan
 2 amendment and for review and approval or request for
 3 modification of the plan amendment by the Iowa
 4 empowerment board. In addition, the community
 5 empowerment board must continue to comply with
 6 reporting provisions and other requirements adopted by
 7 the Iowa empowerment board in implementing section
 8 28.8.

9 d. Of the amount appropriated in this subsection
 10 for deposit in the school ready children grants
 11 account of the Iowa empowerment fund that is used for
 12 distribution to areas, \$4,650,000 shall be used to
 13 assist low-income parents with preschool tuition.

14 e. Of the amount appropriated in this subsection
 15 for deposit in the school ready children grants
 16 account of the Iowa empowerment fund that is used for
 17 distribution to areas, \$1,000,000 shall be used to
 18 collaborate with area education agencies and community
 19 colleges to provide both child care and preschool
 20 providers with ready access to high-quality
 21 professional development.

22 11. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

23 To provide funds for costs of providing textbooks
 24 to each resident pupil who attends a nonpublic school
 25 as authorized by section 301.1. The funding is
 26 limited to \$20 per pupil and shall not exceed the
 27 comparable services offered to resident public school
 28 pupils:

29 \$ 614,058

30 12. STUDENT ACHIEVEMENT AND TEACHER QUALITY
 31 PROGRAM

32 For purposes, as provided in law, of the student
 33 achievement and teacher quality program established
 34 pursuant to chapter 284:
 35 \$ 69,593,894
 36 13. COMMUNITY COLLEGES
 37 For general state financial aid to merged areas as
 38 defined in section 260C.2 in accordance with chapters
 39 258 and 260C:
 40 \$146,063,888
 41 The funds appropriated in this subsection shall be
 42 allocated as provided under section 260C.18C, as
 43 enacted by this Act, as follows:
 44 a. Merged Area I \$ 7,043,136
 45 b. Merged Area II \$ 8,139,764
 46 c. Merged Area III \$ 7,546,392
 47 d. Merged Area IV \$ 3,695,536
 48 e. Merged Area V \$ 7,913,500
 49 f. Merged Area VI \$ 7,164,571
 50 g. Merged Area VII \$ 10,403,251

Page 10

1 h. Merged Area IX \$ 12,820,428
 2 i. Merged Area X \$ 20,697,708
 3 j. Merged Area XI \$ 21,467,229
 4 k. Merged Area XII \$ 8,467,199
 5 l. Merged Area XIII \$ 8,618,079
 6 m. Merged Area XIV \$ 3,740,768
 7 n. Merged Area XV \$ 11,760,384
 8 o. Merged Area XVI \$ 6,585,943

9 Sec. 7. STATEWIDE TEACHER INTERN PROGRAM –
 10 FEDERAL GRANT APPLICATION COORDINATION.

11 The department shall work cooperatively with the
 12 state board of regents and other appropriate eligible
 13 grantees to obtain any available federal funding,
 14 including grants that may be available for the
 15 establishment and operation of a teacher intern
 16 program.

17 Sec. 8. BOARD OF EDUCATIONAL EXAMINERS LICENSING

18 FEES. Notwithstanding section 272.10, for the fiscal
 19 year beginning July 1, 2005, and ending June 30, 2006,
 20 the executive director of the board of educational
 21 examiners shall deposit at least 20 percent of the
 22 fees collected annually with the treasurer of state
 23 which shall be credited to the general fund of the
 24 state. The remaining licensing fees collected during
 25 the fiscal year beginning July 1, 2005, and retained
 26 are appropriated to the board for the purposes related
 27 to the board's duties. Notwithstanding section 8.33,
 28 licensing fees retained by and appropriated to the
 29 board pursuant to this section that remain
 30 unencumbered or unobligated at the close of the fiscal

31 year in an amount of not more than 10 percent of the
32 total licensing fees collected by the board by the
33 close of the fiscal year shall not revert but shall
34 remain available for expenditure for the purposes
35 designated until the close of the succeeding fiscal
36 year.

37 Sec. 9. EDUCATOR LICENSING REVIEW WORKING GROUP.

38 1. The board of educational examiners, in
39 consultation with the department of education, shall
40 convene a working group whose work shall be conducted
41 over a three-year period to identify and recommend
42 measures to improve Iowa's current teacher and
43 administrator preparation and licensing practices.
44 The working group shall review the current teacher and
45 administrator preparation and licensing processes to
46 identify essential standards to maintain quality
47 preparation and licensing requirements for teachers
48 and administrators. The review shall also do the
49 following:
50 a. Identify state laws and agency rules that are

Page 11

1 no longer essential to maintain quality.
2 b. Compare Iowa's teacher and administrator
3 preparation and licensing practices with those of
4 neighboring states, and identify those areas where
5 Iowa's practices differ from, or are consistent with,
6 the practices of the states neighboring Iowa.
7 c. Identify potential barriers preventing teacher
8 and administrator candidates from neighboring states
9 from applying for licensure in Iowa.
10 d. Review federal laws and regulations relating to
11 teachers and teacher licensure in order to ensure
12 compliance with federal laws and regulations,
13 especially those relating to highly qualified
14 teachers.
15 2. The working group shall consist of teachers,
16 administrators, and representatives of the department
17 of education, the state board of education, the board
18 of educational examiners, and practitioner preparation
19 institutions.
20 3. The working group shall annually submit its
21 findings and recommendations to the chairpersons and
22 ranking members of the senate and house standing
23 education committees and the joint appropriations
24 subcommittee on education by January 15.
25 Sec. 10. MINIMUM TEACHER SALARY REQUIREMENTS – FY
26 2005-2006.
27 1. Notwithstanding section 284.7, subsection 1,
28 paragraph "a", subparagraph (2), the minimum teacher
29 salary paid by a school district or area education

30 agency for purposes of teacher compensation in
31 accordance with chapter 284, for the fiscal year
32 beginning July 1, 2005, and ending June 30, 2006,
33 shall be the minimum salary amount the school district
34 or area education agency paid to a first-year
35 beginning teacher or, the minimum salary amount the
36 school district or area education agency would have
37 paid a first-year beginning teacher if the school
38 district or area education agency had participated in
39 the program in the 2001-2002 school year, in
40 accordance with section 284.7, subsection 1, Code
41 Supplement 2001. If the school district or area
42 education agency did not employ a first-year beginning
43 teacher in the 2001-2002 school year, the minimum
44 salary is the amount that the district would have paid
45 a first-year beginning teacher under chapter 284 in
46 the 2001-2002 school year.

47 2. Notwithstanding section 284.7, subsection 1,
48 paragraph "b", subparagraph (2), the minimum career
49 teacher salary paid to a career teacher who was a
50 beginning teacher in the 2004-2005 school year, by a

Page 12

1 school district or area education agency participating
2 in the student achievement and teacher quality
3 program, for the school year beginning July 1, 2005,
4 and ending June 30, 2006, shall be, unless the school
5 district has a minimum career teacher salary that
6 exceeds thirty thousand dollars, one thousand dollars
7 greater than the minimum salary amount the school
8 district or area education agency paid to a first-year
9 beginning teacher if the school district or area
10 education agency participated in the program during
11 the 2001-2002 school year, or the minimum salary
12 amount the school district or area education agency
13 would have paid a first-year beginning teacher if the
14 school district or area education agency had
15 participated in the program in the 2001-2002 school
16 year, in accordance with section 284.7, subsection 1,
17 Code Supplement 2001.

18 3. Notwithstanding section 284.7, subsection 1,
19 paragraph "b", subparagraph (2), and except as
20 provided in subsection 2, the minimum career teacher
21 salary paid by a school district or area education
22 agency participating in the student achievement and
23 teacher quality program, for purposes of teacher
24 compensation in accordance with chapter 284, for the
25 school year beginning July 1, 2005, and ending June
26 30, 2006, shall be the minimum salary amount the
27 school district or area education agency paid to a
28 career teacher if the school district or area

29 education agency participated in the program during
 30 the 2001-2002 school year, or, the minimum salary
 31 amount the school district or area education agency
 32 would have paid a career teacher if the school
 33 district or area education agency had participated in
 34 the program in the 2001-2002 school year, in
 35 accordance with section 284.7, subsection 1, Code
 36 Supplement 2001.

37 STATE BOARD OF REGENTS

38 Sec. 11. There is appropriated from the general
 39 fund of the state to the state board of regents for
 40 the fiscal year beginning July 1, 2005, and ending
 41 June 30, 2006, the following amounts, or so much
 42 thereof as may be necessary, to be used for the
 43 purposes designated:

44 1. OFFICE OF STATE BOARD OF REGENTS

45 a. For salaries, support, maintenance,
 46 miscellaneous purposes, and for not more than the
 47 following full-time equivalent positions:

48	\$ 1,167,137
49	FTEs 16.00

50 The state board of regents, the department of

Page 13

1 management, and the legislative services agency shall
 2 cooperate to determine and agree upon, by November 15,
 3 2005, the amount that needs to be appropriated for
 4 tuition replacement for the fiscal year beginning July
 5 1, 2006.

6 The state board of regents shall submit a monthly
 7 financial report in a format agreed upon by the state
 8 board of regents office and the legislative services
 9 agency.

10 b. For allocation by the state board of regents to
 11 the state university of Iowa, the Iowa state
 12 university of science and technology, and the
 13 university of northern Iowa to reimburse the
 14 institutions for deficiencies in their operating funds
 15 resulting from the pledging of tuitions, student fees
 16 and charges, and institutional income to finance the
 17 cost of providing academic and administrative
 18 buildings and facilities and utility services at the
 19 institutions:

20	\$ 13,975,431
----------	---------------

21 Notwithstanding section 8.33, funds appropriated
 22 for the purposes in this lettered paragraph remaining
 23 unencumbered or unobligated at the end of the fiscal
 24 year shall not revert but shall be available for
 25 expenditure for the purposes specified in this
 26 lettered paragraph during the subsequent fiscal year.

27 c. For funds to be allocated to the southwest Iowa

28	graduate studies center:	
29	.....	\$ 105,956
30	d. For funds to be allocated to the siouxland	
31	interstate metropolitan planning council for the	
32	tristate graduate center under section 262.9,	
33	subsection 21:	
34	.....	\$ 77,941
35	e. For funds to be allocated to the quad-cities	
36	graduate studies center:	
37	.....	\$ 157,144
38	f. For funds for regents universities' general	
39	operating budgets:	
40	.....	\$ 21,219,288
41	The funds appropriated for purposes of this	
42	lettered paragraph are subject to the following	
43	allocations and requirements:	
44	(1) The partnership for transformation and	
45	excellence is a four-year partnership plan created by	
46	the state board of regents for the purpose of	
47	enhancing the regents' strategic priorities for	
48	educational quality and public accountability. Under	
49	the plan, Iowa students and families will be subject	
50	to moderate student tuition increases, and a clear and	

Page 14

1 concise reallocation plan that may be audited will
2 exist to strengthen the academic focus at the regents
3 universities. The reallocation plan will enhance the
4 quality of the regents universities and provide both
5 an incentive and an opportunity for university-wide
6 reprioritization and reallocation of resources to the
7 most important strategic areas.

8 (2) The funds shall be distributed by the board as
9 outlined in the state board of regents partnership for
10 transformation and excellence. The funds may be used
11 for any of the following purposes:

12 (a) Supporting new strategic initiatives.
13 (b) Meeting enrollment increases.
14 (c) Meeting the demand for new courses and
15 services.
16 (d) Funding new but unavoidable or mandated cost
17 increases.
18 (e) Supporting any other initiatives important to
19 the core functions of the university.

20 The funds may also be used for pay adjustments,
21 expense reimbursements, and related benefits for state
22 board of regents employees covered by a collective
23 bargaining agreement and for state board of regents
24 employees not covered by a collective bargaining
25 agreement. The board shall provide from other
26 available sources any additional funding needed for

27 such pay adjustments, expense reimbursements, and
28 related benefits.

29 (3) The state board of regents shall annually set
30 a target dollar amount or percentage figure of
31 expected reallocation of resources for each
32 university. The universities shall report to the
33 board on a semiannual basis regarding the actions
34 taken relating to the reallocations. Once funds have
35 been reallocated, that amount shall not be redirected
36 to the original entity or purpose unless extraordinary
37 circumstances exist and an equivalent reallocation
38 amount is increased for the same fiscal year. A
39 reallocation of resources may be made for any of the
40 following purposes:

41 (a) Supporting new strategic initiatives.

42 (b) Meeting enrollment increases.

43 (c) Meeting the demand for new courses and
44 services.

45 (d) Funding new but unavoidable or mandated cost
46 increases.

47 (e) Supporting any other initiatives important to
48 the core functions of the university.

49 (4) For the purposes of this lettered paragraph:

50 (a) "Entity" means a president, vice president, or

Page 15

1 a college, academic or nonacademic department,
2 division, program, or other unit.

3 (b) "Reallocation of resources" means funds within
4 the base budget of a university entity are removed by
5 the administrator of that entity and redirected to
6 another university entity or purpose.

7 (5) The state university of Iowa, the Iowa state
8 university of science and technology, and the
9 university of northern Iowa shall each generate
10 matching internal reallocations in an amount equal to
11 50 percent of the amounts received by the universities
12 pursuant to this lettered paragraph.

13 (6) From the moneys allocated to the Iowa state
14 university of science and technology pursuant to this
15 lettered paragraph, an amount equal to \$127,000 shall
16 be distributed to the college of veterinary medicine
17 to reduce the operating fees charged by the veterinary
18 diagnostic laboratory. If Iowa state university of
19 science and technology fails to distribute funds to
20 the college of veterinary science in accordance with
21 this paragraph, the moneys shall revert to the general
22 fund of the state. The Iowa state university of
23 science and technology shall prepare a report on the
24 operation of the veterinary diagnostic laboratory
25 which shall include, but shall not be limited to, the

26 following information:

27 (a) The current business structure of the
28 veterinary diagnostic laboratory, along with a
29 comparison to business structures of similar
30 laboratories at other institutions of higher learning.

31 (b) Recent trends in fees for services charged by
32 the veterinary diagnostic laboratory and by similar
33 laboratories at other institutions of higher learning.

34 (c) The use of other funding sources, including
35 state general fund appropriations for the veterinary
36 diagnostic laboratory and a comparison to funding
37 sources at similar laboratories at other institutions
38 of higher learning.

39 (d) Recommendations for changes in the business
40 structure and methods of funding for the veterinary
41 diagnostic laboratory.

42 The report shall be submitted to the governor and
43 the general assembly not later than October 1, 2005.

44 g. For funds to be distributed to the midwestern
45 higher education compact to pay Iowa's member state
46 annual obligation:

47 \$ 90,000

48 2. STATE UNIVERSITY OF IOWA

49 a. General university, including lakeside
50 laboratory

Page 16

1 For salaries, support, maintenance, equipment,
2 miscellaneous purposes, and for not more than the
3 following full-time equivalent positions:

4 \$220,131,572

5 FTEs 5,058.55

6 It is the intent of the general assembly that the
7 university continue progress on the school of public
8 health and the public health initiative for the
9 purposes of establishing an accredited school of
10 public health and for funding an initiative for the
11 health and independence of elderly Iowans.

12 b. University hospitals

13 For salaries, support, maintenance, equipment, and
14 miscellaneous purposes and for medical and surgical
15 treatment of indigent patients as provided in chapter
16 255, for medical education, and for not more than the
17 following full-time equivalent positions:

18 \$ 27,284,584

19 FTEs 6,877.34

20 (1) The university of Iowa hospitals and clinics
21 shall, within the context of chapter 255 and when
22 medically appropriate, make reasonable efforts to
23 extend the university of Iowa hospitals and clinics'
24 use of home telemedicine and other technologies to

25 reduce the frequency of visits to the hospital
26 required by the indigent patients.

27 (2) The university of Iowa hospitals and clinics
28 shall submit quarterly a report regarding the portion
29 of the appropriation in this lettered paragraph
30 expended on medical education. The report shall be
31 submitted in a format jointly developed by the
32 university of Iowa hospitals and clinics, the
33 legislative services agency, and the department of
34 management, and shall delineate the expenditures and
35 purposes of the funds.

36 (3) Funds appropriated in this lettered paragraph
37 shall not be used to perform abortions except
38 medically necessary abortions, and shall not be used
39 to operate the early termination of pregnancy clinic
40 except for the performance of medically necessary
41 abortions. For the purpose of this lettered
42 paragraph, an abortion is the purposeful interruption
43 of pregnancy with the intention other than to produce
44 a live-born infant or to remove a dead fetus, and a
45 medically necessary abortion is one performed under
46 one of the following conditions:

47 (a) The attending physician certifies that
48 continuing the pregnancy would endanger the life of
49 the pregnant woman.

50 (b) The attending physician certifies that the

Page 17

1 fetus is physically deformed, mentally deficient, or
2 afflicted with a congenital illness.

3 (c) The pregnancy is the result of a rape which is
4 reported within 45 days of the incident to a law
5 enforcement agency or public or private health agency
6 which may include a family physician.

7 (d) The pregnancy is the result of incest which is
8 reported within 150 days of the incident to a law
9 enforcement agency or public or private health agency
10 which may include a family physician.

11 (e) The abortion is a spontaneous abortion,
12 commonly known as a miscarriage, wherein not all of
13 the products of conception are expelled.

14 (4) The total quota allocated to the counties for
15 indigent patients for the fiscal year beginning July
16 1, 2005, shall not be lower than the total quota
17 allocated to the counties for the fiscal year
18 commencing July 1, 1998. The total quota shall be
19 allocated among the counties on the basis of the 2000
20 census pursuant to section 255.16.

21 c. Psychiatric hospital

22 For salaries, support, maintenance, equipment,
23 miscellaneous purposes, and for the care, treatment,

24 and maintenance of committed and voluntary public
 25 patients, and for not more than the following full-
 26 time equivalent positions:
 27 \$ 7,043,056
 28 FTEs 269.65
 29 d. Center for disabilities and development
 30 For salaries, support, maintenance, miscellaneous
 31 purposes, and for not more than the following full-
 32 time equivalent positions:
 33 \$ 6,363,265
 34 FTEs 130.37
 35 From the funds appropriated in this lettered
 36 paragraph, \$200,000 shall be allocated for purposes of
 37 the employment policy group.
 38 e. Oakdale campus
 39 For salaries, support, maintenance, miscellaneous
 40 purposes, and for not more than the following full-
 41 time equivalent positions:
 42 \$ 2,657,335
 43 FTEs 38.25
 44 f. State hygienic laboratory
 45 For salaries, support, maintenance, miscellaneous
 46 purposes, and for not more than the following full-
 47 time equivalent positions:
 48 \$ 3,849,461
 49 FTEs 102.50
 50 g. Family practice program

Page 18

1 For allocation by the dean of the college of
 2 medicine, with approval of the advisory board, to
 3 qualified participants, to carry out chapter 148D for
 4 the family practice program, including salaries and
 5 support, and for not more than the following full-time
 6 equivalent positions:
 7 \$ 2,075,948
 8 FTEs 190.40
 9 h. Child health care services
 10 For specialized child health care services,
 11 including childhood cancer diagnostic and treatment
 12 network programs, rural comprehensive care for
 13 hemophilia patients, and the Iowa high-risk infant
 14 follow-up program, including salaries and support, and
 15 for not more than the following full-time equivalent
 16 positions:
 17 \$ 649,066
 18 FTEs 57.97
 19 i. Statewide cancer registry
 20 For the statewide cancer registry, and for not more
 21 than the following full-time equivalent positions:
 22 \$ 178,739

23	.....	FTEs	2.10
24	j. Substance abuse consortium		
25	For funds to be allocated to the Iowa consortium		
26	for substance abuse research and evaluation, and for		
27	not more than the following full-time equivalent		
28	position:		
29	.....	\$	64,871
30	.....	FTEs	1.00
31	k. Center for biocatalysis		
32	For the center for biocatalysis, and for not more		
33	than the following full-time equivalent positions:		
34	.....	\$	881,384
35	.....	FTEs	6.28
36	l. Primary health care initiative		
37	For the primary health care initiative in the		
38	college of medicine and for not more than the		
39	following full-time equivalent positions:		
40	.....	\$	759,875
41	.....	FTEs	5.89
42	From the funds appropriated in this lettered		
43	paragraph, \$330,000 shall be allocated to the		
44	department of family practice at the state university		
45	of Iowa college of medicine for family practice		
46	faculty and support staff.		
47	m. Birth defects registry		
48	For the birth defects registry and for not more		
49	than the following full-time equivalent position:		
50	.....	\$	44,636

Page 19

1	.....	FTEs	1.00
2	3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY		
3	a. General university		
4	For salaries, support, maintenance, equipment,		
5	miscellaneous purposes, and for not more than the		
6	following full-time equivalent positions:		
7	.....	\$	173,269,729
8	.....	FTEs	3,647.42
9	It is the intent of the general assembly that the		
10	university continue progress on the center for		
11	excellence in fundamental plant sciences.		
12	b. Agricultural experiment station		
13	For salaries, support, maintenance, miscellaneous		
14	purposes, and for not more than the following full-		
15	time equivalent positions:		
16	.....	\$	31,019,520
17	.....	FTEs	546.98
18	c. Cooperative extension service in agriculture		
19	and home economics		
20	For salaries, support, maintenance, miscellaneous		
21	purposes, and for not more than the following full-		

22 time equivalent positions:
 23 \$ 19,738,432
 24 FTEs 383.34
 25 d. Leopold center
 26 For agricultural research grants at Iowa state
 27 university under section 266.39B, and for not more
 28 than the following full-time equivalent positions:
 29 \$ 464,319
 30 FTEs 11.25
 31 e. Livestock disease research
 32 For deposit in and the use of the livestock disease
 33 research fund under section 267.8:
 34 \$ 220,708
 35 4. UNIVERSITY OF NORTHERN IOWA
 36 a. General university
 37 For salaries, support, maintenance, equipment,
 38 miscellaneous purposes, and for not more than the
 39 following full-time equivalent positions:
 40 \$ 77,831,821
 41 FTEs 1,398.01
 42 It is the intent of the general assembly that the
 43 university continue to allocate funds for a masters in
 44 social work program, the roadside vegetation project,
 45 and the Iowa office for staff development.
 46 b. Recycling and reuse center
 47 For purposes of the recycling and reuse center, and
 48 for not more than the following full-time equivalent
 49 positions:
 50 \$ 211,858

Page 20

1 FTEs 3.00
 2 5. STATE SCHOOL FOR THE DEAF
 3 For salaries, support, maintenance, miscellaneous
 4 purposes, and for not more than the following full-
 5 time equivalent positions:
 6 \$ 8,810,471
 7 FTEs 126.60
 8 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
 9 For salaries, support, maintenance, miscellaneous
 10 purposes, and for not more than the following full-
 11 time equivalent positions:
 12 \$ 4,930,295
 13 FTEs 81.00
 14 7. TUITION AND TRANSPORTATION COSTS
 15 For payment to local school boards for the tuition
 16 and transportation costs of students residing in the
 17 Iowa braille and sight saving school and the state
 18 school for the deaf pursuant to section 262.43 and for
 19 payment of certain clothing, prescription, and
 20 transportation costs for students at these schools

21 pursuant to section 270.5:
 22 \$ 15,020

23 Sec. 12. INSTITUTE FOR TOMORROW'S WORKFORCE.

24 There is appropriated from the general fund of the
 25 state to the department of management for allocation
 26 to the institute for tomorrow's workforce created
 27 under chapter 7K, if enacted by this Act, for the
 28 fiscal year beginning July 1, 2005, and ending June
 29 30, 2006, the following amount, or so much thereof as
 30 is necessary, to be used for the purposes designated:

31 For the activities of the institute created
 32 pursuant to section 7K.1, and subject to the matching
 33 fund requirement of that section, if enacted:
 34 \$ 250,000

35 Sec. 13. MEDICAL ASSISTANCE – SUPPLEMENTAL

36 AMOUNTS. For the fiscal year beginning July 1, 2005,
 37 and ending June 30, 2006, the department of human
 38 services shall continue the supplemental
 39 disproportionate share and a supplemental indirect
 40 medical education adjustment applicable to state-
 41 owned acute care hospitals with more than 500 beds and
 42 shall reimburse qualifying hospitals pursuant to that
 43 adjustment with a supplemental amount for services
 44 provided medical assistance recipients. The
 45 adjustment shall generate supplemental payments
 46 intended to equal the state appropriation made to a
 47 qualifying hospital for treatment of indigent patients
 48 as provided in chapter 255. To the extent of the
 49 supplemental payments, a qualifying hospital shall,
 50 after receipt of the funds, transfer to the department

Page 21

1 of human services an amount equal to the actual
 2 supplemental payments that were made in that month.
 3 The aggregate amounts for the fiscal year shall not
 4 exceed the state appropriation made to the qualifying
 5 hospital for treatment of indigent patients as
 6 provided in chapter 255. The department of human
 7 services shall deposit these funds in the department's
 8 medical assistance account. To the extent that state
 9 funds appropriated to a qualifying hospital for the
 10 treatment of indigent patients as provided in chapter
 11 255 have been transferred to the department of human
 12 services as a result of these supplemental payments
 13 made to the qualifying hospital, the department shall
 14 not, directly or indirectly, recoup the supplemental
 15 payments made to a qualifying hospital for any reason,
 16 unless an equivalent amount of the funds transferred
 17 to the department of human services by a qualifying
 18 hospital pursuant to this provision is transferred to
 19 the qualifying hospital by the department.

20 If the state supplemental amount allotted to the
21 state of Iowa for the federal fiscal year beginning
22 October 1, 2005, and ending September 30, 2006,
23 pursuant to section 1923(f)(3) of the federal Social
24 Security Act, as amended, or pursuant to federal
25 payments for indirect medical education is greater
26 than the amount necessary to fund the federal share of
27 the supplemental payments specified in the preceding
28 paragraph, the department of human services shall
29 increase the supplemental disproportionate share or
30 supplemental indirect medical education adjustment by
31 the lesser of the amount necessary to utilize fully
32 the state supplemental amount or the amount of state
33 funds appropriated to the state university of Iowa
34 general education fund and allocated to the university
35 for the college of medicine. The state university of
36 Iowa shall transfer from the allocation for the
37 college of medicine to the department of human
38 services, on a monthly basis, an amount equal to the
39 additional supplemental payments made during the
40 previous month pursuant to this paragraph. A
41 qualifying hospital receiving supplemental payments
42 pursuant to this paragraph that are greater than the
43 state appropriation made to the qualifying hospital
44 for treatment of indigent patients as provided in
45 chapter 255 shall be obligated as a condition of its
46 participation in the medical assistance program to
47 transfer to the state university of Iowa general
48 education fund on a monthly basis an amount equal to
49 the funds transferred by the state university of Iowa
50 to the department of human services. To the extent

Page 22

1 that state funds appropriated to the state university
2 of Iowa and allocated to the college of medicine have
3 been transferred to the department of human services
4 as a result of these supplemental payments made to the
5 qualifying hospital, the department shall not,
6 directly or indirectly, recoup these supplemental
7 payments made to a qualifying hospital for any reason,
8 unless an equivalent amount of the funds transferred
9 to the department of human services by the state
10 university of Iowa pursuant to this paragraph is
11 transferred to the qualifying hospital by the
12 department.

13 Continuation of the supplemental disproportionate
14 share and supplemental indirect medical education
15 adjustment shall preserve the funds available to the
16 university hospital for medical and surgical treatment
17 of indigent patients as provided in chapter 255 and to
18 the state university of Iowa for educational purposes

19 at the same level as provided by the state funds
20 initially appropriated for that purpose.

21 The department of human services shall, in any
22 compilation of data or other report distributed to the
23 public concerning payments to providers under the
24 medical assistance program, set forth reimbursements
25 to a qualifying hospital through the supplemental
26 disproportionate share and supplemental indirect
27 medical education adjustment as a separate item and
28 shall not include such payments in the amounts
29 otherwise reported as the reimbursement to a
30 qualifying hospital for services to medical assistance
31 recipients.

32 For purposes of this section, "supplemental
33 payment" means a supplemental payment amount paid for
34 medical assistance to a hospital qualifying for that
35 payment under this section.

36 Sec. 14. For the fiscal year beginning July 1,
37 2005, and ending June 30, 2006, the state board of
38 regents may use notes, bonds, or other evidences of
39 indebtedness issued under section 262.48 to finance
40 projects that will result in energy cost savings in an
41 amount that will cause the state board to recover the
42 cost of the projects within an average of six years.

43 Sec. 15. Notwithstanding section 270.7, the
44 department of administrative services shall pay the
45 state school for the deaf and the Iowa braille and
46 sight saving school the moneys collected from the
47 counties during the fiscal year beginning July 1,
48 2005, for expenses relating to prescription drug costs
49 for students attending the state school for the deaf
50 and the Iowa braille and sight saving school.

Page 23

1 Sec. 16. NEW SECTION. 7K.1 INSTITUTE FOR
2 TOMORROW'S WORKFORCE.

3 1. FINDINGS. The general assembly finds that
4 Iowa's children are this state's greatest asset and to
5 improve the future for Iowa's children, it is
6 necessary to focus elementary, secondary, and
7 postsecondary education efforts on what children need
8 to know to be successful students and successful
9 participants in Iowa's global workforce. Iowa's state
10 community and business leaders are at the forefront of
11 this ongoing conversation. The general assembly
12 further finds that the creation of an institute for
13 tomorrow's workforce provides a long-term forum for
14 bold, innovative recommendations to improve Iowa's
15 education system to meet the workforce needs of Iowa's
16 new economy.

17 2. FOUNDATION CREATED – DUTIES. There is created

18 a public body corporate and politic to be known as the
19 "institute for tomorrow's workforce, an educational
20 foundation". The foundation is an independent
21 nonprofit quasi-public instrumentality and the
22 exercise of the powers granted to the foundation as a
23 corporation in this chapter is an essential government
24 function. As used in this chapter, "foundation" means
25 the "institute for tomorrow's workforce, an
26 educational foundation". The foundation shall, at a
27 minimum, do the following:

- 28 a. Review educational standards to determine
29 relevance and rigor necessary for continuous
30 improvement in student achievement and meeting
31 workforce needs.
- 32 b. Identify jobs skills and corresponding high
33 school coursework necessary to achieve success in the
34 Iowa workforce.
- 35 c. Review the state's education accountability
36 measures, including but not limited to student
37 proficiency and individual and organization program
38 accountability.
- 39 d. Identify state and local barriers to improved
40 student achievement and student success as well as
41 barriers to sharing among and within all areas of
42 Iowa's education system.
- 43 e. Identify effective education structure and
44 delivery models that promote optimum student
45 achievement opportunities for all Iowa students that
46 include, but are not limited to, the role of
47 technology.
- 48 f. Serve as a clearinghouse for existing and
49 emerging innovative educational sharing and
50 collaborative efforts among and between Iowa's

Page 24

- 1 secondary education system as well as Iowa's
2 postsecondary education system.
- 3 g. Promote partnerships between private sector
4 business and all areas of Iowa's education system.
- 5 h. Promote partnerships between other Iowa
6 governance structures including, but not limited to,
7 cities and counties, and all areas of Iowa's education
8 system.
- 9 i. Identify ways to reduce the achievement gap
10 between white and non-white, non-Asian students.
- 11 j. The board of directors of the foundation,
12 within the limits of the funds available to the
13 foundation, shall do the following:
 - 14 (1) Employ an executive director to direct the
15 activities of the foundation.
 - 16 (2) Execute contracts with public and private

- 17 agencies to conduct research and development
18 activities.
- 19 (3) Perform functions necessary to carry out the
20 purposes of the foundation.
- 21 3. MEMBERSHIP. The board of directors of the
22 foundation shall consist of fifteen members serving
23 staggered three-year terms beginning on May 1 of the
24 year of appointment who shall be appointed as follows:
- 25 a. Five members shall be appointed by the governor
26 as follows:
- 27 (1) A school district superintendent from a school
28 district with enrollment of one thousand one hundred
29 forty-nine or fewer pupils.
- 30 (2) An individual representing an Iowa business
31 employing more than two hundred fifty employees.
- 32 (3) A community college president.
- 33 (4) An individual representing labor and workforce
34 interests.
- 35 (5) An individual representing an Iowa agriculture
36 association.
- 37 b. Five members shall be appointed by the speaker
38 of the house of representatives as follows:
- 39 (1) An individual representing the area education
40 agencies.
- 41 (2) The president of an accredited private
42 institution as defined in section 261.9.
- 43 (3) An individual representing an Iowa business
44 employing more than fifty employees but less than two
45 hundred fifty employees.
- 46 (4) An individual representing urban economic
47 development interests.
- 48 (5) An individual from an association representing
49 Iowa businesses.
- 50 c. Five members shall be appointed by the

Page 25

- 1 president of the senate as follows:
- 2 (1) A school district superintendent from a school
3 district with an enrollment of more than one thousand
4 one hundred forty-nine pupils.
- 5 (2) A president of an institution of higher
6 education under the control of the state board of
7 regents.
- 8 (3) An individual representing an Iowa business
9 employing fifty or fewer employees.
- 10 (4) An individual representing rural economic
11 development interests.
- 12 (5) An individual representing a business that
13 established itself in Iowa on or after July 1, 1999.
- 14 Members, except as provided in paragraph "c",
15 subparagraph (2), shall not be employed by the state.

16 One co-chairperson shall be appointed by the speaker
17 of the house of representatives and one co-chairperson
18 shall be appointed by the president of the senate.

19 4. MATCHING FUNDS REQUIREMENT. Moneys
20 appropriated by the general assembly for purposes of
21 the foundation shall be allocated only to the extent
22 that the state moneys are matched from other sources
23 by the foundation on a dollar-for-dollar basis.

24 5. REPORTING REQUIREMENTS. The foundation shall
25 submit its findings and recommendations by January 15
26 annually in a report to the governor, the speaker of
27 the house of representatives, the president of the
28 senate, the state board of education, the state board
29 of regents, the department of workforce development,
30 the department of economic development, the Iowa
31 association of community college trustees, the college
32 student aid commission, the Iowa association of
33 independent colleges and universities, and
34 associations representing school boards, nonpublic
35 schools, area education agencies, and teachers. The
36 report shall include an accounting of the revenues and
37 expenditures of the foundation.

38 6. This chapter is repealed effective July 1,
39 2015.

40 Sec. 17. Section 256.9, Code 2005, is amended by
41 adding the following new subsection:

42 NEW SUBSECTION. 53. Develop and make available to
43 school districts, examples of age-appropriate
44 materials and lists of resources which parents may use
45 to teach their children to recognize unwanted physical
46 and verbal sexual advances, to not make unwanted
47 physical and verbal sexual advances, to effectively
48 reject unwanted sexual advances, that it is wrong to
49 take advantage of or exploit another person, and about
50 counseling, medical, and legal resources available to

Page 26

1 survivors of sexual abuse and sexual assault,
2 including resources for escaping violent
3 relationships. The materials and resources shall
4 cover verbal, physical, and visual sexual harassment,
5 including nonconsensual sexual advances, and
6 nonconsensual physical sexual contact. In developing
7 the materials and resource list, the director shall
8 consult with entities that shall include, but not be
9 limited to, the departments of human services, public
10 health, and public safety, education stakeholders, and
11 parent-teacher organizations. School districts shall
12 provide age-appropriate materials and a list of
13 available community and web-based resources to parents
14 at registration and shall also include the age-

15 appropriate materials and resource list in the student
16 handbook. School districts are encouraged to work
17 with their communities to provide voluntary parent
18 education sessions to provide parents with the skills
19 and appropriate strategies to teach their children as
20 described in this subsection. School districts shall
21 incorporate the age-appropriate materials into
22 relevant curricula and shall reinforce the importance
23 of preventive measures when reasonable with parents
24 and students.

25 Sec. 18. NEW SECTION. 256.24 VALUE-ADDED
26 ASSESSMENT SYSTEM.

27 1. A value-added assessment system shall be
28 established by the department to provide for
29 multivariate longitudinal analysis of annual student
30 test scores to determine the influence of a school
31 district's educational program on student academic
32 growth and to guide school district improvement
33 efforts. The department shall select a value-added
34 assessment system provider through a request for
35 proposals process. The system provider selected by
36 the department shall offer a value-added assessment
37 system to calculate annually the academic growth of
38 each student enrolled in grade levels three through
39 eleven and tested in accordance with this section, and
40 shall, at a minimum, meet all of the following
41 criteria:

42 a. Use a mixed-model statistical analysis that has
43 the ability to use all achievement test data for each
44 student, including the data for students with missing
45 test scores, that does not adjust downward
46 expectations for student progress based on race,
47 poverty, or gender, and that will provide the best
48 linear unbiased predictions of school or other
49 educational entity effects to minimize the impact of
50 fortuitous accumulation of random errors.

Page 27

1 b. Have the ability to work with test data from a
2 variety of sources, including data that are not
3 vertically scaled, and to provide support for school
4 districts utilizing the system.

5 c. Have the capacity to receive and report results
6 electronically and provide support for districts
7 utilizing the system.

8 d. Have the ability to create for each school
9 district a chart that reports grade-equivalent scores
10 for grades three through eight and gains between
11 consecutive pairs of grades for each attendance center
12 and that provides for a district-wide study of grade-
13 equivalent scores.

14 2. Annually, each school district that administers
15 the Iowa test of basic skills or the Iowa test of
16 educational development shall, within thirty days of
17 receiving the test scores from the American college
18 testing program, inc., submit the test scores for each
19 attendance center within the school district and each
20 grade level tested, from grades three through eleven,
21 to the system provider selected pursuant to subsection
22 1. School districts may submit additional assessment
23 data for analysis and inclusion in reports provided to
24 school districts pursuant to subsection 3, to the
25 extent that the assessment meets the criteria for
26 valid academic progress interpretation specified by
27 the system provider.

28 3. The system provider shall provide analysis to
29 school districts submitting test scores pursuant to
30 subsection 2, and to the department of education. The
31 analysis shall include, but not be limited to,
32 attendance-center-level test results for the Iowa test
33 of basic skills in the areas of reading and
34 mathematics and other core academic areas when
35 possible. The analysis shall also include, but not be
36 limited to, the number of students tested, the number
37 of test results used to compute the averages, the
38 average standard score, the corresponding grade
39 equivalent score, the average stanine score for the
40 group, the normal curve equivalent of average standard
41 scores, and percentile ranks based on student norms,
42 as well as measures of student progress. The system
43 provider shall create a chart for each school district
44 in accordance with the criteria set forth in
45 subsection 1, paragraphs "a" through "d".

46 4. Each school district shall have complete access
47 to and full utilization of its own value-added
48 assessment reports and charts generated by the system
49 provider at the student level for the purpose of
50 measuring student achievement at different educational

Page 28

1 entity levels.

2 5. Student academic growth determined pursuant to
3 this section shall not be used in teacher evaluation
4 and shall not be published if individual teacher
5 effects can be surmised.

6 6. Information about student academic growth may
7 be used by the school district, including school board
8 members, administration, and staff, for defining
9 student and district learning goals and professional
10 development related to student learning goals across
11 the school district. A school district may submit its
12 academic growth measures in the annual report

13 submitted pursuant to section 256.7, subsection 21,
14 and may reference in the report state level norms for
15 purposes of demonstrating school district performance.
16 However, unless a school district chooses to submit
17 its academic measures in the annual report submitted
18 pursuant to section 256.7, such measures are not
19 public records for the purposes of chapter 22.

20 7. The department may use student academic
21 progress data to determine school improvement and
22 technical assistance needs of school districts, and to
23 identify school districts achieving exceptional gains.
24 Beginning January 15, 2006, and by January 15 of each
25 succeeding year, the department shall submit an annual
26 progress report regarding the use of student academic
27 growth information in the school improvement processes
28 to the house and senate education committees and shall
29 publish the progress report on its internet web site.

30 8. The department is encouraged to advocate that
31 the United States department of education allow
32 reporting of student academic progress as an
33 additional valid measure of school performance, as an
34 alternative for meeting federal safe harbor
35 provisions, and for establishing statewide progress
36 under the federal No Child Left Behind Act of 2001,
37 Pub. L. No. 107-110, and any federal regulations
38 adopted pursuant to the federal Act.

39 9. A school district shall use the value-added
40 assessment system established by the department
41 pursuant to subsection 1 not later than the school
42 year ending June 30, 2007. However, the director of
43 educational services of an area education agency may
44 grant a request made by a board of directors of a
45 school district located within the boundaries of the
46 area education agency stating its desire to use an
47 alternative system to compute and report value-added
48 scores that is statistically valid and reliable.

49 Sec. 19. Section 256.44, subsection 1, paragraph
50 a, Code 2005, is amended to read as follows:

Page 29

1 a. If a teacher registers for national board for
2 professional teaching standards certification prior to
3 June 30, ~~2005~~ 2006, a one-time initial reimbursement
4 award in the amount of up to one-half of the
5 registration fee paid by the teacher for registration
6 for certification by the national board for
7 professional teaching standards. The teacher shall
8 apply to the department of education within one year
9 of registration, submitting to the department any
10 documentation the department requires. A teacher who
11 receives an initial reimbursement award shall receive

12 a one-time final registration award in the amount of
 13 the remaining national board registration fee paid by
 14 the teacher if the teacher notifies the department of
 15 the teacher's certification achievement and submits
 16 any documentation requested by the department.
 17 Sec. 20. Section 256.44, subsection 1, paragraph
 18 b, subparagraph 2, Code 2005, is amended to read as
 19 follows:

20 (2) If the teacher registers for national board
 21 for professional teaching standards certification
 22 between January 1, 1999, and January 1, ~~2005~~ 2006, and
 23 achieves certification within three years from the
 24 date of initial score notification, an annual award in
 25 the amount of two thousand five hundred dollars upon
 26 achieving certification by the national board of
 27 professional teaching standards.

28 Sec. 21. Section 257B.1B, subsection 1, Code 2005,
 29 is amended to read as follows:

30 1. ~~Fifty five~~ For the fiscal year beginning July
 31 1, 2004, and each succeeding fiscal year, fifty-five
 32 percent of the moneys deposited in the fund to the
 33 department of education for allocation to the Iowa
 34 reading recovery center council to assist school
 35 districts in developing reading recovery and literacy
 36 programs. The Iowa reading recovery council shall use
 37 the area education agency unified budget as its fiscal
 38 agent for grant moneys and for other moneys
 39 administered by the council.

40 Sec. 22. Section 260C.2, Code 2005, is amended by
 41 adding the following new subsection:

42 NEW SUBSECTION. 1A. "Department" means the
 43 department of education.

44 Sec. 23. NEW SECTION. 260C.18C STATE AID
 45 DISTRIBUTION FORMULA.

46 1. PURPOSE. A distribution plan for general state
 47 financial aid to Iowa's community colleges is
 48 established for the fiscal year commencing July 1,
 49 2005, and succeeding fiscal years. Funds appropriated
 50 by the general assembly to the department for general

Page 30

1 financial aid to community colleges shall be allocated
 2 to each community college in the manner provided under
 3 this section.

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

6 a. "Base funding allocation" means the amount of
 7 general state financial aid all community colleges
 8 received in the base year.

9 b. "Base year" means the fiscal year immediately
 10 preceding the budget year.

- 11 c. "Below-average support per FTEE" for a
12 community college means the state-average combined
13 support per FTEE minus the combined support per FTEE
14 for the community college if the community college's
15 combined support per FTEE is less than the state-
16 average combined support per FTEE.
- 17 d. "Budget year" means the fiscal year for which
18 moneys are appropriated by the general assembly.
- 19 e. "Combined support" for a community college
20 means the total amount of moneys the community college
21 received in general state financial aid in the base
22 year plus the community college's general fund
23 property tax revenue, including utility replacement,
24 for the base year.
- 25 f. "Combined support per FTEE" for a community
26 college means the community college's combined support
27 divided by its three-year rolling average full-time
28 equivalent enrollment for the three years prior to the
29 base year.
- 30 g. "Contact hour" for a noncredit course equals
31 fifty minutes of contact between an instructor and
32 students in a scheduled course offering for which
33 students are registered.
- 34 h. "Credit hour", for purposes of community
35 college funding distribution, shall be as defined by
36 the department by rule.
- 37 i. "Eligible credit courses" means all credit
38 courses that are eligible for general state financial
39 aid which are part of a department-approved program of
40 study. The department shall review and provide a
41 determination should a question of eligibility occur.
- 42 j. "Eligible growth support" for a community
43 college is the community college's below-average
44 support per FTEE multiplied times its three-year
45 rolling average full-time equivalent enrollment.
- 46 k. "Eligible noncredit courses" means all
47 noncredit courses eligible for general state financial
48 aid which fall under one of the eligible categories
49 for noncredit courses as defined by rule of the
50 department. The department shall review and provide a

Page 31

- 1 determination should a question of eligibility occur.
- 2 l. "Eligible student" means a student enrolled in
3 eligible credit or eligible noncredit courses. The
4 department shall review and provide a determination
5 should a question of eligibility occur.
- 6 m. "Fiscal year" means the period of twelve months
7 beginning on July 1 and ending on June 30.
- 8 n. One "full-time equivalent enrollment (FTEE)"
9 equals twenty-four credit hours for credit courses or

10 six hundred contact hours for noncredit courses
 11 generated by all eligible students enrolled in
 12 eligible courses.

13 o. "General fund property tax revenue" means the
 14 amount of moneys a community college raised or could
 15 have raised from a property tax of twenty and one-
 16 fourth cents per thousand dollars of assessed
 17 valuation on all taxable property in its merged area
 18 collected for the base year.

19 p. "General state financial aid" means the amount
 20 of general state financial aid the community college
 21 received from the general fund.

22 q. "Inflation adjustment amount" means the
 23 inflation rate minus two percentage points multiplied
 24 times the base funding allocation. The inflation
 25 adjustment amount shall not be less than zero.

26 r. "Inflation rate" means the average of the
 27 preceding twelve-month percentage change, which shall
 28 be computed on a monthly basis, in the consumer price
 29 index for all urban consumers, not seasonally
 30 adjusted, published by the United States department of
 31 labor, bureau of labor statistics, calculated for the
 32 calendar year ending six months after the beginning of
 33 the base year.

34 s. "State-average combined support per FTEE" means
 35 the average of the combined support per FTEE for all
 36 community colleges in the state in the base year.

37 t. "Three-year rolling average full-time
 38 equivalent enrollment" means the average of the
 39 audited full-time equivalent enrollment for a
 40 community college over the three fiscal years prior to
 41 the base year as determined by the department.

42 u. "Total growth support amount" means the sum of
 43 the eligible growth support for all the community
 44 colleges.

45 3. DISTRIBUTION FORMULA. Moneys appropriated by
 46 the general assembly from the general fund to the
 47 department for community college purposes for general
 48 state financial aid for a budget year shall be
 49 allocated to each community college by the department
 50 as follows:

Page 32

1 a. If the inflation rate is equal to two percent
 2 or less:
 3 (1) BASE FUNDING ALLOCATION. The moneys shall
 4 first be allocated in the amount of general state
 5 financial aid each community college received in the
 6 base year. If the appropriation is less than the
 7 total of the amount of general state financial aid
 8 each community college received in the base year, the

9 moneys shall be allocated in the same proportion as
 10 the allocation of general state financial aid each
 11 community college received in the base year.

12 (2) MARGINAL COST ADJUSTMENT. After the base
 13 funding has been allocated, each community college
 14 shall be allocated up to an additional two percent of
 15 its base funding allocation. The community college's
 16 allocation shall be in the same proportion as the
 17 allocation of general state financial aid each
 18 community college received in the base year.

19 (3) THREE-YEAR ROLLING AVERAGE OF FULL-TIME
 20 EQUIVALENT ENROLLMENT. If the increase in the total
 21 state general aid exceeds two percent over the base
 22 funding allocation, an amount up to an additional one
 23 percent of the base funding allocation shall be
 24 distributed based upon each community college's
 25 proportional share of the three-year rolling average
 26 full-time equivalent enrollments for all community
 27 colleges.

28 (4) EXTRAORDINARY GROWTH ADJUSTMENT. If the
 29 increase in total state general aid exceeds three
 30 percent over the base funding allocation, an amount up
 31 to an additional one percent of the base funding
 32 allocation shall be distributed as follows:

33 (a) Forty percent of the moneys shall be allocated
 34 based upon each community college's proportional share
 35 of the three-year rolling average full-time equivalent
 36 enrollments for all community colleges.

37 (b) Sixty percent of the moneys shall be allocated
 38 to community colleges that have eligible growth
 39 support. The allocation shall be based upon the
 40 proportional share that each community college's
 41 eligible growth support bears to the total growth
 42 support amount. Once the moneys allocated under this
 43 subparagraph subdivision equal the total growth
 44 support amount, the remaining moneys allocated under
 45 this subparagraph shall be allocated as provided in
 46 subparagraph subdivision (a).

47 (5) ADDITIONAL THREE-YEAR ROLLING AVERAGE FTEE
 48 ALLOCATION. If the increase in total state general
 49 aid exceeds four percent over the base funding
 50 allocation, all remaining moneys shall be distributed

Page 33

1 based upon each college's proportional share of the
 2 three-year rolling average full-time equivalent
 3 enrollments for all community colleges.

4 b. If the inflation rate is greater than two
 5 percent but less than four percent:

6 (1) BASE FUNDING ALLOCATION. The moneys shall
 7 first be allocated in the amount of general state

8 financial aid each community college received in the
9 base year. If the appropriation is less than the
10 total of the amount of general state financial aid
11 each community college received in the base year, the
12 moneys shall be allocated in the same proportion as
13 the allocation of general state financial aid each
14 community college received in the base year.

15 (2) MARGINAL COST ADJUSTMENT. After the base
16 funding has been allocated, each community college
17 shall be allocated up to an additional two percent of
18 its base funding allocation. The community college's
19 allocation shall be in the same proportion as the
20 allocation of general state financial aid each
21 community college received in the base year.

22 (3) THREE-YEAR ROLLING AVERAGE OF FULL-TIME
23 EQUIVALENT ENROLLMENT. If the increase in the total
24 state general aid exceeds two percent over the base
25 funding allocation, an amount up to an additional one
26 percent of the base funding allocation shall be
27 distributed based upon each community college's
28 proportional share of the three-year rolling average
29 full-time equivalent enrollments for all community
30 colleges.

31 (4) EXTRAORDINARY GROWTH ADJUSTMENT. If the
32 increase in total state general aid exceeds three
33 percent over the base funding allocation, an amount up
34 to an additional one percent of the base funding
35 allocation shall be based as follows:

36 (a) Forty percent of the moneys shall be allocated
37 based upon each community college's proportional share
38 of the three-year rolling average full-time equivalent
39 enrollments for all community colleges.

40 (b) Sixty percent of the moneys shall be allocated
41 to community colleges that have eligible growth
42 support. The allocation shall be based upon the
43 proportional share that each community college's
44 eligible growth support bears to the total growth
45 support amount. Once the moneys allocated under this
46 subparagraph subdivision equal the total growth
47 support amount, the remaining moneys allocated under
48 this subparagraph shall be allocated as provided in
49 subparagraph subdivision (a).

50 (5) INFLATION ADJUSTMENT. If the increase in

Page 34

1 total state general aid exceeds four percent over the
2 base funding allocation, an amount up to the inflation
3 adjustment amount shall be distributed to each
4 community college in the same proportion as the
5 allocation of general state financial aid each
6 community college received in the base year.

7 (6) ADDITIONAL THREE-YEAR ROLLING AVERAGE FTEE
8 ALLOCATION. If there are remaining moneys to be
9 distributed under this paragraph after distributing
10 moneys under subparagraph (5), all remaining moneys
11 shall be distributed based upon each community
12 college's proportional share of the three-year rolling
13 average full-time equivalent enrollments for all
14 community colleges.

15 c. If the inflation rate equals or exceeds four
16 percent:

17 (1) BASE FUNDING ALLOCATION. The moneys shall
18 first be allocated in the amount of general state
19 financial aid each community college received in the
20 base year. If the appropriation is less than the
21 total of the amount of general state financial aid
22 each community college received in the base year, the
23 moneys shall be allocated in the same proportion as
24 the allocation of general state financial aid each
25 community college received in the base year.

26 (2) MARGINAL COST ADJUSTMENT. After the base
27 funding has been allocated, each community college
28 shall be allocated up to an additional two percent of
29 its base funding allocation. The community college's
30 allocation shall be in the same proportion as the
31 allocation of general state financial aid each
32 community college received in the base year.

33 (3) THREE-YEAR ROLLING AVERAGE OF FULL-TIME
34 EQUIVALENT ENROLLMENT. If the increase in the total
35 state general aid exceeds two percent over the base
36 funding allocation, an amount up to an additional one
37 percent of the base funding allocation shall be
38 distributed based upon each community college's
39 proportional share of the three-year rolling average
40 full-time equivalent enrollments for all community
41 colleges.

42 (4) INFLATION ADJUSTMENT. If the increase in
43 total state general aid exceeds three percent over the
44 base funding allocation, an amount up to the inflation
45 adjustment amount shall be distributed to each
46 community college in the same proportion as the
47 allocation of general state financial aid each
48 community college received in the base year.

49 (5) EXTRAORDINARY GROWTH ADJUSTMENT. If there are
50 remaining moneys to be distributed under this

Page 35

1 paragraph after distributing moneys under subparagraph
2 (4), an amount up to an additional one percent of the
3 base funding allocation shall be based as follows:
4 (a) Forty percent of the moneys shall be allocated
5 based upon each community college's proportional share

6 of the three-year rolling average full-time equivalent
7 enrollments for all community colleges.

8 (b) Sixty percent of the moneys shall be allocated
9 to community colleges that have eligible growth
10 support. The allocation shall be based upon the
11 proportional share that each community college's
12 eligible growth support bears to the total growth
13 support amount. Once the moneys allocated under this
14 subparagraph subdivision equals the total growth
15 support amount, the remaining moneys allocated under
16 this subparagraph shall be allocated as provided in
17 subparagraph subdivision (a).

18 (6) ADDITIONAL THREE-YEAR ROLLING AVERAGE FTEE
19 ALLOCATION. If there are remaining moneys to be
20 distributed under this paragraph after distributing
21 moneys under subparagraph (5), all remaining moneys
22 shall be distributed based upon each community
23 college's proportional share of the three-year rolling
24 average full-time equivalent enrollments for all
25 community colleges.

26 4. INFORMATION SUPPLIED BY COLLEGES AND ADOPTION
27 OF RULES.

28 a. Each community college shall provide
29 information in the manner and form as determined by
30 the department. If a community college fails to
31 provide the information as requested, the department
32 shall estimate the full-time equivalent enrollment of
33 that college.

34 b. Each community college shall complete and
35 submit an annual student enrollment audit to the
36 department. Adjustments to community college state
37 general aid allocations shall be made based on student
38 enrollment audit outcomes.

39 c. The department shall adopt rules under chapter
40 17A as necessary for the allocation of general state
41 financial aid.

42 Sec. 24. Section 261.9, subsection 1, paragraph b,
43 Code 2005, is amended to read as follows:

44 b. Is accredited by the north central association
45 of colleges and secondary schools accrediting agency
46 based on their requirements, ~~is exempt from taxation~~
47 ~~under section 501(c)(3) of the Internal Revenue Code,~~
48 and annually provides a matching aggregate amount of
49 institutional financial aid equal to at least seventy-
50 five percent of the amount received in a fiscal year

Page 36

1 by the institution's students for Iowa tuition grant
2 assistance under this chapter. Commencing with the
3 fiscal year beginning July 1, 2005 2006, the matching
4 aggregate amount of institutional financial aid shall

5 increase by the percentage of increase each fiscal
 6 year of funds appropriated for Iowa tuition grants
 7 under section 261.25, subsection 1, to a maximum match
 8 of one hundred percent. The institution shall file
 9 annual reports with the commission prior to receipt of
 10 tuition grant moneys under this chapter. ~~An~~
 11 ~~institution whose income is not exempt from taxation~~
 12 ~~under section 501(e) of the Internal Revenue Code and~~
 13 ~~whose students were eligible to receive Iowa tuition~~
 14 ~~grant money in the fiscal year beginning July 1, 2003,~~
 15 ~~shall meet the match requirements of this paragraph no~~
 16 ~~later than June 30, 2005.~~

17 Sec. 25. Section 261.25, subsection 1, Code 2005,
 18 is amended to read as follows:

19 1. There is appropriated from the general fund of
 20 the state to the commission for each fiscal year the
 21 sum of ~~forty-seven~~ forty-nine million ~~one~~ six hundred
 22 ~~fifty-seven~~ seventy-three thousand five hundred
 23 ~~fifteen~~ seventy-five dollars for tuition grants. ~~From~~
 24 ~~the funds appropriated in this subsection, not more~~
 25 ~~than three million four hundred thousand dollars may,~~
 26 ~~be distributed to private institutions whose income is~~
 27 ~~not exempt from taxation under section 501(e) of the~~
 28 ~~Internal Revenue Code and whose students were eligible~~
 29 ~~to receive Iowa tuition grant moneys in the fiscal~~
 30 ~~year beginning July 1, 2003.~~

31 Sec. 26. NEW SECTION. 272.29 ANNUAL
 32 ADMINISTRATIVE RULES REVIEW.

33 The executive director shall annually review the
 34 administrative rules adopted pursuant to this chapter
 35 and related state laws. The executive director shall
 36 annually submit the executive director's findings and
 37 recommendations in a report to the board and the
 38 chairpersons and ranking members of the senate and
 39 house standing committees on education and the joint
 40 appropriations subcommittee on education by January
 41 15.

42 Sec. 27. Section 284.13, subsection 1, paragraphs
 43 b and c, Code 2005, are amended to read as follows:

44 b. For the fiscal year beginning July 1, ~~2004~~
 45 2005, and ending June 30, ~~2005~~ 2006, to the department
 46 of education, the amount of ~~one~~ two million ~~one~~
 47 ~~hundred thousand~~ dollars for the issuance of national
 48 board certification awards in accordance with section
 49 256.44.

50 c. For the fiscal year beginning July 1, ~~2004~~

Page 37

1 ~~2005~~, and succeeding fiscal years, an amount up to
 2 ~~three~~ four million ~~five~~ two hundred thousand dollars
 3 for first-year and second-year beginning teachers, to

4 the department of education for distribution to school
5 districts for purposes of the beginning teacher
6 mentoring and induction programs. A school district
7 shall receive one thousand three hundred dollars per
8 beginning teacher participating in the program. If
9 the funds appropriated for the program are
10 insufficient to pay mentors and school districts as
11 provided in this paragraph, the department shall
12 prorate the amount distributed to school districts
13 based upon the amount appropriated. Moneys received
14 by a school district pursuant to this paragraph shall
15 be expended to provide each mentor with an award of
16 five hundred dollars per semester, at a minimum, for
17 participation in the school district's beginning
18 teacher mentoring and induction program; to implement
19 the plan; and to pay any applicable costs of the
20 employer's share of contributions to federal social
21 security and the Iowa public employees' retirement
22 system or a pension and annuity retirement system
23 established under chapter 294, for such amounts paid
24 by the district.

25 Sec. 28. Section 284.13, subsection 1, paragraph
26 e, Code 2005, is amended to read as follows:
27 e. For the fiscal year beginning July 1, 2004
28 2005, and ending June 30, ~~2005~~ 2006, up to ~~two~~ four
29 hundred fifty eighty-five thousand dollars to the
30 department of education for purposes of implementing
31 the career development program requirements of section
32 284.6, and the review panel requirements of section
33 284.9, and the evaluator training program in section
34 284.10. From the moneys allocated to the department
35 pursuant to this paragraph, not less than ~~seventy-~~
36 ~~five~~ ten thousand dollars shall be ~~used to administer~~
37 ~~the ambassador to education position in accordance~~
38 ~~with section 256.45~~ distributed to the board of
39 educational examiners for purposes of convening an
40 educator licensing review working group. From the
41 moneys allocated to the department pursuant to this
42 paragraph, not less than eighty-five thousand dollars
43 shall be used to administer the ambassador to
44 education position in accordance with section 256.45.
45 A portion of the funds allocated to the department for
46 purposes of this paragraph may be used by the
47 department for administrative purposes.
48 Notwithstanding section 8.33, moneys allocated for
49 purposes of this paragraph prior to July 1, ~~2004~~ 2005,
50 which remain unobligated or unexpended at the end of

Page 38

1 the fiscal year for which the moneys were
2 appropriated, shall remain available for expenditure

3 for the purposes for which they were allocated, for
4 the fiscal year beginning July 1, ~~2004~~ 2005, and
5 ending June 30, ~~2005~~ 2006.

6 Sec. 29. Section 284.13, subsection 1, Code 2005,
7 is amended by adding the following new paragraphs:
8 NEW PARAGRAPH. dd. For the fiscal year beginning
9 July 1, 2005, and ending June 30, 2006, up to ten
10 million dollars to the department of education for use
11 by school districts to add one additional teacher
12 contract day to the school calendar. Prior to
13 receiving funds under this paragraph, a school
14 district shall submit for approval to the department
15 the school district's professional development plan
16 for use of the moneys. The department shall submit a
17 report on school district use of the moneys
18 distributed pursuant to this paragraph to the
19 chairpersons and ranking members of the house and
20 senate standing committees on education, the joint
21 appropriations subcommittee on education, and the
22 legislative services agency not later than January 15,
23 2006. The department shall distribute funds allocated
24 for purposes of this paragraph based on each school
25 district's teacher per diem. If the funds allocated
26 are insufficient to pay the per diem for one
27 additional teacher contract day, the department shall
28 prorate the funds to the school districts and
29 notwithstanding section 284.4, subsection 1, paragraph
30 "c", the department shall prorate the number of
31 additional teacher contract days a school district
32 shall be required to provide consistent with section
33 284.4, subsection 1, paragraph "c". If the department
34 receives funds for purposes of this paragraph in
35 excess of the per diem for one additional teacher
36 contract day, the funds shall be distributed as
37 provided under paragraph "f".

38 NEW PARAGRAPH. ee. For the fiscal year beginning
39 July 1, 2005, and succeeding fiscal years, up to one
40 million dollars to the department of education for
41 purposes of the value-added assessment system
42 established pursuant to section 256.24. The
43 department shall allocate the moneys to school
44 districts based upon the percentage of the budget
45 enrollment of each school district for the fiscal year
46 beginning July 1, 2004, compared to the budget
47 enrollment of all school districts in the state for
48 the fiscal year beginning July 1, 2004. The
49 department shall distribute the moneys to a school
50 district upon demonstration by the school district to

Page 39

1 the department that the school district agrees to

2 participate in a qualified value-added assessment
3 system.

4 Sec. 30. Section 284.13, subsection 1, paragraphs
5 a, d, and i, Code 2005, are amended by striking the
6 paragraphs.

7 Sec. 31. Section 298.3, Code 2005, is amended by
8 adding the following new subsection:

9 **NEW SUBSECTION.** 13. EXPENDITURES FOR WIND
10 GENERATORS. If a school district's anticipated energy
11 savings is projected to pay for construction of a wind
12 generator, the school district may use revenues
13 received under this section to pay off the
14 construction loan.

15 Sec. 32. Section 301.1, subsection 2, Code 2005,
16 is amended to read as follows:

17 2. Textbooks adopted and purchased by a school
18 district shall, to the extent funds are appropriated
19 by the general assembly, be made available to pupils
20 attending accredited nonpublic schools upon request of
21 the pupil or the pupil's parent under comparable terms
22 as made available to pupils attending public schools.
23 If the general assembly appropriates moneys for
24 purposes of making textbooks available to accredited
25 nonpublic school pupils, the department of education
26 shall ascertain the amount available to a school
27 district for the purchase of nonsectarian,
28 nonreligious textbooks for pupils attending accredited
29 nonpublic schools. The amount shall be in the
30 proportion that the basic enrollment of a
31 participating accredited nonpublic school bears to the
32 sum of the basic enrollments of all participating
33 accredited nonpublic schools in the state for the
34 budget year. For purposes of this section, a
35 "participating accredited nonpublic school" means an
36 accredited nonpublic school that submits a written
37 request on behalf of the school's pupils in accordance
38 with this subsection, and that certifies its actual
39 enrollment to the department of education by October
40 1, annually. By October 15, annually, the department
41 of education shall certify to the director of the
42 department of administrative services the annual
43 amount to be paid to each school district, and the
44 director of the department of administrative services
45 shall draw warrants payable to school districts in
46 accordance with this subsection. For purposes of this
47 subsection, an accredited nonpublic school's
48 enrollment count shall include only students who are
49 residents of Iowa. The costs of providing textbooks
50 to accredited nonpublic school pupils as provided in

Page 40

1 this subsection shall not be included in the
2 computation of district cost under chapter 257, but
3 shall be shown in the budget as an expense from
4 miscellaneous income. Textbook expenditures made in
5 accordance with this subsection shall be kept on file
6 in the school district. Textbooks made available by a
7 school district to pupils attending accredited
8 nonpublic schools in accordance with this subsection
9 are not to be the property of the school district.

10 Sec. 33. Section 423E.4, subsection 3, paragraph
11 a, Code 2005, is amended to read as follows:

12 a. The director of revenue by June 1 preceding
13 each fiscal year shall compute the guaranteed school
14 infrastructure amount for each school district, each
15 school district's sales tax capacity per student for
16 each county, the statewide tax revenues per student,
17 and the supplemental school infrastructure amount for
18 the coming fiscal year.

19 Sec. 34. Section 423E.4, subsection 3, paragraph
20 b, subparagraph (3), Code 2005, is amended by striking
21 the subparagraph and inserting in lieu thereof the
22 following:

23 (3) "Statewide tax revenues per student" means the
24 amount determined by estimating the total revenues
25 that would be generated by a one percent local option
26 sales and services tax for school infrastructure
27 purposes if imposed by all the counties during the
28 entire fiscal year and dividing this estimated revenue
29 amount by the sum of the combined actual enrollment
30 for all counties as determined in section 423E.3,
31 subsection 5, paragraph "d", subparagraph (2).

32 Sec. 35. EFFECTIVE DATES.

33 1. The section of this Act that amends section
34 257B.1B, being deemed of immediate importance, takes
35 effect upon enactment.

36 2. The section of this Act that amends section
37 423E.4, being deemed of immediate importance, takes
38 effect upon enactment."

39 2. Title page, by striking line 5 and inserting
40 the following: "regents, and providing effective
41 dates."

42 3. By renumbering as necessary.

Kressig of Black Hawk offered the following amendment H-1641, to the Senate amendment H-1635, filed by Kressig, Wessel-Kroeschell of Story, Heddens of Story, Mascher of Johnson, Jacoby of Johnson, Lensing of Johnson, Shultz of Black Hawk, Berry

of Black Hawk and D. Olson of Boone, from the floor and moved its adoption:

H-1641

- 1 Amend the Senate amendment, H-1635, to House File
- 2 816, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 13, line 40, by striking the figure
- 5 "21,219,288" and inserting the following:
- 6 "40,000,000".

The House stood at ease at 3:12 p.m., until the fall of the gavel.

The House resumed session at 3:40 p.m., Speaker Rants in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-eight members present, thirty-two absent.

Paulsen of Linn in the chair at 4:05 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Maddox of Polk on request of Gipp of Winneshiek.

QUORUM CALL

A record roll call was requested by Murphy of Dubuque and T. Taylor of Linn to determine if a quorum was present.

Rule 75 was invoked.

There were 97 members present:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon

Foege	Ford	Freeman	Frevert
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Paulsen, Presiding			

Absent, 3:

Gaskill	Maddox	Wildurdyke
---------	--------	------------

Speaker Rants in the chair at 4:48 p.m.

CALL OF THE HOUSE

Pursuant to Rule 78, the following members respectfully request a Call of the House on House File 816 and all motions and amendments filed thereto.

MURPHY of Dubuque
 BUKTA of Clinton
 HEDDENS Story
 MILLER of Webster
 REASONER of Union
 WHITAKER of Van Buren

A roll call was taken by Speaker Rants.

There were 99 members present:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar

Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foegen	Ford	Freeman	Frevert
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitehead	Wilderdyeke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

Absent, 1:

Gaskill

Speaker Rants declared a quorum present.

TIME CERTAIN

Gipp of Winneshiek moved that debate be closed and the question be put on the Senate amendment H-1635 to House File 816 to a time certain of 9:15 p.m., Tuesday, May 10, 2005.

Roll call was requested by Gipp of Winneshiek and S. Olson of Clinton.

On the question "Shall the Senate amendment H-1635 be debated at the time certain of 9:15 p.m., Tuesday, May 10, 2005?"

The ayes were, 52:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow

Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Whitead	Wilderdyke	Mr. Speaker Rants

The nays were, 47:

Bell	Berry	Bukta	Cphoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevvert	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wessel-Kroeschell	Whitaker
Winckler	Wise	Zirkelbach	

Absent or not voting, 1:

Gaskill

The motion prevailed.

Gipp of Winneshiek moved to lift the Call of the House on House File 816.

A non-record roll call was requested.

The ayes were 53, nays 16.

The motion prevailed.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kurtenbach of Story, on request of Gipp of Winneshiek.

The House stood at ease at 5:07 p.m., until the fall of the gavel.

The House resumed session at 6:14 p.m., Speaker Rants in the chair.

The House resumed consideration of House File 816, and amendment H-1641.

Kressig of Black Hawk asked and received unanimous consent to withdraw amendment H-1641 to the Senate amendment H-1635 filed by him from the floor.

Chambers of O'Brien asked and received unanimous consent to withdraw amendment H-1645 to the Senate amendment H-1635 filed by him from the floor, placing out of order the following amendments to the Senate amendment H-1635:

Amendment H-1650 filed by Wendt of Woodbury from the floor.

Amendment H-1651 filed by Wendt of Woodbury and Mascher of Johnson from the floor.

Amendment H-1652 filed by Wendt of Woodbury, Jochum of Dubuque and Hogg of Linn from the floor.

Amendment H-1653 filed by Wendt of Woodbury from the floor.

Amendment H-1654 filed by Winckler of Scott and Mascher of Johnson from the floor.

Amendment H-1655 filed by Wendt of Woodbury from the floor.

Amendment H-1656 filed by Wendt of Woodbury from the floor.

Amendment H-1657 filed by Thomas of Clayton from the floor.

Amendment H-1658 filed by Zirkelbach of Jones from the floor.

Amendment H-1659 filed by Heddens of Story, D. Olson of Boone and Bukta of Clinton from the floor.

Amendment H-1660 filed by Kressig of Black Hawk, Heddens of Story, Lensing of Johnson, Shoultz of Black Hawk, Wessel-Kroeschell of Story, Berry of Black Hawk, Jacoby of Johnson and D. Olson of Boone from the floor.

Amendment H-1661 filed by Mascher of Johnson from the floor.

Amendment H-1662 filed by Berry of Black Hawk from the floor.

Amendment H-1663 filed by Wendt of Woodbury from the floor.

Amendment H-1664 filed by Winckler of Scott from the floor.

Amendment H-1665 filed by Wendt of Woodbury from the floor.

Amendment H-1666 filed by Frevert of Palo Alto from the floor.

Amendment H-1667 filed by Foege of Linn from the floor.

Amendment H-1668 filed by Ford of Polk from the floor.

Amendment H-1669 filed by Tymeson of Madison and Huser of Polk from the floor.

Amendment H-1672 filed by Oldson of Polk from the floor.

Amendment H-1673 filed by Heddens of Story from the floor.

Amendment H-1674 filed by Heddens of Story, Wendt of Woodbury and Foege of Linn from the floor.

Amendment H-1675 filed by Pettengill of Benton from the floor.

Amendment H-1676 filed by Pettengill of Benton from the floor.

Amendment H-1677 filed by Thomas of Clayton from the floor.

Winckler of Scott asked and received unanimous consent to withdraw amendment H-1671 filed by her from the floor.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huser of Polk, until her return, on request of Gipp of Winneshiek; Foege of Linn for the remainder of the day, on request of Wise of Lee.

Struyk of Pottawattamie in the chair at 6:55 p.m.

Speaker Rants in the chair at 7:13 p.m.

Speaker pro tempore Carroll in the chair at 7:32 p.m.

Speaker Rants in the chair at 8:00 p.m.

Tymeson of Madison in the chair at 8:25 p.m.

Speaker Rants in the chair at 8:44 p.m.

Chambers of O'Brien moved that the House concur in the Senate amendment H-1635.

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

On the question "Shall the House concur in the Senate amendment H-1635?" (H.F. 816)

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Olson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Smith	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Mr. Speaker		
	Rants		

Absent or not voting, 1:

Foege

The motion lost and the House refused to concur in the Senate amendment H-1635.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 816** 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 May 4, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 810, 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

The House stood at ease at 9:17 p.m., until the fall of the gavel.

The House resumed session at 9:33 p.m., Speaker Rants in the chair.

SENATE AMENDMENT CONSIDERED

Sands of Louisa called up for consideration **House File 810**, 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 Senate, and moved that the House concur in the following Senate amendment H-1670:

H-1670

1 Amend House File 810, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 11 the
4 following:
5 "In addition to the amount appropriated in this
6 subsection, the department is authorized to expend an
7 additional amount not to exceed \$359,560 for the
8 purposes designated in this subsection. Such amount
9 shall be expended from general fund moneys deposited
10 in revolving funds under the control of the department
11 that were appropriated to the department pursuant to
12 2004 Iowa Acts, chapter 1175, section 2. The
13 department shall develop a plan for repayment to the
14 general fund of the total amount appropriated to the
15 department for start-up funding for revolving funds
16 under the control of the department pursuant to 2004
17 Iowa Acts, chapter 1175, section 2. Any amount
18 expended pursuant to this paragraph shall be
19 considered a repayment amount to the general fund and
20 shall reduce the total amount to be repaid to the
21 general fund under the plan developed by the
22 department. The department shall submit the plan for
23 repayment to the department of management for
24 approval. Upon review and approval by the department

25 of management, the department of administrative
26 services shall submit the plan to the general assembly
27 for its review."

28 2. Page 2, by striking lines 13 through 15 and
29 inserting the following: "consistent with the
30 requirements of chapter 8A."

31 3. Page 4, by striking lines 16 and 17, and
32 inserting the following:

33 " \$ 6,793,223
34 FTEs 71.00"

35 4. Page 5, by striking lines 17 and 18, and
36 inserting the following:

37 " \$ 836,921
38 FTEs 12.75

39 Of the appropriation made and FTEs authorized in
40 this subsection, \$54,250 and 0.75 FTEs are contingent
41 upon the enactment of 2005 Iowa Acts, Senate File
42 405."

43 5. Page 7, by striking line 1, and inserting the
44 following:

45 " \$ 1,729,857"

46 6. Page 10, by striking line 14 and inserting the
47 following:

48 " \$ 1,564,755"

49 7. Page 10, by striking lines 32 and 33 and
50 inserting the following:

Page 2

1 " \$ 2,356,836
2 FTEs 113.25

3 Of the funds appropriated in this subsection,
4 \$80,000 and 1.00 FTE shall be used for the operation,
5 expansion, and maintenance of the direct care worker
6 registry."

7 8. Page 15, by inserting after line 14 the
8 following:

9 "3. BIENNIAL REPORTING.

10 For administering the biennial reporting
11 requirements for limited liability companies as
12 required in section 490A.131, if enacted by 2005 Iowa
13 Acts, House File 859:

14 \$ 275,000"

15 9. Page 17, by striking lines 17 through 34.

16 10. Page 18, by inserting after line 15 the
17 following:

18 "Sec. __. 2004 Iowa Acts, chapter 1175, section
19 12, subsection 4, is amended to read as follows:

20 4. NATIONAL GOVERNORS ASSOCIATION

21 For payment of Iowa's membership in the national
22 governors association:

23 \$ 64,393

24 364,393

25 Of the funds appropriated in this subsection,
26 \$300,000 is allocated for security-related costs and
27 other expenses associated with the national governors
28 association national meeting. Notwithstanding section
29 8.33, the moneys allocated for the meeting that remain
30 unencumbered or unobligated at the close of the fiscal
31 year shall not revert but shall remain available for
32 expenditure for the purposes designated until the
33 close of the succeeding fiscal year."

34 11. Page 18, by inserting after line 34, the
35 following:
36 "Sec. NEW SECTION. 8.7 REPORTING OF GIFTS
37 RECEIVED.

38 All gifts, bequests, and grants received by a
39 department or accepted by the governor on behalf of
40 the state shall be reported to the Iowa ethics and
41 campaign disclosure board and the government oversight
42 committees. The ethics and campaign disclosure board
43 shall, by January 31 of each year, submit to the
44 fiscal services division of the legislative services
45 agency a written report listing all gifts, bequests,
46 and grants received during the previous calendar year
47 with a value over one thousand dollars and the purpose
48 for each such gift, bequest, or grant. The submission
49 shall also include a listing of all gifts, bequests,
50 and grants received by a department from a person if

Page 3

1 the cumulative value of all gifts, bequests, and
2 grants received by the department from the person
3 during the previous calendar year exceeds one thousand
4 dollars, and the ethics and campaign disclosure board
5 shall include, if available, the purpose for each such
6 gift, bequest, or grant. However, reports on gifts,
7 grants, or bequests filed by the state board of
8 regents pursuant to section 8.44 shall be deemed
9 sufficient to comply with the requirements of this
10 section."

11 12. By renumbering, relettering, or redesignating
12 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1670.

Sands of Louisa 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. 810)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Mr. Speaker			
Rants			

The nays were, 2:

Fallon	Paulsen
--------	---------

Absent or not voting, 1:

Foøge

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

HOUSE REFUSE TO CONCUR

Greiner of Washington called up for consideration **House File 834**, a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations, amended by the

Senate, and moved that the House concur in the following Senate amendment H-1626:

H-1626

- 1 Amend House File 834, as passed by the House, as
- 2 follows:
- 3 1. Page 2, line 14, by inserting after the word
- 4 "land," the following: "In a county with a population
- 5 of more than one hundred fifty thousand, septage shall
- 6 not be applied to land and shall be disposed of at a
- 7 wastewater treatment facility."

The motion lost and the House refused to concur in the Senate amendment H-1626.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 834** be immediately messaged to the Senate.

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in engrossing bills the following corrections were made:

House File 859

1. Page 122, line 35: After the word "thereof," the word "of" should be deleted.

MARGARET A. THOMSON
Chief Clerk of the House

MOTION TO RECONSIDER (House File 810)

I move to reconsider the vote by which House File 810 passed the House on May 10, 2005.

GIPP of Winneshiek

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on May 10, 2005. Had I been present, I would have voted "aye" on House File 619.

FORD of Polk

I was necessarily absent from the House chamber on May 10, 2005. Had I been present, I would have voted "aye" on House File 619.

GASKILL of Wapello

I was necessarily absent from the House chamber on May 10, 2005. Had I been present, I would have voted "nay" on House File 828.

MCCARTHY of Polk

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 10th day of May, 2005: House Files 589, 610, 753, 774, 786, 801, 836, 837, 857 and 870.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 5, 2005, he approved and transmitted to the Secretary of State the following bills:

House File 374, an Act relating to veterans by providing for the establishment of a department of veterans affairs, modifying the definition of veteran for property taxation and certain other purposes, providing for the compensation of members of a county commission of veteran affairs, providing for the issuance of combined hunting and fishing licenses to certain veterans, establishing a hepatitis C awareness program for veterans, concerning funds in an account for a state veterans cemetery, concerning

military pay differential, and providing an effective date and retroactive and other applicability dates.

House File 438, an Act relating to assessments associated with soil and water conservation districts, by providing for the deposit of moneys in a fund established by a district's commissioners.

House File 538, an Act revising child welfare requirements involving children with mental health, behavioral or emotional disorders and providing a contingent effective date.

House File 620, an Act relating to the volunteer health care provider program and providing an effective date.

House File 716, an Act relating to the military division and the homeland security and emergency management division of the department of public defense concerning the activation and use of the civil air patrol, the authority of the adjutant general to enter into interstate agreements for use of national guard personnel, and the use of the national incident management system for state emergencies.

Senate File 78, an Act relating to the exemption from city taxes of land included in an application for voluntary annexation or in a city's involuntary annexation petition and including effective and applicability date provisions.

Senate File 350, an Act relating to child support recovery including access to information for the purposes of recovery, provisions relating to failure to withhold income or to pay the amounts withheld, and to the suspension of a child support obligation, the satisfaction of support payments, nullifying related administrative rules and providing penalties.

Senate File 395, an Act relating to the activities of the grape and wine development commission, and providing for the transfer of wine gallonage tax revenues to the grape and wine development fund.

Senate File 404, an Act providing for county eligibility for state payment of property tax relief moneys and allowed growth funding for mental health, mental retardation, and developmental disabilities services and providing effective and retroactive applicability dates.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

STATE OF IOWA

Capital Planning Commission Annual Report, pursuant to Chapter 18A.3, 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.

MARGARET A. THOMSON
Chief Clerk of the House

- 2005\1471 Cindy Eschen, Oelwein – For being named one of the 100 Great Iowa Nurses for 2005.
- 2005\1472 The Family of Elsie Earnest – That Elsie Earnest celebrated her 100th birthday on November 25, 2004, and that with her recent passing, the House of Representatives does hereby extend its deepest sympathy.
- 2005\1473 Emma Griner, Ottumwa – For celebrating her 80th birthday.
- 2005\1474 Juanita Jennings, Ottumwa – For celebrating her 80th birthday.
- 2005\1475 Doris McClure, Ottumwa – For celebrating her 80th birthday.
- 2005\1476 Normagene Robertson, Ottumwa – For celebrating her 80th birthday.
- 2005\1477 John Anderson, Ottumwa – For celebrating his 80th birthday.
- 2005\1478 Kenneth Harsch, Ottumwa – For celebrating his 80th birthday.
- 2005\1479 Kenneth Bennett, Ottumwa – For celebrating his 90th birthday.
- 2005\1480 Rees Jones, Ottumwa – For celebrating his 80th birthday.
- 2005\1481 Joseph Richmond, Ottumwa – For celebrating his 80th birthday.
- 2005\1482 Duane Turpen, Ottumwa – For celebrating his 80th birthday.
- 2005\1483 Evelyn Bender, Ottumwa – For celebrating her 90th birthday.
- 2005\1484 Hope Miller, Ottumwa – For celebrating her 80th birthday.
- 2005\1485 Stan Kerr, Ottumwa – For celebrating his 80th birthday.
- 2005\1486 June Grove, Ottumwa – For celebrating her 80th birthday.
- 2005\1487 Doris McDowell, Ottumwa – For celebrating her 90th birthday.
- 2005\1488 Charles Buffington, Ottumwa – For celebrating his 80th birthday.
- 2005\1489 Hilda Brickey, Ottumwa – For celebrating her 80th birthday.

- 2005\1490 Wilma Pittman, Ottumwa – For celebrating her 80th birthday.
- 2005\1491 Lloyd Goff, Ottumwa – For celebrating his 90th birthday.
- 2005\1492 Amy Lassen, Sioux Center – For being recognized as a University of Iowa College Pharmacy student that has been inducted as a member of the Rho Chi Society, the national honor society in pharmacy.
- 2005\1493 Marie Atwood, Sigourney – For celebrating her 85th birthday.
- 2005\1494 Margaret Calvert, Thornburg – For celebrating her 80th birthday.
- 2005\1495 Freda Alwill, Irwin – For celebrating her 94th birthday.
- 2005\1496 Carrie Witt, What Cheer – For celebrating her 90th birthday.
- 2005\1497 Gerald and Barbara Esser, Mason City– For celebrating their 50th wedding anniversary.
- 2005\1498 Donald and Marcella Picken, Mason City – For celebrating their 60th wedding anniversary.
- 2005\1499 Merle Eksman, Mason City – For celebrating his 80th birthday.
- 2005\1500 Odelo and Verna Schlichte, Everly – For celebrating their 50th wedding anniversary.
- 2005\1501 Alanna Nissen, Spirit Lake – For receiving the National Merit Scholarship from Grinnell College.
- 2005\1502 Mary Beth Leistad, Spencer – For being inducted as a member of the Rho Chi Society, the national honor society in pharmacy.
- 2005\1503 Brittiany Block, Sibley -- For receiving the Jeannine Janssen Memorial Scholarship.
- 2005\1504 Lucas Hill, Spirit Lake – For receiving the Eaton Merit Scholarship for 2005.
- 2005\1505 George and Eunice Nebelsick, Lake Park – For celebrating their 60th wedding anniversary.
- 2005\1506 Vernon and Tina Keith, West Liberty – For celebrating their 50th wedding anniversary.
- 2005\1507 Jason Stubbe, George – For being honored at the third annual Governor's Scholar Recognition Program.
- 2005\1508 Nathan Karasch, Rock Rapids – For being honored at the third annual Governor's Scholar Recognition Program.

- 2005\1509 Miranda Vanden Brink, Ireton – For being honored at the third annual Governor's Scholar Recognition Program.
- 2005\1510 Krista Sheldahl, Hull – For being honored at the third annual Governor's Scholar Recognition Program.
- 2005\1511 Karin Remmerde, Rock Valley – For being honored at the third annual Governor's Scholar Recognition Program.
- 2005\1512 Alexander Bonander, Larchwood – For being honored at the third annual Governor's Scholar Recognition Program.
- 2005\1513 Rosemary LaHart, Melrose – For celebrating her 80th birthday.
- 2005\1514 Minh Pham, Iowa City – For being inducted as a member of the Rho Chi Society, the national academic honor society in pharmacy.
- 2005\1515 Minnie "Toots" Fancher, Audubon – For celebrating her 90th birthday.
- 2005\1516 Irma Fisher Ferguson, Jefferson – For celebrating her 100th birthday on May 13, 2005.
- 2005\1517 Milton Kohnert, Calamus -- For celebrating his 80th birthday.
- 2005\1518 Louise Truelsen, DeWitt – For celebrating her 80th birthday.

AMENDMENTS FILED

H—1642	H.F.	761	Winckler of Scott
H—1643	H.F.	761	Petersen of Polk
H—1644	H.F.	761	Petersen of Polk
H—1646	H.F.	761	Smith of Marshall
H—1647	H.F.	761	Mascher of Johnson
H—1648	H.F.	761	Smith of Marshall
H—1649	H.F.	761	Shoultz of Black Hawk Jochum of Dubuque

On motion by Gipp of Winneshiek the House adjourned at 9:47 p.m., until 10:00 a.m., Wednesday, May 11, 2005.

JOURNAL OF THE HOUSE

One Hundred Twenty-second Calendar Day - Eightieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, May 11, 2005

The House met pursuant to adjournment at 10:07 a.m., Roberts of Carroll 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 the Honorable Rod Roberts, state representative from Carroll County.

The Journal of Tuesday, May 10, 2005 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jacobs of Polk, until her arrival, on request of Gipp of Winneshiek; Sands of Louisa, until his arrival, and Tomenga of Polk, until his arrival, on request of S. Olson of Clinton.

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 May 3, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 808, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources.

Also: That the Senate has on May 4, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 875, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, general fund of the

state, and related matters, and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

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

The House resumed session at 1:30 p.m., Speaker Rants in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-members present, twenty absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Foege of Linn on request of Bukta of Clinton.

SENATE AMENDMENT CONSIDERED

Huseman of Cherokee called up for consideration **House File 875**, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, general fund of the state, and related matters, and including effective and retroactive applicability date provisions, amended by the Senate amendment H-1679 as follows:

H-1679

1 Amend House File 875, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 13 through 15 and
4 inserting the following:

5 "b. For rent payments for the community-based
6 corrections facility located in Davenport and the
7 department of corrections training center:"

8 2. Page 1, by inserting after line 28, the
9 following:

"DIVISION

10 STORMWATER DISCHARGE PERMIT FEES

11 Sec. __. STORMWATER DISCHARGE PERMIT FEES

12 APPROPRIATION – AIR QUALITY MONITORING.

13 Notwithstanding any contrary provision of state law,
14 there is appropriated from stormwater discharge permit
15 fees as authorized to be collected pursuant to section
16 455B.103A to the department of natural resources for
17 the fiscal year beginning July 1, 2005, and ending
18

19 June 30, 2006, the following amount, or so much
20 thereof as is necessary, to be used for the purposes
21 designated:

22 For full-time personnel to conduct air quality
23 monitoring, which may include but is not limited to
24 staffing required to perform field monitoring and
25 laboratory functions, including salaries, support,
26 maintenance, and miscellaneous purposes:
27 \$ 275,000"

28 3. Page 2, line 2, by inserting after the word
29 "projects" the following: ", notwithstanding section
30 8.57, subsection 6, paragraph "c".

31 4. Page 2, line 13, by inserting after the word
32 "payments" the following: ", notwithstanding section
33 8.57, subsection 6, paragraph "c".

34 5. Page 2, line 16, by inserting after the word
35 "facilities" the following: ", notwithstanding
36 section 8.57, subsection 6, paragraph "c".

37 6. Page 2, line 22, by striking the figure
38 "3,291,891" and inserting the following: "291,891".

39 7. Page 2, line 31, by striking the figure
40 "1,311,045" and inserting the following: "1,161,045".

41 8. Page 3, line 11, by striking the figure
42 "1,090,000" and inserting the following: "940,000".

43 9. Page 3, line 15, by inserting after the figure
44 "103,000" the following: ", notwithstanding section
45 8.57, subsection 6, paragraph "c".

46 10. Page 3, line 20, by inserting after the word
47 "Illinois" the following: ", notwithstanding section
48 8.57, subsection 6, paragraph "c".

49 11. Page 3, line 30, by inserting after the word
50 "program" the following: ", notwithstanding section

Page 2

1 8.57, subsection 6, paragraph "c".

2 12. Page 3, line 31, by striking the figure
3 "600,000" and inserting the following: "700,000".

4 13. Page 3, line 33, by inserting after the word
5 "network" the following: ", notwithstanding section
6 8.57, subsection 6, paragraph "c".

7 14. Page 4, line 1, by inserting after the word
8 "transmitters" the following: ", notwithstanding
9 section 8.57, subsection 6, paragraph "c".

10 15. Page 4, line 18, by inserting after the word
11 "initiative" the following: ", notwithstanding
12 section 8.57, subsection 6, paragraph "c".

13 16. Page 4, line 19, by striking the figure
14 "500,000" and inserting the following: "400,000".

15 17. Page 4, by inserting after line 27 the
16 following:

17 "The national program for playground safety shall

18 submit a report by January 15, 2006, to the joint
 19 appropriations subcommittee on transportation,
 20 infrastructure, and capitals detailing the use of the
 21 moneys appropriated in this subsection. The report
 22 shall specify the projects for which moneys were used
 23 and the cost of each project including the amounts
 24 spent on administration."

25 18. By striking page 4, line 29, through page 5,
 26 line 9, and inserting the following:

27 "a. For lake dredging and the construction of bike
 28 trails at Lake Cornelia in Wright county,
 29 notwithstanding section 8.57, subsection 6, paragraph
 30 "c":

31 \$ 429,000"

32 19. Page 5, line 18, by inserting after the
 33 figure "28K" the following: ", notwithstanding
 34 section 8.57, subsection 6, paragraph "c"".

35 20. Page 5, by inserting after line 19 the
 36 following:

37 "___ For costs associated with the planning,
 38 design, and construction of a destination park:

39 \$ 3,000,000"

40 21. Page 5, line 23, by inserting after the word
 41 "system" the following: ", notwithstanding section
 42 8.57, subsection 6, paragraph "c"".

43 22. Page 5, line 27, by striking the words "a regional
 44 training facility" and inserting the following: "fire training
 45 facilities".

46 23. Page 5, line 28, by striking the figure "500,000" and
 47 inserting the following: "800,000".

48 24. Page 5, line 30, by striking the figure "100,000" and
 49 inserting the following: "300,000".

50 25. Page 5, by striking lines 31 through 33 and

Page 3

1 inserting the following: "training center.

2 Of the amount appropriated in this lettered
 3 paragraph, \$200,000 shall be allocated to the Dubuque
 4 fire training center.

5 The division of fire safety shall submit a report
 6 by January 15, 2006, to the joint appropriations
 7 subcommittee on transportation, infrastructure, and
 8 capitals detailing the use of the moneys appropriated
 9 in this subsection."

10 26. Page 6, line 1, by inserting after the word
 11 "departments" the following: ", notwithstanding
 12 section 8.57, subsection 6, paragraph "c"".

13 27. Page 6, line 4, by inserting after the word
 14 "For" the following: "major".

15 28. Page 6, line 12, by inserting after the word
 16 "program" the following: ", notwithstanding section

17 8.57, subsection 6, paragraph "c".

18 29. Page 6, by inserting after line 17 the
19 following:

20 "In awarding assistance under the vertical
21 infrastructure improvement grant program, the
22 department shall give preference to projects that
23 demonstrate a collaborative effort between airports."

24 30. Page 7, line 4, by striking the figure "1,371,045" and
25 inserting the following: "1,521,045".

26 31. Page 7, line 11, by striking the figure "1,690,000"
27 and inserting the following: "1,840,000".

28 32. Page 9, by striking lines 3 through 7.

29 33. Page 9, by inserting after line 20, the following:

30 "Sec. ___. Section 328.1, subsection 9, Code 2005, is amended
31 to read as follows:

32 9. "Airport" means any landing area used regularly
33 by aircraft for receiving or discharging passengers or
34 cargo, and all appurtenant areas used or suitable for
35 airport buildings or other airport facilities, and all
36 appurtenant rights of way, whether heretofore or
37 hereafter established. "Airport" includes land within a city
38 with a population greater than one hundred seventy-five thousand
39 which is acquired to replace or mitigate land used in an airport
40 runway project at an existing airport when federal law, grant, or
41 action requires such replacement or mitigation."

42 34. Page 12, line 31, by striking the word "each"
43 and inserting the following: "the hungry canyons".

44 35. Page 12, line 33, by inserting after the word
45 "costs." the following: "No more than 10 percent of
46 the moneys allocated to the loess hills alliance
47 account in this lettered paragraph may be used for
48 administrative costs."

49 36. Page 14, by inserting after line 1 the
50 following:

Page 4

1 "Of the amount appropriated in this lettered
2 paragraph, \$100,000 shall be allocated for the five
3 island lake in Palo Alto county."

4 37. Page 14, by inserting after line 23 the
5 following:

6 "Sec. ___. Section 161A.80, subsection 2,
7 paragraphs a and b, Code 2005, are amended to read as
8 follows:

9 a. This section is repealed on July 1, ~~2005~~ 2015.

10 b. The principal and interest from any blufflands
11 protection loan outstanding on July 1, ~~2005~~ 2015, and
12 payable to the blufflands protection revolving fund,
13 shall be paid to the administrative director of the
14 division of soil conservation on or after July 1, ~~2005~~
15 2015, pursuant to the terms of the loan agreement and

16 shall be credited to the rebuild Iowa infrastructure
17 fund."

18 38. Page 15, by striking lines 22 through 35 and
19 inserting the following: "the statehouse that
20 experienced such water damage."

21 39. Page 16, by inserting after line 12 the
22 following:

23 "() For major renovation and major repair
24 needs, including health, life, and fire safety needs,
25 and for compliance with the federal Americans With
26 Disabilities Act, for state buildings and facilities
27 under the purview of the department:
28 \$ 3,000,000"

29 40. Page 17, line 6, by inserting after the word
30 "network" the following: "notwithstanding section
31 12E.12, subsection 1, paragraph "b", subparagraph
32 (1)".

33 41. Page 18, line 18, by inserting after the word
34 "institutions" the following: "notwithstanding
35 section 12E.12, subsection 1, paragraph "b",
36 subparagraph (1)".

37 42. Page 18, line 28, by inserting after the
38 figure "16.177" the following: "notwithstanding
39 section 12E.12, subsection 1, paragraph "b",
40 subparagraph (1)".

41 43. Page 18, by striking lines 30 through 35.

42 44. Page 19, line 12, by inserting before the
43 word "section" the following: "section 25, subsection
44 3, paragraph "b", and".

45 45. Page 19, by inserting after line 17 the
46 following:
47 "Sec. __. 2002 Iowa Acts, chapter 1173, section
48 1, subsection 7, paragraph a, as amended by 2004 Iowa
49 Acts, chapter 1175, section 310, is amended to read as
50 follows:

Page 5

1	a. For parking improvements and provision of	
2	street access for the judicial building:	
3	FY 2002-2003	\$ 700,000
4	FY 2003-2004	\$ 0
5	FY 2004-2005	\$ 0
6	FY 2005-2006	\$ 0

7 Of the amount appropriated in this lettered
8 paragraph for FY 2002-2003, up to \$330,000 may be used
9 for costs associated with ~~operation of the judicial~~
10 ~~building, notwithstanding section 12E.12, subsection~~
11 ~~1, paragraph "b", subparagraph (1) site work in the~~
12 vicinity of the judicial building.

13 Sec. __. 2003 Iowa Acts, chapter 177, section 22,
14 subsection 6, paragraph a, is amended by striking the

15 paragraph."

16 46. Page 19, by inserting after line 21 the
17 following:

18 "Sec.____. EFFECTIVE DATE. The section of this
19 division of this Act amending 2002 Iowa Acts, chapter
20 1173, section 1, subsection 7, being deemed of
21 immediate importance, takes effect upon enactment.

22 Sec.____. EFFECTIVE DATE. The section of this
23 division of this Act amending 2003 Iowa Acts, chapter
24 177, section 22, subsection 6, being deemed of
25 immediate importance, takes effect upon enactment."

26 47. Page 20, line 35, by inserting after the word
27 "facilities" the following: ", notwithstanding
28 section 8.57B, subsection 3".

29 48. Page 24, by inserting after line 14 the
30 following:

31 "DIVISION

32 IOWA COMMUNICATIONS NETWORK

33 Sec.____. Section 8D.3, subsection 3, paragraph i,
34 Code 2005, is amended to read as follows:

35 i. Evaluate existing and projected rates for use
36 of the system and ensure that rates are sufficient to
37 pay for the operation of the system excluding the cost
38 of construction and lease costs for Parts I, II, and
39 III. The commission shall establish all hourly rates
40 to be charged to all authorized users for the use of
41 the network and shall consider all costs of the
42 network in establishing the rates. A fee established
43 by the commission to be charged to a hospital licensed
44 pursuant to chapter 135B, a physician clinic, or the
45 federal government shall be at an appropriate rate so
46 that, at a minimum, there is no state subsidy related
47 to the costs of the connection or use of the network
48 related to such user.

49 Sec.____. Section 8D.13, subsection 11, Code 2005,
50 is amended to read as follows:

Page 6

1 11. The fees charged for use of the network and
2 state communications shall be based on the ongoing
3 ~~operational costs~~ expenses of the network and of
4 providing state communications ~~only~~. For the services
5 rendered to state agencies by the commission, the
6 commission shall prepare a statement of services
7 rendered and the agencies shall pay in a manner
8 consistent with procedures established by the
9 department of administrative services."

10 49. Page 24, by inserting after line 14, the
11 following:

12 "DIVISION

13 ACCESS IOWA HIGHWAYS

14 Sec. ___.

15 1. INTENT. It is the intent of the general
16 assembly to formulate an access Iowa plan which shall
17 designate portions of the commercial and industrial
18 network of highways as access Iowa highways. The goal
19 of the access Iowa plan shall be to enhance the
20 existing Iowa economy and ensure its continuing
21 development and growth in the national and global
22 competitive marketplace by providing for early
23 completion of the construction of the most important
24 portions of the Iowa highway system. These portions
25 of the system shall be those that are essential for
26 support of intrastate transportation and commerce and
27 essential for ensuring Iowans direct access to the
28 nation's system of interstate highways and
29 transportation services.

30 The general assembly's past actions are consistent
31 with the access Iowa plan. The general assembly has
32 set general policy guidelines for the state
33 transportation commission's planning and programming
34 development, directed that road service be equalized
35 throughout the state, determined that a commercial and
36 industrial network of highways would benefit Iowa
37 transportation services, directed the commission to
38 focus at least part of their legislatively provided
39 resources on the commercial and industrial network,
40 and directed that the commission consider equalization
41 of accessibility for economic development as one of
42 the factors in establishing its plan and program
43 priorities for the commercial and industrial network.
44 These actions recognize that interstate commerce and
45 national economic development are furthered and
46 supported by the national system of interstate and
47 defense highways and the national highway system, and
48 that Iowa commerce and economic development are
49 supported by Iowa's commercial and industrial network
50 of highways.

Page 7

1 2. ACCESS IOWA HIGHWAY DESIGNATION. The state
2 department of transportation shall designate portions
3 of the commercial and industrial network of highways
4 as access Iowa highways and shall expedite and
5 accelerate development of access Iowa highways. When
6 designating those portions of the commercial and
7 industrial network as access Iowa highways, the
8 department shall consider the direct and priority
9 linkages between economic centers within the state
10 with populations of 20,000 or more and the enhancement
11 of intrastate mobility and Iowa regional accessibility
12 and national accessibility.

13 3. REPEAL. This section is repealed effective
14 July 1, 2015."

15 50. Page 24, by inserting before line 15, the
16 following:

17 "DIVISION

18 HONEY CREEK PREMIER DESTINATION

19 PARK BOND PROGRAM

20 Sec. __. Section 12.30, subsection 1, paragraph

21 a, Code 2005, is amended to read as follows:

22 a. "Authority" means a department, or public or
23 quasi-public instrumentality of the state including,
24 but not limited to, the authority created under
25 chapter 12E, 16, 16A, 175, 257C, 261A, ~~or~~ 327I, or
26 463C, which has the power to issue obligations, except
27 that "authority" does not include the state board of
28 regents or the Iowa finance authority to the extent it
29 acts pursuant to chapter 260C.

30 Sec. __. NEW SECTION. 463C.1 TITLE.

31 This chapter shall be known and may be cited as the
32 "Honey Creek Premier Destination Park Bond Program".

33 Sec. __. NEW SECTION. 463C.2 DEFINITIONS.

34 As used in this chapter, unless the context
35 otherwise requires:

36 1. "Authority" means the honey creek premier
37 destination park authority created in section 463C.4.

38 2. "Board" means the governing board of the
39 authority.

40 3. "Bonds" means bonds, notes, and other
41 obligations and financing arrangements issued or
42 entered into by the authority pursuant to this
43 chapter.

44 4. "Department" means the department of natural
45 resources.

46 5. "Fund" means the honey creek premier
47 destination park bond fund created in section 463C.11.

48 6. "Program" means the honey creek premier
49 destination park bond program established in section
50 463C.10.

Page 8

1 Sec. __. NEW SECTION. 463C.3 LEGISLATIVE
2 FINDINGS.

3 1. The establishment of the honey creek premier
4 destination park bond program and honey creek premier
5 destination park authority is in all respects for the
6 benefit of the people of the state of Iowa, for the
7 improvement of their health and welfare, and for the
8 promotion of the economy, which are public purposes.

9 2. The authority will be performing an essential
10 governmental function in the exercise of the powers
11 and duties conferred upon it by this chapter.

12 3. The authority will assist in the establishment
13 of the honey creek premier destination park in the
14 state which will provide important recreational and
15 economic benefits to the state.

16 4. Current efforts to develop the honey creek
17 premier destination park in the state have fallen
18 short and the creation of an authority which has the
19 mission of engaging and assisting in these efforts
20 will increase the likelihood of reaching the desired
21 goal.

22 5. It is necessary to create the honey creek
23 premier destination park bond program and authority to
24 encourage the investment of private capital to
25 stimulate the development and construction of the park
26 including lodges, campgrounds, cabins, and golf
27 courses through the use of public financing, and to
28 this extent it is the public policy of this state to
29 support the honey creek premier destination park bond
30 program in the procurement of necessary moneys for
31 deposit into the honey creek premier destination park
32 bond fund.

33 Sec. __. NEW SECTION. 463C.4 ESTABLISHMENT OF
34 HONEY CREEK PREMIER DESTINATION PARK AUTHORITY.

35 1. The honey creek premier destination park
36 authority is created and constitutes a public
37 instrumentality and agency of the state, separate and
38 distinct from the state, exercising public and
39 essential governmental functions.

40 2. The purposes of the authority include all of
41 the following:

42 a. To implement and administer the honey creek
43 premier destination park bond program and to establish
44 a stable source of revenue to be used for the purposes
45 designated in this chapter.

46 b. To issue bonds and enter into funding options,
47 consistent with this chapter, including refunding and
48 refinancing its debt and obligations.

49 c. To provide for and secure the issuance and
50 repayment of its bonds.

Page 9

1 d. To invest funds available under this chapter to
2 provide for a source of revenue in accordance with the
3 program plan.

4 e. To refund and refinance the authority's debts
5 and obligations, and to manage its funds, obligations,
6 and investments as necessary and if consistent with
7 its purpose.

8 f. To implement the purposes of this chapter.

9 3. The authority shall invest its funds and
10 accounts in accordance with this chapter and shall not

11 take action or invest in any manner that would cause
12 the state to become a stockholder in any corporation
13 or that would cause the state to assume or agree to
14 pay the debt or liability of any corporation in
15 violation of the United States Constitution or the
16 Constitution of the State of Iowa.

17 4. The authority shall not create any obligation
18 of this state or any political subdivision of this
19 state within the meaning of any constitutional or
20 statutory debt limitation.

21 5. The authority shall not pledge the credit or
22 taxing power of this state or any political
23 subdivision of this state, or make its debts payable
24 out of any moneys except those of the authority
25 specifically pledged for their payment.

26 Sec. __. NEW SECTION. 463C.5 GOVERNING BOARD.

27 1. The powers of the authority are vested in and
28 shall be exercised by a board consisting of the
29 treasurer of state, the auditor of state, and the
30 director of the department of management.
31 Notwithstanding the provisions of section 12.30,
32 subsection 2, regarding ex officio nonvoting status,
33 the treasurer of state shall act as a voting member of
34 the authority.

35 2. Two members of the board constitute a quorum.

36 3. The members shall elect a chairperson, vice
37 chairperson, and secretary, annually, and other
38 officers as the members determine necessary. The
39 treasurer of state shall serve as treasurer of the
40 authority.

41 4. Meetings of the board shall be held at the call
42 of the chairperson or when a majority of the members
43 so requests.

44 5. The members of the board shall not receive
45 compensation by reason of their membership on the
46 board.

47 Sec. __. NEW SECTION. 463C.6 STAFF --
48 ASSISTANCE BY STATE OFFICERS, AGENCIES, AND
49 DEPARTMENTS.

50 1. The staff of the office of the treasurer of

Page 10

1 state shall also serve as staff of the authority under
2 the supervision of the treasurer.

3 2. State officers, agencies, and departments may
4 render services to the authority within their
5 respective functions, as requested by the authority.

6 Sec. __. NEW SECTION. 463C.7 LIMITATION OF
7 LIABILITY.

8 Members of the board and persons acting on the
9 authority's behalf, while acting within the scope of

10 their employment or agency, are not subject to
11 personal liability resulting from carrying out the
12 powers and duties conferred on them under this
13 chapter.

14 Sec. . NEW SECTION. 463C.8 GENERAL POWERS OF
15 AUTHORITY.

16 1. The authority has all the general powers
17 necessary to carry out its purposes and duties and to
18 exercise its specific powers, including but not
19 limited to all of the following powers:

20 a. The power to issue its bonds and to enter into
21 other funding options as provided in this chapter.

22 b. The power to have perpetual succession as a
23 public instrumentality and agency of the state, until
24 dissolved in accordance with this chapter.

25 c. The power to sue and be sued in its own name.

26 d. The power to make and execute agreements,
27 contracts, and other instruments, with any public or
28 private person, in accordance with this chapter.

29 e. The power to hire and compensate legal counsel,
30 notwithstanding chapter 13.

31 f. The power to hire investment advisors and other
32 persons as necessary to fulfill its purpose.

33 g. The power to invest or deposit moneys of or
34 held by the authority in any manner determined by the
35 authority, notwithstanding chapter 12B or 12C.

36 h. The power to procure insurance, other credit
37 enhancements, and other financing arrangements, and to
38 execute instruments and contracts and to enter into
39 agreements convenient or necessary to facilitate
40 financing arrangements of the authority and to fulfill
41 the purposes of the authority under this chapter,
42 including but not limited to such arrangements,
43 instruments, contracts, and agreements as bond
44 insurance, liquidity facilities, interest rate
45 agreements, and letters of credit.

46 i. The power to accept appropriations, gifts,
47 grants, loans, or other aid from public or private
48 entities.

49 j. The power to adopt rules consistent with this
50 chapter and in accordance with chapter 17A, as the

Page 11

1 board determines necessary.

2 k. The power to acquire, own, hold, administer,
3 and dispose of property.

4 l. The power to determine, in connection with the
5 issuance of bonds, and subject to the sales agreement,
6 the terms and other details of financing, and the
7 method of implementation of the program plan.

8 m. The power to perform any act not inconsistent

9 with federal or state law necessary to carry out the
10 purposes of the authority.

11 2. The authority is exempt from the requirements
12 of chapter 8A, subchapter III.

13 Sec. . NEW SECTION. 463C.9 POWERS NOT
14 RESTRICTED – LAW COMPLETE IN ITSELF.

15 This chapter shall not restrict or limit the powers
16 which the authority has under any other law of this
17 state, but is cumulative as to any such powers. A
18 proceeding, notice, or approval is not required for
19 the creation of the authority or the issuance of
20 obligations or an instrument as security, except as
21 provided in this chapter.

22 Sec. . NEW SECTION. 463C.10 HONEY CREEK
23 PREMIER DESTINATION PARK BOND PROGRAM.

24 The authority shall assist in the development and
25 expansion of the honey creek premier destination park
26 in the state through the establishment of the honey
27 creek premier destination park bond program. The
28 authority may issue its bonds or notes, or series of
29 bonds or notes, for the purpose of defraying the cost
30 of one or more projects for the development and
31 expansion of the honey creek premier destination park
32 in the state, including lodges, campgrounds, cabins,
33 and golf courses, and make secured and unsecured loans
34 for the acquisition and construction of such projects
35 on terms the authority determines.

36 Sec. . NEW SECTION. 463C.11 HONEY CREEK
37 PREMIER DESTINATION PARK BOND FUND.

38 1. The honey creek premier destination park bond
39 fund is established as a separate and distinct fund in
40 the state treasury consisting of honey creek premier
41 destination park revenues, any moneys appropriated by
42 the general assembly to the fund, and any other moneys
43 available to and obtained or accepted by the authority
44 for placement in the fund. The moneys in the fund
45 shall be used to develop the honey creek premier
46 destination park in the state by funding the
47 development and construction of facilities in the park
48 including but not limited to lodges, campgrounds,
49 cabins, and golf courses.

50 2. Payments of interest, repayments of moneys

Page 12

1 loaned pursuant to this chapter, and recaptures of
2 awards shall be deposited in the fund.

3 3. Moneys in the fund may be used by the authority
4 for the purpose of providing grants, loans, forgivable
5 loans, loan guarantees under the honey creek premier
6 destination park bond program established in this
7 chapter, and otherwise funding the development and

8 construction of facilities in the park including but
 9 not limited to lodges, campgrounds, cabins, and golf
 10 courses. The moneys in the fund shall be used for the
 11 development and construction of facilities in the
 12 honey creek premier destination park.

13 4. The authority, in consultation with the
 14 department, shall determine which projects qualify for
 15 assistance from the fund, and which projects shall be
 16 funded.

17 Sec. __. **NEW SECTION. 463C.12 PREMIER**
 18 **DESTINATION PARK BONDS.**

19 1. The authority may issue bonds for the purpose
 20 of funding the honey creek premier destination park
 21 bond fund established in section 463C.11 and for the
 22 purpose of refunding any bonds issued under this
 23 section. The authority may issue bonds in principal
 24 amounts which, in the opinion of the board, are
 25 necessary to provide sufficient funds for the honey
 26 creek premier destination park bond fund established
 27 in section 463C.11, the payment of interest on the
 28 bonds, the establishment of reserves to secure the
 29 bonds, the costs of issuance of the bonds, other
 30 expenditures of the authority incident to and
 31 necessary or convenient to carry out the bond issue
 32 for the fund, and all other expenditures of the board
 33 necessary or convenient to administer the fund;
 34 provided, however, excluding the issuance of refunding
 35 bonds, bonds issued pursuant to this section shall not
 36 be issued in an aggregate principal amount which
 37 exceeds twenty-eight million dollars.

38 2. The bonds are investment securities and
 39 negotiable instruments within the meaning of and for
 40 the purposes of the uniform commercial code.

41 3. The authority may pledge amounts deposited in
 42 the honey creek premier destination park bond fund
 43 established in section 463C.11 as security for the
 44 payment of the principal of premium, if any, and
 45 interest on the bonds. Bonds issued under this
 46 section are payable solely and only out of the moneys,
 47 assets, or revenues of the honey creek premier
 48 destination park bond fund and any bond reserve funds
 49 established pursuant to section 463C.13, all of which
 50 may be deposited with trustees or depositories in

Page 13

1 accordance with bond or security documents, and are
 2 not an indebtedness of this state, or a charge against
 3 the general credit or general fund of the state, and
 4 the state shall not be liable for the bonds except
 5 from amounts on deposit in the funds. Bonds issued
 6 under this section shall contain a statement that the

7 bonds do not constitute an indebtedness of the state.

8 4. The bonds shall be:

9 a. In a form, issued in denominations, executed in
10 a manner, payable over terms and with rights of
11 redemption, and subject to such other terms and
12 conditions as prescribed in the trust indenture,
13 resolution, or other instrument authorizing their
14 issuance.

15 b. Negotiable instruments under the laws of this
16 state and may be sold at prices, at public or private
17 sale, and in a manner as prescribed by the authority.
18 Chapters 73A, 74, 74A, and 75 do not apply to the sale
19 or issuance of the bonds.

20 c. Subject to the terms, conditions, and covenants
21 providing for the payment of the principal, redemption
22 premiums, if any, interest, and other terms,
23 conditions, covenants, and protective provisions
24 safeguarding payment, not inconsistent with this
25 section and as determined by the trust indenture,
26 resolution, or other instrument authorizing their
27 issuance.

28 5. The bonds are securities in which public
29 officers and bodies of this state, political
30 subdivisions of this state, insurance companies and
31 associations and other persons carrying on an
32 insurance business, banks, trust companies, savings
33 associations, savings and loan associations, and
34 investment companies, administrators, guardians,
35 executors, trustees, and other fiduciaries, and other
36 persons authorized to invest in bonds or other
37 obligations of the state, may properly and legally
38 invest funds, including capital, in their control or
39 belonging to them.

40 6. Bonds must be authorized by a trust indenture,
41 resolution, or other instrument of the authority that
42 is approved by the authority. However, a trust
43 indenture, resolution, or other instrument authorizing
44 the issuance of bonds may delegate to an officer of
45 the authority the power to negotiate and fix the
46 details of an issuance of bonds.

47 7. Neither the resolution, trust agreement, or any
48 other instrument by which a pledge is created is
49 required to be recorded or filed under the uniform
50 commercial code to be valid, binding, or effective.

Page 14

1 8. All bonds issued by the authority in connection
2 with the program are exempt from taxation by the state
3 of Iowa and the interest on the bonds is exempt from
4 state income taxes and state inheritance and estate
5 taxes.

6 9. The authority may issue bonds for the purpose
7 of refunding any bonds or notes issued pursuant to
8 this section then outstanding, including the payment
9 of any redemption premiums thereon and any interest
10 accrued or to accrue to the date of redemption of the
11 outstanding bonds or notes. Until the proceeds of
12 bonds issued for the purpose of refunding outstanding
13 bonds or notes are applied to the purchase or
14 retirement of outstanding bonds or notes or the
15 redemption of outstanding bonds or notes, the proceeds
16 may be placed in escrow and be invested and reinvested
17 in accordance with the provisions of this section.
18 The interest, income, and profits earned or realized
19 on an investment may also be applied to the payment of
20 the outstanding bonds or notes to be refunded by
21 purchase, retirement, or redemption. After the terms
22 of the escrow have been fully satisfied and carried
23 out, any balance of proceeds and interest earned or
24 realized on the investments may be returned to the
25 board for deposit in the honey creek premier
26 destination park bond fund established in section
27 463C.11. All refunding bonds shall be issued and
28 secured and subject to the provisions of this chapter
29 in the same manner and to the same extent as other
30 bonds issued pursuant to this section.

31 Sec. . NEW SECTION. 463C.13 BOND RESERVE
32 FUNDS.

33 1. The authority may create and establish one or
34 more special funds, to be known as bond reserve funds,
35 and shall pay into each bond reserve fund any moneys
36 appropriated and made available by the authority for
37 the purpose of the bond reserve fund, any proceeds of
38 sale of notes or bonds to the extent provided in the
39 trust indenture, resolution, or other instrument of
40 the treasurer of state authorizing their issuance, and
41 any other moneys which may be available to the
42 authority for the purpose of the bond reserve fund
43 from any other sources. All moneys held in a bond
44 reserve fund, except as otherwise provided in this
45 section, shall be used as required solely for the
46 payment of the principal of bonds secured in whole or
47 in part by the bond reserve fund or of the sinking
48 fund payments with respect to the bonds, the purchase
49 or redemption of the bonds, the payment of interest on
50 the bonds, or the payments of any redemption premium

Page 15

1 required to be paid when the bonds are redeemed prior
2 to maturity.

3 2. Moneys in a bond reserve fund shall not be
4 withdrawn from the bond reserve fund at any time in an

5 amount that will reduce the amount of the bond reserve
6 fund to less than the bond reserve fund requirement
7 established for the bond reserve fund, as provided in
8 this section, except for the purpose of making, with
9 respect to bonds secured in whole or in part by the
10 bond reserve fund, payment when due of principal,
11 interest, redemption premiums, and the sinking fund
12 payments with respect to the bonds for the payment of
13 which other moneys are not available. Any income or
14 interest earned by, or incremental to, a bond reserve
15 fund due to the investment of moneys in the bond
16 reserve fund may be transferred by the authority to
17 other reserve funds or the honey creek premier
18 destination park bond fund to the extent the transfer
19 does not reduce the amount of that bond reserve fund
20 below the bond reserve fund requirement for the bond
21 reserve fund.

22 3. The authority shall not at any time issue
23 bonds, secured in whole or in part by a bond reserve
24 fund, if, upon the issuance of the bonds, the amount
25 in the bond reserve fund will be less than the bond
26 reserve fund requirement for the bond reserve fund,
27 unless the authority at the time of issuance of the
28 bonds deposits in the bond reserve fund from the
29 proceeds of the bonds issued or from other sources an
30 amount which, together with the amount then in the
31 bond reserve fund, will not be less than the bond
32 reserve fund requirement for the bond reserve fund.
33 For the purposes of this section, the term "bond
34 reserve fund requirement" means, as of any particular
35 date of computation, an amount of money, as provided
36 in the trust indenture, resolution, or other
37 instrument of the authority authorizing the bonds with
38 respect to which the bond reserve fund is established,
39 equal to not more than ten percent of the outstanding
40 principal amount of bonds secured in whole or in part
41 by the bond reserve fund.

42 4. To assure the continued operation and solvency
43 of the authority for the carrying out of its corporate
44 purposes, provision is made in subsection 1 for the
45 accumulation in each bond reserve fund of an amount
46 equal to the bond reserve fund requirement for the
47 fund. In order further to assure maintenance of the
48 bond reserve funds, the chairperson of the authority
49 shall, on or before July 1 of each calendar year, make
50 and deliver to the governor the chairperson's

Page 16

1 certificate stating the sum, if any, required to
2 restore each bond reserve fund to the bond reserve
3 fund requirement for that fund. Within thirty days

4 after the beginning of the session of the general
 5 assembly next following the delivery of the
 6 certificate, the governor may submit to both houses
 7 printed copies of a budget including the sum, if any,
 8 required to restore each bond reserve fund to the bond
 9 reserve fund requirement for that fund. Any sums
 10 appropriated by the general assembly and paid to the
 11 authority pursuant to this section shall be deposited
 12 by the authority in the applicable bond reserve fund.

13 Sec. . NEW SECTION. 463C.14 PLEDGES.

14 It is the intention of the general assembly that a
 15 pledge made in respect of bonds or notes shall be
 16 valid and binding from the time the pledge is made,
 17 that the money or property so pledged and received
 18 after the pledge by the treasurer of state shall
 19 immediately be subject to the lien of the pledge
 20 without physical delivery or further act, and that the
 21 lien of the pledge shall be valid and binding as
 22 against all parties having claims of any kind in tort,
 23 contract, or otherwise against the treasurer of state
 24 whether or not the parties have notice of the lien.

25 Sec. . NEW SECTION. 463C.15 MONEYS OF THE
 26 AUTHORITY.

27 1. Moneys of the authority from whatever source
 28 derived, except as otherwise provided in this chapter,
 29 shall be paid to the authority and shall be deposited
 30 in the honey creek premier destination park bond fund.
 31 The moneys shall be withdrawn on the order of the
 32 person authorized by the authority. Deposits shall,
 33 if required by the authority, be secured in the manner
 34 determined by the authority. The auditor of state and
 35 the auditor's legally authorized representatives may
 36 periodically examine the accounts and books of the
 37 authority, including its receipts, disbursements,
 38 contracts, leases, sinking funds, investments and any
 39 other records and papers relating to its financial
 40 standing, and the authority shall not be required to
 41 pay a fee for the examination.

42 2. The authority may contract with holders of its
 43 bonds or notes as to the custody, collection,
 44 security, investment, and payment of moneys of the
 45 authority, of moneys held in trust or otherwise for
 46 the payment of bonds or notes, and to carry out the
 47 contract. Moneys held in trust or otherwise for the
 48 payment of bonds or notes or in any way to secure
 49 bonds or notes and deposits of the moneys may be
 50 secured in the same manner as moneys of the authority,

1 and banks and trust companies may give security for
 2 the deposits.

3 3. Subject to the provisions of any contract with
 4 bondholders or noteholders and to the approval of the
 5 director of the department of administrative services,
 6 the authority shall prescribe a system of accounts.

7 4. The authority shall submit to the governor, the
 8 auditor of state, the department of management, and
 9 the department of administrative services, within
 10 thirty days of its receipt by the authority, a copy of
 11 the report of every external examination of the books
 12 and accounts of the authority other than copies of the
 13 reports of examinations made by the auditor of state.

14 Sec. . **NEW SECTION.** 463C.16 ANNUAL REPORT.

15 1. The authority shall submit to the governor, the
 16 general assembly, and the attorney general, on or
 17 before December 31, annually, a report including
 18 information regarding all of the following:

19 a. Its operations and accomplishments.

20 b. Its receipts and expenditures during the
 21 previous fiscal year, in accordance with
 22 classifications it establishes for its operating and
 23 capital accounts.

24 c. Its assets and liabilities at the end of the
 25 previous fiscal year and the status of reserve,
 26 special, and other funds.

27 d. A schedule of its bonds outstanding at the end
 28 of the previous fiscal year, and a statement of the
 29 amounts redeemed and issued during the previous fiscal
 30 year.

31 e. A statement of its proposed and projected
 32 activities.

33 f. Recommendations to the governor and the general
 34 assembly, as deemed necessary.

35 g. A statement of all projects funded in the
 36 previous fiscal year.

37 h. Any other information deemed necessary.

38 2. The annual report shall identify performance
 39 goals of the authority, and clearly indicate the
 40 extent of progress during the reporting period in
 41 attaining these goals.

42 Sec. . **NEW SECTION.** 463C.17 EXEMPTION FROM
 43 COMPETITIVE BID LAWS.

44 The authority and contracts entered into by the
 45 authority in carrying out its public and essential
 46 governmental functions are exempt from the laws of the
 47 state which provide for competitive bids and hearings
 48 in connection with contracts, except as provided in
 49 section 12.30.

50 Sec. . **NEW SECTION** 463C.18 BANKRUPTCY.

2 days after which the authority no longer has any bonds
3 outstanding, the authority is prohibited from filing a
4 voluntary petition under chapter 9 of the federal
5 bankruptcy code or such corresponding chapter or
6 section as may, from time to time, be in effect, and a
7 public official or organization, entity, or other
8 person shall not authorize the authority to be or
9 become a debtor under chapter 9 or any successor or
10 corresponding chapter or sections during such periods.

11 The provisions of this section shall be part of any
12 contractual obligation owed to the holders of bonds
13 issued under this chapter. Any such contractual
14 obligation shall not subsequently be modified by state
15 law, during the period of the contractual obligation.

16 Sec. . NEW SECTION. 463C.19 DISSOLUTION OF
17 THE AUTHORITY.

18 The authority shall dissolve no later than two
19 years after the date of final payment of all
20 outstanding bonds and the satisfaction of all
21 outstanding obligations of the authority, except to
22 the extent necessary to remain in existence to fulfill
23 any outstanding covenants or provisions with
24 bondholders or third parties made in accordance with
25 this chapter. Upon dissolution of the authority, all
26 assets of the authority shall be returned to the state
27 and shall be deposited in the general fund of the
28 state, unless otherwise directed by the general
29 assembly, and the authority shall execute any
30 necessary assignments or instruments, including any
31 assignment of any right, title, or ownership to the
32 state for receipt of payments.

33 Sec. . NEW SECTION. 463C.20 LIBERAL
34 INTERPRETATION.

35 This chapter, being deemed necessary for the
36 welfare of the state and its people, shall be
37 liberally construed to effect its purpose.

38 Sec. . MATCHING FUNDS. Moneys appropriated in
39 this Act, if enacted, to be used for the purpose of
40 funding the development and construction of the honey
41 creek premier destination park shall be available only
42 for projects that contain a match of four dollars of
43 private funds for each three dollars of state funds.

44 Sec. . EFFECTIVE DATE. This division of this
45 Act, being deemed of immediate importance, takes
46 effect upon enactment."

47 51. Title page, line 5, by inserting after the
48 word "matters," the following: "and creating the
49 honey creek premier destination park bond program and
50 authority and providing for the issuance of tax-exempt

Page 19

- 1 bonds,".
- 2 52. By renumbering, relettering, or redesignating
- 3 and correcting internal references as necessary.

Dix of Butler offered amendment H-1681, to the Senate amendment H-1679, filed by him from the floor and requested division as follows:

H-1681

- 1 Amend the Senate amendment, H-1679, to House File
- 2 875, as amended, passed, and reprinted by the House,
- 3 as follows:

H-1681A

- 4 1. Page 1, line 40, by striking the figure
- 5 "1,161,045" and inserting the following: "1,061,045".
- 6 2. Page 2, by striking lines 13 and 14.
- 7 3. Page 3, line 25, by striking the figure
- 8 "1,521,045" and inserting the following: "1,621,045".

H-1681B

- 9 4. By striking page 7, line 15, through page 19,
- 10 line 1.

Dix of Butler asked and received unanimous consent that amendment H-1681A, to Senate amendment H-1679, be deferred.

Lensing of Johnson asked and received unanimous consent that amendment H-1680, to Senate amendment H-1679, be deferred.

Dix of Butler moved the adoption of amendment H-1681B, to the Senate amendment H-1679.

A non-record roll call was requested.

The ayes were 26, nays 54.

Amendment H-1681B lost.

Huser of Polk asked and received unanimous consent to withdraw amendment H-1684 filed by her and Lukan of Dubuque from the floor.

Dix of Butler asked and received unanimous consent to withdraw amendment H-1681A.

Lensing of Johnson offered the following amendment H-1680, to the Senate amendment H-1679, previously deferred, filed by her and Winkler of Scott from the floor and moved its adoption:

H-1680

1 Amend the Senate amendment, H-1679, to House File
2 875, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 5, by inserting after line 32, the
5 following:

6 "Sec. __. Section 8D.3, subsection 3, paragraph
7 d, Code 2005, is amended to read as follows:

8 d. Review and approve for adoption, rules as
9 proposed and submitted by an authorized user ~~group~~
10 necessary for the authorized ~~user group's~~ user's
11 access and use of the network. The commission may
12 refuse to approve and adopt a proposed rule, and upon
13 such refusal, shall return the proposed rule to the
14 respective authorized user ~~group~~ proposing the rule
15 with a statement indicating the commission's reason
16 for refusing to approve and adopt the rule.

17 Sec. __. Section 8D.3, subsection 3, paragraph f,
18 Code 2005, is amended by striking the paragraph."

19 2. Page 5, by inserting after line 48, the
20 following:

21 "Sec. __. Section 8D.6, subsection 1, Code 2005,
22 is amended by striking the subsection.

23 Sec. __. Section 8D.6, subsection 2, Code 2005,
24 is amended to read as follows:

25 ~~2.~~ The commission may establish ~~other~~ and abolish
26 advisory committees as necessary representing
27 authorized users of the network and providing other
28 expertise needed to assist the commission in
29 accomplishing its duties."

30 3. Page 6, by striking line 9, and inserting the
31 following: "department of administrative services.

32 Sec. __. Section 8D.7, Code 2005, is repealed.""

Amendment H-1680 lost.

On motion by Huseman of Cherokee the House concurred in the Senate amendment H-1679.

Huseman of Cherokee 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. 875)

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, 2:

Fallon Taylor, D.

Absent or not voting, 3:

Foege Horbach Sands

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 3:55 p.m., until the fall of the gavel.

The House resumed session at 6:05 p.m., Speaker Rants 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.

SENATE AMENDMENT CONSIDERED

The House resumed consideration of **House File 761**, a bill for an act relating to children's programs by collocating early childhood programs available through the community empowerment initiative, and requiring the department of human services to develop and implement a voluntary child care quality rating system, amended by the Senate amendment H-1639, previously deferred, and found on pages 1780 through 1781 of the House Journal. (The Senate amendment H-1634 and amendment H-1639A to the Senate amendment pending.)

Hogg of Linn asked and received unanimous consent to withdraw amendment H-1639A to the Senate amendment filed by him on May 10, 2005.

Tymeson of Madison offered the following amendment H-1693, to the Senate amendment H-1634, filed by Tymeson, Heaton of Henry, Hogg of Linn, Kaufmann of Cedar, Petersen of Polk and Upmeyer of Hancock from the floor and moved its adoption:

H-1693

1 Amend the Senate amendment, H-1634, to House File
2 761, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 1, line 3, through page 11,
5 line 2, and inserting the following:

6 "___ By striking everything after the enacting
7 clause and inserting the following:

8 "DIVISION I

9 IOWA EMPOWERMENT BOARD

10 Sec. ___. Section 28.1, Code 2005, is amended by
11 adding the following new subsection:

12 **NEW SUBSECTION. 3A.** "Early care", "early care
13 services", or "early care system" means the programs,
14 services, support, or other assistance made available

15 to a parent or other person who is involved with
16 addressing the health and education needs of a child
17 from birth through age five. "Early care", "early
18 care services", or "early care system" includes but is
19 not limited to public and private efforts and formal
20 and informal settings.

21 Sec. ___. Section 28.2, subsection 3, Code 2005,
22 is amended to read as follows:

23 3. To achieve the initial set of desired results,
24 the initiative's primary focus shall first be on the
25 efforts of the state and communities to work together
26 to improve the efficiency and effectiveness of early
27 care, education, health, and human services provided
28 to families with children from birth through age five
29 years.

30 Sec. ___. Section 28.3, subsections 1 and 2, Code
31 2005, are amended to read as follows:

32 1. An Iowa empowerment board is created to
33 facilitate state and community efforts involving
34 community empowerment areas, including strategic
35 planning, funding identification, and guidance, and to
36 promote collaboration among state and local early
37 care, education, health, and human services programs.

38 2. The Iowa board shall consist of eighteen voting
39 members with thirteen citizen members and five state
40 agency members. The five state agency members shall
41 be the directors of the following departments:
42 economic development, education, human rights, human
43 services, and public health. The thirteen citizen
44 members shall be appointed by the governor, subject to
45 confirmation by the senate. The governor's
46 appointments of citizen members shall be made in a
47 manner so that each of the state's congressional
48 districts is represented by two citizen members and so
49 that all the appointments as a whole reflect the
50 ethnic, cultural, social, and economic diversity of

Page 2

1 the state. The governor's appointees shall be
2 selected from individuals nominated by community
3 empowerment area boards. The nominations shall
4 reflect the range of interests represented on the
5 community boards so that the governor is able to
6 appoint one or more members each for early care,
7 education, health, human services, business, faith,
8 and public interests. At least one of the citizen
9 members shall be a service consumer or the parent of a
10 service consumer. Terms of office of all citizen
11 members are three years. A vacancy on the board shall
12 be filled in the same manner as the original
13 appointment for the balance of the unexpired term.

14 Sec. __. Section 28.3, subsection 5, Code 2005,
15 is amended to read as follows:

16 5. A community empowerment assistance team or
17 teams of state agency representatives shall be
18 designated to provide technical assistance and other
19 support to community empowerment areas and for the
20 board's efforts to address early care, education,
21 health, and human services. A technical assistance
22 system shall be developed using local representatives
23 of the state agencies represented on the Iowa board
24 and other state agencies and individuals involved with
25 local ~~community empowerment areas~~ early care,
26 education, health, and human services. The technical
27 assistance shall be available in at least three levels
28 of support as follows:

29 ~~a. Support to areas experienced in operating an~~
30 ~~innovation zone or decategorization project with an~~
31 ~~extensive record of success in collaboration between~~
32 ~~education, health, or human services interests.~~
33 ~~b. Support to areas experienced in operating an~~
34 ~~innovation zone or decategorization project.~~
35 ~~e. Support to areas forming an initial community~~
36 ~~empowerment area with no previous experience operating~~
37 ~~an innovation zone or decategorization project.~~

38 Sec. __. Section 28.3, subsection 6, paragraph b,
39 Code 2005, is amended to read as follows:

40 b. In addition, a community empowerment office is
41 established as a division of the department of
42 management to provide a center for facilitation,
43 communication, and coordination for community
44 empowerment activities and funding and for improvement
45 of the early care, education, health, and human
46 services systems. Staffing for the community
47 empowerment office shall be provided by a facilitator
48 or coordinator appointed by the governor, subject to
49 confirmation by the senate, and who serves at the
50 pleasure of the governor. A deputy and support staff

Page 3

1 may be designated, subject to appropriation made for
2 this purpose. The facilitator or coordinator shall
3 submit reports to the governor, the Iowa board, and
4 the general assembly. The facilitator shall provide
5 primary staffing to the board, coordinate state
6 technical assistance activities and implementation of
7 the technical assistance system, and other
8 communication and coordination functions to move
9 authority and decision-making responsibility from the
10 state to communities and individuals.

11 Sec. __. Section 28.3, Code 2005, is amended by
12 adding the following new subsection:

13 NEW SUBSECTION. 6A. The director of the
 14 department of management shall designate early care
 15 staff, as part of the community empowerment
 16 initiative, to provide coordination and other support
 17 to the state's early care system. The early care
 18 staff shall work with the state and local components
 19 of the community empowerment initiative, shared
 20 visions programs funded under chapter 256A, and other
 21 public and private efforts to improve the early care
 22 system. The early care staff duties shall include but
 23 are not limited to the following:

24 a. Providing support to the public and private
 25 stakeholders who are involved with the early care
 26 system, acting to strengthen the early care system,
 27 and developing accountability measures for early care
 28 efforts.

29 b. Developing and disseminating accountability
 30 measures for assessing the outcomes produced by the
 31 department of education, the community empowerment
 32 initiative, and other publicly funded efforts to
 33 improve early care of young children, including but
 34 not limited to shared visions and other programs
 35 provided under the auspices of the child development
 36 coordinating council, high-quality preschool programs,
 37 head start programs, and school ready children grant
 38 programs. The initial measures utilized shall be the
 39 individual growth and development indicators developed
 40 by the early childhood research institute on measuring
 41 growth and development or other measures of high
 42 quality to be authorized by law.

43 c. Collecting, interpreting, and redisseminating
 44 data collected from the measures for assessing
 45 outcomes under paragraph "b". Factors subject to
 46 interpretation may include area demographics, relative
 47 expenditures, collaboration between programs in an
 48 area, and other factors impacting the outcomes
 49 produced by an individual program.

50 d. Annually providing information to the governor

Page 4

1 and general assembly regarding the outcomes produced
 2 by individual programs. The information shall be
 3 included in the Iowa empowerment board's annual
 4 report.

5 Sec. __. Section 28.4, subsection 4, Code 2005,
 6 is amended to read as follows:

7 4. Identify boards, commissions, committees, and
 8 other bodies in state government with overlapping and
 9 similar purposes which contribute to redundancy and
 10 fragmentation in early care, education, health, and
 11 human services programs provided to the public. The

12 board shall also make recommendations and provide an
 13 annually updated strategic plan to the governor and
 14 general assembly as appropriate for increasing
 15 coordination between these bodies, for eliminating
 16 bureaucratic duplication, for consolidation where
 17 appropriate, and for improving the efficiency of
 18 working with federally mandated bodies, for
 19 integration of services and service quality functions
 20 to achieve improved results, and for integration of
 21 state-administered funding streams directed to
 22 community empowerment areas and other community-based
 23 efforts for providing early care, education, health,
 24 and human services.

25 Sec. __. Section 28.4, subsection 12, paragraph
 26 d, Code 2005, is amended to read as follows:

27 d. The Iowa empowerment board shall regularly make
 28 information available identifying community
 29 empowerment funding and funding distributed ~~through~~
 30 ~~the funding streams listed under this paragraph "d" to~~
 31 communities for purposes of the early care system. It
 32 is the intent of the general assembly that the
 33 community empowerment area boards and the
 34 administrators of the early care programs located
 35 within the community empowerment areas that are
 36 supported by ~~the listed funding streams~~ public funding
 37 shall fully cooperate with one another ~~on or before~~
 38 ~~the indicated fiscal years~~, in order to avoid
 39 duplication, enhance efforts, combine planning, and
 40 take other steps to best utilize the funding to meet
 41 the needs of the families in the areas. The community
 42 empowerment area boards and the program administrators
 43 shall annually submit a report concerning such efforts
 44 to the community empowerment office. If a community
 45 empowerment area is receiving a school ready children
 46 grant, this report shall be an addendum to the annual
 47 report required under section 28.8. The state
 48 community empowerment facilitator or coordinator shall
 49 compile and summarize the reports which shall be
 50 submitted to the governor, general assembly, and Iowa

Page 5

1 board. ~~The funding streams shall include all of the~~
 2 ~~following:~~

3 (1) ~~Moneys for the healthy opportunities for~~
 4 ~~parents to experience success—healthy families Iowa~~
 5 ~~program under section 135.106 by the fiscal year~~
 6 ~~beginning July 1, 2000, and ending June 30, 2001.~~

7 (2) ~~Moneys for parent education appropriated in~~
 8 ~~section 279.51 and distributed through the child~~
 9 ~~development coordinating council, by the fiscal year~~
 10 ~~beginning July 1, 2000, and ending June 30, 2001.~~

11 ~~(3) Moneys for the preschool children at-risk~~
12 ~~program appropriated in section 279.51 and distributed~~
13 ~~through the child development coordinating council, by~~
14 ~~the fiscal year beginning July 1, 2001, and ending~~
15 ~~June 30, 2002.~~

16 ~~(4) Moneys for home visitation and parent support~~
17 ~~annually appropriated to the department of human~~
18 ~~services and distributed or expended through child~~
19 ~~abuse prevention grants and the family preservation~~
20 ~~program, by the fiscal year beginning July 1, 2000,~~
21 ~~and ending June 30, 2001.~~

22 Sec.____. Section 28.4, Code 2005, is amended by
23 adding the following new subsections:

24 NEW SUBSECTION. 13. Integrate statewide quality
25 standards and results indicators adopted by other
26 boards and commissions into the Iowa empowerment
27 board's funding requirements for investments in early
28 care, education, health, and human services.

29 NEW SUBSECTION. 14. With the assistance of the
30 state departments represented on the Iowa empowerment
31 board and the community empowerment office, develop
32 and implement requirements for community empowerment
33 areas and the state administrators of programs
34 providing early care or early care services to
35 annually report to the public and the early care
36 coordinator regarding the results produced by the
37 community empowerment initiative and by the programs.
38 Source data shall be made available to the early care
39 coordinator.

40 Sec.____. Section 28.5, subsection 1, Code 2005,
41 is amended to read as follows:

42 1. The purpose of a community empowerment area is
43 to enable local citizens to lead collaborative efforts
44 involving early care, education, health, and human
45 services programs on behalf of the children, families,
46 and other citizens residing in the area. Leadership
47 functions may include but are not limited to strategic
48 planning for and oversight and managing of such
49 programs and the funding made available to the
50 community empowerment area for such programs from

Page 6

1 federal, state, local, and private sources. The
2 initial focus of the purpose is to improve results for
3 families with young children.

4 Sec.____. Section 28.6, subsection 1, paragraph a,
5 Code 2005, is amended to read as follows:

6 a. Community empowerment area functions shall be
7 performed under the authority of a community
8 empowerment area board. A majority of the members of
9 a community board shall be elected officials and

10 members of the public who are not employed by a
11 provider of services to or for the community board.
12 At least one member shall be a service consumer or the
13 parent of a service consumer. Terms of office of
14 community board members shall be not more than three
15 years and the terms shall be staggered. The
16 membership of a community empowerment area board shall
17 include members with early care, education, health,
18 human services, business, faith, and public interests.

19 Sec. __. Section 28.8, subsection 5, paragraph a,
20 Code 2005, is amended to read as follows:

21 a. A school ready children grant shall be awarded
22 to a community board for a three-year period, with
23 annual payments made to the community board. The Iowa
24 empowerment board may grant an extension from the
25 award date and any application deadlines based upon
26 the award date, to allow for a later implementation
27 date in the initial year in which a community board
28 submits a comprehensive school ready grant plan to the
29 Iowa empowerment board. However, receipt of continued
30 funding is subject to submission of the required
31 annual report and the Iowa board's determination that
32 the community board is measuring, through the use of
33 performance and results indicators developed by the
34 Iowa board with input from community boards, progress
35 toward and is achieving the desired results identified
36 in the grant plan. If progress is not measured
37 through the use of performance and results indicators
38 toward achieving the identified results, the Iowa
39 board may request a plan of corrective action,
40 withhold any increase in funding, or ~~may~~ withdraw
41 grant funding.

42 Sec. __. Section 28.8, subsection 5, paragraph c,
43 unnumbered paragraph 1, Code 2005, is amended to read
44 as follows:

45 A community board's readiness shall be ascertained
46 by evidence of successful collaboration among public
47 or private early care, education, ~~human services~~, or
48 health, or human services interests or a documented
49 program design evincing a strong likelihood of leading
50 to a successful collaboration between these interests.

Page 7

1 Other criteria which may be used by the Iowa board to
2 ascertain readiness and to determine funding amounts
3 include one or more of the following:

4 Sec. __. Section 28.8, subsection 5, Code 2005,
5 is amended by adding the following new paragraph:
6 NEW PARAGRAPH. e. The Iowa empowerment board
7 shall identify and apply limitations on the
8 carryforward of school ready children grant funding.

9 The limitations shall address an unusually high
10 percentage of a grant being carried forward, the
11 number of years a grant has been carried forward which
12 shall not exceed three years, and other objective
13 criteria. The limitations shall make allowances for
14 special circumstances such as the carryforward of
15 funding that is designated for a particular purpose
16 and is scheduled in the grant plan. The board may
17 provide for redistribution or other redirection of the
18 funding that meets the criteria.

19 Sec. __. NEW SECTION. 28.10 EARLY CARE --
20 INTERNET WEBPAGE.

21 1. The Iowa empowerment board shall provide for
22 the operation of an internet webpage for purposes of
23 widely distributing early care information provided by
24 the departments represented on the board and the
25 public and private agencies addressing the early care
26 system.

27 2. Information provided on the internet webpage
28 shall include but is not limited to all of the
29 following:

30 a. The early learning standards for children ages
31 three to five proposed by the early learning standards
32 group created pursuant to federal child care and
33 development block grant requirements and with
34 assistance from the Iowa child care and early
35 education network, department of education, department
36 of human services, Iowa head start association, and
37 Iowa state university of science and technology, as
38 prepared with consideration of the standards and
39 recommendations issued by the United States department
40 of education regarding early childhood cognitive
41 development and learning and preschool and research-
42 based standards for high-quality early care, including
43 but not limited to the practices identified by the
44 institute of education sciences of the United States
45 department of education. As early learning standards
46 are identified in law, the proposed standards posted
47 on the webpage shall be replaced with the standards
48 identified in law.

49 b. A link to a special webpage directed to
50 parents, including parent-specific information on

Page 8

1 early care, information regarding the early childhood
2 development credits under section 422.12C, and links
3 to other resources available on the internet and from
4 other sources.

5 c. Program standards for early care that have been
6 approved by state agencies.

7 d. A single point of contact for use by a parent

8 in accessing the community empowerment area programs
9 and early care programs that are available in the
10 parent's area.

11 3. The Iowa empowerment board shall include
12 information regarding the extent and frequency of
13 usage of the webpage or webpages in the board's annual
14 report to the governor and general assembly.

15 Sec. NEW SECTION. 279.60 KINDERGARTEN
16 ASSESSMENT.

17 Each school district shall administer the dynamic
18 indicators of basic early literacy skills kindergarten
19 benchmark assessment or other kindergarten benchmark
20 assessment adopted by the department of education in
21 consultation with the Iowa empowerment board to every
22 kindergarten student enrolled in the district not
23 later than October 1. The school district shall also
24 collect information from each parent, guardian, or
25 legal custodian of a kindergarten student enrolled in
26 the district, including but not limited to whether the
27 student attended preschool, factors identified by the
28 early care staff pursuant to section 28.3, and other
29 demographic factors. Each school district shall
30 report the results of the assessment and the preschool
31 information collected to the department of education
32 in the manner prescribed by the department not later
33 than January 1 of that school year. The early care
34 staff designated pursuant to section 28.3 shall have
35 access to the raw data. The department shall review
36 the information submitted pursuant to this section and
37 shall submit its findings and recommendations annually
38 in a report to the governor, the general assembly, the
39 Iowa empowerment board, and the community empowerment
40 area boards.

41 Sec. EARLY CARE AND CHILD CARE PROVIDER
42 INCENTIVES. The Iowa empowerment board shall conduct

43 a study of incentives that can be made available to
44 persons who provide early care, as defined in section
45 28.1, as amended in this Act, and child care,
46 including but not limited to providers of child care
47 regulated by the department of human services or the
48 department of education, preschools, head start
49 programs, and other persons who have no or limited
50 benefit packages and provide services to children.

Page 9

1 The incentives studied shall include but are not
2 limited to forgivable loans for higher education
3 expenses, health care benefits, and retirement
4 benefits. The board shall report to the governor and
5 general assembly on or before December 16, 2005, with
6 findings, recommendations, and a fiscal analysis of

7 options.

8 Sec.____. EARLY CARE INTEGRATION PLAN. The
9 community empowerment office of the department of
10 management, with the assistance of the departments
11 represented on the Iowa empowerment board, shall
12 develop a plan to integrate the efforts of the state
13 agency staff who have job functions directed to the
14 early care system, as defined in section 28.1, as
15 amended in this Act. The plan shall be submitted to
16 the chairpersons and ranking members of the committees
17 on human resources and education of the senate and the
18 house of representatives on or before December 16,
19 2006.

20 Sec.____. IMPLEMENTATION OF INTERNET WEBPAGE. The
21 internet webpage required pursuant to section 28.10,
22 as enacted by this Act, shall be implemented on or
23 before March 1, 2006.

24 DIVISION II

25 CHILD CARE QUALITY RATING

26 Sec.____. Section 237A.30, Code 2005, is amended
27 by striking the section and inserting in lieu thereof
28 the following:

29 237A.30 VOLUNTARY CHILD CARE QUALITY RATING 30 SYSTEM.

31 1. The department shall work with the community
32 empowerment office of the department of management
33 established in section 28.3 and the state child care
34 advisory council in designing and implementing a
35 voluntary quality rating system for each provider type
36 of child care facility.

37 2. The criteria utilized for the rating system may
38 include but are not limited to any of the following:
39 facility type; provider staff experience, education,
40 training, and credentials; facility director education
41 and training; an environmental rating score or other
42 direct assessment environmental methodology; national
43 accreditation; facility history of compliance with law
44 and rules; child-to-staff ratio; curriculum, including
45 the extent to which the curriculum focuses on the
46 stages of child development and on child outcomes;
47 business practices; staff retention rates; evaluation
48 of staff members and program practices; staff
49 compensation and benefit practices; provider and staff
50 membership in professional early childhood

Page 10

1 organizations; and parental involvement with the
2 facility.

3 3. A facility's quality rating may be included on
4 the internet page and in the consumer information
5 provided by the department pursuant to section 237A.25

6 and shall be identified in the child care provider
7 referrals made by child care resource and referral
8 service grantees under section 237A.26.

9 Sec. ___. PHASED IMPLEMENTATION.

10 1. Effective July 1, 2005, the department of human
11 services shall no longer accept applications for the
12 gold seal quality designation for child care providers
13 under section 237A.30, Code 2005. However, if a child
14 care provider has been awarded the designation prior
15 to July 1, 2005, the designation may continue to be
16 utilized for that provider until the designated period
17 of nationally recognized accreditation for which the
18 gold seal designation was awarded has ended.

19 2. The department of human services shall commence
20 implementation of the voluntary child care quality
21 rating system under section 237A.30, as amended by
22 this Act, by awarding ratings beginning on or after
23 January 1, 2006. The department may modify
24 implementation of the rating system and the rating
25 system itself as necessary to conform to the funding
26 made available for the rating system for the fiscal
27 year beginning July 1, 2005.

28 Sec. ___. FEDERAL COORDINATION INITIATIVE. If an
29 opportunity is offered by the federal government and
30 the department of management, in consultation with the
31 relevant state agency directors and the Iowa head
32 start association, has determined that participation
33 in the opportunity would not adversely affect head
34 start programs in Iowa, the Iowa empowerment board and
35 the state agencies represented on the board shall
36 apply for Iowa to participate in a head start pilot
37 program designed to promote coordination of state head
38 start, preschool, and child care programs into a
39 comprehensive early childhood system.

40 DIVISION III

41 EARLY CHILDHOOD DEVELOPMENT TAX CREDIT

42 Sec. ___. Section 422.12C, subsection 1, paragraph
43 f, Code 2005, is amended to read as follows:

44 f. For a taxpayer with net income of forty
45 thousand dollars or more, zero but less than forty-
46 five thousand dollars, thirty percent.

47 Sec. ___. Section 422.12C, subsection 1, Code
48 2005, is amended by adding the following new
49 paragraph:

50 NEW PARAGRAPH. g. For a taxpayer with net income

Page 11

1 of forty-five thousand dollars or more, zero percent.

2 Sec. ___. Section 422.12C, Code 2005, is amended
3 by adding the following new subsection:

4 NEW SUBSECTION. 1A. a. In lieu of the child and

5 dependent care credit authorized in subsection 1, a
6 taxpayer may claim an early childhood development tax
7 credit equal to twenty-five percent of the first one
8 thousand dollars which the taxpayer has paid to others
9 for each dependent, as defined in the Internal Revenue
10 Code, ages three through five for early childhood
11 development expenses. In determining the amount of
12 early childhood development expenses, such expenses
13 paid during November and December of the previous tax
14 year shall be considered paid in the tax year for
15 which the tax credit is claimed. This credit is
16 available to a taxpayer whose net income is less than
17 forty-five thousand dollars. If the early childhood
18 development tax credit is claimed for a tax year, the
19 taxpayer and the taxpayer's spouse shall not claim the
20 child and dependent care credit under subsection 1.
21 As used in this subsection, "early childhood
22 development expenses" means services provided to the
23 dependent by a preschool, as defined in section
24 237A.1, materials, and other activities as follows:
25 (1) Books that improve child development,
26 including textbooks, music books, art books, teacher's
27 editions, and reading books.
28 (2) Instructional materials required to be used in
29 a child development or educational lesson activity,
30 including but not limited to paper, notebooks,
31 pencils, and art supplies.
32 (3) Lesson plans and curricula.
33 (4) Child development and educational activities
34 outside the home, including drama, art, music, and
35 museum activities, and the entrance fees for such
36 activities, but not including food or lodging,
37 membership fees, or other nonacademic expenses.
38 "Early childhood development expenses" does not
39 include services, materials, or activities for the
40 teaching of religious tenets, doctrines, or worship,
41 the purpose of which is to inculcate those tenets,
42 doctrines, or worship.
43 b. Each taxpayer intending to claim a credit under
44 this subsection shall apply, on forms provided by the
45 department, for the credit by filing a notice with the
46 department no later than November 1 of the tax year to
47 which the credit is applicable. The notice shall
48 provide supporting documentation as required by the
49 department. The department shall compute the total
50 amount of credits contained in the notices received by

Page 12

1 the department. The total amount of credits that may
2 be approved for any fiscal year for purposes of this
3 subsection is limited to two million five hundred

4 thousand dollars. If tax credits under this
5 subsection exceed this limit, each taxpayer shall
6 receive a pro rata amount of the credit as determined
7 by the department. The department shall notify the
8 taxpayer of the amount of the taxpayer's credit no
9 later than January 1 following the deadline for
10 receipt of the notice.

11 Sec. ___. Section 422.12C, subsection 3, Code

12 2005, is amended to read as follows:

13 3. Married taxpayers who have filed joint federal
14 returns electing to file separate returns or to file
15 separately on a combined return form must determine
16 the child and dependent care credit under subsection 1
17 or the early childhood development tax credit under
18 subsection 1A based upon their combined net income and
19 allocate the total credit amount to each spouse in the
20 proportion that each spouse's respective net income
21 bears to the total combined net income. Nonresidents
22 or part-year residents of Iowa must determine their
23 Iowa child and dependent care credit in the ratio of
24 their Iowa source net income to their all source net
25 income. Nonresidents or part-year residents who are
26 married and elect to file separate returns or to file
27 separately on a combined return form must allocate the
28 Iowa child and dependent care credit between the
29 spouses in the ratio of each spouse's Iowa source net
30 income to the combined Iowa source net income of the
31 taxpayers.

32 Sec. ___. APPLICABILITY DATE. This division of
33 this Act applies to tax years beginning on or after
34 January 1, 2006."

35 2. Title page, by striking lines 1 through 5 and
36 inserting the following: "An Act relating to
37 improvement of the early care, child care services,
38 education, health, and human services systems,
39 revising the child and dependent care tax credit,
40 creating an early childhood development tax credit,
41 and providing an applicability date."

42 3. By renumbering as necessary.

Amendment H-1693 was adopted, placing out of order the following amendments:

Amendment H-1639B filed by Hogg of Linn on May 10, 2005.

Amendment H-1642 filed by Winckler of Scott on May 10, 2005.

Amendment H-1643 filed by Petersen of Polk on May 10, 2005.

Amendment H-1644 filed by Petersen of Polk on May 10, 2005.

Amendment H-1646 filed by Smith of Marshall on May 10, 2005.

Amendment H-1647 filed by Mascher of Johnson on May 10, 2005.

Amendment H-1648 filed by Smith of Marshall on May 10, 2005.

Amendment H-1649 filed by Shoultz of Black Hawk and Jochum of Dubuque on May 10, 2005.

On motion by Tymeson of Madison the House concurred in the Senate amendment H-1639, as amended.

Tymeson of Madison 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. 761)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Foege

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 761** be immediately messaged to the Senate.

RULES SUSUPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 342.

Appropriations Calendar

Senate File 342, a bill for an act relating to appropriation matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, and providing effective and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Dix of Butler offered amendment H-1638 filed by the committee on appropriations as follows:

H-1638

1 Amend Senate File 342, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 17 through 32.

4 2. Page 2, by striking lines 18 through 34.

5 3. By striking page 2, line 35, through page 3,
6 line 30.

7 4. By striking page 5, line 25, through page 6,
8 line 16.

9 5. By striking page 7, line 27, through page 8,
10 line 9.

11 6. Page 8, by striking lines 11 through 22.

12 7. By striking page 9, line 18, through page 10,
13 line 14.

14 8. Page 10, by inserting before line 15, the
15 following:

16 "DIVISION
17 EMPLOYMENT

18 Sec. __. Section 22.7, Code 2005, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 51. Confidential information, as

21 defined in section 86.45, subsection 1, filed with the
 22 workers' compensation commissioner.
 23 Sec.____. Section 85.27, subsection 7, Code 2005,
 24 is amended to read as follows:
 25 7. If, after the third day of incapacity to work
 26 following the date of sustaining a compensable injury
 27 which does not result in permanent partial disability,
 28 or if, at any time after sustaining a compensable
 29 injury which results in permanent partial disability,
 30 an employee, who is not receiving weekly benefits
 31 under section 85.33 or section 85.34, subsection 1,
 32 returns to work and is required to leave work for one
 33 full day or less to receive services pursuant to this
 34 section, the employee shall be paid an amount
 35 equivalent to the wages lost at the employee's regular
 36 rate of pay for the time the employee is required to
 37 leave work. For the purposes of this subsection, "day
 38 of incapacity to work" means eight hours of
 39 accumulated absence from work due to incapacity to
 40 work or due to the receipt of services pursuant to
 41 this section. The employer shall make the payments
 42 under this subsection as wages to the employee after
 43 making such deductions from the amount as legally
 44 required or customarily made by the employer from
 45 wages. Payments made under this subsection shall be
 46 required to be reimbursed pursuant to any insurance
 47 policy covering workers' compensation. Payments under
 48 this subsection shall not be construed to be payment
 49 of weekly benefits.
 50 Sec.____. Section 85.35, Code 2005, is amended to

Page 2

1 read as follows:

2 85.35 ~~SETTLEMENT IN CONTESTED CASE SETTLEMENTS.~~

3 1. The parties to a contested case or persons who
 4 are involved in a dispute which could culminate in a
 5 contested case may enter into a settlement of any
 6 claim arising under this chapter or chapter 85A, 85B,
 7 or 86, providing for final disposition of the claim;
 8 provided that no final disposition affecting rights to
 9 future benefits may be had when the only dispute is
 10 the degree of disability resulting from an injury for
 11 which an award for payments or agreement for
 12 settlement under section 86.13 has been made. The
 13 settlement shall be in writing on forms prescribed by
 14 the workers' compensation commissioner and submitted
 15 to the workers' compensation commissioner for
 16 approval.

17 2. The parties may enter into an agreement for
 18 settlement that establishes the employer's liability,
 19 fixes the nature and extent of the employee's current

20 right to accrued benefits, and establishes the
21 employee's right to statutory benefits that accrue in
22 the future.

23 3. The parties may enter into a compromise
24 settlement of the employee's claim to benefits as a
25 full and final disposition of the claim.

26 4. The parties may enter into a settlement that is
27 a combination of an agreement for settlement and a
28 compromise settlement that establishes the employer's
29 liability for part of a claim but makes a full and
30 final disposition of other parts of a claim.

31 5. A contingent settlement may be made and
32 approved, conditioned upon subsequent approval by a
33 court or governmental agency, or upon any other
34 subsequent event that is expected to occur within one
35 year from the date of the settlement. If the
36 subsequent approval or event does not occur, the
37 contingent settlement and its approval may be vacated
38 by order of the workers' compensation commissioner
39 upon a petition for vacation filed by one of the
40 parties or upon agreement by all parties. If a
41 contingent settlement is vacated, the running of any
42 period of limitation provided for in section 85.26 is
43 tolled from the date the settlement was initially
44 approved until the date that the settlement is
45 vacated, and the claim is restored to the status that
46 the claim held when the contingent settlement was
47 initially approved. The contingency on a settlement
48 lapses and the settlement becomes final and fully
49 enforceable if an action to vacate the contingent
50 settlement or to extend the period of time allowed for

Page 3

1 the subsequent approval or event to occur is not
2 initiated within one year from the date that the
3 contingent settlement was initially approved.

4 6. The parties may agree that settlement proceeds,
5 which are paid in a lump sum, are intended to
6 compensate the injured worker at a given monthly or
7 weekly rate over the life expectancy of the injured
8 worker. If such an agreement is reached, neither the
9 weekly compensation rate which either has been paid,
10 or should have been paid, throughout the case, nor the
11 maximum statutory weekly rate applicable to the injury
12 shall apply. Instead, the rate set forth in the
13 settlement agreement shall be the rate for the case.

14 The settlement shall not be approved unless
15 evidence of a bona fide dispute exists concerning any
16 of the following:

17 1. The claimed injury arose out of or in the
18 course of the employment.

- 19 ~~2. The injured employee gave notice under section~~
 20 ~~85.23.~~
- 21 ~~3. Whether or not the statutes of limitations as~~
 22 ~~provided in section 85.26 have run. When the issue~~
 23 ~~involved is whether or not the statute of limitations~~
 24 ~~of section 85.26, subsection 2, has run, the final~~
 25 ~~disposition shall pertain to the right to weekly~~
 26 ~~compensation unless otherwise provided for in~~
 27 ~~subsection 7 of this section.~~
- 28 ~~4. The injury was caused by the employee's willful~~
 29 ~~intent to injure the employee's self or to willfully~~
 30 ~~injure another.~~
- 31 ~~5. Intoxication, which did not arise out of and in~~
 32 ~~the course of employment but which was due to the~~
 33 ~~effects of alcohol or another narcotic, depressant,~~
 34 ~~stimulant, hallucinogenic, or hypnotic drug not~~
 35 ~~prescribed by an authorized medical practitioner, was~~
 36 ~~a substantial factor in causing the employee's injury.~~
- 37 ~~6. The injury was caused by the willful act of a~~
 38 ~~third party directed against the employee for reasons~~
 39 ~~personal to such employee.~~
- 40 ~~7. This chapter or chapter 85A, 85B, 86 or 87~~
 41 ~~applies to the party making the claim.~~
- 42 ~~8. A substantial portion of the claimed disability~~
 43 ~~is related to physical or mental conditions other than~~
 44 ~~those caused by the injury.~~
- 45 7. A settlement shall be approved by the workers'
 46 compensation commissioner if the parties show all of
 47 the following:
- 48 a. Substantial evidence exists to support the
 49 terms of the settlement.
- 50 b. Waiver of the employee's right to a hearing,

Page 4

- 1 decision, and statutory benefits is made knowingly by
 2 the employee.
- 3 c. The settlement is a reasonable and informed
 4 compromise of the competing interests of the parties.
 5 If an employee is represented by legal counsel, it
 6 is presumed that the required showing for approval of
 7 the settlement has been made.
- 8 8. Approval of a settlement by the workers'
 9 compensation commissioner shall be is binding on the
 10 parties and shall not be construed as an original
 11 proceeding. Notwithstanding any provisions of this
 12 chapter and chapters 85A, 85B, 86 and 87, an approved
 13 compromise settlement shall constitute a final bar to
 14 any further rights arising under this chapter and
 15 chapters 85A, 85B, 86, and 87. Such regarding the
 16 subject matter of the compromise and a payment made
 17 pursuant to a compromise settlement agreement shall

18 not be construed as the payment of weekly
19 compensation.

20 Sec.____. Section 85.38, subsection 2, unnumbered
21 paragraph 2, Code 2005, is amended to read as follows:

22 If an employer denies liability under this chapter,
23 chapter 85A, or chapter 85B, for payment for any
24 medical services received or weekly compensation
25 requested by an employee ~~with a disability~~, and the
26 employee is a beneficiary under either an individual
27 or group plan for nonoccupational illness, injury, or
28 disability, the nonoccupational plan shall not deny
29 payment for the medical services received or for
30 benefits under the plan on the basis that the
31 employer's liability ~~for the medical services~~ under
32 this chapter, chapter 85A, or chapter 85B is
33 unresolved.

34 Sec.____. Section 85.71, Code 2005, is amended by
35 adding the following new subsection:

36 NEW SUBSECTION. 5. The employer has a place of
37 business in Iowa, and the employee is working under a
38 contract of hire which provides that the employee's
39 workers' compensation claims be governed by Iowa law.

40 Sec.____. Section 86.24, subsection 4, Code 2005,
41 is amended to read as follows:

42 4. A transcript of a contested case proceeding
43 shall be provided to the workers' compensation
44 commissioner by an appealing party at the party's cost
45 ~~and an affidavit shall be filed by the appealing party~~
46 ~~or the party's attorney with the workers' compensation~~
47 ~~commissioner within ten days after the filing of the~~
48 ~~appeal to the workers' compensation commissioner~~
49 ~~stating that the transcript has been ordered and~~
50 ~~identifying the name and address of the reporter or~~

Page 5

1 ~~reporting firm from which the transcript has been~~
2 ~~ordered.~~

3 Sec.____. NEW SECTION. 86.45 CONFIDENTIAL
4 INFORMATION.

5 1. "Confidential information", for the purposes of
6 this section, means all information that is filed with
7 the workers' compensation commissioner as a result of
8 an employee's injury or death that would allow the
9 identification of the employee or the employee's
10 dependents. Confidential information includes first
11 reports of injury and subsequent reports of claim
12 activity. Confidential information does not include
13 pleadings, motions, decisions, opinions, or
14 applications for settlement that are filed with the
15 workers' compensation commissioner.

16 2. The workers' compensation commissioner shall

- 17 not disclose confidential information except as
18 follows:
- 19 a. Pursuant to the terms of a written waiver of
20 confidentiality executed by the employee or the
21 dependents of the employee whose information is filed
22 with the workers' compensation commissioner.
- 23 b. To another governmental agency, or to an
24 advisory, rating, or research organization, for the
25 purpose of compiling statistical data, evaluating the
26 state's workers' compensation system, or conducting
27 scientific, medical, or public policy research, where
28 such disclosure will not allow the identification of
29 the employee or the employee's dependents.
- 30 c. To the employee or to the agent or attorney of
31 the employee whose information is filed with the
32 workers' compensation commissioner.
- 33 d. To the person or to the agent of the person who
34 submitted the information to the workers' compensation
35 commissioner.
- 36 e. To an agent, representative, attorney,
37 investigator, consultant, or adjuster of an employer,
38 or insurance carrier or third-party administrator of
39 workers' compensation benefits, who is involved in
40 administering a claim for such benefits related to the
41 injury or death of the employee whose information is
42 filed with the workers' compensation commissioner.
- 43 f. To all parties to a contested case proceeding
44 before the workers' compensation commissioner in which
45 the employee or a dependent of the employee, whose
46 information is filed with the workers' compensation
47 commissioner, is a party.
- 48 g. In compliance with a subpoena.
- 49 h. To an agent, representative, attorney,
50 investigator, consultant, or adjuster of the employee,

Page 6

- 1 employer, or insurance carrier or third-party
2 administrator of insurance benefits, who is involved
3 in administering a claim for insurance benefits
4 related to the injury or death of the employee whose
5 information is filed with the workers' compensation
6 commissioner.
- 7 i. To another governmental agency that is charged
8 with the duty of enforcing liens or rights of
9 subrogation or indemnity.
- 10 3. This section does not create a cause of action
11 for a violation of its provisions against the workers'
12 compensation commissioner or against the state or any
13 governmental subdivision of the state.
- 14 Sec. __. Section 87.11, unnumbered paragraph 1,
15 Code 2005, is amended to read as follows:

16 When an employer coming under this chapter
 17 furnishes satisfactory proofs to the insurance
 18 commissioner of such employer's solvency and financial
 19 ability to pay the compensation and benefits as by law
 20 provided and to make such payments to the parties when
 21 entitled thereto, or when such employer deposits with
 22 the insurance commissioner security satisfactory to
 23 the insurance commissioner ~~and the workers'~~
 24 ~~compensation commissioner~~ as guaranty for the payment
 25 of such compensation, such employer shall be relieved
 26 of the provisions of this chapter requiring insurance;
 27 but such employer shall, from time to time, furnish
 28 such additional proof of solvency and financial
 29 ability to pay as may be required by such insurance
 30 commissioner ~~or workers' compensation commissioner.~~
 31 Such security shall be held in trust for the sole
 32 purpose of paying compensation and benefits and is not
 33 subject to attachment, levy, execution, garnishment,
 34 liens, or any other form of encumbrance. However, the
 35 insurance commissioner shall be reimbursed from the
 36 security for all costs and fees incurred by the
 37 insurance commissioner in resolving disputes involving
 38 the security. A political subdivision, including a
 39 city, county, community college, or school
 40 corporation, that is self-insured for workers'
 41 compensation is not required to submit a plan or
 42 program to the insurance commissioner for review and
 43 approval.
 44 Sec. __. Section 87.14A, Code 2005, is amended to
 45 read as follows:
 46 **87.14A INSURANCE OR BOND REQUIRED.**
 47 An employer subject to this chapter and chapters
 48 85, 85A, 85B, and 86 shall not engage in business
 49 without first obtaining insurance covering
 50 compensation benefits or obtaining relief from

Page 7.

1 insurance as provided in this chapter ~~or furnishing a~~
 2 ~~bond pursuant to section 87.16.~~ A person who
 3 willfully and knowingly violates this section is
 4 guilty of a class "D" felony.
 5 Sec. __. Section 87.19, unnumbered paragraph 1,
 6 Code 2005, is amended to read as follows:
 7 Upon the receipt of information by the workers'
 8 compensation commissioner of any employer failing to
 9 comply with ~~sections 87.16 and 87.17~~ section 87.14A,
 10 the commissioner shall at once notify such employer by
 11 certified mail that unless such employer comply with
 12 the requirements of law, legal proceedings will be
 13 instituted to enforce such compliance.
 14 Sec. __. Section 87.20, Code 2005, is amended to

15 read as follows:

16 87.20 REVOCATION OF RELEASE FROM INSURANCE.

17 The insurance commissioner ~~with the concurrence of~~
 18 ~~the workers' compensation commissioner~~ may, at any
 19 time, upon reasonable notice to such employer and upon
 20 hearing, revoke for cause any order theretofore made
 21 relieving any employer from carrying insurance as
 22 provided by this chapter.

23 Sec. __. Section 91A.3, subsection 3, Code 2005,
 24 is amended to read as follows:

25 3. The wages paid under subsection 1 shall be sent
 26 to the employee by mail or be paid at the employee's
 27 normal place of employment during normal employment
 28 hours or at a place and hour mutually agreed upon by
 29 the employer and employee, or the employee may elect
 30 to have the wages sent for direct deposit, on or by
 31 the regular payday of the employee, into a financial
 32 institution designated by the employee. An employer
 33 shall not require a current employee to participate in
 34 direct deposit. The employer may require, as a
 35 condition of hire, a new employee to sign up for
 36 direct deposit of the employee's wages in a financial
 37 institution of the employee's choice unless either of
 38 the following conditions exist:

39 a. The costs to the employee of establishing and
 40 maintaining an account for purposes of the direct
 41 deposit would effectively reduce the employee's wages
 42 to a level below the minimum wage provided under
 43 section 91D.1.

44 b. The provisions of a collective bargaining
 45 agreement mutually agreed upon by the employer and the
 46 employee organization prohibit the employer from
 47 requiring an employee to sign up for direct deposit as
 48 a condition of hire.

49 Sec. __. Section 91A.6, Code 2005, is amended by
 50 adding the following new subsection:

Page 8

1 **NEW SUBSECTION.** 4. On each regular payday, the
 2 employer shall send to each employee by mail or shall
 3 provide at the employee's normal place of employment
 4 during normal employment hours a statement showing the
 5 hours the employee worked, the wages earned by the
 6 employee, and deductions made for the employee. An
 7 employer who provides each employee access to view an
 8 electronic statement of the employee's earnings and
 9 provides the employee free and unrestricted access to
 10 a printer to print the employee's statement of
 11 earnings, if the employee chooses, is in compliance
 12 with this subsection.

13 Sec. __. Sections 87.16 and 87.17, Code 2005, are

14 repealed.

15 Sec. __. EFFECTIVE DATE. This division of this
16 Act takes effect July 1, 2005."

17 9. Title page, line 1, by striking the word
18 "appropriation" and inserting the following:
19 "financial and regulatory".

20 10. Title page, line 2, by inserting after the
21 figure "2004," the following: "making civil penalties
22 applicable".

23 11. By renumbering, relettering, or redesignating
24 and correcting internal references as necessary.

Horbach of Tama offered the following amendment H-1696, to the committee amendment H-1638, filed by him from the floor and moved its adoption:

H-1696

1 Amend the amendment, H-1638, to Senate File 342, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 7, by inserting after line 48 the
5 following:

6 "Sec. __. Section 91A.6, subsection 3, Code 2005,
7 is amended to read as follows:

8 3. Within ten working days of a request by an
9 employee, an employer shall furnish to the employee a
10 written, itemized statement or access to a written,
11 itemized statement as provided in subsection 4,
12 listing the earnings and deductions made from the
13 wages for each pay period in which the deductions were
14 made together with an explanation of how the wages and
15 deductions were computed. ~~An employer need honor only~~
16 ~~one such request in any calendar year unless the rate~~
17 ~~of earnings, hours or deductions are changed during~~
18 ~~the calendar year. Each change shall entitle an~~
19 ~~employee to a further request for an itemized~~
20 ~~statement."~~

21 2. By renumbering as necessary.

Amendment H-1696 was adopted.

On motion by Dix of Butler the committee amendment H-1638, as amended, was adopted.

Dix of Butler 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. 342)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carrroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdye	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Foeger

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 6:48 p.m., until the fall of the gavel.

The House resumed session at 7:07 p.m., Speaker Rants in the chair.

SENATE AMENDMENT CONSIDERED

De Boef of Keokuk called up for consideration **House File 808**, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, amended by the Senate amendment H-1678 as follows:

H-1678

1 Amend House File 808, as passed by the House, as
2 follows:

3 1. Page 1, line 10, by striking the figure "1."

4 2. Page 1, line 15, by striking the figure
5 "18,047,299" and inserting the following:
6 "17,213,319".

7 3. Page 1, line 16, by striking the figure
8 "417.12" and inserting the following: "412.52".

9 4. By striking page 1, line 17, through page 2,
10 line 15.

11 5. Page 2, by inserting after line 17, the
12 following:

13 "Sec.____. SENIOR FARMERS MARKET NUTRITION
14 PROGRAM. There is appropriated from the general fund
15 of the state to the department of agriculture and land
16 stewardship for the fiscal year beginning July 1,
17 2005, and ending June 30, 2006, the following amount,
18 or so much thereof as is necessary, to be used for the
19 purposes designated:

20 For purposes of administering a senior farmers
21 market nutrition program, including salaries, support,
22 maintenance, miscellaneous purposes, and for not more
23 than the following full-time equivalent positions:

24 \$ 77,000
25 FTEs 1.00

26 Sec.____. CHRONIC WASTING DISEASE. There is
27 appropriated from the general fund of the state to the
28 department of agriculture and land stewardship for the
29 fiscal year beginning July 1, 2005, and ending June
30 30, 2006, the following amount, or so much thereof as
31 is necessary, to be used for the purposes designated:

32 For purposes of administering a chronic wasting
33 disease control program for the control of chronic
34 wasting disease which threatens farm deer as provided
35 in chapter 170, including salaries, support,
36 maintenance, miscellaneous purposes, and for not more
37 than the following full-time equivalent positions:

38 \$ 100,000
39 FTEs 1.60

40 The program may include procedures for the
41 inspection and testing of farm deer, responses to

42 reported cases of chronic wasting disease, and methods
 43 to ensure that owners of farm deer may engage in the
 44 movement and sale of farm deer.
 45 Sec. ___. HOMELAND SECURITY. There is
 46 appropriated from the general fund of the state to the
 47 department of agriculture and land stewardship for the
 48 fiscal year beginning July 1, 2005, and ending June
 49 30, 2006, the following amount, or so much thereof as
 50 is necessary, to be used for the purposes designated:

Page 2

1 For purposes of administering programs which
 2 provide for homeland security and emergency
 3 management, including programs which are necessary to
 4 prevent or control a serious threat to the production
 5 and processing of agricultural commodities, and
 6 including salaries, support, maintenance,
 7 miscellaneous purposes, and for not more than the
 8 following full-time equivalent positions:
 9 \$ 79,004
 10 FTEs 1.00

11 The department may use the moneys appropriated in
 12 this section to preserve and protect the public
 13 health, public safety, or the state's economy caused
 14 by the transmission of disease among livestock as
 15 defined in section 717.1 or agricultural animals as
 16 defined in section 717A.1. The department shall
 17 cooperate with the homeland security and emergency
 18 management division of the department of public
 19 defense in the administration of emergency planning
 20 matters which involve agriculture."

21 6. Page 3, by inserting after line 24, the
 22 following:

23 "Sec. ___. APIARY REGULATION. There is
 24 appropriated from the general fund of the state to the
 25 department of agriculture and land stewardship for the
 26 fiscal year beginning July 1, 2005, and ending June
 27 30, 2006, the following amount, or so much thereof as
 28 is necessary, to be used for the purposes designated:
 29 For support of apiary regulation as provided in
 30 chapter 160, including salaries, support, maintenance,
 31 and miscellaneous purposes:
 32 \$ 40,000

33 Sec. ___. SOIL AND WATER CONSERVATION DISTRICTS.
 34 There is appropriated from the general fund of the
 35 state to the department of agriculture and land
 36 stewardship for the fiscal year beginning July 1,
 37 2005, and ending June 30, 2006, the following amount,
 38 or so much thereof as is necessary, to be used for the
 39 purposes designated:
 40 For purposes of reimbursing commissioners of soil

41 and water conservation districts for administrative
 42 expenses including but not limited to travel expenses,
 43 technical training, and professional dues:
 44 \$ 250,000
 45 A soil and water conservation district receiving
 46 moneys from an allocation provided pursuant to this
 47 section shall submit a report to the soil conservation
 48 division of the department of agriculture and land
 49 stewardship by January 1, 2006, accounting for moneys
 50 which have been expended or unexpended or which have

Page 3

1 been obligated or encumbered. The report shall state
2 how the moneys were used."

3 7. Page 3, line 33, by striking the figure "1."

4 8. Page 4, line 3, by striking the figure
5 "16,390,463" and inserting the following:
6 "16,968,439".

7 9. Page 4, by striking lines 5 through 16.

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

10 "ENERGY-RELATED PROVISIONS

11 Sec. __. Section 476B.1, subsection 4, paragraph
12 c, Code 2005, is amended to read as follows:

13 c. Was originally placed in service on or after
14 July 1, ~~2004~~ 2005, but before July 1, ~~2007~~ 2008.

15 Sec. __. Section 476B.3, Code 2005, is amended to
16 read as follows:

17 476B.3 CREDIT AMOUNT.

18 ~~1. Except as limited by subsection 2, the~~ The wind
19 energy production tax credit allowed under this
20 chapter equals the product of one cent multiplied by
21 the number of kilowatt-hours of qualified electricity
22 sold by the owner during the taxable year.

23 ~~2. a. The maximum amount of tax credit which a~~
24 ~~group of qualified facilities operating as one unit~~
25 ~~may receive for a taxable year equals the rate of~~
26 ~~credit times thirty-two percent of the total number of~~
27 ~~kilowatts of nameplate generating capacity.~~

28 ~~b. However, if for the previous taxable year the~~
29 ~~amount of the tax credit for the group of qualified~~
30 ~~facilities operating as one unit is less than the~~
31 ~~maximum amount available as provided in paragraph "a",~~
32 ~~the maximum amount for the next taxable year shall be~~
33 ~~increased by the amount of the previous year's unused~~
34 ~~maximum credit.~~

35 Sec. __. Section 476B.5, Code 2005, is amended by
36 striking the section and inserting in lieu thereof the
37 following:

38 476B.5 DETERMINATION OF ELIGIBILITY.

39 1. An owner may apply to the board for a written

40 determination regarding whether a facility is a
41 qualified facility by submitting to the board a
42 written application containing all of the following:
43 a. Information regarding the ownership of the
44 facility including the percentage of equity interest
45 held by each owner.
46 b. The nameplate generating capacity of the
47 facility.
48 c. Information regarding the facility's initial
49 placement in service.
50 d. Information regarding the type of facility.

Page 4

1 e. A copy of an executed power purchase agreement
2 or other agreement to purchase electricity upon
3 completion of the project.

4 f. Any other information the board may require.

5 2. The board shall review the application and
6 supporting information and shall make a preliminary
7 determination regarding whether the facility is a
8 qualified facility. The board shall notify the
9 applicant of the approval or denial of the application
10 within thirty days of receipt of the application and
11 information required. If the board fails to notify
12 the applicant of the approval or denial within thirty
13 days, the application shall be deemed denied. An
14 applicant who receives a determination denying an
15 application may file an appeal with the board within
16 thirty days from the date of the denial pursuant to
17 the provisions of chapter 17A. In the absence of a
18 timely appeal, the preliminary determination shall be
19 final. If the application is incomplete, the board
20 may grant an extension of time for the provision of
21 additional information.

22 3. A facility that is not operational within
23 eighteen months after issuance of an approval for the
24 facility by the board shall cease to be a qualified
25 facility. A facility that is granted and thereafter
26 loses approval may reapply to the board for a new
27 determination.

28 4. The maximum amount of nameplate generating
29 capacity of all qualified facilities the board may
30 find eligible under this chapter shall not exceed four
31 hundred fifty megawatts of nameplate generating
32 capacity.

33 5. An owner shall not be an owner of more than two
34 qualified facilities.

35 Sec. __. Section 476B.6, Code 2005, is amended by
36 striking the section and inserting in lieu thereof the
37 following:

38 476B.6 TAX CREDIT CERTIFICATE PROCEDURE.

39 1. a. To be eligible to receive the wind energy
40 production tax credit, the owner must first receive
41 approval of the board of supervisors of the county in
42 which the qualified facility is located. The
43 application for approval may be submitted prior to
44 commencement of the construction of the qualified
45 facility but shall be submitted no later than the
46 close of the owner's first taxable year for which the
47 credit is to be applied for. The application must
48 contain the owner's name and address, the address of
49 the qualified facility, and the dates of the owner's
50 first and last taxable years for which the credit will

Page 5

1 be applied for. Within forty-five days of the receipt
2 of the application for approval, the board of
3 supervisors shall either approve or disapprove the
4 application. After the forty-five-day limit, the
5 application is deemed to be approved.
6 b. Upon approval of the application, the owner may
7 apply for the tax credit as provided in subsection 2.
8 In addition, approval of the application is acceptance
9 by the applicant for the assessment of the qualified
10 facility for property tax purposes for a period of
11 twelve years and approval by the board of supervisors
12 for the payment of the property taxes levied on the
13 qualified property to the state. For purposes of
14 property taxation, the qualified facility shall be
15 centrally assessed and shall be exempt from any
16 replacement tax under section 437A.6 for the period
17 during which the facility is subject to property
18 taxation. The property taxes to be paid to the state
19 are those property taxes which make up the
20 consolidated tax levied on the qualified facility and
21 which are due and payable in the twelve-year period
22 beginning with the first fiscal year beginning on or
23 after the end of the owner's first taxable year for
24 which the credit is applied for. Upon approval of the
25 application, the board of supervisors shall notify the
26 county treasurer to state on the tax statement which
27 lists the taxes on the qualified facility that the
28 amount of the property taxes shall be paid to the
29 department. Payment of the designated property taxes
30 to the department shall be in the same manner as
31 required for the payment of regular property taxes and
32 failure to pay designated property taxes to the
33 department shall be treated the same as failure to pay
34 property taxes to the county treasurer.
35 c. Once the owner of the qualified facility
36 receives approval under paragraph "a", subsequent
37 approval under paragraph "a" is not required for the

38 same qualified facility for subsequent taxable years.
39 2. An owner of a qualified facility may apply to
40 the board for the wind energy production tax credit by
41 submitting to the board all of the following:
42 a. A completed application in a form prescribed by
43 the board.
44 b. A copy of the determination granting approval
45 of the facility as a qualified facility by the board.
46 c. A copy of a signed power purchase agreement or
47 other agreement to purchase electricity.
48 d. Sufficient documentation that the electricity
49 has been generated by the qualified facility and sold
50 to a purchaser.

Page 6

1 e. Any other information the board deems
2 necessary.
3 3. The board shall notify the department of the
4 amount of kilowatt-hours generated and purchased from
5 a qualified facility. The department shall calculate
6 the amount of the tax credit for which the applicant
7 is eligible and shall issue the tax credit certificate
8 for that amount or notify the applicant in writing of
9 its refusal to do so. An applicant whose application
10 is denied may file an appeal with the department
11 within sixty days from the date of the denial pursuant
12 to the provisions of chapter 17A.
13 4. Each tax credit certificate shall contain the
14 owner's name, address, and tax identification number,
15 the amount of tax credits, the first taxable year the
16 certificate may be used, the type of tax to which the
17 tax credits shall be applied, and any other
18 information required by the department. The tax
19 credit certificate shall only list one type of tax to
20 which the amount of the tax credit may be applied.
21 Once issued by the department, the tax credit
22 certificate shall not be terminated or rescinded.
23 5. If the tax credit application is filed by a
24 partnership, limited liability company, S corporation,
25 estate, trust, or other reporting entity all of the
26 income of which is taxed directly to its equity
27 holders or beneficiaries, for the taxes imposed under
28 chapter 422, division II or III, the tax credit
29 certificate shall be issued directly to equity holders
30 or beneficiaries of the applicant in proportion to
31 their pro rata share of the income of such entity.
32 The applicant shall, in the application made under
33 this section, identify its equity holders or
34 beneficiaries, and the percentage of such entity's
35 income that is allocable to each equity holder or
36 beneficiary. If the tax credit application is filed

37 by a partnership, limited liability company, S
38 corporation, estate, trust, or other reporting entity,
39 all of whose income is taxed directly to its equity
40 holders or beneficiaries for the taxes imposed under
41 chapter 422, division V, or under chapter 432, the tax
42 credit certificate shall be issued directly to the
43 partnership, limited liability company, S corporation,
44 estate, trust, or other reporting entity.

45 6. The department shall not issue a tax credit
46 certificate if the facility approved by the board as a
47 qualified facility is not operational within eighteen
48 months after the approval is issued.

49 7. Once a tax credit certificate is issued
50 pursuant to this section, the tax credit may only be

Page 7

1 claimed against the type of tax reflected on the
2 certificate.

3 8. A tax credit certificate shall not be used or
4 attached to a return filed for a taxable year
5 beginning prior to July 1, 2006.

6 Sec. ___. Section 476B.7, unnumbered paragraph 1,
7 Code 2005, is amended to read as follows:

8 Wind energy production tax credit certificates
9 issued under this chapter may be transferred to any
10 person or entity. Within thirty days of transfer, the
11 transferee must submit the transferred tax credit
12 certificate to the ~~board~~ department along with a
13 statement containing the transferee's name, tax
14 identification number, and address, and the
15 denomination that each replacement tax credit
16 certificate is to carry and any other information
17 required by the department. Within thirty days of
18 receiving the transferred tax credit certificate and
19 the transferee's statement, the ~~board~~ department shall
20 issue one or more replacement tax credit certificates
21 to the transferee. Each replacement certificate must
22 contain the information required under section 476B.6
23 and must have the same effective taxable year and the
24 same expiration date that appeared in the transferred
25 tax credit certificate. Tax credit certificate
26 amounts of less than the minimum amount established by
27 rule of the board shall not be transferable. A tax
28 credit shall not be claimed by a transferee under this
29 chapter until a replacement tax credit certificate
30 identifying the transferee as the proper holder has
31 been issued.

32 Sec. ___. Section 476B.8, Code 2005, is amended to
33 read as follows:

34 476B.8 USE OF TAX CREDIT CERTIFICATES.

35 To claim a wind energy production tax credit under

36 this chapter, a taxpayer must attach one or more tax
 37 credit certificates to the taxpayer's tax return. A
 38 tax credit certificate shall not be used or attached
 39 to a return filed for a taxable year beginning prior
 40 to July 1, ~~2005~~ 2006. The tax credit certificate or
 41 certificates attached to the taxpayer's tax return
 42 shall be issued in the taxpayer's name, expire on or
 43 after the last day of the taxable year for which the
 44 taxpayer is claiming the tax credit, and show a tax
 45 credit amount equal to or greater than the tax credit
 46 claimed on the taxpayer's tax return. Any tax credit
 47 in excess of the taxpayer's tax liability for the
 48 taxable year may be credited to the taxpayer's tax
 49 liability for the following seven taxable years or
 50 until depleted, whichever is the earlier.

Page 8

1 Sec. __. Section 476B.9, Code 2005, is amended to
 2 read as follows:

3 476B.9 REGISTRATION OF TAX CREDIT CERTIFICATES.

4 ~~The board shall, in conjunction with the~~
 5 ~~department, shall~~ develop a system for the
 6 registration of the wind energy production tax credit
 7 certificates issued or transferred under this chapter
 8 and a system that permits verification that any tax
 9 credit claimed on a tax return is valid and that
 10 transfers of the tax credit certificates are made in
 11 accordance with the requirements of this chapter. The
 12 tax credit certificates issued under this chapter
 13 shall not be classified as a security pursuant to
 14 chapter 502.

15 Sec. __. NEW SECTION. 476B.10 RULES.

16 The department and the board may adopt rules
 17 pursuant to chapter 17A for the administration and
 18 enforcement of this chapter."

19 11. Page 7, by inserting before line 10 the
 20 following:

21 "IOWA STATE UNIVERSITY
 22 DESIGNATED APPROPRIATION

23 Sec. __. OPEN FEEDLOTS HOUSING BEEF CATTLE –
 24 WATER QUALITY RESEARCH PROJECT. There is appropriated
 25 from the agrichemical remediation fund created in
 26 section 161.7 to Iowa state university for the fiscal
 27 year beginning July 1, 2005, and ending June 30, 2006,
 28 the following amount, or so much thereof as is
 29 necessary, to be used for the purposes designated:

30 For purposes of supporting a water quality research
 31 project which studies the effectiveness of alternative
 32 technologies used to reduce risks to water quality
 33 from effluent originating from open feedlots which
 34 house beef cattle:

35 \$ 100,000

36 In conducting the project, Iowa state university
37 shall cooperate with the Iowa cattlemen's association,
38 the department of natural resources, the department of
39 agriculture and land stewardship, and the United
40 States department of agriculture natural resource
41 conservation service.

42 DEPARTMENT OF AGRICULTURE
43 AND LAND STEWARDSHIP
44 HORSE AND DOG
45 REGULATION - FEES

46 Sec. __. Section 99D.22, subsection 3, paragraph
47 d, Code 2005, is amended to read as follows:

48 d. Adopt rules establishing a schedule of fees to
49 ~~be charged to~~ imposed on breeders of thoroughbreds,
50 quarter horses, or standardbreds ~~to administer for~~

Page 9

1 purposes of administering and enforcing this
2 subsection. The moneys paid to the department from
3 fees as provided in this paragraph shall be considered
4 repayment receipts as defined in section 8.2, and
5 shall be used for the administration and enforcement
6 of this subsection.

7 Sec. __. Section 99D.22, Code 2005, is amended by
8 adding the following new subsection:

9 NEW SUBSECTION. 3A. a. The department of
10 agriculture and land stewardship shall adopt rules
11 establishing a schedule of registration fees to be
12 imposed on owners of dogs that are whelped and raised
13 for the first six months of their lives in Iowa for
14 purposes of promoting native dogs as provided in this
15 chapter, including section 99D.12 and this section.
16 The amount of the registration fees shall be imposed
17 as follows:

18 (1) An owner of a dam registering the dam, twenty-
19 five dollars.

20 (2) An owner of a litter registering the litter,
21 ten dollars.

22 (3) An owner of a dog registering the dog, five
23 dollars.

24 b. The moneys paid to the department from
25 registration fees as provided in paragraph "a" shall
26 be considered repayment receipts as defined in section
27 8.2, and shall be used for the administration and
28 enforcement of programs for the promotion of native
29 dogs.

30 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
31 AND DEPARTMENT OF NATURAL RESOURCES
32 DEER REGULATION AND FEES

33 Sec. __. NEW SECTION. 170.3A CHRONIC WASTING

34 DISEASE CONTROL PROGRAM.

35 The department shall establish and administer a
36 chronic wasting disease control program for the
37 control of chronic wasting disease which threatens
38 farm deer. The program shall include procedures for
39 the inspection and testing of farm deer, responses to
40 reported cases of chronic wasting disease, and methods
41 to ensure that owners of farm deer may engage in the
42 movement and sale of farm deer.

43 Sec. . NEW SECTION. 170.3B FARM DEER
44 ADMINISTRATION FEE.

45 The department may establish a farm deer
46 administration fee which shall be annually imposed on
47 each landowner who keeps farm deer in this state. The
48 amount of the fee shall not exceed two hundred dollars
49 per year. The fee shall be collected by the
50 department in a manner specified by rules adopted by

Page 10

1 the department after consulting with the farm deer
2 council established in section 170.2. The collected
3 fees shall be credited to the farm deer administration
4 fund created pursuant to section 170.3C.

5 Sec. . NEW SECTION. 170.3C FARM DEER
6 ADMINISTRATION FUND – APPROPRIATION.

7 A farm deer administration fund is created in the
8 state treasury under the control of the department.

9 1. The fund shall be composed of moneys
10 appropriated by the general assembly and moneys
11 available to and obtained or accepted by the
12 department from the United States or private sources
13 for placement in the fund. The fund shall include all
14 moneys collected from the farm deer administration fee
15 as provided in section 170.3B.

16 2. The moneys in the fund are appropriated
17 exclusively to the department for purposes of
18 administering this chapter, including but not limited
19 to the administration of the chronic wasting disease
20 control program as provided in section 170.3A.

21 3. Section 8.33 shall not apply to moneys credited
22 to the fund. Notwithstanding section 12C.7, moneys
23 earned as income or interest from the fund shall
24 remain in the fund until expended as provided in this
25 section.

26 Sec. . Section 483A.24, subsection 2, paragraph
27 c, if enacted by 2005 Iowa Acts, Senate File 206,
28 section 8, is amended to read as follows:

29 c. Upon written application on forms furnished by
30 the department, the department shall issue annually
31 without fee two deer hunting licenses, one antlered or
32 any sex deer hunting license and one antlerless deer

33 only deer hunting license, to the owner of a farm unit
34 or a member of the owner's family, but only a total of
35 two licenses for both, and to the tenant of a farm
36 unit or a member of the tenant's family, but only a
37 total of two licenses for both. The deer hunting
38 licenses issued shall be valid only for use on the
39 farm unit for which the applicant applies pursuant to
40 this paragraph. The owner or the tenant need not
41 reside on the farm unit to qualify for the free deer
42 hunting licenses to hunt on that farm unit. The free
43 deer hunting licenses issued pursuant to this
44 paragraph shall be valid and may be used during any
45 shotgun deer season. The licenses may be used to
46 harvest deer in two different seasons. In addition, a
47 person who receives a free deer hunting license
48 pursuant to this paragraph shall pay a one dollar fee
49 for each license that shall be used and is
50 appropriated for the purpose of deer herd population

Page 11

1 management, including assisting with the cost of
2 processing deer donated to the help us stop hunger
3 program administered by the commission."

4 12. Title page, line 3, by inserting after the
5 word "resources" the following: ", and provisions
6 relating to a wind energy production tax credit".

7 13. Title page, line 3, by inserting after the
8 word "resources" the following: ", and providing for
9 fees".

10 14. By renumbering, relettering, or redesignating
11 and correcting internal references as necessary.

Swaim of Davis asked and received unanimous consent to withdraw amendment H-1695, to the Senate amendment H-1678, filed by him from the floor.

De Boef of Keokuk asked and received unanimous consent to withdraw amendment H-1691, to the Senate amendment H-1678, filed by her from the floor.

De Boef of Keokuk offered amendment H-1697, to the Senate amendment H-1678, filed by her and D. Olson of Boone from the floor, division was requested as follows:

H-1697

1 Amend the Senate amendment, H-1678, to House File
2 808, as passed by the House, as follows:

H-1697A

- 3 1. By striking page 1, line 45, through page 2,
4 line 20.
- 5 2. Page 3, line 6, by striking the figure
6 "16,968,439" and inserting the following:
7 "16,883,439".
- 8 3. By striking page 3, line 8, through page 8,
9 line 18.
- 10 4. By striking page 8, line 47, through page 9,
11 line 6, and inserting the following: "d, Code 2005,
12 is amended by striking the paragraph and inserting in
13 lieu thereof the following:
- 14 d. Establish a registration fee imposed on each
15 horse which is a thoroughbred, quarter horse, or
16 standardbred which shall be paid by the breeder of the
17 horse. The department shall not impose the
18 registration fee more than once on each horse. The
19 amount of the registration fee shall not exceed thirty
20 dollars. The moneys paid to the department from
21 registration fees shall be considered repayment
22 receipts as defined in section 8.2, and shall be used
23 for the administration and enforcement of this
24 subsection."

H-1697B

- 25 5. Page 11, by inserting after line 3, the
26 following:
27 "AGRICULTURAL COOPERATIVES
28 Sec. ____ Section 501A.231, subsection 5, as
29 enacted by 2005 Iowa Acts, House File 859, section 17,
30 is amended to read as follows:
- 31 5. The secretary of state may provide for the
32 change of registered office or registered agent on the
33 form prescribed by the secretary of state for the
34 biennial report, provided that the form contains the
35 information required by section 501A.402. If the
36 secretary of state determines that a biennial report
37 does not contain the information required by this
38 section but otherwise meets the requirements of
39 section ~~501.402~~ 501A.402 for the purpose of changing
40 the registered office or registered agent, the
41 secretary of state shall file the statement of change
42 of registered office or registered agent, effective as
43 provided in section 501A.203, before returning the
44 biennial report to the cooperative as provided in this
45 section. A statement of change of registered office
46 or agent pursuant to this subsection shall be executed
47 by a person authorized to execute the biennial report.
- 48 Sec. ____ Section 501A.1001, subsection 4, as
49 enacted by 2005 Iowa Acts, House File 859, section 73,

50 is amended to read as follows:

Page 2

1 4. The determinations of the board as to the
2 amount or fair value or the fairness to the
3 cooperative of the contribution accepted or to be
4 accepted by the cooperative or the terms of payment or
5 performance, including under a contribution ~~rights~~
6 agreement in section 501A.1003, and a contribution
7 rights agreement in section 501A.1004, are presumed to
8 be proper if they are made in good faith and on the
9 basis of accounting methods, or a fair valuation or
10 other method, reasonable in the circumstances.
11 Directors who are present and entitled to vote, and
12 who, intentionally or without reasonable
13 investigation, fail to vote against approving a
14 consideration that is unfair to the cooperative, or
15 overvalue property or services received or to be
16 received by the cooperative as a contribution, are
17 jointly and severally liable to the cooperative for
18 the benefit of the then members who did not consent to
19 and are damaged by the action to the extent of the
20 damages of those members. A director against whom a
21 claim is asserted under this subsection, except in
22 case of knowing participation in a deliberate fraud,
23 is entitled to contribution on an equitable basis from
24 other directors who are liable under this subsection.

25 Sec. __. Section 10B.4, subsection 1, Code 2005,
26 as amended by 2005 Iowa Acts, House File 859, section
27 102, if enacted, is amended to read as follows:

28 1. A biennial report shall be filed by a reporting
29 entity with the secretary of state on or before March
30 31 of each odd-numbered year as required by rules
31 adopted by the secretary of state pursuant to chapter
32 17A. However, a reporting entity required to file a
33 biennial report pursuant to chapter 490, ~~490A~~, 496C,
34 497, 498, ~~490A~~, 499, 501, 501A, or 504A shall file the
35 report required by this section in the same year as
36 required by that chapter. The reporting entity may
37 file the report required by this section together with
38 the biennial report required to be filed by one of the
39 other chapters referred to in this subsection. The
40 reports shall be filed on forms prepared and supplied
41 by the secretary of state. The secretary of state may
42 provide for combining its reporting forms with other
43 biennial reporting forms required to be used by the
44 reporting entities.

45 Sec. __. 2005 Iowa Acts, House File 859, section
46 104, is amended by striking the section and inserting
47 in lieu thereof the following:

48 SEC. 104. Section 15.385, subsection 4, paragraph

49 a. Code 2005, is amended to read as follows:

50 a. An eligible business may claim a tax credit

Page 3

1 equal to a percentage of the new investment directly
2 related to new jobs created by the location or
3 expansion of an eligible business under the program.
4 The tax credit shall be allowed against taxes imposed
5 under chapter 422, division II, III, or V. If the
6 business is a partnership, S corporation, limited
7 liability company, cooperative organized under chapter
8 501 or 501A and filing as a partnership for federal
9 tax purposes; or estate or trust electing to have the
10 income taxed directly to the individual, an individual
11 may claim the tax credit allowed. The amount claimed
12 by the individual shall be based upon the pro rata
13 share of the individual's earnings of the partnership,
14 S corporation, limited liability company, cooperative
15 organized under chapter 501 or 501A, and filing as a
16 partnership for federal tax purposes, or estate or
17 trust. The percentage shall be equal to the amount
18 provided in paragraph "d". Any tax credit in excess
19 of the tax liability for the tax year may be credited
20 to the tax liability for the following seven years or
21 until depleted, whichever occurs first.

22 Subject to prior approval by the department of
23 economic development, in consultation with the
24 department of revenue, an eligible business whose
25 project primarily involves the production of value-
26 added agricultural products or uses
27 biotechnology-related processes may elect to receive a
28 refund of all or a portion of an unused tax credit.
29 For purposes of this subsection, such an eligible
30 business includes a cooperative described in section
31 521 of the Internal Revenue Code which is not required
32 to file an Iowa corporate income tax return, and whose
33 project primarily involves the production of ethanol.
34 The refund may be applied against a tax liability
35 imposed under chapter 422, division II, III, or V. If
36 the business is a partnership, S corporation, limited
37 liability company, cooperative organized under chapter
38 501 or 501A, and filing as a partnership for federal
39 tax purposes, or estate or trust electing to have the
40 income taxed directly to the individual, an individual
41 may claim the tax credit allowed. The amount claimed
42 by the individual shall be based upon the pro rata
43 share of the individual's earnings of the partnership,
44 S corporation, limited liability company, cooperative
45 organized under chapter 501 or 501A and filing as a
46 partnership for federal tax purposes, or estate or
47 trust."''

48 6. Page 11, line 6, by striking the words "a wind
49 energy production tax credit" and inserting the
50 following: "cooperative associations".

Page 4

1 7. By renumbering as necessary.

Amendment H-1697A was adopted, placing out of order amendment H-1682 filed by Mertz of Kossuth from the floor.

De Boef of Keokuk asked and received unanimous consent to withdraw amendment H-1697B to the Senate amendment H-1678.

Mertz of Kossuth offered the following amendment H-1694, to the Senate amendment H-1678, filed by her and Baudler of Adair from the floor and moved its adoption:

H-1694

- 1 Amend the Senate amendment, H-1678, to House File
- 2 808, as passed by the House, as follows:
- 3 1. Page 10, by striking lines 17 through 19, and
- 4 inserting the following: "exclusively to the
- 5 department for the purpose of administering the
- 6 chronic wasting disease".
- 7 2. By renumbering as necessary.

Amendment H-1694 was adopted.

The following amendments to the Senate amendment H-1678, filed from the floor, were withdrawn by unanimous consent.

Amendment H-1683 filed by Mertz of Kossuth.

Amendment H-1685 filed by Reichert of Muscatine.

Amendment H-1686 filed by Frevert of Palo Alto.

Amendment H-1687 filed by Zirkelbach of Jones.

Amendment H-1688 filed by Thomas of Clayton.

Amendment H-1689 filed by Ford of Polk.

Amendment H-1690 filed by Gaskill of Wapello.

Amendment H-1692 filed by Whitaker of Van Buren.

On motion by De Boef of Keokuk the House concurred in the Senate amendment H-1678, as amended.

De Boef of Keokuk 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. 808)

The ayes were, 59:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Ford	Gipp	Granzow
Greiner	Heaton	Heddens	Hoffman
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Kaufmann	Kressig
Kuhn	Lalk	Lukan	Maddox
Mascher	May	Olson, D.	Olson, S.
Pettengill	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Smith
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Wilderdye	Wise	Mr. Speaker.	
		Rants	

The nays were, 40:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Freeman
Frevert	Gaskill	Hogg	Hunter
Huser	Jacoby	Jochum	Kurtenbach
Lensing	Lykam	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, R.
Paulsen	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Swaim	Taylor, D.	Taylor, T.	Thomas
Wessel-Kroeschell	Whitead	Winckler	Zirkelbach

Absent or not voting, 1:

Foegge

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 808** and **Senate File 342**.

MOTION TO RECONSIDER
(House File 875)

I move to reconsider the vote by which House File 875 passed the House on May 11, 2005.

GIPP of Winneshiek

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- 2005\1519 Gladys Chapman, Webster City – For celebrating her 85th birthday.
- 2005\1520 Harriet Pfaff, Fort Dodge – For celebrating her 85th birthday.
- 2005\1521 Bernice Bohning, Belmond – For celebrating her 90th birthday.
- 2005\1522 Geneva Martin, Humboldt – For celebrating her 92nd birthday.
- 2005\1523 Merlin and Florence Koester, Fort Dodge – For celebrating their 60th wedding anniversary.
- 2005\1524 Warren and Arlene Snell, Webster City – For celebrating their 65th wedding anniversary.
- 2005\1525 Nate Rogers, Fort Dodge – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1526 Charles and Joan Klima, Guttenberg – For celebrating their 60th wedding anniversary.
- 2005\1527 Gertrude Lenius, Fayette – For celebrating her 90th birthday.
- 2005\1528 Ruby Baechler, Fayette – For celebrating her 99th birthday.
- 2005\1529 Anthony Menendez, Estherville – For being accepted in MENSA.

- 2005\1530 Lynn, Ward and Tom Handorf, Gladbrook – For winning the Wergin Iowa Good Neighbor Award.
- 2005\1531 Eric James Cook, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1532 Adam Goerdt, Dubuque – For winning the national championship in the administrative support team for the Business Professionals of America and for winning a medal by placing in the top 10 in the nation in the C++ computer programming category.
- 2005\1533 Andrew DeHeck, Dubuque – For winning the national championship in the administrative support team for the Business Professional of America.
- 2005\1534 Nicole Vrotsos, Dubuque – For winning the national championship in the administrative support team for the Business Professionals of America.
- 2005\1535 Chad Chase, Dubuque – For winning the national championship in the administrative support team for the Business Professionals of America.
- 2005\1536 Msgr. Gerald Ryan, Des Moines – For celebrating 50 years in the priesthood.
- 2005\1537 Edward and Mary Jane Gibney, Norway – For celebrating their 50th wedding anniversary.

On motion by Gipp of Winneshiek the House adjourned at 7:31 p.m., until 10:00 a.m., Thursday, May 12, 2005.

JOURNAL OF THE HOUSE

One Hundred Twenty-third Calendar Day - Eighty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, May 12, 2005

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

The Journal of Wednesday, May 11, 2005 was approved.

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in engrossing bills the following corrections were made:

House File 828

1. Page 2, line 3: Add "new" after "following" and before "unnumbered".

MARGARET A. THOMSON
Chief Clerk of 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 12th day of May, 2005: House File 841.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 305 State Government**

To legalize actions taken and proceedings conducted by the state of Iowa, Linn county, the city of Cedar Rapids, and three school districts including the Cedar Rapids community school district, the College community school district, and the Linn Mar community school district, which relate to erroneously established boundaries, and providing an effective date.

On motion by Gipp of Winneshiek the House adjourned at 10:10 a.m., until 10:00 a.m., Monday, May 16, 2005.

JOURNAL OF THE HOUSE

One Hundred Twenty-seventh Calendar Day - Eighty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, May 16, 2005

The House met pursuant to adjournment at 10:06 a.m., Speaker Rants in the chair.

Prayer was offered by the Honorable John Whitaker, state representative from Van Buren County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Thursday, May 12, 2005 was approved.

RULE 57 SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on state government at 10:15 a.m.

On motion by Gipp of Winneshiek, the House was recessed at 10:09 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:24 p.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas and Raecker of Polk, until their arrival, on request of Gipp of Winneshiek; Maddox of Polk on request of Gipp of Winneshiek.

INTRODUCTION OF BILL

House File 883, by committee on state government, a bill for an act to legalize actions taken and proceedings conducted by the state of

Iowa, Linn county, the city of Cedar Rapids, and three school districts including the Cedar Rapids community school district, the College community school district, and the Linn Mar community school district, which relate to erroneously established boundaries, and providing an effective date.

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

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.

PROOF OF PUBLICATION (House Study Bill 305)

Published copy of House Study Bill 305 and verified proof of publication of said bill in the Gazette, a daily newspaper printed and published in Linn, County, Iowa on May 5, 2005 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

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.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 305), to legalize actions taken and proceedings conducted by the state of Iowa, Linn county, the city of Cedar Rapids, and three school districts including the Cedar Rapids community school district, the College community school district, and the Linn Mar community school district, which relate to erroneously established boundaries, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** May 16, 2005.

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of House File 883.

Regular Calendar

House File 883, a bill for an act to legalize actions taken and proceedings conducted by the state of Iowa, Linn county, the city of Cedar Rapids, and three school districts including the Cedar Rapids community school district, the College community school district, and the Linn Mar community school district, which relate to erroneously established boundaries, and providing an effective date. WHEREAS, the boundary between the Cedar Rapids community school district and the College community school district was changed in 1985 and the boundary between the Cedar Rapids community school district and the Linn Mar community school district was changed in 1998; and WHEREAS, the boundary changes were erroneously made by the office of city assessor of the city of Cedar Rapids as a result of the annexation of land in Linn county by the city of Cedar Rapids for inclusion within the territorial jurisdiction of the city; and WHEREAS, the state of Iowa, Linn county, the city of Cedar Rapids, and the three school districts have continuously operated as if the erroneous boundaries were correct, was taken up for consideration.

Elgin of Linn offered amendment H-1700 filed by him from the floor as follows:

H-1700

- 1 Amend House File 883 as follows:
- 2 1. Page 1, line 5, by striking the words "Linn
- 3 Mar" and inserting the following: "Linn-Mar".
- 4 2. Page 1, line 22, by striking the words "Linn
- 5 Mar" and inserting the following: "Linn-Mar".
- 6 3. Title page, line 5, by striking the words
- 7 "Linn Mar" and inserting the following: "Linn-Mar".
- 8 4. Title page, line 11, by striking the words
- 9 "Linn Mar" and inserting the following: "Linn-Mar".

Amendment H-1700 was adopted.

Elgin 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. 883)

The ayes were, 95:

Alons	Anderson	Baudler	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 5:

Arnold	Fallon	Maddox	Raecker
Taylor, T.			

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 883** be immediately messaged to the Senate.

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 390.

Ways and Means Calendar

Senate File 390, a bill for an act relating to the generation and purchase of renewable energy including establishing a renewable energy tax credit program administered by the utilities division of the department of commerce and the department of revenue, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Dix of Butler offered amendment H-1699 filed by him from the floor as follows:

H-1699

1 Amend Senate File 390, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 6, the
4 following:

5 "Sec.____. Section 476B.1, subsection 4, paragraph
6 c, Code 2005, is amended to read as follows:

7 c. Was originally placed in service on or after
8 July 1, ~~2004~~ 2005, but before July 1, ~~2007~~ 2008'.

9 Sec.____. Section 476B.3, Code 2005, is amended to
10 read as follows:

11 476B.3 CREDIT AMOUNT.

12 ~~1. Except as limited by subsection 2, the~~ The wind
13 energy production tax credit allowed under this
14 chapter equals the product of one cent multiplied by
15 the number of kilowatt-hours of qualified electricity
16 sold by the owner during the taxable year.

17 ~~2. a. The maximum amount of tax credit which a~~
18 ~~group of qualified facilities operating as one unit~~
19 ~~may receive for a taxable year equals the rate of~~
20 ~~credit times thirty two percent of the total number of~~
21 ~~kilowatts of nameplate generating capacity.~~

22 ~~b. However, if for the previous taxable year the~~
23 ~~amount of the tax credit for the group of qualified~~
24 ~~facilities operating as one unit is less than the~~
25 ~~maximum amount available as provided in paragraph "a",~~
26 ~~the maximum amount for the next taxable year shall be~~
27 ~~increased by the amount of the previous year's unused~~
28 ~~maximum credit.~~

29 Sec.____. Section 476B.4, subsection 1, paragraph
30 b, Code 2005, is amended by striking the paragraph.

31 Sec.____. Section 476B.5, Code 2005, is amended by
32 striking the section and inserting in lieu thereof the
33 following:

34 476B.5 DETERMINATION OF ELIGIBILITY.

35 1. An owner may apply to the board for a written
36 determination regarding whether a facility is a
37 qualified facility by submitting to the board a
38 written application containing all of the following:
39 a. Information regarding the ownership of the
40 facility including the percentage of equity interest
41 held by each owner.
42 b. The nameplate generating capacity of the
43 facility.
44 c. Information regarding the facility's initial
45 placement in service.
46 d. Information regarding the type of facility.
47 e. A copy of an executed power purchase agreement
48 or other agreement to purchase electricity upon
49 completion of the project.
50 f. Any other information the board may require.

Page 2

1 2. The board shall review the application and
2 supporting information and shall make a preliminary
3 determination regarding whether the facility is a
4 qualified facility. The board shall notify the
5 applicant of the approval or denial of the application
6 within thirty days of receipt of the application and
7 information required. If the board fails to notify
8 the applicant of the approval or denial within thirty
9 days, the application shall be deemed denied. An
10 applicant who receives a determination denying an
11 application may file an appeal with the board within
12 thirty days from the date of the denial pursuant to
13 the provisions of chapter 17A. In the absence of a
14 timely appeal, the preliminary determination shall be
15 final. If the application is incomplete, the board
16 may grant an extension of time for the provision of
17 additional information.

18 3. A facility that is not operational within
19 eighteen months after issuance of an approval for the
20 facility by the board shall cease to be a qualified
21 facility. A facility that is granted and thereafter
22 loses approval may reapply to the board for a new
23 determination.

24 4. The maximum amount of nameplate generating
25 capacity of all qualified facilities the board may
26 find eligible under this chapter shall not exceed four
27 hundred fifty megawatts of nameplate generating
28 capacity.

29 5. An owner shall not be an owner of more than two
30 qualified facilities.

31 Sec. ___. Section 476B.6, Code 2005, is amended by
32 striking the section and inserting in lieu thereof the
33 following:

34 476B.6 TAX CREDIT CERTIFICATE PROCEDURE.

35 1. a. To be eligible to receive the wind energy
36 production tax credit, the owner must first receive
37 approval of the board of supervisors of the county in
38 which the qualified facility is located. The
39 application for approval may be submitted prior to
40 commencement of the construction of the qualified
41 facility but shall be submitted no later than the
42 close of the owner's first taxable year for which the
43 credit is to be applied for. The application must
44 contain the owner's name and address, the address of
45 the qualified facility, and the dates of the owner's
46 first and last taxable years for which the credit will
47 be applied for. Within forty-five days of the receipt
48 of the application for approval, the board of
49 supervisors shall either approve or disapprove the
50 application. After the forty-five-day limit, the

Page 3

1 application is deemed to be approved.
2 b. Upon approval of the application, the owner may
3 apply for the tax credit as provided in subsection 2.
4 In addition, approval of the application is acceptance
5 by the applicant for the assessment of the qualified
6 facility for property tax purposes for a period of
7 twelve years and approval by the board of supervisors
8 for the payment of the property taxes levied on the
9 qualified property to the state. For purposes of
10 property taxation, the qualified facility shall be
11 centrally assessed and shall be exempt from any
12 replacement tax under section 437A.6 for the period
13 during which the facility is subject to property
14 taxation. The property taxes to be paid to the state
15 are those property taxes which make up the
16 consolidated tax levied on the qualified facility and
17 which are due and payable in the twelve-year period
18 beginning with the first fiscal year beginning on or
19 after the end of the owner's first taxable year for
20 which the credit is applied for. Upon approval of the
21 application, the board of supervisors shall notify the
22 county treasurer to state on the tax statement which
23 lists the taxes on the qualified facility that the
24 amount of the property taxes shall be paid to the
25 department. Payment of the designated property taxes
26 to the department shall be in the same manner as
27 required for the payment of regular property taxes and
28 failure to pay designated property taxes to the
29 department shall be treated the same as failure to pay
30 property taxes to the county treasurer.
31 c. Once the owner of the qualified facility
32 receives approval under paragraph "a", subsequent

33 approval under paragraph "a" is not required for the
34 same qualified facility for subsequent taxable years.
35 2. An owner of a qualified facility may apply to
36 the board for the wind energy production tax credit by
37 submitting to the board all of the following:
38 a. A completed application in a form prescribed by
39 the board.
40 b. A copy of the determination granting approval
41 of the facility as a qualified facility by the board.
42 c. A copy of a signed power purchase agreement or
43 other agreement to purchase electricity.
44 d. Sufficient documentation that the electricity
45 has been generated by the qualified facility and sold
46 to a purchaser.
47 e. Any other information the board deems
48 necessary.
49 3. The board shall notify the department of the
50 amount of kilowatt-hours generated and purchased from

Page 4

1 a qualified facility. The department shall calculate
2 the amount of the tax credit for which the applicant
3 is eligible and shall issue the tax credit certificate
4 for that amount or notify the applicant in writing of
5 its refusal to do so. An applicant whose application
6 is denied may file an appeal with the department
7 within sixty days from the date of the denial pursuant
8 to the provisions of chapter 17A.
9 4. Each tax credit certificate shall contain the
10 owner's name, address, and tax identification number,
11 the amount of tax credits, the first taxable year the
12 certificate may be used, the type of tax to which the
13 tax credits shall be applied, and any other
14 information required by the department. The tax
15 credit certificate shall only list one type of tax to
16 which the amount of the tax credit may be applied.
17 Once issued by the department, the tax credit
18 certificate shall not be terminated or rescinded.
19 5. If the tax credit application is filed by a
20 partnership, limited liability company, S corporation,
21 estate, trust, or other reporting entity all of the
22 income of which is taxed directly to its equity
23 holders or beneficiaries, for the taxes imposed under
24 chapter 422, division II or III, the tax credit
25 certificate shall be issued directly to equity holders
26 or beneficiaries of the applicant in proportion to
27 their pro rata share of the income of such entity.
28 The applicant shall, in the application made under
29 this section, identify its equity holders or
30 beneficiaries, and the percentage of such entity's
31 income that is allocable to each equity holder or

32 beneficiary. If the tax credit application is filed
33 by a partnership, limited liability company, S
34 corporation, estate, trust, or other reporting entity,
35 all of whose income is taxed directly to its equity
36 holders or beneficiaries for the taxes imposed under
37 chapter 422, division V, or under chapter 432, the tax
38 credit certificate shall be issued directly to the
39 partnership, limited liability company, S corporation,
40 estate, trust, or other reporting entity.

41 6. The department shall not issue a tax credit
42 certificate if the facility approved by the board as a
43 qualified facility is not operational within eighteen
44 months after the approval is issued.

45 7. Once a tax credit certificate is issued
46 pursuant to this section, the tax credit may only be
47 claimed against the type of tax reflected on the
48 certificate.

49 8. A tax credit certificate shall not be used or
50 attached to a return filed for a taxable year

Page 5

1 beginning prior to July 1, 2006.

2 Sec. ___. Section 476B.7, unnumbered paragraph 1,
3 Code 2005, is amended to read as follows:

4 Wind energy production tax credit certificates
5 issued under this chapter may be transferred to any
6 person or entity. Within thirty days of transfer, the
7 transferee must submit the transferred tax credit
8 certificate to the ~~board~~ department along with a
9 statement containing the transferee's name, tax
10 identification number, and address, and the
11 denomination that each replacement tax credit
12 certificate is to carry and any other information
13 required by the department. Within thirty days of
14 receiving the transferred tax credit certificate and
15 the transferee's statement, the ~~board~~ department shall
16 issue one or more replacement tax credit certificates
17 to the transferee. Each replacement certificate must
18 contain the information required under section 476B.6
19 and must have the same effective taxable year and the
20 same expiration date that appeared in the transferred
21 tax credit certificate. Tax credit certificate
22 amounts of less than the minimum amount established by
23 rule of the board shall not be transferable. A tax
24 credit shall not be claimed by a transferee under this
25 chapter until a replacement tax credit certificate
26 identifying the transferee as the proper holder has
27 been issued.

28 Sec. ___. Section 476B.8, Code 2005, is amended to
29 read as follows:

30 476B.8 USE OF TAX CREDIT CERTIFICATES.

31 To claim a wind energy production tax credit under
 32 this chapter, a taxpayer must attach one or more tax
 33 credit certificates to the taxpayer's tax return. A
 34 tax credit certificate shall not be used or attached
 35 to a return filed for a taxable year beginning prior
 36 to July 1, ~~2005~~ 2006. The tax credit certificate or
 37 certificates attached to the taxpayer's tax return
 38 shall be issued in the taxpayer's name, expire on or
 39 after the last day of the taxable year for which the
 40 taxpayer is claiming the tax credit, and show a tax
 41 credit amount equal to or greater than the tax credit
 42 claimed on the taxpayer's tax return. Any tax credit
 43 in excess of the taxpayer's tax liability for the
 44 taxable year may be credited to the taxpayer's tax
 45 liability for the following seven taxable years or
 46 until depleted, whichever is the earlier.

47 Sec. . Section 476B.9, Code 2005, is amended to
 48 read as follows:

49 476B.9 REGISTRATION OF TAX CREDIT CERTIFICATES.

50 ~~The board shall, in conjunction with the~~

Page 6

1 department, shall develop a system for the
 2 registration of the wind energy production tax credit
 3 certificates issued or transferred under this chapter
 4 and a system that permits verification that any tax
 5 credit claimed on a tax return is valid and that
 6 transfers of the tax credit certificates are made in
 7 accordance with the requirements of this chapter. The
 8 tax credit certificates issued under this chapter
 9 shall not be classified as a security pursuant to
 10 chapter 502.

11 Sec. . NEW SECTION. 476B.10 RULES.

12 The department and the board may adopt rules
 13 pursuant to chapter 17A for the administration and
 14 enforcement of this chapter."

15 2. Title page, by striking lines 2 through 4, and
 16 inserting the following: "energy, including by
 17 providing tax credits associated with renewable
 18 energy, and".

19 3. By renumbering as necessary.

Smith of Marshall rose on a point of order that amendment H-1699 was not germane.

The Speaker ruled the point well taken and amendment H-1699 not germane.

Frevert of Palo Alto asked and received unanimous consent to withdraw amendment H-1546 filed by her on April 27, 2005.

Jenkins of Black Hawk offered the following amendment H-1698 filed by him and Watts of Dallas from the floor and moved its adoption:

H-1698

- 1 Amend Senate File 390, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, line 30, by striking the words "one
- 4 and one-half cents" and inserting the following: "one
- 5 cent".
- 6 2. Page 9, line 34, by striking the word "ten-
- 7 year" and inserting the following: "five-year".
- 8 3. Page 10, line 1, by striking the word "ten-
- 9 year" and inserting the following: "five-year".

Amendment H-1698 lost.

Soderberg of Plymouth 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. 390)

The ayes were, 79:

Anderson	Baudler	Bell	Berry
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foeger
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Huseman
Jacoby	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Swaim	Thomas	Tjepkes
Tymeson	Upmeyer	Van Fossen, J.K.	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker	

Rants

The nays were, 16:

Alons	Boal	De Boef	Hunter
Huser	Hutter	Jacobs	Jenkins
Jones	Struyk	Taylor, D.	Tomenga
Van Engelenhoven	Van Fossen, J.R.	Watts	Wilderdyke

Absent or not voting, 5:

Arnold	Fallon	Horbach	Maddox
Taylor, T.			

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

On motion by Gipp of Winneshiek, the House was recessed at 2:37 p.m., until 5:30 p.m.

EVENING SESSION

The House reconvened at 5:30 p.m., Speaker Rants 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 May 16, 2005, 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 761, a bill for an act relating to children's programs by collocating early childhood programs available through the community empowerment initiative and requiring the department of human services to develop and implement a voluntary child care quality rating system.

Also: That the Senate has on May 16, 2005, insisted on the Senate amendment to House File 816, 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 cultural affairs, the department of education, and the state board of regents and providing an effective date, and the members of the conference committee, on the part of the Senate are: the senator from Linn, Senator Horn, Co-chair; the senator from Shelby, Senator Boettger, Co-chair; the senator from Pottawattamie, Senator Gronstal; the senator from Wright, Senator Iverson; the senator from Palo Alto, Senator Kibbie; and the senator from Polk, Senator Lamberti.

MICHAEL E. MARSHALL, Secretary

CONFERENCE COMMITTEE APPOINTED
(House File 816)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 816: Chambers of O'Brien, Chair; Tymeson of Madison, Dix of Butler, Mascher of Johnson and Oldson of Polk.

The House stood at ease at 5:30 p.m., until the fall of the gavel.

The House resumed session at 6:36 p.m., Speaker Rants in the chair.

MOTION TO RECONSIDER
(Senate File 390)

I move to reconsider the vote by which Senate File 390 passed the House on May 16, 2005.

GIPP of Winneshiek

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on May 16, 2005. Had I been present, I would have voted "aye" on House File 883 and Senate File 390.

ARNOLD of Lucas

I was necessarily absent from the House chamber on May 16, 2005. Had I been present, I would have voted "aye" on House File 883.

RAECKER of Polk

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 12, 2005, he approved and transmitted to the Secretary of State the following bills:

House File 589, an Act relating to the property taxation of nursing facilities and including effective and applicability date provisions.

House File 610, an Act relating to the transmission of electronic mail including the transmission of unsolicited bulk electronic mail, and the sale or offer for direct sale of prescription drugs and the sale of adulterated or misbranded drugs through the use of electronic mail or the internet, and providing for penalties.

House File 753, an Act requiring certain safety-related information concerning a child to be provided to a parent, guardian, or foster parent or other custodian of a child.

House File 774, an Act relating to the petition and vote requirements for increasing or reducing board of supervisors membership in certain counties.

House File 786, an Act relating to the operating or providing of another business or activity in a health care facility.

House File 801, an Act providing a deduction in computing the individual income tax for certain unreimbursed expenses relating to a human organ transplant and including a retroactive applicability date.

House File 836, an Act relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreements and reporting, establishing and appropriating fees, and providing penalties.

House File 837, an Act relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations.

House File 841, an Act relating to health care reform, including provisions relating to the medical assistance program, providing appropriations, providing effective dates, and providing for retroactive applicability.

House File 857, an Act relating to eligible housing businesses under the enterprise zone program.

House File 870, an Act relating to the applicability of motor vehicle financial responsibility provisions to special mobile equipment and providing an effective date.

Senate File 272, an Act relating to the council with which the director of human services consults regarding the medical assistance program.

Senate File 343, an Act relating to governmental services involving audit reports, child abuse reporting and registry requirements, and the family investment program.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

IOWA TELECOMMUNICATIONS AND NETWORK COMMISSION

Fiscal Year 2004 Annual Report, 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.

MARGARET A. THOMSON
 Chief Clerk of the House

- 2005\1538 Jean Basinger, Des Moines – For receiving the YWCA Women of Achievement Award.
- 2005\1539 Dayle Ellis, Whiting – For celebrating her 82nd birthday.
- 2005\1540 Verna Welte, Sioux City – For receiving the Briar Cliff Presidential Distinguished Leadership Award.
- 2005\1541 Wilbert Nelson, Sioux City – For celebrating his 80th birthday.
- 2005\1542 Harold “Buggs” Hurni, Sioux City – For celebrating his 80th birthday.
- 2005\1543 Bonnie Montange, Sioux City – For celebrating her 90th birthday.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 305

State Government: Elgin, Chair; Paulsen and T. Taylor.

Gipp of Winneshiek moved to adjourn at 6:36 p.m., until 8:45 a.m., Thursday, May 19, 2005.

Murphy of Dubuque moved to amend the motion to adjourn to Tuesday, May 17, 2005.

Roll call was requested by Murphy of Dubuque and Smith of Marshall.

On the question "Shall the amended motion to adjourn prevail?"

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	May	Olson, S.	Paulsen
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyeke	Mr. Speaker		
	Rants		

Absent or not voting, 1:

Maddox

The motion failed.

Gipp of Winneshiek moved that the House adjourn until Thursday, May 19, 2005 at 8:45 a.m.

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

On the question "Shall the motion to adjourn prevail?"

The ayes were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	May	Olson, S.	Paulsen
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyeke	Mr. Speaker		
	Rants		

The nays were, 49:

Bell	Berry	Bukta	Cohon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

Absent or not voting, 1:

Maddox

The motion prevailed and the House adjourned at 7:19 p.m., until Thursday, May 19, 2005 at 8:45 a.m.

JOURNAL OF THE HOUSE

One Hundred Thirtieth Calendar Day - Eighty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, May 19, 2005

The House met pursuant to adjournment at 9:27 a.m., Speaker Rants in the chair.

The Journal of Monday, May 16, 2005 was approved.

HOUSE FILES 33, 167 and 284 WITHDRAWN

Gipp of Winneshiek asked and received unanimous consent to withdraw House Files 33, 167 and 284 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 May 4, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 811, a bill for an act relating to and making appropriations to the justice system and providing an effective date.

Also: That the Senate has on May 4, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 825, a bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the commission of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates.

Also: That the Senate has on May 6, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 882, a bill for an act making, reducing, and transferring appropriations, providing for fees, and providing for properly related matters and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

On motion by Gipp of Winneshiek, the House was recessed at 9:27 a.m., until the fall of the gavel.

AFTERNOON SESSION

The House reconvened at 12:48 p.m., Speaker Rants in the chair.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on May 12, 2005, and is on file in the office of the Chief Clerk:

May 12, 2005

Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Chief Clerk:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House of Representatives.

These include 27 claims of general nature that were denied by the State Appeal Board during May 2005.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,
David A. Vaudt
Chairperson
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

MARGARET A. THOMSON
Chief Clerk of the House

DENIED GENERAL CLAIMS BY THE STATE APPEAL BOARD SUBMITTED TO THE 81st GENERAL ASSEMBLY May 2005

<u>CLAIM</u>	<u>FULL NAME</u>	<u>CITY</u>	<u>STATE</u>	<u>TYPE</u>	<u>AMOUNT</u>
D930003	Dept. of Revenue & Finance-Central Payroll	Des Moines	IA	Reimburse- ment	\$9,521.29

<u>CLAIM</u>	<u>FULL NAME</u>	<u>CITY</u>	<u>STATE</u>	<u>TYPE</u>	<u>AMOUNT</u>
D950024	Dept. of General Serv.-Bldgs & Grounds	Des Moines	IA	Outdated Invoice	\$5,445.87
D960004	Iowa State Penitentiary, Attn.: Elizabeth A. Isaacson, Chief Clerk	Fort Madison	IA	Reimburse- ment	\$13,813.40
D960028	Iowa Commu- nications Network	Johnston	IA	Approp- riation	\$19,240.06
D990011	Clarinda Correctional Facility	Clarinda	IA	IPERS	\$5,175.69
G000018	Raynelle K. Greco	Council Bluffs	IA	Ins Refund	\$393.84
G000041	U.S. Bank	Council Bluffs	IA	Wraparound	\$49.50
G010061	Handicapped Development Ctr.	Davenport	IA	Medicaid	\$23,299.56
G920998	Dale R. Wassmuth, M.D.	Sioux City	IA	Outdated Invoice	\$97.35
G921869	Douglas J. Roetman	St. Joseph	MO	Over pmt.	\$150.00
G922071	David & Susan Thomas	Marshalltown	IA	Reimburse- ment	\$2,601.00
G931427	Black Hawk County Relief	Waterloo	IA	Outdated Invoice	\$304.72
G940275	Skiff Medical Ctr.	Newton	IA	Med. Exp.	\$2,118.55
G940655	Marian Health Ctr.	Sioux City	IA	Med. Serv.	\$27.23
G953036	James C. McCullagh	Cedar Falls	IA	Atty. Fees	\$145.00
G960309	St. Lukes Gordon Recovery Ctr.	Sioux City	IA	Med. Fees	\$217.60
G960353	James McCullagh	Cedar Falls	IA	Atty. Fees	\$120.00
G960451	Sanford Turner	Clarinda	IA	Outdated Invoice	\$87.50

<u>CLAIM</u>	<u>FULL NAME</u>	<u>CITY</u>	<u>STATE</u>	<u>TYPE</u>	<u>AMOUNT</u>
G960868	Joyce Bennett	Waterloo	IA	Damage by Foster Children	\$496.00
G960885	Hawkeye Bank of Clinton County	Clinton	IA	Family Asst.	\$1,273.33
G961501	Arnold O. Kenyon II	Creston	IA	Atty. Fees	\$75.00
G962650	Glenwood State Hospital School	Glenwood	IA	Reimbursement	\$12.23
G962746	John Allen Mundy	Perry	IA	Outdated Expense	\$196.54
G962779	Gannon Ctr. For Community Mental Health	Dubuque	IA	Court Ordered Serv.	\$165.00
G970174	Iowa State Fair Authority	Des Moines	IA	Donated Leave	\$915.20
G970738	Chileda Institute	LaCrosse	WI	Outdated Invoice	\$3,697.99
G971067	Turning Point	Sioux Falls	SD	Provider Services	\$252.21

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 18th day of May, 2005: House Files 685, 718, 856 and 859.

MARGARET A. THOMSON
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.

MARGARET A. THOMSON
Chief Clerk of the House

- 2005\1544 Eric Sievers, Storm Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1545 Loren Cabelka, Yale – For celebrating his 80th birthday.
- 2005\1546 Dr. E. J. Kragt, Rock Rapids – For receiving the North West District Promoter Award at the annual Iowa Chiropractic Society convention.
- 2005\1547 Elyse Meyer, Rock Rapids – For receiving the West Lyon Chapter Star Farmer award.
- 2005\1548 Tessa Moser, Lester – For receiving the West Lyon Chapter Star Agribusiness award.
- 2005\1549 Kim Boom, Larchwood – For receiving the West Lyon Chapter Star in Placement award.
- 2005\1550 Bryan Pinnow, Cedar Rapids – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1551 Justin Svenson, Hiawatha – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1552 Vera (Gripp) Goff, Bettendorf – For celebrating her 85th birthday.
- 2005\1553 Mr. and Mrs. Harold C. Lounsberry, Bettendorf – For celebrating their 50th wedding anniversary.
- 2005\1554 Dolores and Herb Goettsch, Bettendorf – For celebrating their 50th wedding anniversary.
- 2005\1555 Jessie Juarez, Glenwood – For earning her state FFA degree and for being named a STAR finalist.
- 2005\1556 Katherine (Katie) Schnoor, Silver City – For winning an Iowa Farm Bureau Scholarship.
- 2005\1557 Margaret Burgoin, Silver City – For celebrating her 80th birthday.
- 2005\1558 Ralph and Vivian Clark, Batavia – For celebrating their 50th wedding anniversary.

- 2005\1559 Donald and Janet Long, Keosauqua -- For celebrating their 50th wedding anniversary.
- 2005\1560 Paul and June Ryan, Birmingham -- For celebrating their 50th wedding anniversary.
- 2005\1561 Donald Ransom, Ventura -- For celebrating his 85th birthday.
- 2005\1562 Willy Pierce, Dubuque -- For winning Best of Show in the 17th annual Earth Day poster contest sponsored by Dupaco Community Credit Union and Mediacom.
- 2005\1563 Kelsie Von Hollen, Dubuque -- For winning second place in the 17th annual Earth Day poster contest sponsored by Dupaco Community Credit Union and Mediacom.
- 2005\1564 Jonathan Swift, Dubuque -- For winning All-American Scholar award and for being nominated as a USAA National History and Government Award winner.
- 2005\1565 Dorothy Earp, Davenport -- For celebrating her 93rd birthday.
- 2005\1566 Archie Stover, Durant -- For celebrating his 80th birthday.
- 2005\1567 Bob and Dana Bevforden, Edwardsville -- For celebrating their 50th wedding anniversary.
- 2005\1568 Harold and Darlene Asmus, Audubon -- For celebrating their 60th wedding anniversary.
- 2005\1569 Arlene Lane, La Porte City -- For celebrating her 90th birthday.
- 2005\1570 Harold and Eileen Fratzke, Fairbank -- For celebrating their 60th wedding anniversary.
- 2005\1571 Adelbert and Grace Smith, Aurora -- For celebrating their 60th wedding anniversary.
- 2005\1572 Evelyn Hertzberg, Jesup -- For celebrating her 90th birthday.

AMENDMENTS FILED

H—1701	H.F.	811	Senate Amendment
H—1702	H.F.	825	Senate Amendment
H—1703	H.F.	882	Senate Amendment

On motion by Gipp of Winneshiek the House adjourned at 12:49 p.m., until 10:00 a.m., Friday, May 20, 2005.

JOURNAL OF THE HOUSE

One Hundred Thirty-first Calendar Day - Eighty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, May 20, 2005

The House met pursuant to adjournment at 10:06 a.m., Speaker Rants in the chair.

Prayer was offered by the Honorable Danny Carroll, Speaker pro tempore of the House.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Thursday, May 19, 2005 was approved.

HOUSE REFUSED TO CONCUR

Greiner of Washington called up for consideration **Senate File 200**, a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1630 to the House amendment:

H-1630

1 Amend the House amendment, S-3208, to Senate File
2 200, as passed by the Senate, as follows:

3 1. By striking page 1, line 8, through page 4,
4 line 33, and inserting the following:

5 "Sec. NEW SECTION. 455B.118 WATERSHED
6 IMPROVEMENT FUND.

7 1. A watershed improvement fund is created in the
8 state treasury under the joint administrative control
9 of the department of natural resources and the
10 department of agriculture and land stewardship.
11 Moneys appropriated to the fund and any other moneys
12 available to and obtained or accepted by either
13 department for placement in the fund shall be
14 deposited in the fund. Additionally, payments of
15 interest, recaptures of awards, and other repayments
16 to the fund shall be deposited in the fund.

17 Notwithstanding section 12C.7, subsection 2, interest
18 or earnings on moneys in the fund shall be credited to
19 the fund. Notwithstanding section 8.33, moneys in the
20 fund that remain unencumbered or unobligated at the
21 end of the fiscal year shall not revert, but shall
22 remain available for the same purpose in the
23 succeeding fiscal year. Moneys appropriated to either
24 department and deposited in the fund shall not be used
25 for administrative purposes.

26 2. The purposes of the watershed improvement fund
27 are the following:

28 a. Enhancement of water quality in the state
29 through a variety of impairment-based, locally
30 directed watershed improvement grant projects.

31 b. Positively affecting the management and use of
32 water for the purposes of drinking, agriculture,
33 recreation, sport, and economic development in the
34 state.

35 c. Ensuring public participation in the process of
36 determining priorities related to water quality
37 including but not limited to all of the following:

38 (1) Agricultural runoff and drainage.

39 (2) Stream bank erosion.

40 (3) Municipal discharge.

41 (4) Stormwater runoff.

42 (5) Unsewered communities.

43 (6) Industrial discharge.

44 (7) Livestock runoff.

45 3. A watershed improvement review committee is
46 established consisting of all of the following voting
47 members, appointed by the named entity or entities and
48 approved by the governor:

49 a. One member of the agribusiness association of
50 Iowa.

Page 2

1 b. One member of the Iowa association of water
2 agencies.

3 c. One member of the Iowa environmental council.

4 d. One member of the Iowa farm bureau federation.

5 e. One member of the Iowa pork producers
6 association.

7 f. One member of the Iowa rural water association.

8 g. One member of the Iowa soybean association.

9 h. One member representing soil and water
10 conservation districts of Iowa.

11 i. One member of the Iowa association of county
12 conservation boards.

13 j. One person representing the department of
14 agriculture and land stewardship.

15 k. One person representing the department of

16 natural resources.

17 4. The watershed improvement review committee
18 shall do all of the following:

19 a. Award local watershed improvement grants and
20 monitor the progress of local watershed improvement
21 projects awarded grants. A local watershed
22 improvement grant may be awarded for a period not to
23 exceed three years. Each local watershed improvement
24 grant awarded shall not exceed ten percent of the
25 moneys appropriated for the grants during a fiscal
26 year.

27 b. Assist with the development of monitoring plans
28 for local watershed improvement projects.

29 c. Review monitoring results before, during, and
30 after completion of a local watershed improvement
31 project.

32 d. Review costs and benefits of mitigation
33 practices utilized by a project.

34 e. By January 31, annually, submit an electronic
35 report to the governor and the general assembly
36 regarding the progress of the watershed improvement
37 projects during the previous calendar year.

38 f. Elicit the expertise of other organizations for
39 technical assistance in the work of the review
40 committee.

41 g. Adopt administrative rules pursuant to chapter
42 17A to administer this section.

43 5. A watershed improvement review committee member
44 who also serves on a local watershed improvement
45 committee shall abstain from voting on a local
46 watershed improvement grant application submitted by
47 the same local watershed improvement committee of
48 which the person is a member.

49 6. a. A local watershed improvement committee
50 shall be organized for the purposes of applying for a

Page 3

1 local watershed improvement grant and implementing a
2 local watershed improvement project. Each local
3 watershed improvement grant application shall include
4 a methodology for attaining measurable, observable,
5 and performance-based results. A majority of the
6 members of the local watershed improvement committee
7 shall represent a cause for the impairment of the
8 watershed. The committee shall be authorized as a
9 not-for-profit organization by the secretary of state.
10 Soil and water conservation districts may also be
11 eligible and apply for and receive local watershed
12 improvement grants.

13 b. A local watershed improvement committee shall
14 be responsible for application for and implementation

15 of an approved local watershed improvement grant,
16 including providing authorization for project bids and
17 project expenditures under the grant. A portion of
18 the grant moneys may be used to engage engineering
19 expertise related to the project. The committee shall
20 monitor local performance throughout the local
21 watershed grant project and shall submit a report at
22 six-month intervals regarding the progress and
23 findings of the project as required by the watershed
24 improvement review committee."
25 _____. Title page, by striking lines 1 through 3
26 and inserting the following: "An Act relating to
27 agriculture by providing for the powers and duties of
28 the department of agriculture and land stewardship and
29 watershed improvement.""

The motion lost and the House refused to concur in the Senate amendment H-1630, to the House amendment.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 200** be immediately messaged to the Senate.

The House stood at ease at 10:16 a.m., until the fall of the gavel.

The House resumed session at 12:46 p.m., Speaker Rants in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-six members present, forty-four absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Chambers of O'Brien and Rayhons of Hancock, until their arrival, on request of Gipp of Winneshiek; Frevert of Palo Alto, Shomshor of Pottawattamie and R. Olson of Polk, until their arrival, on request of Bukta of Clinton.

SENATE AMENDMENT CONSIDERED

Heaton of Henry called up for consideration **House File 825**, a bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the commission of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates, amended by the Senate amendment H-1702 as follows:

H-1702

- 1 Amend House File 825, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 23, by striking the figure
- 4 "2,791,522" and inserting the following: "2,792,116".
- 5 2. By striking page 1, line 34, through page 2,
- 6 line 1, and inserting the following:
- 7 "2. Of the funds appropriated in this section,
- 8 \$174,198 shall be".
- 9 3. Page 2, by inserting after line 4, the
- 10 following:
- 11 "___ Of the funds appropriated in this section,
- 12 \$61,594 shall be used by the department of elder
- 13 affairs for a statewide coordinator for the program of
- 14 all-inclusive care for the elderly as defined in
- 15 section 249H.3. The coordinator shall work in
- 16 collaboration with the department of human services in
- 17 carrying out the coordinator's duties."
- 18 4. Page 2, line 17, by striking the figure
- 19 "1,258,710" and inserting the following: "2,259,020".
- 20 5. Page 2, by inserting after line 24, the
- 21 following:
- 22 "Of the moneys appropriated in this subsection,
- 23 \$30,310 shall be used to continue to provide funding
- 24 to local communities that have previously received
- 25 funding from the centers for disease control and
- 26 prevention of the United States department of health
- 27 and human services for secondhand smoke education
- 28 initiatives."
- 29 6. Page 3, line 14, by striking the figure
- 30 "1,264,299" and inserting the following: "1,274,299".
- 31 7. Page 3, by inserting after line 19, the
- 32 following:
- 33 "Of the funds appropriated in this subsection,
- 34 \$10,000 shall be used to continue the grant to a free
- 35 clinic, as defined in section 135.24, operating in one
- 36 county to continue the partnership and test program

37 for a buying cooperative approach for purchasing
38 prescription drugs at a price less than retail. The
39 prescription drugs purchased through the approach
40 shall be provided to patients of the free clinic who
41 are uninsured or underinsured."

42 8. By striking page 3, line 30, through page 4,
43 line 1, and inserting the following:

44 "The amount appropriated in this subsection
45 includes \$150,000 in additional funding for childhood
46 lead poisoning prevention activities for counties not
47 receiving federal funding for this purpose, and of
48 this amount, \$50,000 is allocated for a pilot project
49 to address lead poisoning prevention and remediation
50 activities in a three-county program in north central

Page 2

1 Iowa with a combined population of at least 50,000."

2 9. Page 4, line 13, by striking the figure
3 "1,044,151" and inserting the following: "1,379,258".

4 10. Page 4, line 16, by striking the figure
5 "335,107" and inserting the following: "670,214".

6 11. Page 4, line 18, by inserting after the
7 figure "135.106." the following: "The department
8 shall transfer the funding allocated for the HOPES-HFI
9 program to the Iowa empowerment board for distribution
10 and shall assist the board in managing the contracting
11 for the funding. The funding shall be distributed to
12 renew the grants that were provided to the grantees
13 that operated the program during the fiscal year
14 ending June 30, 2005."

15 12. Page 4, line 26, by striking the figure
16 "6,820,423" and inserting the following: "6,964,033".

17 13. Page 4, by inserting after line 27 the
18 following:

19 "The office of the state medical examiner and the
20 commissioner of public safety shall give consideration
21 to a proposal offered by Polk county for the state
22 criminalistics laboratory to share facilities with
23 Polk county."

24 14. Page 4, line 32, by striking the figure
25 "994,442" and inserting the following: "1,124,684".

26 15. Page 4, by inserting after line 33, the
27 following:

28 "11B. SAFETY NET PROVIDERS

29 The purpose of this subsection is to create a
30 formal network of providers to preserve and expand the
31 health care safety net for vulnerable Iowans, to
32 recognize that safety net providers are the means of
33 access to health care for the uninsured in this state,
34 and to provide a mechanism to identify the extent to
35 which the uninsured in the state access health care

36 safety net providers. Of the amount appropriated in
 37 this division of this Act for the medical assistance
 38 program, \$1,100,000 is transferred to the
 39 appropriation made in this subsection.

40 a. For provision of developmental support services
 41 to safety net providers as provided in this
 42 subsection:

43 \$ 450,000

44 The Iowa department of public health shall contract
 45 with the Iowa/Nebraska primary care association to
 46 administer a network of community health centers
 47 (CHCs), rural health clinics (RHCs), and free clinics,
 48 with use of the free clinics as sources of referral to
 49 the CHCs and RHCs, to provide developmental support
 50 services including all of the following:

Page 3

1 (1) Promotion of the concept of quality, primary,
 2 preventive, and ameliorative health care through a
 3 comprehensive primary health care delivery system.

4 (2) Provision of a forum to allow primary care
 5 practitioners, health care center and clinic
 6 administrators, health department professionals, and
 7 political and community leaders to interact and share
 8 information.

9 (3) Partnering with existing relevant
 10 organizations and associations to monitor federal and
 11 state legislation to assure that the primary care
 12 needs of Iowans are adequately reflected in public
 13 policy.

14 (4) Partnering with existing relevant
 15 organizations and associations to sponsor conferences,
 16 training opportunities, and workshops on topics of
 17 interest.

18 (5) Provision of a linkage between the safety net
 19 providers and the expansion population under chapter
 20 249J, if enacted by 2005 Iowa Acts, House File 841.

21 b. For incubation grants to community health
 22 centers that receive a total score of 85 based on the
 23 evaluation criteria of the federal health resources
 24 and services administration:

25 \$ 650,000

26 A recipient of an incubation grant under this
 27 paragraph "b" shall provide a local match of twenty-
 28 five percent of the grant funds received."

29 16. Page 6, by striking line 28, and inserting
 30 the following: "Iowa commission on volunteer service
 31 created pursuant to chapter 15H to utilize local
 32 veterans affairs".

33 17. Page 12, line 2, by striking the figure
 34 "40,250,000" and inserting the following:

35 "40,556,413".

36 18. Page 13, line 6, by striking the figure
37 "524,800,000" and inserting the following:

38 "506,916,519".

39 19. Page 15, by striking lines 18 through 21.

40 20. Page 15, by striking lines 22 through 34.

41 21. By striking page 15, line 35, through page
42 16, line 7.

43 22. Page 16, by inserting after line 28, the
44 following:

45 " ___. The department shall expand coverage under
46 the medical assistance program to cover smoking
47 cessation drugs.

48 ___. The department shall expand coverage under
49 the medical assistance program to cover weight
50 reduction treatments and drugs.

Page 4

1 ___. The department shall adopt rules to require
2 that if a product is to be considered by the
3 pharmaceutical and therapeutics committee established
4 pursuant to section 249A.20A for inclusion on the
5 preferred drug list, the pharmaceutical and
6 therapeutics committee shall respond to all inquiries
7 regarding the process at least 72 hours prior to a
8 meeting of the committee to consider inclusion of the
9 product. Additionally, the rules shall require that
10 the committee provide a pharmaceutical manufacturer of
11 a product with 20 days' prior written notice of
12 consideration of the manufacturer's product for
13 inclusion on the preferred drug list to allow adequate
14 time for preparation of appropriate materials to be
15 submitted to the committee for review. The rules
16 shall also require that adequate time be provided for
17 each interested individual to address the committee
18 regarding a product to be considered for inclusion on
19 the preferred drug list by the committee. A final
20 decision regarding inclusion of a product on the
21 preferred drug list shall not be made in an executive
22 session of the committee."

23 23. Page 18, line 29, by striking the figure
24 "8,350,752" and inserting the following: "17,750,752".

25 24. Page 18, line 31, by striking the figure
26 "7,325,228" and inserting the following: "16,325,228".

27 25. Page 19, line 6, by striking the figure
28 "500,000" and inserting the following: "900,000".

29 26. Page 20, line 31, by striking the figure
30 "76,400,000" and inserting the following:
31 "81,908,683".

32 27. Page 22, line 25, by striking the figure
33 "2,000,000" and inserting the following: "3,000,000".

34 28. Page 25, line 12, by striking the figure
 35 "300,000" and inserting the following: "1,000,000".
 36 29. Page 25, by inserting after line 26 the
 37 following:
 38 "___ Of the amount appropriated in this section,
 39 the following amounts are allocated for the indicated
 40 child welfare system improvements:
 41 a. For family team meetings and other family
 42 engagement efforts:
 43 \$ 900,000
 44 b. For recruiting, training, and development of
 45 additional resource families, including but not
 46 limited to families providing kinship, foster, and
 47 adoptive care:
 48 \$ 325,000
 49 c. For field staff working with families to have
 50 flexible funding to purchase services and other

Page 5

1 support and to fill urgent family needs:
 2 \$ 750,000
 3 d. For funding of shelter care so that 15
 4 emergency beds are available statewide for the fiscal
 5 year within the statewide average of 288 beds
 6 addressed in the department's shelter care plan:
 7 \$ 200,000
 8 e. For expansion of community partnerships to
 9 prevent child abuse:
 10 \$ 100,000"

11 30. Page 25, by inserting after line 26, the
 12 following:
 13 "___ The general assembly finds that it is
 14 important for adequate, comprehensive mental health
 15 services to be available to the children of this
 16 state; that Iowa is seeking to develop a coordinated
 17 system of mental health care for children through a
 18 redesign of the children's mental health system; that
 19 Iowa is one of only two states that have not
 20 participated in the comprehensive community mental
 21 health services program for children and their
 22 families grant offered by the substance abuse and
 23 mental health services administration (SAMHSA) of the
 24 United States department of health and human services;
 25 and that implementing such an initiative requires
 26 long-term sustainability and support. The general
 27 assembly expresses appreciation to the department for
 28 applying to SAMHSA for the comprehensive services
 29 program grant to implement a six-year project located
 30 in northeast Iowa. The purpose of the project is to
 31 create a family-driven, coordinated system of care for
 32 children with mental illness to serve as a model for

33 developing a statewide approach based on family-
 34 provider partnerships and long-term sustainability.
 35 The general assembly strongly supports the grant
 36 application and implementation of the project as vital
 37 steps in redesigning the children's mental health
 38 system."

39 31. Page 25, line 34, by striking the figure
 40 "32,250,000" and inserting the following:
 41 "32,275,732".

42 32. Page 27, by inserting after line 6 the
 43 following:

44 "____. For continuation of the department's
 45 minority youth and family projects under the redesign
 46 of the child welfare system:

47\$ 375,000"

48 33. Page 29, line 6, by striking the figure
 49 "12,600,000" and inserting the following:
 50 "12,650,344".

Page 6

1 34. Page 29, line 9, by striking the figure
 2 "7,050,000" and inserting the following: "7,073,088".

3 35. Page 30, line 10, by striking the figure "1."

4 36. Page 30, line 19, by striking the figure
 5 "10,514,619" and inserting the following:
 6 "11,014,619".

7 37. Page 30, by striking lines 20 through 31.

8 38. Page 32, by inserting after line 16 the
 9 following:

10 "____. If the department has data indicating that a
 11 geographic area has a substantial number of persons
 12 with mental illness who are homeless and are not being
 13 served by an existing grantee for that area under the
 14 formula grant from the federal alcohol, drug abuse,
 15 and mental health administration to provide mental
 16 health services for the homeless and the existing
 17 grantee has expressed a desire to no longer provide
 18 services or the grantee's contract was terminated by
 19 the department for nonperformance, the department
 20 shall issue a request for proposals to replace the
 21 grantee. Otherwise, the department shall maximize
 22 available funding by continuing to contract to the
 23 extent possible with those persons who are grantees as
 24 of October 1, 2005. The department shall issue a
 25 request for proposals if additional funding becomes
 26 available for expansion to persons who are not being
 27 served and it is not possible to utilize existing
 28 grantees."

29 39. Page 33, line 13, by striking the figure
 30 "53,505,000" and inserting the following:
 31 "53,924,358".

- 32 40. Page 33, line 25, by striking the figure
33 "13,312,196" and inserting the following:
34 "13,342,196".
- 35 41. Page 33, line 26, by striking the figure
36 "292.00" and inserting the following: "293.00".
- 37 42. Page 33, by inserting after line 29, the
38 following:
39 "Of the funds appropriated in this section, \$30,000
40 is allocated to the department of human services for a
41 statewide coordinator for the program of all-inclusive
42 care for the elderly as defined in section 249H.3.
43 The coordinator shall work in collaboration with the
44 department of elder affairs in carrying out the
45 coordinator's duties."
- 46 43. Page 35, line 2, by striking the word "be"
47 and inserting the following: "not be less than".
- 48 44. Page 36, line 16, by striking the figure "3"
49 and inserting the following: "6".
- 50 45. Page 39, line 23, by striking the figure

Page 7

- 1 "1998" and inserting the following: "2002".
- 2 46. Page 40, by striking lines 2 through 6.
- 3 47. Page 40, by inserting after line 8, the
4 following:
5 "Sec. __. SHELTER CARE REQUEST FOR PROPOSALS.
6 The department of human services shall amend the
7 request for proposals issued on April 15, 2005, for a
8 program to provide for the statewide availability of
9 emergency juvenile shelter care during the fiscal year
10 beginning July 1, 2005, to increase the statewide
11 daily average number of beds covered under the request
12 to 288 beds in order to include 15 unallocated beds
13 statewide for emergency placements. However, if the
14 date of enactment of this Act does not allow
15 sufficient time for the department to amend the
16 request for proposals as otherwise required by this
17 section, the department shall apply the requirement in
18 the negotiations with the program awarded the contract
19 and shall include the requirement in the final
20 contract."
- 21 48. Page 41, by inserting after line 25, the
22 following:
23 "Sec. __. 2003 Iowa Acts, chapter 178, section
24 45, unnumbered paragraph 3, as enacted by 2004 Iowa
25 Acts, chapter 1175, section 160, is amended to read as
26 follows:
27 Notwithstanding section 8.33, moneys appropriated
28 in this section that remain unencumbered or
29 unobligated at the close of the fiscal year shall not
30 revert but shall remain available for expenditure for

31 the child and family services until the close of the
32 succeeding fiscal year beginning July 1, 2005."

33 49. Page 43, by inserting after line 29, the
34 following:

35 "___ The provision directing the department of
36 human services to amend the request for proposals
37 issued on April 15, 2005, to provide for statewide
38 emergency juvenile shelter care.

39 ___ The provision amending 2003 Iowa Acts,
40 chapter 178, section 45, unnumbered paragraph 3, as
41 enacted by 2004 Iowa Acts, chapter 1175, section 160."

42 50. Page 45, line 15, by striking the figure
43 "50,200,000" and inserting the following:
44 "77,753,926".

45 51. Page 46, by striking lines 23 and 24, and
46 inserting the following: "to only those persons who
47 meet the nursing facility level of care for home and
48 community-based services waiver services as
49 established on or after July 1, 2005."

50 52. Page 48, line 17, by striking the figure

Page 8

1 "14,507,362" and inserting the following:

2 "19,167,111".

3 53. Page 49, by inserting after line 32, the
4 following:

5 "Sec. ___. **NEW SECTION. 16.184 TRANSITIONAL**
6 **HOUSING REVOLVING LOAN PROGRAM FUND.**

7 1. A transitional housing revolving loan program
8 fund is created within the authority to further the
9 availability of affordable housing for parents that
10 are reuniting with their children while completing or
11 participating in substance abuse treatment. The
12 moneys in the fund are annually appropriated to the
13 authority to be used for the development and operation
14 of a revolving loan program to provide financing to
15 construct affordable transitional housing, including
16 through new construction or acquisition and
17 rehabilitation of existing housing. The housing
18 provided shall be geographically located in close
19 proximity to licensed substance abuse treatment
20 programs. Preference in funding shall be given to
21 projects that reunite mothers with the mothers'
22 children.

23 2. Moneys transferred by the authority for deposit
24 in the transitional housing revolving loan program
25 fund, moneys appropriated to the transitional housing
26 revolving loan program, and any other moneys available
27 to and obtained or accepted by the authority for
28 placement in the fund shall be deposited in the fund.
29 Additionally, payment of interest, recaptures of

30 awards, and other repayments to the transitional
 31 housing revolving loan program fund shall be credited
 32 to the fund. Notwithstanding section 12C.7,
 33 subsection 2, interest or earnings on moneys in the
 34 transitional housing revolving loan program fund shall
 35 be credited to the fund. Notwithstanding section
 36 8.33, moneys that remain unencumbered or unobligated
 37 at the close of the fiscal year shall not revert but
 38 shall remain available for the same purpose in the
 39 succeeding fiscal year.

40 3. The authority shall annually allocate moneys
 41 available in the transitional housing revolving loan
 42 program fund for the development of affordable
 43 transitional housing for parents that are reuniting
 44 with the parents' children while completing or
 45 participating in substance abuse treatment. The
 46 authority shall develop a joint application process
 47 for the allocation of federal low-income housing tax
 48 credits and the funds available under this section.
 49 Moneys allocated to such projects may be in the form
 50 of loans, grants, or a combination of loans and

Page 9

1 grants.

2 4. The authority shall adopt rules pursuant to
 3 chapter 17A to administer this section."

4 54. Page 68, by inserting after line 32 the
 5 following:

6 "Sec. __. Section 154A.22, Code 2005, is amended
 7 to read as follows:

8 154A.22 DEPOSIT RECEIPT OF FEES.

9 1. The Except as otherwise provided in sub ion
 10 2, the department shall deposit all fees collected
 11 under the provisions of this chapter in the general
 12 fund of the state. Compensation and travel expenses
 13 of members and employees of the board, and other
 14 expenses necessary for the board to administer and
 15 carry out the provisions of this chapter shall be paid
 16 from funds appropriated from the general fund of the
 17 state.

18 2. The department may retain ninety percent of the
 19 revenue generated from an increase in licensure and
 20 permit fees established pursuant to section 154A.17
 21 above the licensure and permit fees in effect as of
 22 June 30, 2005. The moneys retained by the department
 23 shall be used for any of the board's duties, including
 24 but not limited to addition of full-time equivalent
 25 positions for program services and investigations.
 26 Revenues retained by the department pursuant to this
 27 subsection shall be considered repayment receipts as
 28 defined in section 8.2.

29 Sec. __. Section 155.6, Code 2005, is amended to
 30 read as follows:
 31 155.6 ~~FUND CREATED~~ RECEIPT OF FEES.
 32 1. All Except as otherwise provided in sub ion
 33 2. all fees collected under the provisions of this
 34 chapter shall be paid to the treasurer of state who
 35 shall deposit the fees in the general fund of the
 36 state. Funds shall be appropriated to the board to be
 37 used and expended by the board to pay the compensation
 38 and travel expenses of members and employees of the
 39 board, and other expenses necessary for the board to
 40 administer and carry out the provisions of this
 41 chapter.
 42 2. The board may retain ninety percent of the
 43 revenue generated from an increase in examination,
 44 licensure, and renewal of licensure fees established
 45 pursuant to section 155.15 above the examination,
 46 licensure, and renewal of licensure fees in effect as
 47 of June 30, 2005. The moneys retained by the board
 48 shall be used for any of the board's duties, including
 49 but not limited to addition of full-time equivalent
 50 positions for program services and investigations.

Page 10

1 Revenues retained by the department pursuant to this
 2 subsection shall be considered repayment receipts as
 3 defined in section 8.2."
 4 55. Page 73, by inserting after line 33 the
 5 following:
 6 "Sec. __. Section 227.4, Code 2005, is amended to
 7 read as follows:
 8 227.4 STANDARDS FOR CARE OF PERSONS WITH MENTAL
 9 ILLNESS OR DEVELOPMENTAL DISABILITIES MENTAL
 10 RETARDATION IN COUNTY CARE FACILITIES.
 11 The administrator, in cooperation with the
 12 department of inspections and appeals, shall recommend
 13 and the mental health, mental retardation,
 14 developmental disabilities, and brain injury
 15 commission created in section 225C.5 shall adopt
 16 standards for the care of and services to persons with
 17 mental illness or ~~developmental disabilities~~ mental
 18 retardation residing in county care facilities. The
 19 standards shall be enforced by the department of
 20 inspections and appeals as a part of the licensure
 21 inspection conducted pursuant to chapter 135C. The
 22 objective of the standards is to ensure that persons
 23 with mental illness or ~~developmental disabilities~~
 24 mental retardation who are residents of county care
 25 facilities are not only adequately fed, clothed, and
 26 housed, but are also offered reasonable opportunities
 27 for productive work and recreational activities suited

28 to their physical and mental abilities and offering
 29 both a constructive outlet for their energies and, if
 30 possible, therapeutic benefit. When recommending
 31 standards under this section, the administrator shall
 32 designate an advisory committee representing
 33 administrators of county care facilities, county
 34 mental health and developmental disabilities regional
 35 planning councils, and county care facility resident
 36 advocate committees to assist in the establishment of
 37 standards."

38 56. Page 74, by inserting after line 27 the
 39 following:

40 "Sec. __. NEW SECTION. 231E.1 TITLE.

41 This chapter shall be known and may be cited as the
 42 "Iowa Substitute Decision Maker Act".

43 Sec. __. NEW SECTION. 231E.2 OFFICE OF
 44 SUBSTITUTE DECISION MAKER – FINDINGS AND INTENT.

45 1. a. The general assembly finds that many adults
 46 in this state are unable to meet essential
 47 requirements to maintain their physical health or to
 48 manage essential aspects of their financial resources
 49 and are in need of substitute decision-making
 50 services. However, a willing and responsible person

Page 11

1 may not be available to serve as a private substitute
 2 decision maker or the adult may not have adequate
 3 income or resources to compensate a private substitute
 4 decision maker.

5 b. The general assembly further finds that a
 6 process should exist to assist individuals in finding
 7 alternatives to substitute decision-making services
 8 and less intrusive means of assistance before an
 9 individual's independence or rights are limited.

10 c. The general assembly further finds that a
 11 substitute decision maker may be necessary to finalize
 12 a person's affairs after death when there is no
 13 willing and appropriate person available to serve as
 14 the person's personal representative.

15 2. a. It is, therefore, the intent of the general
 16 assembly to establish a state office of substitute
 17 decision maker and authorize the establishment of
 18 local offices of substitute decision maker to provide
 19 substitute decision-making services to adults and
 20 their estates after their deaths, when no private
 21 substitute decision maker is available.

22 b. It is also the intent of the general assembly
 23 that the office of substitute decision maker provide
 24 assistance to both public and private substitute
 25 decision makers throughout the state in securing
 26 necessary services for their wards, principals,

27 clients, and decedents and to assist substitute
28 decision makers, wards, principals, clients, courts,
29 and attorneys in the orderly and expeditious handling
30 of substitute decision-making proceedings.
31 Sec.____. NEW SECTION. 231E.3 DEFINITIONS.
32 As used in this chapter, unless the context
33 otherwise requires:
34 1. "Client" means an individual for whom a
35 representative payee is appointed.
36 2. "Commission" means the commission of elder
37 affairs.
38 3. "Conservator" means conservator as defined in
39 section 633.3.
40 4. "Court" means court as defined in section
41 633.3.
42 5. "Decedent" means the individual for whom an
43 estate is administered or executed.
44 6. "Department" means the department of elder
45 affairs established in section 231.21.
46 7. "Director" means the director of the department
47 of elder affairs.
48 8. "Estate" means estate as defined in section
49 633.3.
50 9. "Guardian" means guardian as defined in section

Page 12

1 633.3.
2 10. "Incompetent" means incompetent as defined in
3 section 633.3.
4 11. "Local office" means a local office of
5 substitute decision maker.
6 12. "Local substitute decision maker" means an
7 individual under contract with the department to act
8 as a substitute decision maker.
9 13. "Personal representative" means personal
10 representative as defined in section 633.3.
11 14. "Planning and service area" means a geographic
12 area of the state designated by the commission for the
13 purpose of planning, developing, delivering, and
14 administering services for elders.
15 15. "Power of attorney" means a durable power of
16 attorney for health care as defined in section 144B.1
17 or a power of attorney that becomes effective upon the
18 disability of the principal as described in section
19 633.705.
20 16. "Principal" means an individual for whom a
21 power of attorney is established.
22 17. "Representative payee" means an individual
23 appointed by a government entity to receive funds on
24 behalf of a client pursuant to federal regulation.
25 18. "State agency" means any executive department,

26 commission, board, institution, division, bureau,
 27 office, agency, or other executive entity of state
 28 government.

29 19. "State office" means the state office of
 30 substitute decision maker.

31 20. "State substitute decision maker" means the
 32 administrator of the state office of substitute
 33 decision maker.

34 21. "Substitute decision maker" means a guardian,
 35 conservator, representative payee, attorney in fact
 36 under a power of attorney, or personal representative.

37 22. "Substitute decision making" or "substitute
 38 decision-making services" means the provision of
 39 services of a guardian, conservator, representative
 40 payee, attorney in fact under a power of attorney, or
 41 personal representative.

42 23. "Ward" means the individual for whom a
 43 guardianship or conservatorship is established.

44 Sec. __. NEW SECTION. 231E.4 STATE OFFICE OF
 45 SUBSTITUTE DECISION MAKER – ESTABLISHED – DUTIES –
 46 DEPARTMENT RULES.

47 1. A state office of substitute decision maker is
 48 established within the department to create and
 49 administer a statewide network of substitute decision
 50 makers who provide substitute decision-making services

Page 13

1 if other substitute decision makers are not available
 2 to provide the services.

3 2. The director shall appoint an administrator of
 4 the state office who shall serve as the state
 5 substitute decision maker. The state substitute
 6 decision maker shall be qualified for the position by
 7 training and expertise in substitute decision-making
 8 law. The state substitute decision maker shall also
 9 have knowledge of social services available to meet
 10 the needs of persons adjudicated incompetent or in
 11 need of substitute decision making.

12 3. The state office shall do all of the following:

13 a. Select persons through a request for proposals
 14 process to establish local offices of substitute
 15 decision maker in each of the planning and service
 16 areas. Local offices shall be established statewide
 17 on or before July 1, 2015.

18 b. Monitor and terminate contracts with local
 19 offices based on criteria established by rule of the
 20 department.

21 c. Retain oversight responsibilities for all local
 22 substitute decision makers.

23 d. Act as substitute decision maker if a local
 24 office is not available to so act.

- 25 e. Work with the department of human services, the
26 Iowa department of public health, the governor's
27 developmental disabilities council, and other agencies
28 to establish a referral system for the provision of
29 substitute decision-making services.
- 30 f. Develop and maintain a current listing of
31 public and private services and programs available to
32 assist wards, principals, clients, personal
33 representatives, and their families and establish and
34 maintain relationships with public and private
35 entities to assure the availability of effective
36 substitute decision-making services for wards,
37 principals, clients, and estates.
- 38 g. Provide information and referrals to the public
39 regarding substitute decision-making services.
- 40 h. Provide personal representatives for estates
41 where a person is not available for that purpose.
- 42 i. Maintain statistical data on the local offices
43 including various methods of funding, the types of
44 services provided, and the demographics of the wards,
45 principals, clients, and decedents and report to the
46 general assembly on or before November 1, annually,
47 regarding the local offices and recommend any
48 appropriate legislative action.
- 49 j. Develop, in cooperation with the judicial
50 council as established in section 602.1202, a

Page 14

- 1 substitute decision-maker education and training
2 program. The program may be offered to both public
3 and private substitute decision makers. The state
4 office shall establish a curriculum committee, which
5 includes but is not limited to probate judges, to
6 develop the education and training program.
- 7 4. The state office may do any of the following:
- 8 a. Accept and receive gifts, grants, or donations
9 from any public or private entity in support of the
10 state office.
- 11 b. Accept the services of individual volunteers
12 and volunteer organizations.
- 13 c. Employ staff necessary to administer the state
14 office and enter into contracts as necessary.
- 15 5. The department shall provide administrative
16 support to the state office.
- 17 6. The department shall adopt rules in accordance
18 with chapter 17A necessary to create and administer
19 the state and local offices, relating to but not
20 limited to all of the following:
- 21 a. An application and intake process and standards
22 for receipt of substitute decision-making services
23 from the state or a local office.

- 24 b. A process for the removal or termination of the
25 state or a local substitute decision maker.
- 26 c. An ideal range of staff-to-client ratios for
27 the state and local substitute decision makers.
- 28 d. Minimum training and experience requirements
29 for professional staff and volunteers.
- 30 e. A fee schedule. The department may establish
31 by rule a schedule of reasonable fees for the costs of
32 substitute decision-making services provided under
33 this chapter. The fee schedule established may be
34 based upon the ability of the ward, principal, client,
35 or estate to pay for the services but shall not exceed
36 the actual cost of providing the services. The state
37 office or a local office may waive collection of a fee
38 upon a finding that collection is not economically
39 feasible. The rules may provide that the state office
40 or a local office may investigate the financial status
41 of a ward, principal, or client who, or an estate that
42 requests substitute decision-making services or for
43 whom or which the state or a local substitute decision
44 maker has been appointed for the purpose of
45 determining the fee to be charged by requiring the
46 ward, principal, client, or estate to provide any
47 written authorizations necessary to provide access to
48 records of public or private sources, otherwise
49 confidential, needed to evaluate the individual's or
50 estate's financial eligibility. The rules may also

Page 15

- 1 provide that the state or a local substitute decision
2 maker may, upon request and without payment of fees
3 otherwise required by law, obtain information
4 necessary to evaluate the individual's or estate's
5 financial eligibility from any office of the state or
6 of a political subdivision or agency of the state that
7 possesses public records. In estate proceedings, the
8 state or local decision maker shall be compensated
9 pursuant to chapter 633, division III, part 8.
- 10 f. Standards and performance measures for
11 evaluation of local offices.
- 12 g. Recordkeeping and accounting procedures to
13 ensure that the state office and local offices
14 maintain confidential, accurate, and up-to-date
15 financial, case, and statistical records. The rules
16 shall require each local office to file with the state
17 office, on an annual basis, an account of all public
18 and private funds received and a report regarding the
19 operations of the local office for the preceding
20 fiscal year.
- 21 h. Procedures for the sharing of records held by
22 the court or a state agency with the state office,

23 which are necessary to evaluate the state office or
24 local offices, to assess the need for additional
25 substitute decision makers, or to develop required
26 reports.

27 Sec. ____ NEW SECTION. 231E.5 LOCAL OFFICE OF
28 SUBSTITUTE DECISION MAKER.

29 1. The state substitute decision maker shall
30 select persons to provide local substitute decision-
31 making services in each of the planning and service
32 areas, based upon a request for proposals process
33 developed by the department.

34 2. The local office shall comply with all
35 requirements established for the local office by the
36 department and shall do all of the following:

37 a. Maintain a staff of professionally qualified
38 individuals to carry out the substitute decision-
39 making functions.

40 b. Identify client needs and local resources to
41 provide necessary support services to recipients of
42 substitute decision-making services.

43 c. Collect program data as required by the state
44 office.

45 d. Meet standards established for the local
46 office.

47 e. Comply with minimum staffing requirements and
48 caseload restrictions.

49 f. Conduct background checks on employees and
50 volunteers.

Page 16

1 g. With regard to a proposed ward, the local
2 office shall do all of the following:

3 (1) Determine the most appropriate form of
4 substitute decision making needed, if any, giving
5 preference to the least restrictive alternative.

6 (2) Determine whether the needs of the proposed
7 ward require the appointment of guardian or
8 conservator.

9 (3) Assess the financial resources of the proposed
10 ward based on the information supplied to the local
11 office at the time of the determination.

12 (4) Inquire and, if appropriate, search to
13 determine whether any other person may be willing and
14 able to serve as the proposed ward's guardian or
15 conservator.

16 (5) Determine the form of guardianship or
17 conservatorship to request of a court, if any, giving
18 preference to the least restrictive form.

19 (6) If determined necessary, file a petition for
20 the appointment of a guardian or conservator pursuant
21 to chapter 633.

22 h. With regard to an estate, the local office may
23 appoint a personal representative to file a petition
24 to open an estate who shall do all of the following:
25 (1) Retain legal counsel as described in section
26 231E.12 to be compensated from the proceeds of the
27 estate pursuant to chapter 633, division III, part 8.
28 (2) Liquidate all assets of the estate.
29 (3) Distribute the assets of the estate pursuant
30 to chapter 633, division VII, parts 7 and 8, and other
31 applicable provisions of law.
32 3. A local office may do any of the following:
33 a. Contract for or arrange for provision of
34 services necessary to carry out the duties of a local
35 substitute decision maker.
36 b. Accept the services of volunteers or
37 consultants and reimburse them for necessary expenses.
38 c. Employ staff and delegate to members of the
39 staff the powers and duties of the local substitute
40 decision maker. However, the local office shall
41 retain responsibility for the proper performance of
42 the delegated powers and duties. All delegations
43 shall be to persons who meet the eligibility
44 requirements of the specific type of substitute
45 decision maker.
46 4. An individual acting as the state or a local
47 substitute decision maker shall comply with applicable
48 requirements for guardians, conservators, or personal
49 representatives pursuant to chapter 633, attorneys in
50 fact under a power of attorney pursuant to chapter 633

Page 17

1 or a durable power of attorney for health care
2 pursuant to chapter 144B, or representative payees
3 pursuant to federal law and regulations.
4 5. Notwithstanding any provision to the contrary,
5 an individual acting as the state or a local
6 substitute decision maker shall not be subject to the
7 posting of a bond pursuant to chapter 633. An
8 individual acting as the state or a local substitute
9 decision maker shall complete at least eight hours of
10 training annually as certified by the department.
11 Sec. __. **NEW SECTION. 231E.6 COURT-INITIATED OR**
12 **PETITION-INITIATED APPOINTMENT OF STATE OR LOCAL**
13 **SUBSTITUTE DECISION MAKER – GUARDIANSHIP OR**
14 **CONSERVATORSHIP – DISCHARGE.**
15 The court may appoint on its own motion or upon
16 petition of any person, the state office or local
17 office of substitute decision maker, to serve as
18 guardian or conservator for any proposed ward in cases
19 in which the court determines that the proceeding will
20 establish the least restrictive form of substitute

21 decision making suitable for the proposed ward and if
22 the proposed ward meets all of the following criteria:

23 1. Is a resident of the planning and service area
24 in which the local office is located from which
25 services would be provided or is a resident of the
26 state, if the state office would provide the services.

27 2. Is eighteen years of age or older.

28 3. Does not have suitable family or another
29 appropriate entity willing and able to serve as
30 guardian or conservator.

31 4. Is incompetent.

32 5. Is an individual for whom guardianship or
33 conservatorship services are the least restrictive
34 means of meeting the individual's needs.

35 Sec. . NEW SECTION. 231E.7 SUBSTITUTE
36 DECISION MAKER-INITIATED APPOINTMENT.

37 The state office or local office may on its own
38 motion or at the request of the court intervene in a
39 guardianship or conservatorship proceeding if the
40 state office or local office or the court considers
41 the intervention to be justified because of any of the
42 following:

43 1. An appointed guardian or conservator is not
44 fulfilling prescribed duties or is subject to removal
45 under section 633.65.

46 2. A willing and qualified guardian or conservator
47 is not available.

48 3. The best interests of the ward require the
49 intervention.

50 Sec. . NEW SECTION. 231E.8 PROVISIONS

Page 18

1 APPLICABLE TO ALL APPOINTMENTS AND DESIGNATIONS -
2 DISCHARGE.

3 1. The court shall only appoint or intervene on
4 its own motion or act upon the petition of any person
5 under section 231E.6 or 231E.7 if such appointment or
6 intervention would comply with staffing ratios
7 established by the department and if sufficient
8 resources are available to the state office or local
9 office. Notice of the proposed appointment shall be
10 provided to the state office or local office prior to
11 the granting of such appointment.

12 2. The state office or local office shall maintain
13 reasonable personal contact with each ward, principal,
14 or client for whom the state office or local office is
15 appointed or designated in order to monitor the
16 ward's, principal's, or client's care and progress.
17 For any estates in which the state office or local
18 office is involved, the state office or local office
19 shall move estate proceedings forward in a reasonable

20 and expeditious manner and shall monitor the progress
21 of any legal counsel retained on a regular basis.

22 3. Notwithstanding any provision of law to the
23 contrary, the state office or local office appointed
24 by the court or designated under a power of attorney
25 document may access all confidential records
26 concerning the ward or principal for whom the state
27 office or local office is appointed or designated,
28 including medical records and abuse reports.

29 4. In any proceeding in which the state or local
30 office is appointed or is acting as guardian or
31 conservator, the court shall waive court costs or
32 filing fees, if the state office or local office
33 certifies to the court that the state office or local
34 office has waived its fees in their entirety based
35 upon the ability of the ward to pay for the services
36 of the state office or local office. In any estate
37 proceeding, the court costs shall be paid in
38 accordance with chapter 633, division VII, part 7.

39 5. The state or a local substitute decision maker
40 shall be subject to discharge or removal, by the
41 court, on the grounds and in the manner in which other
42 guardians, conservators, or personal representatives
43 are discharged or removed pursuant to chapter 633.

44 Sec. . NEW SECTION. 231E.9 FEES -
45 APPROPRIATED.

46 Fees received by the state office and by local
47 offices for services provided as state or local
48 substitute decision maker shall be deposited in the
49 general fund of the state and the amounts received are
50 appropriated to the department for the purposes of

Page 19

1 administering this chapter.

2 Sec. . NEW SECTION. 231E.10 CONFLICTS OF
3 INTEREST - LIMITATIONS.

4 Notwithstanding section 633.63 or any other
5 provision to the contrary, a local substitute decision
6 maker shall not provide direct services to or have an
7 actual or the appearance of any conflict of interest
8 relating to any individual for whom the local
9 substitute decision maker acts in a substitute
10 decision-making capacity unless such provision of
11 direct services or the appearance of a conflict of
12 interest is approved and monitored by the state office
13 in accordance with rules adopted by the department.

14 Sec. . NEW SECTION. 231E.11 DUTY OF ATTORNEY
15 GENERAL, COUNTY ATTORNEY, OR OTHER COUNSEL.

16 1. The attorney general shall advise the state
17 office on legal matters and represent the state office
18 in legal proceedings.

19 2. Upon the request of the attorney general, a
20 county attorney may represent the state office or a
21 local office in connection with the filing of a
22 petition for appointment as guardian or conservator
23 and with routine, subsequent appearances.

24 3. A local attorney experienced in probate matters
25 may represent the personal representative for all
26 routine matters associated with probating an estate.

27 Sec. __. NEW SECTION. 231E.12 LIABILITY.

28 All employees and volunteers of the state office
29 and local offices operating under this chapter and
30 other applicable chapters and pursuant to rules
31 adopted under this and other applicable chapters are
32 considered employees of the state and state volunteers
33 for the purposes of chapter 669 and shall be afforded
34 protection under section 669.21 or 669.24, as
35 applicable. This section does not relieve a guardian
36 or conservator from performing duties prescribed under
37 chapter 633.

38 Sec. __. NEW SECTION. 231E.13 IMPLEMENTATION.

39 Implementation of this chapter is subject to
40 availability of funding as determined by the
41 department. The department shall notify the Code
42 editor upon implementation of this chapter."

43 57. Page 74, by inserting after line 34 the
44 following:

45 "Sec. __. Section 232.107, Code 2005, is amended
46 by adding the following new unnumbered paragraph:
47 NEW UNNUMBERED PARAGRAPH. If a breastfeeding
48 infant is removed from the child's home in accordance
49 with an order entered under this division, unless the
50 court finds that substantial evidence exists to

Page 20

1 believe that reasonable visitation or supervised
2 visitation would cause an imminent risk to the
3 infant's life or health, the order shall allow the
4 infant's mother reasonable visitation or supervised
5 visitation for purposes of breastfeeding the infant.
6 The department or other person with custody of the
7 infant shall make every reasonable effort to comply
8 with the order."

9 58. Page 76, by inserting before line 3 the
10 following:

11 "Sec. __. Section 235B.6, subsection 2, paragraph
12 e, Code 2005, is amended by adding the following new
13 subparagraph:

14 NEW SUBPARAGRAPH. (11) The state office or a
15 local office of substitute decision maker as defined
16 in section 231E.3, appointed by the court as a
17 guardian or conservator of the adult named in a report

18 as the victim of abuse or the person designated to be
 19 responsible for performing or obtaining protective
 20 services on behalf of a dependent adult pursuant to
 21 section 235B.18."

22 59. Page 86, by inserting after line 3 the
 23 following:

24 "Sec. ___. Section 633.63, subsection 3, Code
 25 2005, is amended to read as follows:

26 3. A private nonprofit corporation organized under
 27 chapter 504, Code 1989, or current chapter 504 or 504A
 28 is qualified to act as a guardian, as defined in
 29 section 633.3, ~~subsection 20,~~ or a conservator, as
 30 defined in section 633.3, ~~subsection 7, where the~~
 31 ~~assets subject to the conservatorship at the time when~~
 32 ~~such corporation is appointed conservator are less~~
 33 ~~than or equal to seventy five thousand dollars and if~~
 34 the corporation does not possess a proprietary or
 35 legal interest in an organization which provides
 36 direct services to the individual.

37 Sec. ___. Section 633.63, Code 2005, is amended by
 38 adding the following new subsection:

39 **NEW SUBSECTION.** 4. The state or a local
 40 substitute decision maker as defined in section 231E.3
 41 is authorized to act in a fiduciary capacity in this
 42 state in accordance with chapter 231E."

43 60. By renumbering, relettering, or redesignating
 44 and correcting internal references as necessary.

Heaton of Henry offered the following amendment H-1704, to the Senate amendment H-1702, filed by him, Foege of Linn, Smith of Marshall and Upmeyer of Hancock from the floor and moved its adoption:

H-1704

1 Amend the Senate amendment, H-1702, to House File
 2 825, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. By striking page 1, line 3, through page 20,
 5 line 44, and inserting the following:

6 " ___. Page 1, line 23, by striking the figure
 7 "2,791,522" and inserting the following: "2,792,116".

8 ___. By striking page 1, line 34, through page 2,
 9 line 1, and inserting the following:

10 "2. Of the funds appropriated in this section,
 11 \$174,198 shall be".

12 ___. Page 2, line 17, by striking the figure
 13 "1,258,710" and inserting the following: "1,759,020".

14 ___. Page 2, by inserting after line 24, the
 15 following:

16 "Of the moneys appropriated in this subsection,
 17 \$30,310 shall be used to continue to provide funding

18 to local communities that have previously received
 19 funding from the centers for disease control and
 20 prevention of the United States department of health
 21 and human services for secondhand smoke education
 22 initiatives."

23 ___. By striking page 3, line 30, through page 4,
 24 line 1, and inserting the following:

25 "The amount appropriated in this subsection
 26 includes \$150,000 in additional funding for childhood
 27 lead poisoning prevention activities for counties not
 28 receiving federal funding for this purpose, and of
 29 this amount, \$50,000 is allocated for a pilot project
 30 to address lead poisoning prevention and remediation
 31 activities in a three-county program in north central
 32 Iowa with a combined population of at least 50,000."

33 ___. Page 4, line 13, by striking the figure
 34 "1,044,151" and inserting the following: "1,379,258".

35 ___. Page 4, line 16, by striking the figure
 36 "335,107" and inserting the following: "670,214".

37 ___. Page 4, line 18, by inserting after the
 38 figure "135.106." the following: "The department
 39 shall transfer the funding allocated for the HOPES-HFI
 40 program to the Iowa empowerment board for distribution
 41 and shall assist the board in managing the contracting
 42 for the funding. The funding shall be distributed to
 43 renew the grants that were provided to the grantees
 44 that operated the program during the fiscal year
 45 ending June 30, 2005."

46 ___. Page 4, line 26, by striking the figure
 47 "6,820,423" and inserting the following: "6,964,033".

48 ___. Page 4, by inserting after line 27, the
 49 following:

50 "The office of the state medical examiner and the

Page 2

1 commissioner of public safety shall give consideration
 2 to a proposal offered by Polk county for the state
 3 criminalistics laboratory to share facilities with
 4 Polk county."

5 ___. Page 4, line 32, by striking the figure
 6 "994,442" and inserting the following: "1,073,884".

7 ___. Page 4, by inserting after line 33, the
 8 following:

9 "11B. IOWA COLLABORATIVE SAFETY NET PROVIDER
 10 NETWORK

11 The purpose of this subsection is to create a
 12 formal network of safety net providers to do all of
 13 the following: preserve and expand the health care
 14 safety net for vulnerable Iowans; emphasize preventive
 15 services and disease management, reduction of errors,
 16 continuity of care, and the medical home concept;

17 recognize that safety net providers are the primary
 18 means of access to health care for the uninsured in
 19 this state; and provide a mechanism to identify the
 20 extent to which the uninsured in this state access
 21 health care safety net providers. Of the amount
 22 appropriated in this division of this Act for the
 23 medical assistance program, \$1,100,000 is transferred
 24 to the appropriations made in this subsection. The
 25 amount transferred is allocated as follows:
 26 a. To contract for a program to develop an Iowa
 27 collaborative safety net provider network:
 28 \$ 450,000

29 (1) The Iowa department of public health shall
 30 issue a request for proposals to select the most
 31 qualified applicant to develop and administer an Iowa
 32 collaborative safety net provider network that
 33 includes community health centers, rural health
 34 clinics, free clinics, and other safety net providers.
 35 The department shall coordinate conditions of the
 36 request for proposals with the data and information
 37 requirements of the task force on indigent care
 38 created pursuant to section 249J.14A, as enacted by
 39 2005 Iowa Acts, House File 841, section 16. The
 40 request for proposals shall also require the person
 41 awarded the contract to enroll as a member of the task
 42 force on indigent care. The person awarded the
 43 contract shall do all of the following:

44 (a) Establish an Iowa safety net provider advisory
 45 group consisting of representatives of community
 46 health centers, rural health clinics, free clinics,
 47 other safety net providers, patients, and other
 48 interested parties.

49 (b) Develop a planning process to logically and
 50 systematically implement the Iowa collaborative safety

Page 3

1 net provider network.

2 (c) In cooperation with the free clinics of Iowa
 3 and individual free clinics, the Iowa association of
 4 rural health clinics, and the Iowa/Nebraska primary
 5 care association, develop a database of all community
 6 health centers, rural health clinics, free clinics,
 7 and other safety net providers. The data collected
 8 shall include the demographics and needs of the
 9 vulnerable populations served, current provider
 10 capacity, and the resources and needs of the
 11 participating safety net providers.

12 (d) Develop network initiatives for collaboration
 13 between community health centers, rural health
 14 clinics, free clinics, other safety net providers, and
 15 other health care providers to, at a minimum, improve

16 quality, improve efficiency, reduce errors, and
17 provide clinical communication between providers. The
18 network initiatives shall include, but are not limited
19 to, activities that address all of the following:

- 20 (i) Training.
- 21 (ii) Information technology.
- 22 (iii) Financial resource development.
- 23 (iv) A referral system for ambulatory care.
- 24 (v) A referral system for specialty care.
- 25 (vi) Pharmaceuticals.
- 26 (vii) Recruitment of health professionals.

27 (2) The Iowa department of public health shall
28 issue a request for proposals to provide for an
29 evaluation of the performance of the Iowa
30 collaborative safety net provider network and its
31 impact on the medically underserved.

32 b. For an incubation grant program to community
33 health centers that receive a total score of 85 based
34 on the evaluation criteria of the health resources and
35 services administration of the United States
36 department of health and human services:

37 \$ 650,000

38 The Iowa department of public health shall select
39 qualified applicants eligible under this lettered
40 paragraph, and shall approve grants in prorated
41 amounts to all such selected qualified applicants
42 based on the total amount of funding appropriated. A
43 grantee shall meet all federal requirements for a
44 federally qualified health center, including
45 demonstrating a commitment to serve all populations in
46 the grantee's respective medically underserved
47 community and satisfying the administrative,
48 management, governance, service-related, utilization
49 of funding, and audit requirements unique to federally
50 qualified health centers as provided under section 330

Page 4

1 of the federal Public Health Service Act, as amended,
2 and as codified at 42 U.S.C. § 254(b). A grant may be
3 approved for a two-year period. However, if a grantee
4 is approved as a federally qualified health center
5 during the grant period, the grant and accompanying
6 funding shall be terminated for the remainder of the
7 grant period. If a grantee is not approved as a
8 federally qualified health center during the grant
9 period, the grantee may apply for a subsequent grant
10 under this lettered paragraph on a competitive basis.
11 A recipient of a grant under this lettered paragraph
12 shall provide a local match of 25 percent of the grant
13 funds received."

14 ____ Page 6, by striking line 28, and inserting

15 the following: "Iowa commission on volunteer service
16 created pursuant to chapter 15H to utilize local
17 veterans affairs".

18 ____ Page 12, line 2, by striking the figure
19 "40,250,000" and inserting the following:
20 "40,439,695".

21 ____ Page 12, line 3, by inserting before the
22 word "Of" the following: "1."

23 ____ Page 12, by inserting after line 4 the
24 following:

25 "2. Of the funds appropriated in this section,
26 \$100,000 shall be used to provide a grant to an Iowa-
27 based nonprofit organization with a history of
28 providing tax preparation assistance to low-income
29 Iowans in order to expand the usage of the earned
30 income tax credit. The purpose of the grant is to
31 supply this assistance to underserved areas of the
32 state. The grant shall be provided to an organization
33 that has existing national foundation support for
34 supplying such assistance that can also secure local
35 charitable match funding."

36 ____ Page 13, line 6, by striking the figure
37 "524,800,000" and inserting the following:
38 "519,040,317".

39 ____ Page 15, line 1, by striking the figure
40 "3,270,082" and inserting the following: "3,050,082".

41 ____ Page 15, by striking lines 18 through 21.

42 ____ Page 15, by striking lines 22 through 34.

43 ____ By striking page 15, line 35, through page
44 16, line 7.

45 ____ Page 16, by inserting after line 28, the
46 following:

47 "____. The department shall expand coverage under
48 the medical assistance program to cover smoking
49 cessation drugs.

50 ____ The department shall expand coverage under

Page 5

1 the medical assistance program to cover weight
2 reduction treatments and drugs.

3 ____ The department shall adopt rules to require
4 that if a product is to be considered by the
5 pharmaceutical and therapeutics committee established
6 pursuant to section 249A.20A for inclusion on the
7 preferred drug list, the pharmaceutical and
8 therapeutics committee shall respond to all inquiries
9 regarding the process at least 72 hours prior to a
10 meeting of the committee to consider inclusion of the
11 product. Additionally, the rules shall require that
12 the committee provide a pharmaceutical manufacturer of
13 a product with 20 days' prior written notice of

14 consideration of the manufacturer's product for
 15 inclusion on the preferred drug list to allow adequate
 16 time for preparation of appropriate materials to be
 17 submitted to the committee for review. The rules
 18 shall also require that adequate time be provided for
 19 each interested individual to address the committee
 20 regarding a product to be considered for inclusion on
 21 the preferred drug list by the committee. A final
 22 decision regarding inclusion of a product on the
 23 preferred drug list shall not be made in an executive
 24 session of the committee."

25 ____ Page 18, line 29, by striking the figure
 26 "8,350,752" and inserting the following:
 27 "15,800,752".

28 ____ Page 18, line 31, by striking the figure
 29 "7,325,228" and inserting the following:
 30 "14,375,228".

31 ____ Page 19, line 4, by inserting after the word
 32 "level." the following: "The poverty level changes
 33 shall take effect September 1, 2005."

34 ____ Page 19, line 6, by striking the figure
 35 "500,000" and inserting the following: "900,000".

36 ____ Page 20, line 12, by striking the figure
 37 "6,201,283" and inserting the following: "6,226,283".

38 ____ Page 20, line 31, by striking the figure
 39 "76,400,000" and inserting the following:
 40 "75,200,000".

41 ____ Page 22, line 25, by striking the figure
 42 "2,000,000" and inserting the following: "2,500,000".

43 ____ Page 25, line 12, by striking the figure
 44 "300,000" and inserting the following: "1,000,000".

45 ____ Page 25, by inserting after line 26, the
 46 following:

47 "____. Of the amount appropriated in this section,
 48 the following amounts are allocated for the indicated
 49 child welfare system improvements:

50 a. For family team meetings and other family

Page 6

1	engagement efforts:	
2	.....	\$ 900,000
3	b. For recruiting, training, and development of	
4	additional resource families, including but not	
5	limited to families providing kinship, foster, and	
6	adoptive care:	
7	.....	\$ 325,000
8	c. For field staff working with families to have	
9	flexible funding to purchase services and other	
10	support and to fill urgent family needs:	
11	.....	\$ 250,000
12	d. For funding of shelter care so that 15	

13 emergency beds are available statewide for the fiscal
 14 year within the statewide average of 288 beds
 15 addressed in the department's shelter care plan:

16 \$ 200,000

17 e. For expansion of community partnerships to
 18 prevent child abuse:

19 \$ 100,000"

20 ____ Page 25, by inserting after line 26, the
 21 following:

22 "____. The general assembly finds that it is
 23 important for adequate, comprehensive mental health
 24 services to be available to the children of this
 25 state; that Iowa is seeking to develop a coordinated
 26 system of mental health care for children through a
 27 redesign of the children's mental health system; that
 28 Iowa is one of only two states that have not
 29 participated in the comprehensive community mental
 30 health services program for children and their
 31 families grant offered by the substance abuse and
 32 mental health services administration (SAMHSA) of the
 33 United States department of health and human services;
 34 and that implementing such an initiative requires
 35 long-term sustainability and support. The general
 36 assembly expresses appreciation to the department for
 37 applying to SAMHSA for the comprehensive services
 38 program grant to implement a six-year project located
 39 in northeast Iowa. The purpose of the project is to
 40 create a family-driven, coordinated system of care for
 41 children with mental illness to serve as a model for
 42 developing a statewide approach based on family-
 43 provider partnerships and long-term sustainability.
 44 The general assembly strongly supports the grant
 45 application and implementation of the project as vital
 46 steps in redesigning the children's mental health
 47 system.

48 ____ The department shall revise policies or
 49 administrative rules applicable when a breastfeeding
 50 infant is removed from the infant's home in accordance

Page 7

1 with chapter 232, to allow the infant's mother to
 2 continue to breastfeed the infant when such contact
 3 with the mother is in the best interest of the
 4 infant."

5 ____ Page 27, by inserting after line 6, the
 6 following:

7 "____. For continuation of the department's
 8 minority youth and family projects under the redesign
 9 of the child welfare system:

10 \$ 375,000"

11 ____ Page 28, line 13, by striking the figure

12 "13,074,889" and inserting the following:

13 "13,079,889".

14 ____ Page 28, line 25, by striking the figure

15 "17,329,091" and inserting the following:

16 "17,334,091".

17 ____ Page 30, line 19, by striking the figure

18 "10,514,619" and inserting the following:

19 "10,914,619".

20 ____ Page 30, line 21, by striking the figure

21 "500,000" and inserting the following: "100,000".

22 ____ Page 32, by inserting after line 16, the

23 following:

24 "____. If the department has data indicating that a
25 geographic area has a substantial number of persons
26 with mental illness who are homeless and are not being
27 served by an existing grantee for that area under the
28 formula grant from the federal alcohol, drug abuse,
29 and mental health administration to provide mental
30 health services for the homeless and the existing
31 grantee has expressed a desire to no longer provide
32 services or the grantee's contract was terminated by
33 the department for nonperformance, the department
34 shall issue a request for proposals to replace the
35 grantee. Otherwise, the department shall maximize
36 available funding by continuing to contract to the
37 extent possible with those persons who are grantees as
38 of October 1, 2005. The department shall issue a
39 request for proposals if additional funding becomes
40 available for expansion to persons who are not being
41 served and it is not possible to utilize existing
42 grantees."

43 ____ Page 33, line 13, by striking the figure

44 "53,505,000" and inserting the following:

45 "53,790,628".

46 ____ Page 33, line 25, by striking the figure

47 "13,312,196" and inserting the following:

48 "13,342,196".

49 ____ Page 33, line 26, by striking the figure

50 "292.00" and inserting the following: "293.00".

Page 8

1 ____ Page 33, by inserting after line 29, the
2 following:

3 "Of the funds appropriated in this section, \$30,000
4 is allocated to the department of human services for a
5 statewide coordinator for the program of all-inclusive
6 care for the elderly as defined in section 249H.3.
7 The coordinator shall work in collaboration with the
8 department of elder affairs in carrying out the
9 coordinator's duties."

10 ____ Page 35, line 2, by striking the word "be"

11 and inserting the following: "not be less than".
12 ____ Page 36, by striking lines 16 and 17, and
13 inserting the following: "children shall be \$156.03
14 per day."
15 ____ By striking page 36, line 33, through page
16 37, line 5.
17 ____ Page 39, by striking line 19, and inserting
18 the following:
19 "11. Beginning on September 1, 2005, for child".
20 ____ Page 39, line 23, by striking the figure
21 "1998" and inserting the following: "2002".
22 ____ Page 40, by striking lines 2 through 6.
23 ____ Page 40, by inserting after line 8, the
24 following:
25 "Sec.____. SHELTER CARE REQUEST FOR PROPOSALS.
26 The department of human services shall amend the
27 request for proposals issued on April 15, 2005, for a
28 program to provide for the statewide availability of
29 emergency juvenile shelter care during the fiscal year
30 beginning July 1, 2005, to increase the statewide
31 daily average number of beds covered under the request
32 to 288 beds in order to include 15 unallocated beds
33 statewide for emergency placements. However, if the
34 date of enactment of this Act does not allow
35 sufficient time for the department to amend the
36 request for proposals as otherwise required by this
37 section, the department shall apply the requirement in
38 the negotiations with the program awarded the contract
39 and shall include the requirement in the final
40 contract."
41 ____ Page 41, by inserting after line 25, the
42 following:
43 "Sec.____. 2003 Iowa Acts, chapter 178, section
44 45, unnumbered paragraph 3, as enacted by 2004 Iowa
45 Acts, chapter 1175, section 160, is amended to read as
46 follows:
47 Notwithstanding section 8.33, moneys appropriated
48 in this section that remain unencumbered or
49 unobligated at the close of the fiscal year shall not
50 revert but shall remain available for expenditure for

Page 9

1 the child and family services until the close of the
2 ~~succeeding~~ fiscal year beginning July 1, 2005."
3 ____ Page 43, by inserting after line 17 the
4 following:
5 "Sec.____. INDIGENT PATIENT PROGRAM. If the
6 Eighty-first General Assembly, 2005 Regular Session,
7 enacts legislation subsequent to the enactment of 2005
8 Iowa Acts, House File 841, relating to the medical and
9 surgical treatment of indigent patients as provided in

10 chapter 255 that is in conflict with the provisions of
11 2005 Iowa Acts, House File 841, including provisions
12 relating to the quota under chapter 255, the
13 provisions of 2005 Iowa Acts, House File 841, shall
14 prevail."

15 ____ Page 43, by inserting after line 29, the
16 following:

17 "____. The provision directing the department of
18 human services to amend the request for proposals
19 issued on April 15, 2005, to provide for statewide
20 emergency juvenile shelter care.

21 ____ The provision amending 2003 Iowa Acts,
22 chapter 178, section 45, unnumbered paragraph 3, as
23 enacted by 2004 Iowa Acts, chapter 1175, section 160."

24 ____ Page 45, line 15, by striking the figure
25 "50,200,000" and inserting the following:
26 "59,647,109".

27 ____ Page 46, by striking lines 23 and 24, and
28 inserting the following: "to only those persons who
29 meet the nursing facility level of care for home and
30 community-based services waiver services as
31 established on or after July 1, 2005."

32 ____ Page 47, by inserting after line 27, the
33 following:

34 "Sec. ____ 2004 Iowa Acts, chapter 1175, section
35 173, subsection 1, is amended by adding the following
36 new unnumbered paragraph:

37 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
38 8.33 and section 426B.5, subsection 1, paragraph "d",
39 moneys appropriated in this subsection that remain
40 unencumbered or unobligated at the close of the fiscal
41 year shall not revert but shall remain available for
42 expenditure for the purposes designated until the
43 close of the succeeding fiscal year."

44 ____ Page 48, line 17, by striking the figure
45 "14,507,362" and inserting the following:
46 "23,925,724".

47 ____ Page 49, by striking lines 4 through 16, and
48 inserting the following:

49 "a. For an ending balance percentage of less than
50 5 percent, a withholding factor of 0 percent. In

Page 10

1 addition, a county that is subject to this lettered
2 paragraph shall receive an inflation adjustment equal
3 to 3 percent of the gross expenditures reported for
4 the county's services fund for the fiscal year.

5 b. For an ending balance percentage of 5 or more
6 but less than 10 percent, a withholding factor of 0
7 percent. In addition, a county that is subject to this
8 lettered paragraph shall receive an inflation

9 adjustment equal to 2 percent of the gross
 10 expenditures reported for the county's services fund
 11 for the fiscal year.

12 c. For an ending balance percentage of 10 or more
 13 but less than 25 percent, a withholding factor of 25
 14 percent.

15 d. For an ending balance percentage of 25 percent
 16 or more, a withholding percentage of 100 percent."

17 _____. Page 49, line 19, by striking the figure
 18 "4,659,749" and inserting the following: "9,418,362".

19 _____. Page 49, by inserting after line 30, the
 20 following:

21 "NEW SUBSECTION. 6. a. In addition to the amount
 22 to be distributed under subsection 4, for the fiscal
 23 year beginning July 1, 2005, a county with an ending
 24 balance percentage under subsection 4 of less than
 25 zero shall receive a distribution from the sum of the
 26 following:

27 (1) The amounts appropriated in 2004 Iowa Acts,
 28 chapter 1175, section 132 and section 173, subsection
 29 1, that were not distributed and did not revert at the
 30 close of the fiscal year beginning July 1, 2004.

31 (2) The amounts appropriated for the fiscal year
 32 beginning July 1, 2005, for the mental health and
 33 developmental disabilities community services fund and
 34 in this section that were not distributed in
 35 accordance with subsections 3, 4, and 5.

36 b. The amount of a county's distribution under
 37 paragraph "a" shall be equal to the county's
 38 proportion of the general population of the counties
 39 eligible to receive a distribution under this
 40 subsection.

41 c. The distribution amount determined under this
 42 subsection shall be included in the county's allowed
 43 growth payment determined in accordance with
 44 subsections 3, 4, and 5.

45 Sec. _____. EFFECTIVE DATE. The section of this
 46 division of this Act amending 2004 Iowa Acts, chapter
 47 1175, section 173, subsection 1, being deemed of
 48 immediate importance, takes effect upon enactment."

49 _____. Page 49, by inserting after line 32, the
 50 following:

Page 11

1 "Sec. _____. Section 15H.3, subsection 5, as enacted
 2 by 2005 Iowa Acts, House File 478, section 3, is
 3 amended to read as follows:
 4 5. Members shall serve staggered terms of three
 5 years beginning ~~and ending as provided by section~~
 6 ~~69.19 July 1~~. Members of the commission shall serve
 7 no more than two three-year terms. Any vacancy shall

8 be filled in the same manner as the original
9 appointment.

10 Sec. . NEW SECTION. 16.184 TRANSITIONAL
11 HOUSING REVOLVING LOAN PROGRAM FUND.

12 1. A transitional housing revolving loan program
13 fund is created within the authority to further the
14 availability of affordable housing for parents that
15 are reuniting with their children while completing or
16 participating in substance abuse treatment. The
17 moneys in the fund are annually appropriated to the
18 authority to be used for the development and operation
19 of a revolving loan program to provide financing to
20 construct affordable transitional housing, including
21 through new construction or acquisition and
22 rehabilitation of existing housing. The housing
23 provided shall be geographically located in close
24 proximity to licensed substance abuse treatment
25 programs. Preference in funding shall be given to
26 projects that reunite mothers with the mothers'
27 children.

28 2. Moneys transferred by the authority for deposit
29 in the transitional housing revolving loan program
30 fund, moneys appropriated to the transitional housing
31 revolving loan program, and any other moneys available
32 to and obtained or accepted by the authority for
33 placement in the fund shall be deposited in the fund.
34 Additionally, payment of interest, recaptures of
35 awards, and other repayments to the transitional
36 housing revolving loan program fund shall be credited
37 to the fund. Notwithstanding section 12C.7,
38 subsection 2, interest or earnings on moneys in the
39 transitional housing revolving loan program fund shall
40 be credited to the fund. Notwithstanding section
41 8.33, moneys that remain unencumbered or unobligated
42 at the close of the fiscal year shall not revert but
43 shall remain available for the same purpose in the
44 succeeding fiscal year.

45 3. The authority shall annually allocate moneys
46 available in the transitional housing revolving loan
47 program fund for the development of affordable
48 transitional housing for parents that are reuniting
49 with the parents' children while completing or
50 participating in substance abuse treatment. The

Page 12

1 authority shall develop a joint application process
2 for the allocation of federal low-income housing tax
3 credits and the funds available under this section.
4 Moneys allocated to such projects may be in the form
5 of loans, grants, or a combination of loans and
6 grants.

7 4. The authority shall adopt rules pursuant to
8 chapter 17A to administer this section."

9 ____ Page 68, by inserting after line 32, the
10 following:

11 "Sec. ____ Section 154A.22, Code 2005, is amended
12 to read as follows:

13 154A.22 ~~DEPOSIT RECEIPT OF FEES.~~

14 1. The Except as otherwise provided in subsection
15 2, the department shall deposit all fees collected
16 under the provisions of this chapter in the general
17 fund of the state. Compensation and travel expenses
18 of members and employees of the board, and other
19 expenses necessary for the board to administer and
20 carry out the provisions of this chapter shall be paid
21 from funds appropriated from the general fund of the
22 state.

23 2. The department may retain ninety percent of the
24 revenue generated from an increase in licensure and
25 permit fees established pursuant to section 154A.17
26 above the licensure and permit fees in effect as of
27 June 30, 2005. The moneys retained by the department
28 shall be used for any of the board's duties, including
29 but not limited to addition of full-time equivalent
30 positions for program services and investigations.
31 Revenues retained by the department pursuant to this
32 subsection shall be considered repayment receipts as
33 defined in section 8.2.

34 Sec. ____ Section 155.6, Code 2005, is amended to
35 read as follows:

36 155.6 ~~FUND-CREATED RECEIPT OF FEES.~~

37 1. All Except as otherwise provided in subsection
38 2, all fees collected under the provisions of this
39 chapter shall be paid to the treasurer of state who
40 shall deposit the fees in the general fund of the
41 state. Funds shall be appropriated to the board to be
42 used and expended by the board to pay the compensation
43 and travel expenses of members and employees of the
44 board, and other expenses necessary for the board to
45 administer and carry out the provisions of this
46 chapter.

47 2. The board may retain ninety percent of the
48 revenue generated from an increase in examination,
49 licensure, and renewal of licensure fees established
50 pursuant to section 155.15 above the examination.

Page 13

1 licensure, and renewal of licensure fees in effect as
2 of June 30, 2005. The moneys retained by the board
3 shall be used for any of the board's duties, including
4 but not limited to addition of full-time equivalent
5 positions for program services and investigations.

6 Revenues retained by the department pursuant to this
7 subsection shall be considered repayment receipts as
8 defined in section 8.2."

9 _____. Page 73, by inserting after line 33, the
10 following:

11 "Sec.____. Section 227.4, Code 2005, is amended to
12 read as follows:

13 227.4 STANDARDS FOR CARE OF PERSONS WITH MENTAL
14 ~~ILLNESS OR DEVELOPMENTAL DISABILITIES~~ MENTAL
15 RETARDATION IN COUNTY CARE FACILITIES.

16 The administrator, in cooperation with the
17 department of inspections and appeals, shall recommend
18 and the mental health, mental retardation,
19 developmental disabilities, and brain injury
20 commission created in section 225C.5 shall adopt
21 standards for the care of and services to persons with
22 mental illness or ~~developmental disabilities~~ mental
23 retardation residing in county care facilities. The
24 standards shall be enforced by the department of
25 inspections and appeals as a part of the licensure
26 inspection conducted pursuant to chapter 135C. The
27 objective of the standards is to ensure that persons
28 with mental illness or ~~developmental disabilities~~
29 mental retardation who are residents of county care
30 facilities are not only adequately fed, clothed, and
31 housed, but are also offered reasonable opportunities
32 for productive work and recreational activities suited
33 to their physical and mental abilities and offering
34 both a constructive outlet for their energies and, if
35 possible, therapeutic benefit. When recommending
36 standards under this section, the administrator shall
37 designate an advisory committee representing
38 administrators of county care facilities, county
39 mental health and developmental disabilities regional
40 planning councils, and county care facility resident
41 advocate committees to assist in the establishment of
42 standards."

43 _____. Page 83, by inserting after line 2, the
44 following:

45 "Sec.____. Section 249J.8, subsection 4, as
46 enacted by 2005 Iowa Acts, House File 841, section 8,
47 is amended to read as follows:

48 4. The department shall track the impact of the
49 out-of-pocket expenditures on patient expansion
50 population enrollment and shall report the findings on

Page 14

1 at least a quarterly basis to the medical assistance
2 projections and assessment council established
3 pursuant to section 249J.19. The findings shall
4 include estimates of the number of expansion

5 population members complying with payment of required
 6 out-of-pocket expenditures, the number of expansion
 7 population members not complying with payment of
 8 required out-of-pocket expenditures and the reasons
 9 for noncompliance, any impact as a result of the out-
 10 of-pocket requirements on the provision of services to
 11 the populations previously served, the administrative
 12 time and cost associated with administering the
 13 out-of-pocket requirements, and the benefit to the
 14 state resulting from the out-of-pocket expenditures.
 15 To the extent possible, the department shall track the
 16 income level of the member, the health condition of
 17 the member, and the family status of the member
 18 relative to the out-of-pocket information."

19 ____ Page 86, by striking lines 11 and 12, and
 20 inserting the following:

21 "Sec. ____ EFFECTIVE DATES.

22 1. The amendment in this division of this Act to"

23 ____ Page 86, by inserting after line 13, the
 24 following:

25 "2. The amendment in this division of this Act to
 26 section 15H.3, subsection 5, being deemed of immediate
 27 importance, takes effect upon enactment and is
 28 retroactively applicable to April 19, 2005."

29 ____ Page 86, by inserting after line 13, the
 30 following:

31 "DIVISION

32 SUBSTITUTE DECISION MAKER ACT

33 Sec. ____ NEW SECTION. 231E.1 TITLE.

34 This chapter shall be known and may be cited as the
 35 "Iowa Substitute Decision Maker Act".

36 Sec. ____ NEW SECTION. 231E.2 OFFICE OF

37 SUBSTITUTE DECISION MAKER – FINDINGS AND INTENT.

38 1. a. The general assembly finds that many adults
 39 in this state are unable to meet essential
 40 requirements to maintain their physical health or to
 41 manage essential aspects of their financial resources
 42 and are in need of substitute decision-making
 43 services. However, a willing and responsible person
 44 may not be available to serve as a private substitute
 45 decision maker or the adult may not have adequate
 46 income or resources to compensate a private substitute
 47 decision maker.

48 b. The general assembly further finds that a
 49 process should exist to assist individuals in finding
 50 alternatives to substitute decision-making services

Page 15

1 and less intrusive means of assistance before an
 2 individual's independence or rights are limited.

3 c. The general assembly further finds that a

4 substitute decision maker may be necessary to finalize
5 a person's affairs after death when there is no
6 willing and appropriate person available to serve as
7 the person's personal representative.

8 2. a. It is, therefore, the intent of the general
9 assembly to establish a state office of substitute
10 decision maker and authorize the establishment of
11 local offices of substitute decision maker to provide
12 substitute decision-making services to adults and
13 their estates after their deaths, when no private
14 substitute decision maker is available.

15 b. It is also the intent of the general assembly
16 that the office of substitute decision maker provide
17 assistance to both public and private substitute
18 decision makers throughout the state in securing
19 necessary services for their wards, principals,
20 clients, and decedents and to assist substitute
21 decision makers, wards, principals, clients, courts,
22 and attorneys in the orderly and expeditious handling
23 of substitute decision-making proceedings.

24 Sec. . NEW SECTION. 231E.3 DEFINITIONS.

25 As used in this chapter, unless the context
26 otherwise requires:

27 1. "Client" means an individual for whom a
28 representative payee is appointed.

29 2. "Commission" means the commission of elder
30 affairs.

31 3. "Conservator" means conservator as defined in
32 section 633.3.

33 4. "Court" means court as defined in section
34 633.3.

35 5. "Decedent" means the individual for whom an
36 estate is administered or executed.

37 6. "Department" means the department of elder
38 affairs established in section 231.21.

39 7. "Director" means the director of the department
40 of elder affairs.

41 8. "Estate" means estate as defined in section
42 633.3.

43 9. "Guardian" means guardian as defined in section
44 633.3.

45 10. "Incompetent" means incompetent as defined in
46 section 633.3.

47 11. "Local office" means a local office of
48 substitute decision maker.

49 12. "Local substitute decision maker" means an
50 individual under contract with the department to act

Page 16

1 as a substitute decision maker.

2 13. "Personal representative" means personal

3 representative as defined in section 633.3.

4 14. "Planning and service area" means a geographic
5 area of the state designated by the commission for the
6 purpose of planning, developing, delivering, and
7 administering services for elders.

8 15. "Power of attorney" means a durable power of
9 attorney for health care as defined in section 144B.1
10 or a power of attorney that becomes effective upon the
11 disability of the principal as described in section
12 633.705.

13 16. "Principal" means an individual for whom a
14 power of attorney is established.

15 17. "Representative payee" means an individual
16 appointed by a government entity to receive funds on
17 behalf of a client pursuant to federal regulation.

18 18. "State agency" means any executive department,
19 commission, board, institution, division, bureau,
20 office, agency, or other executive entity of state
21 government.

22 19. "State office" means the state office of
23 substitute decision maker.

24 20. "State substitute decision maker" means the
25 administrator of the state office of substitute
26 decision maker.

27 21. "Substitute decision maker" means a guardian,
28 conservator, representative payee, attorney in fact
29 under a power of attorney, or personal representative.

30 22. "Substitute decision making" or "substitute
31 decision-making services" means the provision of
32 services of a guardian, conservator, representative
33 payee, attorney in fact under a power of attorney, or
34 personal representative.

35 23. "Ward" means the individual for whom a
36 guardianship or conservatorship is established.

37 Sec. . **NEW SECTION.** 231E.4 STATE OFFICE OF
38 SUBSTITUTE DECISION MAKER – ESTABLISHED – DUTIES –
39 DEPARTMENT RULES.

40 1. A state office of substitute decision maker is
41 established within the department to create and
42 administer a statewide network of substitute decision
43 makers who provide substitute decision-making services
44 if other substitute decision makers are not available
45 to provide the services.

46 2. The director shall appoint an administrator of
47 the state office who shall serve as the state
48 substitute decision maker. The state substitute
49 decision maker shall be qualified for the position by
50 training and expertise in substitute decision-making

- 2 have knowledge of social services available to meet
3 the needs of persons adjudicated incompetent or in
4 need of substitute decision making.
- 5 3. The state office shall do all of the following:
- 6 a. Select persons through a request for proposals
7 process to establish local offices of substitute
8 decision maker in each of the planning and service
9 areas. Local offices shall be established statewide
10 on or before July 1, 2015.
- 11 b. Monitor and terminate contracts with local
12 offices based on criteria established by rule of the
13 department.
- 14 c. Retain oversight responsibilities for all local
15 substitute decision makers.
- 16 d. Act as substitute decision maker if a local
17 office is not available to so act.
- 18 e. Work with the department of human services, the
19 Iowa department of public health, the governor's
20 developmental disabilities council, and other agencies
21 to establish a referral system for the provision of
22 substitute decision-making services.
- 23 f. Develop and maintain a current listing of
24 public and private services and programs available to
25 assist wards, principals, clients, personal
26 representatives, and their families and establish and
27 maintain relationships with public and private
28 entities to assure the availability of effective
29 substitute decision-making services for wards,
30 principals, clients, and estates.
- 31 g. Provide information and referrals to the public
32 regarding substitute decision-making services.
- 33 h. Provide personal representatives for estates
34 where a person is not available for that purpose.
- 35 i. Maintain statistical data on the local offices
36 including various methods of funding, the types of
37 services provided, and the demographics of the wards,
38 principals, clients, and decedents and report to the
39 general assembly on or before November 1, annually,
40 regarding the local offices and recommend any
41 appropriate legislative action.
- 42 j. Develop, in cooperation with the judicial
43 council as established in section 602.1202, a
44 substitute decision-maker education and training
45 program. The program may be offered to both public
46 and private substitute decision makers. The state
47 office shall establish a curriculum committee, which
48 includes but is not limited to probate judges, to
49 develop the education and training program.
- 50 4. The state office may do any of the following:

Page 18

- 1 a. Accept and receive gifts, grants, or donations
- 2 from any public or private entity in support of the
- 3 state office.
- 4 b. Accept the services of individual volunteers
- 5 and volunteer organizations.
- 6 c. Employ staff necessary to administer the state
- 7 office and enter into contracts as necessary.
- 8 5. The department shall provide administrative
- 9 support to the state office.
- 10 6. The department shall adopt rules in accordance
- 11 with chapter 17A necessary to create and administer
- 12 the state and local offices, relating to but not
- 13 limited to all of the following:
- 14 a. An application and intake process and standards
- 15 for receipt of substitute decision-making services
- 16 from the state or a local office.
- 17 b. A process for the removal or termination of the
- 18 state or a local substitute decision maker.
- 19 c. An ideal range of staff-to-client ratios for
- 20 the state and local substitute decision makers.
- 21 d. Minimum training and experience requirements
- 22 for professional staff and volunteers.
- 23 e. A fee schedule. The department may establish
- 24 by rule a schedule of reasonable fees for the costs of
- 25 substitute decision-making services provided under
- 26 this chapter. The fee schedule established may be
- 27 based upon the ability of the ward, principal, client,
- 28 or estate to pay for the services but shall not exceed
- 29 the actual cost of providing the services. The state
- 30 office or a local office may waive collection of a fee
- 31 upon a finding that collection is not economically
- 32 feasible. The rules may provide that the state office
- 33 or a local office may investigate the financial status
- 34 of a ward, principal, or client who, or an estate that
- 35 requests substitute decision-making services or for
- 36 whom or which the state or a local substitute decision
- 37 maker has been appointed for the purpose of
- 38 determining the fee to be charged by requiring the
- 39 ward, principal, client, or estate to provide any
- 40 written authorizations necessary to provide access to
- 41 records of public or private sources, otherwise
- 42 confidential, needed to evaluate the individual's or
- 43 estate's financial eligibility. The rules may also
- 44 provide that the state or a local substitute decision
- 45 maker may, upon request and without payment of fees
- 46 otherwise required by law, obtain information
- 47 necessary to evaluate the individual's or estate's
- 48 financial eligibility from any office of the state or
- 49 of a political subdivision or agency of the state that
- 50 possesses public records. In estate proceedings, the

Page 19

1 state or local decision maker shall be compensated
2 pursuant to chapter 633, division III, part 8.

3 f. Standards and performance measures for
4 evaluation of local offices.

5 g. Recordkeeping and accounting procedures to
6 ensure that the state office and local offices
7 maintain confidential, accurate, and up-to-date
8 financial, case, and statistical records. The rules
9 shall require each local office to file with the state
10 office, on an annual basis, an account of all public
11 and private funds received and a report regarding the
12 operations of the local office for the preceding
13 fiscal year.

14 h. Procedures for the sharing of records held by
15 the court or a state agency with the state office,
16 which are necessary to evaluate the state office or
17 local offices, to assess the need for additional
18 substitute decision makers, or to develop required
19 reports.

20 Sec. . NEW SECTION. 231E.5 LOCAL OFFICE OF
21 SUBSTITUTE DECISION MAKER.

22 1. The state substitute decision maker shall
23 select persons to provide local substitute decision-
24 making services in each of the planning and service
25 areas, based upon a request for proposals process
26 developed by the department.

27 2. The local office shall comply with all
28 requirements established for the local office by the
29 department and shall do all of the following:

30 a. Maintain a staff of professionally qualified
31 individuals to carry out the substitute decision-
32 making functions.

33 b. Identify client needs and local resources to
34 provide necessary support services to recipients of
35 substitute decision-making services.

36 c. Collect program data as required by the state
37 office.

38 d. Meet standards established for the local
39 office.

40 e. Comply with minimum staffing requirements and
41 caseload restrictions.

42 f. Conduct background checks on employees and
43 volunteers.

44 g. With regard to a proposed ward, the local
45 office shall do all of the following:

46 (1) Determine the most appropriate form of
47 substitute decision making needed, if any, giving
48 preference to the least restrictive alternative.

49 (2) Determine whether the needs of the proposed
50 ward require the appointment of guardian or

Page 20

1 conservator.

2 (3) Assess the financial resources of the proposed
3 ward based on the information supplied to the local
4 office at the time of the determination.

5 (4) Inquire and, if appropriate, search to
6 determine whether any other person may be willing and
7 able to serve as the proposed ward's guardian or
8 conservator.

9 (5) Determine the form of guardianship or
10 conservatorship to request of a court, if any, giving
11 preference to the least restrictive form.

12 (6) If determined necessary, file a petition for
13 the appointment of a guardian or conservator pursuant
14 to chapter 633.

15 h. With regard to an estate, the local office may
16 appoint a personal representative to file a petition
17 to open an estate who shall do all of the following:

18 (1) Retain legal counsel as described in section
19 231E.11 to be compensated from the proceeds of the
20 estate pursuant to chapter 633, division III, part 8.

21 (2) Liquidate all assets of the estate.

22 (3) Distribute the assets of the estate pursuant
23 to chapter 633, division VII, parts 7 and 8, and other
24 applicable provisions of law.

25 3. A local office may do any of the following:

26 a. Contract for or arrange for provision of
27 services necessary to carry out the duties of a local
28 substitute decision maker.

29 b. Accept the services of volunteers or
30 consultants and reimburse them for necessary expenses.

31 c. Employ staff and delegate to members of the
32 staff the powers and duties of the local substitute
33 decision maker. However, the local office shall
34 retain responsibility for the proper performance of
35 the delegated powers and duties. All delegations
36 shall be to persons who meet the eligibility
37 requirements of the specific type of substitute
38 decision maker.

39 4. An individual acting as the state or a local
40 substitute decision maker shall comply with applicable
41 requirements for guardians, conservators, or personal
42 representatives pursuant to chapter 633, attorneys in
43 fact under a power of attorney pursuant to chapter 633
44 or a durable power of attorney for health care
45 pursuant to chapter 144B, or representative payees
46 pursuant to federal law and regulations.

47 5. Notwithstanding any provision to the contrary,
48 an individual acting as the state or a local
49 substitute decision maker shall not be subject to the
50 posting of a bond pursuant to chapter 633. An

Page 21

1 individual acting as the state or a local substitute
2 decision maker shall complete at least eight hours of
3 training annually as certified by the department.
4 Sec. . NEW SECTION. 231E.6 COURT-INITIATED OR
5 PETITION-INITIATED APPOINTMENT OF STATE OR LOCAL
6 SUBSTITUTE DECISION MAKER – GUARDIANSHIP OR
7 CONSERVATORSHIP – DISCHARGE.

8 The court may appoint on its own motion or upon
9 petition of any person, the state office or local
10 office of substitute decision maker, to serve as
11 guardian or conservator for any proposed ward in cases
12 in which the court determines that the proceeding will
13 establish the least restrictive form of substitute
14 decision making suitable for the proposed ward and if
15 the proposed ward meets all of the following criteria:

- 16 1. Is a resident of the planning and service area
17 in which the local office is located from which
18 services would be provided or is a resident of the
19 state, if the state office would provide the services.
- 20 2. Is eighteen years of age or older.
- 21 3. Does not have suitable family or another
22 appropriate entity willing and able to serve as
23 guardian or conservator.
- 24 4. Is incompetent.
- 25 5. Is an individual for whom guardianship or
26 conservatorship services are the least restrictive
27 means of meeting the individual's needs.

28 Sec. . NEW SECTION. 231E.7 SUBSTITUTE
29 DECISION MAKER-INITIATED APPOINTMENT.
30 The state office or local office may on its own
31 motion or at the request of the court intervene in a
32 guardianship or conservatorship proceeding if the
33 state office or local office or the court considers
34 the intervention to be justified because of any of the
35 following:

- 36 1. An appointed guardian or conservator is not
37 fulfilling prescribed duties or is subject to removal
38 under section 633.65.
- 39 2. A willing and qualified guardian or conservator
40 is not available.
- 41 3. The best interests of the ward require the
42 intervention.

43 Sec. . NEW SECTION. 231E.8 PROVISIONS
44 APPLICABLE TO ALL APPOINTMENTS AND DESIGNATIONS –
45 DISCHARGE.

- 46 1. The court shall only appoint or intervene on
47 its own motion or act upon the petition of any person
48 under section 231E.6 or 231E.7 if such appointment or
49 intervention would comply with staffing ratios
50 established by the department and if sufficient

Page 22

1 resources are available to the state office or local
2 office. Notice of the proposed appointment shall be
3 provided to the state office or local office prior to
4 the granting of such appointment.

5 2. The state office or local office shall maintain
6 reasonable personal contact with each ward, principal,
7 or client for whom the state office or local office is
8 appointed or designated in order to monitor the
9 ward's, principal's, or client's care and progress.
10 For any estates in which the state office or local
11 office is involved, the state office or local office
12 shall move estate proceedings forward in a reasonable
13 and expeditious manner and shall monitor the progress
14 of any legal counsel retained on a regular basis.

15 3. Notwithstanding any provision of law to the
16 contrary, the state office or local office appointed
17 by the court or designated under a power of attorney
18 document may access all confidential records
19 concerning the ward or principal for whom the state
20 office or local office is appointed or designated,
21 including medical records and abuse reports.

22 4. In any proceeding in which the state or local
23 office is appointed or is acting as guardian or
24 conservator, the court shall waive court costs or
25 filing fees, if the state office or local office
26 certifies to the court that the state office or local
27 office has waived its fees in their entirety based
28 upon the ability of the ward to pay for the services
29 of the state office or local office. In any estate
30 proceeding, the court costs shall be paid in
31 accordance with chapter 633, division VII, part 7.

32 5. The state or a local substitute decision maker
33 shall be subject to discharge or removal, by the
34 court, on the grounds and in the manner in which other
35 guardians, conservators, or personal representatives
36 are discharged or removed pursuant to chapter 633.

37 Sec. NEW SECTION. 231E.9 FEES –
38 APPROPRIATED.

39 Fees received by the state office and by local
40 offices for services provided as state or local
41 substitute decision maker shall be deposited in the
42 general fund of the state and the amounts received are
43 appropriated to the department for the purposes of
44 administering this chapter.

45 Sec. NEW SECTION. 231E.10 CONFLICTS OF
46 INTEREST – LIMITATIONS.

47 Notwithstanding section 633.63 or any other
48 provision to the contrary, a local substitute decision
49 maker shall not provide direct services to or have an
50 actual or the appearance of any conflict of interest

Page 23

1 relating to any individual for whom the local
2 substitute decision maker acts in a substitute
3 decision-making capacity unless such provision of
4 direct services or the appearance of a conflict of
5 interest is approved and monitored by the state office
6 in accordance with rules adopted by the department.
7 Sec. NEW SECTION. 231E.11 DUTY OF ATTORNEY
8 GENERAL, COUNTY ATTORNEY, OR OTHER COUNSEL.

9 1. The attorney general shall advise the state
10 office on legal matters and represent the state office
11 in legal proceedings.

12 2. Upon the request of the attorney general, a
13 county attorney may represent the state office or a
14 local office in connection with the filing of a
15 petition for appointment as guardian or conservator
16 and with routine, subsequent appearances.

17 3. A local attorney experienced in probate matters
18 may represent the personal representative for all
19 routine matters associated with probating an estate.

20 Sec. NEW SECTION. 231E.12 LIABILITY.
21 All employees and volunteers of the state office
22 and local offices operating under this chapter and
23 other applicable chapters and pursuant to rules
24 adopted under this and other applicable chapters are
25 considered employees of the state and state volunteers
26 for the purposes of chapter 669 and shall be afforded
27 protection under section 669.21 or 669.24, as
28 applicable. This section does not relieve a guardian
29 or conservator from performing duties prescribed under
30 chapter 633.

31 Sec. NEW SECTION. 231E.13 IMPLEMENTATION.

32 Implementation of this chapter is subject to
33 availability of funding as determined by the
34 department. The department shall notify the Code
35 editor upon implementation of this chapter.

36 Sec. NEW SECTION. Section 235B.6, subsection 2, paragraph
37 e, Code 2005, is amended by adding the following new
38 subparagraph:

39 NEW SUBPARAGRAPH. (11) The state office or a
40 local office of substitute decision maker as defined
41 in section 231E.3, appointed by the court as a
42 guardian or conservator of the adult named in a report
43 as the victim of abuse or the person designated to be
44 responsible for performing or obtaining protective
45 services on behalf of a dependent adult pursuant to
46 section 235B.18.

47 Sec. NEW SECTION. Section 633.63, subsection 3, Code 2005,
48 is amended to read as follows:

49 3. A private nonprofit corporation organized under
50 chapter 504, Code 1989, or current chapter 504 or 504A

Page 24

1 is qualified to act as a guardian, as defined in
2 section 633.3, ~~subsection 20~~, or a conservator, as
3 defined in section 633.3, ~~subsection 7~~, where the
4 ~~assets subject to the conservatorship at the time when~~
5 ~~such corporation is appointed conservator are less~~
6 ~~than or equal to seventy five thousand dollars and if~~
7 the corporation does not possess a proprietary or
8 legal interest in an organization which provides
9 direct services to the individual.

10 Sec. __. Section 633.63, Code 2005, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 4. The state or a local
13 substitute decision maker as defined in section 231E.3
14 is authorized to act in a fiduciary capacity in this
15 state in accordance with chapter 231E."

16 __. Page 86, by inserting before line 14, the
17 following:

18 "DIVISION

19 LONG-TERM LIVING SYSTEM

20 Sec. __. NEW SECTION. 231F.1 INTENT FOR IOWA'S
21 LONG-TERM LIVING SYSTEM.

22 1. The general assembly finds and declares that
23 the intent for Iowa's long-term living system is to
24 ensure all Iowans access to an extensive range of
25 high-quality, affordable, and cost-effective long-
26 term living options that maximize independence,
27 choice, and dignity for consumers.

28 2. The long-term living system should be
29 comprehensive, offering multiple services and support
30 in home, community-based, and facility-based settings;
31 should utilize a uniform assessment process to ensure
32 that such services and support are delivered in the
33 most integrated and life-enhancing setting; and should
34 ensure that such services and support are provided by
35 a well-trained, motivated workforce.

36 3. The long-term living system should exist in a
37 regulatory climate that appropriately ensures the
38 health, safety, and welfare of consumers, while not
39 being overly restrictive or inflexible.

40 4. The long-term living system should sustain
41 existing informal care systems including family,
42 friends, volunteers, and community resources; should
43 encourage innovation through the use of technology and
44 new delivery and financing models, including housing;
45 should provide incentives to consumers for private
46 financing of long-term living services and support;
47 and should allow Iowans to live independently as long
48 as they desire.

49 5. Information regarding all components of the
50 long-term living system should be effectively

Page 25

- 1 communicated to all persons potentially impacted by
- 2 the need for long-term living services and support in
- 3 order to empower consumers to plan, evaluate, and make
- 4 decisions about how best to meet their own long-term
- 5 living needs."
- 6 _____. By striking page 86, line 14, through page
- 7 88, line 12.""
- 8 2. By renumbering, relettering, or redesignating
- 9 and correcting internal references as necessary.

Amendment H-1704 was adopted.

On motion by Heaton of Henry the House concurred in the Senate amendment H-1702, as amended.

Heaton of Henry 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. 825)

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Gaskill	Gipp	Granzow
Greiner	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler

MOTION TO RECONSIDER WITHDRAWN
(House File 875)

Gipp of Winneshiek asked and received unanimous consent to withdraw the motion to reconsider **House File 875**, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, general fund of the state, and related matters, and including effective and retroactive applicability date provisions, filed by him on May 11, 2005.

MOTION TO RECONSIDER PREVAILED

Huseman of Cherokee asked and received unanimous consent to reconsider the vote by which the Senate amendment H-1679 and **House File 875**, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, general fund of the state, and related matters, and including effective and retroactive applicability date provisions, passed the House and was placed on its last reading on May 11, 2005 and found on pages 1867 through 1888 of the House Journal.

Huseman of Cherokee offered the following amendment H-1705 to the Senate amendment H-1679 filed by him from the floor and moved its adoption:

H-1705

- 1 Amend the Senate amendment, H-1679, to House File
- 2 875, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 7, and
- 5 inserting the following:
- 6 "___ Page 1, by striking lines 8 through 21."
- 7 2. Page 1, by inserting after line 42, the
- 8 following:
- 9 "___ Page 3, by inserting after line 11, the
- 10 following:
- 11 "d. For maintenance costs of the department of
- 12 corrections and board of parole associated with the
- 13 department of administrative services, notwithstanding

14 section 8.57, subsection 6, paragraph "c":
 15 \$ 105,300
 16 e. For rent payments for the community-based
 17 corrections facility located in Davenport and the
 18 department of corrections training center,
 19 notwithstanding section 8.57, subsection 6, paragraph
 20 "c":
 21 \$ 122,000
 22 2A. DEPARTMENT OF CULTURAL AFFAIRS
 23 For continuation of the project recommended by the
 24 Iowa battle flag advisory committee to stabilize the
 25 condition of the battle flag collection,
 26 notwithstanding section 8.57, subsection 6, paragraph
 27 "c":
 28 \$ 220,000"
 29 3. Page 2, by inserting after line 9, the
 30 following:
 31 "_. Page 4, by inserting after line 2 the
 32 following:
 33 "d. For major renovation and major repair needs,
 34 including health, life, and fire safety needs, and for
 35 compliance with the federal Americans With
 36 Disabilities Act, for state buildings and facilities
 37 under the purview of the community colleges:
 38 \$ 2,000,000
 39 The moneys appropriated in this lettered paragraph
 40 shall be allocated to the community colleges based
 41 upon the distribution formula established in section
 42 260C.18C, if enacted by 2005 Iowa Acts, House File
 43 816.
 44 e. For implementation of the provisions of Code
 45 chapter 280A, as amended by 2005 Iowa Acts, House File
 46 739, if enacted, notwithstanding section 8.57,
 47 subsection 6, paragraph "c":
 48 \$ 500,000"
 49 __. Page 4, by inserting after line 8 the
 50 following:

Page 2

1 "5A. IOWA FINANCE AUTHORITY
 2 For deposit into the transitional housing revolving
 3 loan program fund created in section 16.184, if
 4 enacted by 2005 Iowa Acts, House File 825:
 5 \$ 1,400,000"
 6 4. Page 2, by striking lines 13 and 14.
 7 5. Page 2, line 44, by inserting after the word
 8 "fire" the following: "regional".
 9 6. Page 3, line 4, by inserting after the word
 10 "fire" the following: "regional".

- 11 7. Page 3, by striking lines 13 and 14, and
- 12 inserting the following:
- 13 "___ Page 6, line 4, by striking the word "For"
- 14 and inserting the following: "a. For major".
- 15 ___ Page 6, by inserting after line 6, the
- 16 following:
- 17 "b. For major renovation and major repair needs,
- 18 including health, life, and fire safety needs, and for
- 19 compliance with the federal Americans With
- 20 Disabilities Act, for state buildings and facilities
- 21 under the purview of the state board of regents
- 22 institutions:
- 23 \$ 6,250,000""
- 24 8. Page 3, by inserting after line 17, the
- 25 following:
- 26 "___ Page 6, line 13, by striking the figure
- 27 "500,000" and inserting the following: "564,792"."
- 28 9. Page 3, by inserting after line 23, the
- 29 following:
- 30 "___ Page 6, by inserting after line 27, the
- 31 following:
- 32 "d. For the rail assistance program and to provide
- 33 economic development project funding:
- 34 \$ 35,959""
- 35 10. Page 3, by inserting after line 41, the
- 36 following:
- 37 "___ Page 10, by inserting after line 4, the
- 38 following:
- 39 "Sec. ___ 2005 Iowa Acts, House File 466, section
- 40 3, is repealed.""
- 41 11. Page 11, line 49, by inserting after the word
- 42 "courses." the following: "The treasurer of state is
- 43 authorized to establish separate and distinct accounts
- 44 within the honey creek premier destination park bond
- 45 fund in connection with the issuance of the
- 46 authority's bonds in accordance with the trust
- 47 indenture or resolution authorizing the bonds and the
- 48 authority is authorized to determine which revenues
- 49 and accounts shall be pledged as security for the
- 50 bonds. Amounts deposited in the honey creek premier

Page 3

1 destination park bond fund shall be deposited in the
 2 separate and distinct accounts as set forth in the
 3 trust indenture or resolution authorizing the bonds.
 4 The authority is authorized to pledge and use the
 5 gross revenues from the honey creek premier
 6 destination park to and for payment of the bonds.
 7 Revenues may also be used for the payment of
 8 insurance, other credit enhancements, and other
 9 financing arrangements. Operating expenses of the

10 honey creek premier destination park may be paid from
 11 the revenues to the extent the revenues exceed the
 12 amount determined by the authority to be necessary for
 13 debt service on the bonds."
 14 12. Page 15, line 49, by striking the word "July"
 15 and inserting the following: "January".
 16 13. Page 16, line 6, by striking the word "may"
 17 and inserting the following: "shall".
 18 14. Page 17, line 49, by inserting after the
 19 figure "12.30." the following: "However, the
 20 exemption from competitive bid laws in this section
 21 shall not be construed to apply to contracts for the
 22 development of the park or the development or
 23 construction of facilities in the park, including, but
 24 not limited to, lodges, campgrounds, cabins, and golf
 25 courses."

Amendment H-1705 was adopted.

On motion by Huseman of Cherokee the House concurred in the Senate amendment H-1679, as amended.

Huseman of Cherokee 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. 875)

The ayes were, 94:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Gaskill	Gipp	Granzow
Greiner	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.

Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, 1:

Fallon

Absent or not voting, 5:

Chambers	Frevert	Huser	Maddox
Shomshor			

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 875** be immediately messaged to the Senate.

HOUSE RECEDES

Horbach of Tama called up for consideration **House File 807**, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date, amended by the House and moved that the House recede from its amendment H-1637 to the Senate amendment H-1629, found on page 1760 of the House Journal.

The motion prevailed and the House recesses.

Horbach of Tama 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. 807)

The ayes were, 96:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Cohoon	Dandekar	Davitt

De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wildurdyke
Winckler	Wise	Zirkelbach	Mr. Speaker Rants

The nays were, none.

Absent or not voting, 4:

Chambers	Frevert	Huser	Shomshor
----------	---------	-------	----------

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 807** be immediately messaged to the Senate.

The House stood at ease at 1:15 p.m., until the fall of the gavel.

The House resumed session at 1:44 p.m., Speaker Rants in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: am directed to inform your honorable body that the Senate has on May 20, 2005, insisted on the Senate amendment to House File 834, a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations, and the members of the conference committee on the part of the Senate are: the senator from Black Hawk, Senator Danielson, Co-chair; the senator from Polk, Senator Ward, Co-chair; the senator from Polk, Senator Dearden; the senator from Warren, Senator Shull; the senator from Scott, Senator Seng; and the senator from Allamakee, Senator Ziemann.

Also: That the Senate has on May 20, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 858, a bill for an act establishing a statewide work-based learning intermediary network program and creating a fund.

Also: That the Senate has on May 20, 2005, insisted on the Senate amendment to the House amendment to Senate File 200, a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties, and the members of the conference committee on the part of the Senate are: the senator from Sac, Senator Kettering, Co-chair; the senator from Jasper, Senator Black, Co-chair; the senator from Pottawattamie, Senator Houser; the senator from Fayette, Senator Schoenjahn; the senator from Osceola, Senator Johnson; and the senator from Cerro Gordo, Senator Ragan.

MICHAEL E. MARSHALL, Secretary

CONFERENCE COMMITTEE APPOINTED (Senate File 200)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 200: Greiner of Washington, Chair; Kurtenbach of Story, Rasmussen of Buchanan, Mertz of Kossuth and Hogg of Linn.

CONFERENCE COMMITTEE APPOINTED (House File 834)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 834: Struyk of Pottawattamie, Chair; Greiner of Washington, Tymeson of Madison, Shoultz of Black Hawk and Huser of Polk.

SENATE AMENDMENT CONSIDERED

Horbach of Tama called up for consideration **House File 811**, a bill for an act relating to and making appropriations to the justice system and providing an effective date, amended by the Senate amendment H-1701 as follows:

H-1701

1 Amend House File 811, 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 "DIVISION I

6 FY 2005-2006 APPROPRIATIONS

7 JUSTICE SYSTEM

8 Section 1. DEPARTMENT OF JUSTICE.

9 1. There is appropriated from the general fund of
10 the state to the department of justice for the fiscal
11 year beginning July 1, 2005, and ending June 30, 2006,
12 the following amounts, or so much thereof as is
13 necessary, to be used for the purposes designated:

14 a. For the general office of attorney general for
15 salaries, support, maintenance, miscellaneous purposes
16 including the prosecuting attorneys training program,
17 victim assistance grants, office of drug control
18 policy (ODCP) prosecuting attorney program, legal
19 services for persons in poverty grants as provided in
20 section 13.34, odometer fraud enforcement, and for not
21 more than the following full-time equivalent
22 positions:

23 \$ 8,024,280
24 FTEs 214.50

25 It is the intent of the general assembly that as a
26 condition of receiving the appropriation provided in
27 this lettered paragraph, the department of justice
28 shall maintain a record of the estimated time incurred
29 representing each agency or department.

30 b. For victim assistance grants:
31 \$ 305,000

32 The funds appropriated in this lettered paragraph
33 shall be used to provide grants to care providers
34 providing services to crime victims of domestic abuse
35 or to crime victims of rape and sexual assault.

36 c. For legal services for persons in poverty
37 grants as provided in section 13.34:
38 \$ 750,000

39 2. In addition to the funds appropriated in
40 subsection 1, there is appropriated from the general

41 fund of the state to the department of justice for the
42 fiscal year beginning July 1, 2005, and ending June
43 30, 2006, an amount not exceeding \$200,000 to be used
44 for the enforcement of the Iowa competition law. The
45 funds appropriated in this subsection are contingent
46 upon receipt by the general fund of the state of an
47 amount at least equal to the expenditure amount from
48 either damages awarded to the state or a political
49 subdivision of the state by a civil judgment under
50 chapter 553, if the judgment authorizes the use of the

Page 2

1 award for enforcement purposes or costs or attorneys
2 fees awarded the state in state or federal antitrust
3 actions. However, if the amounts received as a result
4 of these judgments are in excess of \$200,000, the
5 excess amounts shall not be appropriated to the
6 department of justice pursuant to this subsection.
7 The department of justice shall report the
8 department's actual costs and an estimate of the time
9 incurred enforcing the competition law, to the co-
10 chairpersons and ranking members of the joint
11 appropriations subcommittee on the justice system, and
12 to the legislative services agency by November 15,
13 2005.

14 3. In addition to the funds appropriated in
15 subsection 1, there is appropriated from the general
16 fund of the state to the department of justice for the
17 fiscal year beginning July 1, 2005, and ending June
18 30, 2006, an amount not exceeding \$1,125,000 to be
19 used for public education relating to consumer fraud
20 and for enforcement of section 714.16, and an amount
21 not exceeding \$75,000 for investigation, prosecution,
22 and consumer education relating to consumer and
23 criminal fraud against older Iowans. The funds
24 appropriated in this subsection are contingent upon
25 receipt by the general fund of the state of an amount
26 at least equal to the expenditure amount from damages
27 awarded to the state or a political subdivision of the
28 state by a civil consumer fraud judgment or
29 settlement, if the judgment or settlement authorizes
30 the use of the award for public education on consumer
31 fraud. However, if the funds received as a result of
32 these judgments and settlements are in excess of
33 \$1,200,000, the excess funds shall not be appropriated
34 to the department of justice pursuant to this
35 subsection. The department of justice shall report to
36 the co-chairpersons and ranking members of the joint
37 appropriations subcommittee on the justice system, and
38 to the legislative services agency by November 15,
39 2005, the department's actual costs and an estimate of

40 the time incurred in providing education pursuant to
41 and enforcing this subsection.

42 4. The balance of the victim compensation fund
43 established in section 915.94 may be used to provide
44 salary and support of not more than 22 FTEs and to
45 provide maintenance for the victim compensation
46 functions of the department of justice.

47 5. a. The department of justice, in submitting
48 budget estimates for the fiscal year commencing July
49 1, 2006, pursuant to section 8.23, shall include a
50 report of funding from sources other than amounts

Page 3

1 appropriated directly from the general fund of the
2 state to the department of justice or to the office of
3 consumer advocate. These funding sources shall
4 include, but are not limited to, reimbursements from
5 other state agencies, commissions, boards, or similar
6 entities, and reimbursements from special funds or
7 internal accounts within the department of justice.
8 The department of justice shall report actual
9 reimbursements for the fiscal year commencing July 1,
10 2004, and actual and expected reimbursements for the
11 fiscal year commencing July 1, 2005.

12 b. The department of justice shall include the
13 report required under paragraph "a", as well as
14 information regarding any revisions occurring as a
15 result of reimbursements actually received or expected
16 at a later date, in a report to the co-chairpersons
17 and ranking members of the joint appropriations
18 subcommittee on the justice system and the legislative
19 services agency. The department of justice shall
20 submit the report on or before January 15, 2006.

21 6. In addition to the funds appropriated in
22 subsection 1, there is appropriated from the general
23 fund of the state to the department of justice for the
24 fiscal year beginning July 1, 2005, and ending June
25 30, 2006, an amount not exceeding \$150,000 to be used
26 for legal services for persons in poverty grants as
27 provided in section 13.34, and an amount not exceeding
28 \$95,000 for legal services related to the department
29 of elder affairs legal hotline. The funds
30 appropriated in this subsection are contingent upon
31 receipt by the general fund of the state of an amount
32 at least equal to the expenditure amount from costs or
33 attorney fees awarded the state in settlement of its
34 antitrust action against Microsoft brought under
35 chapter 553. However, if the amounts received as a
36 result of this settlement are in excess of \$245,000,
37 the excess amounts shall not be appropriated to the
38 department of justice pursuant to this paragraph.

39 Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL
40 CRIMES INVESTIGATION AND PROSECUTION -- FUNDING.

41 There is appropriated from the environmental crime
42 fund of the department of justice, consisting of
43 court-ordered fines and penalties awarded to the
44 department arising out of the prosecution of
45 environmental crimes, to the department of justice for
46 the fiscal year beginning July 1, 2005, and ending
47 June 30, 2006, an amount not exceeding \$20,000 to be
48 used by the department, at the discretion of the
49 attorney general, for the investigation and
50 prosecution of environmental crimes, including the

Page 4

1 reimbursement of expenses incurred by county,
2 municipal, and other local governmental agencies
3 cooperating with the department in the investigation
4 and prosecution of environmental crimes.

5 The funds appropriated in this section are
6 contingent upon receipt by the environmental crime
7 fund of the department of justice of an amount at
8 least equal to the appropriations made in this section
9 and received from contributions, court-ordered
10 restitution as part of judgments in criminal cases,
11 and consent decrees entered into as part of civil or
12 regulatory enforcement actions. However, if the funds
13 received during the fiscal year are in excess of
14 \$20,000, the excess funds shall be deposited in the
15 general fund of the state.

16 Notwithstanding section 8.33, moneys appropriated
17 in this section 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 purpose designated until the close of the
21 succeeding fiscal year.

22 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is
23 appropriated from the general fund of the state to the
24 office of consumer advocate of the department of
25 justice for the fiscal year beginning July 1, 2005,
26 and ending June 30, 2006, the following amount, or so
27 much thereof as is necessary, to be used for the
28 purposes designated:

29 For salaries, support, maintenance, miscellaneous
30 purposes, and for not more than the following full-
31 time equivalent positions:
32 \$ 2,810,442
33 FTEs 27.00

34 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES.

35 1. There is appropriated from the general fund of
36 the state to the department of corrections for the
37 fiscal year beginning July 1, 2005, and ending June

38 30, 2006, the following amounts, or so much thereof as
39 is necessary, to be used for the purposes designated:

40 For the operation of adult correctional
41 institutions, reimbursement of counties for certain
42 confinement costs, and federal prison reimbursement,
43 to be allocated as follows:

44 a. For the operation of the Fort Madison
45 correctional facility, including salaries, support,
46 maintenance, and miscellaneous purposes:
47 \$ 38,923,261

48 b. For the operation of the Anamosa correctional
49 facility, including salaries, support, maintenance,
50 and miscellaneous purposes:

Page 5

1 \$ 27,257,452

2 Moneys are provided within this appropriation for
3 one full-time substance abuse counselor for the Luster
4 Heights facility, for the purpose of certification of
5 a substance abuse program at that facility.

6 c. For the operation of the Oakdale correctional
7 facility, including salaries, support, maintenance,
8 and miscellaneous purposes:
9 \$ 25,730,278

10 d. For the operation of the Newton correctional
11 facility, including salaries, support, maintenance,
12 and miscellaneous purposes:
13 \$ 25,073,632

14 e. For the operation of the Mt. Pleasant
15 correctional facility, including salaries, support,
16 maintenance, and miscellaneous purposes:
17 \$ 23,753,340

18 f. For the operation of the Rockwell City
19 correctional facility, including salaries, support,
20 maintenance, and miscellaneous purposes:
21 \$ 8,096,378

22 g. For the operation of the Clarinda correctional
23 facility, including salaries, support, maintenance,
24 and miscellaneous purposes:
25 \$ 22,904,497

26 Moneys received by the department of corrections as
27 reimbursement for services provided to the Clarinda
28 youth corporation are appropriated to the department
29 and shall be used for the purpose of operating the
30 Clarinda correctional facility.

31 h. For the operation of the Mitchellville
32 correctional facility, including salaries, support,
33 maintenance, and miscellaneous purposes:
34 \$ 14,002,603

35 i. For the operation of the Fort Dodge
36 correctional facility, including salaries, support,

37 maintenance, and miscellaneous purposes:
 38 \$ 26,315,943
 39 j. For reimbursement of counties for temporary
 40 confinement of work release and parole violators, as
 41 provided in sections 901.7, 904.908, and 906.17 and
 42 for offenders confined pursuant to section 904.513:
 43 \$ 674,954
 44 k. For federal prison reimbursement,
 45 reimbursements for out-of-state placements, and
 46 miscellaneous contracts:
 47 \$ 241,293
 48 2. The department of corrections shall use funds
 49 appropriated in subsection 1 to continue to contract
 50 for the services of a Muslim imam.

Page 6

1 Sec. 5. DEPARTMENT OF CORRECTIONS –
 2 ADMINISTRATION.
 3 1. There is appropriated from the general fund of
 4 the state to the department of corrections for the
 5 fiscal year beginning July 1, 2005, and ending June
 6 30, 2006, the following amounts, or so much thereof as
 7 is necessary, to be used for the purposes designated:
 8 a. For general administration, including salaries,
 9 support, maintenance, employment of an education
 10 director to administer a centralized education program
 11 for the correctional system, and miscellaneous
 12 purposes:
 13 \$ 2,829,708
 14 (1) It is the intent of the general assembly that
 15 as a condition of receiving the appropriation provided
 16 in this lettered paragraph, the department of
 17 corrections shall not, except as otherwise provided in
 18 subparagraph (3), enter into a new contract, unless
 19 the contract is a renewal of an existing contract, for
 20 the expenditure of moneys in excess of \$100,000 during
 21 the fiscal year beginning July 1, 2005, for the
 22 privatization of services performed by the department
 23 using state employees as of July 1, 2005, or for the
 24 privatization of new services by the department,
 25 without prior consultation with any applicable state
 26 employee organization affected by the proposed new
 27 contract and prior notification of the co-
 28 chairpersons and ranking members of the joint
 29 appropriations subcommittee on the justice system.
 30 (2) It is the intent of the general assembly that
 31 each lease negotiated by the department of corrections
 32 with a private corporation for the purpose of
 33 providing private industry employment of inmates in a
 34 correctional institution shall prohibit the private
 35 corporation from utilizing inmate labor for partisan

36 political purposes for any person seeking election to
 37 public office in this state and that a violation of
 38 this requirement shall result in a termination of the
 39 lease agreement.
 40 (3) It is the intent of the general assembly that
 41 as a condition of receiving the appropriation provided
 42 in this lettered paragraph, the department of
 43 corrections shall not enter into a lease or
 44 contractual agreement pursuant to section 904.809 with
 45 a private corporation for the use of building space
 46 for the purpose of providing inmate employment without
 47 providing that the terms of the lease or contract
 48 establish safeguards to restrict, to the greatest
 49 extent feasible, access by inmates working for the
 50 private corporation to personal identifying

Page 7

1 information of citizens.
 2 b. For educational programs for inmates at state
 3 penal institutions:
 4 \$ 1,008,358
 5 It is the intent of the general assembly that
 6 moneys appropriated in this lettered paragraph shall
 7 be used solely for the purpose indicated and that the
 8 moneys shall not be transferred for any other purpose.
 9 In addition, it is the intent of the general assembly
 10 that the department shall consult with the community
 11 colleges in the areas in which the institutions are
 12 located to utilize moneys appropriated in this
 13 lettered paragraph to fund the high school completion,
 14 high school equivalency diploma, adult literacy, and
 15 adult basic education programs in a manner so as to
 16 maintain these programs at the institutions.
 17 To maximize the funding for educational programs,
 18 the department shall establish guidelines and
 19 procedures to prioritize the availability of
 20 educational and vocational training for inmates based
 21 upon the goal of facilitating an inmate's successful
 22 release from the correctional institution.
 23 The director of the department of corrections may
 24 transfer moneys from Iowa prison industries for use in
 25 educational programs for inmates.
 26 Notwithstanding section 8.33, moneys appropriated
 27 in this lettered paragraph that remain unobligated or
 28 unexpended at the close of the fiscal year shall not
 29 revert but shall remain available for expenditure only
 30 for the purpose designated in this lettered paragraph
 31 until the close of the succeeding fiscal year.
 32 c. For the development of the Iowa corrections
 33 offender network (ICON) data system:
 34 \$ 427,700

35 2. It is the intent of the general assembly that
36 the department of corrections shall continue to
37 operate the correctional farms under the control of
38 the department at the same or greater level of
39 participation and involvement as existed as of January
40 1, 2005, shall not enter into any rental agreement or
41 contract concerning any farmland under the control of
42 the department that is not subject to a rental
43 agreement or contract as of January 1, 2005, without
44 prior legislative approval, and shall further attempt
45 to provide job opportunities at the farms for inmates.
46 The department shall attempt to provide job
47 opportunities at the farms for inmates by encouraging
48 labor-intensive farming or gardening where
49 appropriate, using inmates to grow produce and meat
50 for institutional consumption, researching the

Page 8

1 possibility of instituting food canning and cook-and-
2 chill operations, and exploring opportunities for
3 organic farming and gardening, livestock ventures,
4 horticulture, and specialized crops.
5 3. The department shall work to increase produce
6 gardening by inmates under the control of the
7 correctional institutions, and, if appropriate, may
8 use the central distribution network at the Woodward
9 state resource center. The department shall file a
10 report with the co-chairpersons and ranking members of
11 the joint appropriations subcommittee on the justice
12 system by December 1, 2005, regarding the feasibility
13 of expanding the number of acres devoted to organic
14 gardening and to the growing of organic produce for
15 sale.
16 4. The department of corrections shall submit a
17 report to the general assembly by January 1, 2006,
18 concerning moneys recouped from inmate earnings for
19 the reimbursement of operational expenses of the
20 applicable facility during the fiscal year beginning
21 July 1, 2004, for each correctional institution and
22 judicial district department of correctional services.
23 In addition, each correctional institution and
24 judicial district department of correctional services
25 shall continue to submit a report to the legislative
26 services agency on a monthly basis concerning moneys
27 recouped from inmate earnings pursuant to sections
28 904.702, 904.809, and 905.14.
29 5. It is the intent of the general assembly that
30 as a condition of receiving the appropriation provided
31 in this lettered paragraph, the department shall not
32 enter into any agreement with a private sector
33 nongovernmental entity for the purpose of housing

34 inmates committed to the custody of the director of
35 the department, without express authorization of the
36 general assembly to do so.

37 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF
38 CORRECTIONAL SERVICES.

39 1. There is appropriated from the general fund of
40 the state to the department of corrections for the
41 fiscal year beginning July 1, 2005, and ending June
42 30, 2006, the following amounts, or so much thereof as
43 is necessary, to be allocated as follows:

44 a. For the first judicial district department of
45 correctional services, including the treatment and
46 supervision of probation and parole violators who have
47 been released from the department of corrections
48 violator program, the following amount, or so much
49 thereof as is necessary:

50 \$ 10,718,695

Page 9

1 b. For the second judicial district department of
2 correctional services, including the treatment and
3 supervision of probation and parole violators who have
4 been released from the department of corrections
5 violator program, the following amount, or so much
6 thereof as is necessary:

7 \$ 8,308,209

8 c. For the third judicial district department of
9 correctional services, including the treatment and
10 supervision of probation and parole violators who have
11 been released from the department of corrections
12 violator program, the following amount, or so much
13 thereof as is necessary:

14 \$ 4,983,792

15 d. For the fourth judicial district department of
16 correctional services, including the treatment and
17 supervision of probation and parole violators who have
18 been released from the department of corrections
19 violator program, the following amount, or so much
20 thereof as is necessary:

21 \$ 4,443,392

22 e. For the fifth judicial district department of
23 correctional services, including the treatment and
24 supervision of probation and parole violators who have
25 been released from the department of corrections
26 violator program, the following amount, or so much
27 thereof as is necessary:

28 \$ 14,678,288

29 f. For the sixth judicial district department of
30 correctional services, including the treatment and
31 supervision of probation and parole violators who have
32 been released from the department of corrections

33 violator program, the following amount, or so much
 34 thereof as is necessary:
 35 \$ 10,598,160
 36 g. For the seventh judicial district department of
 37 correctional services, including the treatment and
 38 supervision of probation and parole violators who have
 39 been released from the department of corrections
 40 violator program, the following amount, or so much
 41 thereof as is necessary:
 42 \$ 6,010,963
 43 h. For the eighth judicial district department of
 44 correctional services, including the treatment and
 45 supervision of probation and parole violators who have
 46 been released from the department of corrections
 47 violator program, the following amount, or so much
 48 thereof as is necessary:
 49 \$ 6,164,249
 50 As a condition of the funds appropriated in this

Page 10

1 paragraph, the eighth judicial district department of
 2 correctional services shall establish a drug court
 3 that uses the community-panel model.

4 2. Each judicial district department of
 5 correctional services, within the funding available,
 6 shall continue programs and plans established within
 7 that district to provide for intensive supervision,
 8 sex offender treatment, diversion of low-risk
 9 offenders to the least restrictive sanction available,
 10 job development, and expanded use of intermediate
 11 criminal sanctions.

12 3. Each judicial district department of
 13 correctional services shall provide alternatives to
 14 prison consistent with chapter 901B. The alternatives
 15 to prison shall ensure public safety while providing
 16 maximum rehabilitation to the offender. A judicial
 17 district department may also establish a day program.

18 4. The governor's office of drug control policy
 19 shall consider federal grants made to the department
 20 of corrections for the benefit of each of the eight
 21 judicial district departments of correctional services
 22 as local government grants, as defined pursuant to
 23 federal regulations.

24 5. The department of corrections shall continue to
 25 contract with a judicial district department of
 26 correctional services to provide for the rental of
 27 electronic monitoring equipment which shall be
 28 available statewide.

29 **Sec. 7. INTENT – REPORTS.**

30 1. The department of corrections shall submit a
 31 report on inmate labor to the general assembly, to the

32 co-chairpersons and the ranking members of the joint
33 appropriations subcommittee on the justice system, and
34 to the legislative services agency by January 15,
35 2006. The report shall specifically address the
36 progress the department has made in implementing the
37 requirements of section 904.701, inmate labor on
38 capital improvement projects, community work crews,
39 inmate produce gardening, and private-sector
40 employment.

41 2. The department in cooperation with townships,
42 the Iowa cemetery associations, and other nonprofit or
43 governmental entities may use inmate labor to restore
44 or preserve rural cemeteries and historical landmarks.
45 The department in cooperation with the counties may
46 also use inmate labor to clean up roads, major water
47 sources, and other water sources around the state.

48 3. Each month the department shall provide a
49 status report regarding private-sector employment to
50 the legislative services agency beginning on July 1,

Page 11

1 2005. The report shall include the number of
2 offenders employed in the private sector, the combined
3 number of hours worked by the offenders, and the total
4 amount of allowances, and the distribution of
5 allowances pursuant to section 904.702, including any
6 moneys deposited in the general fund of the state.

7 Sec. 8. ELECTRONIC MONITORING REPORT. The
8 department of corrections shall submit a report on
9 electronic monitoring to the general assembly, to the
10 co-chairpersons and the ranking members of the joint
11 appropriations subcommittee on the justice system, and
12 to the legislative services agency by January 15,
13 2006. The report shall specifically address the
14 number of persons being electronically monitored and
15 break down the number of persons being electronically
16 monitored by offense committed. The report shall also
17 include a comparison of any data from the prior fiscal
18 year with the current year.

19 Sec. 9. STATE AGENCY PURCHASES FROM PRISON
20 INDUSTRIES.

21 1. As used in this section, unless the context
22 otherwise requires, "state agency" means the
23 government of the state of Iowa, including but not
24 limited to all executive branch departments, agencies,
25 boards, bureaus, and commissions, the judicial branch,
26 the general assembly and all legislative agencies,
27 institutions within the purview of the state board of
28 regents, and any corporation whose primary function is
29 to act as an instrumentality of the state.

30 2. State agencies are hereby encouraged to

31 purchase products from Iowa state industries, as
 32 defined in section 904.802, when purchases are
 33 required and the products are available from Iowa
 34 state industries. State agencies shall obtain bids
 35 from Iowa state industries for purchases of office
 36 furniture exceeding \$5,000 or in accordance with
 37 applicable administrative rules related to purchases
 38 for the agency.

39 Sec. 10. STATE PUBLIC DEFENDER. There is
 40 appropriated from the general fund of the state to the
 41 office of the state public defender of the department
 42 of inspections and appeals for the fiscal year
 43 beginning July 1, 2005, and ending June 30, 2006, the
 44 following amounts, or so much thereof as is necessary,
 45 to be allocated as follows for the purposes
 46 designated:

- 47 1. For salaries, support, maintenance, and
- 48 miscellaneous purposes, and for not more than the
- 49 following full-time equivalent positions:
- 50 \$ 18,444,964

Page 12

- 1 FTEs 202.00
- 2 2. For the fees of court-appointed attorneys for
- 3 indigent adults and juveniles, in accordance with
- 4 section 232.141 and chapter 815:
- 5 \$ 21,163,082

6 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

7 1. There is appropriated from the general fund of
 8 the state to the Iowa law enforcement academy for the
 9 fiscal year beginning July 1, 2005, and ending June
 10 30, 2006, the following amount, or so much thereof as
 11 is necessary, to be used for the purposes designated:

- 12 For salaries, support, maintenance, miscellaneous
- 13 purposes, including jailer training and technical
- 14 assistance, and for not more than the following full-
- 15 time equivalent positions:
- 16 \$ 1,075,138
- 17 FTEs 30.05

18 It is the intent of the general assembly that the
 19 Iowa law enforcement academy may provide training of
 20 state and local law enforcement personnel concerning
 21 the recognition of and response to persons with
 22 Alzheimer's disease.

23 The Iowa law enforcement academy may temporarily
 24 exceed and draw more than the amount appropriated and
 25 incur a negative cash balance as long as there are
 26 receivables equal to or greater than the negative
 27 balance and the amount appropriated in this subsection
 28 is not exceeded at the close of the fiscal year.

- 29 2. The Iowa law enforcement academy may select at

30 least five automobiles of the department of public
 31 safety, division of the Iowa state patrol, prior to
 32 turning over the automobiles to the department of
 33 administrative services to be disposed of by public
 34 auction and the Iowa law enforcement academy may
 35 exchange any automobile owned by the academy for each
 36 automobile selected if the selected automobile is used
 37 in training law enforcement officers at the academy.
 38 However, any automobile exchanged by the academy shall
 39 be substituted for the selected vehicle of the
 40 department of public safety and sold by public auction
 41 with the receipts being deposited in the depreciation
 42 fund to the credit of the department of public safety,
 43 division of the Iowa state patrol.

44 Sec. 12. BOARD OF PAROLE. There is appropriated
 45 from the general fund of the state to the board of
 46 parole for the fiscal year beginning July 1, 2005, and
 47 ending June 30, 2006, the following amount, or so much
 48 thereof as is necessary, to be used for the purposes
 49 designated:
 50 For salaries, support, maintenance, miscellaneous

Page 13

1 purposes, and for not more than the following full-
 2 time equivalent positions:
 3 \$ 1,121,044
 4 FTEs 17.50

5 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
 6 appropriated from the general fund of the state to the
 7 department of public defense for the fiscal year
 8 beginning July 1, 2005, and ending June 30, 2006, the
 9 following amounts, or so much thereof as is necessary,
 10 to be used for the purposes designated:

11 1. MILITARY DIVISION

12 For salaries, support, maintenance, miscellaneous
 13 purposes, and for not more than the following full-
 14 time equivalent positions:
 15 \$ 5,130,040
 16 FTEs 312.55

17 The military division may temporarily exceed and
 18 draw more than the amount appropriated and incur a
 19 negative cash balance as long as there are receivables
 20 of federal funds equal to or greater than the negative
 21 balance and the amount appropriated in this subsection
 22 is not exceeded at the close of the fiscal year.

23 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
24 DIVISION

25 For salaries, support, maintenance, miscellaneous
 26 purposes, and for not more than the following full-
 27 time equivalent positions:
 28 \$ 1,172,230

29 FTEs 24.75
 30 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
 31 appropriated from the general fund of the state to the
 32 department of public safety for the fiscal year
 33 beginning July 1, 2005, and ending June 30, 2006, the
 34 following amounts, or so much thereof as is necessary,
 35 to be used for the purposes designated:
 36 1. For the department's administrative functions,
 37 including the criminal justice information system, and
 38 for not more than the following full-time equivalent
 39 positions:
 40 \$ 3,370,033
 41 FTEs 38.00
 42 2. For the division of criminal investigation and
 43 bureau of identification, including the state's
 44 contribution to the peace officers' retirement,
 45 accident, and disability system provided in chapter
 46 97A in the amount of 17 percent of the salaries for
 47 which the funds are appropriated, to meet federal fund
 48 matching requirements, and for not more than the
 49 following full-time equivalent positions:
 50 \$ 15,682,052

Page 14

1 FTEs 225.50
 2 In addition to the funds appropriated in this
 3 subsection, there is appropriated from the general
 4 fund of the state to the department of public safety,
 5 division of criminal investigation and bureau of
 6 identification for the fiscal year beginning July 1,
 7 2005, and ending June 30, 2006, an amount not
 8 exceeding \$304,206 to be used for the purchase of DNA
 9 profiling equipment. The funds appropriated in this
 10 paragraph are contingent upon receipt by the general
 11 fund of the state of an amount at least equal to the
 12 expenditure amount from costs or attorney fees awarded
 13 the state in settlement of its antitrust action
 14 against Microsoft brought under chapter 553. However,
 15 if the amounts received as a result of this settlement
 16 are in excess of \$304,206, the excess amounts shall
 17 not be appropriated to the department pursuant to this
 18 paragraph.
 19 3. For the criminalistics laboratory fund, if
 20 created in section 602.8108:
 21 \$ 342,000
 22 In addition to the funds appropriated in this
 23 subsection, there is appropriated from the general
 24 fund of the state to the department of public safety
 25 for the fiscal year beginning July 1, 2005, and ending
 26 June 30, 2006, an amount not exceeding \$390,000 to be
 27 used for the purchase of crime laboratory equipment.

28 The funds appropriated in this paragraph are
 29 contingent upon receipt by the general fund of the
 30 state of an amount at least equal to the expenditure
 31 amount from costs or attorney fees awarded the state
 32 in settlement of its antitrust action against
 33 Microsoft brought under chapter 553. However, if the
 34 amounts received as a result of this settlement are in
 35 excess of \$390,000, the excess amounts shall not be
 36 appropriated to the department pursuant to this
 37 paragraph.

38 The department of public safety, with the approval
 39 of the department of management, may employ no more
 40 than two special agents and four gaming enforcement
 41 officers for each additional riverboat regulated after
 42 July 1, 2005, and one special agent for each racing
 43 facility which becomes operational during the fiscal
 44 year which begins July 1, 2005. One additional gaming
 45 enforcement officer, up to a total of four per
 46 riverboat, may be employed for each riverboat that has
 47 extended operations to 24 hours and has not previously
 48 operated with a 24-hour schedule. Positions
 49 authorized in this paragraph are in addition to the
 50 full-time equivalent positions otherwise authorized in

Page 15

1 this subsection.

2 4. a. For the division of narcotics enforcement,
 3 including the state's contribution to the peace
 4 officers' retirement, accident, and disability system
 5 provided in chapter 97A in the amount of 17 percent of
 6 the salaries for which the funds are appropriated, to
 7 meet federal fund matching requirements, and for not
 8 more than the following full-time equivalent
 9 positions:

10 \$ 4,701,141
 11 FTEs 75.00

12 b. For the division of narcotics enforcement for
 13 undercover purchases:

14 \$ 123,343

15 5. a. For the state fire marshal's office,
 16 including the state's contribution to the peace
 17 officers' retirement, accident, and disability system
 18 provided in chapter 97A in the amount of 17 percent of
 19 the salaries for which the funds are appropriated, and
 20 for not more than the following full-time equivalent
 21 positions:

22 \$ 2,181,998
 23 FTEs 39.00

24 b. For the state fire marshal's office, for fire
 25 protection services as provided through the state fire
 26 service and emergency response council as created in

27 the department, and for not more than the following
 28 full-time equivalent positions:
 29 \$ 638,021
 30 FTEs 10.00

31 Of the amount appropriated in this paragraph, the
 32 state fire marshal shall allocate \$200 for the mailing
 33 of a notice to all affected agencies or emergency
 34 services providers informing the agencies or providers
 35 about the requirement of an autopsy under section
 36 144.56A.

37 6. For the division of the Iowa state patrol of
 38 the department of public safety, for salaries,
 39 support, maintenance, workers' compensation costs, and
 40 miscellaneous purposes, including the state's
 41 contribution to the peace officers' retirement,
 42 accident, and disability system provided in chapter
 43 97A in the amount of 17 percent of the salaries for
 44 which the funds are appropriated, and for not more
 45 than the following full-time equivalent positions:
 46 \$ 43,747,973
 47 FTEs 531.00

48 In addition to the funds appropriated in this
 49 subsection, there is appropriated from the general
 50 fund of the state to the division of the Iowa state

Page 16

1 patrol for the fiscal year beginning July 1, 2005, and
 2 ending June 30, 2006, an amount not exceeding \$700,000
 3 to be used for motor vehicle depreciation, and an
 4 amount not exceeding \$75,000 for the purchase of
 5 weapons. The funds appropriated in this paragraph are
 6 contingent upon receipt by the general fund of the
 7 state of an amount at least equal to the expenditure
 8 amount from costs or attorney fees awarded the state
 9 in settlement of its antitrust action against
 10 Microsoft brought under chapter 553. However, if the
 11 amounts received as a result of this settlement are in
 12 excess of \$775,000, the excess amounts shall not be
 13 appropriated to the division of the Iowa state patrol
 14 pursuant to this paragraph.

15 It is the intent of the general assembly that
 16 members of the Iowa state patrol be assigned to patrol
 17 the highways and roads in lieu of assignments for
 18 inspecting school buses for the school districts.

19 7. For deposit in the public safety law
 20 enforcement sick leave benefits fund established under
 21 section 80.42, for all departmental employees eligible
 22 to receive benefits for accrued sick leave under the
 23 collective bargaining agreement:
 24 \$ 316,179

25 An employee of the department of public safety who

26 retires after July 1, 2005, but prior to June 30,
 27 2006, is eligible for payment of life or health
 28 insurance premiums as provided for in the collective
 29 bargaining agreement covering the public safety
 30 bargaining unit at the time of retirement if that
 31 employee previously served in a position which would
 32 have been covered by the agreement. The employee
 33 shall be given credit for the service in that prior
 34 position as though it were covered by that agreement.
 35 The provisions of this subsection shall not operate to
 36 reduce any retirement benefits an employee may have
 37 earned under other collective bargaining agreements or
 38 retirement programs.

39 8. For costs associated with the training and
 40 equipment needs of volunteer fire fighters and for not
 41 more than the following full-time equivalent position:
 42 \$ 699,587
 43 FTEs 1.00

44 Notwithstanding section 8.33, moneys appropriated
 45 in this subsection that remain unobligated or
 46 unexpended at the close of the fiscal year shall not
 47 revert but shall remain available for expenditure only
 48 for the purpose designated in this subsection until
 49 the close of the succeeding fiscal year.

50 Sec. 15. CIVIL RIGHTS COMMISSION. There is

Page 17

1 appropriated from the general fund of the state to the
 2 Iowa state civil rights commission for the fiscal year
 3 beginning July 1, 2005, and ending June 30, 2006, the
 4 following amount, or so much thereof as is necessary,
 5 to be used for the purposes designated:

6 For salaries, support, maintenance, miscellaneous
 7 purposes, and for not more than the following full-
 8 time equivalent positions:
 9 \$ 1,000,788
 10 FTEs 27.50

11 The Iowa state civil rights commission may enter
 12 into a contract with a nonprofit organization to
 13 provide legal assistance to resolve civil rights
 14 complaints.

15 Sec. 16. DIVISION OF CRIMINAL AND JUVENILE JUSTICE
 16 PLANNING. In addition to any other funds appropriated
 17 to the division of criminal and juvenile justice
 18 planning of the department of human rights, there is
 19 appropriated from the general fund of the state to the
 20 division of criminal and juvenile justice planning for
 21 the fiscal year beginning July 1, 2005, and ending
 22 June 30, 2006, the following amount, or so much
 23 thereof as is necessary, to be used for the purposes
 24 designated:

25 For the establishment and administration of the sex
 26 offender treatment and supervision task force:
 27 \$ 75,000
 28 Sec. 17. HOMELAND SECURITY AND EMERGENCY
 29 MANAGEMENT DIVISION. There is appropriated from the
 30 wireless E911 emergency communications fund to the
 31 administrator of the homeland security and emergency
 32 management division of the department of public
 33 defense for the fiscal year beginning July 1, 2005,
 34 and ending June 30, 2006, an amount not exceeding two
 35 hundred thousand dollars to be used for
 36 implementation, support, and maintenance of the
 37 functions of the administrator and program manager
 38 under chapter 34A and to employ the auditor of the
 39 state to perform an annual audit of the wireless E911
 40 emergency communications fund.
 41 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY – FEES.
 42 Notwithstanding section 80B.11B, the Iowa law
 43 enforcement academy may charge more than one-half the
 44 cost of providing the basic training course if a
 45 majority of the Iowa law enforcement academy council
 46 authorizes charging more than one-half of the cost of
 47 providing basic training. This section is repealed on
 48 June 30, 2006.
 49 Sec. 19. NEW SECTION. 144.56A PUBLIC SAFETY
 50 OFFICER DEATH – REQUIRED NOTICE – AUTOPSY.

Page 18

1 A person who is authorized to pronounce individuals
 2 dead is required to inform one of the persons
 3 authorized to request an autopsy, as provided in
 4 section 144.56, that an autopsy will be required if
 5 the individual who died was a public safety officer
 6 who may have died in the line of duty and an eligible
 7 beneficiary of the deceased seeks to claim a federal
 8 public safety officer death benefit.
 9 Sec. 20. Section 158.2, Code 2005, is amended by
 10 adding the following new subsection:
 11 NEW SUBSECTION. 7. Offenders committed to the
 12 custody of the director of the department of
 13 corrections who cut the hair, or trim or shave the
 14 beard of any other offender within a correctional
 15 facility, without receiving direct compensation from
 16 the person receiving the service.

DIVISION II
 SUPPLEMENTAL APPROPRIATIONS
 DEPARTMENT OF CORRECTIONS – FACILITIES

17
 18
 19
 20 Sec. 21. Section 804.21, subsection 1, Code 2005,
 21 as amended by 2005 Iowa Acts, Senate File 169, section
 22 7, is amended to read as follows:
 23 1. A person arrested in obedience to a warrant

24 shall be taken without unnecessary delay before the
25 nearest or most accessible magistrate. The officer
26 shall at the same time deliver to the magistrate the
27 warrant with the officer's return endorsed on it and
28 subscribed by the officer with the officer's official
29 title. However, this section, and sections 804.22 and
30 804.23, do not preclude the release of an arrested
31 person within the period of time the person would
32 otherwise remain incarcerated while waiting to be
33 taken before a magistrate if the release is pursuant
34 to pretrial release guidelines or a bond schedule
35 promulgated by the judicial council, unless the person
36 is charged with manufacture, ~~delivery, or~~ possession
37 with intent to ~~deliver, or distribution of~~ manufacture
38 methamphetamine. If, however, a person is released
39 pursuant to pretrial release guidelines, a magistrate
40 must, within twenty-four hours of the release, or as
41 soon as practicable on the next subsequent working day
42 of the court, either approve in writing of the
43 release, or disapprove of the release and issue a
44 warrant for the person's arrest.

45 Sec. 22. Section 804.22, unnumbered paragraph 2,
46 Code 2005, as amended by 2005 Iowa Acts, Senate File
47 169, section 8, is amended to read as follows:

48 This section and the rules of criminal procedure do
49 not affect the provisions of chapter 805 authorizing
50 the release of a person on citation or bail prior to

Page 19

1 initial appearance, unless the person is charged with
2 manufacture, ~~delivery, or~~ possession with intent to
3 ~~deliver, or distribution of~~ manufacture
4 methamphetamine. The initial appearance of a person
5 so released shall be scheduled for a time not more
6 than thirty days after the date of release.

7 Sec. 23. Section 811.2, subsection 1, unnumbered
8 paragraph 2, Code 2005, as amended by 2005 Iowa Acts,
9 Senate File 169, section 10, is amended to read as
10 follows:

11 Any bailable defendant who is charged with unlawful
12 possession, manufacture, delivery, or distribution of
13 a controlled substance or other drug under chapter 124
14 and is ordered released shall be required, as a
15 condition of that release, to submit to a substance
16 abuse evaluation and follow any recommendations
17 proposed in the evaluation for appropriate substance
18 abuse treatment. However, if a bailable defendant is
19 charged with manufacture, ~~delivery, or~~ possession with
20 the intent to ~~deliver, or distribution of~~ manufacture
21 methamphetamine, its salts, optical isomers, and salts
22 of its optical isomers, the defendant shall, in

23 addition to a substance abuse evaluation, remain under
24 supervision and be required to undergo random drug
25 tests as a condition of release.

26 Sec. 24. Section 811.2, subsection 3, Code 2005,
27 as amended by 2005 Iowa Acts, Senate File 169, section
28 11, is amended to read as follows:

29 3. RELEASE AT INITIAL APPEARANCE. This chapter
30 does not preclude the release of an arrested person as
31 authorized by section 804.21, unless the arrested
32 person is charged with manufacture, ~~delivery, or~~
33 possession with the intent to ~~deliver, or distribution~~
34 of manufacture methamphetamine.

35 Sec. 25. 2004 Iowa Acts, chapter 1175, section
36 183, subsection 1, paragraph c, is amended to read as
37 follows:

38 c. For the operation of the Oakdale correctional
39 facility, including salaries, support, maintenance,
40 and miscellaneous purposes:

41 \$ 23,536,936
42 23,636,936

43 Of the funds allocated in this paragraph "c",
44 \$100,000 is allocated for the costs of remodeling and
45 construction to establish a specialized 24-bed mental
46 health unit for offenders who are not ordered to
47 inpatient mental health treatment. The unit shall
48 operate as an adjunct to the licensed hospital program
49 within the Oakdale correctional facility.

50 DEPARTMENT OF CORRECTIONS – ADMINISTRATION

Page 20

1 Sec. 26. 2004 Iowa Acts, chapter 1175, section
2 184, subsection 1, paragraph a, unnumbered paragraph
3 1, is amended to read as follows:

4 For general administration, including salaries,
5 support, maintenance, employment of an education
6 director to administer a centralized education program
7 for the correctional system, and miscellaneous
8 purposes:

9 \$ 2,784,393
10 3,198,809

11 JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
12 SERVICES

13 Sec. 27. 2004 Iowa Acts, chapter 1175, section
14 185, subsection 1, is amended to read as follows:

15 1. There is appropriated from the general fund of
16 the state to the department of corrections for the
17 fiscal year beginning July 1, 2004, and ending June
18 30, 2005, the following amounts, or so much thereof as
19 is necessary, to be allocated as follows:

20 a. For the first judicial district department of
21 correctional services, including the treatment and

22 supervision of probation and parole violators who have
 23 been released from the department of corrections
 24 violator program, the following amount, or so much
 25 thereof as is necessary:

26 \$ 10,090,207
 27 10,142,332

28 b. For the second judicial district department of
 29 correctional services, including the treatment and
 30 supervision of probation and parole violators who have
 31 been released from the department of corrections
 32 violator program, the following amount, or so much
 33 thereof as is necessary:

34 \$ 7,755,402
 35 7,803,027

36 c. For the third judicial district department of
 37 correctional services, including the treatment and
 38 supervision of probation and parole violators who have
 39 been released from the department of corrections
 40 violator program, the following amount, or so much
 41 thereof as is necessary:

42 \$ 4,631,423
 43 4,668,548

44 d. For the fourth judicial district department of
 45 correctional services, including the treatment and
 46 supervision of probation and parole violators who have
 47 been released from the department of corrections
 48 violator program, the following amount, or so much
 49 thereof as is necessary:

50 \$ 4,248,965

Page 21

1 4,268,465

2 e. For the fifth judicial district department of
 3 correctional services, including the treatment and
 4 supervision of probation and parole violators who have
 5 been released from the department of corrections
 6 violator program, the following amount, or so much
 7 thereof as is necessary:

8 \$ 12,982,837
 9 13,105,462

10 f. For the sixth judicial district department of
 11 correctional services, including the treatment and
 12 supervision of probation and parole violators who have
 13 been released from the department of corrections
 14 violator program, the following amount, or so much
 15 thereof as is necessary:

16 \$ 10,064,717
 17 10,105,217

18 g. For the seventh judicial district department of
 19 correctional services, including the treatment and
 20 supervision of probation and parole violators who have

21 been released from the department of corrections
 22 violator program, the following amount, or so much
 23 thereof as is necessary:

24 \$ 5,677,314
 25 5,700,939

26 h. For the eighth judicial district department of
 27 correctional services, including the treatment and
 28 supervision of probation and parole violators who have
 29 been released from the department of corrections
 30 violator program, the following amount, or so much
 31 thereof as is necessary:

32 \$ 5,574,865
 33 5,606,740

34 The appropriations made in this subsection include
 35 additional funding for costs to address additional
 36 methamphetamine drug offenders under supervision.

37 **MILITARY DIVISION**

38 Sec. 28. 2004 Iowa Acts, chapter 1175, section
 39 191, subsection 1, unnumbered paragraph 1, is amended
 40 to read as follows:

41 For salaries, support, maintenance, miscellaneous
 42 purposes, and for not more than the following full-
 43 time equivalent positions:

44 \$ 5,084,143
 45 10,837,143
 46 FTEs 310.80

47 Of the amount appropriated in this section
 48 \$5,753,000 is allocated for repayment of grant funding
 49 and accrued interest to the federal government.

50 Sec. 29. 2004 Iowa Acts, chapter 1175, section

1 188, is amended to read as follows:
 2 SEC. 188. STATE PUBLIC DEFENDER. There is
 3 appropriated from the general fund of the state to the
 4 office of the state public defender of the department
 5 of inspections and appeals for the fiscal year
 6 beginning July 1, 2004, and ending June 30, 2005, the
 7 following amounts, or so much thereof as is necessary,
 8 to be allocated as follows for the purposes
 9 designated:

10 1. For salaries, support, maintenance, and
 11 miscellaneous purposes, and for not more than the
 12 following full-time equivalent positions:

13 \$ 16,663,446
 14 18,247,561
 15 FTEs 202.00

16 2. For the fees of court-appointed attorneys for
 17 indigent adults and juveniles, in accordance with
 18 section 232.141 and chapter 815:

19 \$ 19,355,297

20 25,251,339

21 Sec. 30. 2004 Iowa Acts, chapter 1175, section
22 192, subsection 2, unnumbered paragraph 1, is amended
23 to read as follows:

24 For the division of criminal investigation and
25 bureau of identification, including the state's
26 contribution to the peace officers' retirement,
27 accident, and disability system provided in chapter
28 97A in the amount of 17 percent of the salaries for
29 which the funds are appropriated, to meet federal fund
30 matching requirements, and for not more than the
31 following full-time equivalent positions:
32 \$ 14,058,510
33 14,208,510
34 FTEs 221.50

35 Sec. 31. 2004 Iowa Acts, chapter 1175, section
36 193, is amended to read as follows:

37 SEC. 193. CIVIL RIGHTS COMMISSION. There is
38 appropriated from the general fund of the state to the
39 Iowa state civil rights commission for the fiscal year
40 beginning July 1, 2004, and ending June 30, 2005, the
41 following amount, or so much thereof as is necessary,
42 to be used for the purposes designated:

43 For salaries, support, maintenance, miscellaneous
44 purposes, and for not more than the following full-
45 time equivalent positions:
46 \$ 825,752
47 911,752
48 FTEs 28.00

49 The Iowa state civil rights commission may enter
50 into a contract with a nonprofit organization to

Page 23

1 provide legal assistance to resolve civil rights
2 complaints.

3 Sec. 32. EFFECTIVE DATE. This division of this
4 Act, being deemed of immediate importance, takes
5 effect upon enactment."

6 2. Title page, line 2, by inserting after the
7 word "system" the following: ", revising pretrial
8 release requirements for certain criminal offenses,".

Horbach of Tama offered the following amendment H-1706, to the Senate amendment H-1701, filed by him from the floor and moved its adoption:

H-1706

1 Amend the Senate amendment, H-1701, to House File
2 811, as amended, passed, and reprinted by the House,

3 as follows:

4 1. Page 1, line 31, by striking the figure
5 "305,000" and inserting the following: "5,000".

6 2. Page 1, line 38, by striking the figure
7 "750,000" and inserting the following: "900,000".

8 3. Page 2, by inserting after line 46 the
9 following:
10 "4A. As a condition of receiving the appropriation
11 in subsection 1, the department of justice shall
12 transfer at least \$2,450,000 from the victim
13 compensation fund established in section 915.94 to the
14 victim assistance grant program."

15 4. Page 3, by striking lines 21 through 38.

16 5. Page 4, line 47, by striking the figure
17 "38,923,261" and inserting the following:
18 "38,840,761".

19 6. Page 5, line 1, by striking the figure
20 "27,257,452" and inserting the following:
21 "27,199,702".

22 7. Page 5, line 9, by striking the figure
23 "25,730,278" and inserting the following:
24 "25,650,778".

25 8. Page 5, line 13, by striking the figure
26 "25,073,632" and inserting the following:
27 "24,916,132".

28 9. Page 5, line 17, by striking the figure
29 "23,753,340" and inserting the following:
30 "23,694,840".

31 10. Page 5, line 21, by striking the figure
32 "8,096,378" and inserting the following: "8,039,378".

33 11. Page 5, line 25, by striking the figure
34 "22,904,497" and inserting the following:
35 "22,853,497".

36 12. Page 5, line 34, by striking the figure
37 "14,002,603" and inserting the following:
38 "13,867,603".

39 13. Page 5, line 38, by striking the figure
40 "26,315,943" and inserting the following:
41 "26,244,693".

42 14. Page 7, line 4, by striking the figure
43 "1,008,358" and inserting the following: "1,058,358".

44 15. Page 7, by inserting after line 34 the
45 following:
46 "d. For offender mental health and substance abuse
47 treatment:
48 \$ 125,000"

49 16. Page 8, line 50, by striking the figure
50 "10,718,695" and inserting the following:

Page 2

1 "10,501,186".

- 2 17. Page 9, line 7, by striking the figure
3 "8,308,209" and inserting the following: "8,230,603".
4 18. Page 9, line 14, by striking the figure
5 "4,983,792" and inserting the following: "4,805,458".
6 19. Page 9, line 21, by striking the figure
7 "4,443,392" and inserting the following: "4,427,796".
8 20. Page 9, line 26, by inserting after the word
9 "program," the following: "and funding for electronic
10 monitoring devices for use on a statewide basis,".
11 21. Page 9, line 28, by striking the figure
12 "14,678,288" and inserting the following:
13 "14,167,169".
14 22. Page 9, line 35, by striking the figure
15 "10,598,160" and inserting the following:
16 "10,378,668".
17 23. Page 9, line 42, by striking the figure
18 "6,010,963" and inserting the following: "5,870,653".
19 24. Page 9, line 49, by striking the figure
20 "6,164,249" and inserting the following: "5,970,648".
21 25. Page 13, line 40, by striking the figure
22 "3,370,033" and inserting the following: "3,073,274".
23 26. Page 13, line 50, by striking the figure
24 "15,682,052" and inserting the following:
25 "14,760,898".
26 27. Page 14, line 1, by striking the figure
27 "225.50" and inserting the following: "228.50".
28 28. Page 14, by striking lines 2 through 18.
29 29. Page 14, by striking lines 22 through 37.
30 30. Page 15, line 22, by striking the figure
31 "2,181,998" and inserting the following: "2,256,998".
32 31. Page 15, line 23, by striking the figure "39.00" and
33 inserting the following: "42.00".
34 32. Page 15, line 46, by striking the figure
35 "43,747,973" and inserting the following:
36 "43,076,973".
37 33. By striking page 15, line 48, through page
38 16, line 14.
39 34. Page 17, line 9, by striking the figure
40 "1,000,788" and inserting the following: "950,788".
41 35. By striking page 18, line 18 through page 19,
42 line 34 and inserting the following:
43 "METHAMPHETAMINE BAIL
44 PROVISIONS
45 Sec. ___. Section 804.21, subsection 1, Code 2005,
46 as amended by 2005 Iowa Acts, Senate File 169, section
47 7, is amended to read as follows:
48 1. A person arrested in obedience to a warrant
49 shall be taken without unnecessary delay before the
50 nearest or most accessible magistrate. The officer

Page 3

1 shall at the same time deliver to the magistrate the
2 warrant with the officer's return endorsed on it and
3 subscribed by the officer with the officer's official
4 title. However, this section, and sections 804.22 and
5 804.23, do not preclude the release of an arrested
6 person within the period of time the person would
7 otherwise remain incarcerated while waiting to be
8 taken before a magistrate if the release is pursuant
9 to pretrial release guidelines or a bond schedule
10 promulgated by the judicial council, unless the person
11 is charged with manufacture, delivery, possession with
12 intent to manufacture or deliver, or distribution of
13 methamphetamine. If, however, a person is released
14 pursuant to pretrial release guidelines, a magistrate
15 must, within twenty-four hours of the release, or as
16 soon as practicable on the next subsequent working day
17 of the court, either approve in writing of the
18 release, or disapprove of the release and issue a
19 warrant for the person's arrest.

20 Sec. __. Section 804.22, unnumbered paragraph 2,
21 Code 2005, as amended by 2005 Iowa Acts, Senate File
22 169, section 8, is amended to read as follows:

23 This section and the rules of criminal procedure do
24 not affect the provisions of chapter 805 authorizing
25 the release of a person on citation or bail prior to
26 initial appearance, unless the person is charged with
27 manufacture, delivery, possession with intent to
28 manufacture or deliver, or distribution of
29 methamphetamine. The initial appearance of a person
30 so released shall be scheduled for a time not more
31 than thirty days after the date of release.

32 Sec. __. Section 811.2, subsection 1, unnumbered
33 paragraph 2, Code 2005, as amended by 2005 Iowa Acts,
34 Senate File 169, section 10, is amended to read as
35 follows:

36 Any bailable defendant who is charged with unlawful
37 possession, manufacture, delivery, or distribution of
38 a controlled substance or other drug under chapter 124
39 and is ordered released shall be required, as a
40 condition of that release, to submit to a substance
41 abuse evaluation and follow any recommendations
42 proposed in the evaluation for appropriate substance
43 abuse treatment. However, if a bailable defendant is
44 charged with manufacture, delivery, possession with
45 the intent to manufacture or deliver, or distribution
46 of methamphetamine, its salts, optical isomers, and
47 salts of its optical isomers, the defendant shall, in
48 addition to a substance abuse evaluation, remain under
49 supervision and be required to undergo random drug
50 tests as a condition of release.

Page 4

1 Sec. ____ Section 811.2, subsection 3, Code 2005,
2 as amended by 2005 Iowa Acts, Senate File 169, section
3 11, is amended to read as follows:

4 3. RELEASE AT INITIAL APPEARANCE. This chapter
5 does not preclude the release of an arrested person as
6 authorized by section 804.21, unless the arrested
7 person is charged with manufacture, delivery,
8 possession with the intent to manufacture or deliver,
9 or distribution of methamphetamine.

10 Sec. ____ EFFECTIVE DATE. This division of this
11 Act, being deemed of immediate importance, takes
12 effect upon enactment."

13 36. Page 19, by inserting before line 35 the
14 following:

15 "DIVISION III
16 SUPPLEMENTAL APPROPRIATIONS".

17 37. Page 21, by striking lines 37 through 49.

18 38. Page 22, line 20, by striking the figure
19 "25,251,339" and inserting the following:
20 "22,251,339".

21 39. Page 22, by inserting after line 34 the
22 following:

23 "Sec. ____ 2004 Iowa Acts, chapter 1175, section
24 192, subsection 4, paragraph a, is amended to read as
25 follows:

26 a. For the state fire marshal's office, including
27 the state's contribution to the peace officers'
28 retirement, accident, and disability system provided
29 in chapter 97A in the amount of 17 percent of the
30 salaries for which the funds are appropriated, and for
31 not more than the following full-time equivalent
32 positions:

33	\$ 2,181,998
34	2,281,998
35	FTEs 39.00

36 Notwithstanding section 8.33, moneys appropriated
37 in this lettered paragraph that remain unencumbered or
38 unobligated at the close of the fiscal year shall not
39 revert but shall remain available for expenditure for
40 the purposes designated until the close of the
41 succeeding fiscal year."

42 40. Page 23, by inserting after line 5 the
43 following:

44 "DIVISION IV
45 APPROPRIATIONS FROM HEALTHY IOWANS TOBACCO TRUST

46 Sec. ____ In addition to any other funds
47 appropriated from the healthy Iowans tobacco trust
48 created in section 12.65 to the department of
49 corrections for the fiscal year beginning July 1,
50 2005, and ending June 30, 2006, there is appropriated

Page 5

1 from the healthy Iowans tobacco trust to the
 2 department of corrections for the fiscal year
 3 beginning July 1, 2005, and ending June 30, 2006, the
 4 following amount, or so much thereof as is necessary,
 5 to be used for the purpose designated:

6 For the judicial district departments of
 7 correctional services:
 8 \$ 800,000

9 Of the funds appropriated in this division,
 10 \$100,000 shall be allocated to each judicial district
 11 department of correctional services.

12 DIVISION V
 13 CONTINGENT APPROPRIATIONS FROM
 14 MICROSOFT SETTLEMENT

15 Sec. __. DIVISION OF THE IOWA STATE PATROL. In
 16 addition to any other funds appropriated from the
 17 general fund of the state to the division of the Iowa
 18 state patrol, there is appropriated from the general
 19 fund of the state to the division of the Iowa state
 20 patrol for the fiscal year beginning July 1, 2005, and
 21 ending June 30, 2006, an amount not exceeding \$785,000
 22 to be used for motor vehicle depreciation. The funds
 23 appropriated in this section are contingent upon
 24 receipt by the general fund of the state of an amount
 25 at least equal to the expenditure amount from costs or
 26 attorney fees awarded the state in settlement of its
 27 antitrust action against Microsoft brought under
 28 chapter 553. However, if the amounts received as a
 29 result of this settlement are in excess of \$785,000,
 30 the excess amounts shall not be appropriated to the
 31 division of the Iowa state patrol pursuant to this
 32 section.

33 Sec. __. DIVISION OF CRIMINAL INVESTIGATION AND
 34 BUREAU OF IDENTIFICATION. In addition to any other
 35 funds appropriated from the general fund of the state
 36 to the division of criminal investigation and bureau
 37 of identification, there is appropriated from the
 38 general fund of the state to the division of criminal
 39 investigation and bureau of identification for the
 40 fiscal year beginning July 1, 2005, and ending June
 41 30, 2006, an amount not exceeding \$929,206. The funds
 42 appropriated in this section are contingent upon
 43 receipt by the general fund of the state of an amount
 44 at least equal to the expenditure amount from costs or
 45 attorney fees awarded the state in settlement of its
 46 antitrust action against Microsoft brought under
 47 chapter 553. However, if the amounts received as a
 48 result of this settlement are in excess of \$929,206,
 49 the excess amounts shall not be appropriated to the
 50 division of criminal investigation and bureau of

Page 6

- 1 identification pursuant to this section."
- 2 41. By renumbering as necessary.

Amendment H-1706 was adopted.

On motion by Horbach of Tama the House concurred in the Senate amendment H-1701, as amended.

Horbach of Tama 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. 811)

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foegel
Ford	Freeman	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 5:

Chambers
Shomshor

Frevort

Huser

Olson, R.

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 811** be immediately messaged to the Senate.

The House stood at ease at 1:53 p.m., until the fall of the gavel.

The House resumed session at 5:00 p.m., Speaker Rants 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 May 20, 2005, 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 619, a bill for an act relating to persons convicted of criminal offenses requiring registration on the sex offender registry or requiring an additional indeterminate sentence, establishing a sex offender registry database task force, and providing penalties.

Also: That the Senate has on May 20, 2005, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 811, a bill for an act relating to and making appropriations to the justice system.

Also: That the Senate has on May 20, 2005, 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 825, a bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the commission of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates.

Also: That the Senate has on May 20, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 831, a bill for an act relating to tax credits for equity investments in qualifying businesses or community-based seed capital funds.

Also: That the Senate has on May 20, 2005, 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 875, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, general fund of the state, and related matters, and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Hoffman of Crawford called up for consideration **House File 868**, a bill for an act relating to economic development, business, workforce, and regulatory assistance and tax credits, and to state developmental, research, and regulatory oversight, and including effective date and retroactive applicability provisions, amended by the Senate amendment H-1633:

H-1633

1 Amend House File 868, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 4, by striking the words "A grow"
4 and inserting the following: "1. A grow".

5 2. Page 1, by inserting after line 16 the
6 following:

7 "2. In awarding financial assistance in a fiscal
8 year from moneys appropriated to the grow Iowa values
9 fund, the department shall commit, obligate, or
10 promise not more than fifty percent of the moneys
11 appropriated from the grow Iowa values fund pursuant
12 to section 15G.111, subsection 1, if enacted, for use
13 during the first fiscal year following the fiscal year
14 in which the financial assistance is awarded and not
15 more than twenty-five percent of the moneys
16 appropriated from the grow Iowa values fund pursuant
17 to section 15G.111, subsection 1, if enacted, for use
18 during the second fiscal year following the fiscal
19 year in which the financial assistance is awarded.

20 Sec. __. Section 15G.111, subsection 2, if
21 enacted by 2005 Iowa Acts, House File 809, is amended
22 by adding the following new unnumbered paragraph after
23 unnumbered paragraph 2:

24 NEW UNNUMBERED PARAGRAPH. The department may

25 expend additional moneys that may become available for
26 purposes of financial assistance to a single
27 bioscience development organization determined by the
28 department to possess expertise in the promotion and
29 commercialization of biotechnology entrepreneurship as
30 described in and for the purposes set forth in
31 unnumbered paragraph 2."

32 3. Page 2, line 3, by striking the word "eleven"
33 and inserting the following: "eleven fifteen".

34 4. Page 2, line 22, by striking the word "six"
35 and inserting the following: "six eight".

36 5. Page 2, line 23, by inserting after the word
37 "party." the following: "Beginning with the first
38 appointment to the board made after the effective date
39 of this Act, at least one voting member shall have
40 been less than thirty years of age at the time of
41 appointment."

42 6. Page 3, line 19, by striking the word "six"
43 and inserting the following: "six eight".

44 7. Page 4, by striking line 33, and inserting the
45 following:

46 "a. The number of net new jobs created as of the
47 time of reporting. For purposes of this paragraph,
48 "net new jobs" means the number of jobs that have been
49 created pursuant to the new or retained positions
50 identified in the contract."

Page 2

1 8. Page 5, by inserting after line 8 the
2 following:

3 "g. The number of jobs retained as of the time of
4 reporting."

5 9. Page 5, line 17, by inserting after the word
6 "businesses." the following: "This subsection is
7 repealed June 30, 2007."

8 10. Page 5, line 26, by inserting after the word
9 "businesses." the following: "This subsection is
10 repealed June 30, 2007."

11 11. Page 12, line 12, by striking the word "two"
12 and inserting the following: "three".

13 12. Page 18, by striking lines 29 through 31 and
14 inserting the following: "for a fiscal year under
15 this chapter shall not exceed two million four hundred
16 thousand".

17 13. Page 19, by striking lines 2 through 9 and
18 inserting the following: "section 303.3B. Any of the
19 additional".

20 14. Page 19, by striking lines 12 and 13 and
21 inserting the following: "during a fiscal year may be
22 carried over to the succeeding fiscal year shall be
23 applied to reserved tax credits issued in accordance

24 with section 404A.3 in order of original reservation.

25 The department of cultural affairs shall".

26 15. Page 19, line 20, by inserting after the word
27 "available." the following: "With the exception of
28 tax credits issued pursuant to contracts entered into
29 prior to July 1, 2005, tax credits shall not be
30 reserved for more than five years."

31 16. Page 21, line 19, by inserting after the word
32 "energy." the following: "At least one member of the
33 technology commercialization committee shall be a
34 member of the economic development board."

35 17. Page 24, by inserting after line 18, the
36 following:

37 "3. Each January 15, the state board of regents
38 shall submit a written report to the general assembly
39 detailing the patents and licenses held by each
40 institution of higher learning under the control of
41 the state board of regents and by nonprofit
42 foundations acting solely for the support of
43 institutions governed by the state board of regents."

44 18. Page 49, by striking line 1.

45 19. Page 51, line 33, by inserting after the word
46 "section." the following: "Preference in issuing
47 these tax credit certificates shall be given to
48 businesses applying for the credit for retained
49 qualified new jobs."

50 20. Page 52, line 34, by inserting after the word

Page 3

1 and figure "part 13" the following: "or moneys from
2 the grow Iowa values fund".

3 21. Page 59, by inserting after line 35 the
4 following:

5 "Sec.____. Section 452A.3, Code 2005, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 1B. An excise tax of seventeen
8 cents is imposed on each gallon of E-85 gasoline,
9 which contains at least eighty-five percent denatured
10 alcohol by volume from the first day of April until
11 the last day of October or seventy percent denatured
12 alcohol from the first day of November until the last
13 day of March, used for the privilege of operating
14 motor vehicles in this state."

15 22. Page 59, by inserting after line 35 the
16 following:

17 "DIVISION
18 IOWA GREAT PLACES
19 Sec.____. NEW SECTION. 303.3C IOWA GREAT PLACES
20 PROGRAM.

21 1. a. The department of cultural affairs shall
22 establish and administer an Iowa great places program

23 for purposes of combining resources of state
 24 government in an effort to showcase the unique and
 25 authentic qualities of communities, regions,
 26 neighborhoods, and districts that make such places
 27 exceptional places to work and live. The department
 28 of cultural affairs shall provide administrative
 29 assistance to the Iowa great places board. The
 30 department of cultural affairs shall coordinate the
 31 efforts of the Iowa great places board with the
 32 efforts of state agencies participating in the program
 33 which shall include, but not be limited to, the
 34 department of economic development, the Iowa finance
 35 authority, the department of human rights, the
 36 department of natural resources, the department of
 37 transportation, and the department of workforce
 38 development.

39 b. The program shall combine resources from state
 40 government to capitalize on all of the following
 41 aspects of the chosen Iowa great places:

- 42 (1) Arts and culture.
- 43 (2) Historic fabric.
- 44 (3) Architecture.
- 45 (4) Natural environment.
- 46 (5) Housing options.
- 47 (6) Amenities.
- 48 (7) Entrepreneurial incentive for business
 49 development.
- 50 (8) Diversity.

Page 4

1 c. Initially, three Iowa great places projects
 2 shall be identified by the Iowa great places board.
 3 Two years after the third project is identified by the
 4 board, the board may identify additional Iowa great
 5 places for participation under the program.

6 2. a. The Iowa great places board is established
 7 consisting of twelve members. The board shall be
 8 located for administrative purposes within the
 9 department of cultural affairs and the director shall
 10 provide office space, staff assistance, and necessary
 11 supplies and equipment for the board. The director
 12 shall budget moneys to pay the compensation and
 13 expenses of the board. In performing its functions,
 14 the board is performing a public function on behalf of
 15 the state and is a public instrumentality of the
 16 state.

17 b. The members of the board shall be appointed by
 18 the governor, subject to confirmation by the senate.
 19 At least one member shall be less than thirty years
 20 old on the date the member is appointed by the
 21 governor. The board shall include representatives of

- 22 cities and counties, local government officials,
23 cultural leaders, housing developers, business owners,
24 and parks officials.
- 25 c. The chairperson and vice chairperson shall be
26 elected by the board members from the membership of
27 the board. In the case of the absence or disability
28 of the chairperson and vice chairperson, the members
29 of the board shall elect a temporary chairperson by a
30 majority vote of those members who are present and
31 voting, provided a quorum is present.
- 32 d. Members of the board shall be appointed to
33 three-year staggered terms and the terms shall
34 commence and end as provided in section 69.19. If a
35 vacancy occurs, a successor shall be appointed in the
36 same manner and subject to the same qualifications as
37 the original appointment to serve the unexpired term.
- 38 e. A majority of the members of the board
39 constitutes a quorum.
- 40 f. A member of the board shall abstain from voting
41 on the provision of financial assistance to a project
42 which is located in the county in which the member of
43 the board resides.
- 44 g. The members of the board are entitled to
45 receive reimbursement for actual expenses incurred
46 while engaged in the performance of official duties. A
47 board member may also be eligible to receive
48 compensation as provided in section 7E.6.
- 49 3. The board shall do all of the following:
50 a. Organize.

Page 5

- 1 b. Identify three Iowa great places for purposes
2 of receiving a package of resources under the program.
- 3 c. Identify a combination of state resources which
4 can be provided to Iowa great places."
- 5 23. Title page, line 2, by inserting after the
6 word "credits," the following: "to excise taxes on E-
7 85 gasoline,".
- 8 24. By renumbering, relettering, or redesignating
9 and correcting internal references as necessary.

Hoffman of Crawford asked and received unanimous consent to withdraw amendment H-1707 to the Senate amendment H-1633 filed by him from the floor.

Hoffman of Crawford offered the following amendment H-1710, to the Senate amendment H-1633, filed by him from the floor and moved its adoption:

H-1710

1 Amend the Senate amendment, H-1633, to House File
2 868, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 2, by inserting after line 43, the
5 following:

6 "___ Page 25, by inserting after line 18, the
7 following:

8 "Sec. ___. OPERATIONAL EXPENSES. Moneys that are
9 appropriated to the department of economic development
10 pursuant to section 15G.111, if enacted, for deposit
11 in workforce training and economic development funds
12 of community colleges may be used by community
13 colleges for operational expenses associated with
14 vocational technical training."

15 2. Page 3, by inserting after line 2 the
16 following:

17 "___ Page 57, by inserting after line 16 the
18 following:

19 "Sec. ___. Section 15E.305, subsection 2, Code
20 2005, is amended to read as follows:

21 2. The aggregate amount of tax credits authorized
22 pursuant to this section shall not exceed a total of
23 two million dollars annually. The maximum amount of
24 tax credits granted to a taxpayer shall not exceed
25 five percent of the aggregate amount of tax credits
26 authorized."

27 ___ Page 59, line 14, by inserting after the
28 word "issued" the following: "each calendar year"."

29 3. Page 3, line 14, by striking the word
30 "state." and inserting the following: "state."

31 4. Page 3, by inserting after line 14 the
32 following:

33 "Sec. ___. Section 452A.3, Code 2005, is amended
34 by adding the following new subsection:

35 **NEW SUBSECTION. 1C.** The rate of the excise tax on
36 E-85 gasoline imposed in subsection 1B shall be
37 determined based on the number of gallons of E-85
38 gasoline that is distributed in this state during the
39 previous calendar year. The department shall
40 determine the actual tax paid for E-85 gasoline for
41 each period beginning January 1 and ending December
42 31. The amount of the tax paid on E-85 gasoline
43 during the past calendar year shall be compared to the
44 amount of tax on E-85 gasoline that would have been
45 paid using the tax rate for gasoline imposed in
46 subsection 1 or 1A and a difference shall be
47 established. If this difference is equal to or
48 greater than twenty-five thousand dollars, the tax
49 rate for E-85 gasoline for the period beginning July 1
50 following the end of the determination period shall be

Page 2

1 the rate in effect as stated in subsection 1 or 1A.
2 Sec. __. STUDY. The state department of
3 transportation shall review the current revenue levels
4 of the road use tax fund and its sufficiency for the
5 projected construction and maintenance needs of city,
6 county, and state governments in the future. The
7 department shall submit a written report to the
8 general assembly regarding its findings on or before
9 December 31, 2006. The report may include
10 recommendations concerning funding levels needed to
11 support the future mobility and accessibility for
12 users of Iowa's public road system.

13 Sec. __. EFFECTIVE DATE. The sections of this
14 division of this Act amending chapter 452A take effect
15 January 1, 2006."

16 5. Page 5, by inserting after line 4, the
17 following:

18 "__. Page 59, by inserting after line 35, the
19 following:

20 "DIVISION

21 PORT AUTHORITIES

22 Sec. __. Section 12.30, subsection 1, paragraph
23 a, Code 2005, is amended to read as follows:

24 a. "Authority" means a department, or public or
25 quasi-public instrumentality of the state including,
26 but not limited to, the authority created under
27 chapter 12E, 16, 16A, 175, 257C, 261A, or 327I, which
28 has the power to issue obligations, except that
29 "authority" does not include the state board of
30 regents or the Iowa finance authority to the extent it
31 acts pursuant to chapter 260C. "Authority" also
32 includes a port authority created under chapter 28J.

33 Sec. __. NEW SECTION. 28J.1 DEFINITIONS.

34 As used in this chapter, unless the context
35 otherwise requires:

36 1. "Authorized purposes" means an activity that
37 enhances, fosters, aids, provides, or promotes
38 transportation, economic development, housing,
39 recreation, education, governmental operations,
40 culture, or research within the jurisdiction of a port
41 authority.

42 2. "Board" means the board of directors of a port
43 authority established pursuant to section 28J.2.

44 3. "City" means the same as defined in section
45 362.2.

46 4. "Construction" means alteration, creation,
47 development, enlargement, erection, improvement,
48 installation, reconstruction, remodeling, and
49 renovation.

50 5. "Contracting governmental agency" means any

Page 3

1 governmental agency or taxing district of the state
2 that, by action of its legislative authority, enters
3 into an agreement with a port authority pursuant to
4 section 28J.17.

5 6. "Cost" as applied to a port authority facility
6 means any of the following:

7 a. The cost of construction contracts, land,
8 rights-of-way, property rights, easements, franchise
9 rights, and interests required for acquisition or
10 construction.

11 b. The cost of demolishing or removing any
12 buildings or structures on land, including the cost of
13 acquiring any lands to which those buildings or
14 structures may be moved.

15 c. The cost of diverting a highway, interchange of
16 a highway, and access roads to private property,
17 including the cost of land or easements, and
18 relocation of a facility of a utility company or
19 common carrier.

20 d. The cost of machinery, furnishings, equipment,
21 financing charges, interest prior to and during
22 construction and for no more than twelve months after
23 completion of construction, engineering, and expenses
24 of research and development with respect to a
25 facility.

26 e. Legal and administrative expenses, plans,
27 specifications, surveys, studies, estimates of cost
28 and revenues, engineering services, and other expenses
29 necessary or incident to determining the feasibility
30 or practicability of acquiring or constructing a
31 facility.

32 f. The interest upon the revenue bonds and pledge
33 orders during the period or estimated period of
34 construction and for twelve months thereafter, or for
35 twelve months after the acquisition date, reserve
36 funds as the port authority deems advisable in
37 connection with a facility and the issuance of port
38 authority revenue bonds and pledge orders.

39 g. The costs of issuance of port authority revenue
40 bonds and pledge orders.

41 h. The cost of diverting a rail line, rail spur
42 track, or rail spur track switch, including the cost
43 of land or easements, and relocation of a facility of
44 a utility company or common carrier.

45 i. The cost of relocating an airport's runways,
46 terminals, and related facilities including the cost
47 of land or easements, and relocation of a facility of
48 a utility company or common carrier.

49 7. "Facility" or "port authority facility" means
50 real or personal property owned, leased, or otherwise

Page 4

1 controlled or financed by a port authority and related
2 to or in furtherance of one or more authorized
3 purposes.

4 8. "Governmental agency" means a department,
5 division, or other unit of state government of this
6 state or any other state, city, county, township, or
7 other governmental subdivision, or any other public
8 corporation or agency created under the laws of this
9 state, any other state, the United States, or any
10 department or agency thereof, or any agency,
11 commission, or authority established pursuant to an
12 interstate compact or agreement or combination
13 thereof.

14 9. "Person" means the same as defined in section
15 4.1.

16 10. "Pledge order" means a promise to pay out of
17 the net revenues of a port authority, which is
18 delivered to a contractor or other person in payment
19 of all or part of the cost of a facility.

20 11. "Political subdivision" means a city, county,
21 city-county consolidation, or multicounty
22 consolidation, or combination thereof.

23 12. "Political subdivisions comprising the port
24 authority" means the political subdivisions which
25 created or participated in the creation of the port
26 authority under section 28J.2, or which joined an
27 existing port authority under section 28J.4.

28 13. "Port authority" means an entity created
29 pursuant to section 28J.2.

30 14. "Port authority revenue bonds" means revenue
31 bonds and revenue refunding bonds issued pursuant to
32 section 28J.21.

33 15. "Public roads" means all public highways,
34 roads, and streets in this state, whether maintained
35 by the state or by a county or city.

36 16. "Revenues" means rental fees and other charges
37 received by a port authority for the use or services
38 of a facility, a gift or grant received with respect
39 to a facility, moneys received with respect to the
40 lease, sublease, sale, including installment sale or
41 conditional sale, or other disposition of a facility,
42 moneys received in repayment of and for interest on
43 any loans made by the port authority to a person or
44 governmental agency, proceeds of port authority
45 revenue bonds for payment of principal, premium, or
46 interest on the bonds authorized by the port
47 authority, proceeds from any insurance, condemnation,
48 or guarantee pertaining to the financing of the
49 facility, and income and profit from the investment of
50 the proceeds of port authority revenue bonds or of any

Page 5

1 revenues.

2 Sec. NEW SECTION. 28J.2 CREATION AND POWERS
3 OF PORT AUTHORITY.

4 1. Two or more political subdivisions may create a
5 port authority under this chapter by resolution. If a
6 proposal to create a port authority receives a
7 favorable majority of the members of the elected
8 legislative body of the political subdivision, the
9 port authority is created at the time provided in the
10 resolution. The jurisdiction of a port authority
11 includes the territory described in section 28J.8.

12 2. A port authority created pursuant to this
13 section may sue and be sued, complain, and defend in
14 its name and has the powers and jurisdiction
15 enumerated in this chapter.

16 3. At the time a port authority is created
17 pursuant to this section, the political subdivisions
18 comprising the port authority may restrict the powers
19 granted the port authority pursuant to this chapter by
20 specifically adopting such restrictions in the
21 resolution creating the port authority.

22 4. The political subdivisions comprising the port
23 authority whose powers have been restricted pursuant
24 to subsection 3 may at any time adopt a resolution to
25 grant additional powers to the port authority, so long
26 as the additional powers do not exceed the powers
27 permitted under this chapter.

28 Sec. NEW SECTION. 28J.3 APPROPRIATION AND
29 EXPENDITURE OF PUBLIC FUNDS - DISSOLUTION.

30 1. The political subdivisions comprising a port
31 authority may appropriate and expend public funds to
32 finance or subsidize the operation and authorized
33 purposes of the port authority. A port authority
34 shall control tax revenues allocated to the facilities
35 the port authority administers and all revenues
36 derived from the operation of the port authority, the
37 sale of its property, interest on investments, or from
38 any other source related to the port authority.

39 2. All revenues received by the port authority
40 shall be held in a separate fund in a manner agreed to
41 by the political subdivisions comprising the port
42 authority. Revenues may be paid out only at the
43 direction of the board of directors of the port
44 authority.

45 3. A port authority shall comply with section
46 331.341, subsections 1, 2, 4, and 5, and section
47 331.342, when contracting for public improvements.

48 4. Subject to making due provisions for payment
49 and performance of any outstanding obligations, the
50 political subdivisions comprising the port authority

Page 6

1 may dissolve the port authority, and transfer the
2 property of the port authority to the political
3 subdivisions comprising the port authority in a manner
4 agreed upon between the political subdivisions
5 comprising the port authority prior to the dissolution
6 of the port authority.

7 Sec. . NEW SECTION. 28J.4 JOINING AN EXISTING
8 PORT AUTHORITY.

9 1. A political subdivision which is contiguous to
10 either a political subdivision which participated in
11 the creation of the port authority or a political
12 subdivision which proposes to join the port authority
13 at the same time which is contiguous to a political
14 subdivision which participated in the creation of the
15 port authority may join the port authority by
16 resolution.

17 2. If more than one such political subdivision
18 proposes to join the port authority at the same time,
19 the resolution of each such political subdivision
20 shall designate the political subdivisions which are
21 to be so joined.

22 3. Any territory or city not included in a port
23 authority which is annexed to a city included within
24 the jurisdiction of a port authority shall, on such
25 annexation and without further proceedings, be annexed
26 to and be included in the jurisdiction of the port
27 authority.

28 4. Before a political subdivision is joined to a
29 port authority, other than by annexation to a city,
30 the political subdivisions comprising the port
31 authority shall agree upon the terms and conditions
32 pursuant to which such political subdivision is to be
33 joined.

34 5. For the purpose of this chapter, such political
35 subdivision shall be considered to have participated
36 in the creation of the port authority, except that the
37 initial term of any director of the port authority
38 appointed by a joining political subdivision shall be
39 four years.

40 6. After each resolution proposing a political
41 subdivision to join a port authority has become
42 effective and the terms and conditions of joining the
43 port authority have been agreed to, the board of
44 directors of the port authority shall by resolution
45 either accept or reject the proposal. Such proposal
46 to join a port authority shall be effective upon
47 adoption of the resolution by the board of directors
48 of the port authority and thereupon the jurisdiction
49 of the port authority includes the joining political
50 subdivision.

Page 7

1 Sec. . NEW SECTION. 28J.5 MEMBERSHIP OF BOARD
2 OF DIRECTORS.

3 1. A port authority created pursuant to section
4 28J.2 shall be governed by a board of directors.
5 Members of a board of directors of a port authority
6 shall be divided among the political subdivisions
7 comprising the port authority in such proportions as
8 the political subdivisions may agree and shall be
9 appointed by the respective political subdivision's
10 elected legislative body.

11 2. The number of directors comprising the board
12 shall be determined by agreement between the political
13 subdivisions comprising the port authority, and which
14 number may be changed by resolution of the political
15 subdivisions comprising the port authority.

16 3. A majority of the directors shall have been
17 qualified electors of, or owned a business or been
18 employed in, one or more political subdivisions within
19 the area of the jurisdiction of the port authority for
20 a period of at least three years preceding
21 appointment.

22 4. The directors of a port authority first
23 appointed shall serve staggered terms. Thereafter
24 each successor director shall serve for a term of four
25 years, except that any person appointed to fill a
26 vacancy shall be appointed to only the unexpired term.
27 A director is eligible for reappointment.

28 5. The board may provide procedures for the
29 removal of a director who fails to attend three
30 consecutive regular meetings of the board. If a
31 director is so removed, a successor shall be appointed
32 for the remaining term of the removed director in the
33 same manner provided for the original appointment.
34 The appointing body may at any time remove a director
35 appointed by it for misfeasance, nonfeasance, or
36 malfeasance in office.

37 6. The board may adopt bylaws and shall elect one
38 director as chairperson and one director as vice
39 chairperson, designate terms of office, and appoint a
40 secretary who need not be a director.

41 7. A majority of the board of directors shall
42 constitute a quorum for the purpose of holding a
43 meeting of the board. The affirmative vote of a
44 majority of a quorum shall be necessary for any action
45 taken by the port authority unless the board
46 determines that a greater number of affirmative votes
47 is necessary for particular actions to be taken by the
48 port authority. A vacancy in the membership of the
49 board shall not impair the rights of a quorum to
50 exercise all the rights and perform all the duties of

Page 8

1 the port authority.

2 8. Each director shall be entitled to receive from
3 the port authority such sum of money as the board may
4 determine as compensation for services as a director
5 and reimbursement for reasonable expenses in the
6 performance of official duties.

7 Sec. . NEW SECTION. 28J.6 CIVIL IMMUNITY OF
8 DIRECTORS.

9 A director of a port authority shall not be
10 personally liable for any monetary damages that arise
11 from actions taken in the performance of the
12 director's official duties, except for acts or
13 omissions that are not in good faith or that involve
14 intentional misconduct, a knowing violation of law, or
15 any transaction from which the director derived an
16 improper personal benefit.

17 Sec. . NEW SECTION. 28J.7 EMPLOYEES, ADVISORY
18 BOARD, PEACE OFFICERS.

19 1. A port authority shall employ and fix the
20 qualifications, duties, and compensation of any
21 employees and enter into contracts for any services
22 that may be required to conduct the business of the
23 port authority, and may appoint an advisory board,
24 which shall serve without compensation.

25 2. An employee of a port authority is a public
26 employee for the purposes of collective bargaining
27 under chapter 20.

28 3. a. A port authority may provide for the
29 administration and enforcement of the laws of the
30 state by employing peace officers who shall have all
31 the powers conferred by law on peace officers of this
32 state with regard to the apprehension of violators
33 upon all property under its control within and without
34 the port authority. The peace officers may seek the
35 assistance of other appropriate law enforcement
36 officers to enforce its rules and maintain order.

37 b. Peace officers employed by a port authority
38 shall meet all requirements as police officers
39 appointed under the civil service law of chapter 400
40 and shall participate in the retirement system
41 established by chapter 411.

42 c. Peace officers employed by a port authority
43 shall serve as a peace officer force with respect to
44 the property, grounds, buildings, equipment, and
45 facilities under the control of the port authority, to
46 prevent hijacking of aircraft or watercraft, protect
47 the property of the authority and the property of
48 others located thereon, suppress nuisances and
49 disturbances and breaches of the peace, and enforce
50 laws and the rules of the port authority for the

Page 9

1 preservation of good order. Peace officers are vested
2 with the same powers of arrest as peace officers under
3 section 804.7.

4 4. If an employee of a political subdivision
5 comprising the port authority is transferred to a
6 comparable position with the port authority, the
7 employee is entitled to suffer no loss in pay,
8 pension, fringe benefits, or other benefits and shall
9 be entitled to a comparable rank and grade as the
10 employee's prior position. Sick leave, longevity, and
11 vacation time accrued to such employees shall be
12 credited to them as employees of the port authority.
13 All rights and accruals of such employees as members
14 of the Iowa public employees' retirement system
15 pursuant to chapter 97B and the retirement system for
16 police officers pursuant to chapter 411 shall remain
17 in force and shall be automatically transferred to the
18 port authority.

19 Sec. __. NEW SECTION. 28J.8 AREA OF
20 JURISDICTION.

21 1. The area of jurisdiction of a port authority
22 shall include all of the territory of the political
23 subdivisions comprising the port authority and, if the
24 port authority owns or leases a railroad line or
25 airport, the territory on which the railroad's line,
26 terminals, and related facilities or the airport's
27 runways, terminals, and related facilities are
28 located, regardless of whether the territory is
29 located in the political subdivisions comprising the
30 port authority.

31 2. A political subdivision that has created a port
32 authority or joined an existing port authority shall
33 not be included in any other port authority.

34 Sec. __. NEW SECTION. 28J.9 POWERS OF PORT
35 AUTHORITY.

36 A port authority may exercise all of the following
37 powers:

- 38 1. Adopt bylaws for the regulation of the port
39 authority's affairs and the conduct of the port
40 authority's business.
- 41 2. Adopt an official seal.
- 42 3. Maintain a principal office and branch offices
43 within the port authority's jurisdiction.
- 44 4. Acquire, construct, furnish, equip, maintain,
45 repair, sell, exchange, lease, lease with an option to
46 purchase, convey interests in real or personal
47 property, and operate any property of the port
48 authority in connection with transportation,
49 recreational, governmental operations, or cultural
50 activities in furtherance of an authorized purpose.

Page 10

1 5. Straigten, deepen, and improve any channel,
2 river, stream, or other watercourse or way which may
3 be necessary or proper in the development of the
4 facilities of the port authority.

5 6. Make available the use or services of any
6 facility of the port authority to any person or
7 governmental agency.

8 7. Issue bonds or pledge orders pursuant to the
9 requirements and limitations in section 28J.21.

10 8. Issue port authority revenue bonds beyond the
11 limit of bonded indebtedness provided by law, payable
12 solely from revenues as provided in section 28J.21,
13 for the purpose of providing funds to pay the costs of
14 any facility or facilities of the port authority or
15 parts thereof.

16 9. Apply to the proper authorities of the United
17 States for the right to establish, operate, and
18 maintain foreign trade zones and establish, operate,
19 and maintain foreign trade zones and to acquire,
20 exchange, sell, lease to or from, lease with an option
21 to purchase, or operate facilities, land, or property
22 in accordance with the federal Foreign Trade Zones
23 Act, 19 U.S.C. § 81a-81u.

24 10. Enjoy and possess the same legislative and
25 executive rights, privileges, and powers granted
26 cities under chapter 364 and counties under chapter
27 331, including the exercise of police power but
28 excluding the power to levy taxes.

29 11. Maintain such funds as it considers necessary
30 and adhere to the public funds investment standards of
31 chapter 12B, as applicable.

32 12. Direct port authority agents or employees,
33 after at least five days' written notice, to enter
34 upon lands within the port authority's jurisdiction to
35 make surveys and examinations preliminary to location
36 and construction of works for the port authority,
37 without liability of the port authority or its agents
38 or employees except for actual damages.

39 13. Promote, advertise, and publicize the port
40 authority and its facilities, and provide information
41 to shippers and other commercial interests.

42 14. Adopt bylaws, not in conflict with state or
43 federal law, necessary or incidental to the
44 performance of the duties of and the execution of the
45 powers of the port authority under this chapter.

46 15. Do any of the following in regard to interests
47 in real or personal property, including machinery,
48 equipment, plants, factories, offices, and other
49 structures and facilities related to or in furtherance
50 of any authorized purpose as the board in its sole

Page 11

- 1 discretion may determine:
- 2 a. Loan money to any person or governmental agency
- 3 for the acquisition, construction, furnishing, or
- 4 equipping of the property.
- 5 b. Acquire, construct, maintain, repair, furnish,
- 6 or equip the property.
- 7 c. Sell to, exchange with, lease, convey other
- 8 interests in, or lease with an option to purchase the
- 9 same or any lesser interest in the property to the
- 10 same or any other person or governmental agency.
- 11 d. Guarantee the obligations of any person or
- 12 governmental agency.
- 13 e. Accept and hold as consideration for the
- 14 conveyance of property or any interest therein such
- 15 property or interests therein as the board may
- 16 determine, notwithstanding any restrictions that apply
- 17 to the investment of funds by a port authority.
- 18 16. Sell, lease, or convey other interests in real
- 19 and personal property, and grant easements or rights-
- 20 of-way over property of the port authority. The board
- 21 shall specify the consideration and terms for the
- 22 sale, lease, or conveyance of other interests in real
- 23 and personal property. A determination made by the
- 24 board under this subsection shall be conclusive. The
- 25 sale, lease, or conveyance may be made without
- 26 advertising and the receipt of bids.
- 27 17. Enter into an agreement with a political
- 28 subdivision comprising the port authority for the
- 29 political subdivision to exercise its right of eminent
- 30 domain pursuant to chapters 6A and 6B on behalf of the
- 31 port authority. However, a condemnation exercised on
- 32 behalf of a port authority pursuant to this subsection
- 33 shall not take or disturb property or a facility
- 34 belonging to a governmental agency, utility company,
- 35 or common carrier, which property or facility is
- 36 necessary and convenient in the operation of the
- 37 governmental agency, utility company, or common
- 38 carrier, unless provision is made for the restoration,
- 39 relocation, or duplication of such property or
- 40 facility, or upon the election of the governmental
- 41 agency, utility company, or common carrier, for the
- 42 payment of compensation, if any, at the sole cost of
- 43 the port authority, provided that both of the
- 44 following apply:
- 45 a. If a restoration or duplication proposed to be
- 46 made under this subsection involves a relocation of
- 47 the property or facility, the new facility and
- 48 location shall be of at least comparable utilitarian
- 49 value and effectiveness and shall not impair the
- 50 ability of the utility company or common carrier to

Page 12

1 compete in its original area of operation.

2 b. If a restoration or duplication made under this
3 subsection involves a relocation of the property or
4 facility, the port authority shall acquire no interest
5 or right in or to the appropriated property or
6 facility, until the relocated property or facility is
7 available for use and until marketable title thereto
8 has been transferred to the utility company or common
9 carrier.

10 18. a. Make and enter into all contracts and
11 agreements and execute all instruments necessary or
12 incidental to the performance of the duties of and the
13 execution of powers of the port authority under this
14 chapter.

15 b. Except as provided in paragraph "c", when the
16 cost of a contract for the construction of a building,
17 structure, or other improvement undertaken by a port
18 authority involves an expenditure exceeding twenty-
19 five thousand dollars, and the port authority is the
20 contracting entity, the port authority shall make a
21 written contract after notice calling for bids for the
22 award of the contract has been given by publication
23 twice, with at least seven days between publications,
24 in a newspaper of general circulation in the area of
25 the port authority. Each such contract shall be let
26 to the lowest responsive and responsible bidder.

27 Every contract shall be accompanied by or shall refer
28 to plans and specifications for the work to be done,
29 prepared for and approved by the port authority, and
30 signed by an authorized officer of the port authority
31 and by the contractor.

32 c. The board of directors may provide criteria for
33 the negotiation and award without competitive bidding
34 of any contract as to which the port authority is the
35 contracting entity for the construction of any
36 building or structure or other improvement under any
37 of the following circumstances:

38 (1) A real and present emergency exists that
39 threatens damage or injury to persons or property of
40 the port authority or other persons, provided that a
41 statement specifying the nature of the emergency that
42 is the basis for the negotiation and award of a
43 contract without competitive bidding shall be signed
44 by the officer of the port authority that executes
45 that contract at the time of the contract's execution
46 and shall be attached to the contract.

47 (2) A commonly recognized industry or other
48 standard or specification does not exist and cannot
49 objectively be articulated for the improvement.

50 (3) The contract is for any energy conservation

Page 13

1 measure as defined in section 7D.34.

2 (4) With respect to material to be incorporated
3 into the improvement, only a single source or supplier
4 exists for the material.

5 (5) A single bid is received by the port authority
6 after complying with the provisions of paragraph "b".

7 d. (1) If a contract is to be negotiated and
8 awarded without competitive bidding for the reason set
9 forth in paragraph "c", subparagraph (2), the port
10 authority shall publish a notice calling for technical
11 proposals at least twice, with at least seven days
12 between publications, in a newspaper of general
13 circulation in the area of the port authority. After
14 receipt of the technical proposals, the port authority
15 may negotiate with and award a contract for the
16 improvement to the person making the proposal
17 considered to be the most advantageous to the port
18 authority.

19 (2) If a contract is to be negotiated and awarded
20 without competitive bidding for the reason set forth
21 in paragraph "c", subparagraph (4), construction
22 activities related to the incorporation of the
23 material into the improvement also may be provided
24 without competitive bidding by the source or supplier
25 of that material.

26 e. A purchase, exchange, sale, lease, lease with
27 an option to purchase, conveyance of other interests
28 in, or other contract with a person or governmental
29 agency that pertains to the acquisition, construction,
30 maintenance, repair, furnishing, equipping, or
31 operation of any real or personal property, related to
32 or in furtherance of economic development and the
33 provision of adequate housing, shall be made in such
34 manner and subject to such terms and conditions as may
35 be determined in the board's discretion. This
36 paragraph applies to all contracts that are subject to
37 this section, notwithstanding any other provision of
38 law that might otherwise apply, including a
39 requirement of notice, competitive bidding or
40 selection, or for the provision of security. However,
41 this paragraph shall not apply to a contract secured
42 exclusively by or to be paid exclusively from the
43 general revenues of the port authority. For the
44 purposes of this paragraph, any revenues derived by
45 the port authority under a lease or other agreement
46 that, by its terms, contemplates the use of amounts
47 payable under the agreement either to pay the costs of
48 the improvement that is the subject of the contract or
49 to secure obligations of the port authority issued to
50 finance costs of such improvement, are excluded from

Page 14

1 general revenues.

2 19. Employ managers, superintendents, and other
3 employees and retain or contract with consulting
4 engineers, financial consultants, accounting experts,
5 architects, attorneys, and any other consultants and
6 independent contractors as are necessary in the port
7 authority's judgment to carry out this chapter, and
8 fix the compensation thereof. All expenses thereof
9 shall be payable from any available funds of the port
10 authority or from funds appropriated for that purpose
11 by the political subdivisions comprising the port
12 authority.

13 20. Receive and accept from a governmental agency
14 grants and loans for the construction of a port
15 authority facility, for research and development with
16 respect to a port authority facility, or any other
17 authorized purpose, and receive and accept aid or
18 contributions from any source of moneys, property,
19 labor, or other things of value, to be held, used, and
20 applied only for the purposes for which the grants,
21 loans, aid, or contributions are made.

22 21. Engage in research and development with
23 respect to a port authority facility.

24 22. Purchase fire and extended coverage and
25 liability insurance for a port authority facility and
26 for the principal office and branch offices of the
27 port authority, insurance protecting the port
28 authority and its officers and employees against
29 liability for damage to property or injury to or death
30 of persons arising from its operations, and any other
31 insurance the port authority may agree to provide
32 under a resolution authorizing port authority revenue
33 bonds, pledge orders, or in any trust agreement
34 securing the same.

35 23. Charge, alter, and collect rental fees and
36 other charges for the use or services of a port
37 authority facility as provided in section 28J.16.

38 24. Perform all acts necessary or proper to carry
39 out the powers expressly granted in this chapter.

40 Sec. . NEW SECTION. 28J.10 PARTICIPATION OF
41 PRIVATE ENTERPRISE.

42 The port authority shall foster and encourage the
43 participation of private enterprise in the development
44 of the port authority facilities to the fullest extent
45 practicable in the interest of limiting the necessity
46 of construction and operation of the facilities by the
47 port authority.

48 Sec. . NEW SECTION. 28J.11 PROVISIONS DO NOT
49 AFFECT OTHER LAWS OR POWERS.

50 This chapter shall not do any of the following:

Page 15

1 1. Impair a provision of law directing the payment
2 of revenues derived from public property into sinking
3 funds or dedicating those revenues to specific
4 purposes.

5 2. Impair the powers of a political subdivision to
6 develop or improve a port and terminal facility except
7 as restricted by section 28J.15.

8 3. Enlarge, alter, diminish, or affect in any way,
9 a lease or conveyance made, or action taken prior to
10 the creation of a port authority under section 28J.2
11 by a city or a county.

12 4. Impair or interfere with the exercise of a
13 permit for the removal of sand or gravel, or other
14 similar permits issued by a governmental agency.

15 5. Impair or contravene applicable federal
16 regulations.

17 Sec. NEW SECTION. 28J.12 CONVEYANCE, LEASE,
18 OR EXCHANGE OF PUBLIC PROPERTY.

19 A port authority may convey or lease, lease with an
20 option to purchase, or exchange with any governmental
21 agency or other port authority without competitive
22 bidding and on mutually agreeable terms, any personal
23 or real property, or any interest therein.

24 Sec. NEW SECTION. 28J.13 ANNUAL BUDGET –
25 USE OF RENTS AND CHARGES.

26 The board shall annually prepare a budget for the
27 port authority. Revenues received by the port
28 authority shall be used for the general expenses of
29 the port authority and to pay interest, amortization,
30 and retirement charges on money borrowed. Except as
31 provided in section 28J.26, if there remains, at the
32 end of any fiscal year, a surplus of such funds after
33 providing for the above uses, the board shall pay such
34 surplus into the general funds of the political
35 subdivisions comprising the port authority as agreed
36 to by the subdivisions.

37 Sec. NEW SECTION. 28J.14 SECRETARY TO
38 FURNISH BOND – DEPOSIT AND DISBURSEMENT OF FUNDS.

39 Before receiving any revenues, the secretary of a
40 port authority shall furnish a bond in such amount as
41 shall be determined by the port authority with
42 sureties satisfactory to the port authority, and all
43 funds coming into the hands of the secretary shall be
44 deposited by the secretary to the account of the port
45 authority in one or more such depositories as shall be
46 qualified to receive deposits of county funds, which
47 deposits shall be secured in the same manner as county
48 funds are required to be secured. A disbursement
49 shall not be made from such funds except in accordance
50 with policies and procedures adopted by the port

Page 16

1 authority.

2 Sec. . **NEW SECTION.** 28J.15 LIMITATION ON
3 CERTAIN POWERS OF POLITICAL SUBDIVISIONS.

4 A political subdivision creating or participating
5 in the creation of a port authority in accordance with
6 section 28J.2 shall not, during the time the port
7 authority is in existence, exercise the rights and
8 powers provided in chapters 28A, 28K, and 384 relating
9 to the political subdivision's authority over a port,
10 wharf, dock, harbor or other facility substantially
11 similar to that political subdivision's authority
12 under a port authority granted under this chapter.

13 Sec. . **NEW SECTION.** 28J.16 RENTALS OR CHARGES
14 FOR USE OR SERVICES OF FACILITIES – AGREEMENTS WITH
15 GOVERNMENTAL AGENCIES.

16 1. a. A port authority may charge, alter, and
17 collect rental fees or other charges for the use or
18 services of any port authority facility and contract
19 for the use or services of a facility, and fix the
20 terms, conditions, rental fees, or other charges for
21 the use or services.

22 b. If the services are furnished in the
23 jurisdiction of the port authority by a utility
24 company or a common carrier, the port authority's
25 charges for the services shall not be less than the
26 charges established for the same services furnished by
27 a utility company or common carrier in the port
28 authority jurisdiction.

29 c. The rental fees or other charges shall not be
30 subject to supervision or regulation by any other
31 authority, commission, board, bureau, or governmental
32 agency of the state and the contract may provide for
33 acquisition of all or any part of the port authority
34 facility for such consideration payable over the
35 period of the contract or otherwise as the port
36 authority determines to be appropriate, but subject to
37 the provisions of any resolution authorizing the
38 issuance of port authority revenue bonds or any trust
39 agreement securing the bonds.

40 d. A governmental agency that has power to
41 construct, operate, and maintain a port authority
42 facility may enter into a contract or lease with a
43 port authority for the use or services of a port
44 authority facility as may be agreed to by the port
45 authority and the governmental agency.

46 2. a. A governmental agency may cooperate with
47 the port authority in the acquisition or construction
48 of a port authority facility and shall enter into such
49 agreements with the port authority as may be
50 appropriate, which shall provide for contributions by

Page 17

1 the parties in a proportion as may be agreed upon and
2 other terms as may be mutually satisfactory to the
3 parties including the authorization of the
4 construction of the facility by one of the parties
5 acting as agent for all of the parties and the
6 ownership and control of the facility by the port
7 authority to the extent necessary or appropriate.

8 b. A governmental agency may provide funds for the
9 payment of any contribution required under such
10 agreements by the levy of taxes or assessments if
11 otherwise authorized by the laws governing the
12 governmental agency in the construction of the type of
13 port authority facility provided for in the
14 agreements, and may pay the proceeds from the
15 collection of the taxes or assessments; or the
16 governmental agency may issue bonds or notes, if
17 authorized by law, in anticipation of the collection
18 of the taxes or assessments, and may pay the proceeds
19 of the bonds or notes to the port authority pursuant
20 to such agreements.

21 c. A governmental agency may provide the funds for
22 the payment of a contribution by the appropriation of
23 moneys or, if otherwise authorized by law, by the
24 issuance of bonds or notes and may pay the
25 appropriated moneys or the proceeds of the bonds or
26 notes to the port authority pursuant to such
27 agreements.

28 3. When the contribution of any governmental
29 agency is to be made over a period of time from the
30 proceeds of the collection of special assessments, the
31 interest accrued and to accrue before the first
32 installment of the assessments is collected, which is
33 payable by the governmental agency on the contribution
34 under the terms and provisions of the agreements,
35 shall be treated as part of the cost of the
36 improvement for which the assessments are levied, and
37 that portion of the assessments that is collected in
38 installments shall bear interest at the same rate as
39 the governmental agency is obligated to pay on the
40 contribution under the terms and provisions of the
41 agreements and for the same period of time as the
42 contribution is to be made under the agreements. If
43 the assessment or any installment thereof is not paid
44 when due, it shall bear interest until the payment
45 thereof at the same rate as the contribution and the
46 county auditor shall annually place on the tax list
47 and duplicate the interest applicable to the
48 assessment and the penalty thereon as otherwise
49 authorized by law.

50 4. A governmental agency, pursuant to a favorable

Page 18

1 vote in an election regarding issuing bonds to provide
2 funds to acquire, construct, or equip, or provide real
3 estate and interests in real estate for a port
4 authority facility, whether or not the governmental
5 agency at the time of the election had the authority
6 to pay the proceeds from the bonds or notes issued in
7 anticipation of the bonds to the port authority as
8 provided in this section, may issue such bonds or
9 notes in anticipation of the issuance of the bonds and
10 pay the proceeds of the bonds or notes to the port
11 authority in accordance with an agreement with the
12 port authority; provided, that the legislative
13 authority of the governmental agency finds and
14 determines that the port authority facility to be
15 acquired or constructed in cooperation with the
16 governmental agency will serve the same public purpose
17 and meet substantially the same public need as the
18 facility otherwise proposed to be acquired or
19 constructed by the governmental agency with the
20 proceeds of the bonds and notes.

21 Sec. . NEW SECTION. 28J.17 CONTRACTS,
22 ARRANGEMENTS, AND AGREEMENTS.

23 1. a. A port authority may enter into a contract
24 or other arrangement with a person, railroad, utility
25 company, corporation, governmental agency including
26 sewerage, drainage, conservation, conservancy, or
27 other improvement districts in this or other states,
28 or the governments or agencies of foreign countries as
29 may be necessary or convenient for the exercise of the
30 powers granted by this chapter. The port authority
31 may purchase, lease, or acquire land or other property
32 in any county of this state and in adjoining states
33 for the accomplishment of authorized purposes of the
34 port authority, or for the improvement of the harbor
35 and port facilities over which the port authority may
36 have jurisdiction including development of port
37 facilities in adjoining states. The authority granted
38 in this section to enter into contracts or other
39 arrangements with the federal government includes the
40 power to enter into any contracts, arrangements, or
41 agreements that may be necessary to hold and save
42 harmless the United States from damages due to the
43 construction and maintenance by the United States of
44 work the United States undertakes.

45 b. A political subdivision that has participated
46 in the creation of a port authority, or is within, or
47 adjacent to a political subdivision that is within the
48 jurisdiction of a port authority, may enter into an
49 agreement with the port authority to accomplish any of
50 the authorized purposes of the port authority. The

Page 19

1 agreement may set forth the extent to which the port
2 authority shall act as the agent of the political
3 subdivision.

4 2. A port authority may enter into an agreement
5 with a contracting governmental agency, whereby the
6 port authority or the contracting governmental agency
7 undertakes, and is authorized by the port authority or
8 a contracting governmental agency, to exercise any
9 power, perform any function, or render any service, on
10 behalf of the port authority or a contracting
11 governmental agency, which the port authority or the
12 contracting governmental agency is authorized to
13 exercise, perform, or render.

14 Sec. . **NEW SECTION.** 28J.18 REVENUE BONDS ARE
15 **LAWFUL INVESTMENTS.**

16 Port authority revenue bonds issued pursuant to
17 this chapter are lawful investments of banks, credit
18 unions, trust companies, savings and loan
19 associations, deposit guaranty associations, insurance
20 companies, trustees, fiduciaries, trustees or other
21 officers having charge of the bond retirement funds or
22 sinking funds of port authorities and governmental
23 agencies, and taxing districts of this state, the
24 pension and annuity retirement system, the Iowa public
25 employees' retirement system, the police and fire
26 retirement systems under chapters 410 and 411, a
27 revolving fund of a governmental agency of this state,
28 and are acceptable as security for the deposit of
29 public funds under chapter 12C.

30 Sec. . **NEW SECTION.** 28J.19 PROPERTY TAX
31 **EXEMPTION.**

32 A port authority shall be exempt from and shall not
33 be required to pay taxes on real property belonging to
34 a port authority that is used exclusively for an
35 authorized purpose as provided in section 427.1,
36 subsection 34.

37 Sec. . **NEW SECTION.** 28J.20 LOANS FOR
38 **ACQUISITION OR CONSTRUCTION OF FACILITY – SALE OF**
39 **FACILITY – POWER TO ENCUMBER PROPERTY.**

40 1. With respect to the financing of a facility for
41 an authorized purpose, under an agreement whereby the
42 person to whom the facility is to be leased,
43 subleased, or sold, or to whom a loan is to be made
44 for the facility, is to make payments sufficient to
45 pay all of the principal of, premium, and interest on
46 the port authority revenue bonds issued for the
47 facility, the port authority, in addition to other
48 powers under this chapter, may do any of the
49 following:

50 a. Make loans for the acquisition or construction

Page 20

1 of the facility to such person upon such terms as the
2 port authority may determine or authorize including
3 secured or unsecured loans, and enter into loan
4 agreements and other agreements, accept notes and
5 other forms of obligation to evidence such
6 indebtedness and mortgages, liens, pledges,
7 assignments, or other security interests to secure
8 such indebtedness, which may be prior or subordinate
9 to or on a parity with other indebtedness,
10 obligations, mortgages, pledges, assignments, other
11 security interests, or liens or encumbrances, and take
12 actions considered appropriate to protect such
13 security and safeguard against losses, including,
14 without limitation, foreclosure and the bidding upon
15 and purchase of property upon foreclosure or other
16 sale.

17 b. Sell the facility under terms as the port
18 authority may determine, including sale by conditional
19 sale or installment sale, under which title may pass
20 prior to or after completion of the facility or
21 payment or provisions for payment of all principal of,
22 premium, and interest on the revenue bonds, or at any
23 other time provided in the agreement pertaining to the
24 sale, and including sale under an option to purchase
25 at a price which may be a nominal amount or less than
26 true value at the time of purchase.

27 c. Grant a mortgage, lien, or other encumbrance
28 on, or pledge or assignment of, or other security
29 interest with respect to, all or any part of the
30 facility, revenues, reserve funds, or other funds
31 established in connection with the bonds or with
32 respect to a lease, sublease, sale, conditional sale
33 or installment sale agreement, loan agreement, or
34 other agreement pertaining to the lease, sublease,
35 sale, or other disposition of a facility or pertaining
36 to a loan made for a facility, or a guaranty or
37 insurance agreement made with respect thereto, or an
38 interest of the port authority therein, or any other
39 interest granted, assigned, or released to secure
40 payments of the principal of, premium, or interest on
41 the bonds or to secure any other payments to be made
42 by the port authority, which mortgage, lien,
43 encumbrance, pledge, assignment, or other security
44 interest may be prior or subordinate to or on a parity
45 with any other mortgage, assignment, or other security
46 interest, or lien or encumbrance.

47 d. Contract for the acquisition or construction of
48 the facility or any part thereof and for the leasing,
49 subleasing, sale, or other disposition of the facility
50 in a manner determined by the port authority in its

Page 21

1 sole discretion, without necessity for competitive
2 bidding or performance bonds.
3 e. Make appropriate provision for adequate
4 maintenance of the facility.
5 2. With respect to a facility referred to in this
6 section, the authority granted by this section is
7 cumulative and supplementary to all other authority
8 granted in this chapter. The authority granted by
9 this section does not alter or impair a similar
10 authority granted elsewhere in this chapter for or
11 with respect to other facilities.

12 Sec. ____ NEW SECTION. 28J.21 ISSUANCE OF
13 REVENUE AND REFUNDING BONDS.

14 1. A port authority may issue revenue bonds and
15 pledge orders payable solely from the net revenues of
16 the port authority including the revenues generated
17 from a facility pursuant to section 28J.20. The
18 revenue bonds may be issued in such principal amounts
19 as, in the opinion of the port authority, are
20 necessary for the purpose of paying the cost of one or
21 more port authority facilities or parts thereof.

22 2. a. The resolution to issue the bonds must be
23 adopted at a regular or special meeting of the board
24 called for that purpose by a majority of the total
25 number of members of the board. The board shall fix a
26 date, time, and place of meeting at which it proposes
27 to take action, and give notice by publication in the
28 manner directed in section 331.305. The notice must
29 include a statement of the date, time, and place of
30 the meeting, the maximum amount of the proposed
31 revenue bonds, the purpose for which the revenue bonds
32 will be issued, and the net revenues to be used to pay
33 the principal and interest on the revenue bonds.

34 b. At the meeting the board shall receive oral or
35 written objections from any resident or property owner
36 within the jurisdiction of the port authority. After
37 all objections have been received and considered, the
38 board, at the meeting or a date to which it is
39 adjourned, may take additional action for the issuance
40 of the bonds or abandon the proposal to issue bonds.
41 Any resident or property owner within the jurisdiction
42 of the port authority may appeal a decision of the
43 board to take additional action in district court
44 within fifteen days after the additional action is
45 taken, but the additional action of the board is final
46 and conclusive unless the court finds that the board
47 exceeded its authority.

48 3. The board may sell revenue bonds or pledge
49 orders at public or private sale and may deliver
50 revenue bonds and pledge orders to the contractors,

Page 22

1 sellers, and other persons furnishing materials and
2 services constituting a part of the cost of the port
3 authority facility in payment therefor. The pledge of
4 any net revenues of a port authority is valid and
5 effective as to all persons including but not limited
6 to other governmental bodies when it becomes valid and
7 effective between the port authority and the holders
8 of the revenue bonds or pledge orders.

9 4. A revenue bond is valid and binding for all
10 purposes if it bears the signatures or a facsimile of
11 the signature of the officer designated by the port
12 authority. Port authority revenue bonds may bear
13 dates, bear interest at rates not exceeding those
14 permitted by chapter 74A, bear interest at a variable
15 rate or rates changing from time to time in accordance
16 with a base or formula, mature in one or more
17 installments, be in registered form, carry
18 registration and conversion privileges, be payable as
19 to principal and interest at times and places, be
20 subject to terms of redemption prior to maturity with
21 or without premium, and be in one or more
22 denominations, all as provided by the resolution of
23 the board authorizing their issuance. The resolution
24 may also prescribe additional provisions, terms,
25 conditions, and covenants which the port authority
26 deems advisable, consistent with this chapter,
27 including provisions for creating and maintaining
28 reserve funds, the issuance of additional revenue
29 bonds ranking on a parity with such revenue bonds and
30 additional revenue bonds junior and subordinate to
31 such revenue bonds, and that such revenue bonds shall
32 rank on a parity with or be junior and subordinate to
33 any revenue bonds which may be then outstanding. Port
34 authority revenue bonds are a contract between the
35 port authority and holders and the resolution is a
36 part of the contract.

37 5. The port authority may issue revenue bonds to
38 refund revenue bonds, pledge orders, and other
39 obligations which are by their terms payable from the
40 net revenues of the same port authority, at lower, the
41 same, or higher rates of interest. A port authority
42 may sell refunding revenue bonds at public or private
43 sale and apply the proceeds to the payment of the
44 obligations being refunded, and may exchange refunding
45 revenue bonds in payment and discharge of the
46 obligations being refunded. The principal amount of
47 refunding revenue bonds may exceed the principal
48 amount of the obligations being refunded to the extent
49 necessary to pay any premium due on the call of the
50 obligations being refunded and to fund interest

Page 23

- 1 accrued and to accrue on the obligations being
2 refunded.
- 3 6. The final maturity of any original issue of
4 port authority revenue bonds shall not exceed forty
5 years from the date of issue, and the final maturity
6 of port authority revenue bonds that refund
7 outstanding port authority revenue bonds shall not be
8 later than the later of forty years from the date of
9 issue of the original issue of bonds or the date by
10 which it is expected, at the time of issuance of the
11 refunding bonds, that the useful life of all of the
12 property refinanced with the proceeds of the bonds,
13 other than interests in land, will have expired. Such
14 bonds or notes shall be executed in a manner as the
15 resolution may provide.
- 16 7. The port authority may contract to pay an
17 amount not to exceed ninety-five percent of the
18 engineer's estimated value of the acceptable work
19 completed during the month to the contractor at the
20 end of each month for work, material, or services.
21 Payment may be made in warrants drawn on any fund from
22 which payment for the work may be made. If such funds
23 are depleted, anticipatory warrants may be issued
24 bearing a rate of interest not exceeding that
25 permitted by chapter 74A even if income from the sale
26 of bonds which have been authorized and are applicable
27 to the public improvement takes place after the fiscal
28 year in which the warrants are issued. If the port
29 authority arranges for the private sale of
30 anticipatory warrants, the warrants may be sold and
31 the proceeds used to pay the contractor. The warrants
32 may also be used to pay other persons furnishing
33 services constituting a part of the cost of the public
34 improvement.
- 35 8. Port authority revenue bonds, pledge orders,
36 and warrants issued under this section are negotiable
37 instruments.
- 38 9. The board may issue pledge orders pursuant to a
39 resolution adopted by a majority of the total number
40 of supervisors, at a regular or special meeting,
41 ordering their issuance and delivery in payment for
42 all or part of the cost of a project. Pledge orders
43 may bear interest at rates not exceeding those
44 permitted by chapter 74A.
- 45 10. Except as provided in section 28J.20, the
46 physical properties of the port authority shall not be
47 pledged or mortgaged to secure the payment of revenue
48 bonds, pledge orders, or refunding bonds, or the
49 interest thereon.
- 50 11. The members of the board of the port authority

Page 24

1 and any person executing the bonds or pledge orders
2 shall not be personally liable on the bonds or pledge
3 orders or be subject to any personal liability or
4 accountability by reason of the issuance thereof.

5 Sec. __. **NEW SECTION. 28J.22 BONDS MAY BE**
6 **SECURED BY TRUST AGREEMENT.**

7 1. In the discretion of the port authority, a port
8 authority revenue bond issued under this chapter may
9 be secured by a trust agreement between the port
10 authority and a corporate trustee that may be any
11 trust company or bank having the powers of a trust
12 company within this or any other state.

13 2. The trust agreement may pledge or assign
14 revenues of the port authority to be received for
15 payment of the revenue bonds. The trust agreement or
16 any resolution providing for the issuance of revenue
17 bonds may contain provisions for protecting and
18 enforcing the rights and remedies of the bondholders
19 as are reasonable and proper and not in violation of
20 law, including covenants setting forth the duties of
21 the port authority in relation to the acquisition of
22 property, the construction, improvement, maintenance,
23 repair, operation, and insurance of the port authority
24 facility in connection with which the bonds are
25 authorized, the rentals or other charges to be imposed
26 for the use or services of any port authority
27 facility, the custody, safeguarding, and application
28 of all moneys, and provisions for the employment of
29 consulting engineers in connection with the
30 construction or operation of any port authority
31 facility.

32 3. A bank or trust company incorporated under the
33 laws of this state, that may act as the depository of
34 the proceeds of bonds or of revenues, shall furnish
35 any indemnifying bonds or may pledge any securities
36 that are required by the port authority. The trust
37 agreement may set forth the rights and remedies of the
38 bondholders and of the trustee, and may restrict the
39 individual right of action by bondholders as is
40 customary in trust agreements or trust indentures
41 securing similar bonds. The trust agreement may
42 contain any other provisions that the port authority
43 determines reasonable and proper for the security of
44 the bondholders. All expenses incurred in carrying
45 out the provisions of the trust agreement may be
46 treated as a part of the cost of the operation of the
47 port authority facility.

48 Sec. __. **NEW SECTION. 28J.23 REMEDY OF HOLDER**
49 **OF BOND OR COUPON – STATUTE OF LIMITATIONS.**

50 1. The sole remedy for a breach or default of a

Page 25

1 term of a port authority revenue bond or pledge order
2 is a proceeding in law or in equity by suit, action,
3 or mandamus to enforce and compel performance of the
4 duties required by this chapter and of the terms of
5 the resolution authorizing the issuance of the revenue
6 bonds or pledge orders, or to obtain the appointment
7 of a receiver to take possession of and operate the
8 port authority, and to perform the duties required by
9 this chapter and the terms of the resolution
10 authorizing the issuance of the port authority revenue
11 bonds or pledge orders.

12 2. An action shall not be brought which questions
13 the legality of port authority revenue bonds or pledge
14 orders, the power of a port authority to issue revenue
15 bonds or pledge orders, or the effectiveness of any
16 proceedings relating to the authorization and issuance
17 of revenue bonds or pledge orders, from and after
18 fifteen days from the time the bonds or pledge orders
19 are ordered issued by the port authority.

20 Sec. NEW SECTION. 28J.24 BONDS ARE PAYABLE
21 SOLELY FROM REVENUES AND FUNDS PLEDGED FOR PAYMENT.

22 Port authority revenue bonds and pledge orders
23 issued under this chapter do not constitute a debt, or
24 a pledge of the faith and credit, of the state or a
25 political subdivision of the state, and the holders or
26 owners of the bonds or pledge orders shall not have
27 taxes levied by the state or by a taxing authority of
28 a governmental agency of the state for the payment of
29 the principal of or interest on the bonds or pledge
30 orders, but the bonds and pledge orders are payable
31 solely from the revenues and funds pledged for their
32 payment as authorized by this chapter, unless the
33 notes are issued in anticipation of the issuance of
34 bonds or pledge orders or the bonds and pledge orders
35 are refunded by refunding bonds issued under this
36 chapter, which bonds, pledge orders, or refunding
37 bonds shall be payable solely from revenues and funds
38 pledged for their payment as authorized by those
39 sections. All of the bonds or pledge orders shall
40 contain a statement to the effect that the bonds or
41 pledge orders, as to both principal and interest, are
42 not debts of the state or a political subdivision of
43 the state, but are payable solely from revenues and
44 funds pledged for their payment.

45 Sec. NEW SECTION. 28J.25 FUNDS AND PROPERTY
46 HELD IN TRUST – USE AND DEPOSIT OF FUNDS.

47 All revenues, funds, properties, and assets
48 acquired by the port authority under this chapter,
49 whether as proceeds from the sale of port authority
50 revenue bonds, pledge orders, or as revenues, shall be

Page 26

1 held in trust for the purposes of carrying out the
2 port authority's powers and duties, shall be used and
3 reused as provided in this chapter, and shall at no
4 time be part of other public funds. Such funds,
5 except as otherwise provided in a resolution
6 authorizing port authority revenue bonds or in a trust
7 agreement securing the same, or except when invested
8 pursuant to section 28J.26, shall be kept in
9 depositories selected by the port authority in the
10 manner provided in chapter 12C, and the deposits shall
11 be secured as provided in that chapter. The
12 resolution authorizing the issuance of revenue bonds
13 or pledge orders, or the trust agreement securing such
14 bonds or pledge orders shall provide that any officer
15 to whom, or any bank or trust company to which, such
16 moneys are paid shall act as trustee of such moneys
17 and hold and apply them for the purposes hereof,
18 subject to such conditions as this chapter and such
19 resolution or trust agreement provide.

20 Sec. . NEW SECTION. 28J.26 INVESTMENT OF
21 EXCESS FUNDS.

22 1. If a port authority has surplus funds after
23 making all deposits into all funds required by the
24 terms, covenants, conditions, and provisions of
25 outstanding revenue bonds, pledge orders, and
26 refunding bonds which are payable from the revenues of
27 the port authority and after complying with all of the
28 requirements, terms, covenants, conditions, and
29 provisions of the proceedings and resolutions pursuant
30 to which revenue bonds, pledge orders, and refunding
31 bonds are issued, the board may transfer the surplus
32 funds to any other fund of the port authority in
33 accordance with this chapter and chapter 12C, provided
34 that a transfer shall not be made if it conflicts with
35 any of the requirements, terms, covenants, conditions,
36 or provisions of a resolution authorizing the issuance
37 of revenue bonds, pledge orders, or other obligations
38 which are payable from the revenues of the port
39 authority which are then outstanding.

40 2. This section does not prohibit or prevent the
41 board from using funds derived from any other source
42 which may be properly used for such purpose, to pay a
43 part of the cost of a facility.

44 Sec. . NEW SECTION. 28J.27 CHANGE IN LOCATION
45 OF PUBLIC WAY, RAILROAD, OR UTILITY FACILITY –
46 VACATION OF HIGHWAY.

47 1. When a port authority changes the location of
48 any portion of any public road, railroad, or utility
49 facility in connection with the construction of a port
50 authority facility, the port authority shall

Page 27

1 reconstruct at such location as the governmental
2 agency having jurisdiction over such road, railroad,
3 or utility facility finds most favorable. The
4 construction of such road, railroad, or utility
5 facility shall be of substantially the same type and
6 in as good condition as the original road, railroad,
7 or utility facility. The cost of such reconstruction,
8 relocation, or removal and any damage incurred in
9 changing the location of any such road, railroad, or
10 utility facility shall be paid by the port authority
11 as a part of the cost of the port authority facility.

12 2. When the port authority finds it necessary that
13 a public highway or portion of a public highway be
14 vacated by reason of the acquisition or construction
15 of a port authority facility, the port authority may
16 request the director of the department of
17 transportation to vacate such highway or portion in
18 accordance with chapter 306 if the highway or portion
19 to be vacated is on the state highway system, or, if
20 the highway or portion to be vacated is under the
21 jurisdiction of a county, the port authority shall
22 petition the board of supervisors of that county, in
23 the manner provided in chapter 306, to vacate such
24 highway or portion. The port authority shall pay to
25 the county, as a part of the cost of such port
26 authority facility, any amounts required to be
27 deposited with a court in connection with proceedings
28 for the determination of compensation and damages and
29 all amounts of compensation and damages finally
30 determined to be payable as a result of such vacation.

31 3. The port authority may adopt bylaws for the
32 installation, construction, maintenance, repair,
33 renewal, relocation, and removal of railroad or
34 utility facilities in, on, over, or under any port
35 authority facility. Whenever the port authority
36 determines that it is necessary that any such facility
37 installed or constructed in, on, over, or under
38 property of the port authority pursuant to such bylaws
39 be relocated, the utility company owning or operating
40 such facility shall relocate or remove them in
41 accordance with the order of the port authority. The
42 cost and expenses of such relocation or removal,
43 including the cost of installing such facility in a
44 new location, the cost of any lands, or any rights or
45 interests in lands, and any other rights, acquired to
46 accomplish such relocation or removal, shall be paid
47 by the port authority as a part of the cost of the
48 port authority facility. In case of any such
49 relocation or removal of such facilities, the railroad
50 or utility company owning or operating them, its

Page 28

1 successors, or assigns may maintain and operate such
2 facilities, with the necessary appurtenances, in the
3 new location in, on, over, or under the property of
4 the port authority for as long a period and upon the
5 same terms as the railroad or utility company had the
6 right to maintain and operate such facilities in their
7 former location.

8 Sec. . NEW SECTION. 28J.28 FINAL ACTIONS TO
9 BE RECORDED – ANNUAL REPORT – CONFIDENTIALITY OF
10 INFORMATION.

11 1. All final actions of the port authority shall
12 be recorded and the records of the port authority
13 shall be open to public examination and copying
14 pursuant to chapter 22. Not later than the first day
15 of April every year, a port authority shall submit a
16 report to the director of the department of economic
17 development detailing the projects and activities of
18 the port authority during the previous calendar year.

19 The report shall include, but not be limited to, all
20 aspects of those projects and activities, including
21 the progress and status of the projects and their
22 costs, and any other information the director
23 determines should be included in the report.

24 2. Financial and proprietary information,
25 including trade secrets, submitted to a port authority
26 or the agents of a port authority, in connection with
27 the relocation, location, expansion, improvement, or
28 preservation of a business or nonprofit corporation is
29 not a public record subject to chapter 22. Any other
30 information submitted under those circumstances is not
31 a public record subject to chapter 22 until there is a
32 commitment in writing to proceed with the relocation,
33 location, expansion, improvement, or preservation.

34 3. Notwithstanding chapter 21, the board of
35 directors of a port authority, when considering
36 information that is not a public record under this
37 section, may close a meeting during the consideration
38 of that information pursuant to a vote of the majority
39 of the directors present on a motion stating that such
40 information is to be considered. Other matters shall
41 not be considered during the closed session.

42 Sec. . NEW SECTION. 28J.29 PROVISIONS TO BE
43 LIBERALLY CONSTRUED.

44 This chapter shall be liberally construed to effect
45 the chapter's purposes.

46 Sec. . Section 427.1, Code 2005, is amended by
47 adding the following new subsection:

48 NEW SUBSECTION. 34. PORT AUTHORITY PROPERTY. The
49 property of a port authority created pursuant to
50 section 28J.2, when devoted to public use and not held

Page 29

1 for pecuniary profit.

2 DIVISION
3 PROPERTY ASSESSMENT

4 Sec. __. Section 7E.6, subsection 5, Code 2005,
5 is amended to read as follows:

6 5. Any position of membership on the board of
7 parole, the public employment relations board, the
8 utilities board, ~~and~~ the employment appeal board, and
9 the property assessment appeal board shall be
10 compensated as otherwise provided in law.

11 Sec. __. Section 13.7, Code 2005, is amended to
12 read as follows:

13 13.7 SPECIAL COUNSEL.

14 Compensation shall not be allowed to any person for
15 services as an attorney or counselor to an executive
16 department of the state government, or the head
17 thereof, or to a state board or commission. However,
18 the executive council may employ legal assistance, at
19 a reasonable compensation, in a pending action or
20 proceeding to protect the interests of the state, but
21 only upon a sufficient showing, in writing, made by
22 the attorney general, that the department of justice
23 cannot for reasons stated by the attorney general
24 perform the service, which reasons and action of the
25 council shall be entered upon its records. When the
26 attorney general determines that the department of
27 justice cannot perform legal service in an action or
28 proceeding, the executive council shall request the
29 department involved in the action or proceeding to
30 recommend legal counsel to represent the department.
31 If the attorney general concurs with the department
32 that the person recommended is qualified and suitable
33 to represent the department, the person recommended
34 shall be employed. If the attorney general does not
35 concur in the recommendation, the department shall
36 submit a new recommendation. This section does not
37 affect the general counsel for the utilities board of
38 the department of commerce, ~~or~~ the legal counsel of
39 the department of workforce development, or the
40 general counsel for the property assessment appeal
41 board.

42 Sec. __. NEW SECTION. 421.1A PROPERTY
43 ASSESSMENT APPEAL BOARD.

44 1. A statewide property assessment appeal board is
45 created for the purpose of establishing a consistent,
46 fair, and equitable property assessment appeal
47 process. The statewide property assessment appeal
48 board is established within the department of revenue
49 for administrative and budgetary purposes. The
50 board's principal office shall be in the office of the

Page 30

1 department of revenue in the capital of the state.

2 2. a. The property assessment appeal board shall
3 consist of three members appointed to staggered six-
4 year terms, beginning and ending as provided in
5 section 69.19, by the governor and subject to
6 confirmation by the senate. Subject to confirmation
7 by the senate, the governor shall appoint from the
8 members a chairperson of the board to a two-year term.
9 Vacancies on the board shall be filled for the
10 unexpired portion of the term in the same manner as
11 regular appointments are made. The term of office for
12 the initial board shall begin January 1, 2007.

13 b. Each member of the property assessment appeal
14 board shall be qualified by virtue of at least two
15 years' experience in the area of government,
16 corporate, or private practice relating to property
17 appraisal and property tax administration. One member
18 of the board shall be a certified real estate
19 appraiser or hold a professional appraisal
20 designation, one member shall be an attorney
21 practicing in the area of state and local taxation or
22 property tax appraisals, and one member shall be a
23 professional with experience in the field of
24 accounting or finance and with experience in state and
25 local taxation matters. No more than two members of
26 the board may be from the same political party as that
27 term is defined in section 43.2.

28 c. The property assessment appeal board shall
29 organize by appointing a secretary who shall take the
30 same oath of office as the members of the board. The
31 board may employ additional personnel as it finds
32 necessary. All personnel employed by the board shall
33 be considered state employees and are subject to the
34 merit system provisions of chapter 8A, subchapter IV.

35 3. At the election of a property owner or
36 aggrieved taxpayer or an appellant described in
37 section 441.42, the property assessment appeal board
38 shall review any final decision, finding, ruling,
39 determination, or order of a local board of review
40 relating to protests of an assessment, valuation, or
41 application of an equalization order.

42 4. The property assessment appeal board may do all
43 of the following:

44 a. Affirm, reverse, or modify a final decision,
45 finding, ruling, determination, or order of a local
46 board of review.

47 b. Order the payment or refund of property taxes
48 in a matter over which the board has jurisdiction.

49 c. Grant other relief or issue writs, orders, or
50 directives that the board deems necessary or

Page 31

1 appropriate in the process of disposing of a matter
2 over which the board has jurisdiction.

3 d. Subpoena documents and witnesses and administer
4 oaths.

5 e. Adopt administrative rules pursuant to chapter
6 17A for the administration and implementation of its
7 powers, including rules for practice and procedure for
8 protests filed with the board, the manner in which
9 hearings on appeals of assessments shall be conducted,
10 filing fees to be imposed by the board, and for the
11 determination of the correct assessment of property
12 which is the subject of an appeal.

13 f. Adopt administrative rules pursuant to chapter
14 17A necessary for the preservation of order and the
15 regulation of proceedings before the board, including
16 forms or notice and the service thereof, which rules
17 shall conform as nearly as possible to those in use in
18 the courts of this state.

19 5. The property assessment appeal board shall
20 employ a competent attorney to serve as its general
21 counsel, and assistants to the general counsel as it
22 finds necessary for the full and efficient discharge
23 of its duties. The general counsel is the attorney
24 for, and legal advisor of, the board. The general
25 counsel or an assistant to the general counsel shall
26 provide the necessary legal advice to the board in all
27 matters and shall represent the board in all actions
28 instituted in a court challenging the validity of a
29 rule or order of the board. The general counsel shall
30 devote full time to the duties of the office. During
31 employment as general counsel to the board, the
32 counsel shall not be a member of a political
33 committee, contribute to a political campaign,
34 participate in a political campaign, or be a candidate
35 for partisan political office. The general counsel
36 and assistants to the general counsel shall be
37 considered state employees and are subject to the
38 merit system provisions of chapter 8A, subchapter IV.

39 6. The members of the property assessment appeal
40 board shall receive compensation from the state
41 commensurate with the salary of a district judge. The
42 members of the board shall not be considered state
43 employees for purposes of salary and benefits. The
44 members of the board and any employees of the board,
45 when required to travel in the discharge of official
46 duties, shall be paid their actual and necessary
47 expenses incurred in the performance of duties.

48 7. a. Effective January 1, 2012, a property
49 assessment appeal board review committee is
50 established. Staffing assistance to the committee

Page 32

1 shall be provided by the department of revenue. The
2 committee shall consist of six members of the general
3 assembly, two appointed by the majority leader of the
4 senate, one appointed by the minority leader of the
5 senate, two appointed by the speaker of the house of
6 representatives, and one appointed by the minority
7 leader of the house of representatives; the director
8 of revenue or the director's designee; a county
9 assessor appointed by the Iowa state association of
10 counties; and a city assessor appointed by the Iowa
11 league of cities.

12 b. The property assessment appeal board review
13 committee shall review the activities of the property
14 assessment appeal board since its inception. The
15 review committee may recommend the revision of any
16 rules, regulations, directives, or forms relating to
17 the activities of the property assessment appeal
18 board.

19 c. The review committee shall report to the
20 general assembly by January 15, 2013. The report
21 shall include any recommended changes in laws relating
22 to the property assessment appeal board, the reasons
23 for the committee's recommendations, and any other
24 information the committee deems advisable.

25 Sec. __. Section 428.4, unnumbered paragraph 1,
26 Code 2005, is amended to read as follows:

27 Property shall be assessed for taxation each year.
28 Real estate shall be listed and assessed in 1981 and
29 every two years thereafter. The assessment of real
30 estate shall be the value of the real estate as of
31 January 1 of the year of the assessment. The year
32 1981 and each odd-numbered year thereafter shall be a
33 reassessment year. In any year, after the year in
34 which an assessment has been made of all the real
35 estate in an assessing jurisdiction, the assessor
36 shall value and assess or revalue and reassess, as the
37 case may require, any real estate that the assessor
38 finds was incorrectly valued or assessed, or was not
39 listed, valued, and assessed, in the assessment year
40 immediately preceding, also any real estate the
41 assessor finds has changed in value subsequent to
42 January 1 of the preceding real estate assessment
43 year. However, a percentage increase on a class of
44 property shall not be made in a year not subject to an
45 equalization order unless ordered by the department of
46 revenue. The assessor shall determine the actual
47 value and compute the taxable value thereof as of
48 January 1 of the year of the revaluation and
49 reassessment. The assessment shall be completed as
50 specified in section 441.28, but no reduction or

Page 33

1 increase in actual value shall be made for prior
2 years. If an assessor makes a change in the valuation
3 of the real estate as provided for, sections 441.23,
4 441.37, 441.37A, 441.38 and 441.39 apply.

5 Sec. __. Section 441.19, subsection 4, Code 2005,
6 is amended to read as follows:

7 4. The supplemental returns ~~herein~~ provided for in
8 this section shall be preserved in the same manner as
9 assessment rolls, but shall be confidential to the
10 assessor, board of review, property assessment appeal
11 board, or director of revenue, and shall not be open
12 to public inspection, but any final assessment roll as
13 made out by the assessor shall be a public record,
14 provided that such supplemental return shall be
15 available to counsel of either the person making the
16 return or of the public, in case any appeal is taken
17 to the board of review, to the property assessment
18 appeal board, or to the court.

19 Sec. __. Section 441.21, subsection 1, Code 2005,
20 is amended by adding the following new paragraphs:

21 NEW PARAGRAPH. h. The assessor shall determine
22 the value of real property in accordance with rules
23 adopted by the department of revenue and in accordance
24 with forms and guidelines contained in the real
25 property appraisal manual prepared by the department
26 as updated from time to time. Such rules, forms, and
27 guidelines shall not be inconsistent with or change
28 the means, as provided in this section, of determining
29 the actual, market, taxable, and assessed values.

30 NEW PARAGRAPH. i. If the department finds that a
31 city or county assessor is not in compliance with the
32 rules of the department relating to valuation of
33 property or has disregarded the forms and guidelines
34 contained in the real property appraisal manual, the
35 department shall notify the assessor and each member
36 of the conference board for the appropriate assessing
37 jurisdiction. The notice shall be mailed by
38 restricted certified mail. The notice shall specify
39 the areas of noncompliance and the steps necessary to
40 achieve compliance. The notice shall also inform the
41 assessor and conference board that if compliance is
42 not achieved, a penalty may be imposed.

43 The conference board shall respond to the
44 department within thirty days of receipt of the notice
45 of noncompliance. The conference board may respond to
46 the notice by asserting that the assessor is in
47 compliance with the rules, guidelines, and forms of
48 the department or by informing the department that the
49 conference board intends to submit a plan of action to
50 achieve compliance. If the conference board responds

Page 34

1 to the notification by asserting that the assessor is
2 in compliance, a hearing before the director of
3 revenue shall be scheduled on the matter.

4 A plan of action shall be submitted within sixty
5 days of receipt of the notice of noncompliance. The
6 plan shall contain a time frame under which compliance
7 shall be achieved which shall be no later than January
8 1 of the following assessment year. The plan of
9 action shall contain the signature of the assessor and
10 of the chairperson of the conference board. The
11 department shall review the plan to determine whether
12 the plan is sufficient to achieve compliance. Within
13 thirty days of receipt of the plan, the department
14 shall notify the assessor and the chairperson of the
15 conference board that it has accepted the plan or that
16 it is necessary to submit an amended plan of action.

17 By January 1 of the assessment year following the
18 calendar year in which the plan was submitted to the
19 department, the conference board shall submit a report
20 to the department indicating that the plan of action
21 was followed and compliance has been achieved. The
22 department may conduct a field inspection to ensure
23 that the assessor is in compliance. By January 31,
24 the department shall notify the assessor and the
25 conference board, by restricted certified mail, either
26 that compliance has been achieved or that the assessor
27 remains in noncompliance. If the department
28 determines that the assessor remains in noncompliance,
29 the department shall take steps to withhold up to five
30 percent of the reimbursement payment authorized in
31 section 425.1 until the director of revenue determines
32 that the assessor is in compliance.

33 If the conference board disputes the determination
34 of the department, the chairperson of the conference
35 board may appeal the determination to the state board
36 of tax review.

37 The department shall adopt rules relating to the
38 administration of this paragraph "i".

39 Sec. __. Section 441.21, subsection 2, Code 2005,
40 is amended to read as follows:

41 2. In the event market value of the property being
42 assessed cannot be readily established in the
43 foregoing manner, then the assessor may determine the
44 value of the property using the other uniform and
45 recognized appraisal methods including its productive
46 and earning capacity, if any, industrial conditions,
47 its cost, physical and functional depreciation and
48 obsolescence and replacement cost, and all other
49 factors which would assist in determining the fair and
50 reasonable market value of the property but the actual

Page 35

1 value shall not be determined by use of only one such
2 factor. The following shall not be taken into
3 consideration: Special value or use value of the
4 property to its present owner, and the good will or
5 value of a business which uses the property as
6 distinguished from the value of the property as
7 property. However, in assessing property that is
8 rented or leased to low-income individuals and
9 families as authorized by section 42 of the Internal
10 Revenue Code, as amended, and which section limits the
11 amount that the individual or family pays for the
12 rental or lease of units in the property, the assessor
13 shall use the productive and earning capacity from the
14 actual rents received as a method of appraisal and
15 shall take into account the extent to which that use
16 and limitation reduces the market value of the
17 property. The assessor shall not consider any tax
18 credit equity or other subsidized financing as income
19 provided to the property in determining the assessed
20 value. The property owner shall notify the assessor
21 when property is withdrawn from section 42 eligibility
22 under the Internal Revenue Code. The property shall
23 not be subject to section 42 assessment procedures for
24 the assessment year for which section 42 eligibility
25 is withdrawn. This notification must be provided to
26 the assessor no later than March 1 of the assessment
27 year or the owner will be subject to a penalty of five
28 hundred dollars for that assessment year. The penalty
29 shall be collected at the same time and in the same
30 manner as regular property taxes. Upon adoption of
31 uniform rules by the revenue department of revenue or
32 succeeding authority covering assessments and
33 valuations of such properties, said the valuation on
34 such properties shall be determined in accordance
35 therewith with such rules and in accordance with forms
36 and guidelines contained in the real property
37 appraisal manual prepared by the department as updated
38 from time to time for assessment purposes to assure
39 uniformity, but such rules, forms, and guidelines
40 shall not be inconsistent with or change the foregoing
41 means of determining the actual, market, taxable and
42 assessed values.

43 Sec. __. Section 441.28, Code 2005, is amended to
44 read as follows:

45 441.28 ASSESSMENT ROLLS – CHANGE – NOTICE TO
46 TAXPAYER.

47 The assessment shall be completed not later than
48 April 15 each year. If the assessor makes any change
49 in an assessment after it has been entered on the
50 assessor's rolls, the assessor shall note on said the

Page 36

1 roll, together with the original assessment, the new
2 assessment and the reason for the change, together
3 with the assessor's signature and the date of the
4 change. Provided, however, in the event the assessor
5 increases any assessment the assessor shall give
6 notice of the increase in writing thereof to the
7 taxpayer by mail prior to the meeting of the board of
8 review postmarked no later than April 15. No changes
9 shall be made on the assessment rolls after April 15
10 except by order of the board of review or of the
11 property assessment appeal board, or by decree of
12 court.

13 Sec. ____. Section 441.35, unnumbered paragraph 2,
14 Code 2005, is amended to read as follows:

15 In any year after the year in which an assessment
16 has been made of all of the real estate in any taxing
17 district, ~~it shall be the duty of~~ the board of review
18 ~~to shall~~ meet as provided in section 441.33, and where
19 ~~it the board~~ finds the same has changed in value, ~~to~~
20 the board shall revalue and reassess any part or all
21 of the real estate contained in such taxing district,
22 and in such case, ~~it the board~~ shall determine the
23 actual value as of January 1 of the year of the
24 revaluation and reassessment and compute the taxable
25 value thereof, ~~and any~~. Any aggrieved taxpayer may
26 petition for a revaluation of the taxpayer's property,
27 but no reduction or increase shall be made for prior
28 years. If the assessment of any such property is
29 raised, or any property is added to the tax list by
30 the board, the clerk shall give notice in the manner
31 provided in section 441.36, ~~provided, however, that,~~
32 However, if the assessment of all property in any
33 taxing district is raised, the board may instruct the
34 clerk to give immediate notice by one publication in
35 one of the official newspapers located in the taxing
36 district, and such published notice shall take the
37 place of the mailed notice provided for in section
38 441.36, but all other provisions of ~~said that~~ section
39 shall apply. The decision of the board as to the
40 foregoing matters shall be subject to appeal to the
41 property assessment appeal board within the same time
42 and in the same manner as provided in section 441.37A
43 and to the district court within the same time and in
44 the same manner as provided in section 441.38.

45 Sec. ____. **NEW SECTION.** 441.37A APPEAL OF PROTEST
46 TO PROPERTY ASSESSMENT APPEAL BOARD.

47 1. For the assessment year beginning January 1,
48 2007, and all subsequent assessment years, appeals may
49 be taken from the action of the board of review with
50 reference to protests of assessment, valuation, or

Page 37

1 application of an equalization order to the property
2 assessment appeal board created in section 421.1A.
3 However, a property owner or aggrieved taxpayer or an
4 appellant described in section 441.42 may bypass the
5 property assessment appeal board and appeal the
6 decision of the local board of review to the district
7 court pursuant to section 441.38. For an appeal to
8 the property assessment appeal board to be valid,
9 written notice must be filed by the party appealing
10 the decision with the secretary of the property
11 assessment appeal board within twenty days after the
12 date the board of review's letter of disposition of
13 the appeal is postmarked to the party making the
14 protest. The written notice of appeal shall include a
15 petition setting forth the basis of the appeal and the
16 relief sought. No new grounds in addition to those
17 set out in the protest to the local board of review as
18 provided in section 441.37 can be pleaded, but
19 additional evidence to sustain those grounds may be
20 introduced. The assessor shall have the same right to
21 appeal to the assessment appeal board as an individual
22 taxpayer, public body, or other public officer as
23 provided in section 441.42.

24 Filing of the written notice of appeal and petition
25 with the secretary of the property assessment appeal
26 board shall preserve all rights of appeal of the
27 appellant, except as otherwise provided in subsection
28 2. A copy of the appellant's written notice of appeal
29 and petition shall be mailed by the secretary of the
30 property assessment appeal board to the local board of
31 review whose decision is being appealed. In all cases
32 where a change in assessed valuation of one hundred
33 thousand dollars or more is petitioned for, the local
34 board of review shall mail a copy of the written
35 notice of appeal and petition to all affected taxing
36 districts as shown on the last available tax list.

37 2. A party to the appeal may request a hearing or
38 the appeal may proceed without a hearing. If a
39 hearing is requested, the appellant and the local
40 board of review from which the appeal is taken shall
41 be given at least thirty days' written notice by the
42 property assessment appeal board of the date the
43 appeal shall be heard and the local board of review
44 may be present and participate at such hearing.
45 Notice to all affected taxing districts shall be
46 deemed to have been given when written notice is
47 provided to the local board of review. Failure by the
48 appellant to appear at the property assessment appeal
49 board hearing shall be grounds for dismissal of the
50 appeal unless a continuance is granted to the

Page 38

1 appellant. If an appeal is dismissed for failure to
2 appear, the property assessment appeal board shall
3 have no jurisdiction to consider any subsequent appeal
4 on the appellant's protest.

5 An appeal may be considered by less than a majority
6 of the members of the board, and the chairperson of
7 the board may assign members to consider appeals. If
8 a hearing is requested, it shall be open to the public
9 and shall be conducted in accordance with the rules of
10 practice and procedure adopted by the board. However,
11 any deliberation of a board member considering the
12 appeal in reaching a decision on any appeal shall be
13 confidential. The property assessment appeal board or
14 any member of the board may require the production of
15 any books, records, papers, or documents as evidence
16 in any matter pending before the board that may be
17 material, relevant, or necessary for the making of a
18 just decision. Any books, records, papers, or
19 documents produced as evidence shall become part of
20 the record of the appeal. Any testimony given
21 relating to the appeal shall be transcribed and made a
22 part of the record of the appeal.

23 3. a. The board member considering the appeal
24 shall determine anew all questions arising before the
25 local board of review which relate to the liability of
26 the property to assessment or the amount thereof. All
27 of the evidence shall be considered and there shall be
28 no presumption as to the correctness of the valuation
29 of assessment appealed from. The property assessment
30 appeal board shall make a decision in each appeal
31 filed with the board. If the appeal is considered by
32 less than a majority of the board, the determination
33 made by that member shall be forwarded to the full
34 board for approval, rejection, or modification. If
35 the initial determination is rejected by the board, it
36 shall be returned for reconsideration to the board
37 member making the initial determination. Any
38 deliberation of the board regarding an initial
39 determination shall be confidential.

40 b. The decision of the board shall be considered
41 the final agency action for purposes of further
42 appeal, except as otherwise provided in section
43 441.49. The decision shall be final unless appealed
44 to district court as provided in section 441.38. The
45 levy of taxes on any assessment appealed to the board
46 shall not be delayed by any proceeding before the
47 board, and if the assessment appealed from is reduced
48 by the decision of the board, any taxes levied upon
49 that portion of the assessment reduced shall be abated
50 or, if already paid, shall be refunded. If the

Page 39

1 subject of an appeal is the application of an
2 equalization order, the property assessment appeal
3 board shall not order a reduction in assessment
4 greater than the amount that the assessment was
5 increased due to application of the equalization
6 order. Each party to the appeal shall be responsible
7 for the costs of the appeal incurred by that party.

8 Sec. __. Section 441.38, Code 2005, is amended to
9 read as follows:

10 441.38 APPEAL TO DISTRICT COURT.

11 1. Appeals may be taken from the action of the
12 local board of review with reference to protests of
13 assessment, to the district court of the county in
14 which the board holds its sessions within twenty days
15 after its adjournment or May 31, whichever date is
16 later. Appeals may be taken from the action of the
17 property assessment appeal board to the district court
18 of the county where the property which is the subject
19 of the appeal is located within twenty days after the
20 letter of disposition of the appeal by the property
21 assessment appeal board is postmarked to the
22 appellant. No new grounds in addition to those set
23 out in the protest to the local board of review as
24 provided in section 441.37, or in addition to those
25 set out in the appeal to the property assessment
26 appeal board, if applicable, can be pleaded, but
27 additional evidence to sustain those grounds may be
28 introduced. The assessor shall have the same right to
29 appeal and in the same manner as an individual
30 taxpayer, public body or other public officer as
31 provided in section 441.42. Appeals shall be taken by
32 filing a written notice of appeal with the clerk of
33 district court. Filing of the written notice of
34 appeal shall preserve all rights of appeal of the
35 appellant.

36 2. Notice of appeal shall be served as an original
37 notice on the chairperson, presiding officer, or clerk
38 of the board of review, and on the secretary of the
39 property assessment appeal board, if applicable, after
40 the filing of notice under subsection 1 with the clerk
41 of district court.

42 Sec. __. Section 441.39, Code 2005, is amended to
43 read as follows:

44 441.39 TRIAL ON APPEAL.

45 The if the appeal is from a decision of the local
46 board of review, the court shall hear the appeal in
47 equity and determine anew all questions arising before
48 the board which relate to the liability of the
49 property to assessment or the amount thereof. The
50 court shall consider all of the evidence and there

Page 40

1 shall be no presumption as to the correctness of the
2 valuation of assessment appealed from. If the appeal
3 is from a decision of the property assessment appeal
4 board, the court's review shall be limited to the
5 correction of errors at law. Its decision shall be
6 certified by the clerk of the court to the county
7 auditor, and the assessor, who shall correct the
8 assessment books accordingly.

9 Sec. __. Section 441.43, Code 2005, is amended to
10 read as follows:

11 441.43 POWER OF COURT.

12 Upon trial of any appeal from the action of the
13 board of review or of the property assessment appeal
14 board fixing the amount of assessment upon any
15 property concerning which complaint is made, the court
16 may increase, decrease, or affirm the amount of the
17 assessment appealed from.

18 Sec. __. Section 441.49, unnumbered paragraph 5,
19 Code 2005, is amended to read as follows:

20 The local board of review shall reconvene in
21 special session from October 15 to November 15 for the
22 purpose of hearing the protests of affected property
23 owners or taxpayers within the jurisdiction of the
24 board whose valuation of property if adjusted pursuant
25 to the equalization order issued by the director of
26 revenue will result in a greater value than permitted
27 under section 441.21. The board of review shall
28 accept protests only during the first ten days
29 following the date the local board of review
30 reconvenes. The board of review shall limit its
31 review to only the timely filed protests. The board
32 of review may adjust all or a part of the percentage
33 increase ordered by the director of revenue by
34 adjusting the actual value of the property under
35 protest to one hundred percent of actual value. Any
36 adjustment so determined by the board of review shall
37 not exceed the percentage increase provided for in the
38 director's equalization order. The determination of
39 the board of review on filed protests is final,
40 subject to appeal to the property assessment appeal
41 board. A final decision by the local board of review,
42 or the property assessment appeal board, if the local
43 board's decision is appealed, is subject to review by
44 the director of revenue for the purpose of determining
45 whether the board's actions substantially altered the
46 equalization order. In making the review, the
47 director has all the powers provided in chapter 421,
48 and in exercising the powers the director is not
49 subject to chapter 17A. Not later than fifteen days
50 following the adjournment of the board, the board of

Page 41

1 review shall submit to the director of revenue, on
2 forms prescribed by the director, a report of all
3 actions taken by the board of review during this
4 session.

5 Sec.____. Section 445.60, Code 2005, is amended to
6 read as follows:

7 445.60 REFUNDING ERRONEOUS TAX.

8 The board of supervisors shall direct the county
9 treasurer to refund to the taxpayer any tax or portion
10 of a tax found to have been erroneously or illegally
11 paid, with all interest, fees, and costs actually
12 paid. A refund shall not be ordered or made unless a
13 claim for refund is presented to the board within two
14 years of the date the tax was due, or if appealed to
15 the board of review, the property assessment appeal
16 board, the state board of tax review, or district
17 court, within two years of the final decision.

18 Sec.____. FUTURE REPEAL.

19 1. The sections of this division of this Act
20 amending sections 7E.6, 13.7, 428.4, 441.19, 441.35,
21 441.38, 441.39, 441.43, 441.49, and 445.60, and
22 enacting sections 421.1A and 441.37A, are repealed
23 effective July 1, 2013.

24 2. The portion of the section of this division of
25 this Act amending section 441.28 relating only to the
26 property assessment appeal board is repealed effective
27 July 1, 2013."

28 6. Page 5, line 6, by striking the word "to" and
29 inserting the following: "property tax assessment,
30 to".

31 7. Page 5, line 7, by inserting after the word
32 "gasoline," the following: "to issuance of revenue
33 bonds,".

34 8. By renumbering as necessary.

Amendment H-1710 was adopted.

On motion by Hoffman of Crawford the House concurred in the Senate amendment H-1633, as amended.

Hoffman of Crawford 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. 868)

The ayes were, 89:

Alons	Anderson	Arnold	Bell
Boal	Bukta	Carroll	Cohoon
Dandekar	Davitt	Dix	Dolecheck
Drake	Elgin	Foege	Freeman
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Schickel
Schueller	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wildurdyke	Winckler	Wise	Zirkelbach
Mr. Speaker			
Rants			

The nays were, 6:

Baudler	De Boef	Eichhorn	Fallon
Sands	Van Engelenhoven		

Absent or not voting, 5:

Berry	Chambers	Ford	Frevort
Shomshor			

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 868** be immediately messaged to the Senate.

The House stood at ease at 5:12 p.m., until the fall of the gavel.

The House resumed session at 7:00 p.m., Speaker pro tempore Carroll in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-eight members present, twenty-two absent.

SENATE AMENDMENT CONSIDERED

Dix of Butler called up for consideration **House File 882**, a bill for an act making, reducing, and transferring appropriations, providing for fees, and providing for properly related matters and including effective and retroactive applicability date provisions, amended by the Senate amendment H-1703 as follows:

H-1703

1 Amend House File 882, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 22, the
4 following:

5 "Sec. __. Section 8.8, Code 2005, is amended to
6 read as follows:

7 8.8 SPECIAL OLYMPICS FUND – APPROPRIATION.

8 A special olympics fund is created in the office of
9 the treasurer of state under the control of the
10 department of management. There is appropriated
11 annually from the general fund of the state to the
12 special olympics fund ~~thirty~~ fifty thousand dollars
13 for distribution to one or more organizations which
14 administer special olympics programs benefiting the
15 citizens of Iowa with disabilities."

16 2. Page 5, by inserting after line 11 the
17 following:

18 "Sec. __. DEPARTMENT OF CULTURAL AFFAIRS –
19 NONPROFIT MUSIC ENTITIES. There is appropriated from
20 the general fund of the state to the department of
21 cultural affairs for the fiscal year beginning July 1,
22 2005, and ending June 30, 2006, fifty thousand dollars
23 for purposes of providing two twenty-five thousand
24 dollar grants to nonprofit music entities. A
25 recipient of a grant shall be a nonprofit entity that
26 is formed with members including local musicians,
27 music promoters, representatives of music venues and
28 businesses, community leaders, and live music
29 enthusiasts who discuss, assess, and expedite the
30 implementation of a unified music agenda for a local
31 community and aggressively advocates, sponsors, and
32 develops an independent, progressive live music

33 economy in a local community."

34 3. Page 5, line 20, by striking the figure
35 "100,000" and inserting the following: "160,000".

36 4. Page 5, by striking lines 21 through 29.

37 5. Page 5, lines 31 and 32, by striking the words
38 "state department of transportation" and inserting the
39 following: "homeland security and emergency
40 management division of the department of public
41 safety".

42 6. Page 6, by striking lines 2 through 19.

43 7. Page 6, by inserting before line 20, the
44 following:

45 "Sec. __. TRANSITIONAL HOUSING REVOLVING LOAN
46 PROGRAM FUND - TRANSFER. Of the amount appropriated
47 from the general fund of the state to the department
48 of human services for the fiscal year beginning July
49 1, 2005, and ending June 30, 2006, for purposes of
50 child and family services in 2005 Iowa Acts, House

Page 2

1 File 825, if enacted, \$1,400,000 is transferred to the
2 transitional housing revolving loan program fund
3 created in section 16.184, if enacted by 2005 Iowa
4 Acts, House File 825, to be used for purposes of that
5 fund. The transfer shall be completed on or before
6 August 1, 2005.

7 Sec. __. HEALTHY IOWANS TOBACCO TRUST - AIDS
8 DRUG ASSISTANCE PROGRAM. There is appropriated from
9 the healthy Iowans tobacco trust created in section
10 12.65 to the Iowa department of public health for the
11 fiscal year beginning July 1, 2005, and ending June
12 30, 2006, the following amount, or so much thereof as
13 is necessary, to be used for the purpose designated:
14 For additional funding to leverage federal funding
15 through the federal Ryan White Care Act, Title II,
16 AIDS drug assistance program supplemental drug
17 treatment grants:

18 \$ 275,000

19 Sec. __. GREAT PLACES. There is appropriated
20 from the general fund of the state to the department
21 of cultural affairs for the fiscal year beginning July
22 1, 2004, and ending June 30, 2005, the following
23 amount, or so much thereof as is necessary, to be used
24 for the purposes designated:

25 GREAT PLACES. For salaries, support, maintenance,
26 and miscellaneous purposes:
27 \$ 100,000

28 Notwithstanding section 8.33, any moneys
29 appropriated in this section that remain unencumbered
30 or unobligated at the close of the fiscal year shall
31 not revert but shall remain available for expenditure

32 for the purposes designated until the close of the
 33 succeeding fiscal year.
 34 Sec.____. IOWA LEARNING TECHNOLOGY. There is
 35 appropriated from the general fund of the state to the
 36 department of education for the fiscal year beginning
 37 July 1, 2005, and ending June 30, 2006, the following
 38 amount, or so much thereof as is necessary, to be used
 39 for the purpose designated:

40 For implementation of the provisions of Code
 41 chapter 280A, as amended by 2005 Iowa Acts, House File
 42 739, if enacted:

43 \$ 500,000

44 Sec.____. UNDERGROUND STORAGE TANK FUND – GENERAL
 45 FUND. Notwithstanding section 455G.3, subsection 1,
 46 there is transferred from the Iowa comprehensive
 47 petroleum underground storage tank fund created in
 48 section 455G.3, subsection 1, to the general fund of
 49 the state during the fiscal year beginning July 1,
 50 2005, and ending June 30, 2006, the following amount:

Page 3

1 \$ 500,000

2 Sec.____. UNDERGROUND STORAGE TANK FUND –
 3 WATERSHED IMPROVEMENT FUND – FY 2005-2006.
 4 Notwithstanding section 455G.3, subsection 1, there is
 5 appropriated from the Iowa comprehensive petroleum
 6 underground storage tank fund created in section
 7 455G.3, subsection 1, to the Iowa finance authority
 8 during the fiscal year beginning July 1, 2005, and
 9 ending June 30, 2006, the following amount, or so much
 10 thereof as is necessary, to be used for the purpose
 11 designated:

12 For deposit in the watershed improvement fund
 13 created in 2005 Iowa Acts, Senate File 200, if
 14 enacted:

15 \$ 4,500,000

16 The moneys deposited in the watershed improvement
 17 fund pursuant to this section are appropriated to the
 18 Iowa finance authority for the fiscal year beginning
 19 July 1, 2005, and ending June 30, 2006, to be used as
 20 provided in section 16.185, if enacted by 2005 Iowa
 21 Acts, Senate File 200. The appropriations made in this
 22 section are contingent upon the enactment of 2005 Iowa
 23 Acts, Senate File 200, and the creation of the
 24 watershed improvement fund in accordance with section
 25 16.185, if enacted by 2005 Iowa Acts, Senate File 200.

26 Sec.____. UNDERGROUND STORAGE TANK FUND –
 27 WATERSHED IMPROVEMENT FUND – FY 2006-2007.
 28 Notwithstanding section 455G.3, subsection 1, there is
 29 appropriated from the Iowa comprehensive petroleum
 30 underground storage tank fund created in section

31 455G.3, subsection 1, to the Iowa finance authority
 32 during the fiscal year beginning July 1, 2006, and
 33 ending June 30, 2007, the following amount, or so much
 34 thereof as is necessary, to be used for the purpose
 35 designated:
 36 For deposit in the watershed improvement fund
 37 created in 2005 Iowa Acts, Senate File 200, if
 38 enacted:
 39 \$ 5,000,000
 40 The moneys deposited in the watershed improvement
 41 fund pursuant to this section are appropriated to the
 42 Iowa finance authority for the fiscal year beginning
 43 July 1, 2006, and ending June 30, 2007, to be used as
 44 provided in section 16.185, if enacted by 2005 Iowa
 45 Acts, Senate File 200. The appropriations made in
 46 this section are contingent upon the enactment of 2005
 47 Iowa Acts, Senate File 200, and the creation of the
 48 watershed improvement fund in accordance with section
 49 16.185, if enacted by 2005 Iowa Acts, Senate File 200.
 50 Sec.____. GROW IOWA VALUES FUND – FY 2004-2005.

Page 4

1 There is appropriated from the general fund of the
 2 state to the department of economic development for
 3 the fiscal year beginning July 1, 2004, and ending
 4 June 30, 2005, the following amount, or so much
 5 thereof as is necessary, to be used for the purpose
 6 designated:
 7 To be credited to the grow Iowa values fund created
 8 in section 15G.108, if enacted by 2005 Iowa Acts,
 9 House File 868:
 10 \$ 25,000,000
 11 Notwithstanding section 8.33, moneys appropriated
 12 in this section that remain unencumbered or
 13 unobligated at the close of the fiscal year shall not
 14 revert but shall remain available for expenditure for
 15 the purpose designated until the close of the
 16 succeeding fiscal year. The appropriation made in
 17 this section shall be distributed and credited to the
 18 grow Iowa values fund on July 1, 2005.
 19 Sec.____. GROW IOWA VALUES FUND – FY 2005-2006.
 20 There is appropriated from the general fund of the
 21 state for the fiscal year beginning July 1, 2005, and
 22 ending June 30, 2006, to the department of economic
 23 development in lieu of the appropriation made from the
 24 general fund of the state in section 15G.110, if
 25 enacted by 2005 Iowa Acts, House File 809, for the
 26 fiscal year beginning July 1, 2005, and ending June
 27 30, 2006, to be used for the purpose designated:
 28 For deposit in the grow Iowa values fund created in
 29 section 15G.108, if enacted by 2005 Iowa Acts, House

30 File 868:

31 \$ 25,000,000"

32 8. Page 6, by striking lines 20 through 30.

33 9. Page 7, by striking lines 1 through 20.

34 10. By striking page 7, line 21, through page 9,
35 line 32.

36 11. By striking page 9, line 33, through page 11,
37 line 16.

38 12. Page 11, by inserting before line 17, the
39 following:

40 "Sec.____. NATIONAL GOVERNORS ASSOCIATION MEETING.

41 2004 Iowa Acts, chapter 1175, section 12, subsection
42 4, AS AMENDED BY 2005 Iowa Acts, House File 810, if
43 enacted, is amended to read as follows:

44 4. NATIONAL GOVERNORS ASSOCIATION

45 For payment of Iowa's membership in the national
46 governors association:

47 \$ 364,393

48 264,393

49 Of the funds appropriated in this subsection,
50 ~~\$300,000~~ \$200,000 is allocated for security-related

Page 5

1 costs and other expenses associated with the national
2 governors association national meeting.
3 Notwithstanding section 8.33, the moneys allocated for
4 the meeting that remain unencumbered or unobligated at
5 the close of the fiscal year shall not revert but
6 shall remain available for expenditure for the
7 purposes designated until the close of the succeeding
8 fiscal year.

9 Sec.____. 2005 Iowa Acts, House File 881, section
10 5, unnumbered paragraphs 1 and 2, if enacted, are
11 amended to read as follows:

12 There is appropriated from the general fund of the
13 state to the salary adjustment fund for distribution
14 by the department of management to the various state
15 departments, boards, commissions, councils, and
16 agencies, excluding the state board of regents, for
17 the fiscal year beginning July 1, 2005, and ending
18 June 30, 2006, the amount of ~~\$38,500,000~~ 43,300,000,
19 or so much thereof as may be necessary, to fully fund
20 annual pay adjustments, expense reimbursements, and
21 related benefits implemented pursuant to the
22 following:

23 Of the amount appropriated in this section,
24 ~~\$4,880,000~~ 5,488,000 shall be allocated to the
25 judicial branch for the purpose of funding annual pay
26 adjustments, expense reimbursements, and related
27 benefits implemented for judicial branch employees."

28 13. By striking page 12, line 18, through page

29 13, line 4.

30 14. Page 13, by inserting after line 21, the
31 following:

32 "Sec. __. MEDICAL ASSISTANCE APPROPRIATION. If

33 2005 Iowa Acts, House File 825, is enacted and
34 provides for an appropriation from the general fund of
35 the state to the department of human services for the
36 fiscal year beginning July 1, 2005, and ending June
37 30, 2006, for the medical assistance program, there is
38 appropriated from the general fund of the state, in
39 lieu of such appropriation in 2005 Iowa Acts, House
40 File 825, the following amount, or so much thereof as
41 is necessary:

42 For purposes of the medical assistance program in
43 accordance with the provisions of 2005 Iowa Acts,
44 House File 825, as enacted:

45 \$509,416,519

46 Sec. __. SENIOR LIVING TRUST FUND APPROPRIATION.

47 If 2005 Iowa Acts, House File 825, is enacted and
48 provides for an appropriation from the senior living
49 trust fund to the department of human services for the
50 fiscal year beginning July 1, 2005, and ending June

Page 6

1 30, 2006, to supplement the medical assistance
2 appropriation, there is appropriated from the senior
3 living trust fund, in lieu of such appropriation in
4 2005 Iowa Acts, House File 825, the following amount,
5 or so much thereof as is necessary:

6 For purposes of supplementation of the medical
7 assistance appropriation in accordance with the
8 provisions of 2005 Iowa Acts, House File 825, as
9 enacted:

10 \$ 75,253,926

11 Sec. __. JUVENILE HOME AT TOLEDO. If 2005 Iowa

12 Acts, House File 875, is enacted and provides for a
13 appropriation from the rebuild Iowa infrastructure
14 fund to the department of administrative services for
15 the fiscal year beginning July 1, 2005, and ending
16 June 30, 2006, for powerhouse facilities at the
17 juvenile home at Toledo, there is appropriated from
18 the rebuild Iowa infrastructure fund in lieu of such
19 appropriation in 2005 Iowa Acts, House File 875, the
20 following amount, or so much thereof as is necessary:

21 For the costs associated with the replacement of
22 the powerhouse facilities at the juvenile home at
23 Toledo:

24 \$ 861,045

25 Sec. __. ENRICH IOWA LIBRARIES PROGRAM. If 2005

26 Iowa Acts, House File 875, is enacted and provides for
27 an appropriation from the rebuild Iowa infrastructure

28 fund to the department of education for the fiscal
 29 year beginning July 1, 2005, and ending June 30, 2006,
 30 for resources for local libraries and the enrich Iowa
 31 program, there is appropriated from the rebuild Iowa
 32 infrastructure fund in lieu of such appropriation in
 33 2005 Iowa Acts, House File 875, the following amount,
 34 or so much thereof as is necessary:

35 To provide resources for structural and
 36 technological improvements to local libraries and for
 37 the enrich Iowa program, notwithstanding section 8.57,
 38 subsection 6, paragraph "c":

39 \$ 900,000

40 Sec. __. NATIONAL PROGRAM FOR PLAYGROUND SAFETY.

41 If 2005 Iowa Acts, House File 875, is enacted and
 42 provides for an appropriation from the rebuild Iowa
 43 infrastructure fund to the university of northern Iowa
 44 for the fiscal year beginning July 1, 2005, and ending
 45 June 30, 2006, for the national program for playground
 46 safety, there is appropriated from the rebuild Iowa
 47 infrastructure fund in lieu of such appropriation in
 48 2005 Iowa Acts, House File 875, the following amount,
 49 or so much thereof as is necessary:

50 For the Iowa safe surfacing initiative,

Page 7

1 notwithstanding section 8.57, subsection 6, paragraph
 2 "c":

3 \$ 500,000

4 Sec. __. JUVENILE HOME AT TOLEDO. If 2005 Iowa

5 Acts, House File 875, is enacted and provides for an
 6 appropriation from the rebuild Iowa infrastructure
 7 fund to the department of administrative services for
 8 the fiscal year beginning July 1, 2006, and ending
 9 June 30, 2007, for powerhouse facilities at the
 10 juvenile home at Toledo, there is appropriated from
 11 the rebuild Iowa infrastructure fund in lieu of such
 12 appropriation in 2005 Iowa Acts, House File 875, the
 13 following amount, or so much thereof as is necessary:

14 For the costs associated with the replacement of
 15 the powerhouse facilities at the juvenile home at
 16 Toledo:

17 \$ 1,821,045"

18 15. Page 13, line 23, by striking the figure "1".

19 16. Page 13, by striking lines 27 through 33.

20 17. Page 13, by inserting before line 34, the
 21 following:

22 " __. The section of this division of this Act
 23 providing an appropriation from the general fund of
 24 the state to the department of economic development
 25 for the fiscal year beginning July 1, 2004, for
 26 deposit in the grow Iowa values fund, is contingent

27 upon enactment of the provisions of 2005 Iowa Acts,
28 House File 809, enacting section 15G.110, and 2005
29 Iowa Acts, House File 868, enacting section 15G.108,
30 and being deemed of immediate importance, takes effect
31 upon enactment.

32 _____. The sections of this division of this Act
33 appropriating moneys to the department of cultural
34 affairs for great places and amending 2004 Iowa Acts,
35 chapter 1175, section 12, subsection 4, being deemed
36 of immediate importance, take effect upon enactment."

37 18. Page 13, by inserting after line 35 the
38 following:

39 "Sec. _____. Section 8D.2, subsection 5, paragraph
40 b, Code 2005, is amended to read as follows:

41 b. For the purposes of this chapter, "public
42 agency" also includes any homeland security or defense
43 facility or disaster response agency established by
44 the administrator of the homeland security and
45 emergency management division of the department of
46 public defense or the governor or any facility
47 connected with a security or defense system or
48 disaster response as required by the administrator of
49 the homeland security and emergency management
50 division of the department of public defense or the

Page 8

1 governor.

2 Sec. _____. Section 8D.9, subsection 3, Code 2005,
3 is amended to read as follows:

4 3. A facility that is considered a public agency
5 pursuant to section 8D.2, subsection 5, paragraph "b",
6 shall be authorized to access the Iowa communications
7 network strictly for homeland security communication
8 purposes and disaster communication purposes. Any
9 utilization of the network that is not related to
10 communications concerning homeland security or a
11 disaster, as defined in section 29C.2, is expressly
12 prohibited. Access under this subsection shall be
13 available only if a state of disaster emergency is
14 proclaimed by the governor pursuant to section 29C.6
15 or a homeland security or disaster event occurs
16 requiring connection of disparate communications
17 systems between public agencies to provide for a
18 multi-agency or multi-jurisdictional response. Access
19 shall continue only for the period of time the
20 homeland security or disaster event exists. For
21 purposes of this subsection, disaster communication
22 purposes includes training and exercising for a
23 disaster if public notice of the training and
24 exercising session is posted on the website of the
25 homeland security and emergency management division of

26 the department of public defense. A scheduled and
27 noticed training and exercising session shall not
28 exceed five days. Interpretation and application of
29 the provisions of this subsection shall be strictly
30 construed."

31 19. By striking page 14, line 1, through page 15,
32 line 17.

33 20. Page 18, by inserting after line 11, the
34 following:

35 "Sec. NEW SECTION. 16.191 NEW GROWTH
36 PROGRAM.

37 1. The authority shall establish and administer a
38 new growth program for purposes of providing financial
39 assistance to encourage entrepreneurial activity in
40 rural and urban areas in the state.

41 2. The authority shall identify twenty communities
42 in the state to serve as new growth program
43 communities. A community may consist of a city or
44 county, or a portion of a city or county. Not more
45 than five of the new growth program communities shall
46 be located in cities with a population of fifty
47 thousand or greater.

48 3. The authority shall identify a facilitator.
49 The facilitator shall be a statewide, faith-based
50 organization for purposes of facilitating the

Page 9

1 activities in each new growth program community. The
2 activities shall be structured around fifteen meetings
3 designed to bring local entrepreneurs and business
4 development entities together to exchange information
5 on product and service research, business planning,
6 finance and credit, licensing and regulations, use of
7 technology, business practices, product development
8 and testing, and marketing.

9 4. The authority may provide financial assistance
10 to the facilitator for each new growth program
11 community. The authority shall not provide more than
12 ten thousand dollars in financial assistance to the
13 facilitator for each new growth program community. In
14 order to receive the maximum amount of financial
15 assistance, the facilitator must secure ten thousand
16 dollars in local financial assistance and ten thousand
17 dollars worth of in-kind contributions."

18 21. Page 18, by inserting after line 30, the
19 following:

20 "Sec. NEW SECTION. Section 331.439, Code 2005, is amended
21 by adding the following new subsection:

22 NEW SUBSECTION. 9. The county management plan
23 shall designate at least one hospital licensed under
24 chapter 135B that the county has contracted with to

25 provide services covered under the plan. If the
26 designated hospital does not have a bed available to
27 provide the services, the county is responsible for
28 the cost of covered services provided at an alternate
29 hospital licensed under chapter 135B.
30 Sec. __. Section 364.17, subsection 3, paragraph
31 a, Code 2005, is amended to read as follows:
32 a. A schedule of civil penalties or criminal fines
33 for violations. A city may charge the owner of
34 housing a late payment fee of twenty-five dollars and
35 may add interest of up to one and one-half percent per
36 month if a penalty or fine imposed under this
37 paragraph is not paid within thirty days of the date
38 that the penalty or fine is due. The city shall send
39 a notice of the late payment fee to such owner by
40 first class mail to the owner's personal or business
41 mailing address. The late payment fee and the
42 interest shall not accrue if such owner files an
43 appeal with either the city, if the city has
44 established an appeals procedure, or the district
45 court. Any unpaid penalty, fine, fee, or interest
46 shall constitute a lien on the real property and may
47 be collected in the same manner as a property tax.
48 However, before a lien is filed, the city shall send a
49 notice of intent to file a lien to the owner of the
50 housing by first class mail to such owner's personal

Page 10

1 or business mailing address.
2 Sec. __. Section 364.17, subsection 5, Code 2005,
3 is amended to read as follows:
4 5. Cities may establish reasonable fees for
5 inspection and enforcement procedures. A city may
6 charge the owner of housing a late payment penalty of
7 twenty-five dollars and may add interest of up to one
8 and one-half percent per month if a fee imposed under
9 this subsection is not paid within thirty days of the
10 date that the fee is due. The city shall send a
11 notice of the late payment penalty to such owner by
12 first class mail to the owner's personal or business
13 mailing address. The late payment penalty and the
14 interest shall not accrue if such owner files an
15 appeal with either the city, if the city has
16 established an appeals procedure, or the district
17 court. Any unpaid fee, penalty, or interest shall
18 constitute a lien on the real property and may be
19 collected in the same manner as a property tax.
20 However, before a lien is filed, the city shall send a
21 notice of intent to file a lien to the owner of the
22 housing by first class mail to such owner's personal
23 or business mailing address.

24 Sec. __. Section 384.16, subsection 1, unnumbered
25 paragraph 2, Code 2005, is amended to read as follows:

26 A budget must show comparisons between the
27 estimated expenditures in each program in the
28 following year ~~and the actual expenditures in each~~
29 ~~program during the two preceding years, the latest~~
30 estimated expenditures in each program in the current
31 year, and the actual expenditures in each program from
32 the annual report as provided in section 384.22, or as
33 corrected by a subsequent audit report. Wherever

34 practicable, as provided in rules of the committee, a
35 budget must show comparisons between the levels of
36 service provided by each program as estimated for the
37 following year, and actual levels of service provided
38 by each program during the two preceding years.

39 Sec. __. Section 384.16, Code 2005, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 7. A city that does not submit a
42 budget in compliance with this section shall have all
43 state funds withheld until a budget that is in
44 compliance with this section is filed with the county
45 auditor and subsequently received by the department of
46 management. The department of management shall send
47 notice to state agencies responsible for disbursement
48 of state funds and that notice is sufficient
49 authorization for those funds to be withheld until
50 later notice is given by the department of management

Page 11

1 to release those funds."

2 22. Page 20, by inserting after line 34, the
3 following:

4 "Sec. __. Section 427.1, subsection 21, Code
5 2005, is amended to read as follows:

6 21. LOW-RENT HOUSING. The property owned and
7 operated or controlled by a nonprofit organization, as '
8 recognized by the internal revenue service, providing
9 low-rent housing for persons who are elderly and
10 persons with physical and mental disabilities. The
11 exemption granted under the provisions of this
12 subsection shall apply only until the terms final
13 payment due date of the borrower's original low-rent
14 housing development mortgage or until the borrower's
15 original low-rent housing development mortgage is paid
16 in full or expires, whichever is sooner, subject to
17 the provisions of subsection 14. However, if the
18 borrower's original low-rent housing development
19 mortgage is refinanced, the exemption shall apply only
20 until the date that would have been the final payment
21 due date under the terms of the borrower's original
22 low-rent housing development mortgage or until the

23 refinanced mortgage is paid in full or expires,
24 whichever is sooner, subject to the provisions of
25 subsection 14."

26 23. Page 21, by inserting after line 8, the
27 following:

28 Sec.____. Section 427.1, subsection 30, Code 2005,
29 is amended to read as follows:

30 30. MANUFACTURED HOME COMMUNITY OR MOBILE HOME
31 PARK STORM SHELTER. A structure constructed as a
32 storm shelter at a manufactured home community or
33 mobile home park as defined in section 435.1. An
34 application for this exemption shall be filed with the
35 assessing authority not later than February 1 of the
36 first year for which the exemption is requested, on
37 forms provided by the department of revenue. The
38 application shall describe and locate the storm
39 shelter to be exempted. If the storm shelter
40 structure is used exclusively as a storm shelter, all
41 of the structure's assessed value shall be exempt from
42 taxation. If the storm shelter structure is not used
43 exclusively as a storm shelter, the storm shelter
44 structure shall be assessed for taxation at ~~seventy-~~
45 five fifty percent of its value as commercial
46 property."

47 24. Page 21, by inserting after line 31 the
48 following:

49 "Sec.____. Section 459.301, Code 2005, is amended
50 by adding the following new subsection:

Page 12

1 NEW SUBSECTION. 3A. For purposes of complying
2 with requirements relating to submitting a manure
3 management plan as required in section 459.312, a
4 confinement feeding operation housing poultry which
5 was regulated as a small animal feeding operation
6 prior to April 29, 2002, shall be deemed to be a small
7 animal feeding operation as provided in section
8 459.312, if the animal weight capacity of the
9 confinement feeding operation has not increased since
10 April 29, 2002.

11 Sec.____. Section 463C.11, subsection 1, if
12 enacted by 2005 Iowa Acts, House File 875, is amended
13 to read as follows:

14 1. The honey creek premier destination park bond
15 fund is established as a separate and distinct fund in
16 the state treasury consisting of honey creek premier
17 destination park revenues, any moneys appropriated by
18 the general assembly to the fund; and any other moneys
19 available to and obtained or accepted by the authority
20 for placement in the fund. The moneys in the fund
21 shall be used to develop the honey creek premier

22 destination park in the state by funding the
23 development and construction of facilities in the park
24 including but not limited to lodges, campgrounds,
25 cabins, and golf courses. The treasurer of state is
26 authorized to establish separate and distinct accounts
27 within the honey creek premier destination park bond
28 fund in connection with the issuance of the
29 authority's bonds in accordance with the trust
30 indenture or resolution authorizing the bonds and the
31 authority is authorized to determine which revenues
32 and accounts shall be pledged as security for the
33 bonds. Amounts deposited in the honey creek premier
34 destination park bond fund shall be deposited in the
35 separate and distinct accounts as set forth in the
36 trust indenture or resolution authorizing the bonds.
37 The authority is authorized to pledge and use the
38 gross revenues from the honey creek premier
39 destination park to and for payment of the bonds.
40 Revenues may also be used for the payment of
41 insurance, other credit enhancements, and other
42 financing arrangements. Operating expenses of the
43 honey creek premier destination park may be paid from
44 the revenues to the extent the revenues exceed the
45 amount determined by the authority to be necessary for
46 debt service on the bonds.
47 Sec. __. Section 463C.13, subsection 4, if
48 enacted by 2005 Iowa Acts, House File 875, is amended
49 to read as follows:
50 4. To assure the continued operation and solvency

Page 13

1 of the authority for the carrying out of its corporate
2 purposes, provision is made in subsection 1 for the
3 accumulation in each bond reserve fund of an amount
4 equal to the bond reserve fund requirement for the
5 fund. In order further to assure maintenance of the
6 bond reserve funds, the chairperson of the authority
7 shall, on or before ~~July~~ January 1 of each calendar
8 year, make and deliver to the governor the
9 chairperson's certificate stating the sum, if any,
10 required to restore each bond reserve fund to the bond
11 reserve fund requirement for that fund. Within thirty
12 days after the beginning of the session of the general
13 assembly next following the delivery of the
14 certificate, the governor ~~may~~ shall submit to both
15 houses printed copies of a budget including the sum,
16 if any, required to restore each bond reserve fund to
17 the bond reserve fund requirement for that fund. Any
18 sums appropriated by the general assembly and paid to
19 the authority pursuant to this section shall be
20 deposited by the authority in the applicable bond

21 reserve fund.

22 Sec. __. Section 476C.1, subsection 6, paragraph
23 b, if enacted by 2005 Iowa Acts, Senate File 390,
24 section 7, is amended by adding the following new
25 subparagraph:

26 (8) A community college as defined in section
27 260C.2.

28 Sec. __. Section 476C.1, subsection 6, paragraph
29 d, if enacted by 2005 Iowa Acts, Senate File 390,
30 section 7, is amended to read as follows:

31 d. Was initially placed into service on or after
32 ~~July~~ January 1, 2005, and before January 1, 2011.

33 Sec. __. Section 537.2401, subsection 1, Code
34 2005, is amended to read as follows:

35 1. Except as provided with respect to a finance
36 charge for loans pursuant to open end credit under
37 section 537.2402 and loans secured by a certificate of
38 title of a motor vehicle under section 537.2403, a
39 lender may contract for and receive a finance charge
40 not exceeding the maximum charge permitted by the laws
41 of this state or of the United States for similar
42 lenders, and, in addition, with respect to a consumer
43 loan, a supervised financial organization or a
44 mortgage lender may contract for and receive a finance
45 charge, calculated according to the actuarial method,
46 not exceeding twenty-one percent per year on the
47 unpaid balance of the amount financed. This ~~Except as~~
48 ~~provided in section 537.2403~~, this subsection does not
49 prohibit a lender from contracting for and receiving a
50 finance charge exceeding twenty-one percent per year

Page 14

1 on the unpaid balance of the amount financed on
2 consumer loans if authorized by other provisions of
3 the law.

4 Sec. __. Section 537.2402, subsection 1, Code
5 2005, is amended to read as follows:

6 1. If authorized to make supervised loans, a
7 creditor may contract for and receive a finance charge
8 without limitation as to amount or rate with respect
9 to a loan pursuant to open-end credit as permitted in
10 this section except as provided in section 537.2403.

11 Sec. __. NEW SECTION. 537.2403 FINANCE CHARGE
12 FOR CONSUMER LOANS SECURED BY A MOTOR VEHICLE.

13 1. A lender shall not contract for or receive a
14 finance charge exceeding twenty-one percent per year
15 on the unpaid balance of the amount financed for a
16 loan of money secured by a certificate of title to a
17 motor vehicle used for personal, family, or household
18 purpose except as authorized under chapter 536 or
19 536A. A consumer who is charged a finance charge in

20 excess of the limitation in this section may seek any
21 remedies available pursuant to this chapter for an
22 excess charge.

23 2. It shall be a violation of this section and an
24 unlawful practice under section 714.16 to attempt to
25 avoid application of this section by structuring a
26 loan of money secured by certificate of title to a
27 motor vehicle as a sale, sale and repurchase, sale and
28 lease, pawn, rental purchase, lease, or other type of
29 transaction with the intent to avoid application of
30 this section or any other applicable provision of this
31 chapter."

32 25. Page 23, by inserting after line 35, the
33 following:

34 "Sec. ___. Section 602.10110, Code 2005, is
35 amended to read as follows:

36 602.10110 OATH.

37 All persons on being admitted to the bar shall take
38 an oath or affirmation, as promulgated by the supreme
39 court, declaring to support the Constitutions of the
40 United States and of the state of Iowa, and to
41 faithfully discharge, according to the best of their
42 ability, the duties of an attorney and counselor of
43 this state according to the best of their ability.

44 Sec. ___. Section 602.10112, Code 2005, is
45 repealed.

46 Sec. ___. 2005 Iowa Acts, House File 825, section
47 29, subsection 1, paragraph I, if enacted, relating to
48 reimbursement under the medical assistance program to
49 physicians who administer injectable drugs, is amended
50 by striking the paragraph.

Page 15

1 Sec. ___. NEW GROWTH PROGRAM. There is
2 appropriated from the general fund of the state to the
3 Iowa finance authority, for the fiscal year beginning
4 July 1, 2005, and ending June 30, 2006, two hundred
5 thousand dollars, or so much thereof as is necessary,
6 to be used for the new growth program established in
7 section 16.191, if enacted in this division of this
8 Act."

9 26. Page 24, by inserting before line 1, the
10 following:

11 "Sec. ___. VEHICLE DEALERSHIP STUDY. The
12 legislative council is requested to appoint an interim
13 study committee that will study the motor vehicle
14 licensing law as it pertains to motor vehicle
15 dealerships' moves from one facility and location to
16 another facility and location in the state. A report
17 should be provided to the general assembly by January
18 15, 2006."

19 27. Page 24, line 18, by striking the word
 20 "section" and inserting the following: "sections".
 21 28. Page 24, line 19, by inserting after the word
 22 "Act" the following: "amending section 427.1,
 23 subsection 21, and".
 24 29. Page 24, line 20, by striking the words "a
 25 property tax exemption" and inserting the following:
 26 "property tax exemptions".
 27 30. Page 24, by inserting after line 21, the
 28 following:

29 "Sec. ___. RETROACTIVE APPLICABILITY DATE. The
 30 section of this division of this Act amending section
 31 423E.5, being deemed of immediate importance, takes
 32 effect upon enactment and applies retroactively to
 33 July 1, 2004.
 34 Sec. ___. EFFECTIVE AND APPLICABILITY DATES. The
 35 sections of this division of this Act amending section
 36 427.1, subsection 21, and enacting new subsection 21A
 37 to section 427.1, being deemed of immediate
 38 importance, take effect upon enactment and apply
 39 retroactively to January 1, 2005, for assessment years
 40 beginning on or after that date.

41 Sec. ___. APPLICABILITY. Section 25B.7 does not
 42 apply to the amendment to section 427.1, subsection
 43 30, in this division of this Act.

44 Sec. ___. EFFECTIVE DATE. The sections of this
 45 division of this Act amending section 476C.1, if
 46 enacted, being deemed of immediate importance, take
 47 effect upon enactment and are applicable beginning on
 48 the enactment date of 2005 Iowa Acts, Senate File 390,
 49 if enacted."

50 31. Page 24, by inserting after line 27, the

Page 16

1 following:
 2 "Sec. ___. EFFECTIVE DATE. The sections of this
 3 division of this Act amending section 602.10110 and
 4 repealing section 602.10112, being deemed of immediate
 5 importance, take effect upon enactment."

6 32. Page 24, by inserting after line 29, the
 7 following:

8 "Sec. ___. CRIMINAL CODE REVISIONS INTERIM STUDY
 9 COMMITTEE. There is appropriated from the general
 10 fund of the state to the legislative council for the
 11 fiscal year beginning July 1, 2005, and ending June
 12 30, 2006, the following amount, or so much thereof as
 13 is necessary, to be used for the purpose designated:

14 For a criminal code revisions interim study
 15 committee:
 16 \$ 75,000
 17 The funds appropriated in this section are

18 contingent upon receipt by the general fund of the
 19 state of an amount not exceeding \$75,000 from costs or
 20 attorney fees awarded the state in settlement of its
 21 antitrust action against Microsoft brought under
 22 chapter 553. However, if the amounts received as a
 23 result of this settlement are in excess of \$75,000,
 24 the excess amounts shall not be appropriated to the
 25 legislative council pursuant to this section. If the
 26 appropriation made in this section occurs, the amount
 27 appropriated from the same source to the department of
 28 public safety for the same fiscal year to be used for
 29 vehicle depreciation, in accordance with 2005 Iowa
 30 Acts, House File 811, is reduced by \$75,000."

31 33. By striking page 24, line 30, through page
 32 28, line 30, and inserting the following:

33 "Sec. __. 2005 Iowa Acts, House File 881, section
 34 1, subsection 2, if enacted, is amended to read as
 35 follows:

36 2. The following annual salary rates shall be paid
 37 to the persons holding the judicial positions
 38 indicated during the fiscal year beginning July 1,
 39 2005, effective with the pay period beginning July 1,
 40 2005, and for subsequent pay periods.

- 41 a. Chief justice of the supreme court:
- 42 \$ 132,720
- 43 146,000
- 44 b. Each justice of the supreme court:
- 45 \$ 128,000
- 46 138,500
- 47 c. Chief judge of the court of appeals:
- 48 \$ 127,920
- 49 134,600
- 50 d. Each associate judge of the court of appeals:

Page 17

- 1 \$ 123,120
- 2 129,600
- 3 e. Each chief judge of a judicial district:
- 4 \$ 122,000
- 5 126,000
- 6 f. Each district judge except the chief judge of a
- 7 judicial district:
- 8 \$ 117,040
- 9 121,000
- 10 g. Each district associate judge:
- 11 \$ 102,000
- 12 105,500
- 13 h. Each associate juvenile judge:
- 14 \$ 102,000
- 15 105,500
- 16 i. Each associate probate judge:

17	.....	\$	102,000
18			<u>105,500</u>
19	j. Each judicial magistrate:		
20	.....	\$	30,400
21			<u>31,500</u>
22	k. Each senior judge:		
23	.....	\$	6,800
24			<u>7,020</u>

25 Sec.____. YOUTH LEADERSHIP PROGRAM. There is
 26 appropriated from the general fund of the state to the
 27 department of corrections for the fiscal year
 28 beginning July 1, 2005, and ending June 30, 2006, the
 29 following amount, or so much thereof as is necessary,
 30 to be used for the purpose designated:

31 For the sixth judicial district department of
 32 correctional services:
 33 \$ 100,000

34 The appropriation made in this section shall be
 35 used by the judicial district department of
 36 correctional services to establish or maintain a youth
 37 leadership model program to help at-risk youth in the
 38 judicial district department of correctional services.
 39 As a part of the program, the judicial district
 40 department of correctional services may recruit
 41 college or high school students in the judicial
 42 district to work with at-risk youth. The student
 43 workers shall be recruited regardless of gender, be
 44 recommended by their respective schools as good role
 45 models, including, but not limited to, students who
 46 possess capabilities in one or more of the following
 47 areas of ability: intellectual capacity, athletic,
 48 visual arts, or performing arts.

49 Sec.____. FULL-TIME EQUIVALENT POSITIONS FOR THE
 50 DIVISION OF CRIMINAL INVESTIGATION AND BUREAU OF

Page 18

1 IDENTIFICATION. Notwithstanding the full-time
 2 equivalent positions authorization in the
 3 appropriation made for the fiscal year beginning July
 4 1, 2005, to the department of public safety for the
 5 division of criminal investigation and bureau of
 6 identification in 2005 Iowa Acts, House File 811, if
 7 enacted, the number of full-time equivalent positions
 8 is increased from 225.50 positions to 228.50
 9 positions."

10 34. By striking page 35, line 25, through page
 11 36, line 25 and inserting the following:
 12 "Sec.____. COUNTY REAL ESTATE ELECTRONIC
 13 GOVERNMENT ADVISORY COMMITTEE.

14 1. A county real estate electronic government
 15 advisory committee is created. Staffing services for

16 the advisory committee shall be provided by the
17 auditor of state. The advisory committee membership
18 shall consist of the following:

19 a. Two members selected by the Iowa state
20 association of county auditors.

21 b. Two members selected by the Iowa state county
22 treasurers association.

23 c. Two members selected by the Iowa county
24 recorders association.

25 d. Two members selected by the Iowa state
26 association of assessors.

27 e. One member selected by each of the following
28 organizations:

29 (1) Iowa state association of counties.

30 (2) Iowa land title association.

31 (3) Iowa bankers association.

32 (4) Iowa credit union league.

33 (5) Iowa state bar association.

34 (6) Iowa association of realtors.

35 2. The county real estate electronic government
36 advisory committee shall facilitate discussion to
37 integrate the county land record information system
38 created pursuant to section 331.605C with the
39 electronic government internet applications of county
40 treasurers, county recorders, county auditors, and
41 county assessors. The advisory committee shall file
42 an integration plan with the governor and the general
43 assembly on or before November 1, 2005."

44 35. By striking page 36, line 34, through page
45 37, line 2, and inserting the following: "of the
46 county land record information system. The Iowa
47 county recorders".

48 36. Page 37, by striking line 21, and inserting
49 the following: "documents in the county land record
50 information system until authorized by the".

Page 19

1 37. Page 37, line 22, by inserting after the word
2 "assembly." the following: "However, county recorders
3 may collect actual third-party fees associated with
4 accepting and processing statutorily authorized fees
5 including credit card fees, treasury management fees,
6 and other transaction fees required to enable
7 electronic payment. For the purposes of this
8 subsection, the term "third-party" does not include
9 the county land record information system, the Iowa
10 state association of counties, or any of the
11 association's affiliates."

12 38. Page 37, lines 24 and 25, by striking the
13 words "and the department of administrative services".

14 39. Page 37, by inserting after line 33, the

15 following:

16 "Sec. ___. DATA SECURITY AUDIT.

17 1. The Iowa county recorders association shall
18 select a vendor to conduct a data security audit of
19 the county land record information system created
20 pursuant to section 331.605C. The review and
21 assessment utilized in the audit shall include, but
22 are not limited to, a review of the functional and
23 system requirements, design documentation, software
24 code developed to support the business requirements,
25 operational procedures, financial flows including a
26 financial forecast, requests for proposals, and all
27 contracts.

28 2. The costs of the data security audit conducted
29 pursuant to subsection 1 shall be paid from moneys
30 appropriated to the treasurer of state pursuant to
31 section 331.605C.

32 3. The Iowa county recorders association shall
33 forward the complete results of the data security
34 audit to the government oversight committees of the
35 senate and the house of representatives and the
36 general assembly on or before December 1, 2005, and
37 the government oversight committees may request
38 additional updates."

39 40. Page 48, by inserting after line 23 the
40 following:

41 "Sec. ___. Section 805.8C, subsection 6, as
42 amended by 2005 Iowa Acts, Senate File 169, section 9,
43 is amended to read as follows:

44 6. PSEUDOEPHEDRINE SALES VIOLATIONS. For
45 violations of section 126.23A, subsection 1, by an
46 employee of a retailer, or for violations of section
47 126.23A, subsection 2, paragraph "a", by a purchaser,
48 the scheduled fine is as follows:

49 a. If the violation is a first offense, the
50 scheduled fine is one hundred dollars.

Page 20

1 b. If the violation is a second offense, the
2 scheduled fine is two hundred fifty dollars.
3 c. If the violation is a third or subsequent
4 offense, the scheduled fine is five hundred dollars."

5 41. Page 48, by inserting after line 23, the
6 following:

7 "Sec. ___. 2005 Iowa Acts, House File 839, is
8 amended by adding the following new section:

9 SEC. ___. EFFECTIVE DATE. This Act, being deemed
10 of immediate importance, takes effect upon enactment
11 of 2005 Iowa Acts, House File 882."

12 42. Page 48, by inserting after line 26 the
13 following:

14 "DIVISION ____
 15 STATE LIQUOR ACTIVITIES
 16 Sec. ____ Section 123.53, subsection 3, Code 2005,
 17 is amended to read as follows:
 18 3. The treasurer of state shall transfer into a
 19 special revenue account in the general fund of the
 20 state, a sum of money at least equal to seven percent
 21 of the gross amount of sales made by the division from
 22 the beer and liquor control fund on a monthly basis
 23 but not less than nine million dollars annually, ~~and~~
 24 ~~any amounts so.~~ Of the amounts transferred, two
 25 million dollars, plus an additional amount determined
 26 by the general assembly, shall be used by appropriated
 27 to the substance abuse division of the Iowa department
 28 of public health to be used for substance abuse
 29 treatment and prevention programs in an amount
 30 determined by the general assembly and any. Any
 31 amounts received in excess of the amounts appropriated
 32 to the substance abuse division of the Iowa department
 33 of public health shall be considered part of the
 34 general fund balance.
 35 Sec. ____ ALCOHOLIC BEVERAGES DIVISION – STATE
 36 LIQUOR WAREHOUSE AND TRUCKING FUNCTIONS. The
 37 department of administrative services shall issue a
 38 request for proposals developed with the alcoholic
 39 beverages division of the department of commerce or
 40 otherwise utilize a competitive process not
 41 inconsistent with the division's current charter
 42 agency agreement to select a provider to perform the
 43 state liquor warehouse and trucking functions. The
 44 request for proposals or competitive process shall be
 45 issued or commenced as soon as is reasonably possible
 46 and a provider shall be selected no later than
 47 December 31, 2005. The division may submit a bid in
 48 response to a request for proposals issued or
 49 competitive process conducted pursuant to this
 50 section. If the division submits a bid, the division

Page 21

1 shall include in the bid the cost of labor to perform
 2 the contract which shall be calculated by using the
 3 cost of hiring full-time equivalent positions to
 4 perform the contract pursuant to state pay grade
 5 classifications and benefits as outlined in the most
 6 recent collective bargaining agreement applicable to
 7 other employees of the division. Notwithstanding any
 8 provision of chapter 22 to the contrary, the
 9 division's bid and any documents the division uses in
 10 developing its bid shall be considered a confidential
 11 record until the department of administrative services
 12 announces the results of the request for proposals or

13 competitive process.

14 Sec.____. EFFECTIVE DATE. The section of this Act
15 amending section 123.53 takes effect July 1, 2006.

16 DIVISION

17 BOARD OF REGENTS

18 Sec.____. Section 12B.10C, Code 2005, is amended
19 by adding the following new subsection:

20 NEW SUBSECTION. 10. The state board of regents
21 governed by chapter 262.

22 Sec.____. Section 73A.1, subsection 2, Code 2005,
23 is amended to read as follows:

24 2. "Municipality" as used in this chapter means
25 township, school corporation, and state fair board,
26 ~~and state board of regents.~~

27 Sec.____. Section 262.9, subsection 7, Code 2005,
28 is amended to read as follows:

29 ~~7. With the approval of the executive council,~~
30 ~~acquire~~ Acquire real estate for the proper uses of
31 ~~said institutions under its control,~~ and dispose of
32 real estate belonging to ~~said~~ the institutions when
33 not necessary for their purposes. ~~A~~ The disposal of
34 ~~such~~ real estate shall be made upon such terms,
35 conditions, and consideration as the board may
36 recommend ~~and subject to the approval of the executive~~
37 ~~council.~~ If real estate subject to sale hereunder has
38 been purchased or acquired from appropriated funds,
39 the proceeds of such sale shall be deposited with the
40 treasurer of state and credited to the general fund of
41 the state. There is hereby appropriated from the
42 general fund of the state a sum equal to the proceeds
43 so deposited and credited to the general fund of the
44 state to the state board of regents, ~~which, with the~~
45 ~~prior approval of the executive council,~~ may be used
46 to purchase other real estate and buildings, and for
47 the construction and alteration of buildings and other
48 capital improvements. All transfers shall be by state
49 patent in the manner provided by law. ~~The board is~~
50 also authorized to grant easements for rights-of-way

Page 22

1 over, across, and under the surface of public lands
2 under its jurisdiction when in the board's judgment
3 such easements are desirable and will benefit the
4 state of Iowa.

5 Sec.____. Section 262.9, subsection 15, unnumbered
6 paragraph 2, Code 2005, is amended by striking the
7 unnumbered paragraph.

8 Sec.____. Section 262.10, unnumbered paragraph 1,
9 Code 2005, is amended to read as follows:

10 No sale or purchase of real estate shall be made
11 save upon the order of the board, made at a regular

12 meeting, or one called for that purpose, and then in
 13 such manner and under such terms as the board may
 14 prescribe ~~and only with the approval of the executive~~
 15 ~~ouncil~~. No member of the board or any of its
 16 committees, offices or agencies nor any officer of any
 17 institution, shall be directly or indirectly
 18 interested in such purchase or sale.

19 Sec. ___. Section 262.33A, Code 2005, is amended
 20 to read as follows:

21 262.33A FIRE AND ENVIRONMENTAL SAFETY – REPORT –
 22 EXPENDITURES.

23 It is the intent of the general assembly that each
 24 institution of higher education under the control of
 25 the state board of regents shall, in consultation with
 26 the state fire marshal, identify and correct all
 27 critical fire and environmental safety deficiencies.
 28 ~~The state fire marshal shall report annually to the~~
 29 ~~joint subcommittee on education appropriations. The~~
 30 ~~report shall include, but is not limited to, the~~
 31 ~~identified deficiencies in fire and environmental~~
 32 ~~safety at the institutions, and plans for correction~~
 33 ~~of the deficiencies and for compliance with this~~
 34 ~~section.~~ Commencing July 1, 1993, each institution
 35 under the control of the state board of regents shall
 36 expend annually for fire safety and deferred
 37 maintenance at least the amount budgeted for these
 38 purposes for the fiscal year beginning July 1, 1992,
 39 in addition to any moneys appropriated from the
 40 general fund for these purposes in succeeding years.

41 Sec. ___. Section 262.34, Code 2005, is amended to
 42 read as follows:

43 262.34 IMPROVEMENTS – ADVERTISEMENT FOR BIDS –
 44 DISCLOSURES – PAYMENTS.

45 1. When the estimated cost of construction,
 46 repairs, or improvement of buildings or grounds under
 47 charge of the state board of regents exceeds ~~twenty-~~
 48 ~~five~~ one hundred thousand dollars, the board shall
 49 advertise for bids for the contemplated improvement or
 50 construction and shall let the work to the lowest

Page 23

1 responsible bidder. However, if in the judgment of
 2 the board bids received are not acceptable, the board
 3 may reject all bids and proceed with the construction,
 4 repair, or improvement by a method as the board may
 5 determine. All plans and specifications for repairs
 6 or construction, together with bids on the plans or
 7 specifications, shall be filed by the board and be
 8 open for public inspection. All bids submitted under
 9 this section shall be accompanied by a deposit of
 10 money, a certified check, or a credit union certified

11 share draft in an amount as the board may prescribe.
12 2. A bidder awarded a contract shall disclose the
13 names of all subcontractors, who will work on the
14 project being bid, within forty-eight hours after the
15 award of the contract. If a subcontractor named by a
16 bidder awarded a contract is replaced, or if the cost
17 of work to be done by a subcontractor is reduced, the
18 bidder shall disclose the name of the new
19 subcontractor or the amount of the reduced cost.

20 3. Payments made by the board for the construction
21 of public improvements shall be made in accordance
22 with the provisions of chapter 573 except that:

23 a. Payments may be made without retention until
24 ninety-five percent of the contract amount has been
25 paid. The remaining five percent of the contract
26 amount shall be paid as provided in section 573.14,
27 except that:

28 (1) At any time after all or any part of the work
29 is substantially completed in accordance with
30 paragraph "c", the contractor may request the release
31 of all or part of the retainage owed. Such request
32 shall be accompanied by a waiver of claim rights under
33 the provisions of chapter 573 from any person, firm,
34 or corporation who has, under contract with the
35 principal contractor or with subcontractors performed
36 labor, or furnished materials, service, or
37 transportation in the construction of that portion of
38 the work for which release of the retainage is
39 requested.

40 (2) Upon receipt of the request, the board shall
41 release all or part of the unpaid funds. Retainage
42 that is approved as payable shall be paid at the time
43 of the next monthly payment or within thirty days,
44 whichever is sooner. If partial retainage is released
45 pursuant to a contractor's request, no retainage shall
46 be subsequently held based on that portion of the
47 work. If within thirty days of when payment becomes
48 due the board does not release the retainage due,
49 interest shall accrue on the retainage amount due as
50 provided in section 573.14 until that amount is paid.

Page 24

1 (3) If at the time of the request for the
2 retainage there are remaining or incomplete minor
3 items, an amount equal to two hundred percent of the
4 value of each remaining or incomplete item, as
5 determined by the board's authorized contract
6 representative, may be withheld until such item or
7 items are completed.

8 (4) An itemization of the remaining or incomplete
9 items, or the reason that the request for release of

10 the retainage was denied, shall be provided to the
11 contractor in writing within thirty calendar days of
12 the receipt of the request for release of retainage.

13 b. For purposes of this section, "authorized
14 contract representative" means the architect or
15 engineer who is in charge of the project and chosen by
16 the board to represent its interests, or if there is
17 no architect or engineer, then such other contract
18 representative or officer as designated in the
19 contract documents as the party representing the
20 board's interest regarding administration and
21 oversight of the project.

22 c. For purposes of this section, "substantially
23 completed" means the first date on which any of the
24 following occurs:

25 (1) Completion of the project or when the work has
26 been substantially completed in general accordance
27 with the terms and provisions of the contract.

28 (2) The work or the portion designated is
29 sufficiently complete in accordance with the
30 requirements of the contract so the board can occupy
31 or utilize the work for its intended purpose.

32 (3) The project is certified as having been
33 substantially completed by either of the following:

34 (a) The architect or engineer authorized to make
35 such certification.

36 (b) The contracting authority representing the
37 board.

38 4. Each contractor or subcontractor shall withhold
39 retainage, if at all, in the same manner as retainage
40 is withheld from the contractor or subcontractor; and
41 each subcontractor shall pass through all retainage
42 payments to lower tier subcontractors in accordance
43 with the provisions of chapter 573.

44 Sec. ___. Section 262.57, unnumbered paragraph 1,
45 Code 2005, is amended to read as follows:

46 To pay all or any part of the cost of carrying out
47 any project at any institution the board is authorized
48 to borrow money and to issue and sell negotiable bonds
49 or notes and to refund and refinance bonds or notes
50 heretofore issued or as may be hereafter issued for

Page 25

1 any project or for refunding purposes at a lower rate,
2 the same rate or a higher rate or rates of interest
3 and from time to time as often as the board shall find
4 it to be advisable and necessary so to do. Such bonds
5 or notes may be sold by said board at public sale in
6 the manner prescribed by chapter 75 but if the board
7 shall find it to be advantageous and in the public
8 interest to do so, such bonds or notes may be sold by

9 the board at private sale without published notice of
10 any kind and without regard to the requirements of
11 chapter 75 in such manner and upon such terms as may
12 be prescribed by the resolution authorizing the same;
13 ~~but such bonds or notes shall in any event be sold~~
14 ~~upon terms of not less than par plus accrued interest.~~
15 Bonds or notes issued to refund other bonds or notes
16 heretofore or hereafter issued by the board for
17 residence hall or dormitory purposes at any
18 institution, including dining or other facilities and
19 additions, or heretofore or hereafter issued for
20 refunding purposes, may either be sold in the manner
21 hereinbefore specified and the proceeds thereof
22 applied to the payment of the obligations being
23 refunded, or the refunding bonds or notes may be
24 exchanged for and in payment and discharge of the
25 obligations being refunded, and a finding by the board
26 in the resolution authorizing the issuance of such
27 refunding bonds or notes that the bonds or notes being
28 refunded were issued for a purpose specified in this
29 division and constitute binding obligations of the
30 board shall be conclusive and may be relied upon by
31 any holder of any refunding bond or note issued under
32 the provisions of this division. The refunding bonds
33 or notes may be sold or exchanged in installments at
34 different times or an entire issue or series may be
35 sold or exchanged at one time. Any issue or series of
36 refunding bonds or notes may be exchanged in part or
37 sold in parts in installments at different times or at
38 one time. The refunding bonds or notes may be sold or
39 exchanged at any time on, before, or after the
40 maturity of any of the outstanding notes, bonds or
41 other obligations to be refinanced thereby and may be
42 issued for the purpose of refunding a like or greater
43 principal amount of bonds or notes, except that the
44 principal amount of the refunding bonds or notes may
45 exceed the principal amount of the bonds or notes to
46 be refunded to the extent necessary to pay any premium
47 due on the call of the bonds or notes to be refunded
48 or to fund interest in arrears or about to become due.
49 Sec. __. Section 262.78, subsection 6, Code 2005,
50 is amended by striking the subsection.

Page 26

1 Sec. __. Section 262A.5, unnumbered paragraph 1,
2 Code 2005, is amended to read as follows:
3 The board is authorized to borrow money under this
4 chapter, and the board may issue and sell negotiable
5 bonds to pay all or any part of the cost of carrying
6 out any project at any institution and may refund and
7 refinance bonds issued for any project or for

8 refunding purposes at the same rate or at a higher or
9 lower rate or rates of interest. Bonds issued under
10 the provisions of this chapter shall be sold by said
11 board at public sale on the basis of sealed proposals
12 received pursuant to a notice specifying the time and
13 place of sale and the amount of bonds to be sold which
14 shall be published at least once not less than seven
15 days prior to the date of sale in a newspaper
16 published in the state of Iowa and having a general
17 circulation in said state. The provisions of chapter
18 75 shall ~~not~~ apply to bonds issued under authority
19 contained in this chapter, ~~but such bonds shall be~~
20 ~~sold upon terms of not less than par plus accrued~~
21 ~~interest to the extent not in conflict with this~~
22 chapter. Bonds issued to refund other bonds issued
23 under the provisions of this chapter may either be
24 sold in the manner hereinbefore specified and the
25 proceeds thereof applied to the payment of the
26 obligations being refunded, or the refunding bonds may
27 be exchanged for and in payment and discharge of the
28 obligations being refunded. The refunding bonds may
29 be sold or exchanged in installments at different
30 times or an entire issue or series may be sold or
31 exchanged at one time. Any issue or series of
32 refunding bonds may be exchanged in part or sold in
33 parts in installments at different times or at one
34 time. The refunding bonds may be sold or exchanged at
35 any time on, before, or after the maturity of any of
36 the outstanding bonds or other obligations to be
37 refinanced thereby and may be issued for the purpose
38 of refunding a like or greater principal amount of
39 bonds, except that the principal amount of the
40 refunding bonds may exceed the principal amount of the
41 bonds to be refunded to the extent necessary to pay
42 any premium due on the call of the bonds to be
43 refunded or to fund interest in arrears or which is to
44 become due.

45 Sec. __. Section 266.39F, subsection 2,
46 unnumbered paragraph 2, Code 2005, is amended to read
47 as follows:

48 The provisions of section 262.9, subsection 7, ~~and~~
49 ~~section 262.10~~, shall not apply to the sale of any
50 portion of land to be sold in accordance with this

Page 27

1 section or to the use of the proceeds from the sale of
2 the land.

3 Sec. __. Section 573.12, subsection 1, unnumbered
4 paragraph 1, Code 2005, is amended to read as follows:

5 Payments made under contracts for the construction
6 of public improvements, unless provided otherwise by

7 law, shall be made on the basis of monthly estimates
 8 of labor performed and material delivered, as
 9 determined by the project architect or engineer. The
 10 public corporation shall retain from each monthly
 11 payment not more than five percent of that amount
 12 which is determined to be due according to the
 13 estimate of the architect or engineer. ~~However,~~
 14 ~~institutions governed pursuant to chapter 262 may, on~~
 15 ~~contracts where a bond is required under section~~
 16 ~~573.2, make payments under this section without~~
 17 ~~retention until ninety five percent of the contract~~
 18 ~~amount has been paid and the remaining five percent of~~
 19 ~~the contract amount shall be paid as provided under~~
 20 ~~section 573.14.~~

21 Sec. ____ Section 573.14, unnumbered paragraph 2,
 22 Code 2005, is amended to read as follows:

23 The public corporation shall order payment of any
 24 amount due the contractor to be made in accordance
 25 with the terms of the contract. Except as provided in
 26 section 573.12 for progress payments, failure to make
 27 payment pursuant to this section, of any amount due
 28 the contractor, within forty days, unless a greater
 29 time period not to exceed fifty days is specified in
 30 the contract documents, after the work under the
 31 contract has been completed and if the work has been
 32 accepted and all required materials, certifications,
 33 and other documentations required to be submitted by
 34 the contractor and specified by the contract have been
 35 furnished the awarding public corporation by the
 36 contractor, shall cause interest to accrue on the
 37 amount unpaid to the benefit of the unpaid party.
 38 Interest shall accrue during the period commencing the
 39 thirty-first day following the completion of work and
 40 satisfaction of the other requirements of this
 41 paragraph and ending on the date of payment. The rate
 42 of interest shall be determined by the period of time
 43 during which interest accrues, and shall be the same
 44 as the rate of interest that is in effect under
 45 section 12C.6, as of the day interest begins to
 46 accrue, for a deposit of public funds for a comparable
 47 period of time. However, for institutions governed
 48 pursuant to chapter 262, the rate of interest shall be
 49 determined by the period of time during which interest
 50 accrues, and shall be calculated as the prime rate

Page 28

1 plus one percent per year as of the day interest
 2 begins to accrue. This paragraph does not abridge any
 3 of the rights set forth in section 573.16. Except as
 4 provided in sections 573.12 and 573.16, interest shall
 5 not accrue on funds retained by the public corporation

6 to satisfy the provisions of this section regarding
 7 claims on file. This chapter does not apply if the
 8 public corporation has entered into a contract with
 9 the federal government or accepted a federal grant
 10 which is governed by federal law or rules that are
 11 contrary to the provisions of this chapter. For
 12 purposes of this unnumbered paragraph, "prime rate"
 13 means the prime rate charged by banks on short-term
 14 business loans, as determined by the board of
 15 governors of the federal reserve system and published
 16 in the federal reserve bulletin.
 17 Sec. __. Sections 262.64A, 262.67, 262A.3,
 18 262A.6A, 263A.11, 265.6, and 473.12, Code 2005, are
 19 repealed.

DIVISION

ENTREPRENEURS WITH DISABILITIES

22 Sec. __. ENTREPRENEURS WITH DISABILITIES PROGRAM
 23 – TRANSFER OF ADMINISTRATION. The department of
 24 economic development shall transfer the administrative
 25 duties of the entrepreneurs with disabilities program
 26 to the Iowa finance authority. The authority shall
 27 adopt rules pursuant to chapter 17A for purposes of
 28 administering the program. Any contract entered into
 29 under the program by the department of economic
 30 development remains valid. The transfer of
 31 administrative duties to the authority shall not
 32 constitute grounds for rescission or modification of a
 33 contract under the program entered into with the
 34 department.

35 Sec. __. ENTREPRENEURS WITH DISABILITIES PROGRAM
 36 – APPROPRIATION. For the fiscal year beginning July
 37 1, 2005, and ending June 30, 2006, there is
 38 appropriated from the general fund of the state to the
 39 Iowa finance authority two hundred thousand dollars
 40 for purposes of the entrepreneurs with disabilities
 41 program.

DIVISION

GRAPE AND WINE DEVELOPMENT

44 Sec. __. Section 175A.1, subsection 2, Code 2005,
 45 is amended to read as follows:

46 2. "Department" means the Iowa department of
 47 agriculture and land stewardship economic development
 48 as created in section 15.105.

49 Sec. __. Section 175A.1, Code 2005, is amended by
 50 adding the following new subsection:

Page 29

1 NEW SUBSECTION. 2A. "Director" means the director
 2 of the department as appointed by the governor
 3 pursuant to section 15.105.

4 Sec. __. Section 175A.2, subsection 1, paragraph

5 a, subparagraph (1), Code 2005, is amended to read as
6 follows:

7 (1) The ~~secretary of agriculture~~ director.

8 Sec. ____ Section 175A.2, subsection 1, paragraph
9 a, subparagraph (3), Code 2005, is amended by striking
10 the paragraph.

11 Sec. ____ Section 175A.2, subsection 1, paragraph
12 b, unnumbered paragraph 1, Code 2005, is amended to
13 read as follows:

14 The following persons appointed by the ~~secretary of~~
15 ~~agriculture~~ director, who shall serve as voting
16 members:

17 Sec. ____ Section 175A.2, subsection 1, unnumbered
18 paragraph 2, Code 2005, is amended to read as follows:

19 The ~~secretary of agriculture~~ director shall appoint
20 the voting members based on a list of nominations
21 submitted by organizations representing growers,
22 winemakers, and retail sellers as certified by the
23 department according to requirements of the
24 department. Appointments of voting members are
25 subject to the requirements of sections 69.16 and
26 69.16A. In addition, the appointments shall be
27 geographically balanced. Unless the ~~secretary of~~
28 ~~agriculture~~ director determines that it is not
29 feasible, at least one person appointed as a voting
30 member shall reside in each of the state's
31 congressional districts at the time of appointment.
32 The ~~secretary of agriculture's~~ director's appointees
33 shall be confirmed by the senate, pursuant to section
34 2.32.

35 Sec. ____ Section 175A.2, subsection 2, Code 2005,
36 is amended to read as follows:

37 2. The voting members shall serve three-year terms
38 beginning and ending as provided in section 69.19.
39 ~~However, the secretary of agriculture shall appoint~~
40 ~~initial members to serve for less than three years to~~
41 ~~ensure members serve staggered terms.~~ A member is
42 eligible for reappointment. A vacancy on the
43 commission shall be filled for the unexpired portion
44 of the regular term in the same manner as regular
45 appointments are made.

46 Sec. ____ TRANSITIONAL PROVISIONS.

47 1. Any agreement made by the department of
48 agriculture and land stewardship which is executed
49 pursuant to chapter 175A and which is in effect on the
50 effective date of the amendments to sections 175A.1

Page 30

1 and 175A.2 in this division of this Act shall continue
2 in full force and effect until the agreement expires
3 by its terms or is amended, terminated, or

4 supplemented by the affirmative action of the Iowa
5 department of economic development.

6 2. Any rule, regulation, form, order, or directive
7 adopted or issued by the department of agriculture and
8 land stewardship pursuant to chapter 175A which is in
9 effect on the effective date of amendments to sections
10 175A.1 and 175A.2 in this division of this Act shall
11 continue in full force and effect until amended,
12 repealed, or supplemented by the affirmative action of
13 the Iowa department of economic development as
14 provided in chapter 17A.

15 3. A person who holds a position as a member of
16 the grape and wine development commission who was
17 appointed by the secretary of agriculture pursuant to
18 section 175A.2 prior to the effective date of
19 amendments to sections 175A.1 and 175A.2 in this
20 division of this Act shall continue to hold such
21 position until the end of the member's term of office.

22 Sec. __. EFFECTIVE DATE. The amendments to
23 sections 175.1 and 175.2 in this division of this Act
24 which provide for the transfer of administrative
25 duties and powers of chapter 175A from the department
26 of agriculture and land stewardship to the Iowa
27 department of economic development and transitional
28 provisions applying to that transfer as provided in
29 this division of this Act take effect upon enactment.

30 43. Page 48, by inserting after line 26 the
31 following:

32 "DIVISION

33 RENEWABLE ENERGY GENERATION AND TAX CREDITS

34 Sec. __. Section 422.11J, Code 2005, is amended
35 to read as follows:

36 422.11J ~~WIND ENERGY PRODUCTION TAX CREDIT CREDITS~~
37 FOR WIND ENERGY PRODUCTION AND RENEWABLE ENERGY.

38 The taxes imposed under this division, less the
39 credits allowed under sections 422.12 and 422.12B,
40 shall be reduced by ~~a wind energy production tax~~
41 ~~credit credits for wind energy production~~ allowed
42 under chapter 476B ~~and for renewable energy allowed~~
43 under chapter 476C.

44 Sec. __. Section 422.33, subsection 16, Code
45 2005, is amended to read as follows:

46 16. The taxes imposed under this division shall be
47 reduced by ~~a wind energy production tax credit credits~~
48 for wind energy production allowed under chapter 476B
49 and for renewable energy allowed under chapter 476C.

50 Sec. __. Section 422.60, subsection 8, Code 2005,

Page 31

1 is amended to read as follows:

2 8. The taxes imposed under this division shall be

3 reduced by ~~a wind energy production tax credit credits~~
 4 for wind energy production allowed under chapter 476B
 5 and for renewable energy allowed under chapter 476C.

6 Sec. __. Section 423.4, Code 2005, is amended by
 7 adding the following new subsection:

8 **NEW SUBSECTION.** 4. A person in possession of a
 9 renewable energy tax credit certificate issued
 10 pursuant to chapter 476C may apply to the director for
 11 refund of the amount of sales or use tax imposed and
 12 paid upon purchases made by the applicant.

13 a. The refunds may be obtained only in the
 14 following manner and under the following conditions:

15 (1) On forms furnished by the department and filed
 16 by January 31 after the end of the calendar year in
 17 which the tax credit certificate is to be applied, the
 18 applicant shall report to the department the total
 19 amount of sales and use tax paid during the reporting
 20 period on purchases made by the applicant.

21 (2) The applicant shall separately list the
 22 amounts of sales and use tax paid during the reporting
 23 period.

24 (3) If required by the department, the applicant
 25 shall prove that the person making the sales has
 26 included the amount thereof in the computation of the
 27 sales price of such person and that such person has
 28 paid the tax levied by this subchapter or subchapter
 29 III, based upon such computation of the sales price.

30 (4) The applicant shall provide the tax credit
 31 certificates issued pursuant to chapter 476C to the
 32 department with the forms required by this paragraph
 33 "a".

34 b. If satisfied that the foregoing conditions and
 35 requirements have been complied with, the director
 36 shall refund the amount claimed by the applicant for
 37 an amount not greater than the amount of tax credits
 38 issued in tax credit certificates pursuant to chapter
 39 476C.

40 Sec. __. Section 432.12E, Code 2005, is amended
 41 to read as follows:

42 **432.12E WIND ENERGY PRODUCTION TAX CREDIT CREDITS**
 43 **FOR WIND ENERGY PRODUCTION AND RENEWABLE ENERGY.**

44 The taxes imposed under this chapter shall be
 45 reduced by ~~a wind energy production tax credit credits~~
 46 for wind energy production allowed under chapter 476B
 47 and for renewable energy allowed under chapter 476C.

48 Sec. __. **NEW SECTION.** 437A.17B REIMBURSEMENT
 49 **FOR RENEWABLE ENERGY.**

50 A person in possession of a renewable energy tax

2 apply to the director for a reimbursement of the
3 amount of taxes imposed and paid by the person
4 pursuant to this chapter in an amount not more than
5 the person received in renewable energy tax credit
6 certificates pursuant to chapter 476C. To obtain the
7 reimbursement, the person shall attach to the return
8 required under section 437A.8 the renewable energy tax
9 credit certificates issued to the person pursuant to
10 chapter 476C, and provide any other information the
11 director may require. The director shall direct a
12 warrant to be issued to the person for an amount equal
13 to the tax imposed and paid by the person pursuant to
14 this chapter but for not more than the amount of the
15 renewable energy tax credit certificates attached to
16 the return.

17 Sec. __. NEW SECTION. 476C.1 DEFINITIONS.

18 For purposes of this chapter, unless the context
19 otherwise requires:

20 1. "Anaerobic digester system" means a system of
21 components that processes plant or animal materials
22 based on the absence of oxygen and produces methane or
23 other biogas used to generate electricity, hydrogen
24 fuel, or heat for a commercial purpose.

25 2. "Biogas recovery facility" means an anaerobic
26 digester system that is located in this state.

27 3. "Biomass conversion facility" means a facility
28 in this state that converts plant-derived organic
29 matter including, but not limited to, agricultural
30 food and feed crops, crop wastes and residues, wood
31 wastes and residues, or aquatic plants to generate
32 electricity, hydrogen fuel, or heat for a commercial
33 purpose.

34 4. "Board" means the utilities board within the
35 utilities division of the department of commerce.

36 5. "Department" means the department of revenue.

37 6. "Eligible renewable energy facility" means a
38 wind energy conversion facility, a biogas recovery
39 facility, a biomass conversion facility, a methane gas
40 recovery facility, or a solar energy conversion
41 facility that meets all of the following requirements:

42 a. Is located in this state.

43 b. Is at least fifty-one percent owned by one or
44 more of any combination of the following:

45 (1) A resident of this state.

46 (2) Any of the following as defined in section

47 9H.1:

48 (a) An authorized farm corporation.

49 (b) An authorized limited liability company.

50 (c) An authorized trust.

Page 33

- 1 (d) A family farm corporation.
- 2 (e) A family farm limited liability company.
- 3 (f) A family trust.
- 4 (g) A revocable trust.
- 5 (h) A testamentary trust.
- 6 (3) A small business as defined in section 15.102.
- 7 (4) An electric cooperative association organized
- 8 pursuant to chapter 499 that sells electricity to end
- 9 users located in this state.
- 10 (5) An electric cooperative association that has
- 11 one or more members organized pursuant to chapter 499.
- 12 (6) A cooperative corporation organized pursuant
- 13 to chapter 497 or a limited liability corporation
- 14 organized pursuant to chapter 490A whose shares and
- 15 membership are held by an entity that is not
- 16 prohibited from owning agricultural land under chapter
- 17 9H.
- 18 (7) A school district located in this state.
- 19 c. Has at least one owner that meets the
- 20 requirements of paragraph "b" for each two and one-
- 21 half megawatts of nameplate generating capacity or the
- 22 energy production capacity equivalent for hydrogen
- 23 fuel or heat for a commercial purpose of the otherwise
- 24 eligible renewable energy facility.
- 25 d. Was initially placed into service on or after
- 26 July 1, 2005, and before January 1, 2011, or on or
- 27 after February 1, 2005, and before January 1, 2011, if
- 28 the facility meets the requirements of subsection 6,
- 29 paragraph "b", subparagraph (7).
- 30 7. "Energy production capacity equivalent" means
- 31 the amount of energy in a standard cubic foot of
- 32 hydrogen gas or the number of British thermal units
- 33 that are equal to the energy in a kilowatt-hour of
- 34 electricity. For the purposes of this chapter, one
- 35 kilowatt-hour shall be deemed equivalent to three
- 36 thousand three hundred thirty-three British thermal
- 37 units of heat or ten and forty-five one-hundredths of
- 38 standard cubic feet of hydrogen gas.
- 39 8. "Heat for a commercial purpose" means the heat
- 40 in British thermal unit equivalents from methane or
- 41 other biogas produced in this state sold to a
- 42 purchaser of renewable energy for use for a commercial
- 43 purpose.
- 44 9. "Hydrogen fuel" means hydrogen produced in this
- 45 state from a renewable source that is used in a fuel
- 46 cell or hydrogen-powered internal combustion engine.
- 47 10. "Methane gas recovery facility" means a
- 48 facility in this state which is used in connection
- 49 with a sanitary landfill or which uses wastes that
- 50 would otherwise be deposited in a sanitary landfill,

Page 34

1 that collects methane gas or other gases and converts
2 the gas into energy to generate electricity, hydrogen
3 fuel, or heat for a commercial purpose.

4 11. "Producer of renewable energy" means a person
5 who owns an eligible renewable energy facility.

6 12. "Purchaser of renewable energy" means a person
7 who buys electric energy, hydrogen fuel, methane gas
8 or other biogas used to generate electricity, or heat
9 for a commercial purpose from an eligible renewable
10 energy facility.

11 13. "Solar energy conversion facility" means a
12 solar energy facility in this state that collects and
13 converts incident solar radiation into energy to
14 generate electricity.

15 14. "Wind energy conversion facility" means a wind
16 energy conversion system in this state that collects
17 and converts wind into energy to generate electricity.

18 Sec. . NEW SECTION. 476C.2 TAX CREDIT AMOUNT
19 – LIMITATIONS.

20 1. A producer or purchaser of renewable energy may
21 receive renewable energy tax credits under this
22 chapter in an amount equal to one and one-half cents
23 per kilowatt-hour of electricity, or four dollars and
24 fifty cents per million British thermal units of heat
25 for a commercial purpose, or four dollars and fifty
26 cents per million British thermal units of methane gas
27 or other biogas used to generate electricity, or one
28 dollar and forty-four cents per one thousand standard
29 cubic feet of hydrogen fuel generated by and purchased
30 from an eligible renewable energy facility.

31 2. The renewable energy tax credit shall not be
32 allowed for any kilowatt-hour of electricity, British
33 thermal unit of heat for a commercial purpose, British
34 thermal unit of methane gas or other biogas used to
35 generate electricity, or standard cubic foot of
36 hydrogen fuel that is purchased from an eligible
37 renewable energy facility by a related person. For
38 purposes of this subsection, persons shall be treated
39 as related to each other if either person owns an
40 eighty percent or more equity interest in the other
41 person.

42 Sec. . NEW SECTION. 476C.3 DETERMINATION OF
43 ELIGIBILITY.

44 1. A producer or purchaser of renewable energy may
45 apply to the board for a written determination
46 regarding whether a facility is an eligible renewable
47 energy facility by submitting to the board a written
48 application containing all of the following:

49 a. Information regarding the ownership of the
50 facility including the percentage of equity interest

Page 35

1 held by each owner.

2 b. The nameplate generating capacity of the
3 facility or energy production capacity equivalent.

4 c. Information regarding the facility's initial
5 placement in service.

6 d. Information regarding the type of facility and
7 what type of renewable energy the facility will
8 produce.

9 e. A copy of the power purchase agreement or other
10 agreement to purchase electricity, hydrogen fuel,
11 methane or other biogas, or heat for a commercial
12 purpose which shall designate either the producer or
13 purchaser of renewable energy as eligible to apply for
14 the renewable energy tax credit.

15 f. Any other information the board may require.

16 2. The board shall review the application and
17 supporting information and shall make a preliminary
18 determination regarding whether the facility is an
19 eligible renewable energy facility. The board shall
20 notify the applicant of the approval or denial of the
21 application within thirty days of receipt of the
22 application and information required. If the board
23 fails to notify the applicant of the approval or
24 denial within thirty days, the application shall be
25 deemed denied. An applicant who receives a
26 determination denying an application may file an
27 appeal with the board within thirty days from the date
28 of the denial pursuant to the provisions of chapter
29 17A. In the absence of a timely appeal, the
30 preliminary determination shall be final. If the
31 application is incomplete, the board may grant an
32 extension of time for the provision of additional
33 information.

34 3. A facility that is not operational within
35 eighteen months after issuance of an approval for the
36 facility by the board shall cease to be an eligible
37 renewable energy facility. A facility that is granted
38 and thereafter loses approval may reapply to the board
39 for a new determination.

40 4. The maximum amount of nameplate generating
41 capacity of all wind energy conversion facilities the
42 board may find eligible under this chapter shall not
43 exceed ninety megawatts of nameplate generating
44 capacity. The maximum amount of energy production
45 capacity equivalent of all other facilities the board
46 may find eligible under this chapter shall not exceed
47 a combined output of ten megawatts of nameplate
48 generating capacity.

49 5. An owner meeting the requirements of section
50 476C.1, subsection 6, paragraph "b" shall not be an

Page 36

1 owner of more than two eligible renewable energy
2 facilities.
3 Sec. . **NEW SECTION. 476C.4 TAX CREDIT**
4 **CERTIFICATE PROCEDURE.**
5 1. A producer or purchaser of renewable energy may
6 apply to the board for the renewable energy tax credit
7 by submitting to the board all of the following:
8 a. A completed application in a form prescribed by
9 the board.
10 b. A copy of the determination granting approval
11 of the facility as an eligible renewable energy
12 facility by the board.
13 c. A copy of a signed power purchase agreement or
14 other agreement to purchase electricity, hydrogen
15 fuel, methane or other biogas, or heat for a
16 commercial purpose from an eligible renewable energy
17 facility which shall designate either the producer or
18 purchaser of renewable energy as eligible to apply for
19 the renewable energy tax credit.
20 d. Sufficient documentation that the electricity,
21 heat for a commercial purpose, methane gas or other
22 biogas, or hydrogen fuel has been generated by the
23 eligible renewable energy facility and sold to the
24 purchaser of renewable energy.
25 e. Any other information the board deems
26 necessary.
27 2. The board shall notify the department of the
28 amount of kilowatt-hours, British thermal units of
29 heat for a commercial purpose, British thermal units
30 of methane gas or other biogas used to generate
31 electricity, or standard cubic feet of hydrogen fuel
32 generated and purchased from an eligible renewable
33 energy facility. The department shall calculate the
34 amount of the tax credit for which the applicant is
35 eligible and shall issue the tax credit certificate
36 for that amount or notify the applicant in writing of
37 its refusal to do so. An applicant whose application
38 is denied may file an appeal with the department
39 within sixty days from the date of the denial pursuant
40 to the provisions of chapter 17A.
41 3. Each tax credit certificate shall contain the
42 person's name, address, and tax identification number,
43 the amount of tax credits, the first taxable year the
44 certificate may be used, the type of tax to which the
45 tax credits shall be applied, and any other
46 information required by the department. The tax
47 credit certificate shall only list one type of tax to
48 which the amount of the tax credit may be applied.
49 Once issued by the department, the tax credit
50 certificate shall not be terminated or rescinded.

Page 37

1 4. If the tax credit application is filed by a
2 partnership, limited liability company, S corporation,
3 estate, trust, or other reporting entity all of the
4 income of which is taxed directly to its equity
5 holders or beneficiaries, for the taxes imposed under
6 chapter 422, division II or III, the tax credit
7 certificate shall be issued directly to equity holders
8 or beneficiaries of the applicant in proportion to
9 their pro rata share of the income of such entity.
10 The applicant shall, in the application made under
11 this section, identify its equity holders or
12 beneficiaries, and the percentage of such entity's
13 income that is allocable to each equity holder or
14 beneficiary. If the tax credit application is filed
15 by a partnership, limited liability company, S
16 corporation, estate, trust, or other reporting entity,
17 all of whose income is taxed directly to its equity
18 holders or beneficiaries for the taxes imposed under
19 chapter 422, division V, or under chapter 423, 432, or
20 437A, the tax credit certificate shall be issued
21 directly to the partnership, limited liability
22 company, S corporation, estate, trust, or other
23 reporting entity.

24 5. The department shall not issue a tax credit
25 certificate if the facility approved by the board as
26 an eligible renewable energy facility is not
27 operational within eighteen months after the approval
28 is issued.

29 6. The department shall not issue a tax credit
30 certificate to any person who has received a tax
31 credit pursuant to chapter 476B.

32 7. Once a tax credit certificate is issued
33 pursuant to this section, the tax credit may only be
34 claimed against the type of tax reflected on the
35 certificate.

36 Sec. . **NEW SECTION.** 476C.5 CERTIFICATE
37 ISSUANCE PERIOD.

38 A producer or purchaser of renewable energy may
39 receive renewable energy tax credit certificates for a
40 ten-year period for each eligible renewable energy
41 facility under this chapter. The ten-year period for
42 issuance of the tax credit certificates begins with
43 the date the purchaser of renewable energy first
44 purchases electricity, hydrogen fuel, methane gas or
45 other biogas used to generate electricity, or heat for
46 commercial purposes from the eligible renewable energy
47 facility for which a tax credit is issued under this
48 chapter. Renewable energy tax credit certificates
49 shall not be issued for renewable energy purchased
50 after December 31, 2020.

Page 38

1 Sec. . NEW SECTION. 476C.6 TRANSFERABILITY
2 AND USE OF TAX CREDIT CERTIFICATES – REGISTRATION.

3 1. Renewable energy tax credit certificates issued
4 under this chapter may be transferred to any person.
5 A tax credit certificate shall only be transferred
6 once. However, for purposes of this transfer
7 provision, a decision between a producer and purchaser
8 of renewable energy regarding who claims the tax
9 credit issued pursuant to this chapter shall not be
10 considered a transfer and must be set forth in the
11 application for the tax credit pursuant to section
12 476C.4. Within thirty days of transfer, the
13 transferee must submit the transferred tax credit
14 certificate to the department along with a statement
15 containing the transferee's name, tax identification
16 number, and address, and the denomination that each
17 new certificate is to carry and any other information
18 required by the department. Within thirty days of
19 receiving the transferred tax credit certificate and
20 the transferee's statement, the department shall issue
21 one or more replacement tax credit certificates to the
22 transferee. Each replacement tax credit certificate
23 must contain the information required under section
24 476C.4, subsection 3, and must have the same effective
25 taxable year and the same expiration date that
26 appeared in the transferred tax credit certificate.
27 Tax credit certificate amounts of less than the
28 minimum amount established by rule shall not be
29 transferable. A tax credit shall not be claimed by a
30 transferee under this chapter until a replacement tax
31 credit certificate identifying the transferee as the
32 proper holder has been issued. The replacement tax
33 credit certificate may reflect a different type of tax
34 than the type of tax noted on the original tax credit
35 certificate.

36 The transferee may use the amount of the tax credit
37 transferred against taxes imposed under chapter 422,
38 divisions II, III, and V, and chapter 432 for any tax
39 year the original transferor could have claimed the
40 tax credit. The transferee may claim a refund under
41 chapter 423 or 437A for any tax year within the time
42 period set forth in section 423.47 or 437A.14 for
43 which the original transferor could have claimed the
44 refund. Any consideration received for the transfer
45 of the tax credit shall not be included as income
46 under chapter 422, divisions II, III, and V. Any
47 consideration paid for the transfer of the tax credit
48 shall not be deducted from income under chapter 422,
49 divisions II, III, and V.

50 2. To claim a renewable energy tax credit under

Page 39

1 this chapter, a taxpayer must attach one or more tax
 2 credit certificates to the taxpayer's tax return, or
 3 if used against taxes imposed under chapter 423, the
 4 taxpayer shall comply with section 423.4, or if used
 5 against taxes imposed under chapter 437A, the taxpayer
 6 shall comply with section 437A.17B, subsection 4. A
 7 tax credit certificate shall not be used or attached
 8 to a return filed for a taxable year beginning prior
 9 to July 1, 2006. The tax credit certificate or
 10 certificates attached to the taxpayer's tax return
 11 shall be issued in the taxpayer's name, expire on or
 12 after the last day of the taxable year for which the
 13 taxpayer is claiming the tax credit, and show a tax
 14 credit amount equal to or greater than the tax credit
 15 claimed on the taxpayer's tax return. Any tax credit
 16 in excess of the taxpayer's tax liability for the
 17 taxable year may be credited to the taxpayer's tax
 18 liability for the following seven tax years or until
 19 the credit is depleted, whichever is earlier. If the
 20 tax credit is applied against the taxes imposed under
 21 chapter 423 or 437A, any credit in excess of the
 22 taxpayer's tax liability is carried over and can be
 23 filed with the refund claim for the following seven
 24 tax years or until depleted, whichever is earlier.
 25 However, the certificate shall not be used to reduce
 26 tax liability for a tax period ending after the
 27 expiration date of the certificate.

28 3. The department shall develop a system for the
 29 registration of the renewable energy tax credit
 30 certificates issued or transferred under this chapter
 31 and a system that permits verification that any tax
 32 credit claimed on a tax return is valid and that
 33 transfers of the tax credit certificates are made in
 34 accordance with the requirements of this chapter. The
 35 tax credit certificates issued under this chapter
 36 shall not be classified as a security pursuant to
 37 chapter 502.

38 Sec. __. NEW SECTION. 476C.7 RULES.

39 The department and the board may adopt rules
 40 pursuant to chapter 17A for the administration and
 41 enforcement of this chapter.

42 Sec. __. EFFECTIVE DATE. This division of this
 43 Act, being deemed of immediate importance, takes
 44 effect upon enactment."

45 44. Page 48, by inserting after line 26 the
 46 following:

"DIVISION

PROVISIONS RELATING TO THE PRACTICE OF PHARMACY

49 Sec. __. Section 155A.3, subsection 11, Code
 50 2005, is amended to read as follows:

Page 40

1 11. "Dispense" means to deliver a prescription
2 drug, device, or controlled substance to an ultimate
3 user or research subject by or pursuant to the lawful
4 prescription drug order or medication order of a
5 practitioner, including the prescribing,
6 administering, packaging, labeling, or compounding
7 necessary to prepare the substance for that delivery.

8 Sec. __. Section 155A.3, Code 2005, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 22A. "Logistics provider" means
11 an entity that provides or coordinates warehousing,
12 distribution, or other services on behalf of a
13 manufacturer or other owner of a drug, but does not
14 take title to the drug or have general responsibility
15 to direct its sale or other disposition.

16 Sec. __. Section 155A.3, Code 2005, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 23A. "Pedigree" means a recording
19 of each distribution of any given drug or device, from
20 the sale by the manufacturer through acquisition and
21 sale by any wholesaler, pursuant to rules adopted by
22 the board.

23 Sec. __. Section 155A.3, subsection 33, paragraph
24 b, Code 2005, is amended to read as follows:

25 b. A drug or device that under federal law is
26 required, prior to being dispensed or delivered, to be
27 labeled with either one of the following statements:

28 (1) Caution: Federal law prohibits dispensing
29 without a prescription.

30 (2) Caution: Federal law restricts this drug to
31 use by or on the order of a licensed veterinarian.

32 (3) Caution: Federal law restricts this device to
33 sale by, or on the order of, a physician.

34 (4) Rx only.

35 Sec. __. Section 155A.3, subsection 35, Code
36 2005, is amended to read as follows:

37 35. "Proprietary medicine" or "over-the-counter
38 medicine" means a nonnarcotic drug or device that may
39 be sold without a prescription and that is labeled and
40 packaged in compliance with applicable state or
41 federal law.

42 Sec. __. Section 155A.3, subsection 38, Code
43 2005, is amended to read as follows:

44 38. "Wholesaler" means a person operating or
45 maintaining, either within or outside this state, a
46 manufacturing plant, wholesale distribution center,
47 wholesale business, or any other business in which
48 prescription drugs or devices, medicinal chemicals,
49 medicines, or poisons are sold, manufactured,
50 compounded, dispensed, stocked, exposed, distributed

Page 41

1 from, or offered for sale at wholesale in this state.
2 "Wholesaler" does not include those wholesalers who
3 sell only proprietary or over-the-counter medicines.
4 "Wholesaler" also does not include a commercial
5 carrier that temporarily stores prescription drugs or
6 devices, medicinal chemicals, medicines, or poisons
7 while in transit.

8 Sec. ____. Section 155A.4, subsection 2, paragraph
9 a, Code 2005, is amended to read as follows:

10 a. A ~~manufacturer or~~ wholesaler to distribute
11 prescription drugs or devices as provided by state or
12 federal law.

13 Sec. ____. Section 155A.13, subsection 6,
14 unnumbered paragraph 1, Code 2005, is amended to read
15 as follows:

16 To qualify for a pharmacy license, the applicant
17 shall submit to the board a license fee as determined
18 by the board and a completed application on a form
19 prescribed by the board ~~that shall include the~~
20 ~~following information and.~~ The application shall
21 include the following and such other information as
22 required by rules of the board and shall be given
23 under oath:

24 Sec. ____. Section 155A.17, subsection 2, Code
25 2005, is amended to read as follows:

26 2. The board shall establish standards for drug
27 wholesaler licensure and may define specific types of
28 wholesaler licenses. The board may deny, suspend, or
29 revoke a drug wholesale license for failure to meet
30 the applicable standards or for a violation of the
31 laws of this state, another state, or the United
32 States relating to prescription drugs, devices, or
33 controlled substances, or for a violation of this
34 chapter, chapter 124, 124A, 124B, 126, or 205, or a
35 rule of the board.

36 Sec. ____. Section 155A.17, subsection 3, Code
37 2005, is amended to read as follows:

38 3. The board shall adopt rules pursuant to chapter
39 17A on matters pertaining to the issuance of a
40 wholesale drug license. The rules shall provide for
41 conditions of licensure, compliance standards,
42 licensure fees, disciplinary action, and other
43 relevant matters. Additionally, the rules shall
44 establish provisions or exceptions for pharmacies,
45 chain pharmacy distribution centers, logistics
46 providers, and other types of wholesalers relating to
47 pedigree requirements, drug or device returns, and
48 other related matters, so as not to prevent or
49 interfere with usual, customary, and necessary
50 business activities.

Page 42

1 Sec.____. Section 155A.19, subsection 1, paragraph
2 f, Code 2005, is amended by striking the paragraph and
3 inserting in lieu thereof the following:

4 f. Change of legal name or doing-business-as name.

5 Sec.____. Section 155A.19, Code 2005, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 3. A wholesaler shall report in
8 writing to the board, pursuant to its rules, the
9 following:

10 a. Permanent closing or discontinuation of
11 wholesale distributions into this state.

12 b. Change of ownership.

13 c. Change of location.

14 d. Change of the wholesaler's responsible
15 individual.

16 e. Change of legal name or doing-business-as name.

17 f. Theft or significant loss of any controlled
18 substance on discovery of the theft or loss.

19 g. Disasters, accidents, and emergencies that may
20 affect the strength, purity, or labeling of drugs,
21 medications, devices, or other materials used in the
22 diagnosis or the treatment of injury, illness, and
23 disease.

24 h. Other information or activities as required by
25 rule.

26 Sec.____. Section 155A.20, subsection 1, Code
27 2005, is amended to read as follows:

28 1. A person, other than a pharmacy or wholesaler
29 licensed under this chapter, shall not display in or
30 on any store, internet site, or place of business, nor
31 use in any advertising or promotional literature,
32 communication, or representation, the word or words:
33 "apothecary", "drug", "drug store", or "pharmacy",
34 either in English or any other language, any other
35 word or combination of words of the same or similar
36 meaning, or any graphic representation in a manner
37 that would mislead the public unless it is a pharmacy
38 or drug wholesaler licensed under this chapter.

39 Sec.____. Section 155A.21, Code 2005, is amended
40 to read as follows:

41 155A.21 UNLAWFUL POSSESSION OF PRESCRIPTION DRUG
42 OR DEVICE - PENALTY.

43 1. A person found in possession of a drug or
44 device limited to dispensation by prescription, unless
45 the drug or device was so lawfully dispensed, commits
46 a serious misdemeanor.

47 2. Subsection 1 does not apply to a licensed
48 pharmacy, licensed wholesaler, physician,
49 veterinarian, dentist, podiatric physician,
50 therapeutically certified optometrist, advanced

Page 43

1 registered nurse practitioner, physician assistant, a
2 nurse acting under the direction of a physician, or
3 the board of pharmacy examiners, its officers, agents,
4 inspectors, and representatives, nor to a common
5 carrier, manufacturer's representative, or messenger
6 when transporting the drug or device in the same
7 unbroken package in which the drug or device was
8 delivered to that person for transportation.

9 Sec. __. Section 155A.23, Code 2005, is amended
10 to read as follows:

11 155A.23 PROHIBITED ACTS.

12 A person shall not perform or cause the performance
13 of or aid and abet any of the following acts:

14 1. ~~Obtain or attempt~~ Obtaining or attempting to
15 obtain a prescription drug or device or ~~procure or~~
16 ~~attempt procuring or attempting~~ to procure the
17 administration of a prescription drug or device by:

18 a. ~~Fraud~~ Engaging in fraud, deceit,
19 misrepresentation, or subterfuge.

20 b. ~~Forgery or alteration of~~ Forging or altering a
21 written, electronic, or facsimile prescription or ~~of~~
22 any written, electronic, or facsimile order.

23 c. ~~Concealment of~~ Concealing a material fact.

24 d. ~~Use of~~ Using a false name or the giving of a
25 false address.

26 2. Willfully ~~make~~ making a false statement in any
27 prescription, report, or record required by this
28 chapter.

29 3. For the purpose of obtaining a prescription
30 drug or device, falsely ~~assume~~ assuming the title of
31 or ~~claim~~ claiming to be a manufacturer, wholesaler,
32 pharmacist, pharmacy owner, physician, dentist,
33 podiatric physician, veterinarian, or other authorized
34 person.

35 4. ~~Make or utter~~ Making or uttering any false or
36 forged oral, written, electronic, or facsimile
37 prescription or oral, written, electronic, or
38 facsimile order.

39 5. ~~Affix any false or forged label to a package or~~
40 ~~receptacle containing prescription drugs~~ Forging,
41 counterfeiting, simulating, or falsely representing
42 any drug or device without the authority of the
43 manufacturer, or using any mark, stamp, tag, label, or
44 other identification device without the authorization
45 of the manufacturer.

46 6. Manufacturing, repackaging, selling,
47 delivering, or holding or offering for sale any drug
48 or device that is adulterated, misbranded,
49 counterfeit, suspected of being counterfeit, or that
50 has otherwise been rendered unfit for distribution.

Page 44

- 1 7. Adulterating, misbranding, or counterfeiting
2 any drug or device.
- 3 8. Receiving any drug or device that is
4 adulterated, misbranded, stolen, obtained by fraud or
5 deceit, counterfeit, or suspected of being
6 counterfeit, and delivering or proffering delivery of
7 such drug or device for pay or otherwise.
- 8 9. Adulterating, mutilating, destroying,
9 obliterating, or removing the whole or any part of the
10 labeling of a drug or device or committing any other
11 act with respect to a drug or device that results in
12 the drug or device being misbranded.
- 13 10. Purchasing or receiving a drug or device from
14 a person who is not licensed to distribute the drug or
15 device to that purchaser or recipient.
- 16 11. Selling or transferring a drug or device to a
17 person who is not authorized under the law of the
18 jurisdiction in which the person receives the drug or
19 device to purchase or possess the drug or device from
20 the person selling or transferring the drug or device.
- 21 12. Failing to maintain or provide records as
22 required by this chapter, chapter 124, or rules of the
23 board.
- 24 13. Providing the board or any of its
25 representatives or any state or federal official with
26 false or fraudulent records or making false or
27 fraudulent statements regarding any matter within the
28 scope of this chapter, chapter 124, or rules of the
29 board.
- 30 14. Distributing at wholesale any drug or device
31 that meets any of the following conditions:
 - 32 a. The drug or device was purchased by a public or
33 private hospital or other health care entity.
 - 34 b. The drug or device was donated or supplied at a
35 reduced price to a charitable organization.
 - 36 c. The drug or device was purchased from a person
37 not licensed to distribute the drug or device.
 - 38 d. The drug or device was stolen or obtained by
39 fraud or deceit.
- 40 15. Failing to obtain a license or operating
41 without a valid license when a license is required
42 pursuant to this chapter or chapter 147.
- 43 16. Engaging in misrepresentation or fraud in the
44 distribution of a drug or device.
- 45 17. Distributing a drug or device to a patient
46 without a prescription drug order or medication order
47 from a practitioner licensed by law to use or
48 prescribe the drug or device.
- 49 18. Distributing a drug or device that was
50 previously dispensed by a pharmacy or distributed by a

Page 45

1 practitioner except as provided by rules of the board.

2 19. Failing to report any prohibited act.

3 Information communicated to a physician in an
4 unlawful effort to procure a prescription drug or
5 device or to procure the administration of a
6 prescription drug shall not be deemed a privileged
7 communication.

8 Subsections 6 and 7 shall not apply to the
9 wholesale distribution by a manufacturer of a
10 prescription drug or device that has been delivered
11 into commerce pursuant to an application approved by
12 the federal food and drug administration.

13 Sec. __. Section 155A.24, Code 2005, is amended
14 to read as follows:

15 155A.24 PENALTIES.

16 1. A Except as otherwise provided in this section,

17 a person who violates a provision of section 155A.23
18 or who sells or offers for sale, gives away, or

19 administers to another person any prescription drug or
20 device in violation of this chapter commits a public
21 offense and shall be punished as follows:

22 a. If the prescription drug is a controlled
23 substance, the person shall be punished pursuant to
24 ~~section 124.401, subsection 1, and section 124.411~~
25 chapter 124, division IV.

26 b. If the prescription drug is not a controlled
27 substance, the person, upon conviction of a first
28 offense, is guilty of a serious misdemeanor. For a
29 second offense, or if in case of a first offense the
30 offender previously has been convicted of any
31 violation of the laws of the United States or of any
32 state, territory, or district thereof relating to
33 prescription drugs or devices, the offender is guilty
34 of an aggravated misdemeanor. For a third or
35 subsequent offense or if in the case of a second
36 offense the offender previously has been convicted two
37 or more times in the aggregate of any violation of the
38 laws of the United States or of any state, territory,
39 or district thereof relating to prescription drugs or
40 devices, the offender is guilty of a class "D" felony.

41 2. A person who violates any provision of this
42 chapter by selling, giving away, or administering any
43 prescription drug or device to a minor is guilty of a
44 class "C" felony.

45 3. A wholesaler who, with intent to defraud or
46 deceive, fails to deliver to another person, when
47 required by rules of the board, complete and accurate
48 pedigree concerning a drug prior to transferring the
49 drug to another person is guilty of a class "C"
50 felony.

- 1 4. A wholesaler who, with intent to defraud or
- 2 deceive, fails to acquire, when required by rules of
- 3 the board, complete and accurate pedigree concerning a
- 4 drug prior to obtaining the drug from another person
- 5 is guilty of a class "C" felony.
- 6 5. A wholesaler who knowingly destroys, alters,
- 7 conceals, or fails to maintain, as required by rules
- 8 of the board, complete and accurate pedigree
- 9 concerning any drug in the person's possession is
- 10 guilty of a class "C" felony.
- 11 6. A wholesaler who is in possession of pedigree
- 12 documents required by rules of the board, and who
- 13 knowingly fails to authenticate the matters contained
- 14 in the documents as required, and who nevertheless
- 15 distributes or attempts to further distribute drugs is
- 16 guilty of a class "C" felony.
- 17 7. A wholesaler who, with intent to defraud or
- 18 deceive, falsely swears or certifies that the person
- 19 has authenticated any documents related to the
- 20 wholesale distribution of drugs or devices is guilty
- 21 of a class "C" felony.
- 22 8. A wholesaler who knowingly forges,
- 23 counterfeits, or falsely creates any pedigree, who
- 24 falsely represents any factual matter contained in any
- 25 pedigree, or who knowingly omits to record material
- 26 information required to be recorded in a pedigree is
- 27 guilty of a class "C" felony.
- 28 9. A wholesaler who knowingly purchases or
- 29 receives drugs or devices from a person not authorized
- 30 to distribute drugs or devices in wholesale
- 31 distribution is guilty of a class "C" felony.
- 32 10. A wholesaler who knowingly sells, barter,
- 33 brokers, or transfers a drug or device to a person not
- 34 authorized to purchase the drug or device under the
- 35 jurisdiction in which the person receives the drug or
- 36 device in a wholesale distribution is guilty of a
- 37 class "C" felony.
- 38 11. A person who knowingly manufacturers, sells,
- 39 or delivers, or who possesses with intent to sell or
- 40 deliver, a counterfeit, misbranded, or adulterated
- 41 drug or device is guilty of the following:
- 42 a. If the person manufactures or produces a
- 43 counterfeit, misbranded, or adulterated drug or
- 44 device; or if the quantity of a counterfeit,
- 45 misbranded, or adulterated drug or device being sold,
- 46 delivered, or possessed with intent to sell or deliver
- 47 exceeds one thousand units or dosages; or if the
- 48 violation is a third or subsequent violation of this
- 49 subsection, the person is guilty of a class "C"
- 50 felony.

Page 47

1 b. If the quantity of a counterfeit, misbranded,
 2 or adulterated drug or device being sold, delivered,
 3 or possessed with intent to sell or deliver exceeds
 4 one hundred units or dosages but does not exceed one
 5 thousand units or dosages; or if the violation is a
 6 second or subsequent violation of this subsection, the
 7 person is guilty of a class "D" felony.

8 c. All other violations of this subsection shall
 9 constitute an aggravated misdemeanor.

10 12. A person who knowingly forges, counterfeits,
 11 or falsely creates any label for a drug or device or
 12 who falsely represents any factual matter contained on
 13 any label of a drug or device is guilty of a class "C"
 14 felony.

15 13. A person who knowingly possesses, purchases,
 16 or brings into the state a counterfeit, misbranded, or
 17 adulterated drug or device is guilty of the following:

18 a. If the quantity of a counterfeit, misbranded,
 19 or adulterated drug or device being possessed,
 20 purchased, or brought into the state exceeds one
 21 hundred units or dosages; or if the violation is a
 22 second or subsequent violation of this subsection, the
 23 person is guilty of a class "D" felony.

24 b. All other violations of this subsection shall
 25 constitute an aggravated misdemeanor.

26 14. This section does not prevent a licensed
 27 practitioner of medicine, dentistry, podiatry,
 28 nursing, veterinary medicine, optometry, or pharmacy
 29 from acts necessary in the ethical and legal
 30 performance of the practitioner's profession.

31 15. Subsections 1 and 2 shall not apply to a
 32 parent or legal guardian administering, in good faith,
 33 a prescription drug or device to a child of the parent
 34 or a child for whom the individual is designated a
 35 legal guardian.

36 Sec. __. NEW SECTION. 155A.40 CRIMINAL HISTORY
 37 RECORD CHECKS.

38 1. The board may request and obtain,
 39 notwithstanding section 692.2, subsection 5, criminal
 40 history data for any applicant for an initial or
 41 renewal license or registration issued pursuant to
 42 this chapter or chapter 147, any applicant for
 43 reinstatement of a license or registration issued
 44 pursuant to this chapter or chapter 147, or any
 45 licensee or registrant who is being monitored as a
 46 result of a board order or agreement resolving an
 47 administrative disciplinary action, for the purpose of
 48 evaluating the applicant's, licensee's, or
 49 registrant's eligibility for licensure, registration,
 50 or suitability for continued practice of the

Page 48

1 profession. Criminal history data may be requested
2 for all owners, managers, and principal employees of a
3 pharmacy or drug wholesaler licensed pursuant to this
4 chapter. The board shall adopt rules pursuant to
5 chapter 17A to implement this section. The board
6 shall inform the applicant, licensee, or registrant of
7 the criminal history requirement and obtain a signed
8 waiver from the applicant, licensee, or registrant
9 prior to submitting a criminal history data request.

10 2. A request for criminal history data shall be
11 submitted to the department of public safety, division
12 of criminal investigation and bureau of
13 identification, pursuant to section 692.2, subsection

14 1. The board may also require such applicants,
15 licensees, and registrants to provide a full set of
16 fingerprints, in a form and manner prescribed by the
17 board. Such fingerprints may be submitted to the
18 federal bureau of investigation through the state
19 criminal history repository for a national criminal
20 history check. The board may authorize alternate
21 methods or sources for obtaining criminal history
22 record information. The board may, in addition to any
23 other fees, charge and collect such amounts as may be
24 incurred by the board, the department of public
25 safety, or the federal bureau of investigation in
26 obtaining criminal history information. Amounts
27 collected shall be considered repayment receipts as
28 defined in section 8.2.

29 3. Criminal history information relating to an
30 applicant, licensee, or registrant obtained by the
31 board pursuant to this section is confidential. The
32 board may, however, use such information in a license
33 or registration denial proceeding. In a disciplinary
34 proceeding, such information shall constitute
35 investigative information under section 272C.6,
36 subsection 4, and may be used only for purposes
37 consistent with that section.

38 4. This section shall not apply to a manufacturer
39 of a prescription drug or device that has been
40 delivered into commerce pursuant to an application
41 approved by the federal food and drug administration.

42 Sec. __. **NEW SECTION. 155A.41 CONTINUOUS**
43 **QUALITY IMPROVEMENT PROGRAM.**

44 1. Each licensed pharmacy shall implement or
45 participate in a continuous quality improvement
46 program to review pharmacy procedures in order to
47 identify methods for addressing pharmacy medication
48 errors and for improving patient use of medications
49 and patient care services. Under the program, each
50 pharmacy shall assess its practices and identify areas

Page 49

- 1 for quality improvement.
 2 2. The board shall adopt rules for the
 3 administration of a continuous quality improvement
 4 program. The rules shall address all of the
 5 following:
 6 a. Program requirements and procedures.
 7 b. Program record and reporting requirements.
 8 c. Any other provisions necessary for the
 9 administration of a program."
 10 45. Title page, line 1, by inserting after the
 11 word "Act" the following: "relating to state and
 12 local finances by providing for tax exemptions,
 13 credits, tax credit transfers, and other tax-related
 14 matters and by".
 15 46. Title page, line 2, by inserting after the
 16 word "matters" the following: "and penalties"
 17 47. Title page, line 2, by inserting after the
 18 word "fees," the following: "providing for the
 19 generation and purchase of and tax credits for
 20 renewable energy,".
 21 48. By renumbering, relettering, or redesignating
 22 and correcting internal references as necessary.

Jochum of Dubuque offered the following amendment H-1708, to the Senate amendment H-1703, filed by her from the floor and moved its adoption:

H-1708

- 1 Amend the Senate amendment, H-1703, to House File
 2 882, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 9, by inserting after line 17 the
 5 following:
 6 "____. Page 18, by inserting after line 11 the
 7 following:
 8 "Sec.____. Section 99F.4A, subsection 8,
 9 unnumbered paragraph 1, Code 2005, is amended to read
 10 as follows:
 11 The commission shall, upon the immediate payment of
 12 the applicable table games license fee and submission
 13 to the commission by June 1, ~~2005~~ 2006, of an
 14 application by a licensee of a pari-mutuel dog or
 15 horse racetrack licensed to conduct gambling games at
 16 a pari-mutuel racetrack enclosure, issue a license to
 17 the licensee to conduct table games of chance,
 18 including video machines that simulate table games of
 19 chance, at the pari-mutuel racetrack enclosure subject
 20 to the requirements of this subsection. However, a

21 table games license may only be issued to a licensee
 22 required to pay a table games license fee of three
 23 million dollars under this subsection if the licensee,
 24 and all other licensees of an excursion gambling boat
 25 in that county, file an agreement with the commission
 26 authorizing the granting of a table games license
 27 under this subsection and permitting all licensees of
 28 an excursion gambling boat to operate a moored barge
 29 as of a specific date. The licensee shall be granted
 30 a table games license by the commission without
 31 conducting a separate referendum authorizing table
 32 games upon payment of the applicable license fee to
 33 the commission which table games license fee may be
 34 offset by the licensee against taxes imposed on the
 35 licensee by section 99F.11, to the extent of twenty
 36 percent of the table games license fee paid pursuant
 37 to this subsection for each of five consecutive fiscal
 38 years beginning with the fiscal year beginning July 1,
 39 2008. Fees paid pursuant to this subsection are not
 40 refundable to the licensee. A licensee shall not be
 41 required to pay a fee to renew a table games license
 42 issued pursuant to this subsection. Moneys collected
 43 by the commission from a table games license fee paid
 44 under this subsection shall be deposited in the
 45 rebuild Iowa infrastructure fund created in section
 46 8.57."'

47 2. Page 15, by inserting after line 18 the
 48 following:

49 "___ Page 24, by inserting after line 17 the
 50 following:

Page 2

1 "Sec. ___. EFFECTIVE DATE. The section of this
 2 division of this Act amending section 99F.4A,
 3 subsection 8, being deemed of immediate importance,
 4 takes effect upon enactment."'

5 3. By renumbering as necessary.

Amendment H-1708 lost.

Miller of Webster asked and received unanimous consent to
 withdraw amendment H-1709 filed by Miller, Gaskill of Wapello and
 Mertz of Kossuth from the floor.

Dix of Butler offered amendment H-1711, to the Senate
 amendment H-1703, filed by him from the floor as follows:

H-1711

1 Amend the Senate amendment, H-1703, to House File

2 882, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 1, line 3, through page 49,
5 line 22, and inserting the following:

6 "___ Page 2, by inserting after line 5 the
7 following:

8 "Sec. ___. BUDGET PROCESS FOR FISCAL YEAR 2006-
9 2007.

10 1. For the budget process applicable to the fiscal
11 year beginning July 1, 2006, on or before October 1,
12 2005, in lieu of the information specified in section
13 8.23, subsection 1, unnumbered paragraph 1, and
14 paragraph "a", all departments and establishments of
15 the government shall transmit to the director of the
16 department of management, on blanks to be furnished by
17 the director, estimates of their expenditure
18 requirements, including every proposed expenditure,
19 for the ensuing fiscal year, together with supporting
20 data and explanations as called for by the director of
21 the department of management.

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

30 ___ Page 4, by inserting after line 22, the
31 following:

32 "Sec. ___. Section 8.8, Code 2005, is amended to
33 read as follows:

34 8.8 SPECIAL OLYMPICS FUND – APPROPRIATION.

35 A special olympics fund is created in the office of
36 the treasurer of state under the control of the
37 department of management. There is appropriated
38 annually from the general fund of the state to the
39 special olympics fund ~~thirty~~ fifty thousand dollars
40 for distribution to one or more organizations which
41 administer special olympics programs benefiting the
42 citizens of Iowa with disabilities."

43 ___ Page 5, by inserting after line 11 the
44 following:

45 "Sec. ___. DEPARTMENT OF CULTURAL AFFAIRS –
46 NONPROFIT MUSIC ENTITIES. There is appropriated from
47 the general fund of the state to the department of
48 cultural affairs for the fiscal year beginning July 1,
49 2005, and ending June 30, 2006, twenty-five thousand
50 dollars for purposes of providing two twelve thousand

Page 2

1 five hundred dollar grants to nonprofit music
 2 entities. A recipient of a grant shall be a nonprofit
 3 entity that is formed with members including local
 4 musicians, music promoters, representatives of music
 5 venues and businesses, community leaders, and live
 6 music enthusiasts who discuss, assess, and expedite
 7 the implementation of a unified music agenda for a
 8 local community and aggressively advocates, sponsors,
 9 and develops an independent, progressive live music
 10 economy in a local community."

11 _____. Page 5, line 13, by inserting before the
 12 word "department" the following: "Iowa".

13 _____. Page 5, by inserting before line 21, the
 14 following:

15 "Sec.____. HEALTHY IOWANS TOBACCO TRUST – PKU
 16 ASSISTANCE. There is appropriated from the healthy
 17 Iowans tobacco trust created in section 12.65 to the
 18 Iowa department of public health for the fiscal year
 19 beginning July 1, 2005, and ending June 30, 2006, the
 20 following amount, or so much thereof as is necessary,
 21 to be used for the purpose designated:

22 For providing grants to individual patients who
 23 have phenylketonuria (PKU) to assist with the costs of
 24 special food needed:

25 \$ 60,000

26 Sec.____. ENRICH IOWA LIBRARIES PROGRAM. There is
 27 appropriated from the rebuild Iowa infrastructure fund
 28 to the department of education for the fiscal year
 29 beginning July 1, 2005, and ending June 30, 2006, the
 30 following amount, or so much thereof as is necessary:

31 To provide resources for structural and
 32 technological improvements to local libraries and for
 33 the enrich Iowa program, notwithstanding section 8.57,
 34 subsection 6, paragraph "c":

35 \$ 200,000

36 Sec.____. DEPARTMENT OF EDUCATION – COMMUNITY
 37 COLLEGES. There is appropriated from the rebuild Iowa
 38 infrastructure fund to the department of education for
 39 the designated fiscal years, the following amounts, or
 40 so much thereof as is necessary, to be used for the
 41 purposes designated:

42 For major renovation and major repair needs,
 43 including health, life, and fire safety needs, and for
 44 compliance with the federal Americans With
 45 Disabilities Act, for state buildings and facilities
 46 under the purview of the community colleges:

47 FY 2006-2007 \$ 2,000,000

48 FY 2007-2008 \$ 2,000,000

49 FY 2008-2009 \$ 2,000,000

50 The moneys appropriated in this section shall be

Page 3

1 allocated to the community colleges based upon the
 2 distribution formula established in section 260C.18C,
 3 if enacted by 2005 Iowa Acts, House File 216.
 4 Notwithstanding section 8.33, moneys appropriated
 5 in this section shall not revert at the close of the
 6 fiscal year for which they were appropriated but shall
 7 remain available for the purposes designated until the
 8 close of the fiscal year that begins July 1, 2010, or
 9 until the project for which the appropriation was made
 10 is completed, whichever is earlier."

11 ____ Page 5, by striking lines 21 through 29.

12 ____ Page 5, lines 31 and 32, by striking the
 13 words "state department of transportation" and
 14 inserting the following: "homeland security and
 15 emergency management division of the department of
 16 public safety".

17 ____ Page 6, line 1, by striking the figure
 18 "125,000" and inserting the following: "100,000".

19 ____ Page 6, by striking lines 2 through 19.

20 ____ Page 6, by inserting before line 20, the
21 following:

22 "Sec.____. HEALTHY IOWANS TOBACCO TRUST – AIDS
 23 DRUG ASSISTANCE PROGRAM. There is appropriated from
 24 the healthy Iowans tobacco trust created in section
 25 12.65 to the Iowa department of public health for the
 26 fiscal year beginning July 1, 2005, and ending June
 27 30, 2006, the following amount, or so much thereof as
 28 is necessary, to be used for the purpose designated:
 29 For additional funding to leverage federal funding
 30 through the federal Ryan White Care Act, Title II,
 31 AIDS drug assistance program supplemental drug
 32 treatment grants:

33 \$ 275,000

34 Sec.____. GREAT PLACES. There is appropriated
 35 from the general fund of the state to the department
 36 of cultural affairs for the fiscal year beginning July
 37 1, 2004, and ending June 30, 2005, the following
 38 amount, or so much thereof as is necessary, to be used
 39 for the purposes designated:

40 For salaries, support, maintenance, and
 41 miscellaneous purposes:

42 \$ 100,000

43 Notwithstanding section 8.33, any moneys
 44 appropriated in this section that remain unencumbered
 45 or 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 Sec.____. UNDERGROUND STORAGE TANK FUND –
 50 WATERSHED IMPROVEMENT FUND – FY 2005-2006.

Page 4

1 Notwithstanding section 455G.3, subsection 1, there is
 2 appropriated from the Iowa comprehensive petroleum
 3 underground storage tank fund created in section
 4 455G.3, subsection 1, to the office of the treasurer
 5 of state during the fiscal year beginning July 1,
 6 2005, and ending June 30, 2006, the following amount,
 7 or so much thereof as is necessary, to be used for the
 8 purpose designated:

9 For deposit in the watershed improvement fund
 10 created in 2005 Iowa Acts, Senate File 200, if
 11 enacted:
 12 \$ 5,000,000

13 Moneys in the watershed improvement fund are
 14 appropriated for the fiscal year beginning July 1,
 15 2005, and ending June 30, 2006, to fulfill the duties
 16 of the watershed improvement review board, if enacted
 17 by 2005 Iowa Acts, Senate File 200."

18 ____ Page 6, by striking lines 31 through 35.

19 ____ By striking page 7, line 1, through page 11,
 20 line 16.

21 ____ Page 11, by inserting before line 17, the
 22 following:

23 "Sec. ____ 2005 Iowa Acts, House File 862, section
 24 1, subsection 2, paragraph h, unnumbered paragraph 1,
 25 and paragraph i, unnumbered paragraph 1, if enacted,
 26 are amended to read as follows:

27 For a grant program to provide substance abuse
 28 prevention programming for children:

29 \$ 400,000
 30 200,000

31 For a grant to a program that utilizes high school
 32 mentors to teach life skills, violence prevention, and
 33 character education in an effort to reduce the illegal
 34 use of alcohol, tobacco, and other substances:

35 \$ 400,000
 36 200,000

37 Sec. ____ 2005 Iowa Acts, House File 862, section
 38 1, subsection 2, paragraph j, if enacted, is amended
 39 to read as follows:

40 j. For a grant program to provide substance abuse
 41 prevention programming, including tobacco use
 42 prevention programming, for children:

43 \$ 800,000
 44 400,000

45 The Iowa department of public health shall utilize
 46 a request for proposals process to implement this
 47 paragraph "j". A program approved for a grant under
 48 paragraph "h" or paragraph "i" shall not be eligible
 49 for a grant under this paragraph "j".

50 Eligible grant applicants shall include, but shall

Page 5

1 not be limited to, mentoring organizations and
 2 organizations that practice and implement nationally
 3 accepted standards for mentoring programs.

4 All grant recipients shall participate in a program
 5 evaluation as a requirement for receiving grant funds.

6 Sec. __. NATIONAL GOVERNORS ASSOCIATION MEETING.

7 2004 Iowa Acts, chapter 1175, section 12, subsection
 8 4, as amended by 2005 Iowa Acts, House File 810, if
 9 enacted, is amended to read as follows:

10 4. NATIONAL GOVERNORS ASSOCIATION

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

13 \$ ~~364,393~~
 14 164,393

15 Of the funds appropriated in this subsection,
 16 ~~\$300,000~~ \$100,000 is allocated for security-related
 17 costs and other expenses associated with the national
 18 governors association national meeting.

19 Notwithstanding section 8.33, the moneys allocated for
 20 the meeting that remain unencumbered or unobligated at
 21 the close of the fiscal year shall not revert but
 22 shall remain available for expenditure for the
 23 purposes designated until the close of the succeeding
 24 fiscal year.

25 Sec. __. 2005 Iowa Acts, House File 881, section
 26 5, unnumbered paragraph 1, if enacted, is amended to
 27 read as follows:

28 There is appropriated from the general fund of the
 29 state to the salary adjustment fund for distribution
 30 by the department of management to the various state
 31 departments, boards, commissions, councils, and
 32 agencies, excluding the state board of regents, for
 33 the fiscal year beginning July 1, 2005, and ending
 34 June 30, 2006, the amount of ~~\$38,500,000~~ 40,900,000,
 35 or so much thereof as may be necessary, to fully fund
 36 annual pay adjustments, expense reimbursements, and
 37 related benefits implemented pursuant to the
 38 following:"

39 __. By striking page 12, line 18, through page
 40 13, line 4.

41 __. Page 13, by striking lines 27 through 33.

42 __. Page 13, by inserting before line 34, the
 43 following:

44 " __. The sections of this division of this Act
 45 appropriating moneys to the department of cultural
 46 affairs for great places and amending 2004 Iowa Acts,
 47 chapter 1175, section 12, subsection 4, being deemed
 48 of immediate importance, take effect upon enactment."

49 __. Page 13, by inserting before line 34 the
 50 following:

Page 6

"DIVISION

APPROPRIATION REVISIONS

1
2
3 Sec. __. JOBS FOR AMERICA'S GRADUATES. There is
4 appropriated from the general fund of the state to the
5 department of education for the fiscal year beginning
6 July 1, 2005, and ending June 30, 2006, the following
7 amount, or so much thereof as is necessary, to be used
8 for the purpose designated:

9 For school districts to provide direct services to
10 the most at-risk senior high school students enrolled
11 in school districts through direct intervention by a
12 jobs for America's graduates specialist:

13 \$ 400,000

14 Sec. __. DEPARTMENT OF ADMINISTRATIVE SERVICES -
15 FINANCIAL ADMINISTRATION. There is appropriated from
16 the general fund of the state to the department of
17 administrative services for the fiscal year beginning
18 July 1, 2005, and ending June 30, 2006, the following
19 amount, or so much thereof as is necessary, to be used
20 for the purpose designated:

21 For financial administration duties:

22 \$ 200,000

23 Sec. __. DEPARTMENT OF MANAGEMENT - PERFORMANCE
24 AUDITS. There is appropriated from the general fund
25 of the state to the department of management for the
26 fiscal year beginning July 1, 2005, and ending June
27 30, 2006, the following amount, or so much thereof as
28 is necessary, to be used for the purposes designated:

29 For conducting performance audits and developing
30 performance measures, including salaries, support,
31 maintenance, miscellaneous purposes, and for not more
32 than the following full-time equivalent positions:

33 \$ 216,000

34 FTEs 2.50

35 Sec. __. GOVERNOR'S OFFICE OF DRUG CONTROL
36 POLICY. If 2005 Iowa Acts, House File 810, is enacted
37 and provides for an appropriation from the general
38 fund of the state to the governor's office of drug
39 control policy for the fiscal year beginning July 1,
40 2005, and ending June 30, 2006, that appropriation is
41 reduced by the following amount:

42 \$ 13,195

43 Sec. __. DEPARTMENT OF INSPECTIONS AND APPEALS -
44 ADMINISTRATION DIVISION. If 2005 Iowa Acts, House
45 File 810, is enacted and provides for an appropriation
46 from the general fund of the state to the department
47 of inspections and appeals, administration division,
48 for the fiscal year beginning July 1, 2005, and ending
49 June 30, 2006, that appropriation is reduced by the
50 following amount:

Page 7

1 \$ 49,000
 2 Sec. DEPARTMENT OF REVENUE – OPERATIONS. If
 3 2005 Iowa Acts, House File 810, is enacted and
 4 provides for an appropriation from the general fund of
 5 the state to the department of revenue for operations
 6 for the fiscal year beginning July 1, 2005, and ending
 7 June 30, 2006, that appropriation is reduced by the
 8 following amount:

9 \$ 25,882

10 Sec. DEPARTMENT OF AGRICULTURE AND LAND
 11 STEWARDSHIP – SOIL AND WATER CONSERVATION DISTRICTS.
 12 If 2005 Iowa Acts, House File 808, is enacted and
 13 provides for an appropriation from the general fund of
 14 the state to the department of agriculture and land
 15 stewardship for purposes of reimbursing commissioners
 16 of soil and water conservation districts for expenses,
 17 for the fiscal year beginning July 1, 2005, and ending
 18 June 30, 2006, that appropriation is reduced by the
 19 following amount:

20 \$ 50,000

21 Sec. COLLEGE STUDENT AID COMMISSION. If 2005
 22 Iowa Acts, House File 816, is enacted and provides for
 23 an appropriation from the general fund of the state to
 24 the college student aid commission for the national
 25 guard educational assistance program for the fiscal
 26 year beginning July 1, 2005, and ending June 30, 2006,
 27 that appropriation is reduced by the following amount:

28 \$ 75,000

29 Sec. DEPARTMENT OF MANAGEMENT. If 2005 Iowa
 30 Acts, House File 816 is enacted and provides for an
 31 appropriation from the general fund of the state to
 32 the department of management for allocation to the
 33 institute for tomorrow's workforce created under
 34 chapter 7K, if enacted by 2005 Iowa Acts, House File
 35 816, for the fiscal year beginning July 1, 2005, and
 36 ending June 30, 2006, that appropriation is reduced by
 37 the following amount:

38 \$ 100,000

39 Sec. IOWA DEPARTMENT OF PUBLIC HEALTH. If
 40 2005 Iowa Acts, House File 825, is enacted and
 41 provides for appropriations from the general fund of
 42 the state to the Iowa department of public health for
 43 the fiscal year beginning July 1, 2005, and ending
 44 June 30, 2006, for the following indicated purposes in
 45 2005 Iowa Acts, House File 825, those appropriations
 46 are reduced by the following amounts:

- 47 1. For environmental hazards:
- 48 \$ 50,000
- 49 2. For injuries:
- 50 \$ 50,000

Page 8

1 3. For public protection:
2 \$ 40,000
3 Sec.____. MEDICAL ASSISTANCE APPROPRIATION. If
4 2005 Iowa Acts, House File 825, is enacted and
5 provides for an appropriation from the general fund of
6 the state to the department of human services for the
7 fiscal year beginning July 1, 2005, and ending June
8 30, 2006, for the medical assistance program, that
9 appropriation is reduced by the following amount:
10 \$ 11,353,381
11 Sec.____. SENIOR LIVING TRUST FUND APPROPRIATION.
12 If 2005 Iowa Acts, House File 825, is enacted and
13 provides for an appropriation from the senior living
14 trust fund to the department of human services for the
15 fiscal year beginning July 1, 2005, and ending June
16 30, 2006, to supplement the medical assistance
17 appropriation, that appropriation is increased by the
18 following amount:
19 \$ 9,353,381
20 Sec.____. DEPARTMENT OF HUMAN SERVICES. If 2005
21 Iowa Acts, House File 825, is enacted and provides for
22 appropriations from the general fund of the state to
23 the department of human services for the fiscal year
24 beginning July 1, 2005, and ending June 30, 2006, for
25 the following indicated purposes, those appropriations
26 are reduced by the following amounts:
27 1. For the children's health insurance program:
28 \$ 50,000
29 2. For MI/MR/DD state cases:
30 \$ 50,000
31 Sec.____. DEPARTMENT OF JUSTICE - GENERAL OFFICE.
32 If 2005 Iowa Acts, House File 811, is enacted and
33 provides for an appropriation from the general fund of
34 the state to the department of justice for the
35 department's general office, that appropriation is
36 reduced by the following amount:
37 \$ 25,000
38 Sec.____. DEPARTMENT OF CORRECTIONS. If 2005 Iowa
39 Acts, House File 811, is enacted and provides for an
40 appropriation from the general fund of the state to
41 the department of corrections for offender substance
42 abuse and mental health treatment for the fiscal year
43 beginning July 1, 2005, and ending June 30, 2006, that
44 appropriation is reduced by the following amount:
45 \$ 100,000
46 Sec.____. DEPARTMENT OF PUBLIC SAFETY - BUILDING
47 SECURITY. If 2005 Iowa Acts, House File 875, is
48 enacted and provides for an appropriation from the
49 general fund of the state to the department of public
50 safety for capitol building and judicial building

Page 9

1 security for the fiscal year beginning July 1, 2005,
2 and ending June 30, 2006, that appropriation is
3 reduced by the following amount:

4 \$ 25,000

5 Sec.____. JUDICIAL BRANCH. If 2005 Iowa Acts,
6 House File 807, is enacted and provides for an
7 appropriation from the general fund of the state to
8 the judicial branch for the fiscal year beginning July
9 1, 2005, and ending June 30, 2006, that appropriation
10 is reduced by the following amount:

11 \$ 50,000

12 Sec.____. REGISTERED NURSE RECRUITMENT PROGRAM
13 FUNDS. From the funds appropriated for tuition grants
14 pursuant to section 261.25, subsection 1, for the
15 fiscal year beginning July 1, 2005, up to fifty
16 thousand dollars shall be used to provide forgivable
17 loans as provided in section 261.23 to residents of
18 Iowa who are registered nurses and who are seeking to
19 become qualified as nursing faculty in Iowa and to
20 teach in Iowa schools. To qualify for a forgivable
21 loan pursuant to this section, in addition to the
22 requirements of section 261.23, a person shall be
23 enrolled at a not-for-profit accredited school of
24 nursing that is located in this state.

25 Sec.____. HEALTH FACILITIES COUNCIL. If 2005 Iowa
26 Acts, House File 810, is enacted and includes an
27 appropriation from the general fund of the state to
28 the department of inspections and appeals for the
29 health facilities council for the fiscal year
30 beginning July 1, 2005, and ending June 30, 2006, any
31 provision of that appropriation designating the use of
32 \$80,000 and a full-time equivalent position for a
33 particular purpose shall not be applied.

34 Sec.____. YOUTH ENRICHMENT PILOT PROJECT – YOUTH
35 LEADERSHIP PROGRAM.

36 1. Of the funds appropriated in 2005 Iowa Acts,
37 House File 807, if enacted, from the general fund of
38 the state to the judicial branch for purposes of a
39 youth enrichment pilot project, for the fiscal year
40 beginning July 1, 2005, and ending June 30, 2006,
41 \$50,000 is transferred to the department of
42 corrections to be used for a youth leadership program
43 in the sixth judicial district department of
44 correctional services in accordance with subsection 2.

45 2. The moneys transferred pursuant to subsection 1
46 shall be used by the judicial district department of
47 correctional services to establish or maintain a youth
48 leadership model program to help at-risk youth in the
49 judicial district department of correctional services.

50 As a part of the program, the judicial district

Page 10

1 department of correctional services may recruit
2 college or high school students in the judicial
3 district to work with at-risk youth. The student
4 workers shall be recruited regardless of gender, be
5 recommended by their respective schools as good role
6 models, including, but not limited to, students who
7 possess capabilities in one or more of the following
8 areas of ability: intellectual capacity, athletic,
9 visual arts, or performing arts.

10 Sec. __. CENTER FOR CONGENITAL AND INHERITED
11 DISORDERS CENTRAL REGISTRY. Notwithstanding section
12 144.13A, subsection 4, paragraph "a", for the fiscal
13 year beginning July 1, 2005, \$40,000 of the fees
14 collected by the state registrar that would otherwise
15 be appropriated and used for the center for congenital
16 and inherited disorders central registry established
17 pursuant to section 136A.6 shall be credited to the
18 general fund of the state."

19 __. Page 13, by inserting after line 35, the
20 following:

21 "Sec. __. Section 8D.2, subsection 5, paragraph
22 b, Code 2005, is amended to read as follows:
23 b. For the purposes of this chapter, "public
24 agency" also includes any homeland security or defense
25 facility or disaster response agency established by
26 the administrator of the homeland security and
27 emergency management division of the department of
28 public defense or the governor or any facility
29 connected with a security or defense system or
30 disaster response as required by the administrator of
31 the homeland security and emergency management
32 division of the department of public defense or the
33 governor.

34 Sec. __. Section 8D.9, subsection 3, Code 2005,
35 is amended to read as follows:

36 3. A facility that is considered a public agency
37 pursuant to section 8D.2, subsection 5, paragraph "b",
38 shall be authorized to access the Iowa communications
39 network strictly for homeland security communication
40 purposes and disaster communication purposes. Any
41 utilization of the network that is not related to
42 communications concerning homeland security or a
43 disaster, as defined in section 29C.2, is expressly
44 prohibited. Access under this subsection shall be
45 available only if a state of disaster emergency is
46 proclaimed by the governor pursuant to section 29C.6
47 or a homeland security or disaster event occurs
48 requiring connection of disparate communications
49 systems between public agencies to provide for a
50 multi-agency or multi-jurisdictional response. Access

Page 11

1 shall continue only for the period of time the
2 homeland security or disaster event exists. For
3 purposes of this subsection, disaster communication
4 purposes includes training and exercising for a
5 disaster if public notice of the training and
6 exercising session is posted on the website of the
7 homeland security and emergency management division of
8 the department of public defense. A scheduled and
9 noticed training and exercising session shall not
10 exceed five days. Interpretation and application of
11 the provisions of this subsection shall be strictly
12 construed."

13 _____. By striking page 14, line 1, through page
14 15, line 17.

15 _____. Page 18, by inserting after line 30, the
16 following:

17 "Sec.____. Section 331.439, Code 2005, is amended
18 by adding the following new subsection:

19 NEW SUBSECTION. 9. The county management plan
20 shall designate at least one hospital licensed under
21 chapter 135B that the county has contracted with to
22 provide services covered under the plan. If the
23 designated hospital does not have a bed available to
24 provide the services, the county is responsible for
25 the cost of covered services provided at an alternate
26 hospital licensed under chapter 135B.

27 Sec.____. Section 364.17, subsection 3, paragraph
28 a, Code 2005, is amended to read as follows:

29 a. A schedule of civil penalties or criminal fines
30 for violations. A city may charge the owner of
31 housing a late payment fee of twenty-five dollars and
32 may add interest of up to one and one-half percent per
33 month if a penalty or fine imposed under this
34 paragraph is not paid within thirty days of the date
35 that the penalty or fine is due. The city shall send
36 a notice of the late payment fee to such owner by
37 first class mail to the owner's personal or business
38 mailing address. The late payment fee and the
39 interest shall not accrue if such owner files an
40 appeal with either the city, if the city has
41 established an appeals procedure, or the district
42 court. Any unpaid penalty, fine, fee, or interest
43 shall constitute a lien on the real property and may
44 be collected in the same manner as a property tax.
45 However, before a lien is filed, the city shall send a
46 notice of intent to file a lien to the owner of the
47 housing by first class mail to such owner's personal
48 or business mailing address.

49 Sec.____. Section 364.17, subsection 5, Code 2005,
50 is amended to read as follows:

Page 12

1 5. Cities may establish reasonable fees for
2 inspection and enforcement procedures. A city may
3 charge the owner of housing a late payment penalty of
4 twenty-five dollars and may add interest of up to one
5 and one-half percent per month if a fee imposed under
6 this subsection is not paid within thirty days of the
7 date that the fee is due. The city shall send a
8 notice of the late payment penalty to such owner by
9 first class mail to the owner's personal or business
10 mailing address. The late payment penalty and the
11 interest shall not accrue if such owner files an
12 appeal with either the city, if the city has
13 established an appeals procedure, or the district
14 court. Any unpaid fee, penalty, or interest shall
15 constitute a lien on the real property and may be
16 collected in the same manner as a property tax.
17 However, before a lien is filed, the city shall send a
18 notice of intent to file a lien to the owner of the
19 housing by first class mail to such owner's personal
20 or business mailing address.

21 Sec. __. Section 384.16, subsection 1, unnumbered
22 paragraph 2, Code 2005, is amended to read as follows:

23 A budget must show comparisons between the
24 estimated expenditures in each program in the
25 following year and the actual expenditures in each
26 program during the two preceding years, the latest
27 estimated expenditures in each program in the current
28 year, and the actual expenditures in each program from
29 the annual report as provided in section 384.22, or as
30 corrected by a subsequent audit report. Wherever
31 practicable, as provided in rules of the committee, a
32 budget must show comparisons between the levels of
33 service provided by each program as estimated for the
34 following year, and actual levels of service provided
35 by each program during the two preceding years.

36 Sec. __. Section 384.16, Code 2005, is amended by
37 adding the following new subsection:

38 **NEW SUBSECTION.** 7. A city that does not submit a
39 budget in compliance with this section shall have all
40 state funds withheld until a budget that is in
41 compliance with this section is filed with the county
42 auditor and subsequently received by the department of
43 management. The department of management shall send
44 notice to state agencies responsible for disbursement
45 of state funds and that notice is sufficient
46 authorization for those funds to be withheld until
47 later notice is given by the department of management
48 to release those funds."

49 __. Page 20, by inserting after line 34, the
50 following:

Page 13

1 "Sec. ___. Section 427.1, subsection 21, Code
2 2005, is amended to read as follows:
3 21. LOW-RENT HOUSING. The property owned and
4 operated or controlled by a nonprofit organization, as
5 recognized by the internal revenue service, providing
6 low-rent housing for persons who are elderly and
7 persons with physical and mental disabilities. The
8 exemption granted under the provisions of this
9 subsection shall apply only until the terms final
10 payment due date of the borrower's original low-rent
11 housing development mortgage or until the borrower's
12 original low-rent housing development mortgage is paid
13 in full or expires, whichever is sooner, subject to
14 the provisions of subsection 14. However, if the
15 borrower's original low-rent housing development
16 mortgage is refinanced, the exemption shall apply only
17 until the date that would have been the final payment
18 due date under the terms of the borrower's original
19 low-rent housing development mortgage or until the
20 refinanced mortgage is paid in full or expires,
21 whichever is sooner, subject to the provisions of
22 subsection 14."

23 ___. Page 21, by inserting after line 8, the
24 following:

25 "Sec. ___. Section 427.1, subsection 30, Code
26 2005, is amended to read as follows:
27 30. MANUFACTURED HOME COMMUNITY OR MOBILE HOME
28 PARK STORM SHELTER. A structure constructed as a
29 storm shelter at a manufactured home community or
30 mobile home park as defined in section 435.1. An
31 application for this exemption shall be filed with the
32 assessing authority not later than February 1 of the
33 first year for which the exemption is requested, on
34 forms provided by the department of revenue. The
35 application shall describe and locate the storm
36 shelter to be exempted. If the storm shelter
37 structure is used exclusively as a storm shelter, all
38 of the structure's assessed value shall be exempt from
39 taxation. If the storm shelter structure is not used
40 exclusively as a storm shelter, the storm shelter
41 structure shall be assessed for taxation at ~~seventy-~~
42 ~~five~~ fifty percent of its value as commercial
43 property."

44 ___. Page 23, by inserting after line 35, the
45 following:

46 "Sec. ___. Section 602.10110, Code 2005, is
47 amended to read as follows:

48 602.10110 OATH.

49 All persons on being admitted to the bar shall take
50 an oath or affirmation, as promulgated by the supreme

Page 14

1 court, declaring to support the Constitutions of the
2 United States and of the state of Iowa, and to
3 faithfully discharge, according to the best of their
4 ability, the duties of an attorney and counselor of
5 this state according to the best of their ability.

6 Sec. __. Section 692A.4A, if enacted by 2005 Iowa
7 Acts, House File 619, is amended to read as follows:

8 692A.4A ELECTRONIC MONITORING.

9 A person required to register under this chapter
10 who is placed on probation, parole, work release,
11 special sentence, or any other type of conditional
12 release, may be supervised by an electronic tracking
13 and monitoring system in addition to any other
14 conditions of supervision. However, if the person
15 committed a criminal offense against a minor, or an
16 aggravated offense, sexually violent offense, or other
17 relevant offense that involved a minor, the person
18 shall be supervised for a period of at least five
19 years by an electronic tracking and monitoring system
20 in addition to any other conditions of release.

21 Sec. __. Section 692A.13A, subsection 1,
22 unnumbered paragraph 1, if enacted by 2005 Iowa Acts,
23 House File 619, is amended to read as follows:

24 The department of corrections, the department of
25 human services, and the department of public safety
26 shall, in consultation with one another, develop
27 methods and procedures for the assessment of the risk
28 to reoffend for persons newly required to register
29 under this chapter on or after the effective date of
30 this division of this Act, who have committed a
31 criminal offense against a minor, or an aggravated
32 offense, sexually violent offense, or other relevant
33 offense that involved a minor. The department of
34 corrections, in consultation with the department of
35 human services, the department of public safety, and
36 the attorney general, shall adopt rules relating to
37 assessment procedures. The assessment procedures
38 shall include procedures for the sharing of
39 information between the department of corrections,
40 department of human services, the juvenile court, and
41 the division of criminal investigation of the
42 department of public safety, as well as the
43 communication of the results of the risk assessment to
44 criminal and juvenile justice agencies. The
45 assignment of responsibility for the assessment of
46 risk shall be as follows:

47 Sec. __. Section 602.10112, Code 2005, is
48 repealed."

49 __. Page 24, by inserting before line 1, the
50 following:

Page 15

1 "Sec. ___. VEHICLE DEALERSHIP STUDY. The
2 legislative council is requested to appoint an interim
3 study committee that will study the motor vehicle
4 licensing law as it pertains to motor vehicle
5 dealerships' moves from one facility and location to
6 another facility and location in the state. A report
7 should be provided to the general assembly by January
8 15, 2006."

9 2. Page 24, line 18, by striking the word
10 "section" and inserting the following: "sections".

11 3. Page 24, line 19, by inserting after the word
12 "Act" the following: "amending section 427.1,
13 subsection 21, and".

14 4. Page 24, line 20, by striking the words "a
15 property tax exemption" and inserting the following:
16 "property tax exemptions".

17 5. Page 24, by inserting after line 21, the
18 following:

19 "Sec. ___. RETROACTIVE APPLICABILITY DATE. The
20 section of this division of this Act amending section
21 423E.5, being deemed of immediate importance, takes
22 effect upon enactment and applies retroactively to
23 July 1, 2004.

24 Sec. ___. EFFECTIVE AND APPLICABILITY DATES. The
25 sections of this division of this Act amending section
26 427.1, subsection 21, and enacting new subsection 21A
27 to section 427.1, being deemed of immediate
28 importance, take effect upon enactment and apply
29 retroactively to January 1, 2005, for assessment years
30 beginning on or after that date.

31 Sec. ___. APPLICABILITY. Section 25B.7 does not
32 apply to the amendment to section 427.1, subsection
33 30, in this division of this Act."

34 ___. Page 24, by inserting after line 27, the
35 following:

36 "Sec. ___. EFFECTIVE DATE. The sections of this
37 division of this Act amending section 602.10110 and
38 repealing section 602.10112, being deemed of immediate
39 importance, take effect upon enactment."

40 ___. By striking page 24, line 28, through page
41 28, line 30.

42 ___. By striking page 35, line 25, through page
43 36, line 25 and inserting the following:

44 "Sec. ___. COUNTY REAL ESTATE ELECTRONIC
45 GOVERNMENT ADVISORY COMMITTEE.

46 1. A county real estate electronic government
47 advisory committee is created. Staffing services for
48 the advisory committee shall be provided by the
49 auditor of state. The advisory committee membership
50 shall consist of the following:

Page 16

- 1 a. Two members selected by the Iowa state
- 2 association of county auditors.
- 3 b. Two members selected by the Iowa state county
- 4 treasurers association.
- 5 c. Two members selected by the Iowa county
- 6 recorders association.
- 7 d. Two members selected by the Iowa state
- 8 association of assessors.
- 9 e. One member selected by each of the following
- 10 organizations:
- 11 (1) Iowa state association of counties.
- 12 (2) Iowa land title association.
- 13 (3) Iowa bankers association.
- 14 (4) Iowa credit union league.
- 15 (5) Iowa state bar association.
- 16 (6) Iowa association of realtors.
- 17 2. The county real estate electronic government
- 18 advisory committee shall facilitate discussion to
- 19 integrate the county land record information system
- 20 created pursuant to section 331.605C with the
- 21 electronic government internet applications of county
- 22 treasurers, county recorders, county auditors, and
- 23 county assessors. The advisory committee shall file
- 24 an integration plan with the governor and the general
- 25 assembly on or before November 1, 2005."
- 26 6. By striking page 36, line 34, through page 37,
- 27 line 2, and inserting the following: "of the county
- 28 land record information system. The Iowa county
- 29 recorders".
- 30 7. Page 37, by striking line 21, and inserting
- 31 the following: "documents in the county land record
- 32 information system until authorized by the".
- 33 8. Page 37, line 22, by inserting after the word
- 34 "assembly." the following: "However, county recorders
- 35 may collect actual third-party fees associated with
- 36 accepting and processing statutorily authorized fees
- 37 including credit card fees, treasury management fees,
- 38 and other transaction fees required to enable
- 39 electronic payment. For the purposes of this
- 40 subsection, the term "third-party" does not include
- 41 the county land record information system, the Iowa
- 42 state association of counties, or any of the
- 43 association's affiliates."
- 44 9. Page 37, lines 24 and 25, by striking the
- 45 words "and the department of administrative services".
- 46 10. Page 37, by inserting after line 33, the
- 47 following:
- 48 "Sec. __. DATA SECURITY AUDIT.
- 49 1. The Iowa county recorders association shall
- 50 select a vendor to conduct a data security audit of

Page 17

1 the county land record information system created
2 pursuant to section 331.605C. The review and
3 assessment utilized in the audit shall include, but
4 are not limited to, a review of the functional and
5 system requirements, design documentation, software
6 code developed to support the business requirements,
7 operational procedures, financial flows including a
8 financial forecast, requests for proposals, and all
9 contracts.

10 2. The costs of the data security audit conducted
11 pursuant to subsection 1 shall be paid from moneys
12 appropriated to the treasurer of state pursuant to
13 section 331.605C.

14 3. The Iowa county recorders association shall
15 forward the complete results of the data security
16 audit to the government oversight committees of the
17 senate and the house of representatives and the
18 general assembly on or before December 1, 2005, and
19 the government oversight committees may request
20 additional updates."

21 ____ Page 39, by striking lines 26 through 33.

22 ____ Page 39, by inserting before line 34 the
23 following:

24 "Sec.____. Section 28.3, subsection 6, paragraph
25 b, Code 2005, as amended by 2005 Iowa Acts, House File
26 761, section 5, if enacted, is amended to read as
27 follows:

28 b. In addition, a community empowerment office is
29 established as a division of the department of
30 management to provide a center for facilitation,
31 communication, and coordination for community
32 empowerment activities and funding and for improvement
33 of the early care, education, health, and human
34 services systems. Staffing for the community
35 empowerment office shall be provided by a facilitator
36 or coordinator appointed by the governor, subject to
37 confirmation by the senate, and who serves at the
38 pleasure of the governor. A deputy and support staff
39 may be designated, subject to appropriation made for
40 this purpose. The facilitator or coordinator shall
41 submit reports to the governor, the Iowa board, and
42 the general assembly. The facilitator or coordinator
43 shall provide primary staffing to the board,
44 coordinate state technical assistance activities and
45 implementation of the technical assistance system, and
46 other communication and coordination functions to move
47 authority and decision-making responsibility from the
48 state to communities and individuals.

49 Sec.____. Section 28.4, subsection 14, if enacted
50 by 2005 Iowa Acts, House File 761, section 9, is

Page 18

1 amended to read as follows:

2 14. With the assistance of the state departments
3 represented on the Iowa empowerment board and the
4 community empowerment office, develop and implement
5 requirements for community empowerment areas and the
6 state administrators of programs providing early care
7 or early care services to annually report to the
8 public and the early care ~~coordinator~~ staff designated
9 pursuant to section 28.3 regarding the results
10 produced by the community empowerment initiative and
11 by the programs. Source data shall also be made
12 available to the early care ~~coordinator~~."

13 __. Page 43, by inserting after line 17, the
14 following:

15 "__. Section 135M.6, as enacted by 2005 Iowa
16 Acts, House File 724, section 6, is amended to read as
17 follows:

18 135M.6 SAMPLE PRESCRIPTION DRUGS.

19 This chapter shall not be construed to restrict the
20 use of samples by a physician or other person legally
21 authorized to prescribe drugs ~~pursuant to section~~
22 ~~147.107~~ under state and federal law during the course
23 of the physician's or other person's duties at a
24 medical facility or pharmacy."

25 __. Page 46, by inserting after line 18, the
26 following:

27 "Sec.__. Section 453A.47A, subsection 4, and
28 subsection 9, unnumbered paragraph 1, as enacted by
29 2005 Iowa Acts, House File 339, section 4, are amended
30 to read as follows:

31 4. RETAILER – CIGARETTES AND TOBACCO PRODUCTS. A

32 retailer, as defined in section 453A.1, who holds a
33 permit under division I of this chapter is not
34 required to also obtain a ~~retailer~~ retail permit under
35 this division. However, if a retailer, as defined in
36 section 453A.1, only holds a permit under division I
37 of this chapter and that permit is suspended, revoked,
38 or expired, the retailer shall not sell any cigarettes
39 or tobacco products during the time which the permit
40 is suspended, revoked, or expired.

41 ~~Retailer~~ Retail permits shall be issued only upon
42 applications, accompanied by the fee indicated above,
43 made upon forms furnished by the department upon
44 written request. The failure to furnish such forms
45 shall be no excuse for the failure to file the form
46 unless absolute refusal is shown. The forms shall
47 specify:

48 Sec.__. Section 483A.8, subsection 5, Code 2005,
49 is amended to read as follows:

50 5. A nonresident owning land in this state may

Page 19

1 apply for ~~one of the first six thousand~~ a nonresident
2 ~~antlered or any sex deer licenses not limited to~~
3 ~~antlerless deer~~ hunting license, and the provisions o
4 subsection 3 shall apply. However, if a nonresident
5 owning land in this state is unsuccessful in obtaining
6 one of the ~~first six thousand~~ nonresident ~~antlered or~~
7 ~~any sex~~ deer hunting licenses, the landowner shall be
8 given preference for one of the ~~two thousand five~~
9 ~~hundred~~ antlerless ~~deer~~ only nonresident deer huntig
10 licenses available pursuant to subsection 3. A
11 nonresident owning land in this state shall pay the
12 fee for a nonresident antlerless only deer license and
13 the license shall be valid to hunt on the
14 nonresident's land only. ~~A nonresident owning land in~~
15 ~~this state is eligible for only one nonresident deer~~
16 ~~license annually~~. If one or more parcels of land have
17 multiple nonresident owners, only one of the
18 nonresident owners is eligible for a nonresident
19 antlerless only deer license. If a nonresident
20 jointly owns land in this state with a resident, the
21 nonresident shall not be given preference for a
22 nonresident antlerless only deer license. The
23 department may require proof of land ownership from a
24 nonresident landowner applying for a nonresident
25 antlerless only deer license.

26 Sec. __. Section 501A.231, subsection 5, if
27 enacted by 2005 Iowa Acts, House File 859, section 17,
28 is amended to read as follows:

29 5. The secretary of state may provide for the
30 change of registered office or registered agent on the
31 form prescribed by the secretary of state for the
32 biennial report, provided that the form contains the
33 information required by section 501A.402. If the
34 secretary of state determines that a biennial report
35 does not contain the information required by this
36 section but otherwise meets the requirements of
37 section ~~501.402~~ 501A.402 for the purpose of changing
38 the registered office or registered agent, the
39 secretary of state shall file the statement of change
40 of registered office or registered agent, effective as
41 provided in section 501A.203, before returning the
42 biennial report to the cooperative as provided in this
43 section. A statement of change of registered office
44 or agent pursuant to this subsection shall be executed
45 by a person authorized to execute the biennial report.

46 Sec. __. Section 501A.1001, subsection 4, if
47 enacted by 2005 Iowa Acts, House File 859, section 73,
48 is amended to read as follows:

49 4. The determinations of the board as to the
50 amount or fair value or the fairness to the

Page 20

1 cooperative of the contribution accepted or to be
2 accepted by the cooperative or the terms of payment or
3 performance, including under a contribution ~~rights~~
4 ~~agreement~~ in section 501A.1003, and a contribution
5 rights agreement in section 501A.1004, are presumed to
6 be proper if they are made in good faith and on the
7 basis of accounting methods, or a fair valuation or
8 other method, reasonable in the circumstances.

9 Directors who are present and entitled to vote, and
10 who, intentionally or without reasonable
11 investigation, fail to vote against approving a
12 consideration that is unfair to the cooperative, or
13 overvalue property or services received or to be
14 received by the cooperative as a contribution, are
15 jointly and severally liable to the cooperative for
16 the benefit of the then members who did not consent to
17 and are damaged by the action to the extent of the
18 damages of those members. A director against whom a
19 claim is asserted under this subsection, except in
20 case of knowing participation in a deliberate fraud,
21 is entitled to contribution on an equitable basis from
22 other directors who are liable under this subsection.

23 Sec. __. Section 10B.4, subsection 1, Code 2005,
24 as amended by 2005 Iowa Acts, House File 859, section
25 102, if enacted, is amended to read as follows:

26 1. A biennial report shall be filed by a reporting
27 entity with the secretary of state on or before March
28 31 of each odd-numbered year as required by rules
29 adopted by the secretary of state pursuant to chapter
30 17A. However, a reporting entity required to file a
31 biennial report pursuant to chapter 490, ~~490A~~, 496C,
32 497, 498, ~~490A~~, 499, 501, 501A, or 504A shall file the
33 report required by this section in the same year as
34 required by that chapter. The reporting entity may
35 file the report required by this section together with
36 the biennial report required to be filed by one of the
37 other chapters referred to in this subsection. The
38 reports shall be filed on forms prepared and supplied
39 by the secretary of state. The secretary of state may
40 provide for combining its reporting forms with other
41 biennial reporting forms required to be used by the
42 reporting entities.

43 Sec. __. 2005 Iowa Acts, House File 859, section
44 104, if enacted, is amended by striking the section
45 and inserting in lieu thereof the following:

46 SEC. 104. Section 15.385, subsection 4, paragraph
47 a, Code 2005, is amended to read as follows:

48 a. An eligible business may claim a tax credit
49 equal to a percentage of the new investment directly
50 related to new jobs created by the location or

Page 21

1 expansion of an eligible business under the program.
2 The tax credit shall be allowed against taxes imposed
3 under chapter 422, division II, III, or V. If the
4 business is a partnership, S corporation, limited
5 liability company, cooperative organized under chapter
6 501 or 501A and filing as a partnership for federal
7 tax purposes, or estate or trust electing to have the
8 income taxed directly to the individual, an individual
9 may claim the tax credit allowed. The amount claimed
10 by the individual shall be based upon the pro rata
11 share of the individual's earnings of the partnership,
12 S corporation, limited liability company, cooperative
13 organized under chapter 501 or 501A and filing as a
14 partnership for federal tax purposes, or estate or
15 trust. The percentage shall be equal to the amount
16 provided in paragraph "d". Any tax credit in excess
17 of the tax liability for the tax year may be credited
18 to the tax liability for the following seven years or
19 until depleted, whichever occurs first.

20 Subject to prior approval by the department of
21 economic development, in consultation with the
22 department of revenue, an eligible business whose
23 project primarily involves the production of value-
24 added agricultural products or uses
25 biotechnology-related processes may elect to receive a
26 refund of all or a portion of an unused tax credit.
27 For purposes of this subsection, such an eligible
28 business includes a cooperative described in section
29 521 of the Internal Revenue Code which is not required
30 to file an Iowa corporate income tax return, and whose
31 project primarily involves the production of ethanol.
32 The refund may be applied against a tax liability
33 imposed under chapter 422, division II, III, or V. If
34 the business is a partnership, S corporation, limited
35 liability company, cooperative organized under chapter
36 501 or 501A and filing as a partnership for federal
37 tax purposes, or estate or trust electing to have the
38 income taxed directly to the individual, an individual
39 may claim the tax credit allowed. The amount claimed
40 by the individual shall be based upon the pro rata
41 share of the individual's earnings of the partnership,
42 S corporation, limited liability company, cooperative
43 organized under chapter 501 or 501A and filing as a
44 partnership for federal tax purposes, or estate or
45 trust."

46 _____. Page 48, by inserting after line 23 the
47 following:

48 "Sec. _____. Section 805.8C, subsection 6, as
49 amended by 2005 Iowa Acts, Senate File 169, section 9,
50 is amended to read as follows:

Page 22

1 6. PSEUDOEPHEDRINE SALES VIOLATIONS. For
2 violations of section 126.23A, subsection 1, by an
3 employee of a retailer, or for violations of section
4 126.23A, subsection 2, paragraph "a", by a purchaser,
5 the scheduled fine is as follows:

6 a. If the violation is a first offense, the
7 scheduled fine is one hundred dollars.

8 b. If the violation is a second offense, the
9 scheduled fine is two hundred fifty dollars.

10 c. If the violation is a third or subsequent
11 offense, the scheduled fine is five hundred dollars."

12 ____ Page 48, by inserting after line 23, the
13 following:

14 "Sec.____. 2005 Iowa Acts, House File 739, section
15 7, if enacted, is amended to read as follows:

16 SEC. 7. CONTINGENT EFFECTIVENESS. The sections of
17 this Act ~~creating~~ amending Code chapter 280A or
18 enacting new sections in Code chapter 280A take effect
19 only if the general assembly appropriates funds for
20 the fiscal year beginning July 1, 2005, in an amount
21 sufficient to implement the provisions of Code chapter
22 280A, if enacted.

23 Sec.____. 2005 Iowa Acts, House File 839, is
24 amended by adding the following new section:

25 SEC.____. EFFECTIVE DATE. This Act, being deemed
26 of immediate importance, takes effect upon enactment
27 of 2005 Iowa Acts, House File 882."

28 ____ Page 48, by inserting after line 26 the
29 following:

30 "DIVISION

31 STATE LIQUOR ACTIVITIES

32 Sec.____. Section 123.53, subsection 3, Code 2005,
33 is amended to read as follows:

34 3. The treasurer of state shall transfer into a
35 special revenue account in the general fund of the
36 state, a sum of money at least equal to seven percent
37 of the gross amount of sales made by the division from
38 the beer and liquor control fund on a monthly basis
39 but not less than nine million dollars annually, ~~and~~
40 ~~any amounts so.~~ Of the amounts transferred, two
41 million dollars, plus an additional amount determined
42 by the general assembly, shall be used by appropriated
43 to the substance abuse division of the Iowa department
44 of public health to be used for substance abuse
45 treatment and prevention programs ~~in an amount~~
46 ~~determined by the general assembly and any.~~ Any
47 amounts received in excess of the amounts appropriated
48 to the substance abuse division of the Iowa department
49 of public health shall be considered part of the
50 general fund balance.

Page 23

1 Sec.____. ALCOHOLIC BEVERAGES DIVISION – STATE
 2 LIQUOR WAREHOUSE AND TRUCKING FUNCTIONS. The
 3 department of administrative services shall issue a
 4 request for proposals developed with the alcoholic
 5 beverages division of the department of commerce or
 6 otherwise utilize a competitive process not
 7 inconsistent with the division's current charter
 8 agency agreement to select a provider to perform the
 9 state liquor warehouse and trucking functions. The
 10 request for proposals or competitive process shall be
 11 issued or commenced as soon as is reasonably possible
 12 and a provider shall be selected no later than
 13 December 31, 2005. The division may submit a bid in
 14 response to a request for proposals issued or
 15 competitive process conducted pursuant to this
 16 section. If the division submits a bid, the division
 17 shall include in the bid the cost of labor to perform
 18 the contract which shall be calculated by using the
 19 cost of hiring full-time equivalent positions to
 20 perform the contract pursuant to state pay grade
 21 classifications and benefits as outlined in the most
 22 recent collective bargaining agreement applicable to
 23 other employees of the division. Notwithstanding any
 24 provision of chapter 22 to the contrary, the
 25 division's bid and any documents the division uses in
 26 developing its bid shall be considered a confidential
 27 record until the department of administrative services
 28 announces the results of the request for proposals or
 29 competitive process.

30 Sec.____. EFFECTIVE DATE. The section of this
 31 division of this Act amending section 123.53 takes
 32 effect July 1, 2006.

33 DIVISION

34 BOARD OF REGENTS

35 Sec.____. Section 12B.10C, Code 2005, is amended
 36 by adding the following new subsection:
 37 NEW SUBSECTION. 10. The state board of regents
 38 governed by chapter 262.

39 Sec.____. Section 73A.1, subsection 2, Code 2005,
 40 is amended to read as follows:

41 2. "Municipality" as used in this chapter means
 42 township, school corporation, and state fair board,
 43 ~~and state board of regents.~~

44 Sec.____. Section 262.9, subsection 7, Code 2005,
 45 is amended to read as follows:

46 7. ~~With the approval of the executive council,~~
 47 ~~acquire~~ Acquire real estate for the proper uses of
 48 ~~said institutions~~ under its control, and dispose of
 49 real estate belonging to ~~said~~ the institutions when
 50 not necessary for their purposes. ~~A~~ The disposal of

Page 24

1 such real estate shall be made upon such terms,
2 conditions, and consideration as the board may
3 recommend ~~and subject to the approval of the executive~~
4 ~~council~~. If real estate subject to sale hereunder ha
5 been purchased or acquired from appropriated funds,
6 the proceeds of such sale shall be deposited with the
7 treasurer of state and credited to the general fund of
8 the state. There is hereby appropriated from the
9 general fund of the state a sum equal to the proceeds
10 so deposited and credited to the general fund of the
11 state to the state board of regents, which, ~~with the~~
12 ~~prior approval of the executive council~~, may be used
13 to purchase other real estate and buildings, and for
14 the construction and alteration of buildings and other
15 capital improvements. All transfers shall be by state
16 patent in the manner provided by law. The board is
17 also authorized to grant easements for rights-of-way
18 over, across, and under the surface of public lands
19 under its jurisdiction when in the board's judgment
20 such easements are desirable and will benefit the
21 state of Iowa.

22 Sec. __. Section 262.9, subsection 15, unnumbered
23 paragraph 2, Code 2005, is amended by striking the
24 unnumbered paragraph.

25 Sec. __. Section 262.10, unnumbered paragraph 1,
26 Code 2005, is amended to read as follows:

27 No sale or purchase of real estate shall be made
28 save upon the order of the board, made at a regular
29 meeting, or one called for that purpose, and then in
30 such manner and under such terms as the board may
31 prescribe ~~and only with the approval of the executive~~
32 ~~council~~. No member of the board or any of its
33 committees, offices or agencies nor any officer of any
34 institution, shall be directly or indirectly
35 interested in such purchase or sale.

36 Sec. __. Section 262.33A, Code 2005, is amended
37 to read as follows:

38 262.33A FIRE AND ENVIRONMENTAL SAFETY – REPORT –
39 EXPENDITURES.

40 It is the intent of the general assembly that each
41 institution of higher education under the control of
42 the state board of regents shall, in consultation with
43 the state fire marshal, identify and correct all
44 critical fire and environmental safety deficiencies.
45 ~~The state fire marshal shall report annually to the~~
46 ~~joint subcommittee on education appropriations. The~~
47 ~~report shall include, but is not limited to, the~~
48 ~~identified deficiencies in fire and environmental~~
49 ~~safety at the institutions, and plans for correction~~
50 ~~of the deficiencies and for compliance with this~~

Page 25

1 ~~section.~~ Commencing July 1, 1993, each institution
2 under the control of the state board of regents shall
3 expend annually for fire safety and deferred
4 maintenance at least the amount budgeted for these
5 purposes for the fiscal year beginning July 1, 1992,
6 in addition to any moneys appropriated from the
7 general fund for these purposes in succeeding years.

8 Sec. __. Section 262.34, Code 2005, is amended to
9 read as follows:

10 262.34 IMPROVEMENTS – ADVERTISEMENT FOR BIDS –
11 DISCLOSURES – PAYMENTS.

12 1. When the estimated cost of construction,
13 repairs, or improvement of buildings or grounds under
14 charge of the state board of regents exceeds ~~twenty-~~
15 five one hundred thousand dollars, the board shall
16 advertise for bids for the contemplated improvement or
17 construction and shall let the work to the lowest
18 responsible bidder. However, if in the judgment of
19 the board bids received are not acceptable, the board
20 may reject all bids and proceed with the construction,
21 repair, or improvement by a method as the board may
22 determine. All plans and specifications for repairs
23 or construction, together with bids on the plans or
24 specifications, shall be filed by the board and be
25 open for public inspection. All bids submitted under
26 this section shall be accompanied by a deposit of
27 money, a certified check, or a credit union certified
28 share draft in an amount as the board may prescribe.

29 2. A bidder awarded a contract shall disclose the
30 names of all subcontractors, who will work on the
31 project being bid, within forty-eight hours after the
32 award of the contract. If a subcontractor named by a
33 bidder awarded a contract is replaced, or if the cost
34 of work to be done by a subcontractor is reduced, the
35 bidder shall disclose the name of the new
36 subcontractor or the amount of the reduced cost.

37 3. Payments made by the board for the construction
38 of public improvements shall be made in accordance
39 with the provisions of chapter 573 except that:

40 a. Payments may be made without retention until
41 ninety-five percent of the contract amount has been
42 paid. The remaining five percent of the contract
43 amount shall be paid as provided in section 573.14,
44 except that:

45 (1) At any time after all or any part of the work
46 is substantially completed in accordance with
47 paragraph "c", the contractor may request the release
48 of all or part of the retainage owed. Such request
49 shall be accompanied by a waiver of claim rights under
50 the provisions of chapter 573 from any person, firm,

Page 26

1 or corporation who has, under contract with the
2 principal contractor or with subcontractors performed
3 labor, or furnished materials, service, or
4 transportation in the construction of that portion of
5 the work for which release of the retainage is
6 requested.

7 (2) Upon receipt of the request, the board shall
8 release all or part of the unpaid funds. Retainage
9 that is approved as payable shall be paid at the time
10 of the next monthly payment or within thirty days,
11 whichever is sooner. If partial retainage is released
12 pursuant to a contractor's request, no retainage shall
13 be subsequently held based on that portion of the
14 work. If within thirty days of when payment becomes
15 due the board does not release the retainage due,
16 interest shall accrue on the retainage amount due as
17 provided in section 573.14 until that amount is paid.

18 (3) If at the time of the request for the
19 retainage there are remaining or incomplete minor
20 items, an amount equal to two hundred percent of the
21 value of each remaining or incomplete item, as
22 determined by the board's authorized contract
23 representative, may be withheld until such item or
24 items are completed.

25 (4) An itemization of the remaining or incomplete
26 items, or the reason that the request for release of
27 the retainage was denied, shall be provided to the
28 contractor in writing within thirty calendar days of
29 the receipt of the request for release of retainage.

30 b. For purposes of this section, "authorized
31 contract representative" means the architect or
32 engineer who is in charge of the project and chosen by
33 the board to represent its interests, or if there is
34 no architect or engineer, then such other contract
35 representative or officer as designated in the
36 contract documents as the party representing the
37 board's interest regarding administration and
38 oversight of the project.

39 c. For purposes of this section, "substantially
40 completed" means the first date on which any of the
41 following occurs:

42 (1) Completion of the project or when the work has
43 been substantially completed in general accordance
44 with the terms and provisions of the contract.

45 (2) The work or the portion designated is
46 sufficiently complete in accordance with the
47 requirements of the contract so the board can occupy
48 or utilize the work for its intended purpose.

49 (3) The project is certified as having been
50 substantially completed by either of the following:

Page 27

1 (a) The architect or engineer authorized to make
2 such certification.

3 (b) The contracting authority representing the
4 board.

5 4. Each contractor or subcontractor shall withhold
6 retainage, if at all, in the same manner as retainage
7 is withheld from the contractor or subcontractor; and
8 each subcontractor shall pass through all retainage
9 payments to lower tier subcontractors in accordance
10 with the provisions of chapter 573.

11 Sec.____. Section 262.57, unnumbered paragraph 1,
12 Code 2005, is amended to read as follows:

13 To pay all or any part of the cost of carrying out
14 any project at any institution the board is authorized
15 to borrow money and to issue and sell negotiable bonds
16 or notes and to refund and refinance bonds or notes
17 heretofore issued or as may be hereafter issued for
18 any project or for refunding purposes at a lower rate,
19 the same rate or a higher rate or rates of interest
20 and from time to time as often as the board shall find
21 it to be advisable and necessary so to do. Such bonds
22 or notes may be sold by said board at public sale in
23 the manner prescribed by chapter 75 but if the board
24 shall find it to be advantageous and in the public
25 interest to do so, such bonds or notes may be sold by
26 the board at private sale without published notice of
27 any kind and without regard to the requirements of
28 chapter 75 in such manner and upon such terms as may
29 be prescribed by the resolution authorizing the same,
30 ~~but such bonds or notes shall in any event be sold~~
31 ~~upon terms of not less than par plus accrued interest.~~
32 Bonds or notes issued to refund other bonds or notes
33 heretofore or hereafter issued by the board for
34 residence hall or dormitory purposes at any
35 institution, including dining or other facilities and
36 additions, or heretofore or hereafter issued for
37 refunding purposes, may either be sold in the manner
38 hereinbefore specified and the proceeds thereof
39 applied to the payment of the obligations being
40 refunded, or the refunding bonds or notes may be
41 exchanged for and in payment and discharge of the
42 obligations being refunded, and a finding by the board
43 in the resolution authorizing the issuance of such
44 refunding bonds or notes that the bonds or notes being
45 refunded were issued for a purpose specified in this
46 division and constitute binding obligations of the
47 board shall be conclusive and may be relied upon by
48 any holder of any refunding bond or note issued under
49 the provisions of this division. The refunding bonds
50 or notes may be sold or exchanged in installments at

Page 28

1 different times or an entire issue or series may be
2 sold or exchanged at one time. Any issue or series of
3 refunding bonds or notes may be exchanged in part or
4 sold in parts in installments at different times or at
5 one time. The refunding bonds or notes may be sold or
6 exchanged at any time on, before, or after the
7 maturity of any of the outstanding notes, bonds or
8 other obligations to be refinanced thereby and may be
9 issued for the purpose of refunding a like or greater
10 principal amount of bonds or notes, except that the
11 principal amount of the refunding bonds or notes may
12 exceed the principal amount of the bonds or notes to
13 be refunded to the extent necessary to pay any premium
14 due on the call of the bonds or notes to be refunded
15 or to fund interest in arrears or about to become due.
16 Sec. __. Section 262.78, subsection 6, Code 2005,
17 is amended by striking the subsection.
18 Sec. __. Section 262A.5, unnumbered paragraph 1,
19 Code 2005, is amended to read as follows:
20 The board is authorized to borrow money under this
21 chapter, and the board may issue and sell negotiable
22 bonds to pay all or any part of the cost of carrying
23 out any project at any institution and may refund and
24 refinance bonds issued for any project or for
25 refunding purposes at the same rate or at a higher or
26 lower rate or rates of interest. Bonds issued under
27 the provisions of this chapter shall be sold by said
28 board at public sale on the basis of sealed proposals
29 received pursuant to a notice specifying the time and
30 place of sale and the amount of bonds to be sold which
31 shall be published at least once not less than seven
32 days prior to the date of sale in a newspaper
33 published in the state of Iowa and having a general
34 circulation in said state. The provisions of chapter
35 75 shall ~~not~~ apply to bonds issued under authority
36 contained in this chapter, ~~but such bonds shall be~~
37 ~~sold upon terms of not less than par plus accrued~~
38 interest to the extent not in conflict with this
39 chapter. Bonds issued to refund other bonds issued
40 under the provisions of this chapter may either be
41 sold in the manner hereinbefore specified and the
42 proceeds thereof applied to the payment of the
43 obligations being refunded, or the refunding bonds may
44 be exchanged for and in payment and discharge of the
45 obligations being refunded. The refunding bonds may
46 be sold or exchanged in installments at different
47 times or an entire issue or series may be sold or
48 exchanged at one time. Any issue or series of
49 refunding bonds may be exchanged in part or sold in
50 parts in installments at different times or at one

Page 29

1 time. The refunding bonds may be sold or exchanged at
2 any time on, before, or after the maturity of any of
3 the outstanding bonds or other obligations to be
4 refinanced thereby and may be issued for the purpose
5 of refunding a like or greater principal amount of
6 bonds, except that the principal amount of the
7 refunding bonds may exceed the principal amount of the
8 bonds to be refunded to the extent necessary to pay
9 any premium due on the call of the bonds to be
10 refunded or to fund interest in arrears or which is to
11 become due.

12 Sec. __. Section 266.39F, subsection 2,
13 unnumbered paragraph 2, Code 2005, is amended to read
14 as follows:

15 The provisions of section 262.9, subsection 7, and
16 ~~section 262.10~~, shall not apply to the sale of any
17 portion of land to be sold in accordance with this
18 section or to the use of the proceeds from the sale of
19 the land.

20 Sec. __. Section 573.12, subsection 1, unnumbered
21 paragraph 1, Code 2005, is amended to read as follows:

22 Payments made under contracts for the construction
23 of public improvements, unless provided otherwise by
24 law, shall be made on the basis of monthly estimates
25 of labor performed and material delivered, as
26 determined by the project architect or engineer. The
27 public corporation shall retain from each monthly
28 payment not more than five percent of that amount
29 which is determined to be due according to the
30 estimate of the architect or engineer. ~~However,~~
31 ~~institutions governed pursuant to chapter 262 may, on~~
32 ~~contracts where a bond is required under section~~
33 ~~573.2, make payments under this section without~~
34 ~~retention until ninety-five percent of the contract~~
35 ~~amount has been paid and the remaining five percent of~~
36 ~~the contract amount shall be paid as provided under~~
37 ~~section 573.14.~~

38 Sec. __. Section 573.14, unnumbered paragraph 2,
39 Code 2005, is amended to read as follows:

40 The public corporation shall order payment of any
41 amount due the contractor to be made in accordance
42 with the terms of the contract. Except as provided in
43 section 573.12 for progress payments, failure to make
44 payment pursuant to this section, of any amount due
45 the contractor, within forty days, unless a greater
46 time period not to exceed fifty days is specified in
47 the contract documents, after the work under the
48 contract has been completed and if the work has been
49 accepted and all required materials, certifications,
50 and other documentations required to be submitted by

1 the contractor and specified by the contract have been
 2 furnished the awarding public corporation by the
 3 contractor, shall cause interest to accrue on the
 4 amount unpaid to the benefit of the unpaid party.
 5 Interest shall accrue during the period commencing the
 6 thirty-first day following the completion of work and
 7 satisfaction of the other requirements of this
 8 paragraph and ending on the date of payment. The rate
 9 of interest shall be determined by the period of time
 10 during which interest accrues, and shall be the same
 11 as the rate of interest that is in effect under
 12 section 12C.6, as of the day interest begins to
 13 accrue, for a deposit of public funds for a comparable
 14 period of time. However, for institutions governed
 15 pursuant to chapter 262, the rate of interest shall be
 16 determined by the period of time during which interest
 17 accrues, and shall be calculated as the prime rate
 18 plus one percent per year as of the day interest
 19 begins to accrue. This paragraph does not abridge any
 20 of the rights set forth in section 573.16. Except as
 21 provided in sections 573.12 and 573.16, interest shall
 22 not accrue on funds retained by the public corporation
 23 to satisfy the provisions of this section regarding
 24 claims on file. This chapter does not apply if the
 25 public corporation has entered into a contract with
 26 the federal government or accepted a federal grant
 27 which is governed by federal law or rules that are
 28 contrary to the provisions of this chapter. For
 29 purposes of this unnumbered paragraph, "prime rate"
 30 means the prime rate charged by banks on short-term
 31 business loans, as determined by the board of
 32 governors of the federal reserve system and published
 33 in the federal reserve bulletin.
 34 Sec.____. Sections 262.64A, 262.67, 262A.3,
 35 262A.6A, 263A.11, 265.6, and 473.12, Code 2005, are
 36 repealed.

DIVISION

ENTREPRENEURS WITH DISABILITIES

Sec.____. ENTREPRENEURS WITH DISABILITIES PROGRAM

39 - TRANSFER OF ADMINISTRATION. The department of
 40 economic development shall transfer the administrative
 41 duties of the entrepreneurs with disabilities program
 42 to the Iowa finance authority. The authority shall
 43 adopt rules pursuant to chapter 17A for purposes of
 44 administering the program. Any contract entered into
 45 under the program by the department of economic
 46 development remains valid. The transfer of
 47 administrative duties to the authority shall not
 48 constitute grounds for rescission or modification of a
 49 contract under the program entered into with the
 50

Page 31

1 department.

2 Sec. __. ENTREPRENEURS WITH DISABILITIES PROGRAM
3 – APPROPRIATION. For the fiscal year beginning July
4 1, 2005, and ending June 30, 2006, there is
5 appropriated from the general fund of the state to the
6 Iowa finance authority two hundred thousand dollars
7 for purposes of the entrepreneurs with disabilities
8 program."

9 __. Page 48, by inserting after line 26, the
10 following:

11 "DIVISION

12 WIND ENERGY PRODUCTION TAX CREDIT

13 Sec. __. Section 476B.1, subsection 4, paragraph
14 c, Code 2005, is amended to read as follows:

15 c. Was originally placed in service on or after
16 July 1, 2004 2005, but before July 1, 2007 2008.

17 Sec. __. Section 476B.3, Code 2005, is amended to
18 read as follows:

19 476B.3 CREDIT AMOUNT.

20 ~~1. Except as limited by subsection 2, the~~ The wind
21 energy production tax credit allowed under this
22 chapter equals the product of one cent multiplied by
23 the number of kilowatt-hours of qualified electricity
24 sold by the owner during the taxable year.

25 ~~2. a. The maximum amount of tax credit which a~~
26 ~~group of qualified facilities operating as one unit~~
27 ~~may receive for a taxable year equals the rate of~~
28 ~~credit times thirty-two percent of the total number of~~
29 ~~kilowatts of nameplate generating capacity.~~

30 ~~b. However, if for the previous taxable year the~~
31 ~~amount of the tax credit for the group of qualified~~
32 ~~facilities operating as one unit is less than the~~
33 ~~maximum amount available as provided in paragraph "a",~~
34 ~~the maximum amount for the next taxable year shall be~~
35 ~~increased by the amount of the previous year's unused~~
36 ~~maximum credit.~~

37 Sec. __. Section 476B.4, subsection 1, paragraph
38 b, Code 2005, is amended by striking the paragraph.

39 Sec. __. Section 476B.5, Code 2005, is amended by
40 striking the section and inserting in lieu thereof the
41 following:

42 476B.5 DETERMINATION OF ELIGIBILITY.

43 1. An owner may apply to the board for a written
44 determination regarding whether a facility is a
45 qualified facility by submitting to the board a
46 written application containing all of the following:

47 a. Information regarding the ownership of the
48 facility including the percentage of equity interest
49 held by each owner.

50 b. The nameplate generating capacity of the

Page 32

1 facility.

2 c. Information regarding the facility's initial
3 placement in service.

4 d. Information regarding the type of facility.

5 e. A copy of an executed power purchase agreement
6 or other agreement to purchase electricity upon
7 completion of the project.

8 f. Any other information the board may require.

9 2. The board shall review the application and
10 supporting information and shall make a preliminary
11 determination regarding whether the facility is a
12 qualified facility. The board shall notify the
13 applicant of the approval or denial of the application
14 within thirty days of receipt of the application and
15 information required. If the board fails to notify
16 the applicant of the approval or denial within thirty
17 days, the application shall be deemed denied. An
18 applicant who receives a determination denying an
19 application may file an appeal with the board within
20 thirty days from the date of the denial pursuant to
21 the provisions of chapter 17A. In the absence of a
22 timely appeal, the preliminary determination shall be
23 final. If the application is incomplete, the board
24 may grant an extension of time for the provision of
25 additional information.

26 3. A facility that is not operational within
27 eighteen months after issuance of an approval for the
28 facility by the board shall cease to be a qualified
29 facility. A facility that is granted and thereafter
30 loses approval may reapply to the board for a new
31 determination.

32 4. The maximum amount of nameplate generating
33 capacity of all qualified facilities the board may
34 find eligible under this chapter shall not exceed four
35 hundred fifty megawatts of nameplate generating
36 capacity.

37 5. An owner shall not be an owner of more than two
38 qualified facilities.

39 Sec. __. Section 476B.6, Code 2005, is amended by
40 striking the section and inserting in lieu thereof the
41 following:

42 476B.6 TAX CREDIT CERTIFICATE PROCEDURE.

43 1. a. To be eligible to receive the wind energy
44 production tax credit, the owner must first receive
45 approval of the board of supervisors of the county in
46 which the qualified facility is located. The
47 application for approval may be submitted prior to
48 commencement of the construction of the qualified
49 facility but shall be submitted no later than the
50 close of the owner's first taxable year for which the

Page 33

1 credit is to be applied for. The application must
2 contain the owner's name and address, the address of
3 the qualified facility, and the dates of the owner's
4 first and last taxable years for which the credit will
5 be applied for. Within forty-five days of the receipt
6 of the application for approval, the board of
7 supervisors shall either approve or disapprove the
8 application. After the forty-five-day limit, the
9 application is deemed to be approved.

10 b. Upon approval of the application, the owner may
11 apply for the tax credit as provided in subsection 2.
12 In addition, approval of the application is acceptance
13 by the applicant for the assessment of the qualified
14 facility for property tax purposes for a period of
15 twelve years and approval by the board of supervisors
16 for the payment of the property taxes levied on the
17 qualified property to the state. For purposes of
18 property taxation, the qualified facility shall be
19 centrally assessed and shall be exempt from any
20 replacement tax under section 437A.6 for the period
21 during which the facility is subject to property
22 taxation. The property taxes to be paid to the state
23 are those property taxes which make up the
24 consolidated tax levied on the qualified facility and
25 which are due and payable in the twelve-year period
26 beginning with the first fiscal year beginning on or
27 after the end of the owner's first taxable year for
28 which the credit is applied for. Upon approval of the
29 application, the board of supervisors shall notify the
30 county treasurer to state on the tax statement which
31 lists the taxes on the qualified facility that the
32 amount of the property taxes shall be paid to the
33 department. Payment of the designated property taxes
34 to the department shall be in the same manner as
35 required for the payment of regular property taxes and
36 failure to pay designated property taxes to the
37 department shall be treated the same as failure to pay
38 property taxes to the county treasurer.

39 c. Once the owner of the qualified facility
40 receives approval under paragraph "a", subsequent
41 approval under paragraph "a" is not required for the
42 same qualified facility for subsequent taxable years.

43 2. An owner of a qualified facility may apply to
44 the board for the wind energy production tax credit by
45 submitting to the board all of the following:

46 a. A completed application in a form prescribed by
47 the board.

48 b. A copy of the determination granting approval
49 of the facility as a qualified facility by the board.

50 c. A copy of a signed power purchase agreement or

Page 34

1 other agreement to purchase electricity.

2 d. Sufficient documentation that the electricity
3 has been generated by the qualified facility and sold
4 to a purchaser.

5 e. Any other information the board deems
6 necessary.

7 3. The board shall notify the department of the
8 amount of kilowatt-hours generated and purchased from
9 a qualified facility. The department shall calculate
10 the amount of the tax credit for which the applicant
11 is eligible and shall issue the tax credit certificate
12 for that amount or notify the applicant in writing of
13 its refusal to do so. An applicant whose application
14 is denied may file an appeal with the department
15 within sixty days from the date of the denial pursuant
16 to the provisions of chapter 17A.

17 4. Each tax credit certificate shall contain the
18 owner's name, address, and tax identification number,
19 the amount of tax credits, the first taxable year the
20 certificate may be used, the type of tax to which the
21 tax credits shall be applied, and any other
22 information required by the department. The tax
23 credit certificate shall only list one type of tax to
24 which the amount of the tax credit may be applied.
25 Once issued by the department, the tax credit
26 certificate shall not be terminated or rescinded.

27 5. If the tax credit application is filed by a
28 partnership, limited liability company, S corporation,
29 estate, trust, or other reporting entity all of the
30 income of which is taxed directly to its equity
31 holders or beneficiaries, for the taxes imposed under
32 chapter 422, division II or III, the tax credit
33 certificate shall be issued directly to equity holders
34 or beneficiaries of the applicant in proportion to
35 their pro rata share of the income of such entity.
36 The applicant shall, in the application made under
37 this section, identify its equity holders or
38 beneficiaries, and the percentage of such entity's
39 income that is allocable to each equity holder or
40 beneficiary. If the tax credit application is filed
41 by a partnership, limited liability company, S
42 corporation, estate, trust, or other reporting entity,
43 all of whose income is taxed directly to its equity
44 holders or beneficiaries for the taxes imposed under
45 chapter 422, division V, or under chapter 432, the tax
46 credit certificate shall be issued directly to the
47 partnership, limited liability company, S corporation,
48 estate, trust, or other reporting entity.

49 6. The department shall not issue a tax credit
50 certificate if the facility approved by the board as a

Page 35

1 qualified facility is not operational within eighteen
2 months after the approval is issued.

3 7. Once a tax credit certificate is issued
4 pursuant to this section, the tax credit may only be
5 claimed against the type of tax reflected on the
6 certificate.

7 8. A tax credit certificate shall not be used or
8 attached to a return filed for a taxable year
9 beginning prior to July 1, 2006.

10 Sec. ___. Section 476B.7, unnumbered paragraph 1,
11 Code 2005, is amended to read as follows:

12 Wind energy production tax credit certificates
13 issued under this chapter may be transferred to any
14 person or entity. Within thirty days of transfer, the
15 transferee must submit the transferred tax credit
16 certificate to the ~~board~~ department along with a
17 statement containing the transferee's name, tax
18 identification number, and address, and the
19 denomination that each replacement tax credit
20 certificate is to carry and any other information
21 required by the department. Within thirty days of
22 receiving the transferred tax credit certificate and
23 the transferee's statement, the ~~board~~ department shall
24 issue one or more replacement tax credit certificates
25 to the transferee. Each replacement certificate must
26 contain the information required under section 476B.6
27 and must have the same effective taxable year and the
28 same expiration date that appeared in the transferred
29 tax credit certificate. Tax credit certificate
30 amounts of less than the minimum amount established by
31 rule of the board shall not be transferable. A tax
32 credit shall not be claimed by a transferee under this
33 chapter until a replacement tax credit certificate
34 identifying the transferee as the proper holder has
35 been issued.

36 Sec. ___. Section 476B.8, Code 2005, is amended to
37 read as follows:

38 476B.8 USE OF TAX CREDIT CERTIFICATES.

39 To claim a wind energy production tax credit under
40 this chapter, a taxpayer must attach one or more tax
41 credit certificates to the taxpayer's tax return. A
42 tax credit certificate shall not be used or attached
43 to a return filed for a taxable year beginning prior
44 to July 1, ~~2005~~ 2006. The tax credit certificate or
45 certificates attached to the taxpayer's tax return
46 shall be issued in the taxpayer's name, expire on or
47 after the last day of the taxable year for which the
48 taxpayer is claiming the tax credit, and show a tax
49 credit amount equal to or greater than the tax credit
50 claimed on the taxpayer's tax return. Any tax credit

Page 36

1 in excess of the taxpayer's tax liability for the
2 taxable year may be credited to the taxpayer's tax
3 liability for the following seven taxable years or
4 until depleted, whichever is the earlier.

5 Sec. __. Section 476B.9, Code 2005, is amended to
6 read as follows:

7 476B.9 REGISTRATION OF TAX CREDIT CERTIFICATES.

8 ~~The board shall, in conjunction with the~~
9 department, shall develop a system for the
10 registration of the wind energy production tax credit
11 certificates issued or transferred under this chapter
12 and a system that permits verification that any tax
13 credit claimed on a tax return is valid and that
14 transfers of the tax credit certificates are made in
15 accordance with the requirements of this chapter. The
16 tax credit certificates issued under this chapter
17 shall not be classified as a security pursuant to
18 chapter 502.

19 Sec. __. NEW SECTION. 476B.10 RULES.

20 The department and the board may adopt rules
21 pursuant to chapter 17A for the administration and
22 enforcement of this chapter."

23 __. Page 48, by inserting after line 26, the
24 following:

25 "DIVISION

26 PROVISIONS RELATING TO THE PRACTICE OF PHARMACY

27 Sec. __. Section 155A.3, subsection 11, Code
28 2005, is amended to read as follows:

29 11. "Dispense" means to deliver a prescription
30 drug, device, or controlled substance to an ultimate
31 user or research subject by or pursuant to the lawful
32 prescription drug order or medication order of a
33 practitioner, including the prescribing,
34 administering, packaging, labeling, or compounding
35 necessary to prepare the substance for that delivery.

36 Sec. __. Section 155A.3, Code 2005, is amended by
37 adding the following new subsection:

38 NEW SUBSECTION. 22A. "Logistics provider" means
39 an entity that provides or coordinates warehousing,
40 distribution, or other services on behalf of a
41 manufacturer or other owner of a drug, but does not
42 take title to the drug or have general responsibility
43 to direct its sale or other disposition.

44 Sec. __. Section 155A.3, Code 2005, is amended by
45 adding the following new subsection:

46 NEW SUBSECTION. 23A. "Pedigree" means a recording
47 of each distribution of any given drug or device, from
48 the sale by the manufacturer through acquisition and
49 sale by any wholesaler, pursuant to rules adopted by
50 the board.

Page 37

1 Sec. __. Section 155A.3, subsection 33, paragraph
2 b, Code 2005, is amended to read as follows:

3 b. A drug or device that under federal law is
4 required, prior to being dispensed or delivered, to be
5 labeled with ~~either~~ one of the following statements:

6 (1) Caution: Federal law prohibits dispensing
7 without a prescription.

8 (2) Caution: Federal law restricts this drug to
9 use by or on the order of a licensed veterinarian.

10 (3) Caution: Federal law restricts this device to
11 sale by, or on the order of, a physician.

12 (4) Rx only.

13 Sec. __. Section 155A.3, subsection 35, Code
14 2005, is amended to read as follows:

15 35. "Proprietary medicine" or "over-the-counter
16 medicine" means a nonnarcotic drug or device that may
17 be sold without a prescription and that is labeled and
18 packaged in compliance with applicable state or
19 federal law.

20 Sec. __. Section 155A.3, subsection 38, Code
21 2005, is amended to read as follows:

22 38. "Wholesaler" means a person operating or
23 maintaining, either within or outside this state, a
24 manufacturing plant, wholesale distribution center,
25 wholesale business, or any other business in which
26 prescription drugs or devices, medicinal chemicals,
27 medicines, or poisons are sold, manufactured,
28 compounded, dispensed, stocked, exposed, distributed
29 from, or offered for sale at wholesale in this state.

30 "Wholesaler" does not include those wholesalers who
31 sell only proprietary or over-the-counter medicines.

32 "Wholesaler" also does not include a commercial
33 carrier that temporarily stores prescription drugs or
34 devices, medicinal chemicals, medicines, or poisons
35 while in transit.

36 Sec. __. Section 155A.4, subsection 2, paragraph
37 a, Code 2005, is amended to read as follows:

38 a. A ~~manufacturer~~ or wholesaler to distribute
39 prescription drugs or devices as provided by state or
40 federal law.

41 Sec. __. Section 155A.13, subsection 6,
42 unnumbered paragraph 1, Code 2005, is amended to read
43 as follows:

44 To qualify for a pharmacy license, the applicant
45 shall submit to the board a license fee as determined
46 by the board and a completed application on a form
47 prescribed by the board ~~that shall include the~~
48 following information and. The application shall
49 include the following and such other information as
50 required by rules of the board and shall be given

Page 38

1 under oath:

2 Sec.____. Section 155A.17, subsection 2, Code
3 2005, is amended to read as follows:

4 2. The board shall establish standards for drug
5 wholesaler licensure and may define specific types of
6 wholesaler licenses. The board may deny, suspend, or
7 revoke a drug wholesale license for failure to meet
8 the applicable standards or for a violation of the
9 laws of this state, another state, or the United
10 States relating to prescription drugs, devices, or
11 controlled substances, or for a violation of this
12 chapter, chapter 124, 124A, 124B, 126, or 205, or a
13 rule of the board.

14 Sec.____. Section 155A.17, subsection 3, Code
15 2005, is amended to read as follows:

16 3. The board shall adopt rules pursuant to chapter
17 17A on matters pertaining to the issuance of a
18 wholesale drug license. The rules shall provide for
19 conditions of licensure, compliance standards,
20 licensure fees, disciplinary action, and other
21 relevant matters. Additionally, the rules shall
22 establish provisions or exceptions for pharmacies,
23 chain pharmacy distribution centers, logistics
24 providers, and other types of wholesalers relating to
25 pedigree requirements, drug or device returns, and
26 other related matters, so as not to prevent or
27 interfere with usual, customary, and necessary
28 business activities.

29 Sec.____. Section 155A.19, subsection 1, paragraph
30 f, Code 2005, is amended by striking the paragraph and
31 inserting in lieu thereof the following:

32 f. Change of legal name or doing-business-as name.

33 Sec.____. Section 155A.19, Code 2005, is amended
34 by adding the following new subsection:

35 NEW SUBSECTION. 3. A wholesaler shall report in
36 writing to the board, pursuant to its rules, the
37 following:

38 a. Permanent closing or discontinuation of
39 wholesale distributions into this state.

40 b. Change of ownership.

41 c. Change of location.

42 d. Change of the wholesaler's responsible
43 individual.

44 e. Change of legal name or doing-business-as name.

45 f. Theft or significant loss of any controlled
46 substance on discovery of the theft or loss.

47 g. Disasters, accidents, and emergencies that may
48 affect the strength, purity, or labeling of drugs,
49 medications, devices, or other materials used in the
50 diagnosis or the treatment of injury, illness, and

Page 39

1 disease.

2 h. Other information or activities as required by
3 rule.

4 Sec. ___. Section 155A.20, subsection 1, Code
5 2005, is amended to read as follows:

6 1. A person, other than a pharmacy or wholesaler
7 licensed under this chapter, shall not display in or
8 on any store, internet site, or place of business, nor
9 use in any advertising or promotional literature,
10 communication, or representation, the word or words:
11 "apothecary", "drug", "drug store", or "pharmacy",
12 either in English or any other language, any other
13 word or combination of words of the same or similar
14 meaning, or any graphic representation in a manner
15 that would mislead the public unless it is a pharmacy
16 or drug wholesaler licensed under this chapter.

17 Sec. ___. Section 155A.21, Code 2005, is amended
18 to read as follows:

19 155A.21 UNLAWFUL POSSESSION OF PRESCRIPTION DRUG
20 OR DEVICE - PENALTY.

21 1. A person found in possession of a drug or
22 device limited to dispensation by prescription, unless
23 the drug or device was so lawfully dispensed, commits
24 a serious misdemeanor.

25 2. Subsection 1 does not apply to a licensed
26 pharmacy, licensed wholesaler, physician,
27 veterinarian, dentist, podiatric physician,
28 therapeutically certified optometrist, advanced
29 registered nurse practitioner, physician assistant, a
30 nurse acting under the direction of a physician, or
31 the board of pharmacy examiners, its officers, agents,
32 inspectors, and representatives, nor to a common
33 carrier, manufacturer's representative, or messenger
34 when transporting the drug or device in the same
35 unbroken package in which the drug or device was
36 delivered to that person for transportation.

37 Sec. ___. Section 155A.23, Code 2005, is amended
38 to read as follows:

39 155A.23 PROHIBITED ACTS.

40 A person shall not perform or cause the performance
41 of or aid and abet any of the following acts:

42 1. ~~Obtain or attempt~~ Obtaining or attempting to
43 obtain a prescription drug or device or ~~procure or~~
44 ~~attempt procuring or attempting~~ to procure the
45 administration of a prescription drug or device by:

46 a. ~~Fraud~~ Engaging in fraud, deceit,
47 misrepresentation, or subterfuge.

48 b. ~~Forgery or alteration of~~ Forging or altering a
49 written, electronic, or facsimile prescription or ~~of~~
50 any written, electronic, or facsimile order.

Page 40

- 1 c. ~~Concealment of~~ Concealing a material fact.
- 2 d. ~~Use of~~ Using a false name or ~~the giving of~~ a
3 false address.
- 4 2. Willfully ~~make~~ making a false statement in any
5 prescription, report, or record required by this
6 chapter.
- 7 3. For the purpose of obtaining a prescription
8 drug or device, falsely ~~assume~~ assuming the title of
9 or ~~claim~~ claiming to be a manufacturer, wholesaler,
10 pharmacist, pharmacy owner, physician, dentist,
11 podiatric physician, veterinarian, or other authorized
12 person.
- 13 4. ~~Make or utter~~ Making or uttering any false or
14 forged oral, written, electronic, or facsimile
15 prescription or oral, written, electronic, or
16 facsimile order.
- 17 5. ~~Affix any false or forged label to a package or~~
18 ~~receptacle containing prescription drugs~~ Forging,
19 counterfeiting, simulating, or falsely representing
20 any drug or device without the authority of the
21 manufacturer, or using any mark, stamp, tag, label, or
22 other identification device without the authorization
23 of the manufacturer.
- 24 6. Manufacturing, repackaging, selling,
25 delivering, or holding or offering for sale any drug
26 or device that is adulterated, misbranded,
27 counterfeit, suspected of being counterfeit, or that
28 has otherwise been rendered unfit for distribution.
- 29 7. Adulterating, misbranding, or counterfeiting
30 any drug or device.
- 31 8. Receiving any drug or device that is
32 adulterated, misbranded, stolen, obtained by fraud or
33 deceit, counterfeit, or suspected of being
34 counterfeit, and delivering or proffering delivery of
35 such drug or device for pay or otherwise.
- 36 9. Adulterating, mutilating, destroying,
37 obliterating, or removing the whole or any part of the
38 labeling of a drug or device or committing any other
39 act with respect to a drug or device that results in
40 the drug or device being misbranded.
- 41 10. Purchasing or receiving a drug or device from
42 a person who is not licensed to distribute the drug or
43 device to that purchaser or recipient.
- 44 11. Selling or transferring a drug or device to a
45 person who is not authorized under the law of the
46 jurisdiction in which the person receives the drug or
47 device to purchase or possess the drug or device from
48 the person selling or transferring the drug or device.
- 49 12. Failing to maintain or provide records as
50 required by this chapter, chapter 124, or rules of the

Page 41

- 1 board.
2 13. Providing the board or any of its
3 representatives or any state or federal official with
4 false or fraudulent records or making false or
5 fraudulent statements regarding any matter within the
6 scope of this chapter, chapter 124, or rules of the
7 board.
8 14. Distributing at wholesale any drug or device
9 that meets any of the following conditions:
10 a. The drug or device was purchased by a public or
11 private hospital or other health care entity.
12 b. The drug or device was donated or supplied at a
13 reduced price to a charitable organization.
14 c. The drug or device was purchased from a person
15 not licensed to distribute the drug or device.
16 d. The drug or device was stolen or obtained by
17 fraud or deceit.
18 15. Failing to obtain a license or operating
19 without a valid license when a license is required
20 pursuant to this chapter or chapter 147.
21 16. Engaging in misrepresentation or fraud in the
22 distribution of a drug or device.
23 17. Distributing a drug or device to a patient
24 without a prescription drug order or medication order
25 from a practitioner licensed by law to use or
26 prescribe the drug or device.
27 18. Distributing a drug or device that was
28 previously dispensed by a pharmacy or distributed by a
29 practitioner except as provided by rules of the board.
30 19. Failing to report any prohibited act.
31 Information communicated to a physician in an
32 unlawful effort to procure a prescription drug or
33 device or to procure the administration of a
34 prescription drug shall not be deemed a privileged
35 communication.
36 Subsections 6 and 7 shall not apply to the
37 wholesale distribution by a manufacturer of a
38 prescription drug or device that has been delivered
39 into commerce pursuant to an application approved by
40 the federal food and drug administration.
41 Sec. ____. Section 155A.24, Code 2005, is amended
42 to read as follows:
43 155A.24 PENALTIES.
44 1. A Except as otherwise provided in this section,
45 a person who violates a provision of section 155A.23
46 or who sells or offers for sale, gives away, or
47 administers to another person any prescription drug or
48 device in violation of this chapter commits a public
49 offense and shall be punished as follows:
50 a. If the prescription drug is a controlled

Page 42

1 substance, the person shall be punished pursuant to
2 ~~section 124.401, subsection 1, and section 124.411~~
3 ~~chapter 124, division IV.~~

4 b. If the prescription drug is not a controlled
5 substance, the person, upon conviction of a first
6 offense, is guilty of a serious misdemeanor. For a
7 second offense, or if in case of a first offense the
8 offender previously has been convicted of any
9 violation of the laws of the United States or of any
10 state, territory, or district thereof relating to
11 prescription drugs or devices, the offender is guilty
12 of an aggravated misdemeanor. For a third or
13 subsequent offense or if in the case of a second
14 offense the offender previously has been convicted two
15 or more times in the aggregate of any violation of the
16 laws of the United States or of any state, territory,
17 or district thereof relating to prescription drugs or
18 devices, the offender is guilty of a class "D" felony.

19 2. A person who violates any provision of this
20 chapter by selling, giving away, or administering any
21 prescription drug or device to a minor is guilty of a
22 class "C" felony.

23 3. A wholesaler who, with intent to defraud or
24 deceive, fails to deliver to another person, when
25 required by rules of the board, complete and accurate
26 pedigree concerning a drug prior to transferring the
27 drug to another person is guilty of a class "C"
28 felony.

29 4. A wholesaler who, with intent to defraud or
30 deceive, fails to acquire, when required by rules of
31 the board, complete and accurate pedigree concerning a
32 drug prior to obtaining the drug from another person
33 is guilty of a class "C" felony.

34 5. A wholesaler who knowingly destroys, alters,
35 conceals, or fails to maintain, as required by rules
36 of the board, complete and accurate pedigree
37 concerning any drug in the person's possession is
38 guilty of a class "C" felony.

39 6. A wholesaler who is in possession of pedigree
40 documents required by rules of the board, and who
41 knowingly fails to authenticate the matters contained
42 in the documents as required, and who nevertheless
43 distributes or attempts to further distribute drugs is
44 guilty of a class "C" felony.

45 7. A wholesaler who, with intent to defraud or
46 deceive, falsely swears or certifies that the person
47 has authenticated any documents related to the
48 wholesale distribution of drugs or devices is guilty
49 of a class "C" felony.

50 8. A wholesaler who knowingly forges,

Page 43

1 counterfeits, or falsely creates any pedigree, who
2 falsely represents any factual matter contained in any
3 pedigree, or who knowingly omits to record material
4 information required to be recorded in a pedigree is
5 guilty of a class "C" felony.

6 9. A wholesaler who knowingly purchases or
7 receives drugs or devices from a person not authorized
8 to distribute drugs or devices in wholesale
9 distribution is guilty of a class "C" felony.

10 10. A wholesaler who knowingly sells, barter,
11 brokers, or transfers a drug or device to a person not
12 authorized to purchase the drug or device under the
13 jurisdiction in which the person receives the drug or
14 device in a wholesale distribution is guilty of a
15 class "C" felony.

16 11. A person who knowingly manufactures, sells,
17 or delivers, or who possesses with intent to sell or
18 deliver, a counterfeit, misbranded, or adulterated
19 drug or device is guilty of the following:

20 a. If the person manufactures or produces a
21 counterfeit, misbranded, or adulterated drug or
22 device; or if the quantity of a counterfeit,
23 misbranded, or adulterated drug or device being sold,
24 delivered, or possessed with intent to sell or deliver
25 exceeds one thousand units or dosages; or if the
26 violation is a third or subsequent violation of this
27 subsection, the person is guilty of a class "C"
28 felony.

29 b. If the quantity of a counterfeit, misbranded,
30 or adulterated drug or device being sold, delivered,
31 or possessed with intent to sell or deliver exceeds
32 one hundred units or dosages but does not exceed one
33 thousand units or dosages; or if the violation is a
34 second or subsequent violation of this subsection, the
35 person is guilty of a class "D" felony.

36 c. All other violations of this subsection shall
37 constitute an aggravated misdemeanor.

38 12. A person who knowingly forges, counterfeits,
39 or falsely creates any label for a drug or device or
40 who falsely represents any factual matter contained on
41 any label of a drug or device is guilty of a class "C"
42 felony.

43 13. A person who knowingly possesses, purchases,
44 or brings into the state a counterfeit, misbranded, or
45 adulterated drug or device is guilty of the following:

46 a. If the quantity of a counterfeit, misbranded,
47 or adulterated drug or device being possessed,
48 purchased, or brought into the state exceeds one
49 hundred units or dosages; or if the violation is a
50 second or subsequent violation of this subsection, the

Page 44

1 person is guilty of a class "D" felony.

2 b. All other violations of this subsection shall
3 constitute an aggravated misdemeanor.

4 14. This section does not prevent a licensed
5 practitioner of medicine, dentistry, podiatry,
6 nursing, veterinary medicine, optometry, or pharmacy
7 from acts necessary in the ethical and legal
8 performance of the practitioner's profession.

9 15. Subsections 1 and 2 shall not apply to a
10 parent or legal guardian administering, in good faith,
11 a prescription drug or device to a child of the parent
12 or a child for whom the individual is designated a
13 legal guardian.

14 Sec. NEW SECTION. 155A.40 CRIMINAL HISTORY
15 RECORD CHECKS.

16 1. The board may request and obtain,
17 notwithstanding section 692.2, subsection 5, criminal
18 history data for any applicant for an initial or
19 renewal license or registration issued pursuant to
20 this chapter or chapter 147, any applicant for
21 reinstatement of a license or registration issued
22 pursuant to this chapter or chapter 147, or any
23 licensee or registrant who is being monitored as a
24 result of a board order or agreement resolving an
25 administrative disciplinary action, for the purpose of
26 evaluating the applicant's, licensee's, or
27 registrant's eligibility for licensure, registration,
28 or suitability for continued practice of the
29 profession. Criminal history data may be requested
30 for all owners, managers, and principal employees of a
31 pharmacy or drug wholesaler licensed pursuant to this
32 chapter. The board shall adopt rules pursuant to
33 chapter 17A to implement this section. The board
34 shall inform the applicant, licensee, or registrant of
35 the criminal history requirement and obtain a signed
36 waiver from the applicant, licensee, or registrant
37 prior to submitting a criminal history data request.

38 2. A request for criminal history data shall be
39 submitted to the department of public safety, division
40 of criminal investigation and bureau of
41 identification, pursuant to section 692.2, subsection

42 1. The board may also require such applicants,
43 licensees, and registrants to provide a full set of
44 fingerprints, in a form and manner prescribed by the
45 board. Such fingerprints may be submitted to the
46 federal bureau of investigation through the state
47 criminal history repository for a national criminal
48 history check. The board may authorize alternate
49 methods or sources for obtaining criminal history
50 record information. The board may, in addition to any

Page 45

1 other fees, charge and collect such amounts as may be
2 incurred by the board, the department of public
3 safety, or the federal bureau of investigation in
4 obtaining criminal history information. Amounts
5 collected shall be considered repayment receipts as
6 defined in section 8.2.

7 3. Criminal history information relating to an
8 applicant, licensee, or registrant obtained by the
9 board pursuant to this section is confidential. The
10 board may, however, use such information in a license
11 or registration denial proceeding. In a disciplinary
12 proceeding, such information shall constitute
13 investigative information under section 272C.6,
14 subsection 4, and may be used only for purposes
15 consistent with that section.

16 4. This section shall not apply to a manufacturer
17 of a prescription drug or device that has been
18 delivered into commerce pursuant to an application
19 approved by the federal food and drug administration.

20 Sec. . **NEW SECTION.** 155A.41 CONTINUOUS
21 QUALITY IMPROVEMENT PROGRAM.

22 1. Each licensed pharmacy shall implement or
23 participate in a continuous quality improvement
24 program to review pharmacy procedures in order to
25 identify methods for addressing pharmacy medication
26 errors and for improving patient use of medications
27 and patient care services. Under the program, each
28 pharmacy shall assess its practices and identify areas
29 for quality improvement.

30 2. The board shall adopt rules for the
31 administration of a continuous quality improvement
32 program. The rules shall address all of the
33 following:

- 34 a. Program requirements and procedures.
35 b. Program record and reporting requirements.
36 c. Any other provisions necessary for the
37 administration of a program."

38 . Page 48, by inserting after line 26, the
39 following:

40 **"DIVISION**
41 **NEW RESIDENTIAL CONSTRUCTION DEFECT CASES**
42 Sec. . **NEW SECTION.** 657B.1 DEFINITIONS.

43 For the purposes of this chapter, the following
44 definitions shall apply:

- 45 1. "Builder" means a builder, developer, or
46 original seller of a new residential unit that is sold
47 on or after July 1, 2005.
48 2. "Claimant" includes an individual owner of a
49 single-family home, an individual unit owner of an
50 attached dwelling, and, in the case of a common

Page 46

1 interest development, an association, but does not
2 include any person or entity not in privity of
3 contract with a builder.

4 Sec. NEW SECTION. 657B.2 NOTICE OF CLAIM.

5 1. Prior to filing an action for recovery of
6 property damages arising out of, or related to
7 deficiencies in, the residential construction, design,
8 specifications, survey, plan, supervision, testing, or
9 observation of construction against a builder, the
10 claimant shall provide written notice by certified
11 mail, overnight mail, or personal delivery to the
12 builder that the construction, design, specifications,
13 survey, plan, supervision, testing, or observation of
14 construction of the claimant's residence is deficient
15 or violates the applicable housing code or city
16 ordinance. The notice shall state the claimant's
17 name, address, and contact information, shall state
18 that the claimant alleges a violation against the
19 builder, and shall describe the nature of the claim in
20 sufficient detail in order to determine the nature and
21 location of the alleged violation. The document shall
22 have the same force and effect as a notice of
23 commencement of a lawsuit.

24 2. The notice requirements of this section do not
25 preclude a claimant from seeking redress through a
26 customer service procedure set forth in a contract,
27 warranty, or other document generated by the builder.

28 Sec. NEW SECTION. 657B.3 BUILDER'S RECEIPT
29 OF CLAIM - ACKNOWLEDGMENT.

30 Within fourteen days of receipt of a claimant's
31 notice of claim, the builder shall provide a written
32 acknowledgment of receipt of the claim.

33 Sec. NEW SECTION. 657B.4 REPAIRS.

34 Within fourteen days of the builder's
35 acknowledgment of receipt of a claimant's notice of
36 claim, the builder may offer in writing to repair a
37 deficiency, which shall include all of the following:

38 1. An offer to compensate the claimant for
39 property damages recoverable at law.

40 2. A detailed statement identifying the particular
41 deficiency to be repaired, an explanation of the
42 nature, scope, and location of the repair needed, and
43 the estimated completion date of the repair, which
44 shall occur within a reasonable period of time.

45 Sec. NEW SECTION. 657B.5 WHEN ACTION FOR
46 DAMAGES ALLOWED.

47 A claimant may file an action seeking recovery of
48 damages against the builder under the following
49 circumstances:

50 1. If the builder fails to make an offer to

Page 47

1 repair, performs an inadequate repair, or does not
2 complete a repair within a reasonable period of time.

3 2. If the builder fails to strictly comply with
4 the requirements of this chapter.

5 Sec. . NEW SECTION. 657B.6 STATUTE OF
6 LIMITATIONS.

7 The provision of a written notice under section
8 657B.2 tolls any applicable statute of limitations
9 from the date of the provision of the notice through
10 the estimated completion date of the repair pursuant
11 to section 657B.4.

12 Sec. . NEW SECTION. 657B.7 NOTICE OF
13 ALTERNATIVE DISPUTE RESOLUTION PROCESS.

14 Prior to commencing construction of a residential
15 unit, the builder shall provide a written notice of
16 the alternative dispute resolution process contained
17 in this chapter to the claimant who shall acknowledge
18 in writing receipt of the notice."

19 . Title page, line 1, by inserting after the
20 word "Act" the following: "relating to state and
21 local finances by providing for tax exemptions,
22 credits, tax credit transfers, and other tax-related
23 matters and by".

24 . Title page, line 2, by inserting after the
25 word "fees," the following: "providing for wind
26 energy production tax credits,".

27 . Title page, line 2, by inserting before the
28 word "properly" the following: "remedies and other".

29 . Title page, line 2, by inserting after the
30 word "matters" the following: "and penalties".

31 11. By renumbering, relettering, or redesignating
32 and correcting internal references as necessary.

Dix of Butler offered the following amendment H-1712, to amendment H-1711, to the Senate amendment H-1703 filed by him from the floor and moved its adoption:

H-1712

1 Amend the amendment, H-1711, to the Senate
2 amendment, H-1703, to House File 882, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 1, line 21, by inserting after the word
5 "management" the following: "after consultation with
6 the legislative services agency".

7 2. Page 1, by striking lines 26 through 29 and
8 inserting the following: "and shall be prioritized by
9 program or the results to be achieved. The estimates
10 shall be accompanied by performance measures for

11 evaluating the effectiveness of the programs or
12 results.””

Amendment H-1712 was adopted.

On motion by Dix of Butler, amendment H-1711, to the Senate amendment H-1703 was adopted.

MOTION TO RECONSIDER AMENDMENT H-1711
(House File 882)

Dix of Butler asked and received unanimous consent to reconsider the vote that amendment H-1711, to the Senate amendment H-1703 was adopted.

T. Taylor of Linn offered the following amendment H-1713, to amendment H-1711 to the Senate amendment H-1703 filed by him from the floor and moved its adoption:

H-1713

1 Amend the amendment, H-1711, to the Senate
2 amendment, H-1703, to House File 882, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 14, by striking lines 21 through 46 and
5 inserting the following:
6 "Sec. ___. Section 692A.13, subsection 5, as
7 amended by 2005 Iowa Acts, House File 619, if enacted,
8 is amended to read as follows:
9 5. Relevant information provided to the general
10 public may include the offender's name, address, a
11 photograph, ~~the results of any risk assessment,~~
12 locations frequented by the offender, relevant
13 criminal history information from the registry, and
14 any other relevant information. Relevant information
15 provided to the public shall not include the identity
16 of any victim. For purposes of inclusion in the sex
17 offender registry's web page or dissemination to the
18 general public, a conviction for incest shall be
19 disclosed as either a violation of section 709.4 or
20 709.8,"
21 2. Page 14, by inserting after line 48 the
22 following:
23 "Sec. ___. Section 692A.13A, if enacted by 2005
24 Iowa Acts, House File 619, is repealed."

Amendment H-1713 lost.

Dix of Butler offered the following amendment H-1714, to amendment H-1711, to the Senate amendment H-1703; filed by him from the floor and moved its adoption:

H-1714

- 1 Amend the amendment, H-1711, to the Senate
- 2 amendment, H-1703, to House File 882, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. By striking page 45, line 38, through page 47,
- 5 line 18.
- 6 2. Page 47, by striking lines 27 and 28.
- 7 3. By renumbering as necessary.

Amendment H-1714 was adopted.

Dix of Butler moved the adoption of amendment H-1711, to the Senate amendment H-1703, as amended.

Amendment H-1711, as amended, was adopted.

On motion by Dix of Butler, the House concurred in the Senate amendment H-1703, as amended.

Dix of Butler 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. 882)

The ayes were, 96:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Gaskill	Gipp	Granzow
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.

Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wildurdyke
Winckler	Wise	Zirkelbach	Carroll, Presiding

The nays were, 2:

Fallon Hogg

Absent or not voting, 2:

Frevert Shomshor

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, 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 May 20, 2005, adopted the conference committee report and passed House File 816, 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 cultural affairs, the department of education, and the state board of regents and providing an effective date.

MICHAEL E. MARSHALL, Secretary

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 19.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 19

Eichhorn of Hamilton called up for consideration **House Concurrent Resolution 19**, a concurrent resolution to recognize Joe Royce, the winner of the 2005 Dwight Ink Public Service Award at Iowa State University, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that **House File 882** and **House Concurrent Resolution 19** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(House File 816)

Chambers of O'Brien called up for consideration the report of the conference committee on House File 816 and moved the adoption of the conference committee report and the amendments contained therein as follows:

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 816, 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 cultural affairs, the department of education, and the state board of regents and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment H-1635.
2. That House File 816, as amended, passed, and reprinted by the House, is amended to read as follows:
 1. Page 2, by inserting after line 12, the following:

"Sec. ___ COLLEGE STUDENT AID COMMISSION STUDY – STATE AID FOR STUDENTS ENROLLED IN ACCREDITED PRIVATE INSTITUTIONS. The college student aid commission shall develop, in consultation with representatives from accredited private institutions whose income is not exempt from taxation under section 501(c) of the Internal Revenue Code, recommendations for a policy regarding the protection of educational consumers for inclusion in the definition of "accredited private institution" under section 261.9. It is the intent of the general assembly to consider such a policy as it might apply to private institutions whose income is not exempt, and those private institutions whose income is exempt, from taxation under section 501(c) of the Internal Revenue Code. In determining its recommendations, the commission shall include a review of information that includes, but is not limited to, the percent of students who are enrolled in each institution who have high school graduation diplomas, the percentage of students enrolled in each institution who have high school equivalency diplomas, the percentage of low-income students enrolled in each institution, the percentage of nontraditional students enrolled in each institution, the graduation and job placement rates of each institution, and each institution's official cohort default rate, which is released annually by the United States department of education. The commission shall submit its findings and recommendations to the governor and the general assembly by January 10, 2006."

2. Page 2, by striking lines 13 through 17, and inserting the following.

"Sec.____. WORK-STUDY APPROPRIATION FOR FY 2005-2006. Notwithstanding section 261.85, for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the amount Appropriated from the general fund of the state to the college student aid commission for the work-study program under section 261.85 shall be \$140,000, and from the moneys appropriated in this section, \$76,365 shall be allocated to institutions of higher education under the state board of regents and community colleges and the remaining dollars appropriated in this section shall be allocated by the college student aid commission on the basis of need as determined by the portion of the federal formula for distribution for work-study funds that relates to the current need of institutions."

3. Page 3, by inserting after line 16, the following:

"6. GREAT PLACES

For salaries, support, maintenance, and miscellaneous purposes:

.....\$ 200,000

7. ARCHIVE IOWA GOVERNORS' RECORDS

For archiving the records of Iowa governors:

..... \$ 75,000"

4. Page 4, by striking line 18, and inserting the following:

"..... \$ 4,475,050"

5. Page 8, by striking line 25, and inserting the following:

"..... \$ 23,781,594"

6. Page 8, line 30, by inserting after the word "activities" the following: "and of that amount, not more than \$50,000 shall be used to administer the early childhood coordinator's position pursuant to section 28.3, subsection 6A, if enacted by 2005 Iowa Acts, House File 761, and not more than \$50,000 shall be used to implement an early childhood Iowa website for wide dissemination of early care and early childhood learning information and assistance".

7. By striking page 9, line 35, through page 10, line 5.

8. Page 10, line 9, by striking the figure "3,000,000" and inserting the following: "4,650,000".

9. Page 10, by striking line 29 and inserting the following:

"..... \$ 69,593,894"

10 By striking page 10, line 33, through page 11, line 15, and inserting the following:

".....\$149,579,244

The funds appropriated in this subsection shall be Allocated as provided under section 260C.18C, as enacted by this Act, as follows:

- a. Merged Area I\$ 7,235,394
- b. Merged Area II\$ 8,293,881
- c. Merged Area III\$ 7,673,998
- d. Merged Area IV\$ 3,764,072
- e. Merged Area V\$ 8,129,369

f. Merged Area VI	\$ 7,299,114
g. Merged Area VII	\$ 10,652,239
h. Merged Area IX	\$ 13,139,157
i. Merged Area X	\$ 21,321,279
j. Merged Area XI	\$ 22,050,079
k. Merged Area XII	\$ 8,684,671
l. Merged Area XIII	\$ 8,819,900
m. Merged Area XIV	\$ 3,810,283
n. Merged Area XV	\$ 11,972,648
o. Merged Area XVI	\$ 6,733,160"

11. Page 14, by inserting after line 21, the following:

"Sec. ____ TRANSFER OF TECHNOLOGY PURCHASED FOR ACCREDITED NONPUBLIC SCHOOL STUDENTS. In the event that an accredited nonpublic school physically relocates to another school district, technology purchased prior to July 1, 2005, by a school district with state funds appropriated for purposes of making technology available to pupils attending the accredited nonpublic school shall be transferred to the school district in which the nonpublic school has relocated and may be made available to the nonpublic school."

12. Page 15, by striking line 33, and inserting the following:

"..... \$ 14,969,288"

13. Page 17, line 30, by striking the figure "50,000" and inserting the following: "127,000".

14. Page 18, line 1, by inserting after the word "state." the following: "The Iowa state university of science and technology shall prepare a report on the operation of the veterinary diagnostic laboratory which shall include, but shall not be limited to, the following information:

(a) The current business structure of the veterinary diagnostic laboratory, along with a comparison to business structures of similar laboratories at other institutions of higher learning.

(b) Recent trends in fees for services charged by the veterinary diagnostic laboratory and by similar laboratories at other institutions of higher learning.

(c) The use of other funding sources, including state general fund appropriations for the veterinary diagnostic laboratory and a comparison to funding sources at similar laboratories at other institutions of higher learning.

(d) Recommendations for changes in the business structure and methods of funding for the veterinary diagnostic laboratory.

The report shall be submitted to the governor and the general assembly not later than October 1, 2005."

15. By striking page 27, line 16, through page 30, line 19, and inserting the following:

"Sec. ____ NEW SECTION 7K.1 INSTITUTE FOR TOMORROW'S WORKFORCE.

1. FINDINGS. The general assembly finds that Iowa's children are this state's greatest asset and to improve the future for Iowa's children, it is necessary to focus elementary, secondary, and postsecondary education efforts on what children need to know to be successful students and successful participants in Iowa's global workforce. Iowa's state community and business leaders are at the forefront of this ongoing conversation. The general assembly further finds that the creation of an institute for tomorrow's workforce provides a long-term forum for bold, innovative recommendations to improve Iowa's education system to meet the workforce needs of Iowa's new economy.

2. FOUNDATION CREATED – DUTIES. There is created a public body corporate and politic to be known as the "institute for tomorrow's workforce, an educational foundation". The foundation is an independent nonprofit quasi-public instrumentality and the exercise of the powers granted to the foundation as a corporation in this chapter is an essential government function. As used in this chapter, "foundation" means the "institute for tomorrow's workforce, an educational foundation". The foundation shall, at a minimum, do the following:

a. Review educational standards to determine relevance and rigor necessary for continuous improvement in student achievement and meeting workforce needs.

b. Identify jobs skills and corresponding high school coursework necessary to achieve success in the Iowa workforce.

c. Review the state's education accountability measures, including but not limited to student proficiency and individual and organization program accountability.

d. Identify state and local barriers to improved student achievement and student success as well as barriers to sharing among and within all areas of Iowa's education system.

e. Identify effective education structure and delivery models that promote optimum student achievement opportunities for all Iowa students that include, but are not limited to, the role of technology.

f. Serve as a clearinghouse for existing and emerging innovative educational sharing and collaborative efforts among and between Iowa's secondary education system as well as Iowa's postsecondary education system.

g. Promote partnerships between private sector business and all areas of Iowa's education system.

h. Promote partnerships between other Iowa governance structures including, but not limited to, cities and counties, and all areas of Iowa's education system.

i. Identify ways to reduce the achievement gap between white and non-white, non-Asian students.

j. The board of directors of the foundation, within the limits of the funds available to the foundation, shall do the following:

(1) Employ an executive director to direct the activities of the foundation.

(2) Execute contracts with public and private agencies to conduct research and development activities.

(3) Perform functions necessary to carry out the purposes of the foundation.

3. MEMBERSHIP. The board of directors of the foundation shall consist of fifteen members serving staggered three-year terms beginning on May 1 of the year of appointment who shall be appointed as follows:

a. Five members shall be appointed by the governor as follows:

(1) A school district superintendent from a school district with enrollment of one thousand one hundred forty-nine or fewer pupils.

(2) An individual representing an Iowa business employing more than two hundred fifty employees.

(3) A community college president.

(4) An individual representing labor and workforce interests.

(5) An individual representing an Iowa agriculture association.

b. Five members shall be appointed by the speaker of the house of representatives as follows:

(1) An individual representing the area education agencies.

(2) The president of an accredited private institution as defined in section 261.9.

(3) An individual representing an Iowa business employing more than fifty employees but not more than two hundred fifty employees.

(4) An individual representing urban economic development interests.

(5) An individual from an association representing Iowa businesses.

c. Five members shall be appointed by the president of the senate as follows:

(1) A school district superintendent from a school district with an enrollment of more than one thousand one hundred forty-nine pupils.

(2) A president of an institution of higher education under the control of the state board of regents.

(3) An individual representing an Iowa business employing fifty or fewer employees.

(4) An individual representing rural economic development interests.

(5) An individual representing a business that established itself in Iowa on or after July 1, 1999.

Members, except as provided in paragraph "c", subparagraph (2), shall not be employed by the state. One co-chairperson shall be appointed by the speaker of the house of representatives and one co-chairperson shall be appointed by the president of the senate.

4. **MATCHING FUNDS REQUIREMENT.** Moneys appropriated by the general assembly for purposes of the foundation shall be allocated only to the extent that the state moneys are matched from other sources by the foundation on a dollar-for-dollar basis.

5. **REPORTING REQUIREMENTS.** The foundation shall submit its findings and recommendations by January 15 annually in a report to the governor, the speaker of the house of representatives, the president of the senate, the state board of education, the state board of regents, the department of workforce development, the department of economic development, the Iowa association of community college trustees, the college student aid commission, the Iowa association of independent colleges and universities, and associations representing school boards, nonpublic schools, area education agencies, and teachers. The report shall include an accounting of the revenues and expenditures of the foundation.

6. This chapter is repealed effective July 1, 2015."

16. Page 31, by inserting after line 14, the following:

"Sec. **NEW SECTION** 256.24 **VALUE-ADDED ASSESSMENT SYSTEM.**

1. A value-added assessment system shall be established by the department to provide for multivariate longitudinal analysis of annual student test scores to determine the influence of a school district's educational program on student academic growth and to guide school district improvement efforts. The department shall select a value-added assessment system provider through a request for proposals process. The system provider selected by the department shall offer a value-added assessment system to calculate annually the academic growth of each student enrolled in grade levels three through eleven and tested in accordance with this section, and shall, at a minimum, meet all of the following criteria:

a. Use a mixed-model statistical analysis that has the ability to use all achievement test data for each student, including the data for students with missing test scores, that does not adjust downward expectations for student progress based on race, poverty, or gender, and that will provide the best linear unbiased predictions of school or other educational entity effects to minimize the impact of fortuitous accumulation of random errors.

b. Have the ability to work with test data from a variety of sources, including data that are not vertically scaled, and to provide support for school districts utilizing the system.

c. Have the capacity to receive and report results electronically and provide support for districts utilizing the system.

d. Have the ability to create for each school district a chart that reports grade-equivalent scores for grades three through eight and gains between consecutive pairs of

grades for each attendance center and that provides for a district-wide study of grade-equivalent scores.

2. Annually, each school district that administers the Iowa test of basic skills or the Iowa test of educational development shall, within thirty days of receiving the test scores from the American college testing program, inc., submit the test scores for each attendance center within the school district and each grade level tested, from grades three through eleven, to the system provider selected pursuant to subsection

3. The system provider shall provide analysis to school districts submitting test scores pursuant to subsection 2, and to the department of education. The analysis shall include, but not be limited to, attendance-center-level test results for the Iowa test of basic skills in the areas of reading and mathematics and other core academic areas when possible. The analysis shall also include, but not be limited to, the number of students tested, the number of test results used to compute the averages, the average standard score, the corresponding grade equivalent score, the average stanine score for the group, the normal curve equivalent of average standard scores, and percentile ranks based on student norms, as well as measures of student progress. The system provider shall create a chart for each school district in accordance with the criteria set forth in subsection 1, paragraphs "a" through "d".

4. Each school district shall have complete access to and full utilization of its own value-added assessment reports and charts generated by the system provider at the student level for the purpose of measuring student achievement at different educational entity levels.

5. Student academic growth determined pursuant to this section shall not be used in teacher evaluation and shall not be published if individual teacher effects can be surmised.

6. Information about student academic growth may be used by the school district, including school board members, administration, and staff, for defining student and district learning goals and professional development related to student learning goals across the school district. A school district may submit its academic growth measures in the annual report submitted pursuant to section 256.7, subsection 21, and may reference in the report state level norms for purposes of demonstrating school district performance. However, unless a school district chooses to submit its academic measures in the annual report submitted pursuant to section 256.7, such measures are not public records for the purposes of chapter 22.

7. The department may use student academic progress data to determine school improvement and technical assistance needs of school districts, and to identify school districts achieving exceptional gains. Beginning January 15, 2006, and by January 15 of each succeeding year, the department shall submit an annual progress report regarding the use of student academic growth information in the school improvement processes to the house and senate education committees and shall publish the progress report on its internet web site.

8. The department is encouraged to advocate that the United States department of education allow reporting of student academic progress as an additional valid measure of school performance, as an alternative for meeting federal safe harbor provisions, and

for establishing statewide progress under the federal No Child Left Behind Act of 2001, Pub. L. No. 107-110, and any federal regulations adopted pursuant to the federal Act.

9. A school district shall use the value-added assessment system established by the department pursuant to subsection 1 not later than the school year ending June 30, 2007. However, the director of educational services of an area education agency may grant a request made by a board of directors of a school district located within the boundaries of the area education agency stating its desire to use an alternative system to compute and report value-added scores that is statistically valid and reliable."

17. Page 31, by inserting before line 15, the following:

"Sec. ___. Section 256.44, subsection 1, paragraph a, Code 2005, is amended to read as follows:

a. If a teacher registers for national board for professional teaching standards certification prior to June 30, ~~2005~~ 2006, a one-time initial reimbursement award in the amount of up to one-half of the registration fee paid by the teacher for registration for certification by the national board for professional teaching standards. The teacher shall apply to the department of education within one year of registration, submitting to the department any documentation the department requires. A teacher who receives an initial reimbursement award shall receive a one-time final registration award in the amount of the remaining national board registration fee paid by the teacher if the teacher notifies the department of the teacher's certification achievement and submits any documentation requested by the department.

Sec. ___. Section 256.44, subsection 1, paragraph b, subparagraph (2), Code 2005, is amended to read as follows:

(2) If the teacher registers for national board for professional teaching standards certification between January 1, 1999, and January 1, ~~2005~~ 2006, and achieves certification within three years from the date of initial score notification, an annual award in the amount of two thousand five hundred dollars upon achieving certification by the national board of professional teaching standards."

18. Page 31, by inserting after line 25, the following:

"Sec. ___. Section 260C.2, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. "Department" means the department of education.

Sec. ___. NEW SECTION. 260C.18C STATE AID DISTRIBUTION FORMULA.

1. PURPOSE. A distribution plan for general state financial aid to Iowa's community colleges is established for the fiscal year commencing July 1, 2005, and succeeding fiscal years. Funds appropriated by the general assembly to the department for general financial aid to community colleges shall be allocated to each community college in the manner provided under this section.

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

a. "Base funding allocation" means the amount of general state financial aid all community colleges received in the base year.

b. "Base year" means the fiscal year immediately preceding the budget year.

c. "Below-average support per FTEE" for a community college means the state-average combined support per FTEE minus the combined support per FTEE for the community college if the community college's combined support per FTEE is less than the state-average combined support per FTEE.

d. "Budget year" means the fiscal year for which moneys are appropriated by the general assembly.

e. "Combined support" for a community college means the total amount of moneys the community college received in general state financial aid in the base year plus the community college's general fund property tax revenue, including utility replacement, for the base year.

f. "Combined support per FTEE" for a community college means the community college's combined support divided by its three-year rolling average full-time equivalent enrollment for the three years prior to the base year.

g. "Contact hour" for a noncredit course equals fifty minutes of contact between an instructor and students in a scheduled course offering for which students are registered.

h. "Credit hour", for purposes of community college funding distribution, shall be as defined by the department by rule.

i. "Eligible credit courses" means all credit courses that are eligible for general state financial aid which are part of a department-approved program of study. The department shall review and provide a determination should a question of eligibility occur.

j. "Eligible growth support" for a community college is the community college's below-average support per FTEE multiplied times its three-year rolling average full-time equivalent enrollment.

k. "Eligible noncredit courses" means all noncredit courses eligible for general state financial aid which fall under one of the eligible categories for noncredit courses as defined by rule of the department. The department shall review and provide a determination should a question of eligibility occur.

l. "Eligible student" means a student enrolled in eligible credit or eligible noncredit courses. The department shall review and provide a determination should a question of eligibility occur.

m. "Fiscal year" means the period of twelve months beginning on July 1 and ending on June 30.

n. One "full-time equivalent enrollment (FTEE)" equals twenty-four credit hours for credit courses or six hundred contact hours for noncredit courses generated by all eligible students enrolled in eligible courses.

o. "General fund property tax revenue" means the amount of moneys a community college raised or could have raised from a property tax of twenty and one-fourth cents per thousand dollars of assessed valuation on all taxable property in its merged area collected for the base year.

p. "General state financial aid" means the amount of general state financial aid the community college received from the general fund.

q. "Inflation adjustment amount" means the inflation rate minus two percentage points multiplied times the base funding allocation. The inflation adjustment amount shall not be less than zero.

r. "Inflation rate" means the average of the preceding twelve-month percentage change, which shall be computed on a monthly basis, in the consumer price index for all urban consumers, not seasonally adjusted, published by the United States department of labor, bureau of labor statistics, calculated for the calendar year ending six months after the beginning of the base year.

s. "State-average combined support per FTEE" means the average of the combined support per FTEE for all community colleges in the state in the base year.

t. "Three-year rolling average full-time equivalent enrollment" means the average of the audited full-time equivalent enrollment for a community college over the three fiscal years prior to the base year as determined by the department.

u. "Total growth support amount" means the sum of the eligible growth support for all the community colleges.

3. DISTRIBUTION FORMULA. Moneys appropriated by the general assembly from the general fund to the department for community college purposes for general state financial aid for a budget year shall be allocated to each community college by the department as follows:

a. If the inflation rate is equal to two percent or less:

(1) BASE FUNDING ALLOCATION. The moneys shall first be allocated in the amount of general state financial aid each community college received in the base year. If the appropriation is less than the total of the amount of general state financial aid each community college received in the base year, the moneys shall be allocated in the same proportion as the allocation of general state financial aid each community college received in the base year.

(2) MARGINAL COST ADJUSTMENT. After the base funding has been allocated, each community college shall be allocated up to an additional two percent of its base funding allocation. The community college's allocation shall be in the same proportion as the allocation of general state financial aid each community college received in the base year.

(3) **THREE-YEAR ROLLING AVERAGE OF FULL-TIME EQUIVALENT ENROLLMENT.** If the increase in the total state general aid exceeds two percent over the base funding allocation, an amount up to an additional one percent of the base funding allocation shall be distributed based upon each community college's proportional share of the three-year rolling average full-time equivalent enrollments for all community colleges.

(4) **EXTRAORDINARY GROWTH ADJUSTMENT.** If the increase in total state general aid exceeds three percent over the base funding allocation, an amount up to an additional one percent of the base funding allocation shall be distributed as follows:

(a) Forty percent of the moneys shall be allocated based upon each community college's proportional share of the three-year rolling average full-time equivalent enrollments for all community colleges.

(b) Sixty percent of the moneys shall be allocated to community colleges that have eligible growth support. The allocation shall be based upon the proportional share that each community college's eligible growth support bears to the total growth support amount. Once the moneys allocated under this subparagraph subdivision equal the total growth support amount, the remaining moneys allocated under this subparagraph shall be allocated as provided in subparagraph subdivision (a).

(5) **ADDITIONAL THREE-YEAR ROLLING AVERAGE FTEE ALLOCATION.** If the increase in total state general aid exceeds four percent over the base funding allocation, all remaining moneys shall be distributed based upon each college's proportional share of the three-year rolling average full-time equivalent enrollments for all community colleges.

b. If the inflation rate is greater than two percent but less than four percent:

(1) **BASE FUNDING ALLOCATION.** The moneys shall first be allocated in the amount of general state financial aid each community college received in the base year. If the appropriation is less than the total of the amount of general state financial aid each community college received in the base year, the moneys shall be allocated in the same proportion as the allocation of general state financial aid each community college received in the base year.

(2) **MARGINAL COST ADJUSTMENT.** After the base funding has been allocated, each community college shall be allocated up to an additional two percent of its base funding allocation. The community college's allocation shall be in the same proportion as the allocation of general state financial aid each community college received in the base year.

(3) **THREE-YEAR ROLLING AVERAGE OF FULL-TIME EQUIVALENT ENROLLMENT.** If the increase in the total state general aid exceeds two percent over the base funding allocation, an amount up to an additional one percent of the base funding allocation shall be distributed based upon each community college's proportional share of the three-year rolling average full-time equivalent enrollments for all community colleges.

(4) **EXTRAORDINARY GROWTH ADJUSTMENT.** If the increase in total state general aid exceeds three percent over the base funding allocation, an amount up to an additional one percent of the base funding allocation shall be based as follows:

(a) Forty percent of the moneys shall be allocated based upon each community college's proportional share of the three-year rolling average full-time equivalent enrollments for all community colleges.

(b) Sixty percent of the moneys shall be allocated to community colleges that have eligible growth support. The allocation shall be based upon the proportional share that each community college's eligible growth support bears to the total growth support amount. Once the moneys allocated under this subparagraph subdivision equal the total growth support amount, the remaining moneys allocated under this subparagraph shall be allocated as provided in subparagraph subdivision (a).

(5) **INFLATION ADJUSTMENT.** If the increase in total state general aid exceeds four percent over the base funding allocation, an amount up to the inflation adjustment amount shall be distributed to each community college in the same proportion as the allocation of general state financial aid each community college received in the base year.

(6) **ADDITIONAL THREE-YEAR ROLLING AVERAGE FTEE ALLOCATION.** If there are remaining moneys to be distributed under this paragraph after distributing moneys under subparagraph (5), all remaining moneys shall be distributed based upon each community college's proportional share of the three-year rolling average full-time equivalent enrollments for all community colleges.

c. If the inflation rate equals or exceeds four percent:

(1) **BASE FUNDING ALLOCATION.** The moneys shall first be allocated in the amount of general state financial aid each community college received in the base year. If the appropriation is less than the total of the amount of general state financial aid each community college received in the base year, the moneys shall be allocated in the same proportion as the allocation of general state financial aid each community college received in the base year.

(2) **MARGINAL COST ADJUSTMENT.** After the base funding has been allocated, each community college shall be allocated up to an additional two percent of its base funding allocation. The community college's allocation shall be in the same proportion as the allocation of general state financial aid each community college received in the base year.

(3) **THREE-YEAR ROLLING AVERAGE OF FULL-TIME EQUIVALENT ENROLLMENT.** If the increase in the total state general aid exceeds two percent over the base funding allocation, an amount up to an additional one percent of the base funding allocation shall be distributed based upon each community college's proportional share of the three-year rolling average full-time equivalent enrollments for all community colleges.

(4) **INFLATION ADJUSTMENT.** If the increase in total state general aid exceeds three percent over the base funding allocation, an amount up to the inflation adjustment amount shall be distributed to each community college in the same

proportion as the allocation of general state financial aid each community college received in the base year.

(5) EXTRAORDINARY GROWTH ADJUSTMENT. If there are remaining moneys to be distributed under this paragraph after distributing moneys under subparagraph (4), an amount up to an additional one percent of the base funding allocation shall be based as follows:

(a) Forty percent of the moneys shall be allocated based upon each community college's proportional share of the three-year rolling average full-time equivalent enrollments for all community colleges.

(b) Sixty percent of the moneys shall be allocated to community colleges that have eligible growth support. The allocation shall be based upon the proportional share that each community college's eligible growth support bears to the total growth support amount. Once the moneys allocated under this subparagraph subdivision equals the total growth support amount, the remaining moneys allocated under this subparagraph shall be allocated as provided in subparagraph subdivision (a).

(6) ADDITIONAL THREE-YEAR ROLLING AVERAGE FTTEE ALLOCATION. If there are remaining moneys to be distributed under this paragraph after distributing moneys under subparagraph (5), all remaining moneys shall be distributed based upon each community college's proportional share of the three-year rolling average full-time equivalent enrollments for all community colleges.

4. INFORMATION SUPPLIED BY COLLEGES AND ADOPTION OF RULES.

a. Each community college shall provide information in the manner and form as determined by the department. If a community college fails to provide the information as requested, the department shall estimate the full-time equivalent enrollment of that college.

b. Each community college shall complete and submit an annual student enrollment audit to the department. Adjustments to community college state general aid allocations shall be made based on student enrollment audit outcomes.

c. The department shall adopt rules under chapter 17A as necessary for the allocation of general state financial aid." 13, and inserting the following:

"Sec. ___. Section 261.25, subsection 1, Code 2005, is amended to read as follows:

1. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~forty-seven~~ forty-nine million ~~one~~ six hundred ~~fifty-seven~~ seventy-three thousand five hundred ~~fifteen~~ seventy-five dollars for tuition grants. From the funds appropriated in this subsection, ~~not more than three million four hundred thousand dollars may be distributed to~~ an amount equal to ten percent of the funds appropriated in this subsection shall be reserved for distribution to students attending private institutions whose income is not exempt from taxation under section 501(c) of the Internal Revenue Code and whose students were eligible to receive Iowa tuition grant moneys in the fiscal year beginning July 1, 2003. A for-profit institution which, effective March 9, 2005, purchased an accredited private institution that was exempt from taxation under section 501(c) of the Internal Revenue Code, shall be an

eligible institution under the Iowa tuition grant program. In the case of a qualified student who was enrolled in such accredited private institution that was purchased by the for-profit institution effective March 9, 2005, and who continues to be enrolled in the eligible institution in succeeding years, the amount the student qualifies for under this subsection shall be not less than the amount the student qualified for in the fiscal year beginning July 1, 2004.

Sec.____. Section 261.25, subsection 2, Code 2005, is amended by striking the subsection."

20. Page 33, by inserting after line 23, the following:

"Sec.____. Section 284.4, subsection 1, paragraph c, Code 2005, is amended to read as follows:

c. Provide, beginning in the fifth year of participation, the equivalent of ~~two~~ one additional contract days day, outside of instruction time, than ~~were~~ was provided in the school year preceding the first year of participation, to provide additional time for teacher career development that aligns with student learning and teacher development needs, including the integration of technology into curriculum development, in order to achieve attendance center and district-wide student achievement goals outlined in the district comprehensive school improvement plan. School districts are encouraged to develop strategies for restructuring the school calendar to provide for the most effective professional development, evaluate their current career development alignment with their student achievement goals and research-based instructional strategies, and implement district career development plans. A school district that provides the equivalent of ten or more contract days for career development is exempt from this paragraph.

Sec.____. Section 284.13, subsection 1, paragraphs a, d, and i, Code 2005, are amended by striking the paragraphs."

21. Page 33, lines 24 and 25, by striking the words "a" through" and inserting the following: "b and".

22. By striking page 33, line 26, through page 34, line 2

23. Page 34, line 7, by inserting after the figure "256.44." the following: "From the moneys allocated to the department pursuant to this paragraph, up to five thousand dollars shall be used for purposes of conducting a study of the impact the national board for professional teaching standards certification of Iowa's teachers has on student achievement and the advisability of continuing state funding pursuant to section 256.44. The department shall submit its findings and recommendations to the chairpersons and ranking members of the house and senate committees on education and the chairpersons and ranking members of the joint appropriations subcommittee on education by January 15, 2006."

24. Page 34, line 10, by striking the word "one" and inserting the following: "two".

25. By striking page 34, line 31, through page 35, line 7, and inserting the following:

"e. For the fiscal year beginning July 1, ~~2004~~ 2005, and ending June 30, ~~2005~~ 2006, up to ~~two~~ four hundred fifty eighty-five thousand dollars to the department of education for purposes of implementing the career development program requirements of section 284.6, ~~and the review panel requirements of section 284.9, and the evaluator training program in section 284.10.~~ From the moneys allocated to the department pursuant to this paragraph, not less than ~~seventy-five~~ ten thousand dollars shall be ~~used to administer the ambassador to education position in accordance with section 256.45~~ distributed to the board of educational examiners for purposes of convening an educator licensing review working group. From the moneys allocated to the ~~department pursuant to this paragraph, not less than eighty-five thousand dollars~~ shall be used to ~~administer the ambassador to education position in accordance with section 256.45~~ A portion of the funds allocated to the".

26. Page 35, by striking lines 16 through 30, and inserting the following:

"Sec. ____ Section 284.13, subsection 1, Code 2005, is amended by adding the following new paragraphs before paragraph h:

NEW PARAGRAPH. ga. For the fiscal year beginning July 1, 2005, and ending June 30, 2006, up to ten million dollars to the department of education for use by school districts to add one additional teacher contract day to the school calendar. The department shall distribute funds allocated for the purpose of this paragraph based on the average per diem contract salary for each district as reported to the department for the school year beginning July 1, 2004, multiplied by the total number of full-time equivalent teachers in the base year. The department shall adjust each district's average per diem salary by the allowable growth rate established under section 257.8 for the fiscal year beginning July 1, 2005. The contract salary amount shall be the amount paid for their regular responsibilities but shall not include pay for extracurricular activities. A school district shall submit a report to the department in a manner determined by the department describing its use of the funds received under this paragraph. The department".

27. Page 36, by inserting after line 1, the following:

NEW PARAGRAPH. gb. For the fiscal year beginning July 1, 2005, and ending June 30, 2006, up to six million six hundred twenty-five thousand dollars to the department of education for use by school districts for either salaries or professional development, or both, as determined by the school district. Funds received by a school district for purposes of this paragraph shall be distributed using the formula provided in paragraph "f" and are subject to the provisions of section 284.7, subsection 6. A school district shall submit a report to the department in a manner determined by the department describing its use of the funds received under this paragraph. The department shall submit a report on school district use of the funds distributed pursuant to this paragraph to the chairpersons and ranking members of the house and senate standing committees on education, the joint appropriations subcommittee on education, and the legislative services agency not later than January 15, 2006.

NEW PARAGRAPH. gc. For the fiscal year beginning July 1, 2005, and succeeding fiscal years, up to one million dollars to the department of education for purposes of the value-added assessment system established pursuant to section 256.24. The department shall allocate the moneys to school districts based upon the percentage of the budget enrollment of each school district for the fiscal year beginning July 1, 2004,

compared to the budget enrollment of all school districts in the state for the fiscal year beginning July 1, 2004. The department shall distribute the moneys to a school district upon demonstration by the school district to the department that the school district agrees to participate in a qualified value-added assessment system.

Sec. ___ . Section 301.1, subsection 2, Code 2005, is amended to read as follows:

2. Textbooks adopted and purchased by a school district shall, to the extent funds are appropriated by the general assembly, be made available to pupils attending accredited nonpublic schools upon request of the pupil or the pupil's parent under comparable terms as made available to pupils attending public schools. If the general assembly appropriates moneys for purposes of making textbooks available to accredited nonpublic school pupils, the department of education shall ascertain the amount available to a school district for the purchase of nonsectarian, nonreligious textbooks for pupils attending accredited nonpublic schools. The amount shall be in the proportion that the basic enrollment of a participating accredited nonpublic school bears to the sum of the basic enrollments of all participating accredited nonpublic schools in the state for the budget year. For purposes of this section, a "participating accredited nonpublic school" means an accredited nonpublic school that submits a written request on behalf of the school's pupils in accordance with this subsection, and that certifies its actual enrollment to the department of education by October 1, annually. By October 15, annually, the department of education shall certify to the director of the department of administrative services the annual amount to be paid to each school district, and the director of the department of administrative services shall draw warrants payable to school districts in accordance with this subsection. For purposes of this subsection, an accredited nonpublic school's enrollment count shall include only students who are residents of Iowa. The costs of providing textbooks to accredited nonpublic school pupils as provided in this subsection shall not be included in the computation of district cost under chapter 257, but shall be shown in the budget as an expense from miscellaneous income. Textbook expenditures made in accordance with this subsection shall be kept on file in the school district. In the event that a participating accredited nonpublic school physically relocates to another school district, textbooks purchased for the nonpublic school with funds appropriated for purposes of this chapter shall be transferred to the school district in which the nonpublic school has relocated and may be made available to the nonpublic school. Funds distributed to a school district for purposes of purchasing textbooks in accordance with this subsection which remain unexpended and available for the purchase of textbooks for the nonpublic school that relocated in the fiscal year in which the funds were distributed shall also be transferred to the school district in which the nonpublic school has relocated."

28. By renumbering, redesignating, and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

Royd E. Chambers, Chairperson
 Bill Dix
 Mary Mascher
 Jo Oldson
 Jodi Tymeson

ON THE PART OF THE SENATE:

Nancy Boettger, Co-Chairperson
 Wally Horn, Co-Chairperson
 Jeff Angelo
 Michael Gronstal
 John P. Kibbie
 Jeff Lamberti

The motion prevailed and the conference committee report was adopted.

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?" (H.F. 816)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Frevort Shomshor

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 816** be immediately messaged to the Senate.

The House stood at ease at 8:35 p.m., until the fall of the gavel.

The House resumed session at 8:56 p.m., Speaker Rants 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 May 20, 2005, adopted the conference committee report and passed House File 834 a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations.

Also: That the Senate has on May 20, 2005, 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 868, a bill for an act relating to economic development, business, workforce, and regulatory assistance and tax credits, and to state developmental, research, and regulatory oversight, and including effective date and retroactive applicability provisions.

Also: That the Senate has on May 20, 2005, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 342, a bill for an act relating to appropriation matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, and providing effective and applicability date provisions.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(House File 834)

Struyk of Pottawattamie called up for consideration the report of the conference committee on House File 834 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 834

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 834, a bill for an Act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations, respectfully make the following report:

1. That the Senate recedes from its amendment, H-1626.
2. That House File 834, as passed by the House, is amended to read as follow:

1. Page 4, by inserting after line 30 the following:

"Sec. ____ STUDY. By January 1, 2006, the department of natural resources shall submit a written report to the general assembly regarding the land application and treatment of septage. The report shall include a county-by-county analysis of the amount of septage collected at sources in each county, the amount of septage applied to land in each county, and the treatment capacity of wastewater treatment facilities in each county. The report shall include an analysis of the environmental impact of land application of septage and the fiscal impact of a statewide prohibition of the land application of septage."

2. By renumbering as necessary.

ON THE PART OF THE HOUSE:

Douglas L. Struyk, Chair
Sandra H. Greiner
Geri D. Huser
Don Shoultz
Jodi S. Tymeson

ON THE PART OF THE SENATE:

Jeff Danielson, Co-Chair
Pat Ward, Co-Chair
Dr. Joe Seng
Doug Shull
Mark Ziemann

The motion prevailed and the conference committee report was adopted.

Struyk 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. 834)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon

Foege	Ford	Freeman	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Frevert Shomshor

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 834** be immediately messaged to the Senate.

MOTION TO RECONSIDER WITHDRAWN (House File 810)

Gipp of Winneshiek asked and received unanimous consent to withdraw the motion to reconsider **House File 810**, 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, filed by him on May 10, 2005.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 390)

Gipp of Winneshiek asked and received unanimous consent to withdraw the motion to reconsider **Senate File 390**, a bill for an act relating to the generation and purchase of renewable energy including establishing a renewable energy tax credit program administered by the utilities division of the department of commerce and the department of revenue, and providing an effective date, filed by him on May 16, 2005.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 810** and **Senate File 390**.

The House stood at ease at 9:05 p.m., until the fall of the gavel.

The House resumed session at 10:02 p.m., Speaker Rants in the chair.

SENATE AMENDMENT CONSIDERED

Dix of Butler called up for consideration **Senate File 342**, a bill for an act relating to appropriation matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, and providing effective and applicability date provisions, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1715 to the House amendment:

H-1715

- 1 Amend the House amendment, S-3321, to Senate File
- 2 342, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 and 4, and
- 5 inserting the following:
- 6 "___ By striking page 1, line 1, through page 2,
- 7 line 34."
- 8 2. Page 1, by inserting after line 6, the
- 9 following:
- 10 "___ Page 3, by inserting before line 31, the

11 following:

12 "DIVISION ____
13 EDUCATION

14 Sec. ____ STATE BOARD OF REGENTS – GENERAL FUND
15 ENDING BALANCE.

16 1. Prior to the appropriation of the surplus
17 existing in the general fund of the state at the
18 conclusion of the fiscal year beginning July 1, 2004,
19 pursuant to section 8.57, subsection 1, from
20 appropriations that remain unencumbered or unobligated
21 and would otherwise revert on August 31, 2005,
22 pursuant to section 8.33, up to \$2,800,000 shall be
23 transferred to the state board of regents.

24 2. The transfer made in subsection 1 shall be
25 distributed to the state board of regents in the
26 fiscal year beginning July 1, 2005, to be used as
27 additional funding for the fiscal year beginning July
28 1, 2005, for the institutions under the state board of
29 regents."

30 3. Page 1, by inserting after line 6, the
31 following:

32 " ____ Page 5, by inserting after line 22, the
33 following:

34 "Notwithstanding section 8.33, moneys appropriated
35 in this section that remain unencumbered or
36 unobligated at the close of the fiscal year shall not
37 revert but shall remain available for expenditure for
38 the purposes designated until the close of the
39 succeeding fiscal year."

40 4. Page 1, by striking lines 7 through 11, and
41 inserting the following:

42 " ____ By striking page 5, line 25, through page
43 9, line 17, and inserting the following:

44 "Sec. ____ INDIGENT DEFENSE CLAIMS – TRANSFERS.

45 It is the intent of the general assembly that the
46 director of the department of management, with the
47 approval of the governor, shall utilize the transfer
48 authority available under section 8.39 to provide the
49 office of the state public defender of the department
50 of inspections and appeals with sufficient funding to

Page 2

1 satisfy all valid indigent defense claims under
2 section 232.141 and chapter 815 for the fiscal year
3 beginning July 1, 2004, and ending June 30, 2005."

4 5. Page 7, line 37, by striking the word "either"
5 and inserting the following: "any".

6 6. Page 7, by inserting after line 43, the
7 following:

8 "b. The employee would incur fees charged to the
9 employee's account as a result of the direct deposit."

- 10 7. By renumbering, relettering, or redesignating
 11 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1715, to the House amendment.

Dix of Butler 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. 342)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Fallon	Frevert	Shomshor
--------	---------	----------

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 342** be immediately messaged to the Senate.

REMARKS BY MINORITY LEADER MURPHY

Murphy of Dubuque offered the following remarks:

I guess it's time for all of you now to go into Atomic Fireball withdrawal. I'm out of Atomic Fireballs, which must mean it's the end of session.

I just want to talk about the things that Democrats talked about when we came here in January. Democrats basically talked about three things that day – education, health care and creating jobs. And Democrats feel like we have accomplished a lot in this session to deal with those three issues and a few others as well.

With regard to jobs and economy, we created the Iowa Values Fund, fifty-million dollars a year for the next ten years. We did it in a very bipartisan way. Representative Hoffman worked very well with Representatives Olson and Thomas and other members of our caucus and I appreciate that. What we do with that legislation over the next ten years hopefully will keep a lot our young people in this state and give them the opportunities to stay here. So, I think that is something we need to feel proud about.

But, I also think that we did other things that affect the economy. We passed the telecommunications reform bill this year that helped address the digital divide. Eighty percent of Iowans now will have high-speed Internet capacity in the next 18 months. I know that there were a few people who opposed it, but generally everybody agreed that we need to bring that technology to all parts of Iowa. And the telecommunications reform bill did that.

When we talk about education, there are a number of accomplishments there as well. We talked in January about doing a 4 percent allowable growth rate for public schools and we got that done in almost record time, in the first two weeks we were in session.

Today we passed a little over twenty million dollars for early childhood development. It's a new program that's going to help our young people get the early start they need on education. Along with that we addressed the issue of teacher compensation and teacher quality and student achievement and expanding those opportunities. And community colleges had an unprecedented amount of funding at \$9.8 million of new spending.

When you take a look at what we did with health care this year, the Medicaid reform bill offers access to health care for thirty-thousand Iowans in the next year who currently do not have health insurance. With the Health & Human Services bill we

passed today we gave more kids access to the benefits of the Healthy and Well Kids of Iowa program.

We also passed a drug repository bill that allows people to have access to drugs that otherwise might have been discarded. We also created the ability for people to have access to cancer drugs, anti-rejection drugs. And that was another bipartisan effort that incorporated bills introduced both by Representative Carroll and by me as well as input from Iowans who called in and offered suggestions for other things to include in that legislation.

Some other issues arose during the legislative session. We created the smartest and toughest meth bill in the country. Again, a bipartisan effort created that legislation that will now make Iowa a much safer place, not just for law enforcement, but for our families and our children. We also had a terrible tragedy that led to us passing the toughest sexual predator law in the country.

We have a lot to feel proud about when we talk about this session. We have been mired in gridlock the last few weeks, but we had a governor of the state who showed leadership this week to bring all parties to the table. We had leaders in this chamber and in the Senate, both on the Republican side and Democratic side, who came to the table. They knew what their differences were, they found commonality on the things that they could agree with, they worked through their differences and today we passed almost the entire state budget and sent it to the governor. So, while people are sometimes frustrated by the process, the process works. And it has been around now for over two hundred years.

Now I've had the press already ask me what wasn't accomplished. Well, I'm usually a good one to ask because I'm a Cubs fan. And a Cubs fan always says "Well, wait 'til next year." I feel as if we have accomplished a lot of things this year. We need to focus on the good things that we did. Whether it was the issues I just recited or the race track for Newton or the destination park or other issues. I think we tried to address as many issues as we could this year.

Now, before I finish I want to also say thank you to my caucus and thank you to all the members of the House. It has been an honor to be elected as a leader by the Democrats in my caucus. I know we have had our ups and downs, but at the same time too it's always been an honor to lead you and I appreciate that.

I also want to thank our staff, because our staff has done an excellent job. The staff works every day to make everybody in this legislative body look good, whether it's the House or the Senate or the governor's office. They never see the credit or appear on the 6:00 and 10:00 news discussing the bills. They give us their good ideas and draft them for us. They tell us how to take our ideas and tweak them and make them better. They figure out how we can save money so that we can do more good for Iowans. So, I want to thank them.

I think there are a number of things that this legislature can be remembered for - education, economic opportunities, health care. And most of the things that we did focused on our families, our children, and our opportunities for the future. So, when we leave here tonight, I think we should let Iowans know what we did to help make this state and its citizens better, and the opportunities we've given our children for the future. Thank you.

Along with that though we talked about early childhood legislation and we passed that today with a little over twenty million dollars for early childhood development. A new program that's going to help our young people get the early start they need on education.

Along with that we addressed the issue of teacher compensation and teacher quality and student achievement and expanding those opportunities.

Along with that community colleges had, for the first, an unprecedented amount of funding at 9.8 million dollars of new spending.

And along with that we also addressed the areas of health care. And when you take a look at what we did with the Medicaid reform bill we are offering, thirty-thousand Iowan's in the next year will be able to get access to health insurance that they previously did not have. Plus with the health and human services bill that was passed today on the floor the opportunity existed so that more kids could get access to Healthy and Well Kids of Iowa.

Along with that we had the drug repository bill. That allowed the ability for people to get access to drugs that nursing homes otherwise would have discarded and thrown away. We also created the ability for people that have access to cancer drugs. The ability for anti-rejection drugs. And that was not just a bi-partisan effort, that was a bill that was introduced by Representative Carroll, a bill that was introduced by myself and then we also took concerns of Iowan's who called in and talked about other things we should include in that legislation.

So, we did a number of things to try to make Iowa a better place. But then along with that, the other things that came up this legislative session. The whole issue of meth. We created the toughest meth bill in the country. And it was a bipartisan effort that created that legislation that will now make Iowa a much safer place, not just for law enforcement, but for our families and our children.

Along with that, during session, we had some tragedies that occurred and over the last few weeks we passed the toughest sexual predator law in the country.

We have a lot to feel proud about when we talk about this session. I know a lot of people will talk about what has occurred over the last three weeks and the argument of gridlock, but I will tell you this we had a governor of the state that showed leadership this week to bring all parties to the table. We had leaders in this chamber, both on the Republican side and Democratic side, we had leaders in the Senate that came to the table. They knew what their differences were before, they found commonality on the things that they could agree with, worked through those differences and today we passed almost the entire state budget and sent it to the governor. So, I know people always argue about the process, but the process works. And it has been around now for over two hundred years. And, I think that is the part that we need to remind Iowan's about.

Now I've had the press already ask me what wasn't accomplished. Well, I'm usually a good one to ask because I'm a Cubs fan. And a Cub's fan always says "Well, wait till next year." I feel as if we have accomplished a lot of things this year. We need to focus on the good things that we did. Whether it was the issues I just mentioned or race

track for Newton, or for the other issues that we addressed. I think we tried to address as many issues as we could this year.

Now, before I finish I want to also say thank you to my caucus and thank you to all the members of the House. It has been an honor to be elected as a leader by the Democrats in my caucus. I know we have had our ups and downs, but at the same point too it's always been an honor to lead you and I appreciate that. I also want to thank our staff, because our staff has done an excellent job. The staff is what really makes everybody in this legislative body, whether it's the House or the Senate or the governor's office. It's the people behind the scenes that do the work every day that make us look good. They never see the credit, their never on the 6 and 10:00 news discussing the bills. Their never talking about their ideas, they just draft the good ideas. They tell us how to tweak them to make them better. They figure out how we can save money so that we can do more good for Iowan's. So, I want to thank them and I appreciate this opportunity and I think when we walk out of here tonight, hopefully yet tonight, not tomorrow morning, but if we do walk out of here tonight I think there are a number of things that this legislature can be remembered for whether it's education, whether it's economic opportunities, whether it's health care. And most of the things that we did focused on our families, our children, and our opportunities for the future. So, when we leave here tonight, I think the focus needs to be on what we did to help make this state better and the citizens of this state better and to give opportunity to them and to our children for the future. Thank you.

REMARKS BY MAJORITY LEADER GIPP

Gipp of Winneshiek offered the following remarks:

Thank you, Mr. Speaker! Mr. Speaker, Ladies and Gentlemen of the House. I will be brief!

As I said on January 10, each session brings new challenges – and new opportunities. Today, as we come to the end of the 1st Regular Session of the 81st General Assembly, I submit that we have met those challenges and seized the opportunities.

We were able to fund our priorities through a balanced, sustainable budget that does not include bonding or tax increases.

- We passed a 4% or \$82 million increase in K-12 funding and created a novel early childhood program. With this increase, Iowa now spends more than \$2 billion on K-12 education funding.
- We passed a model Medicaid reform bill. Iowa is now poised to set the standard for Medicaid in the 21st Century.
- We created a Prescription Drug Assistance Clearinghouse Program.
- We worked to ease the burden of Iowans by striking a balance between the need to provide coverage for the treatment of mental illnesses while keeping premium increases to a minimum.

- In response to the increasing deer population, we passed a bill that will reduce the deer population by 25% in four years.
- We constructed the smartest and toughest meth bill in the country.
- In light of the tragedies that took place in eastern Iowa and other parts of the country we responded by authoring an improved Iowa Sex Offender Registry Bill.
- We passed a bill that expands the child and dependent care tax credit.
- We passed legislation that deregulates Iowa's remaining rate regulated telecommunication providers. This will provide a level playing field for all companies providing telecommunications services in Iowa, while limiting the growth in customer rates.
- We passed legislation that will bring a racetrack and much needed vitality to a community that is being threatened with losing its largest employer.
- We passed legislation that will assist in the completion of Honey Creek Destination Park. This is another piece of economic development legislation that will revitalize our state.
- Finally, we reinstated the Iowa Values Fund. This Fund makes the statement that Iowa is open for business.

I am proud of our accomplishments and you should be too.

In closing and before the Speaker brings down the gavel for the last time this session, I would like to thank you for your hard work and for the time you have given to the people of Iowa. In addition, I would like to thank Susan, Marc and the rest of our hard working staff for all of the support they offered during the Session.

See you next year.

Thank you Mr. Speaker.

REMARKS BY SPEAKER RANTS

Speaker Rants offered the following remarks:

Ladies and gentlemen of the House,

To quote Yoda, "Do or do not, there is no try."

That quote from the Empire Strikes back is fitting, not just because the new "Star Wars" came out this week but because this was a legislative session that was about doing and accomplishing, not just trying.

Our accomplishments this legislative session will benefit generations to come. Our future generations – those who rely on us – will see a brighter tomorrow because of our

efforts; those who will build upon your legacy and extend forward the achievements this session.

For the Iowans of today, we began this year with the same challenging dynamics we have come to expect in many recent sessions, and we succeeded in our resolve to make Iowa a better place. As new challenges arose, you locked arms and stormed forward, tackling legislation for public safety, jobs, education and our seniors.

We battled our scariest adversaries – meth and sexual predators – by passing some of the toughest laws in the country.

We faced an ever-changing market and again responded by re-enacting the state's premier economic development program, one that brings envy from other states and interest from around the globe. Our telecommunications reform bill directly led to the creation of 500 jobs within days of enactment, and surely there will be more announcements to come.

Our education efforts began on day one. We achieved four percent K-12 allowable growth for the second year in a row, and significantly increased resources for our teachers and community colleges – whose funding saw its highest increase in my tenure in the Legislature, and the significant variety we offered to them.

We devoted time and energy to our seniors, with a new prescription drug program, our commitment to expanding long-term care options, and with our payback to the Senior Living Trust Fund.

Thanks to the hard work of this chamber, Iowa is leading the nation in exploring innovative ways to provide health care via Medicaid.

We approached this year's budget with three key principles: First – not raising taxes to fund our budget, second – without bonding on long-term annual expenses, and third – without placing ourselves into a worse budget condition next year. Next year we will be thankful we did. The budget we built is sensible and sustainable. We funded the priorities of all four caucuses, and will be able to continue doing so next session.

I would like to thank all of you and say congratulations on a job well done.

I would especially like to thank our great Republican House Caucus Staff. Your efforts each and every year continues to make this process a smooth one. Your work ethic and production is second-to-none, and you make our caucus proud each and every day.

A big thanks to the staff at the Legislative Services Agency. You work hard all year, and you always work extra hard to make sure this week is a success. This year was no exception.

Representative. Murphy, thank you for your cooperation today in getting me home in time for my wife's birthday tomorrow. Thanks to you, I won't be in the doghouse.

Teddy Roosevelt once said, "It is only through labor and painful effort, by grim energy and resolute courage that we move on to better things."

It is now time to move on, and as Roosevelt would say, your efforts have truly "moved us on to better things."

May your drive home be safe, and your summer and fall relaxing. You all have earned it.

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 May 20, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 222, a bill for an act relating to the nonpartisan election of township officers.

Also: That the Senate has on April 13, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 767, a bill for an act relating to a schedule established by the environmental protection commission for civil penalties.

Also: That the Senate has on May 3, 2005, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 809, a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board and related matters.

Also: That the Senate has on May 5, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 881, a bill for an act relating to the compensation and benefits for public officials and employees and members of the general assembly, providing for related matters, making appropriations, and including effective and retroactive applicability date provisions.

Also: That the Senate has on May 20, 2005, 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 882, a bill for an act making, reducing, and transferring appropriations, providing for fees, and providing for properly related matters and including effective and retroactive applicability date provisions.

Also: That the Senate has on May 20, 2005, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 19, a concurrent resolution to recognize Joe Royce, the winner of the 2005 Dwight Ink Public Service Award at Iowa State University.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 10:30 p.m., until the fall of the gavel.

The House resumed session at 10:51 p.m., Speaker Rants in the chair.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 200)

Greiner of Washington called up for consideration the report of the conference committee on Senate File 200 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 200

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 200, a bill for an Act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties, respectfully make the following report:

1. That the Senate recedes from its amendment, H-1630.
2. That the House amendment, S-3208, to Senate File 200, as passed by the Senate is amended to read as follows:
 1. By striking page 1, line 8, through page 4, line 33, and inserting the following:

"Sec. __. NEW SECTION. 466A.1 DEFINITIONS.

As used in the chapter, unless the context otherwise requires:

1. "Board" means the watershed improvement review board as established in section 466A.3.
2. "Committee" means a local watershed improvement committee as provided in section 466A.4.

3. "Division" means the division of soil conservation within the department of agriculture and land stewardship as established in section 161A.4.

4. "Fund" means the watershed improvement fund as created pursuant to section 466A.2.

Sec. . NEW SECTION. 466A.2 WATERSHED IMPROVEMENT FUND.

1. A watershed improvement fund is created in the state treasury which shall be administered by the treasurer of state upon direction of the watershed improvement review board. Moneys appropriated to the fund and any other moneys available to and obtained or accepted by the treasurer of state for placement in the fund shall be deposited in the fund. Additionally, payments of interest, recaptures of awards, and other repayments to the fund shall be deposited in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the end of the fiscal year shall not revert, but shall remain available for the same purpose in the succeeding fiscal year. The moneys in the fund shall be used exclusively for carrying out the purposes of the fund as provided in this section. moneys appropriated to the treasurer of state and deposited in the fund shall not be used by the treasurer of state for administrative purposes.

2. The purposes of the watershed improvement fund are the following:

a. Enhancement of water quality in the state through a variety of impairment-based, locally directed watershed improvement grant projects.

b. Positively affecting the management and use of water for the purposes of drinking, agriculture, recreation, sport, and economic development in the state.

c. Ensuring public participation in the process of determining priorities related to water quality including but not limited to all of the following:

(1) Agricultural runoff and drainage.

(2) Stream bank erosion.

(3) Municipal discharge.

(4) Stormwater runoff.

(5) Unsewered communities.

(6) Industrial discharge.

(7) Livestock runoff.

Sec. . NEW SECTION. 466A.3 WATERSHED IMPROVEMENT REVIEW BOARD.

1. A watershed improvement review board is established.

a. The board shall consist of all of the following voting members, appointed by the named entity or entities and approved by the governor:

- (1) One member of the agribusiness association of Iowa.
- (2) One member of the Iowa association of water agencies.
- (3) One member of the Iowa environmental council.
- (4) One member of the Iowa farm bureau federation.
- (5) One member of the Iowa pork producers association.
- (6) One member of the Iowa rural water association.
- (7) One member of the Iowa soybean association.
- (8) One member representing soil and water conservation districts of Iowa.
- (9) One member of the Iowa association of county conservation boards.
- (10) One person representing the department of agriculture and land stewardship.
- (11) One person representing the department of natural resources.

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

2. a. The voting members of the board shall serve three-year staggered terms commencing and ending as provided in section 69.19. If a vacancy occurs, a successor shall be appointed in the same manner and subject to the same qualifications as the original appointment, to serve the remainder of the term.

b. The voting members of the board shall elect a chairperson and vice chairperson annually from the voting membership of the board. A majority of the voting members of the board constitutes a quorum. If the chairperson and vice chairperson are unable to preside over the board due to absence or disability, a majority of the voting members present may elect a temporary chairperson by a majority vote providing a quorum is present.

3. The watershed improvement review board shall do all of the following:

a. Award local watershed improvement grants and monitor the progress of local watershed improvement projects awarded grants. A local watershed improvement grant may be awarded for a period not to exceed three years. Each local watershed improvement grant awarded shall not exceed ten percent of the moneys appropriated for the grants during a fiscal year.

- b. Assist with the development of monitoring plans for local watershed improvement projects.
- c. Review monitoring results before, during, and after completion of a local watershed improvement project.
- d. Review costs and benefits of mitigation practices utilized by a project.
- e. By January 31, annually, submit an electronic report to the governor and the general assembly regarding the progress of the watershed improvement projects during the previous calendar year.
- f. Elicit the expertise of other organizations for technical assistance in the work of the board.
- g. Independently develop and adopt administrative rules pursuant to chapter 17A to administer this chapter.

4. A watershed improvement review board member who also serves on a local watershed improvement committee shall abstain from voting on a local watershed improvement grant application submitted by the same local watershed improvement committee of which the person is a member. A member of the general assembly shall abstain from participating on any issue relating to a watershed which is in the member's legislative district.

Sec. . NEW SECTION. 466A.4 LOCAL WATERSHED IMPROVEMENT COMMITTEES.

1. A local watershed improvement committee shall be organized for the purposes of applying for a local watershed improvement grant and implementing a local watershed improvement project. Each local watershed improvement grant application shall include a methodology for attaining measurable, observable, and performance-based results. A majority of the members of the committee shall represent a cause for the impairment of the watershed. The committee shall be authorized as a not-for-profit organization by the secretary of state. Soil and water conservation districts may also be eligible and apply for and receive local watershed improvement grants.

2. A local watershed improvement committee shall be responsible for application for and implementation of an approved local watershed improvement grant, including providing authorization for project bids and project expenditures under the grant. A portion of the grant moneys may be used to engage engineering expertise related to the project. The committee shall monitor local performance throughout the local watershed grant project and shall submit a report at six-month intervals regarding the progress and findings of the project as required by the committee.

Sec. . NEW SECTION. 466A.5 ADMINISTRATION.

The soil conservation division of the department of agriculture and land stewardship shall provide administrative support to the board. Not more than one percent of the total moneys deposited in the watershed improvement fund on July 1 of a fiscal year or fifty thousand dollars, whichever is less, is appropriated each fiscal year to the division

for the purposes of assisting the watershed improvement review board in administering this chapter."

— . Title page, by striking lines 1 through 3 and inserting the following: "An Act relating to agriculture by providing for the powers and duties of the department of agriculture and land stewardship and watershed improvement.""

2. By renumbering as necessary.

ON THE PART OF THE SENATE

Dennis H. Black, Co-Chair
Steve Kettering, Co-Chair
Hubert M. Houser
David Johnson
Amanda Ragan
Brian Schoenjahn

ON THE PART OF THE HOUSE

Sandra H. Greiner, Chair
Robert M. Hogg
James M. Kurtenbach
Dolores M. Mertz
Daniel J. Rasmussen

The motion prevailed and the conference committee report was adopted.

Greiner of Washington 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. 200)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson

Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdike	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Frevert	Shomshor
---------	----------

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 200** 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 May 20, 2005, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 18, a senate concurrent resolution to provide for adjournment sine die.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 18

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of **Senate Concurrent Resolution 18** and moved its adoption.

- 1 Senate Concurrent Resolution 18
- 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 Friday, May 20, 2005,
- 7 it be the final adjournment of the 2005 Regular
- 8 Session of the Eighty-first General Assembly.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate Concurrent Resolution 18** be immediately messaged to the Senate.

REPORT OF CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in engrossing bills the following corrections were made:

House File 810

1. Page 6, line 23 – Add period after the word "TRAVEL".
2. Page 6, line 24 – Move paragraph up to preceding line.
3. Page 16, line 3 – Delete period after the word "REPORTING".

MARGARET A. THOMSON
Chief Clerk of the House

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on May 20, 2005. Had I been present, I would have voted "aye" on House Files 807, 811, 825, 868, 875 and Senate File 200.

CHAMBERS of O'Brien

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 20th day of May 20, 2005: House Files 222, 440, 619, 674, 682, 739, 742, 761, 767, 770, 805, 807, 808, 809, 810, 811, 816, 821, 825, 828, 831, 834, 858, 862, 868, 869, 875, 879, 881, 882 and 883.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 20, 2005, he approved and transmitted to the Secretary of State the following bills:

House File 685, an Act establishing the Child Identification and Protection Act, which prohibits the fingerprinting of children, and providing for exceptions.

House File 718, an Act allowing a refund of unexpired motor vehicle registration fees to a vehicle owner who moves out of state.

House File 856, an Act providing a sales and use tax exemption for certain nonprofit organizations that build or repair low-income dwellings.

House File 859, an Act relating to the establishment of a form of business association referred to as a cooperative, and providing for fees and tax credits, providing penalties, 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.

MARGARET A. THOMSON
Chief Clerk of the House

- 2005\1573 Jo Wilson, Winthrop – For celebrating her 90th birthday.
- 2005\1574 Wayne and Elsie Paulsen, Elk Horn – For celebrating their 60th wedding anniversary.
- 2005\1575 Larry and Vera Kenyon, Guthrie Center – For celebrating their 50th wedding anniversary.
- 2005\1576 Marvin and Dorothy Finnegan, Guthrie Center – For celebrating their 50th wedding anniversary.
- 2005\1577 Dallas and Vera Roy, Sioux City – For celebrating their 60th wedding anniversary.
- 2005\1578 Carol Groth, Rock Valley – For her 26 years of dedicated service as a teacher at Starkweather Elementary School.
- 2005\1579 Anna Kraayenbrink, Sioux Center – For receiving the Bausch and Lomb Science Award.
- 2005\1580 Joel and Tracey Dykstra, Hull – For celebrating their 60th wedding anniversary.

- 2005\1581 Tillie Bobeldyk, Inwood – For celebrating her 90th birthday.
- 2005\1582 Gilbert Van Noort, Rock Valley – For celebrating his 90th birthday.
- 2005\1583 Elvin and Eunice Norman, Sioux Center – For celebrating their 65th wedding anniversary.
- 2005\1584 Al Mews, Inwood – For his 33 years of dedicated service as a teacher for West Lyon Community School.
- 2005\1585 Myra Nelson, Alvord – For her 20 years of dedicated service as a teacher and librarian for West Lyon Community School.
- 2005\1586 Raymond Johnson, Alvord – For his 22 years of dedicated service as a bus driver for West Lyon Community School.
- 2005\1587 Kenneth and Evelyn Vagts, Eldorado – For celebrating their 50th wedding anniversary.
- 2005\1588 Robert and Ina Davis, Dundee – For celebrating their 50th wedding anniversary.
- 2005\1589 Richard and Carol Bradley, Manchester – For celebrating their 50th wedding anniversary.
- 2005\1590 Virginia Benson, Madrid – For celebrating her 80th birthday.
- 2005\1591 Marjorie Buck, Ames – For celebrating her 80th birthday.
- 2005\1592 Raymond Lawson, Ames – For celebrating her 80th birthday.
- 2005\1593 Thomas Wheelock, Ames – For celebrating his 80th birthday.
- 2005\1594 Hilda Hilker, Ames – For celebrating her 80th birthday.
- 2005\1595 Wilma Munson, Ames – For celebrating her 80th birthday.
- 2005\1596 Henry Hayes, Ames – For celebrating his 80th birthday.
- 2005\1597 Alice Jones, Ames – For celebrating her 80th birthday.
- 2005\1598 Gail Johnson, Ames – For celebrating her 80th birthday.
- 2005\1599 Phyllis Ketcham, Ames – For celebrating her 80th birthday.
- 2005\1600 Jack Barrow, Ames – For celebrating his 85th birthday.
- 2005\1601 Kenneth Lange, Ames – For celebrating his 85th birthday.
- 2005\1602 Jean Baldner, Ames – For celebrating her 85th birthday.
- 2005\1603 Elizabeth Welder, Madrid – For celebrating her 85th birthday.

- 2005\1604 Dorothy Patota, Ames – For celebrating her 90th birthday.
- 2005\1605 Mr. and Mrs. Max Hammer, Glenwood – For celebrating their 50th wedding anniversary.
- 2005\1606 Lars and Fran Tjelta, Story City – For celebrating their 50th wedding anniversary.
- 2005\1607 Clive and Peggy Johnston, Johnston – For celebrating their 50th wedding anniversary.
- 2005\1608 Marjorie Funke, Clemons – For celebrating her 80th birthday.
- 2005\1609 Geraldine and Murl Biery, Iowa Falls – For celebrating their 50th wedding anniversary.
- 2005\1610 Mary Rose and Bert Brown, Iowa Falls – For celebrating their 60th wedding anniversary.
- 2005\1611 Addie Campbell, North Scott High School – For receiving the Herbert Hoover Uncommom Student Award.
- 2005\1612 Jacqueline Lambert, Monticello – For being selected as one of the 100 Top Nurses in Iowa.
- 2005\1613 Byron Manternach, Monticello – For winning 1st in Class 2A 3200 Meter Run at the Boys State Track Meet.
- 2005\1614 Carrie Witt, What Cheer – For celebrating her 90th birthday.
- 2005\1615 Jan Heetland, Brooklyn – For being named Wal-Mart's Teacher of the Year.
- 2005\1616 Nancy Bell, What Cheer – Upon her retirement, for her 30 years of dedicated service as a teacher at Tri-County School.
- 2005\1617 Elvina and Pete Petersen, Williamsburg – For celebrating their 60th wedding anniversary.
- 2005\1618 Charles Allen Grimm, Brooklyn – Upon his retirement, for 26 years of dedicated service as a teacher at BGM Community Schools.
- 2005\1619 Don Hilligas, Brooklyn – Upon his retirement, for his 23 years of dedicated service as a custodian at BGM Community Schools.
- 2005\1620 Tyler Moeller, Mt. Pleasant – For being selected to the Boys Allstate Team.
- 2005\1621 Tyler Leichty, Mt. Pleasant – For being selected to the Boys Allstate Team.
- 2005\1622 Levon Mullin, Winfield – For being selected to the Boys Allstate Team.
- 2005\1623 Keith and Dixie Meyers, Keosauqua – For celebrating their 50th wedding anniversary.

- 2005\1624 Fraternal Order of Eagles, Dubuque – For their dedicated support to the Dubuque Area Council for Prevention of Child Abuse, a volunteer organization of concerned citizens.
- 2005\1625 Kurt Kruger, Sheldon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1626 Bradley Youngs, Sheldon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 18, duly adopted, the day of May 20, 2005 having arrived, the Speaker of the House of Representatives declared the 2005 Regular Session of the Eighty-first General Assembly adjourned sine die at 10:58 p.m.

SUPPLEMENT TO HOUSE JOURNAL**BILLS APPROVED, VETOED, OR ITEM VETOED
SUBSEQUENT TO ADJOURNMENT**

The following is a record of the action of the Governor on bills passed by the 2005 Regular Session of the Eighty-first General Assembly and which action was had subsequent to the date of final adjournment.

- H.F. 222- Relating to the nonpartisan election of township officers. Approved 6-26-05.
- H.F. 440- Relating to sanctioning the motor vehicle operating privileges of a person upon a second or a subsequent conviction for motor fuel theft from a retail dealer. Approved 6-3-05.
- H.F. 619- Relating to criminal sentencing, victim notification, and the sex offender registry, by establishing a special sentence for certain offenders, requiring DNA testing of certain offenders and lengthening the time an information or indictment may be found in certain offenses where DNA evidence if available, requiring sex offender treatment in order to accumulate earned time, restricting certain person from residing with sex offenders, establishing a sex offender treatment and supervision task force, providing penalties, and providing effective dates. Approved 6-14-05.
- H.F. 674- Relating to distribution of secondary and farm-to-market road funds. Approved 6-3-05.
- H.F. 682- Relating to the assessment of a civil penalty and criminal penalty surcharge, and creating a criminalistics laboratory fund. Approved 6-3-05.
- H.F. 739- Relating to education technology, including the creation of an Iowa Learning Technology Commission and pilot programs, and the establishment of a research triangle and clearinghouse, and providing for contingent effectiveness. Approved 6-3-05.
- H.F. 742- Relating to the Iowa Early Intervention Block Grant program by changing the reporting requirements, extending the repeal of the chapter establishing the program, and providing an effective date. Approved 6-6-05.
- H.F. 761- Relating to improvement of the early care, child care services, education, health, and human services systems, revising development tax credit, and providing an applicability date. Approved 6-6-05.

- H.F. 767— Relating to a schedule established by the Environmental Protection Commission for civil penalties. Vetoed 6-10-05. See Governor's Veto Message.
- H.F. 770— Providing for the Iowa Department of Public Health to administer the hotel sanitation code, regulation of home food establishments, Iowa Food Code, regulation of egg handlers, and inspection of cosmetology and barbering licensees in place of the Department of Inspections and Appeals. Vetoed 6-10-05. See Governor's Veto Message.
- H.F. 805— Relating to agricultural production including animal feeding operations, by providing for the regulation of open feedlot operations, and agricultural production liens, and providing for penalties. Approved 5-23-05.
- H.F. 807— Relating to and making appropriations to the judicial branch, and providing an effective date. Approved 6-14-05 with the exception of Section 11. See Governor's Item Veto Message.
- H.F. 808— Relating to and making appropriations involving state government, including provisions effecting agriculture and natural resources, and provisions relating to a wind energy production tax credit, and providing for fees. Approved 6-14-05.
- H.F. 809— Relating to and making appropriations to the Department of Economic Development, the Office of the Treasurer of State, and certain board of regents institutions, the Department of Workforce Development, and the Public Employee Relations Board, related matters, and providing an effective date. Approved 6-9-05 with the exception of Section 2, subsection 3e. See Governor's Item Veto Message.
- H.F. 810— Relating to and making appropriations to certain state department, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing an effective date. Approved 6-14-05 with the exception of Section 17, subsection 1, 2nd unnumbered paragraph. See Governor's Item Veto Message.
- H.F. 811— Relating to and making appropriations to the justice system, revising pretrial release requirements for certain criminal offenses, and providing effective date. Approved 6-14-05 with the exception of Division I, Section 6, subsection 1h, 1st unnumbered paragraph; Division I, Section 14, subsection 5b, 1st unnumbered paragraph. See Governor's Item Veto Message.
- H.F. 816— 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 Cultural Affairs, the Department of Education, and the State Board of Regents and providing an effective date. Approved 6-6-05 with the exception of Section 9;

Section 12, subsection 1, paragraph a, 1st unnumbered paragraph; Section 19; Section 31, paragraph b; Section 33, 3rd unnumbered paragraph. See Governor's Item Veto Message.

- H.F. 821- Relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation. Approved 6-10-05 with the exception of Section 2, subsection 2. See Governor's Item Veto Message.
- H.F. 825- Relating to and making appropriations to the Department of Human Services, the Department of Elder Affairs, the Iowa Department of Public Health, the Commission of Veterans Affairs and the Iowa Veterans Home, and the Department of Inspections and Appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates. Approved 6-14-05 with the exception of Section 9, subsection 14; Section 24, subsection 6. See Governor's Item Veto Message.
- H.F. 828- Relating to aquatic regulations and activities, including aquatic invasive species, the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire of commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund. Approved 5-23-05.
- H.F. 831- Relating to tax credits for equity investments in qualifying businesses or community-based seed capital funds. Approved 6-13-05.
- H.F. 834- Relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations. Approved 6-10-05.
- H.F. 858- Establishing a state wide work-based learning intermediary network program and creating a fund. Approved 6-10-05.
- H.F. 862- Relating to and making appropriations from the Healthy Iowans Tobacco Trust and the Tobacco Settlement Trust Fund. Approved 6-14-05 with the exception of Section 1, subsection 3, paragraph f. See Governor's Item Veto Message.
- H.F. 868- Relating to economic development, business, workforce, and regulatory assistance and tax credits, property tax assessment, to excise taxes on E-85 gasoline, to issuance of revenue bonds, and to state developmental, research, and regulatory oversight, and including effective and retroactive applicability provisions. Approved 6-9-05.
- H.F. 869- Relating to credits provided for the purpose of acquiring agriculture assets by beginning farmers and providing effective and applicability dates. Vetoed 6-10-05. See Governor's Veto Message.

- H.F. 875- Relating to and making appropriations to state departments and agencies from the Rebuild Iowa Infrastructure Fund, Environment First Fund, Tobacco Settlement Trust Fund, vertical infrastructure fund, general fund of the state, and related matters and creating the Honey Creek premier destination park bond program and authority and providing for the issuance of tax-exempt bonds and including effective and retroactive applicability date provisions. Approved 6-15-05.
- H.F. 879- Relating to the regulation of snowmobiles and establishing fees. Approved 5-23-05.
- H.F. 881- Relating to the compensation and benefits for public officials and employees and members of the general assembly, providing for related matters, making appropriations, and including effective and retroactive applicability dates provisions. Approved 6-14-05.
- H.F. 882- Relating to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and making, reducing, and transferring appropriations, providing for fees, providing for wind energy production tax credits, and providing for properly related matters and penalties and including effective and retroactive applicability date provisions. Approved 6-16-05 with the exception of Section 65; Section 81; Section 94, subsection b; Section 106; Section 143. See Governor's Item Veto Message.
- H.F. 883- To legalize actions taken and proceedings conducted by the State of Iowa, Linn County, the City of Cedar Rapids, and three school districts including the Cedar Rapids Community School District, the College Community School District, and the Linn-Mar Community School District, which relate to erroneously established boundaries, and providing an effective date. Approved 6-10-05.
- S.F. 176- Entering Iowa into the Midwestern Higher Education Compact. Approved 6-6-05.
- S.F. 200- Relating to agriculture by providing for the powers and duties of the department of agriculture and land stewardship and watershed improvement. Approved 6-15-05.
- S.F. 201- Providing for veterinary emergency preparedness and response by the department of agriculture and land stewardship. Approved 6-10-05.
- S.F. 206- Relating to deer population management and providing penalties and appropriations. Approved 6-3-05.
- S.F. 245- Relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, requiring school districts to develop a core curriculum plan for eighth grade

students and to report student core curriculum progress annually, requiring school districts and schools to report core curriculum completion percentages annually, and providing for the coordination of an educational data definitions working group. Approved 6-7-05.

- S.F. 342- Relating to financial and regulatory matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, making penalties applicable and providing effective and applicability date provisions. Approved 6-3-05.
- S.F. 389- Providing individual and corporate income tax credits for soy-based cutting tool oil and including an applicability date provision. Approved 6-6-05.
- S.F. 390- Relating to the generation and purchase of renewable energy including establishing a renewable energy tax credit program administered by the utilities division of the department of commerce and the department of revenue, and providing an effective date. Approved 6-15-05.
- S.F. 413- Relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and relating to the policy and administration of other taxes and tax-related matters and including effective and retroactive applicability date provisions. Approved 6-3-05.

GOVERNOR'S VETO MESSAGES

June 10, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **House File 767**, an Act relating to a schedule established by the Environmental Protection Commission for civil penalties.

This bill increases the maximum administrative penalty that the Environmental Protection Commission may impose for environmental violations from \$10,000 to \$25,000. Under this legislation, only cases involving violations of more than \$25,000 would be referred to the Attorney General's Office for prosecution and recovery of civil penalties. Attorney General Tom Miller has conveyed deep concern that this legislation will reduce the intensity of environmental enforcement in Iowa, and this is a policy I cannot support.

The current maximum administrative penalty is consistent with that of surrounding states. Nebraska and Minnesota both have a \$10,000 limit for resolving violations by administrative penalties—same as Iowa. All clean water and clean air violations are referred to the Attorney General's Office in Wisconsin. Illinois has a similar law that requires all environmental violations to be referred to the Attorney General except for certain landfill violations, and Missouri had referred all but three violations for action by the Attorney General.

The quality of our water and air contribute to the high quality of life Iowans value and expect, and now is not the time to relax environmental enforcement when we are working aggressively to clean-up Iowa's 211 impaired waterways. The State holds the responsibility of ensuring our water and air are safe. This bill would compromise our ability to do so.

For the above reasons, I respectfully disapprove **House File 767**.

Sincerely,
Thomas J. Vilsack
Governor

June 10, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **House File 770**, an Act providing for the Iowa Department of Public Health to administer the hotel sanitation code, regulation of home food establishments, Iowa Food Code, regulation of egg handlers, and inspection of cosmetology and barbering licensees in place of the Department of Inspections and Appeals.

I have serious concerns about the policy change established by this bill relating to food regulation. Moving this program from the Department of Inspections and Appeals to the Department of Public Health is inconsistent with the philosophy of my administration of separating the steering and rowing functions of government. The action to move a regulatory function from a regulatory agency to an agency of advocacy is counterproductive and an inefficient use of government resources. My administration has worked hard to align activities of agencies with their core functions to provide better service to Iowans while improving efficiency. There is no efficiency to be gained by simply transferring regulatory oversight between departments.

The Department of Inspections and Appeals recommended two policy changes to improve the food regulation program that I encourage the Legislature to consider during the next session. Both are supported by the Department of Public Health, local public health agencies, and the Iowa Environmental Health Association. These changes are necessary steps in working toward a food inspection program that will better protect the health security of Iowans.

First, Iowa policy should recognize the latest scientific advances by keeping the Iowa Food Code up to date with the most recent version of the FDA Food Code. The Iowa Food Code currently references the outdated 1997 FDA edition and needs to be amended by the Legislature.

Second, license fees must be increased to cover the full cost of food inspections. It takes a well-educated, well-trained, well-equipped and dedicated workforce completing regular inspections to provide the public with confidence that the food they purchase at a restaurant or grocery store is safe. For nearly all food inspection agencies in Iowa, license fees currently fall short of covering the cost of a fully implemented inspection program by over \$800,000. The result is that local governments are forced to make up for the difference with taxpayer dollars. Failure to address this inequity will likely result in some counties discontinuing contracts to provide this service, thereby turning the responsibility for food inspection back over to the State. This cost should be borne by inspection fees, and I encourage the Legislature to take action.

For the above reasons, I respectfully disapprove **House File 770**.

Sincerely,
Thomas J. Vilsack
Governor

June 10, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit **House File 869**, an Act relating to credits provided for the purpose of acquiring agriculture assets by beginning farmers and providing effective and applicability dates.

House File 869 provided income tax credits to a farmer that sells or leases land or other agricultural assets to a new farmer. This bill was originally introduced to provide incentives for existing farmers to assist beginning farmers in acquiring land and starting their operations, and I support the original intent of this bill.

However, during the legislative process, another provision was attached to this bill that expands the sales tax exemption for farm machinery and equipment used in livestock production. The Department of Revenue has a number of cases under protest regarding the items contained in this bill, and one of the cases is currently pending before the Iowa Supreme Court. At this time, approval of House File 869 would not be appropriate because the Supreme Court has yet to issue a ruling on the matter of the sales tax exemption.

I am unable to approve House File 869 due to the inclusion of Section 5-7. I encourage legislators to pass a bill during the next legislative session that meets the original intent of House File 869 by providing an incentive to assist beginning farmers and is consistent with the decision ultimately reached by the Iowa Supreme Court on this issue.

For the above reasons, I respectfully disapprove **House File 869**.

Sincerely,
Thomas J. Vilsack
Governor

GOVERNOR'S ITEM VETO MESSAGES

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

June 6, 2005

The Honorable Chester Culver
Secretary of State
State Capital Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **House File 816**, 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 Cultural Affairs, the Department of Education, and the State Board of Regents and providing an effective date.

During my Condition of the State address in January, I asked the legislature to seize an historic opportunity to work together as one—no Republican agenda, no Democrat agenda, only one shared agenda—an Iowa agenda. Today we can be proud that we started with education. Our children deserve and need a world-class education that prepares them for the challenge of global competition. Our children need the best if they hope to succeed with that competition and in life.

The best legislative efforts at the Iowa State Capitol occur when people work together. Clearly, no other issue facing Iowa is as important as education. The cornerstone of our society, education has received its rightful attention in recent years. Despite sluggish revenue growth, legislators and the Executive Branch have endeavored to improve student achievement, tie that achievement to teacher pay and reduce class sizes. This year marks the first significant infusion of dollars into Student Achievement/Teacher Quality program since its inception. Teachers' salaries will move from 39th to 35th as a result with increased dollars flowing to local districts to support continued development of classroom teachers' skills – the hallmark of the original program design.

Continuing opportunity in our outstanding community college and regents system is critical to our state's economic future. Increased funding will allow higher education in Iowa to remain both high-quality and affordable. At the same time, we support the transformational process being undertaken by the Board of Regents with a significant investment of state resources and increase support to community colleges that signifies the value of educational opportunity provided by our great community college system throughout the state.

This bill increases funding to all sectors of education and gives our children every opportunity for success by ensuring our earliest learners get a strong start by making a significant down payment on early care, health and education system for our youngest Iowans. More children will have access to high quality programs, more parents will receive education and support, and more children will be ready to succeed in school.

House File 816 is approved on this date, with the following exceptions which I hereby disapprove:

I am unable to approve the item designated as Section 9 in its entirety. This section requires the Board of Educational Examiners to convene a working group to review current teacher and administrator preparation and licensing processes and make recommendations for improvement. Given that the Legislature failed to provide adequate funding for the Board of Educational Examiners it is inadvisable to add additional responsibilities to the Board at this time.

I am unable to approve the designated portion of Section 12, subsection 1, paragraph a, first unnumbered in its entirety. This sentence specifies that the Board of Regents, the Department of Management and the Legislative Service Agency shall cooperate to determine the amount to be appropriated for tuition replacement. This language is outdated and unnecessary as the Board of Regents now relies on a financial advisor to calculate figures for tuition replacement.

I am unable to approve the item designated as Section 19 in its entirety. Section 190 directs the Department of Education to establish a value-added assessment system to provide for multivariate longitudinal analysis of annual student test scores to determine the influence of a school district's education program on student academic growth. The creation of a value-added assessment system is redundant and unnecessary in light of the assessment models that Iowa school districts have already implemented for continuous school improvement programs and to meet the requirements of the federal No Child Left Behind statute. Implementing this new system could have long-range unintended effects on existing local and state assessment systems.

I am unable to approve the item designated as a portion of Section 31, paragraph b. This section requires that \$5,000 from the Student Achievement and Teacher Quality allocation for National Board Certification Awards be used to conduct a study of the impact the national board for professional teaching standards certification of Iowa's teachers has on student achievement. This section requires a research design that would cost far more than the \$5,000 in resources provided to complete the study. In addition the various studies underway nationally will provide sufficient information for decision-makers in Iowa to debate continuation of this program.

I am unable to approve the item designated as Section 33, third unnumbered paragraph in its entirety. The third unnumbered paragraph of Section 33 allocates up to \$1,000,000 from the Student Achievement and Teacher Quality appropriation for the value-added assessment system. This appropriation is unnecessary with the veto of Section 19. In addition, investment in Iowa's high quality teaching staff will pay more dividends than creating another assessment data base.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **House File 816** are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

June 9, 2005

The Honorable Chester Culver
Secretary of State
State Capital Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **House File 809**, an Act relating to and making appropriations to the Department of Economic Development, the Office of the Treasurer of State, and certain board of regents institutions, the Department of Workforce Development, and the Public Employee Relations Board, related matters, and providing an effective date.

House File 809 is approved on this date with the following exception. I am unable to approve the item designated as Section 2, Subsection 3e in its entirety. It is critically important that the state's interstate welcome centers remain open seven days a week and allowed to serve the nearly 250,000 travelers that visit those centers annually. Currently over 50 percent of the brochure enrollment revenue comes from non-profit organizations. Without that, the centers would be closed several days a week.

For the above reasons, I respectfully disapprove this item in accordance with Article 3, Section 16 of the Constitution of the State of Iowa. All other items in **House File 809** are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

June 10, 2005

The Honorable Chester Culver
Secretary of State
State Capital Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **House File 821**, an Act relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation.

Assisting all Iowans with access to lower cost prescription drugs continues to be be if my top priorities. Prescription drug assistance programs similar to the one established in House File 821 have been valuable tools in other states, and this program is estimated to save Iowans between \$6 and \$10 million. Furthermore, House File 821 will compliment the initiatives of the new IowaCare Act (House File 841). I have directed the Insurance Commissioner to work with the Department of Human Services during the implementation process to ensure an efficient and effective use of resources in providing prescription drug assistance to Iowans.

House File 821 is approved on this date with the following exception, which I hereby disapprove. I am unable to approve the item designated as Section 2, Subsection 2 in its entirety. I remain concerned that this section unnecessarily diverts resources away from the Senior Living Trust, which provided seniors vital health care and living option services. This section also implies the program is targeted towards older Iowans when its benefits should serve all Iowans who need assistance accessing prescription drugs to protect their health security. If necessary, any future appropriation should come from the state general fund. I cannot and will not support an unnecessary diversion of resources from the Senior Living Trust.

For the above reasons, I respectfully disapprove of the designated item in accordance Article III, Section 16, of the Constitution of the State of Iowa. All other items in **House File 821** are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

June 14, 2005

The Honorable Chester Culver
Secretary of State
State Capital Building
LOCAL

Dear Mr. Secretary:

I hereby transmit **House File 807**, an Act relating to and making appropriations to the judicial branch, and providing an effective date.

House File 807 is approved on this date, with the following exception, which I hereby disapprove:

I am unable to approve the item designated as Section 11 in its entirety. This section deals with a reference to a contingent appropriation from the Microsoft settlement and would have it be effective upon enactment. The language is making the contingent appropriation was removed during session, thereby making the section unnecessary.

For the above reasons, I respectfully disapprove this item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **House File 807** are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

June 14, 2005

The Honorable Chester Culver
Secretary of State
State Capital Building
LOCAL

Dear Mr. Secretary:

I hereby transmit **House File 810**, an Act relating to and making appropriations to certain state department, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing an effective date.

House File 810 is approved on this date, with the following exception, which I hereby disapprove:

I am unable to approve the item designated as Section 17, Subsection 1, 2nd unnumbered paragraph in its entirety. This paragraph requires the Department of Administrative Services to provide data processing services to the Secretary of State's Office to support voter registration file maintenance and storage at no charge. When the Department of Administration Services was created, it was designed to bring an entrepreneurial management model to state government to generate more efficient services and a more accountable government. Exempting a single agency from paying for services it receives is counter to the business model, causes rates for all other customers of the Department to increase, and created a federal over-recovery issue for the Department. This is a policy I cannot support.

For the above reasons, I respectfully disapprove this item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **House File 810** are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

June 14, 2005

The Honorable Chester Culver
Secretary of State
State Capital Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **House File 811**, an Act relating to and making appropriations to the justice system, revising pretrial release requirements for certain criminal offenses, and providing effective date.

House File 811 is approved on this date, with the following exception, which I hereby disapprove:

I am unable to approve the item designated as Division I, Section 6, Subsection 1h, 1st unnumbered paragraph in its entirety. This paragraph deals with a reference to the establishment of a community panel drug court in the eighth judicial district department of correctional service, which during the final days, the funding was removed, however the language remained due to an oversight. Since the funding was removed this language becomes unnecessary.

I am unable to approve the item designated as Division I, Section 14, Subsection 5b, 1st unnumbered paragraph in its entirety. This paragraph deals with a reference to the allocation of \$200 for the mailing of notice to all affected agencies or emergency services providers informing the agencies or providers about the requirement of an autopsy under section 144.56A. Unfortunately, the wording may actually serve as a barrier to proper notification. The cost of mailing notices to hundreds of public safety agencies, professional organizations, and other relevant parties, including county medical examiners, may substantially exceed the \$200 amount. As such, I want to ensure that the Department of Public Safety is not hindered or unduly limited in their ability to provide notice by multiple means, including mailing notices even if the cost of such mailings exceeds \$200.

I have instructed the Department of Public Safety, in cooperation with the State Medical Examiner, to fully inform agencies whose employees and volunteers are subject to the provisions of the new Iowa Code Section 144.56A of this provision as well as families of the deceased. The Department of Public Safety will enlist various means of providing notification, through presentations as conferences of organizations representing public safety officers, articles and notices in those organizations' newsletters, and notices by U.S. mail or electronic mail, when available, to those organizations and agencies with covered employees or volunteers.

For the above reasons, I respectfully disapprove these items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **House File 811** are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

June 14, 2005

The Honorable Chester Culver
Secretary of State
State Capital Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **House File 825**, an Act relating to and making appropriations to the Department of Human Services, the Department of Elder Affairs, the Iowa Department of Public Health, the Commission of Veterans Affairs and the Iowa Veterans Home, and the Department of Inspections and Appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates.

At the beginning of the legislative session, I challenged the Legislature to take action to protect the health security of Iowans. This bill takes a number of noteworthy steps to accomplish that goal.

This bill includes an increase of almost \$10 million to increase reimbursement for child care providers and to expand eligibility for low income families to qualify for state child care assistance, a key piece of our early childhood initiative. This bill

complements those efforts with a \$4.5 million increase for the children's health insurance program (HAWK-I), to provide health coverage for increasing numbers of children.

During the past several years of difficult budget times, other states have had to cut services or reduce eligibility to maintain their Medicaid programs. Iowa has managed to avoid cutting services to our most vulnerable and found a way to actually improve services and provide health coverage for an additional 30,000 Iowans through this bill and House File 841, the IowaCare Act. Today, we take steps to improve health security by providing \$6 million in Medicaid funding to pay for health services in the home and community for almost 2,500 ill or disabled Iowans. We also provide funding for a three percent reimbursement rate increase for all medical providers under the Medicaid program to maintain the high quality of care in our health care system.

Despite the good efforts highlighted above, I have several concerns with this budget. Although I am pleased that the Legislature did not cut Medicaid services and did increase provider reimbursement rates, based on current estimates, the Medicaid program was still not fully funded. Legislators will need to address this through a supplemental for Medicaid when they return next January.

This budget also continues to rely heavily on the Senior Living Trust to fund essential health care services. This year we made a step to reduce that reliance. However, in order to continue protecting the health security of Iowans, we will need to further reduce the reliance on the Senior Living Trust while taking steps to pay back and strengthen the Trust.

I am also disappointed that the Legislature did not take action to save lives by increasing the tobacco tax, which in turn would reduce cigarette consumption, particularly among children. Children are particularly likely to stop smoking, or not start in the first place, when the price is increased. Increasing the tobacco tax by \$0.80 will lead to an estimated 15.6 percent decrease in youth smoking rates and a 4.2 percent decrease in adult smoking rates. Estimates also indicate that in the first five years alone, a tobacco tax increase will lead to \$8.5 million in health care cost savings for heart and stroke illnesses and \$5.9 million in health care savings by avoiding low birth weight births. I am hopeful that the Legislature will take action on the tobacco tax to save lives and protect the health security of Iowans next year.

House File 825 is approved on this date, with the following exceptions, which I hereby disapprove:

I am unable to approve the item designated as Section 9, Subsection 14, in its entirety. This subsection prescribes requirements that the Department of Human Services would be required to abide by in order to implement the cost saving provisions of Iowa's preferred drug list (PDL) in the Medicaid program. These requirements are impractical and would create an unnecessary barrier to the effective implementation of the PDL. The requirements also seek to give drug manufacturers preferential treatment. Currently, the Department posts the agenda of the Pharmaceutical and Therapeutics Committee including drugs to be considered 30 days in advance for all interested parties, not just pharmaceutical manufacturers, to review. Current practice also allows all interested parties to comment. I believe that the process should provide timely notice to and opportunity for comment from all interested parties. The current practice accomplishes this.

I am unable to approve the item designated as Section 24, Subsection 6, in its entirety. This subsection directs the Department of Human Services to continue contracting with current service providers for mental health services provided to the homeless rather than requesting competitive bids as required under federal law. I believe that it is a good government practice to get the best value and best service possible; therefore, I support using a competitive bidding process.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **House File 825** are hereby approved this date.

Sincerely,
Thomas J. Vilsack
Governor

June 14, 2005

The Honorable Chester Culver
Secretary of State
State Capital Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **House File 862**, an Act relating to and making appropriations from the Healthy Iowans Tobacco Trust and the Tobacco Settlement Trust Fund.

House File 862 is approved on this date, with the following exceptions which I hereby disapprove:

I am unable to approve the item designated as a portion of Section 1, subsection 3, paragraph f. This language requires allocation of funds for the implementation of a treatment program at the Iowa Correctional Institution for Women in Mitchellville. A similar value-based treatment program at the Newton Correctional Facility is the subject of a constitutional challenge currently before the U.S. District Court. In order to avoid confusion, state appropriations for value-based treatment programming should not be expanded to other correctional institutions until the courts resolve this issue and provide clear direction as to what is and is not permissible.

For the above reasons, I respectfully disapprove of the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **House File 862** are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

June 16, 2005

The Honorable Chester Culver
Secretary of State
State Capital Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **House File 882**, an Act relating to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and making, reducing, and transferring appropriations, providing for fees, providing for wind energy production tax credits, and providing for properly related matters and penalties and including effective and retroactive applicability date provisions.

House File 882 is approved on this date, with the following exceptions, which I hereby disapprove:

I am unable to approve the item designated as Section 65 in its entirety. This section provides a sales tax exemption for construction of residential treatment facilities and is expected to impact two facilities currently under development. Both facilities are receiving \$250,000 direct state appropriation through House File 875, and I support and approved the state appropriation for construction of both facilities. However, I do not support providing special tax status to two specific projects. This represents bad tax policy and creates a fairness issue with the thousands of other non-profit organizations with equally worthy missions throughout Iowa.

I am unable to approve the item designates as Section 81 in its entirety. This section provides the effective date for the sales tax exemption contained in Section 65, which is vetoed. Therefore, this section is unnecessary.

I am unable to approve the item designated as Section 94, Subsection b, in its entirety. The expansion of the good cause definition for late open enrollment applications was intended to accompany a change to move the authority for determining good cause to the resident district. This bill does not make the change back to the resident district thereby creating a situation that open enrollment decisions may not be based on the best interest of the student. My administration is committed to working with legislators and stakeholders during the next legislative session to ensure changes to this policy will positively impact all constituents.

I am unable to approve the item designated as Section 106 in its entirety. This section is contingent upon enactment of House File 770, which was vetoed. Therefore, this section is unnecessary.

I am unable to approve the item designated as Section 143 in its entirety. This section makes the effective date of Section 106 contingent upon enactment of House File 770, which was vetoed. Therefore this section is unnecessary.

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 882** are hereby approved this date.

Sincerely,
Thomas J. Vilsack
Governor

AMENDMENTS FILED

Amendments filed during the Eighty-first General Assembly, 2005 Session, not otherwise printed in the House Journal:

H-1001

- 1 Amend House Resolution 4 as follows:
- 2 1. Page 24, line 22, by inserting after the word
- 3 "house," the following: "The percentage of majority
- 4 and minority member representation on all standing
- 5 committees and subcommittees shall be proportional to
- 6 the actual percentage of majority and minority member
- 7 representation in the full house, plus or minus two
- 8 percent, except that the majority shall be guaranteed
- 9 a majority representation of one member on all such
- 10 committees and subcommittees."

MURPHY of Dubuque
 BUKTA of Clinton
 DAVITT of Warren
 GASKILL of Wapello
 LENSING of Johnson
 MCCARTHY of Polk
 D. OLSON of Polk
 PETERSEN of Polk
 QUIRK of Chickasaw
 REICHERT of Muscatine
 SHOULTZ of Black Hawk
 WESSEL-KROESCHELL of Story
 ZIRKELBACH of Jones

BERRY of Black Hawk
 DANDEKAR of Linn
 FOEGE of Linn
 HOGG of Linn
 MASCHER of Johnson
 MILLER of Webster
 R. OLSON of Polk
 PETTENGILL of Benton
 REASONER of Union
 SHOMSHOR of Pottawattamie
 T. TAYLOR of Linn
 WISE of Lee

H-1002

- 1 Amend House Resolution 4 as follows:
- 2 1. Page 21, by striking lines 8 and 9 and
- 3 inserting the following: "~~amendments and amendments~~
- 4 ~~sponsored by either the majority floor leader or the~~
- 5 ~~minority floor leader may~~".

HOGG of Linn

H-1003

- 1 Amend House Resolution 4 as follows:
- 2 1. Page 26, line 27, by inserting after the word
- 3 "committee" the following: "and subcommittee".

HOGG of Linn

H-1004

1 Amend House Resolution 4 as follows:

2 1. Page 5, by inserting after line 2 the
3 following:

4 "Rule 6A

5 Leadership Service Prohibited if Under Indictment
6 A member has a duty to uphold the integrity and
7 honor of the general assembly, to encourage respect
8 for the law and for the general assembly, and to
9 observe the house code of ethics. A member has a
10 responsibility to conform the member's conduct so as
11 to reflect credit on the general assembly, and to
12 inspire the confidence, respect, and trust of the
13 public.

14 A member shall be prohibited from serving as
15 speaker, speaker pro tempore, majority leader, or
16 minority leader, or as an assistant majority or
17 minority leader or whip, or standing or statutory
18 committee chair or ranking member, if the member is
19 charged with a felony. For purposes of this rule,
20 "charged" means the same as defined in section 801.4
21 of the Code."

HOGG of Linn

H-1006

1 Amend Senate File 36, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 257.1, subsection 2,
6 unnumbered paragraph 2, Code 2005, is amended by
7 striking the unnumbered paragraph and inserting in
8 lieu thereof the following:

9 The regular program foundation base per pupil is
10 the following:

11 a. For the budget year commencing July 1, 2005,
12 the regular program foundation base per pupil is
13 eighty-nine and twenty-eight hundredths percent of the
14 regular program state cost per pupil.

15 b. For the budget year commencing July 1, 2006,
16 the regular program foundation base per pupil is
17 ninety-one and six hundredths percent of the regular
18 program state cost per pupil.

19 c. For the budget year commencing July 1, 2007,
20 the regular program foundation base per pupil is
21 ninety-two and eighty-four hundredths percent of the
22 regular program state cost per pupil.

23 d. For the budget year commencing July 1, 2008,
24 the regular program foundation base per pupil is

25 ninety-four and sixty-two hundredths percent of the
 26 regular program state cost per pupil.
 27 e. For the budget year commencing July 1, 2009,
 28 the regular program foundation base per pupil is
 29 ninety-six and forty hundredths percent of the regular
 30 program state cost per pupil.
 31 f. For the budget year commencing July 1, 2010,
 32 the regular program foundation base per pupil is
 33 ninety-eight and eighteen hundredths percent of the
 34 regular program state cost per pupil.
 35 g. For the budget year commencing July 1, 2011,
 36 and succeeding budget years, the regular program
 37 foundation base per pupil is one hundred percent of
 38 the regular program state cost per pupil.
 39 For each budget year the special education support
 40 services foundation base is seventy-nine percent of
 41 the special education support services state cost per
 42 pupil. The combined foundation base is the sum of the
 43 regular program foundation base and the special
 44 education support services foundation base."
 45 2. Page 1, by striking lines 15 through 17 and
 46 inserting the following:
 47 "Sec. ____ The section of this Act increasing the
 48 regular program foundation base is enacted,
 49 notwithstanding the subject matter restrictions of
 50 section 257.8, subsection 1.

Page 2

1 Sec. ____ APPLICABILITY. The section of this Act
 2 establishing a state percent of growth for the budget
 3 year beginning July 1, 2006, is applicable for
 4 computing state aid under the state school foundation
 5 program for the school budget year beginning July 1,
 6 2006."
 7 3. Title page, by striking lines 1 and 2 and
 8 Inserting the following: "An Act relating to the
 9 state school foundation program by establishing the
 10 state percent of growth and increasing the regular
 11 program foundation base and".
 12 4. By renumbering as necessary.

PAULSEN of Linn

H-1007

1 Amend House File 1 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 257.1, subsection 2,
 5 unnumbered paragraph 2, Code 2005, is amended by
 6 striking the unnumbered paragraph and inserting in

7 lieu thereof the following:

8 The regular program foundation base per pupil is
9 the following:

10 a. For the budget year commencing July 1, 2005,
11 the regular program foundation base per pupil is
12 eighty-nine and twenty-eight hundredths percent of the
13 regular program state cost per pupil.

14 b. For the budget year commencing July 1, 2006,
15 the regular program foundation base per pupil is
16 ninety-one and six hundredths percent of the regular
17 program state cost per pupil.

18 c. For the budget year commencing July 1, 2007,
19 the regular program foundation base per pupil is
20 ninety-two and eighty-four hundredths percent of the
21 regular program state cost per pupil.

22 d. For the budget year commencing July 1, 2008,
23 the regular program foundation base per pupil is
24 ninety-four and sixty-two hundredths percent of the
25 regular program state cost per pupil.

26 e. For the budget year commencing July 1, 2009,
27 the regular program foundation base per pupil is
28 ninety-six and forty hundredths percent of the regular
29 program state cost per pupil.

30 f. For the budget year commencing July 1, 2010,
31 the regular program foundation base per pupil is
32 ninety-eight and eighteen hundredths percent of the
33 regular program state cost per pupil.

34 g. For the budget year commencing July 1, 2011,
35 and succeeding budget years, the regular program
36 foundation base per pupil is one hundred percent of
37 the regular program state cost per pupil.

38 For each budget year the special education support
39 services foundation base is seventy-nine percent of
40 the special education support services state cost per
41 pupil. The combined foundation base is the sum of the
42 regular program foundation base and the special
43 education support services foundation base."

44 .2. Page 1, by striking lines 15 through 17 and
45 inserting the following:

46 "Sec. ____ . The section of this Act increasing the
47 regular program foundation base is enacted,
48 notwithstanding the subject matter restrictions of
49 section 257.8, subsection 1.

50 Sec. ____ . APPLICABILITY. The section of this Act

Page 2

1 establishing a state percent of growth for the budget
2 year beginning July 1, 2006, is applicable for
3 computing state aid under the state school foundation
4 program for the school budget year beginning July 1,
5 2006."

- 6 3. Title page, by striking lines 1 and 2 and
 7 inserting the following: "An Act relating to the
 8 state school foundation program by establishing the
 9 state percent of growth and increasing the regular
 10 program foundation base and".
 11 4. By renumbering as necessary.

PAULSEN of Linn

H-1008

- 1 Amend House File 1 as follows:
 2 1. Page 1, line 7, by striking the word "four"
 3 and inserting the following: "six".
 4 2. Page 1, by striking lines 15 through 17 and
 5 inserting the following:
 6 "Sec.____. It is the intent of the general
 7 assembly that school districts expend an amount
 8 corresponding to two percent of the six percent
 9 increase in the state percent of growth provided
 10 pursuant to section 257.8, subsection 1, for the
 11 budget year beginning July 1, 2006, for purposes of
 12 class size reduction, improving teacher quality, and
 13 increasing student achievement.
 14 Sec.____. APPLICABILITY. Section 1 of this Act is
 15 applicable for computing state aid under the state
 16 school foundation program for the school budget year
 17 beginning July 1, 2006."
 18 3. By renumbering as necessary.

WENDT of Woodbury

H-1009

- 1 Amend House Resolution 4 as follows:
 2 1. Page 26, by inserting after line 24 the
 3 following:
 4 "Rule 51A
 5 Subcommittee Notice
 6 Each subcommittee shall prepare and publish a
 7 notice of its initial meeting. The notice shall
 8 contain the date, time, and location of the initial
 9 meeting. The notice shall be published at least
 10 twenty-four hours prior to the initial meeting. A
 11 subcommittee chair may call the initial meeting of the
 12 subcommittee without providing the required notice,
 13 but upon the committee's consideration of the
 14 subcommittee's report, the subcommittee chair shall
 15 include as part of the report the reason for not
 16 providing the required notice. The reason shall be
 17 made a part of the committee's minutes.
 18 Each subcommittee shall make a good faith effort to
 19 publish notice of its meetings, held subsequent to its

20 initial meeting, at least twenty-four hours before the
 21 meetings."

GASKILL of Wapello

H-1012

1 Amend Senate File 36, as passed by the Senate, as
 2 follows:

3 1. Page 1, line 7, by striking the word "four"
 4 and inserting the following: "six".

5 2. Page 1, by striking lines 15 through 17 and
 6 inserting the following:

7 "Sec. ___. It is the intent of the general
 8 assembly that school districts expend an amount
 9 corresponding to two percent of the six percent
 10 increase in the state percent of growth provided
 11 pursuant to section 257.8, subsection 1, for the
 12 budget year beginning July 1, 2006, for purposes of
 13 class size reduction, improving teacher quality, and
 14 increasing student achievement.

15 Sec. ___. APPLICABILITY. Section 1 of this Act is
 16 applicable for computing state aid under the state
 17 school foundation program for the school budget year
 18 beginning July 1, 2006."

19 3. By renumbering as necessary.

WENDT of Woodbury

H-1013

1 Amend Senate File 36, as passed by the Senate, as
 2 follows:

3 1. Page 1, line 7, by striking the word "four"
 4 and inserting the following: "six".

WENDT of Woodbury
 JOCHUM of Dubuque
 LENSING of Johnson
 BUKTA of Clinton
 FORD of Polk
 SHOULTZ of Black Hawk
 GASKILL of Wapello
 BELL of Jasper
 HEDDENS of Story
 SCHUELLER of Jackson
 WESSEL-KROESCHELL of Story
 OLDSON of Polk

FALLON of Polk
 WINCKLER of Scott
 KUHN of Floyd
 WHITEAD of Woodbury
 SWAIM of Davis
 THOMAS of Clayton
 D. OLSON of Boone
 D. TAYLOR of Linn
 R. OLSON of Polk
 MERTZ of Kossuth
 BERRY of Black Hawk
 MASCHER of Johnson

H-1015

1 Amend Senate File 36, as passed by the Senate, as

2 follows:

3 1. Page 1, by striking lines 15 through 17 and
4 inserting the following:

5 "Sec. _____. STATE PUBLIC EMPLOYEE COLLECTIVE
6 BARGAINING AGREEMENT MODIFICATION.

7 1. Notwithstanding section 257.8, subsection 1, or
8 any other provision of law to the contrary, a
9 collective bargaining agreement between the state of
10 Iowa and an employee organization representing state
11 employees shall provide, for the fiscal period
12 beginning July 1, 2005, and ending June 30, 2007, as
13 follows:

14 a. That any provision in the applicable collective
15 bargaining agreement providing for step or merit
16 adjustments or increases in pay for eligible employees
17 for the fiscal period beginning July 1, 2005, and
18 ending June 30, 2007, shall be limited to a zero
19 percent adjustment or increase and moneys shall not be
20 appropriated to fund any upward adjustment or
21 increase.

22 b. That any provision in the applicable collective
23 bargaining agreement providing for a cost-of-living
24 adjustment, or similar increase in pay, for the fiscal
25 period beginning July 1, 2005, and ending June 30,
26 2007, shall be limited to a zero percent adjustment or
27 increase and moneys shall not be appropriated to fund
28 any upward adjustment or increase.

29 2. The intent of this section is to implement a
30 pay freeze for state employees for the fiscal period
31 beginning July 1, 2005, and ending June 30, 2007.

32 Sec. _____. APPLICABILITY. Section 1 of this Act is
33 applicable for computing state aid under the state
34 school foundation program for the school budget year
35 beginning July 1, 2006."

36 2. Title page, by inserting after the word "Act"
37 the following: "relating to state budget growth by
38 restricting certain state employee pay increases and
39 by".

40 3. By renumbering as necessary.

DIX of Butler

H-1021

1 Amend House File 216 as follows:

2 1. Page 8, by striking lines 20 through 27.

3 2. By striking page 8, line 35, through page 9,
4 line 9, and inserting the following: "~~and special~~
5 driver's licenses to certain minors as provided in
6 sections 321.178 and 321.194, and driver's licenses
7 restricted to motorized bicycles as provided in
8 section 321.189. A license or permit shall not be

9 issued under this section or section 321.178 or
 10 321.194 without the consent of a parent or guardian.
 11 An additional consent is required each time a license
 12 or permit is issued under this section or section
 13 321.178 or 321.194. The consent must be signed by at
 14 least one parent or guardian on an affidavit form
 15 provided by the department."
 16 3. By renumbering as necessary.

HUSER of Polk

H-1032

1 Amend Senate Concurrent Resolution 3, as passed by
 2 the Senate, as follows:
 3 1. By striking page 15, line 26, through page 16,
 4 line 7, and inserting the following:
 5 "a) increases in salary grade or step based on
 6 evaluation of their job performance and
 7 recommendations of their administrative officers,
 8 subject to approval of the senate committee on rules
 9 and administration or the house committee on
 10 administration and rules, as appropriate, ~~provided,~~
 11 ~~however, that for promotions between classes with a~~
 12 ~~three or more pay grade difference, the employee shall~~
 13 ~~be given a two step increase in pay or the employee's~~
 14 ~~salary shall be adjusted to the entry level in the~~
 15 ~~grade of the new position, whichever is greater; or".~~

COMMITTEE ON ADMINISTRATION AND RULES

H-1035

1 Amend House File 467 as follows:
 2 1. Page 1, line 3, by striking the word "may" and
 3 inserting the following: "shall".

RAYHONS of Hancock

H-1036

1 Amend House File 282 as follows:
 2 1. Page 4, by inserting after line 5 the
 3 following:
 4 "Sec. _____. Section 481A.55, subsection 1, Code
 5 2005, is amended to read as follows:
 6 1. Except as otherwise provided, a person shall
 7 not buy or sell, dead or alive, a bird or animal or
 8 any part of one which is protected by this chapter,
 9 but this section does not apply to fur-bearing
 10 animals, bones of wild turkeys that were legally
 11 taken, and the skins, plumage, and antlers of legally

12 taken game. This section does not prohibit the
 13 purchase of jackrabbits from sources outside this
 14 state. A person shall not purchase, sell, barter, or
 15 offer to purchase, sell, or barter for millinery or
 16 ornamental use the feathers of migratory game birds;
 17 and a person shall not purchase, sell, barter, or
 18 offer to purchase, sell, or barter mounted specimens
 19 of migratory game birds."

REICHERT of Muscatine

H-1037

1 Amend House File 419 as follows:

2 1. Page 1, by inserting after line 20, the
 3 following:

4 "Sec.____. Section 483A.24, Code 2005, is amended
 5 by adding the following new subsection:

6 NEW SUBSECTION. 15. The commission may establish
 7 a special one-day deer hunt in which residents of Iowa
 8 who are sixteen years of age or older and who have
 9 permanent physical disabilities may participate. The
 10 special one-day deer hunt may be held before or during
 11 a regular deer hunting season. The commission shall
 12 issue without charge a special one-day deer hunting
 13 license for the hunt. A person who participates in
 14 the special hunt is not required to obtain a hunting
 15 license or to pay the wildlife habitat fee. The
 16 commission is authorized to prepare an application to
 17 be used by the person requesting the special license,
 18 which requires that the person's attending physician
 19 sign the form declaring that the person has a
 20 permanent physical disability. A license is not
 21 required for a person to assist a physically disabled
 22 person hunting during a special deer hunt established
 23 pursuant to this subsection. The commission shall
 24 establish rules pursuant to chapter 17A to administer
 25 the special one-day deer hunts authorized in this
 26 subsection."

27 2. Title page, line 2, by inserting after the
 28 word "licenses" the following: "and free deer hunting
 29 licenses for disabled persons".

THOMAS of Clayton

H-1039

1 Amend House File 466 as follows:

2 1. Page 5, by inserting after line 3 the
 3 following:

4 "Sec.____. Section 307.22, subsection 7, Code
 5 2005, is amended to read as follows:

6 7. Annually recalculate the construction and
 7 maintenance needs of roads under the jurisdiction of
 8 each county to take into account the needs of a road
 9 whose jurisdiction has been transferred from the
 10 department to a county or from a county to the
 11 department during the previous year. Prior to the
 12 fiscal year beginning July 1, 2013, the annual
 13 recalculation shall not include those roads
 14 transferred to a county pursuant to section 306.8A.
 15 The recalculation shall be reported by January 1 of
 16 the year following the transfer and shall take effect
 17 the following July 1 for the purposes of allocating
 18 moneys under ~~sections~~ section 312.3 and 312.5.
 19 Sec. __. Section 309.10, Code 2005, is amended to
 20 read as follows:

21 309.10 USE OF FARM-TO-MARKET ROAD FUND ACCOUNT.

22 1. Notwithstanding section 310.4, if the board of
 23 supervisors of a county does not plan to utilize its
 24 farm-to-market road ~~fund~~ account allocation for the
 25 succeeding fiscal year for farm-to-market projects,
 26 the board may annually, by stipulation in the
 27 secondary road construction program and secondary road
 28 budget submitted to the department in accordance with
 29 sections 309.22 and 309.93, determine an amount of the
 30 unobligated portion of its allocation, up to a maximum
 31 of fifty percent of its anticipated total annual
 32 allocation, for the construction and reconstruction of
 33 local secondary roads. However, moneys from the farm-
 34 to-market road ~~fund~~ account shall not be so used if
 35 the moneys are needed to match federal funds available
 36 for farm-to-market road projects.

37 2. A county shall not use farm-to-market road
 38 ~~funds~~ account moneys as described in this section
 39 unless the total funds that the county transferred or
 40 provided during the prior fiscal year pursuant to
 41 section 331.429, subsection 1, paragraphs "a", "b",
 42 "d", and "e", are at least seventy-five percent of the
 43 sum of the following:

44 1. a. From the general fund of the county, the
 45 dollar equivalent of a tax of sixteen and seven-
 46 eighths cents per thousand dollars of assessed value
 47 on all taxable property in the county.

48 2. b. From the rural services fund of the county,
 49 the dollar equivalent of a tax of three dollars and
 50 three-eighths of a cent per thousand dollars of

Page 2

1 assessed value on all taxable property not located
 2 within the corporate limits of a city in the county.

3 Sec. __. Section 310.3, Code 2005, is amended to
 4 read as follows:

5 310.3 FUNDS FARM-TO-MARKET ROAD ACCOUNT OF
 6 SECONDARY ROAD FUND.

7 ~~There is hereby created a fund~~ As provided in
 8 section 312.2, the treasurer of state shall maintain a
 9 separate account in the secondary road fund which
 10 shall be known as the farm-to-market road ~~fund~~ account
 11 which shall be made up as follows of the following:

- 12 1. All federal aid secondary road funds received
 13 by the state.
 14 2. All road use tax funds by law credited to the
 15 farm-to-market road ~~fund~~ account.
 16 3. All other funds which may, under ~~the provisions~~
 17 ~~of this chapter or any other law, be credited or~~
 18 ~~appropriated for the use of the farm-to-market road~~
 19 ~~fund~~ account.

20 Sec. __. Section 310.4, Code 2005, is amended to
 21 read as follows:

22 310.4 USE OF FUND ACCOUNT.

23 ~~Said~~ The farm-to-market road fund account is hereby
 24 appropriated for and shall be used in the
 25 establishment, construction, reconstruction, or
 26 improvement of the farm-to-market road system,
 27 including the drainage, grading, surfacing,
 28 resurfacing, construction of bridges and culverts, the
 29 elimination, protection, or improvement of railroad
 30 crossings, the acquiring of additional right of way
 31 and all other expenses incurred in the construction,
 32 reconstruction, or improvement of ~~said~~ the farm-to-
 33 market road system under this chapter.

34 Sec. __. Section 310.6, Code 2005, is amended to
 35 read as follows:

36 310.6 ACCOUNTS BY DEPARTMENT.

37 The department shall keep ~~accounts~~ subaccounts in
 38 relation to the farm-to-market road ~~fund~~ account and
 39 each county's allotment ~~thereof of the account,~~
 40 crediting each ~~fund~~ subaccount with all amounts by law
 41 creditable ~~thereto~~ to the subaccount, and charging
 42 each with all duly and finally approved vouchers for
 43 claims properly chargeable ~~thereto~~ to the subaccount.

44 Sec. __. Section 310.8, Code 2005, is amended to
 45 read as follows:

46 310.8 QUARTERLY STATEMENT TO COUNTY ENGINEER.

47 The department shall, quarterly, advise each county
 48 engineer of the condition of ~~said~~ the county's
 49 allotment of the farm-to-market road ~~fund~~ account.
 50 ~~Said~~ The statement shall show the balance in ~~said~~ the

Page 3

- 1 county's allotment at the beginning of ~~said~~ the
 2 period, the amount or amounts allotted to ~~said~~ the
 3 county during ~~said~~ the period, the amount disbursed

4 from ~~said the~~ county's allotment during ~~said the~~
 5 period, and the balance in ~~said the~~ county's allotment
 6 at the end of the ~~said~~ period. ~~Said The~~ statement
 7 shall also show the estimated outstanding obligations
 8 against the ~~said~~ county's allotment at the date of
 9 ~~said the~~ statement.

10 Sec. __. Section 310.16, Code 2005, is amended to
 11 read as follows:

12 310.16 CLAIMS CHARGED TO COUNTY ALLOTMENT.

13 All claims for improving farm-to-market roads
 14 hereunder shall be paid from the farm-to-market road
 15 account of the secondary road fund and charged to the
 16 allotment of ~~said fund~~ the account for the county in
 17 which ~~said the~~ project is located.

18 Sec. __. Section 310.20, Code 2005, is amended to
 19 read as follows:

20 310.20 SUPERVISORS RESOLUTION TO STATE TREASURER.

21 Any county may, in any year, by resolution of its
 22 board of supervisors, make available for improvement
 23 or construction of farm-to-market roads within the
 24 county any portion of its allotment of road use tax
 25 funds. Upon certification of such a resolution, the
 26 state treasurer shall place in the county's allotment
 27 of the farm-to-market road account of the secondary
 28 road fund the amount authorized by ~~such the~~ the
 29 resolution.

30 Sec. __. Section 310.27, Code 2005, is amended to
 31 read as follows:

32 310.27 PERIOD OF ALLOCATION – REVERSION –
 33 TEMPORARY TRANSFERS.

34 1. The portion of the farm-to-market road account
 35 of the secondary road fund allotted to any county as
 36 provided in this chapter shall remain available for
 37 expenditure in ~~said the~~ county for three years after
 38 the close of the fiscal year during which ~~said sums~~
 39 ~~respectively were~~ the portion was allocated. Any ~~sum~~
 40 portion remaining unexpended at the end of the period
 41 during which it is available for expenditure, shall be
 42 reapportioned among all the counties ~~as provided in~~
 43 ~~section 312.5 for original allocations.~~

44 2. For the purposes of this section, any ~~sums~~
 45 portions of the farm-to-market road account of the
 46 secondary road fund allotted to any county shall be
 47 presumed to have been "expended" ~~expended~~ when a
 48 contract has been awarded obligating the ~~sums~~
 49 portions. When projects and their estimated costs,
 50 which are proposed to be funded from the farm-to-

Page 4

1 market road fund account, are submitted to the
 2 department for approval, the department shall estimate

3 the total funding necessary and the period during
4 which claims for the projects will be filed. After
5 anticipating the funding necessary for approved
6 projects, the department may temporarily allocate
7 additional moneys from the farm-to-market road ~~fund~~
8 account for use in any other farm-to-market projects.
9 However, a county shall not be temporarily allocated
10 funds for projects in excess of the county's
11 anticipated farm-to-market road ~~fund~~ account
12 allocation for the current fiscal year plus the four
13 succeeding fiscal years.

14 3. If in the judgment of the department the
15 anticipated claims against the primary road fund for
16 any month are in excess of moneys available, a
17 temporary transfer for highway construction costs may
18 be made from the farm-to-market road ~~fund~~ account to
19 the primary road fund providing there will remain in
20 the ~~transferring fund~~ farm-to-market road account a
21 sufficient balance to meet the anticipated
22 obligations. All transfers shall be repaid from the
23 primary road fund to the farm-to-market road ~~fund~~
24 account within sixty days from the date of the
25 transfer. A transfer shall be made only with the
26 approval of the director of management and shall
27 comply with the director of management's rules
28 relating to the transfer of funds. Similar transfers
29 may be made by the department from the primary road
30 fund to the farm-to-market road ~~fund~~ account and these
31 transfers shall be subject to the same terms and
32 conditions that transfers from the farm-to-market road
33 ~~fund~~ account to the primary road fund are subject.

34 Sec. . Section 310.28, Code 2005, is amended to
35 read as follows:

36 310.28 ENGINEERING AND OTHER EXPENSE.

37 1. Engineering, inspection, and administration
38 expense expenses in connection with any farm-to-market
39 road project may be paid from ~~said the~~ county's
40 allotment of the farm-to-market road account of the
41 secondary road fund. Any such expense incurred by the
42 department may in the first instance be advanced out
43 of the primary road fund, ~~said the~~ amounts later being
44 reimbursed to ~~said funds~~ the primary road fund out of
45 the farm-to-market road ~~fund~~ account.

46 2. ~~Provided, that no~~ No part of the salary or
47 expense of the county engineer, any member of the
48 county board of supervisors, any member of the
49 department, the chief engineer, or any department head
50 or district engineer of the department shall be paid

Page 5

1 out of the farm-to-market road ~~fund~~ account.

2 Sec. __. Section 310.34, Code 2005, is amended to
3 read as follows:

4 310.34 SECONDARY ROAD RESEARCH FUND.

5 Notwithstanding any provision of law to the
6 contrary, the department ~~is hereby authorized to may~~
7 set aside each year not to exceed one and one-half
8 percent of the receipts in the farm-to-market road
9 ~~fund~~ account of the secondary road fund in a fund to
10 be known as the secondary road research fund.

11 Sec. __. Section 312.2, unnumbered paragraph 1,
12 Code 2005, is amended to read as follows:

13 The treasurer of the state shall, on the first day
14 of each month, credit all road use tax funds which
15 have been received by the treasurer, to the primary
16 road fund, the secondary road fund of the counties,
17 ~~the farm-to-market road fund~~, and the street
18 construction fund of the cities in the following
19 manner and amounts:

20 Sec. __. Section 312.2, subsections 1 through 4,
21 Code 2005, are amended to read as follows:

22 1. To the primary road fund, ~~forty seven and one~~
23 ~~half~~ fifty percent.

24 2. To the secondary road fund of the counties,
25 ~~twenty four and one-half~~ twenty-five percent. The
26 treasurer shall maintain a separate farm-to-market
27 road account in the secondary road fund for deposit of
28 moneys to be used for farm-to-market roads.

29 3. ~~To the farm-to-market road fund, eight percent.~~

30 4. 3. To the street construction fund of the
31 cities, ~~twenty~~ twenty-five percent.

32 Sec. __. Section 312.2, subsection 8, unnumbered
33 paragraph 2, Code 2005, is amended to read as follows:

34 Funds remaining in the secondary road fund of the
35 counties due to a reduction of allocations to counties
36 for failure to maintain a minimum local tax effort
37 shall be reallocated to counties that are not reduced
38 under this subsection pursuant to the allocation
39 provisions of section 312.3, subsection 1, ~~based upon~~
40 ~~the needs and area of the county~~. Information
41 necessary to make allocations under this subsection
42 shall be provided by the state department of
43 transportation or the director of the department of
44 management upon request by the treasurer of state.

45 Sec. __. Section 312.2, subsection 10, Code 2005,
46 is amended to read as follows:

47 10. The treasurer of state, before making the
48 other allotments provided for in this section, shall
49 credit annually to the primary road fund from the road
50 use tax fund the sum of four million four hundred

Page 6

1 thousand dollars and to the farm-to-market road
 2 account of the secondary road fund from the road use
 3 tax fund the sum of one million five hundred thousand
 4 dollars for partial compensation of allowing trucks to
 5 operate on the roads of this state as provided in
 6 section 321.463.

7 Sec. __. Section 312.3, subsection 1, Code 2005,
 8 is amended by striking the subsection and inserting in
 9 lieu thereof the following:

10 1. Apportion among the counties of the state, in
 11 the ratio which the population of each county, as
 12 shown by the latest available federal census, bears to
 13 the total population of all counties in the state, the
 14 percentage of the road use tax fund which is credited
 15 to the secondary road fund of the counties. A county
 16 may have one special federal census taken each decade,
 17 and the population figure thus obtained shall be used
 18 in apportioning amounts under this subsection
 19 beginning the calendar year following the year in
 20 which the special census is certified by the secretary
 21 of state.

22 Sec. __. Section 312.3C, Code 2005, is amended to
 23 read as follows:

24 312.3C SECONDARY ROAD FUND DISTRIBUTION ADVISORY
 25 COMMITTEE.

26 A secondary road fund distribution advisory
 27 committee is established to consider methodologies for
 28 distribution of moneys in the secondary road fund ~~and~~
 29 ~~farm-to-market road fund~~. The committee shall be
 30 comprised of representatives appointed by the
 31 president of the Iowa county engineers association,
 32 the president of the Iowa county supervisors
 33 association, and the department. The committee shall
 34 recommend to the general assembly, for the general
 35 assembly's consideration and adoption, one or more
 36 alternative methodologies for distribution of moneys
 37 in the secondary road fund ~~and the farm-to-market road~~
 38 ~~fund~~.

39 Sec. __. Section 312.4, subsections 2 and 4, Code
 40 2005, are amended to read as follows:

41 2. The amount of the road use tax fund ~~which~~ that
 42 the treasurer has credited to ~~(a)~~ the following:

43 a. The primary road fund, ~~(b) the~~

44 b. The secondary road fund of the counties, ~~(c)~~

45 ~~the farm-to-market road fund, and (d) the~~

46 c. The street construction fund of the cities.

47 4. The amount of federal aid secondary road funds
 48 which the treasurer has received from the federal
 49 government and credited to the farm-to-market road
 50 account of the secondary road fund.

Page 7

1 Sec. __. Section 314.3, Code 2005, is amended to
2 read as follows:
3 314.3 CLAIMS – APPROVAL AND PAYMENT.
4 1. All claims for construction, reconstruction,
5 improvement, repair, or maintenance on any highway
6 shall be itemized on voucher forms prepared for that
7 purpose, certified to by the claimants and by the
8 engineer in charge, and then forwarded to the agency
9 in control of that highway for final audit and
10 approval. Claims payable from the farm-to-market road
11 account of the secondary road fund shall be approved
12 by both the board of supervisors and the department.
13 Upon approval by the department of vouchers which are
14 payable from the farm-to-market road ~~fund~~ account, or
15 from the primary road fund, as the case may be, such
16 vouchers shall be forwarded to the director of the
17 department of administrative services, who shall draw
18 warrants ~~therefor~~ for the vouchers and ~~said the~~
19 warrants shall be paid by the treasurer of ~~the~~ state
20 from the farm-to-market road ~~fund~~ account or from the
21 primary road fund, as the case may be.

22 2. If the engineer makes such certificate or a
23 member of the agency approves such claim when ~~said the~~
24 work has not been done in accordance with the plans
25 and specifications, and ~~said the~~ work be not promptly
26 made good without additional cost, the engineer or
27 member shall be liable on the person's bond for the
28 amount of such claim.

29 Sec. __. Section 331.401, subsection 1, paragraph
30 b, Code 2005, is amended to read as follows:

31 b. Establish budgets for the farm-to-market road
32 account of the secondary road fund and the secondary
33 road fund in accordance with sections 309.10 and
34 309.93 to 309.97.

35 Sec. __. Section 331.429, Code 2005, is amended
36 to read as follows:

37 331.429 SECONDARY ROAD FUND.

38 1. Except as otherwise provided by state law,
39 county revenues for secondary and farm-to-market road
40 services shall be credited to the secondary road fund,
41 including the following:

42 a. Transfers from the general fund not to exceed
43 in any year the dollar equivalent of a tax of sixteen
44 and seven-eighths cents per thousand dollars of
45 assessed value on all taxable property in the county
46 multiplied by the ratio of current taxes actually
47 collected and apportioned for the general basic levy
48 to the total general basic levy for the current year,
49 and an amount equivalent to the moneys derived by the
50 general fund from military service tax credits under

Page 8

1 chapter 426A, manufactured or mobile home taxes under
2 section 435.22, and delinquent taxes for prior years
3 collected and apportioned to the general basic fund in
4 the current year, multiplied by the ratio of sixteen
5 and seven-eighths cents to three dollars and fifty
6 cents.

7 b. Transfers from the rural services fund not to
8 exceed in any year the dollar equivalent of a tax of
9 three dollars and three-eighths cents per thousand
10 dollars of assessed value on all taxable property not
11 located within the corporate limits of a city in the
12 county multiplied by the ratio of current taxes
13 actually collected and apportioned for the rural
14 services basic levy to the total rural services basic
15 levy for the current year and an amount equivalent to
16 the moneys derived by the rural services fund from
17 military service tax credits under chapter 426A,
18 manufactured or mobile home taxes under section
19 435.22, and delinquent taxes for prior years collected
20 and apportioned to the rural services basic fund in
21 the current year, multiplied by the ratio of three
22 dollars and three-eighths cents to three dollars and
23 ninety-five cents.

24 c. Moneys allotted to the county from the state
25 road use tax fund.

26 d. Moneys provided by individuals from their own
27 contributions for the improvement of any secondary or
28 farm-to-market road.

29 e. Other moneys dedicated to this fund by law
30 including but not limited to funds so dedicated
31 pursuant to sections 306.15, 309.52, 311.23, 311.29,
32 and 313.28.

33 f. All federal aid secondary road funds received
34 by the state.

35 2. The board may make appropriations from the
36 secondary road fund and from the farm-to-market road
37 account within the fund for the following secondary
38 road services:

39 a. Construction and reconstruction of secondary
40 and farm-to-market roads and costs incident to the
41 construction and reconstruction.

42 b. Maintenance and repair of secondary and farm-
43 to-market roads and costs incident to the maintenance
44 and repair.

45 c. Payment of all or part of the cost of
46 construction and maintenance of bridges in cities
47 having a population of eight thousand or less and all
48 or part of the cost of construction of roads which are
49 located within cities of less than four hundred
50 population and which lead to state parks.

Page 9

- 1 d. Special drainage assessments levied on account
2 of benefits to secondary or farm-to-market roads.
- 3 e. Payment of interest and principal on bonds of
4 the county issued for secondary or farm-to-market
5 roads, bridges, or culverts constructed by the county.
- 6 f. A legal obligation in connection with secondary
7 and farm-to-market roads and bridges, which obligation
8 is required by law to be taken over and assumed by the
9 county.
- 10 g. Secondary and farm-to-market road equipment,
11 materials, and supplies, and garages or sheds for
12 their storage, repair, and servicing.
- 13 h. Assignment or designation of names or numbers
14 to roads in the county and erection, construction, or
15 maintenance of guideposts or signs at intersections of
16 roads in the county.
- 17 i. The services provided under sections 306.15,
18 309.18, 309.52, 311.7, 311.23, 313A.23, 316.14,
19 468.43, 468.108, 468.341, and 468.342, chapter 310, or
20 other state law relating to secondary or farm-to-
21 market roads.
- 22 Sec. __. Sections 310.7 and 312.5, Code 2005, are
23 repealed.
- 24 Sec. __. TRANSITION PROVISIONS. The treasurer of
25 state and the state department of transportation shall
26 cooperate to coordinate any transitional procedures
27 required for allocation of road use tax funds as
28 provided in this Act."
- 29 2. Title page, line 5, by inserting after the
30 word "fund" the following: ", and modifying
31 allocations and apportionments of road use tax funds".
- 32 3. By renumbering as necessary.

HOGG of Linn

H-1045

- 1 Amend House File 312 as follows:
- 2 1. Page 7, by inserting after line 13 the
3 following:
- 4 "Sec. __. NEW SECTION. 68A.801 CITATION AND
5 PURPOSE.
- 6 This subchapter may be known and cited as the "Iowa
7 Clean Election Act". This subchapter establishes an
8 alternative campaign financing option available to
9 candidates running for statewide office or the general
10 assembly. This alternative campaign financing option
11 is available to candidates for elections to be held
12 beginning in the year 2006. The Iowa ethics and
13 campaign disclosure board shall administer this Act

14 and the fund. Candidates participating in the Iowa
 15 clean election Act must also comply with all other
 16 applicable election and campaign laws and rules.

17 Sec. __. NEW SECTION. 68A.802 DEFINITIONS.

18 As used in this subchapter, unless the context
 19 otherwise indicates, the following terms have the
 20 following meanings:

21 1. "Certified candidate" means a candidate running
 22 for statewide office or the general assembly who
 23 chooses to participate in the Iowa clean election Act
 24 and who is certified as an Iowa clean election Act
 25 candidate.

26 2. "Contribution" means the same as in section
 27 68B.102.

28 3. "Fund" means the Iowa clean election fund
 29 established in section 68A.803.

30 4. "Nonparticipating candidate" means a candidate
 31 running for statewide office or the general assembly
 32 who does not choose to participate in the Iowa clean
 33 election Act or who is not seeking to be certified as
 34 an Iowa clean election Act candidate.

35 5. "Participating candidate" means a candidate who
 36 is running for statewide office or the general
 37 assembly who is seeking to be certified as an Iowa
 38 clean election Act candidate.

39 6. "Qualifying contribution" means a donation
 40 meeting all of the following requirements:

41 a. Made in the amount of five dollars in the form
 42 of a check, money order, credit card, or debit card
 43 payable to the fund in support of a specific
 44 candidate.

45 b. Made by a registered voter within the
 46 jurisdiction for the office a candidate is seeking.

47 c. Made during the designated qualifying period
 48 with the knowledge and approval of the candidate.

49 d. That is acknowledged by a written receipt that
 50 identifies the name and address of the donor on forms

Page 2

1 provided by the board.

2 7. "Qualifying period" means the following:

3 a. For a participating candidate seeking statewide
 4 office, the qualifying period begins November 1
 5 immediately preceding an election year and ends at
 6 five p.m. on April 15 of the election year, unless the
 7 candidate is not a candidate of a political party, as
 8 that term is defined in section 43.2, in which case
 9 the period ends at five p.m. on June 2 of the election
 10 year.

11 b. For a participating candidate seeking election
 12 to the general assembly, the qualifying period begins

13 January 1 of the election year and ends at five p.m.
 14 on April 15 of that election year, unless the
 15 candidate is not a candidate of a political party, as
 16 that term is defined in section 43.2, in which case
 17 the period ends at five p.m. on June 2 of that
 18 election year.

19 8. "Seed money contribution" means a contribution
 20 of no more than one hundred dollars per individual
 21 made to a candidate, including a contribution from the
 22 candidate or the candidate's family. To be eligible
 23 for certification, a candidate may collect and spend
 24 only seed money contributions subsequent to becoming a
 25 candidate and throughout the qualifying period. A
 26 candidate shall not collect or spend seed money
 27 contributions after certification as an Iowa clean
 28 election Act candidate. A seed money contribution
 29 must be reported according to rules adopted by the
 30 board.

31 Sec. . **NEW SECTION.** 68A.803 IOWA CLEAN
 32 ELECTION FUND ESTABLISHED – SOURCES OF FUNDING.

33 1. **FUND ESTABLISHED.** An Iowa clean election fund
 34 is established in the office of the state treasurer
 35 under the control of the board for the purposes of
 36 financing the election campaigns of certified Iowa
 37 clean election Act candidates running for statewide
 38 office or the general assembly and paying the
 39 administrative and enforcement costs of the board
 40 related to this subchapter. Notwithstanding section
 41 8.33, moneys appropriated to the fund and moneys
 42 remaining in the fund at the end of a fiscal year
 43 shall not revert to the general fund of the state.

44 2. **SOURCES OF FUNDING.** All of the following must
 45 be deposited in the fund:

- 46 a. The qualifying contributions when those
- 47 contributions are submitted to the board.
- 48 b. Any moneys appropriated to the fund by the
- 49 general assembly. If the board determines that the
- 50 fund will not have sufficient revenues to cover the

Page 3

1 likely demand for moneys from the fund in an upcoming
 2 calendar year, the board shall report by January 1 its
 3 projections of the balances in the fund to the general
 4 assembly and the governor.

5 c. Revenues from the Iowa clean election fund tax
 6 checkoff provided for in section 422.12G.

7 d. Seed money contributions remaining unspent
 8 after a candidate has been certified as an Iowa clean
 9 election Act candidate.

10 e. Fund moneys that were distributed to an Iowa
 11 clean election Act candidate and that remain unspent

12 after the candidate has lost a primary election or
13 after the general election.

14 f. Other unspent fund moneys distributed to any
15 Iowa clean election Act candidate who does not remain
16 a candidate throughout a primary or general election
17 cycle.

18 g. Voluntary donations made directly to the fund.

19 h. Civil penalties collected under section
20 68B.32D, section 1, paragraph "h", or section 68A.806.

21 3. DETERMINATION OF FUND AMOUNT. By September 1
22 preceding each election year, the board shall publish
23 an estimate of moneys in the fund available for
24 distribution to certified candidates during the
25 upcoming year's elections and an estimate of the
26 likely demand for fund moneys during that election.
27 The board may submit proposed legislation to request
28 additional funding.

29 Sec. . NEW SECTION. 68A.804 TERMS OF
30 PARTICIPATION.

31 1. DECLARATION OF INTENT. A participating
32 candidate must file a declaration of intent to seek
33 certification as an Iowa clean election Act candidate
34 and to comply with the requirements of this
35 subchapter. The declaration of intent must be filed
36 with the board prior to or during the qualifying
37 period, except as provided in subsection 10, according
38 to forms and procedures developed by the board. A
39 participating candidate must submit a declaration of
40 intent prior to collecting qualifying contributions
41 under this subchapter.

42 2. RESTRICTIONS ON CONTRIBUTIONS FOR PARTICIPATING
43 CANDIDATES. Subsequent to becoming a candidate and
44 prior to certification, a participating candidate
45 shall not accept contributions, except for seed money
46 contributions. A participating candidate must limit
47 the candidate's seed money contributions to the
48 following amounts:

49 a. One hundred thousand dollars for a candidate
50 for statewide office.

Page 4

1 b. Five thousand dollars for a candidate for the
2 state senate.

3 c. Two thousand five hundred dollars for a
4 candidate for the state house of representatives.

5 3. QUALIFYING CONTRIBUTIONS. Participating
6 candidates must obtain qualifying contributions during
7 the qualifying period as follows:

8 a. For a candidate for statewide office, at least
9 two thousand five hundred registered voters of this
10 state must support the candidacy by making a

11 qualifying contribution to that candidate.

12 b. For a candidate for the state senate, at least
13 two hundred registered voters from the candidate's
14 district must support the candidacy by making a
15 qualifying contribution to that candidate.

16 c. For a candidate for the state house of
17 representatives, at least one hundred registered
18 voters from the candidate's district must support the
19 candidacy by making a qualifying contribution to that
20 candidate.

21 A payment, gift, or anything of value shall not be
22 given in exchange for a qualifying contribution. A
23 candidate may pay the fee for a money order which is a
24 qualifying contribution, as long as the donor making
25 the qualifying contribution pays the full five dollar
26 amount reflected on the money order. Any money order
27 fees paid by a participating candidate must be paid
28 for with seed money and reported in accordance with
29 board rules.

30 4. FILING WITH BOARD. A participating candidate
31 must submit qualifying contributions to the board
32 during the qualifying period according to procedures
33 developed by the board, except as provided under
34 subsection 10.

35 5. CERTIFICATION OF IOWA CLEAN ELECTION ACT
36 CANDIDATES. Upon receipt of a final submittal of
37 qualifying contributions by a participating candidate,
38 the board shall determine whether or not the candidate
39 has done all of the following:

40 a. Signed and filed a declaration of intent to
41 participate as an Iowa clean election Act candidate.

42 b. Submitted the appropriate number of valid
43 qualifying contributions.

44 c. Qualified as a candidate as provided by law.

45 d. Not accepted contributions, except for seed
46 money contributions, and otherwise complied with seed
47 money restrictions.

48 e. Not run for the same office as a
49 nonparticipating candidate in a primary election in
50 the same election year.

Page 5

1 f. Otherwise met the requirements for
2 participation as an Iowa clean election Act candidate.

3 The board shall certify a candidate complying with
4 the requirements of this section as an Iowa clean
5 election Act candidate as soon as possible and no
6 later than three days after final submittal of
7 qualifying contributions. Upon certification, a
8 candidate must transfer to the fund any unspent seed
9 money contributions. A certified candidate must

10 comply with all requirements of this subchapter after
11 certification and throughout the primary and general
12 election periods.

13 **6. RESTRICTIONS ON CONTRIBUTIONS AND EXPENDITURES**

14 **FOR CERTIFIED CANDIDATES.** After certification, a
15 candidate must limit the candidate's campaign
16 expenditures and obligations, including outstanding
17 obligations, to the moneys distributed to the
18 candidate from the fund and shall not accept any
19 contributions unless specifically authorized by the
20 board. All revenues distributed to certified
21 candidates from the fund must be used for campaign-
22 related purposes. The board shall adopt rules
23 establishing permissible campaign-related
24 expenditures.

25 **7. TIMING OF FUND DISTRIBUTION.** The board shall
26 distribute to certified candidates moneys from the
27 fund in amounts determined under subsection 8 in the
28 following manner:

29 a. Within three days after certification, for
30 candidates certified prior to March 15 of the election
31 year, moneys from the fund must be distributed as if
32 the candidates are in an uncontested primary election.

33 b. Within three days after certification, for all
34 candidates certified between March 15 and April 15 of
35 the election year, moneys from the fund must be
36 distributed according to whether the candidate is in a
37 contested or uncontested primary election.

38 c. For candidates in contested primary elections
39 receiving a distribution under paragraph "a",
40 additional moneys from the fund must be distributed
41 within three days of March 15 of the election year.

42 d. Within three days after the primary election
43 results are certified, for general election certified
44 candidates, moneys from the fund must be distributed
45 according to whether the candidate is in a contested
46 or uncontested general election.

47 **8. AMOUNT OF FUND DISTRIBUTION.** At least every
48 four years the board shall determine the amount of
49 funds to be distributed, subject to available funding,
50 to participating candidates based on the type of

Page 6

1 election and office as follows:

2 a. For contested legislative primary elections,
3 the amount of moneys to be distributed is the average
4 amount of campaign expenditures made by each candidate
5 during all contested primary election races for the
6 immediately preceding two primary elections, as
7 reported in the initial filing period subsequent to
8 the primary election, for the respective offices of

9 state senate and state house of representatives.

10 b. For uncontested legislative primary elections,
11 the amount of moneys distributed is the average amount
12 of campaign expenditures made by each candidate during
13 all uncontested primary election races for the
14 immediately preceding two primary elections, as
15 reported in the initial filing period subsequent to
16 the primary election, for the respective offices of
17 state senate and state house of representatives.

18 c. For contested legislative general elections,
19 the amount of moneys distributed is the average amount
20 of campaign expenditures made by each candidate during
21 all contested general election races for the
22 immediately preceding two general elections, as
23 reported in the initial filing period subsequent to
24 the general election, for the respective offices of
25 state senate and state house of representatives.

26 d. For uncontested legislative general elections,
27 the amount of moneys to be distributed from the fund
28 is forty percent of the amount distributed to a
29 participating candidate in a contested general
30 election.

31 e. For statewide primary elections, the amount of
32 moneys distributed is two hundred thousand dollars per
33 candidate in the primary election.

34 f. For statewide general elections, the amount of
35 moneys distributed is four hundred thousand dollars
36 per candidate in the general election.

37 If the immediately preceding election cycles do not
38 contain sufficient electoral data, the board shall use
39 information from the most recent applicable elections.

40 9. MATCHING FUNDS. When any campaign, finance, or
41 election report shows that the sum of a candidate's
42 expenditures or obligations, or funds raised or
43 borrowed, whichever is greater, alone or in
44 conjunction with independent expenditures reported
45 under section 68A.401, exceeds the distribution amount
46 under subsection 8, the board shall issue immediately
47 to any opposing Iowa clean election Act candidate,
48 subject to available funding, an additional amount
49 equivalent to the reported excess. Matching funds are
50 limited to two times the amount originally distributed

Page 7

1 under subsection 8, paragraph "a", "c", "e", or "f",
2 whichever is applicable.

3 10. CANDIDATE WHO IS NOT A CANDIDATE OF A
4 POLITICAL PARTY. A candidate who is not a candidate
5 of a political party, who is certified by April 15
6 preceding the primary election, is eligible for moneys
7 from the fund in the same amounts and at the same time

8 as an uncontested primary election candidate and a
9 general election candidate as specified in subsections
10 7 and 8. For such a candidate not certified by April
11 15 at five p.m. the deadline for filing qualifying
12 contributions is June 2 at five p.m. preceding the
13 general election. A candidate certified after April
14 15 at five p.m. is eligible for revenues from the fund
15 in the same amounts as a general election candidate,
16 as specified in subsections 7 and 8.

17 11. OTHER PROCEDURES. The board shall establish
18 by rule procedures for qualification, certification,
19 disbursement of fund moneys and return of unspent fund
20 moneys for races involving special elections,
21 recounts, vacancies, withdrawals, or replacement
22 candidates.

23 12. REPORTING – UNSPENT MONEYS. Notwithstanding
24 any other provision of law, participating and
25 certified candidates shall report any money collected,
26 all campaign expenditures, obligations, and related
27 activities to the board according to rules adopted by
28 the board. Upon the filing of a final report for any
29 primary election in which a candidate was defeated and
30 for the general election the candidate shall return
31 all unspent fund moneys to the board. In developing
32 these procedures, the board shall utilize existing
33 campaign reporting procedures whenever practicable.
34 The board shall ensure timely public access to
35 campaign finance data.

36 13. DISTRIBUTIONS NOT TO EXCEED AMOUNT IN FUND.
37 The board shall not distribute moneys to certified
38 candidates in excess of the total amount of moneys
39 deposited in the fund. Notwithstanding any other
40 provisions of this subchapter, if the board determines
41 that the moneys in the fund are insufficient to meet
42 distributions under subsections 8 and 9, the board may
43 permit certified candidates to accept and spend
44 contributions, reduced by any seed money
45 contributions, aggregating no more than five hundred
46 dollars per donor per election for statewide
47 candidates and two hundred fifty dollars per donor per
48 election for state senate and state house of
49 representatives candidates, up to the applicable
50 amounts set forth in subsections 8 and 9 according to

Page 8

1 rules adopted by the board.

2 14. APPEALS. A candidate who has been denied
3 certification as an Iowa clean election Act candidate
4 or the opponent of a candidate who has been granted
5 certification as an Iowa clean election Act candidate
6 may challenge a certification decision by the board as

7 follows:

- 8 a. A challenger may appeal to the full board
- 9 within three days of the certification decision. The
- 10 appeal must be in writing and must set forth the
- 11 reasons for the appeal.
- 12 b. Within five days after an appeal is properly
- 13 made and after notice is given to the challenger and
- 14 any opponent, the board shall hold a hearing pursuant
- 15 to chapter 17A. The board must rule on the appeal
- 16 within three days after the completion of the hearing.
- 17 c. Judicial review of the decision of the board
- 18 may be sought in accordance with chapter 17A.
- 19 d. A candidate whose certification by the board as
- 20 an Iowa clean election Act candidate is revoked on
- 21 appeal must return to the board any unspent moneys
- 22 distributed from the fund. If the board or court
- 23 finds that an appeal was made frivolously or to cause
- 24 delay or hardship, the board or court may require the
- 25 moving party to pay costs of the board, court, and
- 26 opposing parties, if any.

27 Sec. NEW SECTION. 68A.805 BOARD TO ADOPT
28 RULES.

29 The board shall adopt rules to ensure effective
30 administration of this subchapter. The rules shall
31 include but must not be limited to procedures for
32 obtaining qualifying contributions, certification as
33 an Iowa clean election Act candidate, circumstances
34 involving special elections, vacancies, recounts,
35 withdrawals, or replacements, collection of moneys for
36 the fund, distribution of fund moneys to certified
37 candidates, return of unspent fund disbursements,
38 disposition of equipment purchased with fund moneys,
39 and compliance with this subchapter.

40 Sec. NEW SECTION. 68A.806 VIOLATIONS.

41 1. CIVIL PENALTY. In addition to any other
42 penalties that may be applicable, a person who
43 violates any provision of this subchapter or rules of
44 the board is subject to a civil penalty not to exceed
45 ten thousand dollars per violation payable to the
46 fund. In addition to any penalty, for good cause
47 shown, a candidate found in violation of this
48 subchapter or rules of the board may be required to
49 return to the fund all moneys distributed to the
50 candidate from the fund. If the board makes a finding

Page 9

1 that a violation of this subchapter or rules of the
2 board has occurred, the board shall assess a civil
3 penalty or transmit the finding to the attorney
4 general for prosecution. Civil penalties paid under
5 this section shall be deposited in the fund. In

6 determining whether or not a candidate is in violation
 7 of the expenditure limits of this subchapter, the
 8 board may consider as a mitigating factor any
 9 circumstances out of the candidate's control.

10 2. CRIMINAL PENALTY. A person who willfully or
 11 knowingly violates this subchapter or rules of the
 12 board or who willfully or knowingly makes a false
 13 statement in any report required by this subchapter
 14 commits a simple misdemeanor and, if certified as an
 15 Iowa clean election Act candidate, must return to the
 16 fund all moneys distributed to the candidate.

17 Sec. ___. NEW SECTION. 68A.807 STUDY REPORT.

18 By January 30, 2008, and every four years after
 19 that date, the board shall prepare for submission to
 20 the general assembly a report documenting, evaluating,
 21 and making recommendations relating to the
 22 administration and enforcement of this subchapter.

23 Sec. ___. NEW SECTION. 422.12G INCOME TAX
 24 CHECKOFF FOR THE IOWA CLEAN ELECTION FUND.

25 1. A person who files an individual or a joint
 26 income tax return with the department of revenue under
 27 section 422.13 may designate one dollar or more to be
 28 paid to the Iowa clean election fund as established in
 29 section 68A.803. If the refund due on the return or
 30 the payment remitted with the return is insufficient
 31 to pay the additional amount designated by the
 32 taxpayer to the Iowa clean election fund, the amount
 33 designated shall be reduced to the remaining amount of
 34 the refund or the remaining amount remitted with the
 35 return. The designation of a contribution to the Iowa
 36 clean election fund under this section is irrevocable.

37 2. The director of revenue shall draft the income
 38 tax form to allow the designation of contributions to
 39 the Iowa clean election fund on the tax return. The
 40 department of revenue, on or before January 31, shall
 41 certify the total amount designated on the tax return
 42 forms due in the preceding calendar year and shall
 43 report the amount to the treasurer of state. The
 44 treasurer of state shall credit the amount to the Iowa
 45 clean election fund. However, before a checkoff
 46 pursuant to this section shall be permitted, all
 47 liabilities on the books of the department of revenue
 48 and accounts identified as owing under section 421.17
 49 and the political contribution allowed under section
 50 68A.601 shall be satisfied.

Page 10

1 3. The income tax checkoff for the Iowa clean
 2 election fund is not subject to the provisions of
 3 section 422.12E.

4 4. The department of revenue shall adopt rules to

5 administer this section.

6 Sec.____. EFFECTIVE DATE AND RETROACTIVE
7 APPLICABILITY:

8 1. Except as provided in subsection 2, the
9 sections of this Act enacting sections 68A.801 through
10 68A.807 take effect July 1, 2005, and apply to
11 candidates in elections to be held beginning in the
12 year 2006.

13 2. The section of this Act enacting section
14 422.12G, being deemed of immediate importance, takes
15 effect upon enactment and applies retroactively for
16 tax years beginning on or after January 1, 2005."

17 2. Title page, line 1, by inserting after the
18 word "finance" the following: ", clean election
19 funding."

20 3. Title page, line 3, by inserting after the
21 word "resources" the following: ", and providing
22 effective and retroactive applicability dates".

23 4. By renumbering as necessary.

FALLON of Polk

H-1052

1 Amend the amendment, H-1047, to Senate File 169, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by inserting after line 5 the
5 following:

6 "Sec.____. The provisions of this Act are repealed
7 on July 1, 2007, and the Code editor is instructed to
8 restore the language in section 124.212, subsection 4,
9 section 126.23A, section 602.8105, subsection 4,
10 section 714.7C, and section 805.8C, subsection 6, to
11 the language in the 2005 Code."

12 2. By renumbering as necessary.

WATTS of Dallas

H-1053

1 Amend House File 608 as follows:

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

4 "NEW SUBSECTION. 4A. "Constructive possession"
5 means as".

6 2. Page 1, line 4, by striking the figure
7 "702.13A" and inserting the following: "702.5A".

8 3. Page 1, by striking line 7, and inserting the
9 following:

10 "NEW SUBSECTION. 0A. "Constructive possession"
11 means the same as defined in".

- 12 4. Page 1, line 8, by striking the figure
 13 "702.13A" and inserting the following: "702.5A".
 14 5. Page 1, line 9, by striking the figure
 15 "702.13A" and inserting the following: "702.5A
 16 CONSTRUCTIVE".
 17 6. Page 1, by striking lines 10 through 20, and
 18 inserting the following:
 19 ""Constructive possession" means when a person is".
 20 7. Page 1, line 27, by inserting after the word
 21 "person." the following: "Constructive possession may
 22 be sole or joint. A person may be in constructive
 23 possession of an object or substance without having a
 24 proprietary interest in the object or substance or a
 25 right to possess the object or substance."
 26 8. Title page, line 1, striking the words "the
 27 term "possession"" and inserting the following:
 28 "constructive possession".

SMITH of Marshall

H-1055

- 1 Amend House File 118 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 275.15, unnumbered paragraph
 5 1, Code 2005, is amended to read as follows:
 6 At the hearing, which shall be held within ten days
 7 of the final date set for filing objections,
 8 interested parties, both petitioners and objectors,
 9 may present evidence and arguments, and the area
 10 education agency board shall review the matter on its
 11 merits ~~and within. Within ten days after the~~
 12 ~~conclusion of any hearing, shall rule on the~~
 13 ~~objections and the area education agency board shall~~
 14 rule on the objections and shall issue its
 15 recommendations regarding the boundaries. Within
 16 sixty days after the issuance of its recommendations,
 17 the area education agency board shall enter an order
 18 fixing the boundaries for the proposed school
 19 corporation as will in its judgment be for the best
 20 interests of all parties concerned, having due regard
 21 for the welfare of adjoining districts, or dismiss the
 22 petition. However, if an appeal has been filed with
 23 the state board of education pursuant to section
 24 275.17A, subsection 5, the area education agency board
 25 shall not enter an order fixing the boundaries until
 26 the state board issues its final decision.
 27 Sec. 2. NEW SECTION. 275.17A PETITION TO JOIN
 28 CONTIGUOUS SCHOOL DISTRICT.
 29 1. For the school year commencing July 1, 2006,
 30 and each succeeding school year, a person owning land

31 within the territory described in a petition filed in
32 accordance with section 275.12 may, within fifteen
33 days after the publication of a board ruling and
34 issuance of its recommendations regarding the
35 boundaries under section 275.15 or, if a controversy
36 arises and a party brings the controversy to the
37 department of education under section 275.16, within
38 twenty days after the decision of the department of
39 education under section 275.16, petition the
40 appropriate area education agency administrator to
41 join a school district that is contiguous to the
42 person's land.

43 2. Any person owning land that is contiguous to
44 the land owned by a person who files a petition to
45 join a contiguous school district in accordance with
46 subsection 1 may also file a petition to join the same
47 school district within the same time period specified
48 in subsection 1. However, not more than five
49 petitions submitted pursuant to this subsection shall
50 be approved by a school district under subsection 3.

Page 2

1 3. The board of directors of a school district
2 that receives a petition to join the school district
3 in accordance with subsections 1 and 2 shall take
4 action on the petition within thirty days of the
5 filing. Petitions shall be reviewed on a first come,
6 first served basis. Petitions may only be approved
7 until the property tax valuation of the land described
8 in the petitions exceeds five percent of the property
9 tax valuation of the proposed reorganized area. If a
10 petition is approved by the board, the board shall
11 notify the secretary of state and the area education
12 agency in the proposed reorganized area of its
13 approval within ten days of its action and the
14 secretary of state shall redraw the boundaries
15 specified for the proposed reorganized area to remove
16 the land area specified in the petition.

17 4. If the property tax valuation of the land
18 excluded from the proposed reorganized area in
19 accordance with this section reaches five percent of
20 the property tax valuation of the proposed reorganized
21 area, the area education agency in the proposed
22 reorganized area shall notify the board of directors
23 of the school district that the property tax valuation
24 limit specified in subsection 3 has been reached.

25 5. The board of directors of a school district may
26 appeal the decision of the contiguous school district
27 to the state board of education under chapter 290.

28 6. If the proposed reorganized area as redrawn by
29 the secretary of state is determined by the area

30 education agency board to comply with the plans which
 31 were adopted by the board in accordance with section
 32 275.5, the area education administrator shall proceed
 33 as provided under section 275.18.

34 Sec. 3. Section 275.54, unnumbered paragraph 2,
 35 Code 2005, is amended to read as follows:

36 If Except as provided in section 275.54A, if a
 37 dissolution proposal adopted by a board contains
 38 provisions that ninety-five percent or more of the
 39 taxable valuation of the dissolving district would be
 40 assumed and attached to a single school district, the
 41 dissolving school district shall cease further
 42 proceedings to dissolve and shall comply with
 43 reorganization procedures specified in this chapter.

44 Sec. 4. **NEW SECTION.** 275.54A PETITION TO JOIN A
 45 CONTIGUOUS SCHOOL DISTRICT.

46 1. Not later than twenty days following the date
 47 of the final hearing on the dissolution proposal, a
 48 person owning land within the territory described in
 49 the petition may petition the appropriate area
 50 education agency administrator to join a school

Page 3

1 district that is contiguous to the person's land.

2 2. Any person owning land that is contiguous to
 3 the land owned by a person who files a petition to
 4 join a contiguous school district in accordance with
 5 subsection 1 may also file a petition to join the same
 6 school district within the same time period specified
 7 in subsection 1.

8 3. The board of directors of a school district
 9 that receives a petition to join the school district
 10 in accordance with this section shall take action on
 11 the petition within fifteen days of the filing. If a
 12 petition is approved by the board, the board shall
 13 notify the appropriate area education agency
 14 administrator and that portion of the dissolution
 15 proposal shall not be included in the proposal voted
 16 upon under section 275.55 and the director of the
 17 department of education shall attach the area to the
 18 contiguous school district."

19 2. Title page, line 1, by inserting after the
 20 word "reorganization" the following: "and
 21 dissolution".

22 3. Title page, line 2, by inserting after the
 23 word "reorganizing" the following: "or dissolving".

H-1064

1 Amend House File 591 as follows:

2 1. Page 2, by striking lines 10 through 22, and
3 inserting the following:

4 "Sec. ___. Section 321.1, subsection 88, Code
5 2005, is amended to read as follows:

6 88. "Truck tractor" means every motor vehicle
7 designed and used primarily for drawing other vehicles
8 and not so constructed as to carry a load other than a
9 part of the weight of the vehicle and load so drawn.

10 However, a truck tractor may have a box, deck, or
11 plate for carrying freight, mounted on the frame
12 behind the cab, and forward of the fifth-wheel
13 connection point."

14 2. By renumbering as necessary.

RAYHONS of Hancock

H-1064

1 Amend House File 591 as follows:

2 1. Page 2, by striking lines 10 through 22, and
3 inserting the following:

4 "Sec. ___. Section 321.1, subsection 88, Code
5 2005, is amended to read as follows:

6 88. "Truck tractor" means every motor vehicle
7 designed and used primarily for drawing other vehicles
8 and not so constructed as to carry a load other than a
9 part of the weight of the vehicle and load so drawn.

10 However, a truck tractor may have a box, deck, or
11 plate for carrying freight, mounted on the frame
12 behind the cab, and forward of the fifth-wheel
13 connection point."

14 2. By renumbering as necessary.

UPMEYER of Hancock

H-1069

1 Amend House File 587 as follows:

2 1. Page 5, by inserting after line 33, the
3 following:

4 "h. In the case of any officer, member of the
5 board of directors, trustee, or designated manager of
6 the program or any stockholder, partner, or individual
7 who has greater than a ten percent equity interest in
8 the program, who has or has had an ownership interest
9 in an adult day services program, assisted living
10 program, elder group home, home health agency,
11 residential care facility, or licensed nursing
12 facility in any state which has been closed due to

13 ~~removal of program, agency, or facility licensure or~~
 14 ~~certification or involuntary termination from~~
 15 ~~participation in either the medical assistance or~~
 16 ~~Medicare programs, or who has been found to have~~
 17 ~~failed to provide adequate protection or services for~~
 18 ~~participants to prevent abuse or neglect.~~
 19 ~~i. In the case of a certificate applicant or an~~
 20 ~~existing certified owner or operator who is an entity~~
 21 ~~other than an individual, the person is in a position~~
 22 ~~of control or is an officer of the entity and engages~~
 23 ~~in any act or omission proscribed by this chapter."~~

24 2. Page 5, line 34, by striking the word "h." and
 25 inserting the following: "i."

26 3. Page 7, line 15, by inserting after the word
 27 "chapter," the following: "including the conclusion
 28 of all appeals processes,".

29 4. Page 7, by striking lines 28 through 33, and
 30 inserting the following:

31 "Sec. ___. Section 231D.11, Code 2005, is amended
 32 to read as follows:

33 231D.11 PENALTIES.

34 1. A person establishing, conducting, managing, or
 35 operating an adult day services program without a
 36 certificate is guilty of a serious misdemeanor. Each
 37 day of continuing violation after conviction or notice
 38 from the department of inspections and appeals by
 39 certified mail of a violation shall be considered a
 40 separate offense or chargeable offense. A person
 41 establishing, conducting, managing, or operating an
 42 adult day services program without a certificate may
 43 be temporarily or permanently restrained by a court of
 44 competent jurisdiction from such activity in an action
 45 brought by the state.

46 ~~2. A person who prevents or interferes with or~~
 47 ~~attempts to impede in any way any duly authorized~~
 48 ~~representative of the department of inspections and~~
 49 ~~appeals in the lawful enforcement of this chapter or~~
 50 ~~of the rules adopted pursuant to this chapter is~~

Page 2

1 ~~guilty of a simple misdemeanor. As used in this~~
 2 ~~subsection, lawful enforcement includes but is not~~
 3 ~~limited to:~~

4 ~~a. Contacting or interviewing any participant of~~
 5 ~~an adult day services program in private at any~~
 6 ~~reasonable hour and without advance notice.~~

7 ~~b. Examining any relevant records of an adult day~~
 8 ~~services program.~~

9 ~~e. Preserving evidence of any violation of this~~
 10 ~~chapter or of the rules adopted pursuant to this~~
 11 ~~chapter.~~

- 12 ~~3.~~ 2. A civil penalty, as established by rule,
 13 may apply in any of the following situations:
 14 a. Program noncompliance with one or more
 15 regulatory requirements has caused or is likely to
 16 cause harm, serious injury, threat, or death to a
 17 ~~recipient of program services participant.~~
 18 b. Program failure or refusal to comply with
 19 regulatory requirements within prescribed time
 20 frames."
 21 5. Page 8, line 31, by inserting before the word
 22 "Adult" the following: "1."
 23 6. Page 8, by inserting after line 34, the
 24 following:
 25 "2. A hospital licensed pursuant to chapter 135B,
 26 a health care facility licensed pursuant to chapter
 27 135C, or an assisted living program certified pursuant
 28 to chapter 231C may operate an adult day services
 29 program if the adult day services program is certified
 30 pursuant to this chapter.
 31 3. A certified adult day services program that
 32 complies with the requirements of this chapter shall
 33 not be required to be licensed or certified as another
 34 type of facility, unless the facility is represented
 35 to the public as another type of facility."
 36 7. By renumbering, redesignating, and correcting
 37 internal references as necessary.

UPMEYER of Hancock

H-1071

- 1 Amend House File 728 as follows:
 2 1. Page 2, lines 3 and 4, by striking the words
 3 "institutions under the control of the state board of
 4 regents or".

HUTTER of Scott

H-1080

- 1 Amend House File 643 as follows:
 2 1. Page 1, line 4, by inserting after the word
 3 "operations" the following: "and renewable fuel
 4 facilities".

ALONS of Sioux
 GREINER of Washington
 LALK of Fayette
 COHOON of Des Moines
 KURTENBACH of Story

CHAMBERS of O'Brien
 HUSEMAN of Cherokee
 WISE of Lee
 REASONER of Union
 SANDS of Louisa

H-1083

1 Amend House File 712 as follows:

2 1. Page 1, by inserting after line 4, the
3 following:

4 "Sec. ___. Section 69.14A, subsection 2, paragraph
5 b, unnumbered paragraph 1, Code 2005, is amended to
6 read as follows:

7 By special election held to fill the office for the
8 remaining balance of the unexpired term. The board of
9 supervisors may, on its own motion, or shall, upon
10 receipt of a petition as provided in paragraph "a" or
11 "c", or as provided in subsection 2A, call for a
12 special election to fill the vacancy in lieu of
13 appointment. The supervisors shall order the special
14 election at the earliest practicable date, but giving
15 at least thirty-two days' notice of the election. A
16 special election called under this section shall be
17 held on a Tuesday and shall not be held on the same
18 day as a school election within the county."

19 2. Page 1, line 20, by inserting after the word
20 "county" the following: "but that the electors of the
21 county have the right to file a petition requiring
22 that the vacancy be filled by special election".

23 3. Page 1, by inserting after line 26, the
24 following:

25 "However, if within fourteen days after publication
26 of the notice or within fourteen days after the
27 appointment is made, a petition is filed with the
28 county auditor requesting a special election to fill
29 the vacancy, the appointment is temporary and a
30 special election shall be called as provided in
31 paragraph "b". The petition shall meet the
32 requirements of section 331.306."

33 4. Page 1, by inserting before line 27, the
34 following:

35 "Sec. ___. Section 69.14A, Code 2005, is amended
36 by adding the following new subsection:

37 NEW SUBSECTION. 2A. In addition to the procedures
38 in subsection 2, in the event of a vacancy in the
39 office of auditor, recorder, or treasurer, the board
40 of supervisors may appoint one of the remaining two
41 named officers to fill the vacancy. However, the
42 vacancy shall not be filled in this manner unless the
43 officer appointed to fill the vacancy agrees in
44 writing with the board of supervisors to assume the
45 duties of the vacant office. The appointment shall be
46 for the period until the next pending election as
47 defined in section 69.12, and shall be made within
48 forty days after the vacancy occurs. If the board of
49 supervisors chooses to proceed under this subsection
50 and after reaching agreement with the officer chosen

Page 2

1 to fill the vacancy, the board shall publish notice in
 2 the manner prescribed by section 331.305 stating that
 3 the board intends to fill the vacancy by appointment
 4 but that the electors of the county have the right to
 5 file a petition requiring that the vacancy be filled
 6 by special election. The board may publish notice in
 7 advance if an elected official submits a resignation
 8 to take effect at a future date. The board may make
 9 the appointment to fill the vacancy, as agreed to
 10 under this subsection, after the notice is published
 11 or after the vacancy occurs, whichever is later.

12 However, if within fourteen days after publication
 13 of the notice or within fourteen days after the
 14 appointment is made, a petition is filed with the
 15 county auditor requesting a special election to fill
 16 the vacancy, the appointment is temporary and a
 17 special election shall be called as provided in
 18 subsection 2, paragraph "b". The petition shall meet
 19 the requirements of section 331.306.

20 Sec. ____. Section 69.14A, subsections 3 and 4,
 21 Code 2005, are amended to read as follows:

22 3. Notwithstanding ~~subsection~~ subsections 2 and
 23 2A, in the event of a vacancy for which no eligible
 24 candidate residing in the county comes forward for
 25 appointment, a county board of supervisors may employ
 26 a person to perform the duties of the office for at
 27 least sixty days but no more than ninety days. After
 28 ninety days, the board shall proceed under subsection
 29 2 or 2A.

30 4. Notwithstanding subsections 1, ~~and 2,~~ and 2A,
 31 if a nomination has been made at the primary election
 32 for an office in which a vacancy has been filled by
 33 appointment, the office shall be filled at the next
 34 general election, and not at any special election in
 35 the same political subdivision."

36 5. Title page, line 1, by inserting after the
 37 word "Act" the following: "relating to vacancies in
 38 certain county offices by".

39 6. Title page, line 2, by inserting after the
 40 word "officers" the following: "and by allowing
 41 certain county officers to assume the duties of
 42 certain vacant county offices".

43 7. By renumbering as necessary.

GASKILL of Wapello

H-1084

1 Amend House File 712 as follows:

2 1. Page 1, by inserting before line 1, the

3 following:

4 "Section 1. Section 69.14A, subsection 1,
5 paragraph b, unnumbered paragraph 1, Code 2005, is
6 amended to read as follows:

7 By special election held to fill the office for the
8 remaining balance of the unexpired term. The
9 committee of county officers designated to fill the
10 vacancy in section 69.8 may, on its own motion, or
11 shall, upon receipt of a petition as provided in
12 paragraph "a" or "c", call for a special election to
13 fill the vacancy in lieu of appointment. The
14 committee shall order the special election at the
15 earliest practicable date, but giving at least thirty-
16 two days' notice of the election. A special election
17 called under this section shall be held on a Tuesday
18 and shall not be held on the same day as a school
19 election within the county.

20 Sec. 2. Section 69.14A, subsection 1, Code 2005,
21 is amended by adding the following new paragraph:
22 **NEW PARAGRAPH.** c. By appointment of a county
23 supervisor in another county by the committee of
24 county officers designated to fill the vacancy in
25 section 69.8. The appointment shall be made by
26 agreement of the committee of county officers and the
27 board of supervisors of the county from which the
28 supervisor is appointed. The appointment shall be for
29 the period until the next pending election as defined
30 in section 69.12, and shall be made within forty days
31 after the vacancy occurs. If the committee of county
32 officers designated to fill the vacancy chooses to
33 proceed under this paragraph, the committee shall
34 publish notice in the manner prescribed by section
35 331.305 stating that the committee intends to fill the
36 vacancy by appointment of a county supervisor in
37 another county but that the electors of the district
38 or county, as the case may be, have the right to file
39 a petition requiring that the vacancy be filled by
40 special election. The committee may publish notice in
41 advance if a supervisor submits a resignation to take
42 effect at a future date. The committee may make an
43 appointment to fill the vacancy after the notice is
44 published or after the vacancy occurs, whichever is
45 later. A person appointed under this paragraph is not
46 required to be a resident of the county filling the
47 vacancy by appointment.

48 However, if within fourteen days after publication
49 of the notice or within fourteen days after the
50 appointment is made, a petition is filed with the

Page 2

1 county auditor requesting a special election to fill

2 the vacancy, the appointment is temporary and a
3 special election shall be called as provided in
4 paragraph "b". The petition shall meet the
5 requirements of section 331.306, except that in
6 counties where supervisors are elected under plan
7 "three", the number of signatures calculated according
8 to the formula in section 331.306 shall be divided by
9 the number of supervisor districts in the county."
10 2. Page 1, by inserting after line 4, the
11 following:

12 "Sec. ____ Section 69.14A, subsection 2, paragraph
13 b, unnumbered paragraph 1, Code 2005, is amended to
14 read as follows:

15 By special election held to fill the office for the
16 remaining balance of the unexpired term. The board of
17 supervisors may, on its own motion, or shall, upon
18 receipt of a petition as provided in paragraph "a" or
19 "c", call for a special election to fill the vacancy
20 in lieu of appointment. The supervisors shall order
21 the special election at the earliest practicable date,
22 but giving at least thirty-two days' notice of the
23 election. A special election called under this
24 section shall be held on a Tuesday and shall not be
25 held on the same day as a school election within the
26 county."

27 3. Page 1, line 20, by inserting after the word
28 "county" the following: "but that the electors of the
29 county have the right to file a petition requiring
30 that the vacancy be filled by special election".

31 4. Page 1, by inserting after line 26, the
32 following:

33 "However, if within fourteen days after publication
34 of the notice or within fourteen days after the
35 appointment is made, a petition is filed with the
36 county auditor requesting a special election to fill
37 the vacancy, the appointment is temporary and a
38 special election shall be called as provided in
39 paragraph "b". The petition shall meet the
40 requirements of section 331.306."

41 5. By renumbering as necessary.

GASKILL of Wapello

H-1086

1 Amend House File 712 as follows:

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

4 "Section 1. Section 69.14A, subsection 1,
5 paragraph b, unnumbered paragraph 1, Code 2005, is
6 amended to read as follows:

7 By special election held to fill the office for the

8 remaining balance of the unexpired term. The
9 committee of county officers designated to fill the
10 vacancy in section 69.8 may, on its own motion, or
11 shall, upon receipt of a petition as provided in
12 paragraph "a" or "c", call for a special election to
13 fill the vacancy in lieu of appointment. The
14 committee shall order the special election at the
15 earliest practicable date, but giving at least thirty-
16 two days' notice of the election. A special election
17 called under this section shall be held on a Tuesday
18 and shall not be held on the same day as a school
19 election within the county.

20 Sec. __. Section 69.14A, subsection 1, Code 2005,
21 is amended by adding the following new paragraph:
22 NEW PARAGRAPH. c. By appointment of the county
23 auditor, recorder, or treasurer by the committee of
24 county officers designated to fill the vacancy in
25 section 69.8. The appointment shall be made by
26 agreement of the member of the committee chosen to
27 fill the vacancy and the remaining members of the
28 board of supervisors. The officer appointed shall
29 continue to fulfill the duties of auditor, recorder,
30 or treasurer, as applicable, in addition to serving as
31 county supervisor. The appointment shall be for the
32 period until the next pending election as defined in
33 section 69.12, and shall be made within forty days
34 after the vacancy occurs. If the committee of county
35 officers designated to fill the vacancy chooses to
36 proceed under this paragraph, the committee shall
37 publish notice in the manner prescribed by section
38 331.305 stating that the committee intends to fill the
39 vacancy by appointment of the county auditor,
40 recorder, or treasurer to the office of county
41 supervisor but that the electors of the district or
42 county, as the case may be, have the right to file a
43 petition requiring that the vacancy be filled by
44 special election. The committee may publish notice in
45 advance if a supervisor submits a resignation to take
46 effect at a future date. The committee may make an
47 appointment to fill the vacancy after the notice is
48 published or after the vacancy occurs, whichever is
49 later.

50 However, if within fourteen days after publication

Page 2

1 of the notice or within fourteen days after the
2 appointment is made, a petition is filed with the
3 county auditor requesting a special election to fill
4 the vacancy, the appointment is temporary and a
5 special election shall be called as provided in
6 paragraph "b". The petition shall meet the

7 requirements of section 331.306, except that in
8 counties where supervisors are elected under plan
9 "three", the number of signatures calculated according
10 to the formula in section 331.306 shall be divided by
11 the number of supervisor districts in the county."

12 2. Page 1, by inserting after line 4, the
13 following:

14 "Sec. ____ Section 69.14A, subsection 2, paragraph
15 b, unnumbered paragraph 1, Code 2005, is amended to
16 read as follows:

17 By special election held to fill the office for the
18 remaining balance of the unexpired term. The board of
19 supervisors may, on its own motion, or shall, upon
20 receipt of a petition as provided in paragraph "a" or
21 "c", call for a special election to fill the vacancy
22 in lieu of appointment. The supervisors shall order
23 the special election at the earliest practicable date,
24 but giving at least thirty-two days' notice of the
25 election. A special election called under this
26 section shall be held on a Tuesday and shall not be
27 held on the same day as a school election within the
28 county."

29 3. Page 1, line 20, by inserting after the word
30 "county" the following: "but that the electors of the
31 county have the right to file a petition requiring
32 that the vacancy be filled by special election".

33 4. Page 1, by inserting after line 26, the
34 following:

35 "However, if within fourteen days after publication
36 of the notice or within fourteen days after the
37 appointment is made, a petition is filed with the
38 county auditor requesting a special election to fill
39 the vacancy, the appointment is temporary and a
40 special election shall be called as provided in
41 paragraph "b". The petition shall meet the
42 requirements of section 331.306."

43 5. Title page, line 1, by inserting after the
44 word "Act" the following: "relating to vacancies in
45 certain county offices by".

46 6. Title page, line 2, by inserting after the
47 word "officers" the following: "and by allowing
48 certain county officers to assume the duties of
49 certain vacant county offices".

50 7. By renumbering as necessary.

GASKILL of Wapello

H-1087

1 Amend House File 686 as follows:

2 1. Page 6, by inserting after line 17 the
3 following:

4 "3. All agreements and contracts for construction,
5 repairs, or improvement of buildings and grounds
6 resulting from a bid or any other method determined by
7 the board pursuant to subsection 1 shall specify that
8 work involving the mechanical, electrical, or plumbing
9 trades be completed by persons who are licensed, or
10 registered to perform the work if the person who is
11 registered is supervised by and in the presence of an
12 individual who is licensed, in this state by a local
13 building department or other governmental subdivision,
14 as defined in section 103A.3, to perform that work."

15 2. By renumbering as necessary.

PAULSEN of Linn
T. TAYLOR of Linn

H-1090

1 Amend House File 686 as follows:

2 1. Page 6, by inserting after line 17 the
3 following:

4 "3. All agreements and contracts for construction,
5 repairs, or improvement of buildings and grounds
6 resulting from a bid or any other method determined by
7 the board pursuant to subsection 1 shall specify that
8 work involving the mechanical, electrical, or plumbing
9 trades be completed by persons who are licensed, or
10 registered to perform the work if the person who is
11 registered is supervised by and in the presence of an
12 individual who is licensed, in the county in which the
13 work site is located, or in a county that is
14 contiguous to the county in which the work site is
15 located, by a local building department or other
16 governmental subdivision, as defined in section
17 103A.3, to perform that work."

18 2. By renumbering as necessary.

T. TAYLOR of Linn
PAULSEN of Linn

H-1091

1 Amend House File 551 as follows:

2 1. Page 1, by inserting after line 9 the
3 following:

4 "This section does not apply to a person who owns
5 the newspaper, magazine, other publication, or other
6 print media in which the reference appears, or to a
7 person who owns the radio station, television station,
8 or other electronic medium which makes such a
9 reference."

10 2. Title page, line 3, by inserting after the

11 word "record" the following: "and making penalties
12 applicable".

RAECKER of Polk

H-1092

1 Amend House File 727 as follows:

2 1. Page 3, by inserting after line 6 the
3 following:

4 "Sec. . NEW SECTION. 99F.4D MORATORIUM FOR
5 ISSUANCE OF LICENSES FOR GAMBLING GAMES.

6 1. Commencing July 1, 2005, the commission shall
7 not issue a license to conduct gambling games on an
8 excursion boat or at a pari-mutuel racetrack pursuant
9 to this chapter. However, this moratorium shall not
10 apply to the granting of a table games license as
11 provided by this chapter.

12 2. This section does not affect the validity of a
13 license issued by the commission pursuant to this
14 chapter before July 1, 2005, or the authority of the
15 commission to suspend, revoke, transfer, or renew a
16 license issued before July 1, 2005, pursuant to
17 chapter 99D or this chapter."

18 2. Title page, line 1, by inserting after the
19 word "to" the following: "state regulatory issues by
20 imposing a moratorium on the issuance of licenses for
21 gambling games and regulating the".

CARROLL of Poweshiek

H-1093

1 Amend House File 732 as follows:

2 1. Page 1, by inserting after line 11 the
3 following:

4 "For the school budget years beginning July 1,
5 2006, through July 1, 2011, if the department of
6 management determines that a school district has
7 experienced a decrease in actual enrollment for the
8 budget year beginning July 1, 2006, in comparison to
9 the district's actual enrollment for the budget year
10 beginning July 1, 2005, and that the decrease is
11 attributable to inclusion in actual enrollment of
12 resident pupils enrolled in half-day kindergarten
13 programs, and resident prekindergarten pupils enrolled
14 in half-day special education programs, as five-
15 tenths of one pupil, the school district may include
16 in actual enrollment an amount calculated by the
17 department of management corresponding to the
18 following schedule:

19 (1) For the school budget year beginning July 1,

20 2006, eighty-five and seventy-eight hundredths percent
 21 of the amount of the decrease.

22 (2) For the school budget year beginning July 1,
 23 2007, seventy-one and fifty hundredths percent of the
 24 amount of the decrease.

25 (3) For the school budget year beginning July 1,
 26 2008, fifty-seven and twenty-two hundredths percent of
 27 the amount of the decrease.

28 (4) For the school budget year beginning July 1,
 29 2009, forty-two and ninety-four hundredths percent of
 30 the amount of the decrease.

31 (5) For the school budget year beginning July 1,
 32 2010, twenty-eight and fifty-six hundredths percent of
 33 the amount of the decrease.

34 (6) For the school budget year beginning July 1,
 35 2011, fourteen and twenty-eight hundredths percent of
 36 the amount of the decrease.

37 Sec. __. Section 257.13, Code 2005, is amended by
 38 striking the section and inserting in lieu thereof the
 39 following:

40 257.13 ON-TIME FUNDING BUDGET ADJUSTMENT.

41 1. For the school budget year beginning July 1,
 42 2006, and succeeding budget years, if a district's
 43 actual enrollment for the budget year, determined
 44 under section 257.6, is greater than its budget
 45 enrollment for the budget year, the district shall
 46 receive an on-time funding budget adjustment. The
 47 adjustment shall be in an amount equal to the
 48 difference between the actual enrollment for the
 49 budget year and the budget enrollment for the budget
 50 year, multiplied by the district cost per pupil. The

Page 2

1 additional funding received under this section is
 2 miscellaneous income to the school district.

3 2. A school district which is receiving a budget
 4 adjustment for a budget year pursuant to section
 5 257.14 shall receive on-time funding for increased
 6 enrollment, reduced by the amount of the budget
 7 adjustment for that budget year. The resulting amount
 8 shall not be less than zero.

9 3. If a district receives additional funding under
 10 this section for a budget year, the department of
 11 management shall determine the amount of the
 12 additional funding which would have been generated by
 13 local property tax revenues, in proportion to the
 14 amount of funding actually received pursuant to this
 15 section, if the actual enrollment for the budget year
 16 had been used in determining district cost for that
 17 budget year. The department of management shall
 18 reduce, but not by more than the determined amount of

19 additional funding which would have been generated by
20 local property tax revenues, the district's total
21 state school aid otherwise available under this
22 chapter for the next following budget year.

23 4. There is appropriated each fiscal year from the
24 general fund of the state to the department of
25 education an amount required to pay the additional
26 funding authorized under this section corresponding to
27 the following schedule:

28 a. For the fiscal year beginning July 1, 2006, and
29 ending June 30, 2007, fourteen and twenty-eight
30 hundredths percent of the amount required to pay the
31 additional funding.

32 b. For the fiscal year beginning July 1, 2007, and
33 ending June 30, 2008, twenty-eight and fifty-six
34 hundredths percent of the amount required to pay the
35 additional funding.

36 c. For the fiscal year beginning July 1, 2008, and
37 ending June 30, 2009, forty-two and ninety-four
38 hundredths percent of the amount required to pay the
39 additional funding.

40 d. For the fiscal year beginning July 1, 2009, and
41 ending June 30, 2010, fifty-seven and twenty-two
42 hundredths percent of the amount required to pay the
43 additional funding.

44 e. For the fiscal year beginning July 1, 2010, and
45 ending June 30, 2011, seventy-one and fifty hundredths
46 percent of the amount required to pay the additional
47 funding.

48 f. For the fiscal year beginning July 1, 2011, and
49 ending June 30, 2012, eighty-five and seventy-eight
50 hundredths percent of the amount required to pay the

Page 3

1 additional funding.

2 g. For the fiscal year beginning July 1, 2012, and
3 ending June 30, 2013, one hundred percent of the
4 amount required to pay the additional funding.

5 The amount required to pay the additional funding
6 pursuant to this section shall be determined annually
7 by the department of management, and shall be paid to
8 school districts in the same manner as other state aid
9 payable under section 257.16."

10 2. Title page, lines 1 and 2, by striking the
11 words "kindergarten and prekindergarten" and inserting
12 the following: "specified".

13 3. By renumbering as necessary.

BOAL of Polk
RAECKER of Polk
JACOBS of Polk
ELGIN of Linn

H-1094

1 Amend House File 791 as follows:

- 2 1. Page 4, line 10, by striking the word
3 "registration" and inserting the following:
4 "licensure".
- 5 2. Page 17, line 23, by striking the word
6 "registered" and inserting the following: "licensed".
- 7 3. Page 17, line 25, by striking the word
8 "registered" and inserting the following: "licensed".
- 9 4. Page 17, line 29, by striking the word
10 "registration" and inserting the following: "license".
- 11 5. Page 18, line 1, by striking the word
12 "registered" and inserting the following: "licensed".
- 13 6. Page 18, line 6, by striking the word
14 "REGISTRATION" and inserting the following: "LICENSE".
- 15 7. Page 18, line 7, by striking the words "--
16 CIVIL PENALTY".
- 17 8. Page 18, line 8, by striking the word
18 "registration" and inserting the following: "license".
- 19 9. Page 18, line 9, by striking the word
20 "registration" and inserting the following: "license".
- 21 10. Title page, line 2, by inserting after the
22 word "for" the following: "fees and".

GREINER of Washington

H-1096

1 Amend House File 759 as follows:

- 2 1. Page 1, line 7, by striking the words
3 "'Professional hunting" and inserting the following:
4 "'Hunting or shooting".
- 5 2. Page 1, line 10, by inserting after the word
6 "hunt" the following: "or shoot".
- 7 3. Page 1, line 19, by striking the words
8 "professional hunting" and inserting the following:
9 "hunting or shooting".
- 10 4. Page 2, line 8, by striking the words
11 "PROFESSIONAL HUNTING" and inserting the following:
12 "HUNTING OR SHOOTING".
- 13 5. Page 2, line 11, by striking the words
14 "professional hunting" and inserting the following:
15 "hunting or shooting".
- 16 6. Page 2, line 18, by striking the words
17 "PROFESSIONAL HUNTING" and inserting the following:
18 "HUNTING OR SHOOTING".
- 19 7. Page 2, line 31, by striking the words
20 "professional hunting" and inserting the following:
21 "hunting or shooting".

BAUDLER of Adair

H-1097

1 Amend House File 728 as follows:
 2 1. Page 2, line 4, by striking the word
 3 "foundation".

RAECKER of Polk

H-1100

1 Amend House File 589 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 427.1, subsection 14,
 5 unnumbered paragraph 2, Code 2005, is amended to read
 6 as follows:
 7 The assessor, in arriving at the valuation of any
 8 property of the society or organization, shall take
 9 into consideration any uses of the property not for
 10 the appropriate objects of the organization and shall
 11 assess in the same manner as other property, all or
 12 any portion of the property involved which is leased
 13 or rented and is used regularly for commercial
 14 purposes for a profit to a party or individual. If a
 15 portion of the property is used regularly for
 16 commercial purposes, an exemption shall not be allowed
 17 upon property so used and the exemption granted shall
 18 be in the proportion of the value of the property used
 19 solely for the appropriate objects of the
 20 organization, to the entire value of the property.
 21 However, the board of trustees or the board of
 22 directors of a hospital, as defined in section 135B.1,
 23 may permit use of a portion of the hospital for
 24 commercial purposes, and the hospital is entitled to
 25 full exemption for that portion used for nonprofit
 26 health-related purposes, upon compliance with the
 27 filing requirements of this subsection. The property
 28 of a nursing facility, as defined in section 135C.1,
 29 which is exempt from federal income tax under section
 30 501©(3) of the Internal Revenue Code, is entitled to
 31 the exemption of the property regardless of the
 32 proportion of residents of the facility for whom the
 33 cost of care is privately paid or paid under Title XIX
 34 of the federal Social Security Act, upon compliance
 35 with the filing requirements of this subsection.
 36 Sec. 2. EFFECTIVE AND APPLICABILITY DATE. This
 37 Act, being deemed of immediate importance, takes
 38 effect upon enactment and applies to property taxes
 39 due and payable in fiscal years beginning on or after
 40 July 1, 2005."

KURTENBACH of Story

H-1102

1 Amend Senate File 123, as passed by the Senate, as
2 follows:

3 1. Page 1, line 6, by striking the word "of" and
4 inserting the following: "authorized by".

5 2. Page 1, line 7, by striking the word "voter,"
6 and inserting the following: "voter to return the
7 ballot,".

8 3. Page 1, line 14, by striking the words "of the
9 voter," and inserting the following: "authorized by
10 the voter to return the ballot,".

11 4. Page 2, by inserting after line 9, the
12 following:

13 "If the sealed carrier envelope is delivered by an
14 immediate family member of the voter, the immediate
15 family member shall, upon delivery of the envelope to
16 the commissioner, complete a form provided by the
17 commissioner containing the following information:

18 (1) The immediate family member's name and
19 address.

20 (2) The immediate family member's relationship to
21 the voter.

22 (3) The serial number on the sealed carrier
23 envelope.

24 (4) An attestation stating that the immediate
25 family member was authorized by the voter to return
26 the sealed carrier envelope.

27 (5) The signature of the immediate family member."

COMMITTEE ON STATE GOVERNMENT

H-1106

1 Amend House File 752 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 135.11, Code 2005, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 19A. Develop a model plan for
7 institutional health facilities as defined in section
8 135.61, maternal health centers, and other providers
9 under the purview of the department that provide
10 services to women during pregnancy or immediately
11 following the birth of a child. The model plan shall
12 address a provider's provision of mental health
13 assessments and referrals to women receiving services
14 from the provider during pregnancy and postpartum.

15 Sec. 2. Section 135.106, subsection 2, paragraph
16 d, Code 2005, is amended to read as follows:

17 d. Provision of systematic screening, prenatally
18 or upon the birth of a child, to identify high-risk

19 families. The screening process shall include but is
20 not limited to provision of mental health assessments
21 and referrals of women during pregnancy and
22 postpartum.

23 Sec. 3. Section 255A.2, Code 2005, is amended by
24 adding the following new unnumbered paragraph:
25 **NEW UNNUMBERED PARAGRAPH.** The services provided
26 under the statewide obstetrical and newborn indigent
27 patient care program shall include but are not limited
28 to mental health assessments and treatment during
29 pregnancy and postpartum for the women covered by the
30 program.

31 Sec. 4. Section 514C.12, subsection 1, Code 2005,
32 is amended to read as follows:

33 1. Notwithstanding section 514C.6, a person who
34 provides an individual or group policy of accident or
35 health insurance or individual or group hospital or
36 health care service contract issued pursuant to
37 chapter 509, 509A, 514, or 514A or an individual or
38 group health maintenance organization contract issued
39 and regulated under chapter 514B, ~~which is delivered,~~
40 ~~amended, or renewed on or after July 1, 1996, and~~
41 which provides maternity benefits, which are not
42 limited to complications of pregnancy, or newborn care
43 benefits, shall not terminate inpatient benefits or
44 require discharge of a mother or the newborn from a
45 hospital following delivery earlier than determined to
46 be medically appropriate by the attending physician
47 after consultation with the mother and in accordance
48 with guidelines adopted by rule by the commissioner.
49 The guidelines adopted by rule shall be consistent
50 with or may adopt by reference the guidelines for

Page 2

1 perinatal care established by the American academy of
2 pediatrics and the American college of obstetricians
3 and gynecologists which provide that when
4 complications are not present, the postpartum hospital
5 stay ranges from a minimum of forty-eight hours for a
6 vaginal delivery to a minimum of ninety-six hours for
7 a cesarean birth, excluding the day of delivery. The
8 guidelines adopted by rule by the commissioner shall
9 also provide that in the event of a discharge from the
10 hospital prior to the minimum stay established in the
11 guidelines, a postdischarge follow-up visit shall be
12 provided to the mother and newborn by providers
13 competent in postpartum care and newborn assessment if
14 determined medically appropriate as directed by the
15 attending physician, in accordance with the
16 guidelines. In addition, the guidelines shall provide
17 for coverage of mental health assessment and treatment

18 of women provided during pregnancy and postpartum
19 under the policies and contracts subject to this
20 section that are delivered, amended, or renewed on or
21 after July 1, 2005."

22 2. Title page, by striking lines 1 through 3 and
23 inserting the following: "An Act relating to services
24 available to women during pregnancy and postpartum."

MASCHER of Johnson

H-1107

1 Amend House File 752 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. PROTECTION INITIATIVE –
5 APPROPRIATION. There is appropriated from the general
6 fund of the state to the Iowa department of public
7 health for the fiscal year beginning July 1, 2005, and
8 ending June 30, 2006, the following amount, or so much
9 thereof as is necessary, for the purpose designated:
10 For enhancement of initiatives to increase public
11 awareness regarding violence against pregnant women
12 and for the development of services and programs to
13 protect pregnant women against violence:
14 \$ 100,000"

15 2. Title page, by striking lines 1 through 3, and
16 inserting the following: "An Act relating to
17 protection of pregnant women against violence, and
18 providing an appropriation."

SMITH of Marshall

H-1108

1 Amend House File 752 as follows:

2 1. Page 1, by striking lines 1 through 9, and
3 inserting the following:

4 "Section 1. Section 707.8, subsection 2, Code
5 2005, is amended to read as follows:

6 2. A person who terminates a human pregnancy
7 without the consent of the pregnant person during the
8 commission of a felony or felonious assault is guilty
9 of a class "C" "B" felony."

10 2. Title page, lines 1 through 3, by striking the
11 words "crimes against members of the species Homo
12 sapiens at any stage of development and making
13 penalties applicable" and inserting the following:
14 "nonconsensual termination of a human pregnancy during
15 the commission of a felony or a felonious assault and
16 providing a penalty".

HUNTER of Polk

H-1109

1 Amend House File 752 as follows:

2 1. Page 1, by striking lines 1 through 9, and
3 inserting the following:

4 "Section 1. Section 707.8, subsection 3, Code
5 2005, is amended to read as follows:

6 3. A person who intentionally terminates a human
7 pregnancy without the knowledge and voluntary consent
8 of the pregnant person is guilty of a class "~~C~~" "B"
9 felony.

10 2. Title page, lines 1 through 3, by striking the
11 words "crimes against members of the species Homo
12 sapiens at any stage of development and making
13 penalties applicable" and inserting the following:
14 "intentional nonconsensual termination of a human
15 pregnancy and providing a penalty".

HUNTER of Polk

H-1110

1 Amend House File 752 as follows:

2 1. Page 1, by striking lines 1 through 9, and
3 inserting the following:

4 "Section 1. Section 707.8, subsection 4, Code
5 2005, is amended to read as follows:

6 4. A person who unintentionally terminates a human
7 pregnancy by any of the means provided pursuant to
8 section 707.6A, subsection 1, is guilty of a class "~~C~~"
9 "B" felony."

10 2. Title page, lines 1 through 3, by striking the
11 words "crimes against members of the species Homo
12 sapiens at any stage of development and making
13 penalties applicable" and inserting the following:
14 "the unintentional termination of a human pregnancy
15 and providing a penalty".

HUNTER of Polk

H-1111

1 Amend House File 752 as follows:

2 1. Page 1, by striking lines 1 through 9 and
3 inserting the following:

4 "Sec. ____ Section 707.8, subsection 6, Code 2005,
5 is amended to read as follows:

6 6. A person who unintentionally terminates a human
7 pregnancy while drag racing in violation of section
8 321.278 is guilty of a class "~~D~~" "C" felony."

9 2. Title page, by striking lines 1 through 3, and
10 inserting the following: "An Act relating to
11 unintentional termination of a human pregnancy while

12 drag racing and providing a penalty.”

HUNTER of Polk

H-1112

1 Amend House File 718 as follows:

2 1. Page 1, line 2, by striking the word
3 “subsection” and inserting the following:
4 “subsections”.

5 2. Page 1, by inserting after line 15, the
6 following:

7 “NEW SUBSECTION. 6B. If a lessee surrenders
8 possession of a leased vehicle to the lessor prior to
9 the expiration of the lease agreement, either because
10 the lessee is leasing or purchasing another vehicle
11 from the lessor or because the lessee is moving out of
12 state, the lessor shall reimburse the lessee for the
13 amount of unexpired vehicle registration fees,
14 regardless of whether the lessor applies to the county
15 treasurer for a credit under section 321.46 or a
16 refund under this section. The reimbursement shall be
17 computed on the basis of the number of unexpired
18 months remaining in the registration year from the
19 date of surrender of possession of the vehicle to the
20 lessor.”

21 3. Title page, line 1, by striking the words
22 “allowing a refund” and inserting the following:
23 “providing for refunds”.

24 4. Title page, line 2, by striking the words “a
25 vehicle owner who moves out of state” and inserting
26 the following: “certain vehicle owners and lessees”.

27 5. By renumbering as necessary.

FORD of Polk

H-1113

1 Amend House File 747 as follows:

2 1. Page 1, line 2, by inserting after the word
3 “FACT” the following: “AND CERTAIN DEROGATORY
4 STATEMENTS”.

5 2. Page 1, line 5, by inserting after the word
6 “fact” the following: “and derogatory and demeaning
7 statements”.

8 3. Page 1, line 12, by inserting after the word
9 “fact” the following: “and derogatory and demeaning
10 statements”.

11 4. Page 1, by inserting after line 18 the
12 following:

13 “___ “Derogatory statement” means a statement
14 intended to demean or belittle a candidate and having

- 15 no rational relationship to the candidate's ability or
16 qualifications for office.”
- 17 5. Page 2, by inserting after line 7 the
18 following:
19 “___ A person shall not, with actual malice,
20 cause to be disseminated a derogatory statement
21 concerning a candidate for public office involving the
22 candidate's race, creed, color, religion, national
23 origin, sex, age, or physical or mental disability.”
- 24 6. Page 2, line 9, by inserting after the word
25 “fact” the following: “or a derogatory statement”.
- 26 7. Page 2, line 23, by inserting after the word
27 “fact” the following: “or a derogatory statement”.
- 28 8. Page 2, line 33, by inserting after the word
29 “fact” the following: “or a derogatory statement”.
- 30 9. Page 2, line 35, by inserting after the word
31 “fact” the following: “or a derogatory statement”.
- 32 10. Title page, line 2, by inserting after the
33 word “fact” the following: “or certain derogatory
34 statements”.
- 35 11. By renumbering as necessary.

FORD of Polk
RAECKER of Polk

H-1114

- 1 Amend House File 752 as follows:
2 1. Page 1, by striking lines 1 through 9 and
3 inserting the following:
4 “Section 1. Section 707.8, subsection 1, Code
5 2005, is amended to read as follows:
6 1. A person who terminates a human pregnancy
7 without the consent of the pregnant person during the
8 commission of a forcible felony is guilty of a class
9 ~~“B”~~ “A” felony.”
- 10 2. Title page, lines 1 through 3, by striking the
11 words “crimes against members of the species Homo
12 sapiens at any stage of development and making
13 penalties applicable” and inserting the following:
14 “nonconsensual termination of a pregnancy during the
15 commission of a forcible felony and providing a
16 penalty”.

HUNTER of Polk

H-1116

- 1 Amend House File 793 as follows:
- 2 1. Page 7, by striking lines 6 through 24.
- 3 2. Page 7, line 25, by inserting after the figure
- 4 "3," the following: "unnumbered paragraph 1,".
- 5 3. Page 7, line 27, by striking the figure "3."
- 6 4. By striking page 7, line 32 through page 8,
- 7 line 1.
- 8 5. By striking page 10, line 35 through page 11,
- 9 line 1, and inserting the following: "ballots to
- 10 absent voters as provided by sections 53.8, 53.10, and
- 11 53.11. The printed ballots shall be subject to the".
- 12 6. Page 11, line 16, by striking the figures
- 13 "~~53.11~~ 53.10" and inserting the following: "53.10 or
- 14 53.11".
- 15 7. Page 11, line 25, by striking the figures
- 16 "~~53.11~~ 53.10" and inserting the following: "53.10 or
- 17 53.11".
- 18 8. Page 11, line 35, by striking the figures
- 19 "~~53.11~~ 53.10," and inserting the following: "53.10 or
- 20 53.11".
- 21 9. Page 16, by striking line 4.
- 22 10. By striking page 19, line 3 through page 52,
- 23 line 31.
- 24 11. Title page 1, lines 8 and 9, by striking the
- 25 words "modifying closing hours of the polls,".
- 26 12. Title page 2, by striking lines 6 and 7, and
- 27 inserting the following: "ballots, defining voter
- 28 registration list,".
- 29 13. Title page 2, by striking lines 15 through
- 30 20, and inserting the following: "registration
- 31 verification, and including effective and
- 32 applicability date provisions."
- 33 14. By renumbering as necessary.

WENDT of Woodbury

H-1118

- 1 Amend House File 785 as follows:
- 2 1. Page 1, by striking line 24.
- 3 2. Page 1, line 30, by striking the words
- 4 "evaluation and".
- 5 3. Page 1, by striking line 35.
- 6 4. Page 2, line 2, by striking the words "or
- 7 service coordination" and inserting the following:
- 8 "funded under the medical assistance program".
- 9 5. Page 2, by striking line 3.
- 10 6. Page 2, line 12, by striking the words
- 11 "evaluation and".
- 12 7. Page 2, by striking line 18.

13 8. Page 2, by striking lines 20 through 22 and
 14 inserting the following: "services provided by a
 15 residential care facility with six or more beds and a
 16 community supported apartment living arrangement with
 17 five or fewer beds."

18 9. Page 2, by striking lines 25 through 27 and
 19 inserting the following:
 20 "(1) Case management funded through the medical
 21 assistance program."

22 10. Page 2, by striking lines 30 and 31 and
 23 inserting the following: "not limited to costs for
 24 diagnostic evaluations and transportation by the
 25 sheriff."

26 11. Page 2, by striking lines 32 through 34 and
 27 inserting the following:

28 "(3) Respite care."

29 12. Page 3, line 1, by striking the words "adult
 30 day care,".

31 13. Page 3, by striking lines 3 and 4.

32 14. Page 3, by striking lines 7 and 8.

33 15. Page 3, by striking lines 9 through 14 and
 34 inserting the following:

35 "() Residential services, including but not
 36 limited to a community supported apartment living
 37 arrangement with five or fewer beds, an intermediate
 38 care facility for persons with mental retardation with
 39 five or fewer beds, a residential care facility with
 40 six or more beds, and a residential care facility for
 41 persons with mental retardation with six or more
 42 beds."

43 16. Page 3, by striking lines 20 through 34 and
 44 inserting the following:

45 "(2) Care provided in an intermediate care
 46 facility for persons with mental retardation."

47 17. By renumbering as necessary.

CARROLL of Poweshiek

H-1119

1 Amend House File 551 as follows:

2 1. Page 1, by inserting after line 9 the
 3 following:

4 "This section does not apply to a newspaper,
 5 magazine, publication, or other print media in which
 6 the reference appears, or a radio station, television
 7 station, or other electronic medium which makes such a
 8 reference."

9 2. Title page, line 3, by inserting after the

10 word "record" the following: "and making penalties
11 applicable".

RAECKER of Polk

H-1122

1 Amend House File 686 as follows:

2 1. Page 1, line 5, by inserting after the word
3 "g," the following: "shall conduct audits of the
4 state board of regents and its institutions, including
5 the university of Iowa hospitals and clinics,".

6 2. Page 1, line 6, by striking the word "shall"
7 and inserting the following: "shall".

8 3. Page 1, by striking lines 7 through 10 and
9 inserting the following: "perform audit testing on
10 the state board of regents' investments. The auditor
11 shall report to the state board of regents concerning
12 compliance with state law and state board of
13 regents".

14 4. Page 1, line 11, by striking the words
15 "investment policies" and inserting the following:
16 "investment policies this chapter, and the standards
17 applicable to financial audits contained in the
18 government auditing standards issued by the
19 comptroller general of the United States. The audits
20 are public documents that shall be filed with the
21 state board of regents, the state auditor, the chief
22 clerk of the house of representatives, and the
23 secretary of the senate".

24 5. Page 2, line 29, by inserting after the word
25 "proposals." The following: "The state board of
26 regents' requests for proposals shall include the
27 audit requirements as outlined in paragraph "a" and
28 shall be consistent with the board's audit policies,
29 which shall include applicable provisions of the
30 federal Sarbanes-Oxley Act of 2002, such as auditor
31 qualifications, performance of an auditor selection
32 process no less than once every five years, and
33 rotation of audit management at least every five
34 years. The state board of regents shall also request
35 a bid from the auditor of state. This bidding process
36 for audit services shall be available to the board of
37 regents commencing with audit services for the fiscal
38 year beginning July 1, 2006."

39 6. Page 4, line 31, by inserting after the figure
40 "13.7" the following: ", but shall not supersede the
41 provisions of section 13.2".

JENKINS of Black Hawk
DOLECHECK of Ringgold

H-1124

- 1 Amend House File 811 as follows:
- 2 1. Page 1, by striking line 31, and inserting the
- 3 following:
- 4 "..... \$ 1,500,000"

MASCHER of Johnson

H-1127

- 1 Amend House Concurrent Resolution 10 as follows:
- 2 1. Page 2, by striking lines 5 and 6 and
- 3 inserting the following: "which shall include two
- 4 members of the house of representatives appointed by
- 5 the speaker of the house and the minority leader".
- 6 2. Page 2, line 7, by striking the word "three"
- 7 and inserting the following: "two".
- 8 3. By renumbering as necessary.

SWAIM of Davis

H-1131

- 1 Amend House Concurrent Resolution 10 as follows:
- 2 1. Page 1, line 9, by striking the word
- 3 "liability" and inserting the following:
- 4 "malpractice".
- 5 2. Page 1, line 13, by striking the word
- 6 "liability" and inserting the following:
- 7 "malpractice".
- 8 3. Page 1, line 18, by striking the word
- 9 "liability" and inserting the following:
- 10 "malpractice".
- 11 4. Page 1, line 23, by striking the word
- 12 "liability" and inserting the following:
- 13 "malpractice".
- 14 5. Page 1, line 26, by striking the word
- 15 "liability" and inserting the following:
- 16 "malpractice".
- 17 6. Page 1, line 29, by striking the word
- 18 "liability" and inserting the following:
- 19 "malpractice".
- 20 7. Page 2, line 1, by striking the word
- 21 "liability" and inserting the following:
- 22 "malpractice".
- 23 8. Page 2, line 9, by striking the word
- 24 "liability" and inserting the following:
- 25 "malpractice".
- 26 9. Page 2, line 11, by striking the word
- 27 "liability" and inserting the following:
- 28 "malpractice".

- 29 10. Page 2, line 13, by striking the word
 30 "liability" and inserting the following:
 31 "malpractice".
- 32 11. Page 2, line 14, by striking the word
 33 "liability" and inserting the following:
 34 "malpractice".
- 35 12. Page 2, line 21, by striking the word
 36 "liability" and inserting the following:
 37 "malpractice".

SWAIM of Davis

H-1132

- 1 Amend the amendment, H-1082, to House File 686 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. STATE AGENCY SERVICES, BILLINGS, AND
 8 ALTERNATIVE OPTIONS STUDY. The department of
 9 management shall appoint a task force to conduct a
 10 study regarding the services provided by state
 11 agencies to other state agencies for a fee, the
 12 amounts of the fees charged for the services provided,
 13 and options for alternative measures for providing the
 14 services necessary at a savings to the state agencies
 15 using the services. The department of management
 16 shall make every effort to appoint an equal number of
 17 representatives of state agencies that provide
 18 services and representatives of state agencies that
 19 use and are charged for those services. The services
 20 studied shall include, but shall not be limited to,
 21 audit, legal, and technology services. The task force
 22 shall submit its findings and recommendations in a
 23 report to the senate and house of representatives
 24 standing committees on appropriations by December 15,
 25 2005.""
- 26 2. Page 1, by inserting after line 4 the
 27 following:
 28 "___ Title page, line 1, by inserting after the
 29 words "responsibilities of" the following: "certain
 30 state agencies, by modifying duties of".
 31 ___ Title page, line 2, by inserting after the
 32 word "control" the following: "and by providing for a
 33 task force on services provided by state agencies to
 34 other state agencies"."
- 35 3. By renumbering as necessary.

DOLECHECK of Ringgold

H-1139

- 1 Amend House File 810 as follows:
 2 1. Page 5, by inserting after line 12 the
 3 following:
 4 "d. For deposit into a critical care fund for the
 5 purpose of paying certain medical malpractice claims
 6 if a critical care fund is created by legislation
 7 enacted by the first regular session of the Eighty-
 8 first General Assembly:
 9 \$ 1,000,000"
 10 2. By renumbering as necessary.

HUNTER of Polk

H-1144

- 1 Amend House File 669 as follows:
 2 1. Page 2, line 24, by inserting after the word
 3 "selling" the following: "appliances containing".
 4 2. Page 2, line 26, by inserting after the word
 5 "for" the following: "appliances containing".

ANDERSON of Page

H-1146

- 1 Amend House File 785 as follows:
 2 1. Page 1, line 9, by striking the word
 3 "subsection" and inserting the following:
 4 "subsections".
 5 2. Page 4, by inserting before line 4 the
 6 following:
 7 "NEW SUBSECTION. 10. The county management plan
 8 shall designate at least one hospital licensed under
 9 chapter 135B that the county has contracted with to
 10 provide services covered under the plan. If the
 11 designated hospital does not have a bed available to
 12 provide the services, the county is responsible for
 13 the cost of covered services provided at an alternate
 14 hospital licensed under chapter 135B."

CARROLL of Poweshiek

H-1152

- 1 Amend House File 789 as follows:
 2 1. Page 5, by inserting after line 18, the
 3 following:
 4 "Sec. ____ Section 144.13A, subsection 2, Code
 5 2005, is amended to read as follows:
 6 2. The state registrar shall charge the parent a

7 separate fee established under section 144.46 for a
8 certified copy of the certificate. The certified copy
9 shall be mailed to the parent by the state registrar.
10 The mailing of a certified copy of the certificate to
11 a biological parent shall not be precluded by the
12 execution of a release of custody under chapter 600A,
13 and, ~~upon request~~, a biological parent shall be
14 provided with a certified copy of the certificate
15 unless the parental rights of the biological parent
16 are terminated."
17 2. By renumbering as necessary.

CARROLL of Poweshiek

H-1154

1 Amend House File 589 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 427.1, subsection 14,
5 unnumbered paragraph 2, Code 2005, is amended to read
6 as follows:

7 The assessor, in arriving at the valuation of any
8 property of the society or organization, shall take
9 into consideration any uses of the property not for
10 the appropriate objects of the organization and shall
11 assess in the same manner as other property, all or
12 any portion of the property involved which is leased
13 or rented and is used regularly for commercial
14 purposes for a profit to a party or individual. If a
15 portion of the property is used regularly for
16 commercial purposes, an exemption shall not be allowed
17 upon property so used and the exemption granted shall
18 be in the proportion of the value of the property used
19 solely for the appropriate objects of the
20 organization, to the entire value of the property.
21 However, the board of trustees or the board of
22 directors of a hospital, as defined in section 135B.1,
23 may permit use of a portion of the hospital for
24 commercial purposes, and the hospital is entitled to
25 full exemption for that portion used for nonprofit
26 health-related purposes, upon compliance with the
27 filing requirements of this subsection. The property
28 of a nursing facility, as defined in section 135C.1,
29 subsection 13, which is exempt from federal income tax
30 under section 501(c)(3) of the Internal Revenue Code,
31 is entitled to the exemption of the property
32 regardless of the proportion of residents of the
33 facility for whom the cost of care is privately paid
34 or paid under Title XIX of the federal Social Security
35 Act, upon compliance with the filing requirements of
36 this subsection.

37 Sec. 2. EFFECTIVE AND APPLICABILITY DATE. This
 38 Act, being deemed of immediate importance, takes
 39 effect upon enactment and applies to property taxes
 40 due and payable in fiscal years beginning on or after
 41 July 1, 2005."

KURTENBACH of Story

H-1155

1 Amend House File 809 as follows:
 2 1. Page 5, line 32, by striking the figure
 3 "2,363,557" and inserting the following: "2,453,557".
 4 2. Page 5, line 35, by striking the figure
 5 "550,000" and inserting the following: "640,000".

HOGG of Linn

H-1158

1 Amend House File 809 as follows:
 2 1. Page 2, line 10, by striking the figure
 3 "57.00" and inserting the following: "57.50".
 4 2. Page 10, by inserting after line 17 the
 5 following:
 6 "Sec. __. JUNIOR ENTREPRENEUR TRAINING ASSISTANCE
 7 PROGRAM. There is appropriated from the general fund
 8 of the state to the department of economic development
 9 for the fiscal year beginning July 1, 2005, and ending
 10 June 30, 2006, two hundred thousand forty dollars for
 11 purposes of providing matching grants under the junior
 12 entrepreneur training assistance program. Of the
 13 moneys appropriated pursuant to this section, the
 14 department shall provide at least twenty matching
 15 grants of not more than ten thousand dollars per
 16 grant. The department may use any remaining moneys
 17 for administrative purposes.
 18 Sec. __. Section 15.313, subsection 2, Code 2005,
 19 is amended by adding the following new paragraph:
 20 NEW PARAGRAPH. H. To provide matching grants
 21 under the junior entrepreneur training assistance
 22 program as provided in section 15E.323.
 23 Sec. __. NEW SECTION. 15E.321 SHORT TITLE.
 24 This division shall be known and may be cited as
 25 the "Junior Entrepreneur Training Act".
 26 Sec. __. NEW SECTION. 15E.322 JUNIOR
 27 ENTREPRENEUR TRAINING ASSISTANCE PROGRAM.
 28 1. The department of economic development shall
 29 establish a junior entrepreneur training assistance
 30 program to encourage and assist private businesses and
 31 organizations to establish junior entrepreneur
 32 training programs that would operate in conjunction or

33 cooperation with a local school district.
 34 2. a. A junior entrepreneur training program
 35 established by a private business or organization
 36 shall be designed to do all of the following:
 37 (1) Encourage interest in starting or operating a
 38 business.
 39 (2) Educate participants regarding the potential
 40 advantages and rewards of self-employment.
 41 (3) Engage business professionals and successful
 42 entrepreneurs in introducing participants to the
 43 basics of business ownership and management.
 44 (4) Assist past participants in the program who
 45 start or purchase a business in developing mentoring
 46 relationships with successful local businesspersons.
 47 b. The department shall give funding and
 48 assistance priority to a junior entrepreneur training
 49 program that concentrates its efforts on attracting
 50 participants who lack significant exposure to

Page 2

1 entrepreneurship role models including, but not
 2 limited to, persons from economically disadvantaged
 3 backgrounds or populations traditionally
 4 underrepresented in the local business community.
 5 Sec. . NEW SECTION. 15E.323 FUNDING.
 6 The department may provide a matching grant to a
 7 private business or organization that establishes a
 8 junior entrepreneur training program. A matching
 9 grant shall provide one dollar for every two dollars
 10 in private matching moneys.
 11 Sec. . NEW SECTION. 15E.324 RULES.
 12 The department shall adopt rules pursuant to
 13 chapter 17A necessary for the administration of this
 14 division."
 15 3. By renumbering as necessary.

FORD of Polk

H-1161

1 Amend House File 809 as follows:
 2 1. Page 2, line 9, by striking the figure
 3 "6,084,500" and inserting the following: "6,784,500".
 4 2. Page 3, by inserting after line 3 the
 5 following:
 6 "g. Of the moneys appropriated in this subsection,
 7 the department shall allocate \$600,000 for purposes of
 8 financial assistance under section 15E.351 to eight
 9 business accelerators. In awarding financial
 10 assistance under section 15E.351 from moneys allocated
 11 under this paragraph, the department shall not award

12 financial assistance to a business accelerator in
 13 existence on the effective date of this Act.
 14 h. Of the moneys appropriated in this subsection,
 15 the department shall allocate \$100,000 for purposes of
 16 financial assistance under section 15E.351 to four
 17 business accelerators. In awarding financial
 18 assistance under section 15E.351 from moneys allocated
 19 under this paragraph, the department shall award the
 20 financial assistance to business accelerators in
 21 existence on the effective date of this Act.”

22 3. Page 10, by inserting after line 17 the
 23 following:

24 “Sec. . NEW SECTION. 15E.351 BUSINESS
 25 ACCELERATORS.

26 1. The department shall establish and administer a
 27 business accelerator program to provide financial
 28 assistance for the establishment and operation of a
 29 business accelerator for technology-based, value-added
 30 agricultural, information solutions, or advanced
 31 manufacturing start-up businesses or for a satellite
 32 of an existing business accelerator. The program
 33 shall be designed to foster the accelerated growth of
 34 new and existing businesses through the provision of
 35 technical assistance.

36 2. In determining whether a business accelerator
 37 qualifies for financial assistance, the department
 38 must find that a business accelerator meets all of the
 39 following criteria:

40 a. The business accelerator must be a not-for-
 41 profit organization affiliated with an area chamber of
 42 commerce, a community or county organization, or
 43 economic development region.

44 b. The geographic area served by a business
 45 accelerator must include more than one county.

46 c. The business accelerator must possess the
 47 ability to provide service to a specific type of
 48 business as well as to meet the broad-based needs of
 49 other types of start-up entrepreneurs.

50 d. The business accelerator must possess the

Page 2

1 ability to market business accelerator services in the
 2 region and the state.

3 e. The business accelerator must possess the
 4 ability to communicate with and cooperate with other
 5 business accelerators and similar service providers in
 6 the state.

7 f. The business accelerator must possess the
 8 ability to engage various funding sources for start-up
 9 entrepreneurs.

10 g. The business accelerator must possess the

11 ability to communicate with and cooperate with various
 12 entities for purposes of locating suitable facilities
 13 for clients of the business accelerator.
 14 h. The business accelerator must possess the
 15 willingness to accept referrals from the department of
 16 economic development.
 17 3. In determining whether a business accelerator
 18 qualifies for financial assistance, the department may
 19 consider any of the following:
 20 a. The business experience of the business
 21 accelerator's professional staff.
 22 b. The business plan review capacity of the
 23 business accelerator's professional staff.
 24 c. The business accelerator's professional staff
 25 with demonstrated disciplines in all aspects of
 26 business experience.
 27 d. The business accelerator's professional staff
 28 with access to external service providers including
 29 legal, accounting, marketing, and financial services.
 30 4. In order to receive financial assistance under
 31 this section, the financial assistance recipient must
 32 demonstrate the ability to provide matching moneys on
 33 a basis of a two dollar contribution of recipient
 34 moneys for every one dollar received in financial
 35 assistance."
 36 4. By renumbering as necessary.

KUHN of Floyd

H-1163

1 Amend the amendment, H-1158, to House File 809 as
 2 follows:
 3 1. Page 1, line 10, by striking the words
 4 "thousand forty" and inserting the following: "forty
 5 thousand".

FORD of Polk

H-1165

1 Amend the amendment, H-1160, to House File 810 as
 2 follows:
 3 1. Page 1, line 2, by striking the word and
 4 figure "line 18", and inserting the following: "lines
 5 18 and 19".
 6 2. Page 1, by striking line 4, and inserting the
 7 following:
 8 "" \$ 542,821
 9 FTEs 3.00
 10 Of the amounts appropriated in this subsection, the
 11 division shall transfer \$83,282 to the Latino affairs

12 division and \$130,009 to the status of African-
 13 Americans division for each division for issues
 14 concerning Latino and African-American women.””

FORD of Polk

H-1170

1 Amend House File 822 as follows:
 2 1. Page 5, by inserting after line 16, the
 3 following:
 4 “Sec. _____. Section 483A.24, subsection 2, Code
 5 2005, is amended by adding the following new
 6 paragraph:
 7 “NEW PARAGRAPH. F. A deer hunting license or wild
 8 turkey hunting license issued pursuant to this
 9 subsection shall be signed by the person to whom the
 10 license is issued and shall contain a statement in
 11 substantially the following form:
 12 By signing this license I certify that I qualify as
 13 an owner or tenant under Iowa Code section 483A.24.”
 14 2. By renumbering as necessary.

WHITAKER of Van Buren

H-1172

1 Amend House File 539 as follows:
 2 1. Page 1, line 28, by inserting after the word
 3 “practitioners,” the following: “the Iowa nurse
 4 practitioner society.”

TOMENGA of Polk

H-1174

1 Amend House File 814 as follows:
 2 1. Page 1, line 26, by inserting after the words
 3 “this subsection” the following: “if the notice
 4 includes an electronic link for the notice to the
 5 required electronic format established by the
 6 department”.

ALONS of Sioux

H-1177

1 Amend House File 282 as follows:
 2 1. Page 4, by inserting after line 5 the
 3 following:
 4 “Sec. _____. Section 481A.130, subsection 1,
 5 unnumbered paragraph 1, Code 2005, is amended to read

6 as follows:

7 In addition to the penalties for violations of this
 8 chapter and chapters 350, 461A, 481B, and 482, or for
 9 committing trespass as defined in section 716.7 while
 10 hunting, fishing, or trapping, a person convicted of
 11 unlawfully selling, taking, catching, killing,
 12 injuring, destroying, or having in possession any
 13 animal, shall reimburse the state for the value of
 14 such as follows:”

15 2. Page 5, by inserting after line 6 the
 16 following:

17 “Sec. ____ Section 481A.134, Code 2005, is amended
 18 to read as follows:

19 481A.134 AUTHORITY TO CANCEL, SUSPEND, OR REVOKE
 20 LICENSE – POINT SYSTEM.

21 The department shall establish rules pursuant to
 22 chapter 17A providing for the suspension or revocation
 23 of licenses issued by the department. The rules may
 24 include procedures for summary cancellation of a
 25 license based on documentation that the licensee
 26 failed to pay the applicable fee for the license. For
 27 purposes of determining when to suspend or revoke a
 28 license issued by the department under this section,
 29 the department shall adopt a point system pursuant to
 30 chapter 17A for the purpose of weighing the
 31 seriousness of violations of the provisions of this
 32 chapter or chapter 481B, 482, 483A, 484A, or 484B, or
 33 of committing trespass as defined in section 716.7
 34 while hunting, fishing, or trapping. The weighted
 35 scale may be amended from time to time as experience
 36 dictates.

37 Sec. ____ Section 481A.135, subsections 2, 3, and
 38 4, Code 2005, are amended to read as follows:

39 2. A person who pleads guilty or is convicted of a
 40 violation of any provision of this chapter or chapter
 41 481B, 482, 483A, 484A, or 484B, or trespass as defined
 42 in section 716.7 while hunting, fishing, or trapping,
 43 while the person’s license or licenses are suspended
 44 or revoked is guilty of a simple misdemeanor if the
 45 person has no other violations within the previous
 46 three years which occurred while the person’s license
 47 or licenses have been suspended or revoked.

48 3. A person who pleads guilty or is convicted of a
 49 violation of any provision of this chapter or chapter
 50 481B, 482, 483A, 484A, or 484B, or trespass as defined

Page 2

1 in section 716.7 while hunting, fishing, or trapping,
 2 while the person’s license or licenses are suspended
 3 or revoked is guilty of a serious misdemeanor if the
 4 person has one other violation within the previous

5 three years which occurred while the person's license
 6 or licenses have been suspended or revoked.
 7 4. A person who pleads guilty or is convicted of a
 8 violation of any provision of this chapter or chapter
 9 481B, 482, 483A, 484A, or 484B, or trespass as defined
 10 in section 716.7 while hunting, fishing, or trapping,
 11 while the person's license or licenses are suspended
 12 or revoked is guilty of an aggravated misdemeanor when
 13 the person has had two or more convictions within the
 14 previous three years which occurred while the person's
 15 license or licenses have been suspended or revoked."

16 3. Page 5, by inserting after line 29 the
 17 following:

18 "Sec. ____ Section 716.7, subsection 2, paragraph
 19 a, Code 2005, is amended to read as follows:
 20 a. Entering upon or in property without the
 21 express permission of the owner, lessee, or person in
 22 lawful possession with the intent to commit a public
 23 offense, to use, remove there from, alter, damage,
 24 harass, or place thereon or therein anything animate
 25 or inanimate, or to hunt, fish or trap on or in the
 26 property, including the act of taking or attempting to
 27 take a wild animal as defined in section 481A.1 which
 28 is on or in the property by a person who is outside
 29 the property. This paragraph does not prohibit the
 30 unarmed pursuit of game or ~~fur-bearing~~ fur-bearing
 31 animals by a person who lawfully injured or killed the
 32 game or fur-bearing animal which ~~come~~ comes to rest on
 33 or escape escapes to the property of another.

34 Sec. ____ Section 716.8, subsection 1, Code 2005,
 35 is amended to read as follows:

36 1. Any person who ~~knowingly~~ trespasses upon the
 37 property of another commits a simple misdemeanor.

38 Sec. ____ Section 716.8, Code 2005, is amended by
 39 adding the following new subsection:

40 **NEW SUBSECTION.** 5. A person who commits a
 41 trespass as defined in section 716.7, subsection 2,
 42 paragraph "a", and takes a wild animal, as defined in
 43 section 481A.1, shall also be subject to civil
 44 penalties as provided in sections 481A.130 and
 45 481A.131. An animal taken by a person while
 46 committing such a trespass shall be subject to seizure
 47 as provided in section 481A.12."

48 4. By renumbering as necessary.

HORBACH of Tama

H-1181

1 Amend House File 551 as follows:

2 1. Page 1, by inserting after line 9 the
 3 following:

4 "Sec. . NEW SECTION. 68A.407 DISSEMINATION OF
5 CERTAIN FALSE STATEMENTS OF FACT AND CERTAIN
6 DEROGATORY STATEMENTS CONCERNING CANDIDATE PROHIBITED
7 - REMEDIES.

8 1. The general assembly finds that the increasing
9 use of false statements of fact and certain derogatory
10 statements aimed at candidates for public office
11 impedes campaigns and diminishes the trust and
12 confidence of the public in the electoral process. It
13 is not the intent of the general assembly to lessen
14 political debate that furthers the ability of the
15 public to understand the issues and positions of
16 candidates for public office. The general assembly
17 declares that a compelling state interest exists in
18 prohibiting the use of false statements of fact and
19 certain derogatory statements that impede campaigns
20 for public office in Iowa and diminish the public's
21 trust and confidence in the electoral process.

22 2. As used in this section:

23 a. "Actual malice" means knowledge of the falsity
24 of a statement or reckless disregard for whether a
25 statement is true or false.

26 b. "Disseminate" means the act of causing the
27 printing, posting, broadcasting, mailing, or other
28 publishing of a false statement of fact.

29 c. "Public office" means any state, county, city,
30 school, or other office of a political subdivision of
31 this state filled by election.

32 3. A person shall not, with actual malice, cause
33 to be disseminated a false statement of fact
34 concerning a candidate for public office involving any
35 of the following:

36 a. The education or training of the candidate.

37 b. The current profession or occupation of the
38 candidate or any former profession or occupation of
39 the candidate.

40 c. Whether the candidate committed, was indicted
41 for committing, or was convicted of committing a crime
42 punishable by law.

43 d. Whether the candidate was subject to discipline
44 or sanction by any body of the federal government,
45 state government, or political subdivision of the
46 state.

47 e. Whether the candidate has received treatment
48 for a mental illness.

49 f. Whether another person endorses or opposes the
50 candidate.

Page 2

1 g. The record of voting of a candidate if the
2 candidate serves or formerly served in an elected

3 office.

4 4. A person shall not, with actual malice, cause
5 to be disseminated a derogatory statement involving a
6 candidate's race, creed, color, religion, national
7 origin, sex, age, or physical or mental disability,
8 which is intended to demean or belittle the candidate
9 and which has no rational relationship to the
10 candidate's ability or qualifications for public
11 office.

12 5. Any candidate for public office who alleges
13 that a false statement of fact or a derogatory
14 statement concerning the candidate has been
15 disseminated in violation of this section may file a
16 complaint with the board. The board shall give
17 priority consideration to any complaint filed under
18 this section over all other matters pending before the
19 board.

20 6. If the board determines that a violation did
21 occur, the board may impose any of the recommended
22 actions under section 68B.32D, except that the board
23 shall not refer any complaint or supporting
24 information of a violation of this section to the
25 attorney general or any county attorney for
26 prosecution.

27 7. This section shall not preclude the filing of a
28 civil action based on the same facts or event giving
29 rise to a complaint filed with the board under this
30 section.

31 8. A person shall not provide information to the
32 board, relating to the dissemination of a false
33 statement of fact or a derogatory statement under this
34 section, if the person has actual knowledge that the
35 information provided is not true. A person who
36 violates this subsection may be assessed a civil
37 penalty as provided in section 68B.32D, subsection 1,
38 paragraph "h".

39 9. Section 68A.701, which otherwise applies
40 criminal penalties for violations of this chapter,
41 shall not apply to violations of this section.

42 10. This section does not apply to a newspaper,
43 magazine, publication, or other print media in which
44 the dissemination of a false statement of fact or a
45 derogatory statement appears, or a radio station,
46 television station, or other electronic medium which
47 makes the dissemination of a false statement of fact
48 or a derogatory statement."

49 2. Title page, by striking lines 1 through 3 and
50 inserting the following: "An Act relating to the

Page 3

- 1 public dissemination of certain information concerning
- 2 candidates for public office by requiring a specific
- 3 citation in published material, or in a radio or
- 4 television announcement, referencing a candidate's
- 5 voting record, prohibiting the dissemination of
- 6 certain false statements of fact and derogatory
- 7 statements made with actual malice, and providing
- 8 remedies."
- 9 3. By renumbering as necessary.

RAECKER of Polk
 ELGIN of Linn
 JACOBS of Polk

HUSER of Polk
 JOCHUM of Dubuque
 FORD of Polk

H-1183

- 1 Amend House File 765 as follows:
- 2 1. Page 2, by striking lines 12 through 18 and
- 3 inserting the following: "subject to the requirements
- 4 of this section shall at a minimum provide an
- 5 aggregate annual limit for enteral formula coverage
- 6 benefits of not less than ten thousand dollars per
- 7 year for each family covered, not including
- 8 deductibles, coinsurance, or copayments. The policy,
- 9 contract, or plan may include deductibles,
- 10 coinsurance, or copayments, provided that the amounts
- 11 and extent of such deductibles, coinsurance, or
- 12 copayments are the same as those applicable to other
- 13 health, medical, or surgical services coverage under
- 14 the policy, contract, or plan."
- 15 2. Page 2, by striking lines 19 through 27.

PETERSEN of Polk

H-1185

- 1 Amend House File 372 as follows:
- 2 1. Page 1, line 7, by inserting after the words
- 3 "includes a" the following: "prearranged".
- 4 2. Page 1, line 11, by striking the word "any"
- 5 and inserting the following: "the same".
- 6 3. Page 1, line 12, by inserting after the word
- 7 "duties" the following: "with the intent to conceal
- 8 material facts and circumstances".
- 9 4. By renumbering as necessary.

BOAL of Polk

H-1189

- 1 Amend Senate File 206, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 6, by inserting after line 21, the
4 following:
5 "Sec. __. Section 483A.24, subsection 2, Code
6 2005, is amended by adding the following new
7 paragraph:
8 NEW PARAGRAPH. f. A deer hunting license or wild
9 turkey hunting license issued pursuant to this
10 subsection shall be signed by the person to whom the
11 license is issued and shall contain a statement in
12 substantially the following form:
13 By signing this license I certify that I qualify as
14 an owner or tenant under Iowa Code section 483A.24."
15 2. By renumbering as necessary.

WHITAKER of Van Buren

H-1192

- 1 Amend House File 825 as follows:
2 1. By striking page 63, line 33 through page 64,
3 line 8.
4 2. By striking page 64, line 17, through page 66,
5 line 9, and inserting the following:
6 "An examining board may annually retain and expend
7 ninety percent of the revenue generated from license
8 and renewal fees established pursuant to section
9 147.80 for the practice of the licensed profession for
10 which the examining board conducts examinations. The
11 moneys retained shall be used for any of the board's
12 duties, including but not limited to addition of full-
13 time equivalent positions for program services and
14 investigations. Revenues retained by the board
15 pursuant to this subsection shall be considered
16 repayment receipts as defined in section 8.2."
17 3. By renumbering as necessary.

SMITH of Marshall

H-1197

- 1 Amend the amendment, H-1181, to House File 551 as
2 follows:
3 1. Page 2, line 7, by inserting after the word
4 "age," the following: "real or perceived sexual
5 orientation,".
6 2. Page 2, line 12, by striking the words
7 "candidate for public office" and inserting the
8 following: "person".

9 3. Page 2, line 14, by striking the word "the"
10 and inserting the following: "a".

HUNTER of Polk

H-1198

1 Amend House File 816 as follows:
2 1. Page 30, line 24, by inserting after the word
3 "calendar." the following: "The general assembly
4 finds that the state of Iowa is committed to providing
5 all students with a safe and civil school environment
6 in which all members of the school community are
7 treated with dignity and respect, that a safe and
8 civil school environment is necessary for students to
9 learn and achieve at high academic levels, and that
10 behavior that is not of good character can seriously
11 disrupt the ability of school employees to maintain a
12 safe and civil environment and the ability of students
13 to learn and succeed. Therefore, it is the intent of
14 the general assembly that funds received by a school
15 district under this paragraph shall be expended by the
16 school district to provide all school employees with
17 the necessary training to prevent, recognize, and stop
18 behavior that is not of good character and which
19 creates, or has the potential to create, an unsafe
20 school environment."

TYMESON of Madison

H-1200

1 Amend the amendment, H-1116, to House File 793 as
2 follows:
3 1. Page 1, by striking lines 22 and 23, and
4 inserting the following:
5 " ___. By striking page 19, line 3, through page
6 41, line 12.
7 ___. By striking page 41, line 13, through page
8 52, line 31."
9 2. Page 1, by striking lines 29 through 32, and
10 inserting the following:
11 " ___. Title page 2, lines 15 through 17, by
12 striking the words "limiting the dates of special
13 elections on public measures for certain political
14 subdivisions and school corporations."
15 ___. Title page 2, lines 17 through 20, by
16 striking the words "providing for the biennial
17 election of directors of local school districts, area
18 education agencies, and merged areas,""
19 3. By renumbering as necessary.

JACOBS of Polk

H-1206

1 Amend House File 826 as follows:

2 1. Page 1, by inserting after line 30, the
3 following:

4 "Sec. ____ **NEW SECTION. 321.301 PASSING LANE.**

5 1. A person shall not drive a motor vehicle in the
6 passing lane of a multilaned highway if the speed
7 limit is sixty-five miles per hour or greater unless
8 the person is turning left or overtaking and passing
9 another vehicle that is in a nonpassing lane, or
10 unless the volume of traffic does not permit the motor
11 vehicle to safely merge into a nonpassing lane.

12 2. For purposes of this section, the following
13 definitions apply:

14 a. "Nonpassing lane" means any lane that is to the
15 right of the passing lane:

16 b. "Passing lane" means the lane that is farthest
17 to the left when there are two or more adjacent lanes
18 of traffic moving in the same direction. However, if
19 the farthest lane to the left is reserved for high
20 occupancy vehicles or for vehicles making left turns
21 only, "passing lane" means the lane immediately to the
22 right of the high occupancy or left-turn lane.

23 3. A person convicted of a violation of this
24 section is guilty of a simple misdemeanor punishable
25 as a scheduled violation under section 805.8A,
26 subsection 6, paragraph "c."

27 2. Page 6, by inserting after line 1, the
28 following:

29 "Sec. ____ Section 805.8A, subsection 6, paragraph
30 c, Code 2005, is amended to read as follows:

31 c. For violations under sections 321.288, 321.297,
32 321.299, 321.301, 321.303, 321.304, subsections 1 and

33 2, sections 321.305, 321.306, 321.311, 321.312,
34 321.314, 321.323, 321.340, 321.353, 321.354, and
35 321.395, the scheduled fine is thirty-five dollars."

36 3. Title page, line 1, by striking the words
37 "speed limit for" and inserting the following:
38 "regulation of".

39 4. By renumbering as necessary.

LYKAM of Scott

H-1208

1 Amend House File 816 as follows:

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

4 "Notwithstanding section 284.4, subsection 1,
5 paragraph "c", for the fiscal year beginning July 1,
6 2005, and ending June 30, 2006, the requirements of

7 section 284.4, subsection 1, paragraph "c", shall be
 8 satisfied for the school year beginning July 1, 2005,
 9 and ending June 30, 2006, if a school district
 10 provides one additional contract day, outside of
 11 instruction time, than was provided in the school year
 12 preceding the first year of participation in the
 13 student achievement and teacher quality program.
 14 Notwithstanding section 284.4, subsection 1, paragraph
 15 "c", the requirement that a school district provide
 16 two additional contract days, outside of instruction
 17 time, than were provided in the school year preceding
 18 the first year of participation in the student
 19 achievement and teacher quality program, shall be
 20 contingent on the general assembly making an
 21 appropriation in an amount sufficient to meet the
 22 requirements of section 284.4, subsection 1, paragraph
 23 "c."

WENDT of Woodbury

H-1210

- 1 Amend House File 793 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 52.7, Code 2005, is amended by
- 5 striking the section and inserting in lieu thereof the
- 6 following:
- 7 52.7 CONSTRUCTION OF MACHINE APPROVED –
- 8 REQUIREMENTS.
- 9 1. A voting machine approved by the state board of
- 10 examiners for voting machines and electronic voting
- 11 systems shall meet all of the following requirements:
- 12 a. Provide facilities for voting for the
- 13 candidates of at least seven different political
- 14 parties or nonparty political organizations.
- 15 b. Permit a voter to vote for any person for any
- 16 office, although not nominated as a candidate by any
- 17 party or organization.
- 18 c. Permit voting in absolute secrecy.
- 19 d. Prevent voting for more than one person for the
- 20 same office, except where a voter is lawfully entitled
- 21 to vote for more than one person for that office.
- 22 e. Afford a voter an opportunity to vote for any
- 23 or all persons for that office as the voter is by law
- 24 entitled to vote for and no more, at the same time
- 25 preventing a voter from voting for the same person
- 26 twice.
- 27 f. Provide a voter with an opportunity to change a
- 28 vote before the ballot is recorded and counted.
- 29 g. Present together the names of each team of
- 30 candidates for president and vice president and for

- 31 governor and lieutenant governor. The votes for a
 32 team shall be counted as a vote for both candidates of
 33 the team.
- 34 h. Provide a voter with a method for casting
 35 write-in votes for paired offices so that the voter
 36 can specify one person as a candidate for president or
 37 for governor and one person as a candidate for vice
 38 president or for lieutenant governor.
- 39 i. Accurately account for every vote cast upon it.
- 40 j. Remove information from the ballot identifying
 41 the voter before the ballot is recorded and counted.
- 42 2. In addition to the requirements in subsection
 43 1, a voting machine that is a direct recording
 44 electronic device approved by the state board of
 45 examiners for voting machines and electronic voting
 46 systems shall meet all of the following requirements:
- 47 a. Permit straight party voting, pursuant to
 48 section 49.94, for all political parties and nonparty
 49 political organizations on the ballot.
- 50 b. Store an electronic image of each ballot cast

Page 2

- 1 separate from the ballot tabulation function, which
 2 ballot image may be reproduced on paper and considered
 3 as evidence in the case of a recount, manual audit, or
 4 machine malfunction.
- 5 c. Provide an individual paper record as provided
 6 in section 52.7A.
- 7 Sec. 2. NEW SECTION. 52.7A DIRECT RECORDING
 8 ELECTRONIC DEVICES – PAPER RECORD REQUIRED.
- 9 1. A voting machine that is a direct recording
 10 electronic device shall be capable of producing an
 11 individual paper record that the voter may review
 12 before the voter casts the voter's ballot. The paper
 13 record shall meet all of the following requirements:
- 14 a. Be printed on paper separate from all other
 15 individual paper records.
- 16 b. Be readable by the voter without the use of an
 17 electronic device. *It may also be machine-readable by*
 18 *an electronic voting system as described in section*
 19 *52.26.*
- 20 c. Not contain any information that will identify
 21 the person who cast the ballot.
- 22 d. Be stored at the polling place in a secure
 23 container. A voter shall not be permitted to remove
 24 the individual paper record from the polling place.
- 25 2. After the polls close, the precinct election
 26 officials shall seal all individual paper records in
 27 the manner prescribed in section 50.12. The county
 28 commissioner of elections shall preserve the sealed
 29 individual paper records for twelve months following

30 the election, unless a longer period of time is
 31 required, by rule, by the state commissioner of
 32 elections.
 33 3. The paper record produced pursuant to this
 34 section may be considered as evidence in the event of
 35 a recount, manual audit, or machine malfunction.
 36 4. Until voting systems performance and test
 37 standards relating to paper records required in
 38 subsection 1 are adopted by the federal elections
 39 assistance commission, the board of examiners shall
 40 contract with a testing authority to examine any
 41 direct recording electronic device that is capable of
 42 producing a paper record when the board receives a
 43 request for examination of such a device pursuant to
 44 section 52.5. The fees of the testing authority shall
 45 be paid by the person who requested the
 46 certification."
 47 2. By striking title page 1, line 1, through
 48 title page 2, line 20, and inserting the following:
 49 "An Act relating to the requirements for certain
 50 voting machines used in the state."

Page 3

1 3. By renumbering as necessary.

ZIRKELBACH of Jones

H-1224

1 Amend House File 814 as follows:
 2 1. Page 1, line 26, by inserting after the words
 3 "this subsection" the following: "if the notice
 4 includes an electronic link to the electronic format
 5 established by the department".
 6 2. Page 1, line 29, by inserting after the word
 7 "void" the following: "and shall be rebid".

ALONS of Sioux

H-1230

1 Amend Senate File 57, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 "Section 1. Section 335.11, Code 2005, is amended
 6 to read as follows:
 7 335.11 MEMBERSHIP OF BOARD.
 8 The board of adjustment shall consist of five,
 9 seven, or nine members, a majority of whom shall
 10 reside within the county but outside the corporate

11 ~~limits of any city, each to. Members of a five member~~
12 ~~board shall~~ be appointed for a term of five years,
13 ~~excepting except~~ that when the board shall first be
14 created one member shall be appointed for a term of
15 five years, one for a term of four years, one for a
16 term of three years, one for a term of two years, and
17 one for a term of one year. ~~Members of a seven-~~
18 ~~member board shall be appointed for a term of five~~
19 ~~years, except when the board shall first be created~~
20 ~~two members shall be appointed for a term of five~~
21 ~~years, two members for a term of four years, one for a~~
22 ~~term of three years, one for a term of two years, and~~
23 ~~one for a term of one year. Members of a nine-member~~
24 ~~board shall be appointed for a term of five years,~~
25 ~~except when the board shall first be created three~~
26 ~~members shall be appointed for a term of five years,~~
27 ~~two members for a term of four years, two for a term~~
28 ~~of three years, one for a term of two years, and one~~
29 ~~for a term of one year. A five-member board shall not~~
30 ~~carry out its business without having three members~~
31 ~~present, a seven-member board shall not carry out its~~
32 ~~business without having four members present, and a~~
33 ~~nine-member board shall not carry out its business~~
34 ~~without having five members present.~~ Members shall be
35 removable for cause by the appointing authority upon
36 written charges and after public hearing. Vacancies
37 shall be filled for the unexpired term of any member
38 whose term becomes vacant.

39 Sec. ____ Section 335.17, Code 2005, is amended to
40 read as follows:

41 335.17 VOTE REQUIRED.

42 The concurring vote of three members of the board
43 in the case of a five-member board, and four members
44 in the case of a seven-member board, and five members
45 in the case of a nine-member board, shall be necessary
46 to reverse any order, requirement, decision, or
47 determination of any such administrative official, or
48 to decide in favor of the applicant on any matter upon
49 which it is required to pass under any such ordinance
50 or to effect any variation in such ordinance.

Page 2

1 Sec. ____ NEW SECTION. 335.26 TRANSITIONAL
2 PROVISIONS.

3 Of the two additional members which may be
4 appointed to increase a five-member board of
5 adjustment to a seven-member board on or after July 1,
6 2005, one member shall be appointed to an initial term
7 of five years and one member shall be appointed to an
8 initial term of four years. The terms of office of
9 members of a board of adjustment serving unexpired

10 terms of office on or after July 1, 2005, shall expire
 11 according to their original appointments.
 12 Of the four additional members which may be
 13 appointed to increase a five-member board of
 14 adjustment to a nine-member board on or after July 1,
 15 2005, one member shall be appointed to an initial term
 16 of five years, one member to an initial term of four
 17 years, one to an initial term of three years, and one
 18 to an initial term of two years. The terms of office
 19 of members of a board of adjustment serving unexpired
 20 terms of office on or after July 1, 2005, shall expire
 21 according to their original appointments.
 22 Of the two additional members which may be
 23 appointed to increase a seven-member board of
 24 adjustment to a nine-member board on or after July 1,
 25 2005, one member shall be appointed to an initial term
 26 of five years and one member shall be appointed to an
 27 initial term of four years. The terms of office of
 28 members of a board of adjustment serving unexpired
 29 terms of office on or after July 1, 2005, shall expire
 30 according to their original appointments.”
 31 2. Title page, line 1, by inserting after the
 32 word “Act” the following: “authorizing the
 33 appointment of a seven-member or nine-member county
 34 zoning board of adjustment and”.
 35 3. By renumbering as necessary.

FALLON of Polk

H-1231

1 Amend House File 828 as follows:
 2 1. Page 3, by inserting after line 29, the
 3 following:
 4 "Sec. __. Section 462A.12, subsection 11, Code
 5 2005, is amended to read as follows:
 6 11. A person shall not operate a vessel within
 7 fifty feet of a diver's flag placed in accordance with
 8 the rules of the commission adopted under chapter 17A,
 9 or within fifty feet of a flag displayed when a person
 10 is in the water pursuant to section 462A.15,
 11 subsection 2.
 12 Sec. __. Section 462A.15, Code 2005, is amended
 13 to read as follows:
 14 462A.15 WATER SKIS AND SURFBOARDS – WARNING FLAG.
 15 1. ~~No~~ A person shall not operate a vessel on any
 16 waters of this state under the jurisdiction of the
 17 commission for towing a person or persons on water
 18 skis, surfboard, or similar device unless there is in
 19 such vessel a responsible person, in addition to the
 20 operator, in a position to observe the progress of the
 21 person or persons being towed.

22 ~~2. This section subsection~~ does not apply to a
 23 performer engaged in a professional exhibition or a
 24 person or persons engaged in a professional exhibition
 25 or a person or persons engaged in an activity
 26 authorized under section 462A.16.

27 2. A person operating a vessel, other than a
 28 personal watercraft, on any waters of this state under
 29 the jurisdiction of the commission shall display a red
 30 or orange flag measuring at least twelve by twelve
 31 inches whenever a person who has left the vessel is in
 32 the water. The flag shall not be displayed when the
 33 person is being towed, but shall be displayed when the
 34 person enters or reenters the water. The flag shall
 35 be visible for three hundred sixty degrees around the
 36 vessel when displayed. This subsection does not apply
 37 to a vessel when it is moored or anchored."

38 2. Page 8, by inserting after line 27 the
 39 following:

40 "Sec. __. Section 805.8B, subsection 1, paragraph
 41 c, Code 2005, is amended to read as follows:

42 c. For operating violations under sections
 43 462A.12, 462A.15, ~~subsection 1,~~ sections 462A.24, and
 44 462A.34, the scheduled fine is twenty-five dollars.

45 However, a violation of section 462A.12, subsection 2,
 46 is not a scheduled violation."

47 3. Title page, line 3, by inserting after the
 48 word "vessels," the following: "the operation of a
 49 vessel while a person is in the water,".

50 4. By renumbering as necessary

RAECKER of Polk

H-1233

1 Amend the amendment, H-1222, to House File 816 as
 2 follows:

3 1. By striking page 1, line 9, through page 2,
 4 line 17 and inserting the following:

5 "(1) The partnership for transformation and
 6 excellence is a four-year partnership plan created by
 7 the state board of regents for the purpose of
 8 enhancing the regents' strategic priorities for
 9 educational quality and public accountability. Under
 10 the plan, Iowa students and families will be subject
 11 to moderate student tuition increases, and a clear and
 12 concise reallocation plan that may be audited will
 13 exist to strengthen the academic focus at the regents
 14 universities. The reallocation plan will enhance the
 15 quality of the regents universities and provide both
 16 an incentive and an opportunity for university-wide
 17 reprioritization and reallocation of resources to the
 18 most important strategic areas.

19 (2) The funds shall be distributed by the board as
20 outlined in the state board of regents partnership for
21 transformation and excellence. The funds may be used
22 for any of the following purposes:

23 (a) Supporting new strategic initiatives.

24 (b) Meeting enrollment increases.

25 (c) Meeting the demand for new courses and
26 services.

27 (d) Funding new but unavoidable or mandated cost
28 increases.

29 (e) Supporting any other initiatives important to
30 the core functions of the university.

31 The funds may also be used for pay adjustments,
32 expense reimbursements, and related benefits for state
33 board of regents employees covered by a collective
34 bargaining agreement and for state board of regents
35 employees not covered by a collective bargaining
36 agreement. The board shall provide from other
37 available sources any additional funding needed for
38 such pay adjustments, expense reimbursements, and
39 related benefits.

40 (3) The state board of regents shall annually set
41 a target dollar amount or percentage figure of
42 expected reallocation of resources for each
43 university. The universities shall report to the
44 board on a semiannual basis regarding the actions
45 taken relating to the reallocations. Once funds have
46 been reallocated, that amount shall not be redirected
47 to the original entity or purpose unless extraordinary
48 circumstances exist and an equivalent reallocation
49 amount is increased for the same fiscal year. A
50 reallocation of resources may be made for any of the

Page 2

1 following purposes:

2 (a) Supporting new strategic initiatives.

3 (b) Meeting enrollment increases.

4 (c) Meeting the demand for new courses and
5 services.

6 (d) Funding new but unavoidable or mandated cost
7 increases.

8 (e) Supporting any other initiatives important to
9 the core functions of the university.

10 (4) For the purposes of this lettered paragraph:

11 (a) "Entity" means a president, vice president, or
12 a college, academic or nonacademic department,
13 division, program, or other unit.

14 (b) "Reallocation of resources" means funds within
15 the base budget of a university entity are removed by
16 the administrator of that entity and redirected to
17 another university entity or purpose.

18 (5) The state university of Iowa, the Iowa state
 19 university of science and technology, and the
 20 university of northern Iowa shall each generate
 21 matching internal reallocations in an amount equal to
 22 50 percent of the amounts received by the universities
 23 pursuant to this lettered paragraph."

24 2. Page 2, by striking lines 18 through 27 and
 25 inserting the following:

26 "(6) Iowa state university of science and
 27 technology may distribute to the college of veterinary
 28 medicine moneys to reduce the operating fees charged
 29 by the veterinary diagnostic laboratory."

30 3. By renumbering as necessary.

JENKINS of Black Hawk
 KURTENBACH of Story

H-1241

1 Amend the amendment, H-1116, to House File 793 as
 2 follows:

3 1. Page 1, by striking lines 22 and 23, and
 4 inserting the following:

5 "_. By striking page 19, line 3, through page
 6 41, line 12."

7 2. Page 1, by inserting before line 24, the
 8 following:

9 "_. By striking page 41, line 13, through page
 10 52, line 31."

11 3. Page 1, by striking lines 29 through 32, and
 12 inserting the following:

13 "_. Title page 2, lines 15 through 17, by
 14 striking the words "limiting the dates of special
 15 elections on public measures for certain political
 16 subdivisions and school corporations,""

17 4. Page 1, by inserting before line 33, the
 18 following:

19 "_. Title page 2, lines 17 through 19, by
 20 striking the words "providing for the biennial
 21 election of directors of local school districts, area
 22 education agencies, and merged areas,""

23 "_. Title page 2, by striking line 20 and
 24 inserting the following: "and applicability date
 25 provisions.""

26 5. By renumbering as necessary.

JACOBS of Polk

H-1245

1 Amend the amendment, H-1223, to House File 816 as
 2 follows:

3 1. Page 3, by inserting after line 16 the
4 following:
5 "___". Page 27, by inserting after line 20 the
6 following:
7 "Sec. ___. Section 256.9, Code 2005, is amended by
8 adding the following new subsection:
9 NEW SUBSECTION. 53. Prepare and make available to
10 school districts and accredited nonpublic schools
11 courses of instruction that meet the requirements of
12 section 280.28. The director shall set forth
13 standards and criteria for professional development
14 related to these courses of instruction for school
15 districts, accredited nonpublic schools, area
16 education agencies, and practitioner preparation
17 programs which encourage cooperative planning and
18 voluntary professional development for all school
19 personnel that provide health, human growth and
20 development, or family education and request the
21 training, through regional planning, joint powers
22 agreements, or contract services; and which provide
23 for periodic, voluntary, professional development
24 training to update school personnel regarding new
25 developments in health, human growth and development,
26 or family education. The director shall also develop
27 a procedure for evaluating human growth and
28 development, health education, and family life
29 curricula in each school district and accredited
30 nonpublic school offering comprehensive sexual health
31 education in order to determine compliance with the
32 provisions of section 280.28.
33 Sec. ___. Section 256.11, subsections 3 and 4,
34 Code 2005, are amended to read as follows:
35 3. The following areas shall be taught in grades
36 one through six: English-language arts, social
37 studies, mathematics, science, health, age-appropriate
38 and science-based human growth and development,
39 physical education, traffic safety, music, and visual
40 art. The health curriculum shall include the
41 characteristics of communicable diseases including
42 acquired immune deficiency syndrome. The state board
43 as part of accreditation standards shall adopt
44 curriculum definitions for implementing the elementary
45 program.
46 4. The following shall be taught in grades seven
47 and eight: English-language arts; social studies;
48 mathematics; science; health; age-appropriate and
49 science-based human growth and development, family,
50 consumer, career, and technology education; physical

Page 2

1 education; music; and visual art. The health

2 curriculum shall include age-appropriate and science-
3 based information regarding the characteristics of
4 sexually transmitted diseases and acquired immune
5 deficiency syndrome. The state board as part of
6 accreditation standards shall adopt curriculum
7 definitions for implementing the program in grades
8 seven and eight. However, this subsection shall not
9 apply to the teaching of family, consumer, career, and
10 technology education in nonpublic schools.

11 Sec. __. Section 256.11, subsection 5, paragraph
12 j, Code 2005, is amended to read as follows:

13 j. One unit of health education which shall
14 include personal health; food and nutrition;
15 environmental health; safety and survival skills;
16 consumer health; family life; age-appropriate and
17 science-based human growth and development; substance
18 abuse and nonuse; emotional and social health; health
19 resources; and prevention and control of disease,
20 including age-appropriate and science-based
21 information regarding sexually transmitted diseases
22 and acquired immune deficiency syndrome.""

23 2. Page 4, by inserting after line 28 the
24 following:

25 " __. Page 28, by inserting before line 26 the
26 following:

27 "Sec. __. **NEW SECTION. 280.28 SEXUAL HEALTH**
28 **EDUCATION AUTHORIZED.**

29 1. The board of directors of each school district
30 and the authorities in charge of each nonpublic school
31 may provide age-appropriate, comprehensive sexual
32 health education as part of the health, human growth
33 and development, or family education curriculum taught
34 in accordance with section 256.11.

35 2. The school district or school may train school
36 personnel or contract with consultants who have
37 expertise in comprehensive sexual health education to
38 deliver the instruction authorized by this section.

39 3. Whether taught by school district or school
40 personnel or by outside consultants, the comprehensive
41 sexual health education provided in accordance with
42 subsection 1 shall meet all of the following criteria:

43 a. Instruction and materials used shall be age-
44 appropriate.

45 b. All factual information presented shall be
46 science-based and objective.

47 c. Instruction for a student who is limited
48 English proficient shall be as required pursuant to
49 section 280.4, and shall be consistent with the
50 existing curriculum and alternative options for a

Page 3

- 1 student who is limited English proficient.
2 d. Instruction and materials shall meet all of the
3 following conditions:
4 (1) Are appropriate for use with students of all
5 ethnic and racial groups, sexual orientations,
6 genders, and physical and mental abilities.
7 (2) Are accessible to students with disabilities,
8 including but not limited to, the provision of a
9 modified curriculum, materials, and instruction in
10 alternative formats, and auxiliary aids.
11 (3) Encourage a student to communicate with the
12 student's parent or guardian about human sexuality.
13 (4) Teach students to recognize unwanted physical
14 and verbal sexual advances, not to make unwanted
15 physical and verbal sexual advances, and how to
16 effectively reject unwanted sexual advances. The
17 instruction and materials shall cover verbal,
18 physical, and visual sexual harassment, including
19 nonconsensual sexual advances, nonconsensual physical
20 sexual contact, and rape by an acquaintance or family
21 member. The course information and materials shall
22 emphasize personal accountability and respect for
23 others and shall also encourage youth to resist peer
24 pressure.
25 (5) Teach that it is wrong to take advantage of or
26 exploit another person.
27 (6) Teach students about counseling, medical, and
28 legal resources available to survivors of sexual abuse
29 and sexual assault, including resources for escaping
30 violent relationships.
31 (7) Teach, commencing in grade seven, the value of
32 abstinence, that abstinence from sexual intercourse is
33 the only certain way to prevent unintended pregnancy,
34 that abstinence from sexual activity is the only
35 certain way to prevent sexually transmitted diseases,
36 and provide science-based information on other methods
37 of preventing pregnancy and sexually transmitted
38 diseases and HIV.
39 (8) Teach, commencing in grade seven, about
40 sexually transmitted diseases, including how sexually
41 transmitted diseases are and are not transmitted, the
42 effectiveness and safety of all federal food and drug
43 administration-approved methods of reducing the risk
44 of contracting sexually transmitted diseases, and
45 identify local resources for testing and medical care
46 for sexually transmitted diseases and HIV.
47 (9) Provide, commencing in grade seven, data
48 regarding the effectiveness and safety of all federal
49 food and drug administration-approved contraceptive
50 methods in preventing pregnancy, including but not

Page 4

- 1 limited to, emergency contraception.
- 2 (10) Provide, commencing in grade seven, students
3 with skills for making and implementing responsible
4 decisions about sexuality.
- 5 4. If the board of directors of a school district
6 or the authorities in charge of a nonpublic school
7 elect not to provide comprehensive sexual health
8 education in accordance with subsection 1, the school
9 district or school shall, at the beginning of each
10 school year, send a notice to the parent or guardian
11 of each student enrolled in the school district or
12 school that explains all of the following:
- 13 a. That the state authorizes age-appropriate,
14 comprehensive sexual health education in kindergarten
15 through grade twelve.
- 16 b. The criteria for comprehensive sexual health
17 education set forth in subsection 3.
- 18 c. That comprehensive sexual health education is
19 not being offered to the student.
- 20 5. A pupil shall not be required to take
21 comprehensive sexual health education instruction if
22 the parent or guardian files with the appropriate
23 principal a written request that the pupil be excused
24 from the instruction.
- 25 6. For purposes of this section and section
26 256.11, unless the context otherwise requires:
- 27 a. "Age-appropriate" means topics, messages, and
28 teaching methods suitable to particular ages or age
29 groups of children and adolescents, based on
30 developing cognitive, emotional, and behavioral
31 capacity typical for the age or age group.
- 32 b. "HIV" means HIV as defined in section 141A.1.
- 33 c. "Science-based" means all of the following:
- 34 (1) Complete information that is verified or
35 supported by the weight of research conducted in
36 compliance with accepted scientific methods;
37 recognized as accurate and objective by leading
38 professional organizations and agencies with relevant
39 expertise in the field, such as the American college
40 of obstetricians and gynecologists, the American
41 public health association, and the American academy of
42 pediatrics; and published in peer-reviewed journals
43 where appropriate.
- 44 (2) Information that is free of racial, ethnic,
45 sexual orientation, and gender biases."

MASCHER of Johnson

H-1249

1 Amend the amendment, H-1198, to House File 816, as
2 follows:

3 1. Page 1, line 20, by inserting after the word
4 "environment" the following: ", and to assist school
5 employees in working effectively with racially diverse
6 student populations".

FORD of Polk

H-1251

1 Amend the amendment, H-1198, to House File 816, as
2 follows:

3 1. Page 1, by striking lines 2 through 20 and
4 inserting the following:

5 "___ . Page 28, by inserting after line 25 the
6 following:

7 "Sec. ___. Section 280.12, subsection 2, Code
8 2005, is amended by adding the following new
9 paragraph:

10 **NEW PARAGRAPH.** f. Harassment or bullying
11 prevention goals, programs, training, and other
12 initiatives.

13 **Sec. ___. NEW SECTION.** 280.28 HARASSMENT AND
14 BULLYING PROHIBITED – POLICY – IMMUNITY.

15 1. **PURPOSE – FINDINGS – POLICY.** The state of
16 Iowa is committed to providing all students with a
17 safe and civil school environment in which all members
18 of the school community are treated with dignity and
19 respect. The general assembly finds that a safe and
20 civil school environment is necessary for students to
21 learn and achieve at high academic levels. Harassing
22 and bullying behavior can seriously disrupt the
23 ability of school employees to maintain a safe and
24 civil environment, and the ability of students to
25 learn and succeed. Therefore, it is the policy of the
26 state of Iowa that school employees, volunteers, and
27 students in Iowa schools shall not engage in harassing
28 or bullying behavior.

29 2. **DEFINITIONS.** For purposes of this section,
30 unless the context otherwise requires:

31 a. "Harassment" and "bullying" shall be construed
32 to mean the same and mean any conduct toward a student
33 that is based on any actual or perceived trait or
34 characteristic of the student and that creates an
35 objectively hostile school environment which meets any
36 of the following conditions:

37 (1) Places the student in reasonable fear of harm
38 to the student's person or property.

39 (2) Has a substantially detrimental effect on the

40 student's physical or mental health.
41 (3) Has the effect of substantially interfering
42 with a student's academic performance.
43 (4) Has the effect of substantially interfering
44 with the student's ability to participate in or
45 benefit from the services, activities, or privileges
46 provided by a school.
47 b. "Trait or characteristic of the student"
48 includes, but is not limited to, age, color, creed,
49 national origin, race, religion, marital status, sex,
50 sexual orientation, gender identity, physical

Page 2

1 attributes, physical or mental ability or disability,
2 ancestry, political party preference, socioeconomic
3 status, or familial status.
4 3. POLICY. On or before January 1, 2006, the
5 board of directors of a school district and the
6 authorities in charge of each accredited nonpublic
7 school shall adopt a policy declaring harassment and
8 bullying in schools, on school property, and at any
9 school function, or school-sponsored activity
10 regardless of its location, in a manner consistent
11 with this section, as against state and school policy.
12 The board and the authorities shall make a copy of the
13 policy available to all school employees, volunteers,
14 students, and parents and shall take all appropriate
15 steps to bring the policy against harassment and
16 bullying, and the responsibilities set forth in the
17 policy to the attention of school employees,
18 volunteers, students, and parents. Each policy shall,
19 at a minimum, include all of the following components:
20 a. A statement declaring harassment and bullying
21 to be against state and school policy. The statement
22 shall include, but not be limited to, the following
23 provisions:
24 (1) School employees, volunteers, and students in
25 school, on school property, or at any school function
26 or school-sponsored activity shall not engage in
27 harassing and bullying behavior.
28 (2) School employees, volunteers, and students
29 shall not engage in reprisal, retaliation, or false
30 accusation against a victim, witness, or an individual
31 who has reliable information about such an act of
32 harassment or bullying.
33 b. A definition of harassment and bullying that is
34 no less inclusive than the definition set forth in
35 this section.
36 c. A description of the type of behavior expected
37 from school employees, volunteers, and students
38 relative to prevention measures, reporting, and

- 39 investigation of harassment or bullying.
40 d. The consequences and appropriate remedial
41 action for a person who violates the harassment and
42 bullying policy.
43 e. A procedure for reporting an act of harassment
44 or bullying, including the identification by job title
45 of the school official responsible for ensuring that
46 the policy is implemented, and the identification of
47 the person or persons to whom reports of harassment or
48 bullying shall be submitted.
49 f. A procedure for the prompt investigation of
50 complaints, either identifying the school principal,

Page 3

- 1 or the principal's designee as the individual
2 responsible for conducting the investigation,
3 including a statement that investigators will consider
4 the totality of circumstances presented in determining
5 whether conduct objectively constitutes harassment or
6 bullying under this section.
7 g. A statement of the manner in which the policy
8 will be publicized.
- 9 4. PROGRAMS ENCOURAGED. The board of directors of
10 a school district and the authorities in charge of
11 each accredited nonpublic school are encouraged to
12 establish programs designed to eliminate harassment
13 and bullying in schools. To the extent that funds are
14 available for these purposes, school districts and
15 accredited nonpublic schools shall do the following:
- 16 a. Provide training on harassment and bullying
17 policies to school employees and volunteers who have
18 significant contact with students.
19 b. Develop a process to provide school employees,
20 volunteers, and students with the skills and knowledge
21 to help reduce incidents of harassment and bullying.
- 22 5. IMMUNITY. A school employee, volunteer, or
23 student, or a student's parent or guardian, who
24 promptly, reasonably, and in good faith reports an
25 incident of harassment or bullying, in compliance with
26 the procedures in the policy adopted pursuant to this
27 section, to the appropriate school official designated
28 by the school district or accredited nonpublic school,
29 shall be immune from civil or criminal liability
30 relating to such report, as well as for participating
31 in any administrative or judicial proceeding resulting
32 from or relating to the report.
- 33 6. COLLECTION REQUIREMENT. The board of directors
34 of a school district and the authorities in charge of
35 each nonpublic school shall develop and maintain a
36 system to collect harassment and bullying incidence
37 data.

38 7. INTEGRATION OF POLICY AND REPORTING. The board
 39 of directors of a school district and the authorities
 40 in charge of each nonpublic school shall integrate its
 41 antiharassment and antibullying policy into the
 42 comprehensive school improvement plan required under
 43 section 256.7, subsection 21, and shall report data
 44 collected under subsection 6, as specified by the
 45 department to the local community.
 46 8. EXISTING REMEDIES NOT AFFECTED. This section
 47 shall not be construed to preclude a victim from
 48 seeking administrative or legal remedies under any
 49 applicable provision of law."
 50 2. By renumbering, redesignating, and correcting

Page 4

1 internal references as necessary.

WENDT of Woodbury

H-1252

1 Amend the amendment, H-1198, to House File 816, as
 2 follows:
 3 1. Page 1, line 15, by striking the word "shall"
 4 and inserting the following: "may".

HOGG of Linn

H-1256

1 Amend Senate File 123, as passed by the Senate, as
 2 follows:
 3 1. Page 2, by inserting before line 10, the
 4 following:
 5 "Sec. ____ Section 53.17, subsection 5, Code 2005,
 6 is amended to read as follows:
 7 5. For purposes of this section, "immediate family
 8 member" means the spouse, domestic partner, adult
 9 child or stepchild, adult grandchild, parent or
 10 stepparent, grandparent, or adult sibling of the
 11 voter."
 12 2. By renumbering as necessary.

MASCHER of Johnson

H-1257

1 Amend the amendment, H-1198, to House File 816, as
 2 follows:
 3 1. Page 1, line 14, by inserting after the word
 4 "that" the following: ", if provided for under a

5 school district's learning goals, the".

HOGG of Linn

H-1258

1 Amend House File 807 as follows:

2 1. Page 2, lines 19 and 20, by striking the words
3 "operate in all ninety-nine counties and".

R. OLSON of Polk

H-1260

1 Amend the amendment, H-1223, to House File 816 as
2 follows:

3 1. Page 3, by inserting after line 43 the
4 following:

5 "Sec. __. Section 261.9, subsection 6, Code 2005,
6 is amended to read as follows:

7 6. "Qualified student" means a resident student
8 who has established financial need and who is making
9 satisfactory progress toward graduation. "Qualified
10 student" does not include a student who attends an art
11 studies course involving nude still lifes at an
12 accredited private institution."

MURPHY of Dubuque

H-1261

1 Amend House File 826 as follows:

2 1. Page 2, lines 21 and 22, by striking the words
3 "to the department of public safety's vehicle
4 depreciation account".

5 2. Page 2, lines 32 and 33, by striking the words
6 "to the department of public safety's vehicle
7 depreciation account".

8 3. Page 2, line 34, by striking the words
9 "pursuant to" and inserting the following: "allocated
10 as provided in".

11 4. Page 5, line 2, by striking the word "ninety-
12 six" and inserting the following: "seventy-one".

13 5. Page 5, by striking line 9, and inserting the
14 following: "All moneys allocated under this paragraph
15 "a" are".

16 6. Page 5, line 14, by striking the word
17 "subsection" and inserting the following: "paragraph
18 "a".

19 7. Page 5, line 16, by striking the word
20 "subsection" and inserting the following: "paragraph
21 "a".

- 22 8. Page 5, by inserting after line 18, the
 23 following:
 24 "b. For the fiscal year beginning July 1, 2005,
 25 and ending June 30, 2006, the state court
 26 administrator shall allocate twenty-five thousand
 27 dollars from fines attributable to speeding violations
 28 to the department of public safety. The moneys are
 29 appropriated to the department of public safety to be
 30 used by the division of criminal investigation to
 31 update the sex offender registry. Notwithstanding
 32 section 8.33, moneys appropriated under this paragraph
 33 "b" shall not revert at the end of the fiscal year but
 34 shall remain available for the purpose intended."
 35 9. By renumbering as necessary.

HORBACH of Tama

H-1263

- 1 Amend House File 765 as follows:
 2 1. Page 1, lines 19 and 20 by striking the words
 3 "low-protein medical food and".
 4 2. Page 2, by striking lines 11 through 18.
 5 3. Page 2, by striking lines 26 and 27 and
 6 inserting the following: "coverage benefits to each
 7 female insured who is pregnant."
 8 4. By renumbering as necessary.

WATTS of Dallas

H-1264

- 1 Amend the amendment, H-1210, to House File 793 as
 2 follows:
 3 1. Page 1, by inserting after line 3, the
 4 following:
 5 "Section 1. Section 48A.25A, Code 2005, is amended
 6 to read as follows:
 7 48A.25A VERIFICATION OF VOTER REGISTRATION
 8 INFORMATION.
 9 Upon receipt of ~~an~~ any application for voter
 10 registration by mail, the state registrar of voters
 11 shall compare the driver's license number, the Iowa
 12 nonoperator's identification card number, or the last
 13 four numerals of the social security number provided
 14 by the registrant with the records of the state
 15 department of transportation or the social security
 16 administration. To be verified, the voter
 17 registration record shall contain the same name, date
 18 of birth, and driver's license number or Iowa
 19 nonoperator's identification card number or whole or
 20 partial social security number as the records of the

21 state department of transportation or social security
 22 administration. If the information cannot be
 23 verified, the application shall be rejected and the
 24 registrant shall be notified of the reason for the
 25 rejection. If the information can be verified, a
 26 record shall be made of the verification and the
 27 application shall be accepted.

28 The voter registration commission shall adopt rules
 29 in accordance with chapter 17A to provide procedures
 30 for processing registration applications if the state
 31 ~~department of transportation does not, applications~~
 32 ~~cannot be verified~~ before the close of registration
 33 for an election for which the voter registration
 34 ~~otherwise~~ would be effective, ~~if verified, provide a~~
 35 ~~report that the information on the application has~~
 36 ~~matched or not matched the records of the department.~~
 37 This section applies to all voter registration
 38 applications received by mail. This However, this
 39 section does not apply to mail registration applicants
 40 who are persons described in section 53.37 who are
 41 entitled to register to vote and to vote ~~pursuant to~~
 42 ~~section 48A.5, subsection 4."~~

43 2. Page 2, by inserting after line 46, the
 44 following:

45 Sec. __. Section 53.38, Code 2005, is amended to
 46 read as follows:

47 53.38 WHAT CONSTITUTES REGISTRATION.

48 Whenever a ballot is requested pursuant to section
 49 53.39 or 53.45 on behalf of a voter in the armed
 50 forces of the United States, the affidavit upon the

Page 2

1 ballot envelope of such voter, if the voter is found
 2 to be an eligible elector of the county to which the
 3 ballot is submitted, shall constitute a sufficient
 4 registration under chapter 48A. A completed federal
 5 postcard registration and federal absentee ballot
 6 request form submitted by such eligible elector shall
 7 also constitute a sufficient registration under
 8 chapter 48A. The commissioner shall place the voter's
 9 name on the registration record as a registered voter
 10 if it does not already appear there. The
 11 identification requirements of section 48A.8 and the
 12 verification requirements of section 48A.25A do not
 13 apply to persons who register to vote under this
 14 division.

15 Sec. __. Section 53.41, Code 2005, is amended to
 16 read as follows:

17 53.41 RECORDS BY COMMISSIONER – EXCESS REQUESTS
 18 OR BALLOTS.

19 The commissioner of each county shall establish and

20 maintain a record of all requests for ballots which
 21 are made, and of all ballots transmitted, and the
 22 manner of transmittal, from and received in the
 23 commissioner's office under the provisions of this
 24 division.

25 PARAGRAPH DIVIDED. If more than one request for
 26 absent voter's ballot for a particular election is
 27 made to the commissioner before the ballots are ready
 28 to mail by or on behalf of a voter in the armed forces
 29 of the United States, the last request ~~first~~ received
 30 shall be honored, except that if one of the requests
 31 is made by the voter, and ~~a request on the voter's~~
 32 ~~behalf has not been previously honored~~, the request of
 33 the voter shall be honored in preference to a request
 34 made on the voter's behalf by another.

35 PARAGRAPH DIVIDED. Not more than one ballot shall
 36 be transmitted by the commissioner to any voter for a
 37 particular election unless after the ballot has been
 38 mailed the voter reports a change in the address to
 39 which the ballot should be sent. A ballot shall be
 40 mailed using a serial number that indicates that this
 41 is a replacement sent to an updated address. The
 42 original ballot shall be counted only if the
 43 replacement ballot does not arrive. If the
 44 commissioner receives more than one absent voter's
 45 ballot, provided for by this division, from or
 46 purporting to be from any one voter for a particular
 47 election, all of the ballots so received from or
 48 purporting to be from such voter are void, and the
 49 commissioner shall not deliver any of the ballots to
 50 the precinct election officials, but shall retain them

Page 3

1 in the commissioner's office, and preserve them for
 2 the period and under the conditions provided for in
 3 sections 50.12 through 50.15 and section 50.19.

4 Sec. _____. Section 53.53, subsection 4, paragraph
 5 a, Code 2005, is amended to read as follows:

6 a. The ballot was submitted from within the United
 7 States, unless the voter is a member of the armed
 8 forces of the United States, as described in section
 9 53.37, subsection 2, on active duty and away from the
 10 voter's county of residence for purposes of serving on
 11 active duty.""

12 3. Page 2, by striking lines 49 and 50, and
 13 inserting the following: ""An Act relating to the
 14 conduct of elections and voter registration by
 15 including the social security administration as a
 16 verification source for certain voter registration
 17 information, relating to the requirements for certain
 18 voting machines used in the state, exempting military

19 and overseas voters from the identification and
 20 verification requirements for mail voter registrants,
 21 relating to multiple requests for an absentee ballot
 22 for a military and overseas voter, and allowing
 23 certain military voters to return absentee ballots
 24 from within the United States."''

ZIRKELBACH of Jones

H-1268

1 Amend House File 826 as follows:
 2 1. Page 5, line 25, by striking the words "~~Ten~~
 3 Twenty" and inserting the following: "Ten".
 4 2. Page 5, line 27, by striking the words "~~Twenty~~
 5 Forty" and inserting the following: "Twenty".

GREINER of Washington

H-1270

1 Amend the amendment, H-1261, to House File 826 as
 2 follows:
 3 1. Page 1, by inserting after line 4, the
 4 following:
 5 "___ Page 2, lines 22 and 23, by striking the
 6 word and figure: "subsection 9," and inserting the
 7 following: "subsections 9 and 10,"."
 8 2. Page 1, by striking lines 9 and 10, and
 9 inserting the following: ""pursuant to section
 10 602.8108, subsection 9," and inserting the following:
 11 "allocated as provided in section 602.8108,
 12 subsections 9 and 10,"."
 13 3. Page 1, by inserting before line 11, the
 14 following:
 15 "___ Page 4, line 4, by striking the word and
 16 figure "and 9," and inserting the following: "9, and
 17 10,"."
 18 4. Page 1, by inserting after line 34, the
 19 following:
 20 "___ Page 5, by inserting after line 19, the
 21 following:
 22 "Sec. ___. Section 602.8108, Code 2005, is amended
 23 by adding the following new subsection:
 24 NEW SUBSECTION. 10. Notwithstanding subsection 7A
 25 and subsection 9, paragraph "a", beginning July 1,
 26 2005, the state court administrator shall allocate to
 27 the department of public safety for the fiscal year
 28 beginning July 1, 2005, and ending June 30, 2006, one
 29 million seventy-eight thousand eight hundred eight
 30 dollars, and for each fiscal year thereafter, six
 31 hundred fifty-one thousand five hundred forty-six

32 dollars, to be drawn first from funds otherwise
 33 allocated to the vehicle depreciation account of the
 34 department of public safety pursuant to subsection 9,
 35 paragraph "a", and next from funds otherwise allocated
 36 to the judicial branch pursuant to subsection 7A. The
 37 moneys allocated under this subsection are
 38 appropriated to the department of public safety to be
 39 used for DNA profiling of felons. Any moneys that
 40 remain available from funds described in subsection 7A
 41 and subsection 9, paragraph "a", after the allocations
 42 have been made as required in this subsection shall be
 43 allocated as described in subsection 7A and subsection
 44 9, paragraph "a".
 45 5. By renumbering as necessary.

- | | |
|---------------------------|----------------------------|
| MURPHY of Dubuque | BELL of Jasper |
| BERRY of Black Hawk | BUKTA of Clinton |
| COHOON of Des Moines | DANDEKAR of Linn |
| DAVITT of Warren | FOEGE of Linn |
| FORD of Polk | FREVERT of Palo Alto |
| GASKILL of Wapello | HEDDENS of Story |
| HOGG of Linn | HUNTER of Polk |
| JACOBY of Johnson | JOCHUM of Dubuque |
| KRESSIG of Black Hawk | KUHN of Floyd |
| LENSING of Johnson | LYKAM of Scott |
| MASCHER of Johnson | MCCARTHY of Polk |
| MERTZ of Kossuth | MILLER of Webster |
| OLDSON of Polk | D. OLSON of Boone |
| PETERSEN of Polk | PETTENGILL of Benton |
| QUIRK of Chickasaw | REASONER of Union |
| REICHERT of Muscatine | SCHUELLER of Jackson |
| SHOMSHOR of Pottawattamie | SHOULTZ of Black Hawk |
| SMITH of Marshall | SWAIM of Davis |
| D. TAYLOR of Linn | THOMAS of Clayton |
| WENDT of Woodbury | WESSEL-KROESCHELL of Story |
| WHITAKER of Van Buren | WHITEAD of Woodbury |
| WINCKLER of Scott | WISE of Lee |
| ZIRKELBACH of Jones | |

H-1271

- 1 Amend the amendment, H-1261, to House File 826 as
 2 follows:
 3 1. Page 1, by inserting after line 4, the
 4 following:
 5 " ____ Page 2, lines 22 and 23, by striking the
 6 word and figure: "subsection 9," and inserting the
 7 following: "subsections 9 and 10."
 8 2. Page 1, by striking lines 9 and 10, and
 9 inserting the following: ""pursuant to section
 10 602.8108, subsection 9," and inserting the following:
 11 "allocated as provided in section 602.8108,"

12 subsections 9 and 10."

13 3. Page 1, by inserting before line 11, the
14 following:

15 "____. Page 4, line 4, by striking the word and
16 figure "and 9." and inserting the following: "9. and
17 10.."

18 4. Page 1, by inserting after line 34, the
19 following:

20 "____. Page 5, by inserting after line 19, the
21 following:

22 "Sec.____. Section 602.8108, Code 2005, is amended
23 by adding the following new subsection:

24 NEW SUBSECTION. 10. Notwithstanding subsection 7A

25 and subsection 9, paragraph "a", beginning July 1,

26 2005, the state court administrator shall allocate

27 annually to the department of public safety the sum of

28 three hundred thirty thousand dollars, to be drawn

29 first from funds otherwise allocated to the vehicle

30 depreciation account of the department of public

31 safety pursuant to subsection 9, paragraph "a", and

32 next from funds otherwise allocated to the judicial

33 branch pursuant to subsection 7A. The moneys

34 allocated under this subsection are appropriated to

35 the department of public safety to be used for three

36 agents to maintain information, including addresses

37 and photographs, for the sex offender registry's web

38 page. Any moneys that remain available from funds

39 described in subsection 7A and subsection 9, paragraph

40 "a", after the allocations have been made as required

41 in this subsection shall be allocated as described in

42 subsection 7A and subsection 9, paragraph "a"."

43 5. By renumbering as necessary.

MURPHY of Dubuque

BERRY of Black Hawk

OLDSON of Polk

JOCHUM of Dubuque

ZIRKELBACH of Jones

JACOBY of Johnson

BUKTA of Clinton

LYKAM of Scott

FORD of Polk

MERTZ of Kossuth

FREVERT of Palo Alto

MASCHER of Johnson

PETTENGILL of Benton

REICHERT of Muscatine

WINCKLER of Scott

SHOMSHOR of Pottawattamie

QUIRK of Chickasaw

WHITEAD of Woodbury

LENSING of Johnson

BELL of Jasper

REASONER of Union

HUNTER of Polk

MILLER of Webster

DAVITT of Warren

HOGG of Linn

MCCARTHY of Polk

WHITAKER of Van Buren

PETERSEN of Polk

KRESSIG of Black Hawk

D. OLSON of Boone

KUHN of Floyd

WENDT of Woodbury

WESSEL-KROESCHELL of Story

SHOULTZ of Black Hawk

DANDEKAR of Linn

COHOON of Des Moines

HEDDENS of Story

THOMAS of Clayton

D. TAYLOR of Linn
 SMITH of Marshall
 SWAIM of Davis
 SCHUELLER of Jackson

WISE of Lee
 GASKILL of Wapello
 FOEGE of Linn

H-1272

1 Amend the amendment, H-1261, to House File 826 as
 2 follows:

3 1. Page 1, by inserting after line 4, the
 4 following:

5 "____. Page 2, lines 22 and 23, by striking the
 6 word and figure: "subsection 9." and inserting the
 7 following: "subsections 9 and 10."

8 2. Page 1, by striking lines 9 and 10, and
 9 inserting the following: "pursuant to section
 10 602.8108, subsection 9," and inserting the following:
 11 "allocated as provided in section 602.8108,
 12 subsections 9 and 10."

13 3. Page 1, by inserting before line 11, the
 14 following:

15 "____. Page 4, line 4, by striking the word and
 16 figure "and 9," and inserting the following: "9, and
 17 10."

18 4. Page 1, by inserting after line 34, the
 19 following:

20 "____. Page 5, by inserting after line 19, the
 21 following:

22 "Sec.____. Section 602.8108, Code 2005, is amended
 23 by adding the following new subsection:
 24 **NEW SUBSECTION. 10.** Notwithstanding subsection 7A
 25 and subsection 9, paragraph "a", beginning July 1,
 26 2005, the state court administrator shall allocate
 27 annually to the department of corrections the sum of
 28 two million three hundred thousand dollars, to be
 29 drawn first from funds otherwise allocated to the
 30 vehicle depreciation account of the department of
 31 public safety pursuant to subsection 9, paragraph "a",
 32 and next from funds otherwise allocated to the
 33 judicial branch pursuant to subsection 7A. The moneys
 34 allocated under this subsection are appropriated to
 35 the department of corrections for use by the judicial
 36 district departments of correctional services for
 37 electronic tracking and monitoring of persons required
 38 to register as sex offenders. Any moneys that remain
 39 available from funds described in subsection 7A and
 40 subsection 9, paragraph "a", after the allocations
 41 have been made as required in this subsection shall be
 42 allocated as described in subsection 7A and subsection
 43 9, paragraph "a"."

44 5. By renumbering as necessary.

MURPHY of Dubuque
 BUKTA of Clinton
 FORD of Polk
 HUNTER of Polk
 JOCHUM of Dubuque
 LYKAM of Scott
 MCCARTHY of Polk
 OLDSON of Polk
 REASONER of Union
 FOEGE of Linn
 D. TAYLOR of Linn
 SMITH of Marshall
 WENDT of Woodbury
 WESSEL-KROESCHELL of Story
 SHOULTZ of Black Hawk
 FREVERT of Palo Alto
 D. OLSON of Boone
 WISE of Lee
 ZIRKELBACH of Jones
 DANDEKAR of Linn
 COHOON of Des Moines
 HEDDENS of Story
 THOMAS of Clayton

BELL of Jasper
 DAVITT of Warren
 HOGG of Linn
 JACOBY of Johnson
 KUHN of Floyd
 MASCHER of Johnson
 MILLER of Webster
 PETERSEN of Polk
 SWAIM of Davis
 SCHUELLER of Jackson
 BERRY of Black Hawk
 PETTENGILL of Benton
 REICHERT of Muscatine
 WINCKLER of Scott
 MERTZ of Kossuth
 KRESSIG of Black Hawk
 WHITAKER of Van Buren
 GASKILL of Wapello
 SHOMSHOR of Pottawattamie
 QUIRK of Chickasaw
 WHITEAD of Woodbury
 LENSING of Johnson

H-1273

- 1 Amend House File 820 as follows:
- 2 1. Page 1, line 18, by striking the word "two"
- 3 and inserting the following: "nine".

FORD of Polk
 WHITAKER of Van Buren
 WINCKLER of Scott
 WESSEL-KROESCHELL of Story
 MASCHER of Johnson
 SCHUELLER of Jackson

SMITH of Marshall
 JOCHUM of Dubuque
 KRESSIG of Black Hawk
 LENSING of Johnson
 DAVITT of Warren
 MURPHY of Dubuque

H-1274

- 1 Amend House File 825 as follows:
- 2 1. Page 38, line 21, by inserting after the word
- 3 "survey." The following: "Otherwise, if additional
- 4 federal funding is provided but not in a sufficient
- 5 amount to set provider reimbursement rates based on
- 6 the 2002 survey, the additional funding shall be used
- 7 to pay provider bonuses, to enhance provider
- 8 professional development opportunities, or for a
- 9 combination of measures to support child care
- 10 providers."

PETERSEN of Polk

H-1276

- 1 Amend House File 825 as follows:
- 2 1. Page 32, line 14, by striking the figure
- 3 "53,519,372" and inserting the following:
- 4 "54,469,372".
- 5 2. Page 32, line 15, by striking the figure
- 6 "1,844.00" and inserting the following: "1,859.00".
- 7 3. Page 32, by inserting after line 15 the
- 8 following:
- 9 "The amount appropriated in this section includes
- 10 funding for the department to add 15 additional child
- 11 protective service social work supervisors."

FOEGE of Linn

H-1277

- 1 Amend House File 825 as follows:
- 2 1. Page 1, line 23, by striking the figure
- 3 "2,730,522" and inserting the following: "2,791,522".
- 4 2. Page 2, by inserting after line 4 the
- 5 following:
- 6 "Of the amount appropriated in this section,
- 7 \$61,000 is allocated as additional funding for
- 8 nutrition programs."

FOEGE of Linn

H-1280

- 1 Amend House File 825 as follows:
- 2 1. Page 12, line 27, by striking the figure
- 3 "524,510,863" and inserting the following:
- 4 "525,529,082".
- 5 2. Page 16, by inserting after line 1, the
- 6 following:
- 7 " _____. The department shall extend coverage under
- 8 the medical assistance program for youth aging out of
- 9 the foster care system up to the age of 21."
- 10 3. Page 20, line 4, by striking the figure
- 11 "76,508,683" and inserting the following:
- 12 "77,400,191".
- 13 4. Page 24, by inserting after line 27, the
- 14 following:
- 15 " _____. Notwithstanding section 234.1, subsection 2,
- 16 the department may continue to pay for foster care for
- 17 youth age 18 and older who have received a high school
- 18 diploma or a high school equivalency diploma."
- 19 5. By renumbering as necessary.

FOEGE of Linn

H-1283

- 1 Amend Senate File 206, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, line 33, by inserting after the word
- 4 "of" the following: "deer herd population management,
- 5 including".

RAYHONS of Hancock

H-1286

- 1 Amend House File 811 as follows:
- 2 1. Page 18, by inserting after line 5 the
- 3 following:
- 4 "2A. For the division of criminal investigation
- 5 and bureau of identification to update the sex
- 6 offender registry:
- 7 \$ 25,000"
- 8 2. By renumbering as necessary.

HOGG of Linn

H-1289

- 1 Amend House File 829 as follows:
- 2 1. Page 4, by inserting after line 17 the
- 3 following:
- 4 "Sec. ____ STATE PROCUREMENT PROCESS STUDY. The
- 5 legislative council is requested to establish an
- 6 interim study to review purchasing processes and
- 7 procedures utilized by the state and other public
- 8 entities within this state. The study shall include a
- 9 review of the model procurement act developed and
- 10 recommended by the American bar association, as well
- 11 as the purchasing practices and procedures of other
- 12 states and other public entities outside this state
- 13 which currently utilize purchasing processes and
- 14 procedures based on the model procurement act.
- 15 The membership of the interim study committee shall
- 16 be comprised of the following:
- 17 1. Representatives of each of the following:
- 18 a. Political subdivisions authorized to purchase
- 19 goods and services through the use of public bidding
- 20 procedures.
- 21 b. State agencies with independent purchasing
- 22 authority.
- 23 c. State agencies that purchase goods and services
- 24 through the department of administrative services.
- 25 d. The department of administrative services.
- 26 e. The office of the attorney general.
- 27 f. Vendors who provide goods and services to

28 public entities in this state.

29 2. Four members of the general assembly, two each
30 from the senate and the house of representatives.

31 The interim study committee shall provide regular
32 updates on its progress to the committees on
33 government oversight. The interim study committee
34 shall provide a final report, including any
35 legislative proposals to the committees on government
36 oversight, by no later than February 1, 2007.”

37 2. By renumbering as necessary.

LENSING of Johnson

H-1291

1 Amend House File 829 as follows:

2 1. Page 2, by striking lines 22 and 23, and
3 inserting the following: “used. Any master contract
4 in effect on July 1, 2005, may be extended as
5 expressly provided by the terms of the master
6 contract; however, that extension may be for no longer
7 than three years.”

8 2. Page 3, by striking lines 15 through 17, and
9 inserting the following: “competitive bidding process
10 is used. Any master contract in effect on July 1,
11 2005, may be extended as expressly provided by the
12 terms of the master contract; however, that extension
13 may be for no longer than three years.”

14 3. Page 4, by striking lines 3 and 4, and
15 inserting the following: “used. Any master contract
16 in effect on July 1, 2005, may be extended as
17 expressly provided by the terms of the master
18 contract; however, that extension may be for no longer
19 than three years.”

ALONS of Sioux

H-1299

1 Amend House File 825 as follows:

2 1. Page 18, line 14, by striking the figure
3 “500,000” and inserting the following: “676,492”.

4 2. Page 47, by inserting after line 8 the
5 following:

6 “Sec. ____ Section 8.59, Code 2005, is amended to
7 read as follows:

8 8.59 APPROPRIATIONS FREEZE.

9 Notwithstanding contrary provisions of the Code,
10 the amounts appropriated under the applicable sections
11 of the Code for fiscal years commencing on or after
12 July 1, 1993, are limited to those amounts expended
13 under those sections for the fiscal year commencing
14 July 1, 1992. If an applicable section appropriates

15 moneys to be distributed to different recipients and
 16 the operation of this section reduces the total amount
 17 to be distributed under the applicable section, the
 18 moneys shall be prorated among the recipients. As
 19 used in this section, "applicable sections" means
 20 sections 53.50, ~~229.35~~, ~~230.8~~, ~~230.11~~, 411.20, and
 21 663.44.

22 Sec. __. Section 229.35, Code 2005, is amended to
 23 read as follows:

24 229.35 COMPENSATION – PAYMENT.

25 ~~Said~~ The commissioners ~~shall be~~ are entitled to
 26 reimbursement of their necessary expenses and payment
 27 of a reasonable compensation, to be allowed by the
 28 judge, who shall certify the same to the director of
 29 the department of administrative services who shall
 30 thereupon draw the proper warrants on any funds in the
 31 state treasury not otherwise appropriated amounts to
 32 the central point of coordination of the person's
 33 county of residence. The amounts shall be paid from
 34 the county's services fund created in section
 35 331.424A. The applicant shall pay ~~said~~ the costs and
 36 expenses if ordered by the judge ~~shall so order~~ on a
 37 finding that the complaint was filed without probable
 38 cause.

39 Sec. __. Section 230.8, Code 2005, is amended to
 40 read as follows:

41 230.8 TRANSFERS OF PERSONS WITH MENTAL ILLNESS –
 42 EXPENSES.

43 The transfer to state hospitals or to the places of
 44 their legal settlement of persons with mental illness
 45 who have no legal settlement in this state or whose
 46 legal settlement is unknown, shall be made according
 47 to the directions of the administrator, and when
 48 practicable by employees of state hospitals, and the
 49 actual and necessary expenses of ~~such~~ the transfers
 50 shall be paid ~~on itemized vouchers sworn to by the~~

Page 2

1 ~~claimants and approved by the administrator, from any~~
 2 ~~funds in the state treasury not otherwise appropriated~~
 3 ~~by the person's county of residence from the county's~~
 4 ~~services fund created in section 331.424A.~~

5 Sec. __. Section 230.11, Code 2005, is amended to
 6 read as follows:

7 230.11 RECOVERY OF COSTS FROM STATE PAYMENT OF
 8 COSTS AND EXPENSES.

9 Costs and expenses attending the taking into
 10 custody, care, and investigation of a person who has
 11 been admitted or committed to a state hospital,
 12 veterans administration hospital, or other agency of
 13 the United States government, for persons with mental

14 illness and who has no legal settlement in this state
 15 or whose legal settlement is unknown, including cost
 16 of commitment, if any, shall be paid ~~out of any money~~
 17 ~~in the state treasury not otherwise appropriated, on~~
 18 ~~itemized vouchers executed by the auditor of the~~
 19 ~~county which has paid them, and approved by the~~
 20 ~~administrator by the person's county of residence from~~
 21 the county's services fund created in section
 22 331.424A."
 23 3. By renumbering as necessary.

FOEGE of Linn

H-1302

1 Amend House File 825 as follows:
 2 1. Page 65, line 22, by striking the word
 3 "ninety" and inserting the following: "one hundred".
 4 2. Page 65, by striking lines 29 through 32, and
 5 inserting the following: "Revenues retained by the
 6 board pursuant to this subsection shall be credited to
 7 a nursing licensure fund created in the state treasury
 8 under the authority of the board. Moneys credited to
 9 the fund are appropriated to the board to be used for
 10 the purposes of this subsection. Notwithstanding
 11 section 8.33, moneys credited to the fund shall not
 12 revert to the general fund of the state or to any
 13 other fund but shall remain available in the fund to
 14 be used for expenditure for the purposes designated."
 15 3. Page 65, line 34, by striking the word
 16 "ninety" and inserting the following: "one hundred".
 17 4. Page 66, by striking lines 6 through 9, and
 18 inserting the following: "services and
 19 investigations. Revenues retained by the board
 20 pursuant to this subsection shall be credited to a
 21 pharmacy licensure fund created in the state treasury
 22 under the authority of the board. Moneys credited to
 23 the fund are appropriated to the board to be used for
 24 the purposes of this subsection. Notwithstanding
 25 section 8.33, moneys credited to the fund shall not
 26 revert to the general fund of the state or to any
 27 other fund but shall remain available in the fund to
 28 be used for expenditure for the purposes designated."
 29 5. Page 66, by inserting before line 10 the
 30 following:
 31 "7. The board of medical examiners may annually
 32 retain and expend one hundred percent of the revenues
 33 generated from an increase in licensing and renewal
 34 fees established pursuant to section 147.80 for the
 35 practice of medicine and surgery, osteopathic medicine
 36 and surgery, or osteopathy, above the license and
 37 renewal fees in effect as of June 30, 2005. The

38 moneys retained may be used for any of the board's
39 duties, including but not limited to the addition of
40 full-time equivalent positions for program services
41 and investigations. Revenues retained by the board
42 pursuant to this subsection shall be credited to a
43 medical examiners licensure fund created in the state
44 treasury under the authority of the board. Moneys
45 credited to the fund are appropriated to the board to
46 be used for the purposes of this subsection.
47 Notwithstanding section 8.33, moneys credited to the
48 fund shall not revert to the general fund of the state
49 or to any other fund but shall remain available in the
50 fund to be used for expenditure for the purposes

Page 2

1 designated.
2 8. The board of dental examiners may annually
3 retain and expend one hundred percent of the revenues
4 generated from an increase in licensing and renewal
5 fees established pursuant to section 147.80 for the
6 practice of dentistry, above the license and renewal
7 fees in effect as of June 30, 2005. The moneys
8 retained may be used for any of the board's duties,
9 including but not limited to the addition of full-time
10 equivalent positions for program services and
11 investigations. Revenues retained by the board
12 pursuant to this subsection shall be credited to a
13 dental licensure fund created in the state treasury
14 under the authority of the board. Moneys credited to
15 the fund are appropriated to the board to be used for
16 the purposes of this subsection. Notwithstanding
17 section 8.33, moneys credited to the fund shall not
18 revert to the general fund of the state or to any
19 other fund but shall remain available in the fund to
20 be used for expenditure for the purposes designated.
21 9. The department may annually retain and expend
22 one hundred percent of the revenues generated from an
23 increase in licensing and renewal fees established by
24 an examining board pursuant to section 147.80 for the
25 practice of a profession that is not specifically
26 authorized under this section to retain and expend
27 revenues from a fee increase, above the license and
28 renewal fees in effect as of June 30, 2005. The
29 moneys retained may be used for any of the
30 department's duties in regard to professional
31 licensing, including but not limited to the addition
32 of full-time equivalent positions for program services
33 and investigations. Revenues retained by the
34 department pursuant to this subsection shall be
35 credited to a professional licensure fund created in
36 the state treasury under the authority of the

37 department. Moneys credited to the fund are
38 appropriated to the department to be used for the
39 purposes of this subsection. Notwithstanding section
40 8.33, moneys credited to the fund shall not revert to
41 the general fund of the state or to any other fund but
42 shall remain available in the fund to be used for
43 expenditure for the purposes designated.”

44 6. By renumbering as necessary.

FOEGE of Linn

H-1312

1 Amend House File 829 as follows:

2 1. Page 1, line 14, by inserting after the word
3 “architectural” the following: “, landscape
4 architectural”.

5 2. Page 2, line 13, by inserting after the word
6 “architectural” the following: “, landscape
7 architectural”.

8 3. Page 3, line 6, by inserting after the word
9 “architectural” the following: “, landscape
10 architectural”.

11 4. Page 3, line 29, by inserting after the word
12 “architectural” the following: “, landscape
13 architectural”.

ALONS of Sioux

H-1329

1 Amend House File 829 as follows:

2 1. By striking page 2, line 32, through page 3,
3 line 17.

4 2. By renumbering as necessary.

WESSEL-KROESCHELL of Story

H-1330

1 Amend House File 461 as follows;

2 1. By striking page 1, line 1, through page 2,
3 line 4, and inserting the following:

4 “Section 1. Section 422.7, subsection 13, Code
5 2005, is amended to read as follows:

6 13. a. Subtract, to the extent included, the
7 amount of additional social security benefits taxable
8 under the Internal Revenue Code for tax years
9 beginning on or after January 1, 1994. The amount of
10 social security benefits taxable as provided in
11 section 86 of the Internal Revenue Code, as amended up
12 to and including January 1, 1993, with the adjustments

13 in paragraph "b", continues to apply for state income
 14 tax purposes for tax years beginning on or after
 15 January 1, 1994. Married taxpayers, who file a joint
 16 federal income tax return and who elect to file
 17 separate returns or who elect separate filing on a
 18 combined return for state income tax purposes, shall
 19 allocate between the spouses the amount of benefits
 20 subtracted from net income in the ratio of the social
 21 security benefits received by each spouse to the total
 22 of these benefits received by both spouses.
 23 b. In computing the amount of taxable social
 24 security benefits under paragraph "a" for tax years
 25 beginning on or after January 1, 2006, the term "base
 26 amount" in section 86 of the Internal Revenue Code, as
 27 amended up to and including January 1, 1993, means one
 28 of the following:
 29 (1) Except as otherwise provided in subparagraphs
 30 (2) and (3), thirty thousand dollars.
 31 (2) In the case of a joint return, thirty-eight
 32 thousand four hundred dollars.
 33 (3) In the case of a taxpayer who is married but
 34 does not file a joint return and does not live apart
 35 from the taxpayer's spouse at all times during the tax
 36 year, zero."
 37 2. Title page, line 1, by striking the words
 38 "phasing out" and inserting the following: "reducing".

HOGG of Linn

H-1334

1 Amend the amendment, H-1055, to House File 118 as
 2 follows:
 3 1. Page 1, by striking lines 48 through 50 and
 4 inserting the following: "in subsection 1."

GRANZOW of Hardin

H-1336

1 Amend the amendment, H-1282, to Senate File 206, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 3, by striking the word and
 5 figure "through 14." And inserting the following:
 6 "through 14, and inserting the following:
 7 "Sec. __. NEW SECTION. 170.3A FARM DEER
 8 IDENTIFICATION.
 9 1. All farm deer shall be individually identified
 10 with a distinctive and easily discernible ear tag
 11 affixed in either ear of the animal or other
 12 identification acceptable to the department, which has

13 been specified by rule adopted pursuant to the
 14 department's rulemaking authority. The department
 15 shall make ear tags available at convenient locations
 16 within each county and shall sell such tags at a price
 17 not exceeding the cost to owners of farm deer and
 18 others to comply with this section.

19 2. Every person who releases animals kept as farm
 20 deer onto land shall keep a record of the ear tag
 21 number of each farm deer, or other approved
 22 identification, which records shall be made available
 23 by that person to any appropriate representative of
 24 the department.

25 Sec. ____ NEW SECTION. -170.3B TRESPASS -
 26 PENALTIES - LIABILITY.

27 1. The owner of a farm deer that trespasses upon
 28 the land of another person or strays from the owner's
 29 control onto a public road shall, for each offense, be
 30 subject to a civil penalty of one thousand five
 31 hundred dollars.

32 2. The owner of a farm deer that strays from the
 33 owner's control onto a public road or right-of-way
 34 shall be liable for all damages caused by the presence
 35 of the farm deer on the public road or right-of-way."

36 2. By renumbering as necessary.

ZIRKELBACH of Jones

H-1339

1 Amend House File 623 as follows:

2 1. Page 1, line 16, by striking the figure "D-
 3 5798-99" and inserting the following: "D-6751".

DRAKE of Pottawattamie

H-1341

1 Amend House File 819 as follows:

2 1. Page 5, by inserting after line 1, the
 3 following:

4 "Sec. ____ NEW SECTION. 249A.30A MEDICAL
 5 ASSISTANCE - PERSONAL NEEDS ALLOWANCE.

6 The personal needs allowance under the medical
 7 assistance program, which may be retained by a
 8 resident of a nursing facility as defined in section
 9 135C.1, shall be fifty dollars per month."

10 2. Title page, line 1, by inserting after the
 11 word "to" the following: "the medical assistance

- 12 program including the personal needs allowance and
 13 including an".
 14 3. By renumbering as necessary.

PETERSEN of Polk

H-1345

- 1 Amend Senate File 220, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by striking line 28, and inserting the
 4 following: "~~leased transportation equipment.~~"
 5 2. By striking page 2, line 29, through page 3,
 6 line 6.
 7 3. Page 3, by striking line 7 and inserting the
 8 following:
 9 "Sec.____. EFFECTIVE AND APPLICABILITY DATES.
 10 1. The sections of this Act amending".
 11 4. Page 3, by inserting after line 12 the
 12 following:
 13 "2. The sections of this Act amending sections
 14 257.17 and 279.10 take effect July 1, 2006."
 15 5. Title page, line 6, by inserting after the
 16 word "an" the following: "effective and".
 17 6. By renumbering as necessary.

COMMITTEE ON EDUCATION

H-1349

- 1 Amend Senate File 383, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 1 through 9, and
 4 inserting the following:
 5 "Section 1. Section 709.16, Code 2005, is amended
 6 to read as follows:
 7 709.16 SEXUAL MISCONDUCT WITH OFFENDERS AND
 8 JUVENILES.
 9 1. An officer, employee, contractor, vendor,
 10 volunteer, or agent of the department of corrections,
 11 or an officer, employee, or agent of a judicial
 12 district department of correctional services, who
 13 engages in a sex act with an individual committed to
 14 the custody of the department of corrections or a
 15 judicial district department of correctional services
 16 commits ~~an aggravated misdemeanor a class "D" felony.~~
 17 2. An officer, employee, contractor, vendor,
 18 volunteer, or agent of a juvenile placement facility
 19 who engages in a sex act with a juvenile placed at
 20 such facility commits ~~an aggravated misdemeanor a~~
 21 class "D" felony.
 22 For purposes of this subsection, a "juvenile

- 23 placement facility" means any of the following:
- 24 a. A child foster care facility licensed under
- 25 section 237.4.
- 26 b. Institutions controlled by the department of
- 27 human services listed in section 218.1.
- 28 c. Juvenile detention and juvenile shelter care
- 29 homes approved under section 232.142.
- 30 d. Psychiatric medical institutions for children
- 31 licensed under chapter 135H.
- 32 e. Substance abuse facilities as defined in
- 33 section 125.2.
- 34 3. An officer, employee, contractor, vendor,
- 35 volunteer, or agent of a county who engages in a sex
- 36 act with a prisoner incarcerated in a county jail
- 37 commits ~~an aggravated misdemeanor~~ a class "D" felony."
- 38 2. Title page, by striking lines 2 through 4 and
- 39 inserting the following: "offenders and juveniles."

COMMITTEE ON PUBLIC SAFETY

H-1351

- 1 Amend Senate File 220, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 19, by striking the word and
- 4 figure "August 22" and inserting the following: "July
- 5 1".

MASCHER of Johnson

H-1354

- 1 Amend House File 847 as follows:
- 2 1. Page 1, line 30, by inserting after the word
- 3 "removal," the following: "public libraries,".
- 4 2. Page 2, line 28, by inserting after the word
- 5 "removal," the following: "public libraries,".

WESSEL-KROESCHELL of Story
 HEDDENS of Story

H-1355

- 1 Amend House File 847 as follows:
- 2 1. Page 2, line 28, by inserting after the word
- 3 "removal," the following: "soil and water
- 4 conservation programs,".

WESSEL-KROESCHELL of Story
 HEDDENS of Story

H-1362

1 Amend House File 841 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "DIVISION I
5 IOWACARE

6 Section 1. NEW SECTION. 249J.1 TITLE.

7 This chapter shall be known and may be cited as the
8 "Iowacare Act".

9 Sec. 2. NEW SECTION. 249J.2 FEDERAL FINANCIAL
10 PARTICIPATION – CONTINGENT IMPLEMENTATION.

11 This chapter shall be implemented only to the
12 extent that federal matching funds are available for
13 nonfederal expenditures under this chapter. The
14 department shall not expend funds under this chapter,
15 including but not limited to expenditures for
16 reimbursement of providers and program administration,
17 if appropriated nonfederal funds are not matched by
18 federal financial participation.

19 Sec. 3. NEW SECTION. 249J.3 DEFINITIONS.

20 As used in this chapter, unless the context
21 otherwise requires:

22 1. "Department" means the department of human
23 services.

24 2. "Director" means the director of human
25 services.

26 3. "Expansion population" means the individuals
27 who are eligible solely for benefits under the medical
28 assistance program as provided in this chapter.

29 4. "Full benefit dually eligible Medicare Part D
30 beneficiary" means a person who is eligible for
31 coverage for Medicare Part D drugs and is
32 simultaneously eligible for full medical assistance
33 benefits pursuant to chapter 249A, under any category
34 of eligibility.

35 5. "Full benefit recipient" means an adult who is
36 eligible for full medical assistance benefits pursuant
37 to chapter 249A under any category of eligibility.

38 6. "Medical assistance" or "Medicaid" means
39 medical assistance as defined in section 249A.2.

40 7. "Medicare Part D" means the Medicare Part D
41 program established pursuant to the Medicare
42 Prescription Drug, Improvement, and Modernization Act
43 of 2003, Pub L. No. 108-173.

44 8. "Minimum data set" means the minimum data set
45 established by the centers for Medicare and Medicaid
46 services of the United States department of health and
47 human services for nursing home resident assessment
48 and care screening.

49 9. "Nursing facility" means a nursing facility as
50 defined in section 135C.1.

Page 2

1 10. "Public hospital" means a public hospital as
 2 defined in section 249I.3.
 3 Sec. 4. NEW SECTION. 249J.4 PURPOSE.
 4 It is the purpose of this chapter to propose a
 5 variety of initiatives to increase the efficiency,
 6 quality, and effectiveness of the health care system;
 7 to increase access to appropriate health care; to
 8 provide incentives to consumers to engage in
 9 responsible health care utilization and personal
 10 health care management; to reward providers based on
 11 quality of care and improved service delivery; and to
 12 encourage the utilization of information technology,
 13 to the greatest extent possible, to reduce
 14 fragmentation and increase coordination of care and
 15 quality outcomes.

16 DIVISION II
 17 MEDICAID EXPANSION

18 Sec. 5. NEW SECTION. 249J.5 EXPANSION POPULATION
 19 ELIGIBILITY.

20 1. Except as otherwise provided in this chapter,
 21 an individual nineteen through sixty-four years of age
 22 shall be eligible solely for the expansion population
 23 benefits described in this chapter when provided
 24 through the expansion population provider network as
 25 described in this chapter, if the individual meets all
 26 of the following conditions:

27 a. The individual is not eligible for coverage
 28 under the medical assistance program in effect on
 29 April 1, 2005, or was eligible for coverage under the
 30 medical assistance program in effect on April 1, 2005,
 31 but chose not to enroll in that program.

32 b. The individual has a family income at or below
 33 two hundred percent of the federal poverty level as
 34 defined by the most recently revised poverty income
 35 guidelines published by the United States department
 36 of health and human services.

37 c. The individual fulfills all other conditions of
 38 participation for the expansion population described
 39 in this chapter, including requirements relating to
 40 personal financial responsibility.

41 2. Individuals otherwise eligible solely for
 42 family planning benefits authorized under the medical
 43 assistance family planning services waiver, effective
 44 January 1, 2005, as described in 2004 Iowa Acts,
 45 chapter 1175, section 116, subsection 8, may also be
 46 eligible for expansion population benefits provided
 47 through the expansion population provider network.

48 3. Individuals with family incomes below three
 49 hundred percent of the federal poverty level as
 50 defined by the most recently revised poverty income

Page 3

1 guidelines published by the United States department
2 of health and human services may also be eligible for
3 obstetrical and newborn care under the expansion
4 population if deductions for the medical expenses of
5 all family members would reduce the family income to
6 one hundred eighty-five percent of the federal poverty
7 level or below.

8 4. Enrollment for the expansion population may be
9 limited, closed, or reduced and the scope and duration
10 of expansion population services provided may be
11 limited, reduced, or terminated if the department
12 determines that federal medical assistance program
13 matching funds or appropriated state funds will not be
14 available to pay for existing or additional
15 enrollment.

16 5. Eligibility for the expansion population shall
17 not include individuals who have access to group
18 health insurance or who were terminated from health
19 insurance coverage in the six-month period immediately
20 prior to application for coverage through the
21 expansion population, unless such coverage was
22 involuntarily terminated or the reason for not
23 accessing group health insurance or for terminating
24 coverage is allowed by rule of the department.

25 6. Each expansion population member shall provide
26 to the department all insurance information required
27 by the health insurance premium payment program.

28 7. The department shall contract with the
29 administrators of county general relief to perform
30 intake functions for the expansion population, but
31 only at the discretion of each individual
32 administrator of county general relief.

33 Sec. 6. NEW SECTION. 249J.6 EXPANSION POPULATION
34 BENEFITS.

35 1. Beginning July 1, 2005, the expansion
36 population shall be eligible for all of the following
37 expansion population services:

38 a. Inpatient hospital procedures described in the
39 diagnostic related group codes designated by the
40 department.

41 b. Outpatient hospital services described in the
42 ambulatory patient groupings or noninpatient services
43 designated by the department.

44 c. Physician and advanced registered nurse
45 practitioner services described in the current
46 procedural terminology codes specified by the
47 department.

48 d. Dental services described in the dental codes
49 specified by the department.

50 e. Limited pharmacy benefits provided by an

Page 4

1 expansion population provider network hospital
2 pharmacy and solely related to an appropriately billed
3 expansion population service.

4 f. Transportation to and from an expansion
5 population provider network provider only when
6 provided by the provider or a volunteer.

7 2. Beginning no later than March 1, 2006, all
8 expansion population members shall receive a single
9 complete medical examination and personal health
10 improvement plan within ninety days of enrollment in
11 the program. These services may be provided by an
12 expansion population provider network physician,
13 advanced registered nurse practitioner, or physician
14 assistant or any other physician, advanced registered
15 nurse practitioner, or physician assistant, available
16 to any full benefit recipient including but not
17 limited to such providers available through a free
18 clinic under a contract with the department to provide
19 these services or through federally qualified health
20 centers or rural health clinics that employ a
21 physician.

22 3. Beginning no later than July 1, 2006, expansion
23 population members shall be provided all of the
24 following:

25 a. Access to a pharmacy assistance clearinghouse
26 program to match expansion population members with
27 free or discounted prescription drug programs provided
28 by the pharmaceutical industry.

29 b. Access to a medical information hotline,
30 accessible twenty-four hours per day, seven days per
31 week, to assist expansion population members in making
32 appropriate choices about the use of emergency room
33 and other health care services.

34 4. Membership in the expansion population shall
35 not preclude an expansion population member from
36 eligibility for services not covered under the
37 expansion population for which the expansion
38 population member is otherwise entitled under state or
39 federal law.

40 5. Members of the expansion population shall not
41 be considered full benefit dually eligible Medicare
42 Part D beneficiaries for the purposes of calculating
43 the state's payment under Medicare Part D, until such
44 time as the expansion population is eligible for all
45 of the same benefits as full benefit recipients under
46 the medical assistance program.

47 Sec. 7. **NEW SECTION.** 249J.7 EXPANSION POPULATION
48 PROVIDER NETWORK.

49 1. Expansion population members shall only be
50 eligible to receive expansion population services

Page 5

1 through a provider included in the expansion
2 population provider network. Except as otherwise
3 provided in this chapter, the expansion population
4 provider network shall be limited to a publicly owned
5 acute care teaching hospital located in a county with
6 a population over three hundred fifty thousand, the
7 university of Iowa hospitals and clinics, and the
8 state hospitals for persons with mental illness
9 designated pursuant to section 226.1 with the
10 exception of the programs at such state hospitals for
11 persons with mental illness that provide substance
12 abuse treatment, serve gero-psychiatric patients, or
13 treat sexually violent predators.

14 2. Expansion population services provided to
15 expansion population members by providers included in
16 the expansion population provider network shall be
17 payable at the full benefit recipient rates.

18 3. Unless otherwise prohibited by law, a provider
19 under the expansion population provider network may
20 deny care to an individual who refuses to apply for
21 coverage under the expansion population.

22 Sec. 8. NEW SECTION. 249J.8 EXPANSION POPULATION
23 MEMBERS – FINANCIAL PARTICIPATION.

24 1. Beginning July 1, 2005, each expansion
25 population member shall pay a monthly premium not to
26 exceed one-twelfth of five percent of the member's
27 annual family income to be paid on the last day of the
28 month of coverage. An expansion population member
29 shall pay the monthly premium for a minimum of four
30 consecutive months, regardless of the length of
31 enrollment of the member. An expansion population
32 member shall not be required to pay any premium if the
33 department determines that the total cost of
34 activities related to collection of the premium would
35 exceed ninety-five percent of the premium to be
36 collected. Timely payment of premiums, including any
37 arrearages accrued from prior enrollment, is a
38 condition of receiving any expansion population
39 services. An expansion population member shall also
40 pay the same copayments required of other adult
41 recipients of the medical assistance program.

42 2. The department may reduce the required out-of-
43 pocket expenditures for an individual expansion
44 population member based upon the member's increased
45 wellness activities such as smoking cessation or
46 compliance with the personal health improvement plan
47 completed by the member.

48 3. The department shall submit to the governor and
49 the general assembly by March 15, 2006, a design for
50 each of the following:

Page 6

1 a. An insurance cost subsidy program for expansion
2 population members who have access to employer health
3 insurance plans, provided that the design shall
4 require that no less than fifty percent of the cost of
5 such insurance shall be paid by the employer.

6 b. A health care account program option for
7 individuals eligible for enrollment in the expansion
8 population. The health care account program option
9 shall be available only to adults who have been
10 enrolled in the expansion population for at least
11 twelve consecutive calendar months. Under the health
12 care account program option, the individual would
13 agree to exchange one year's receipt of benefits under
14 the expansion population to which the individual would
15 otherwise be entitled for a credit of up to a
16 specified amount toward any medical assistance program
17 covered service. The balance in the health care
18 account at the end of the year, if any, would be
19 available for withdrawal by the individual.

20 Sec. 9. NEW SECTION. 249J.9 FUTURE EXPANSION
21 POPULATION, BENEFITS, AND PROVIDER NETWORK GROWTH.

22 1. POPULATION. The department shall contract with
23 the division of insurance of the department of
24 commerce or another appropriate entity to track, on an
25 annual basis, the number of uninsured and underinsured
26 Iowans, the cost of private market insurance coverage,
27 and other barriers to access to private insurance for
28 Iowans. Based on these findings and available funds,
29 the department shall make recommendations, annually,
30 to the governor and the general assembly regarding
31 further expansion of the expansion population.

32 2. BENEFITS.

33 a. The department shall not provide additional
34 services to expansion population members without
35 express authorization provided by the general
36 assembly.

37 b. The department, upon the recommendation of the
38 clinicians advisory panel established pursuant to
39 section 249J.17, may change the scope and duration of
40 any of the available expansion population services,
41 but this subsection shall not be construed to
42 authorize the department to make expenditures in
43 excess of the amount appropriated for benefits for the
44 expansion population.

45 3. EXPANSION POPULATION PROVIDER NETWORK.

46 a. The department shall not expand the expansion
47 population provider network unless the department is
48 able to pay for expansion population services provided
49 by such providers at the full benefit recipient rates.

50 b. The department may limit access to the

Page 7

1 expansion population provider network by the expansion
2 population to the extent the department deems
3 necessary to meet the financial obligations to each
4 provider under the expansion population provider
5 network. This subsection shall not be construed to
6 authorize the department to make any expenditure in
7 excess of the amount appropriated for benefits for the
8 expansion population.

9 Sec. 10. NEW SECTION. 249J.10 MAXIMIZATION OF
10 FUNDING FOR INDIGENT PATIENTS.

11 1. Unencumbered certified local matching funds may
12 be used to cover the state share of the cost of
13 services for the expansion population.

14 2. The department of human services shall include
15 in its annual budget submission, recommendations
16 relating to a disproportionate share hospital and
17 indirect medical education allocation plan that
18 maximizes the availability of federal funds for
19 payments to hospitals for the care and treatment of
20 indigent patients.

21 3. If state and federal law and regulations so
22 provide and if federal disproportionate share hospital
23 funds and indirect medical education funds are
24 available under Title XIX of the federal Social
25 Security Act, federal disproportionate share hospital
26 funds and indirect medical education funds shall be
27 distributed as specified by the department.

28 DIVISION III

29 REBALANCING LONG-TERM CARE

30 Sec. 11. NEW SECTION. 249J.11 NURSING FACILITY
31 LEVEL OF CARE DETERMINATION FOR FACILITY-BASED AND
32 COMMUNITY-BASED SERVICES.

33 The department shall amend the medical assistance
34 state plan to provide for all of the following:

- 35 1. That nursing facility level of care services
36 under the medical assistance program shall be
37 available to an individual admitted to a nursing
38 facility on or after July 1, 2005, who meets
39 eligibility criteria for the medical assistance
40 program pursuant to section 249A.3, if the individual
41 also meets any of the following criteria:
- 42 a. Based upon the minimum data set, the individual
43 requires limited assistance, extensive assistance, or
44 has total dependence on assistance, provided by the
45 physical assistance of one or more persons, with three
46 or more activities of daily living as defined by the
47 minimum data set which may include but are not limited
48 to locomotion, dressing, eating, personal hygiene, or
49 toileting.
 - 50 b. The individual requires the establishment of a

Page 8

1 safe, secure environment due to moderate or severe
2 impairment of cognitive skills for daily decision
3 making.

4 c. The individual has established a dependency
5 requiring residency in a medical institution for more
6 than one year.

7 2. That an individual admitted to a nursing
8 facility prior to July 1, 2005, and an individual
9 applying for home and community-based services waiver
10 services at the nursing facility level of care on or
11 after July 1, 2005, who meets the eligibility criteria
12 for the medical assistance program pursuant to section
13 249A.3, shall also meet any of the following criteria:

14 a. Based on the minimum data set, the individual
15 requires supervision or limited assistance, provided
16 by the physical assistance of not more than one
17 person, for one or more activities of daily living as
18 defined by the minimum data set which may include but
19 are not limited to locomotion, dressing, eating,
20 toileting, personal hygiene, or bathing.

21 b. The individual requires the establishment of a
22 safe, secure environment due to modified independence
23 or moderate impairment of cognitive skills for daily
24 decision making.

25 3. That, beginning July 1, 2005, if nursing
26 facility level of care is determined to be medically
27 necessary for an individual and the individual meets
28 the nursing facility level of care requirements for
29 home and community-based services waiver services
30 under subsection 2, but appropriate home and
31 community-based services are not available to the
32 individual in the individual's community at the time
33 of the determination or the provision of available
34 home and community-based services to meet the skilled
35 care requirements of the individual is not cost-
36 effective, the criteria for admission of the
37 individual to a nursing facility for nursing facility
38 level of care services shall be the criteria in effect
39 on June 30, 2005.

40 Sec. 12. **NEW SECTION. 249J.12 SERVICES FOR**
41 **PERSONS WITH MENTAL RETARDATION OR DEVELOPMENTAL**
42 **DISABILITIES.**

43 1. The department, in cooperation with the Iowa
44 state association of counties, the Iowa association of
45 community providers, and other interested parties,
46 shall develop a case-mix adjusted reimbursement system
47 plan for both institution-based and community-based
48 services for persons with mental retardation or
49 developmental disabilities for submission to the
50 general assembly by January 1, 2007. The department

Page 9

1 shall not implement the case-mix adjusted
 2 reimbursement system plan without express
 3 authorization by the general assembly.

4 2. The department, in consultation with the Iowa
 5 state association of counties, the Iowa association of
 6 community providers, and other interested parties,
 7 shall develop a plan for submission to the governor
 8 and the general assembly no later than July 1, 2007,
 9 to enhance alternatives for community-based care for
 10 individuals who would otherwise require care in an
 11 intermediate care facility for persons with mental
 12 retardation. The plan shall not be implemented
 13 without express authorization by the general assembly.

14 Sec. 13. NEW SECTION. 249J.13 CHILDREN'S MENTAL
 15 HEALTH WAIVER SERVICES.

16 1. The department shall provide medical assistance
 17 waiver services to not more than three hundred
 18 children who meet the eligibility criteria for the
 19 medical assistance program pursuant to section 249A.3
 20 and also meet both of the following criteria:

21 a. The child requires behavioral health care
 22 services and qualifies for the level of care provided
 23 by a psychiatric medical institution for children.
 24 b. The child has a diagnosable mental, behavioral,
 25 or emotional disorder of sufficient duration to meet
 26 diagnostic criteria specified within the diagnostic
 27 and statistical manual of mental disorders, fourth
 28 edition, that results in functional impairment that
 29 substantially interferes with or limits the child's
 30 role or functioning in the child's family, school, or
 31 community activities.

32 2. If necessary, the department shall renegotiate
 33 the medical assistance contract provisions for
 34 behavioral health services for the contractor to
 35 address the needs of the children described in
 36 subsection 1.

37 DIVISION IV

38 HEALTH PROMOTION PARTNERSHIPS

39 Sec. 14. NEW SECTION. 249J.14 HEALTH PROMOTION
 40 PARTNERSHIPS.

41 1. SERVICES FOR ADULTS AT STATE MENTAL HEALTH
 42 INSTITUTES. Beginning July 1, 2005, inpatient and
 43 outpatient hospital services at the state hospitals
 44 for persons with mental illness designated pursuant to
 45 section 226.1 shall be covered services under the
 46 medical assistance program.

47 2. DIETARY COUNSELING. By July 1, 2006, the
 48 department shall design and begin implementation of a
 49 strategy to provide dietary counseling and support to
 50 child and adult recipients of medical assistance to

Page 10

1 assist these recipients in avoiding excessive weight
 2 gain or loss and to assist in development of personal
 3 weight loss programs for recipients determined by the
 4 recipient's health care provider to be clinically
 5 overweight.

6 3. ELECTRONIC MEDICAL RECORDS. By October 1,
 7 2006, the department shall develop a practical
 8 strategy for expanding utilization of electronic
 9 medical recordkeeping by medical assistance program
 10 providers. The plan shall focus, initially, on
 11 medical assistance program recipients whose quality of
 12 care would be significantly enhanced by the
 13 availability of electronic medical recordkeeping.

14 4. PROVIDER INCENTIVE PAYMENT PROGRAMS. By
 15 January 1, 2007, the department shall design and
 16 implement a medical assistance provider incentive
 17 payment program based upon evaluation of public and
 18 private sector models.

19 5. HEALTH ASSESSMENT FOR MEDICAL ASSISTANCE
 20 RECIPIENTS WITH MENTAL RETARDATION OR DEVELOPMENTAL
 21 DISABILITIES. The department shall work with the
 22 university of Iowa colleges of medicine, dentistry,
 23 nursing, pharmacy, and public health, and the
 24 university of Iowa hospitals and clinics to determine
 25 whether the physical and dental health of recipients
 26 of medical assistance who are persons with mental
 27 retardation or developmental disabilities are being
 28 regularly and fully addressed and to identify barriers
 29 to such care. The department shall report the
 30 department's findings to the governor and the general
 31 assembly by January 1, 2007.

32 6. SMOKING CESSATION. The department shall
 33 implement a program with the goal of reducing smoking
 34 among recipients of medical assistance who are
 35 children to less than one percent and among those who
 36 are adults to less than ten percent, by July 1, 2007.

37 7. DENTAL HOME FOR CHILDREN. By July 1, 2008,
 38 every recipient of medical assistance who is a child
 39 twelve years of age or younger shall have a designated
 40 dental home and shall be provided with the dental
 41 screenings and preventive care identified in the oral
 42 health standards under the early and periodic
 43 screening, diagnostic, and treatment program.

44 DIVISION V

45 IOWA MEDICAID ENTERPRISE

46 Sec. 15. NEW SECTION. 249J.15 COST AND QUALITY
 47 PERFORMANCE EVALUATION.

48 Beginning July 1, 2005, the department shall
 49 contract with an independent consulting firm to do all
 50 of the following:

Page 11

1 1. Annually evaluate and compare the cost and
2 quality of care provided by the medical assistance
3 program with the cost and quality of care available
4 through private insurance and managed care
5 organizations doing business in the state.

6 2. Annually evaluate the improvements by the
7 medical assistance program in the cost and quality of
8 services provided to Iowans over the cost and quality
9 of care provided in the prior year.

10 Sec. 16. NEW SECTION. 249J.16 OPERATIONS –
11 PERFORMANCE EVALUATION.

12 Beginning July 1, 2006, the department shall submit
13 a report of the results of an evaluation of the
14 performance of each component of the Iowa Medicaid
15 enterprise using the performance standards contained
16 in the contracts with the Iowa Medicaid enterprise
17 partners.

18 Sec. 17. NEW SECTION. 249J.17 CLINICIANS
19 ADVISORY PANEL – CLINICAL MANAGEMENT.

20 1. Beginning July 1, 2005, the medical director of
21 the Iowa Medicaid enterprise, with the approval of the
22 medical assistance director, shall assemble and act as
23 chairperson for a clinicians advisory panel to
24 recommend to the department clinically appropriate
25 health care utilization management and coverage
26 decisions for the medical assistance program which are
27 not otherwise addressed by the Iowa medical assistance
28 drug utilization review commission created pursuant to
29 section 249A.24 or the medical assistance

30 pharmaceutical and therapeutics committee established
31 pursuant to section 249A.20A. The meetings shall be
32 open to the public except to the extent necessary to
33 prevent the disclosure of personal health information.

34 2. The medical director of the Iowa Medicaid
35 enterprise shall prepare an annual report summarizing
36 the recommendations made by the panel and adopted by
37 the department regarding clinically appropriate health
38 care utilization management and coverage under the
39 medical assistance program.

40 Sec. 18. NEW SECTION. 249J.18 HEALTH CARE
41 SERVICES PRICING AND REIMBURSEMENT OF PROVIDERS.

42 The department shall annually collect data on
43 third-party payor rates in the state and, as
44 appropriate, the usual and customary charges of health
45 care providers, including the reimbursement rates paid
46 to providers and by third-party payors participating
47 in the medical assistance program. The department
48 shall consult with the division of insurance of the
49 department of commerce in adopting administrative
50 rules specifying the reporting format and guaranteeing

1 the confidentiality of the information provided by the
 2 providers and third-party payors. The department
 3 shall review the data and make recommendations to the
 4 governor and the general assembly regarding pricing
 5 changes and reimbursement rates annually by January 1.

6 DIVISION VI
 7 GOVERNANCE

8 Sec. 19. NEW SECTION. 249J.19 MEDICAL ASSISTANCE
 9 PROJECTIONS AND ASSESSMENT COUNCIL.

10 1. A medical assistance projections and assessment
 11 council is created consisting of the following
 12 members:

13 a. The co-chairpersons and ranking members of the
 14 legislative joint appropriations subcommittee on
 15 health and human services, or a member of the
 16 appropriations subcommittee designated by the co-
 17 chairperson or ranking member.

18 b. The chairpersons and ranking members of the
 19 human resources committees of the senate and the house
 20 of representatives, or a member of the committee
 21 designated by the chairperson or ranking member.

22 c. The chairpersons and ranking members of the
 23 appropriations committees of the senate and the house
 24 of representatives, or a member of the committee
 25 designated by the chairperson or ranking member.

26 2. The council shall meet as often as deemed
 27 necessary, but shall meet at least quarterly. The
 28 council may use sources of information deemed
 29 appropriate, and the department and other agencies of
 30 state government shall provide information to the
 31 council as requested. The legislative services agency
 32 shall provide staff support to the council.

33 3. The council shall select a chairperson,
 34 annually, from its membership. A majority of the
 35 members of the council shall constitute a quorum.

36 4. The council shall do all of the following:

37 a. Make quarterly cost projections for the medical
 38 assistance program.

39 b. Review quarterly reports on all initiatives
 40 under this chapter, including those provisions in the
 41 design, development, and implementation phases, and
 42 make additional recommendations for medical assistance
 43 program reform on an annual basis.

44 c. Review quarterly reports on the success of the
 45 Iowa Medicaid enterprise based upon the contractual
 46 performance measures for each Iowa Medicaid enterprise
 47 partner.

48 d. Assure that the expansion population is managed
 49 at all times within funding limitations. In assuring
 50 such compliance, the council shall assume that

Page 13

1 supplemental funding will not be available for
2 coverage of services provided to the expansion
3 population.

4 5. The department of human services, the
5 department of management, and the legislative services
6 agency shall utilize a joint process to arrive at an
7 annual consensus projection for medical assistance
8 program expenditures for submission to the council.
9 By December 15 of each fiscal year, the council shall
10 agree to a projection of expenditures for the fiscal
11 year beginning the following July 1, based upon the
12 consensus projection submitted.

13 DIVISION VII

14 ENHANCING THE FEDERAL-STATE FINANCIAL PARTNERSHIP

15 Sec. 20. NEW SECTION. 249J.20 PAYMENTS TO HEALTH
16 CARE PROVIDERS BASED ON ACTUAL COSTS.

17 Payments under the medical assistance program to
18 public hospitals and public nursing facilities shall
19 not exceed the actual medical assistance costs
20 reported on the Medicare hospital and hospital health
21 care complex cost report submitted to the centers for
22 Medicare and Medicaid services of the United States
23 department of health and human services. The public
24 hospitals and public nursing facilities shall retain
25 one hundred percent of the medical assistance payments
26 earned under state reimbursement rules. State
27 reimbursement rules may provide for reimbursement at
28 less than actual cost.

29 Sec. 21. NEW SECTION. 249J.21 INDEPENDENT ANNUAL
30 AUDIT.

31 The department shall contract with a certified
32 public accountant to provide an analysis, on an annual
33 basis, to the governor and the general assembly
34 regarding compliance of the Iowa medical assistance
35 program with each of the following:

36 1. That the state has not instituted any new
37 provider taxes as defined by the centers for Medicare
38 and Medicaid services of the United States department
39 of health and human services.

40 2. That public hospitals and public nursing
41 facilities are not paid more than the actual costs of
42 care for medical assistance program and
43 disproportionate share hospital program recipients
44 based upon Medicare program principles of accounting
45 and cost reporting.

46 3. That the state is not recycling federal funds
47 provided under Title XIX of the Social Security Act as
48 defined by the centers for Medicare and Medicaid
49 services of the United States department of health and
50 human services.

Page 14

1 Sec. 22. NEW SECTION. 249J.22 FUND FOR HEALTH
2 CARE TRANSFORMATION.

3 1. A fund for health care transformation is
4 created in the state treasury under the authority of
5 the department. Moneys received through the physician
6 payment adjustment as described in 2003 Iowa Acts,
7 chapter 112, section 11, subsection 1, and through the
8 adjustment to hospital payments to provide an
9 increased base rate to offset the high costs incurred
10 for providing services to medical assistance patients
11 as described in 2004 Iowa Acts, chapter 1175, section
12 86, subsection 2, paragraph "b", shall be deposited in
13 the fund.

14 2. Moneys in the fund shall be separate from the
15 general fund of the state and shall not be considered
16 part of the general fund of the state. The moneys
17 deposited in the fund are not subject to section 8.33
18 and shall not be transferred, used, obligated,
19 appropriated, or otherwise encumbered, except to
20 provide for the purposes specified in this section.
21 Notwithstanding section 12C.7, subsection 2, interest
22 or earnings on moneys deposited in the fund shall be
23 credited to the fund.

24 3. Moneys deposited in the fund for health care
25 transformation shall be used only as provided in
26 appropriations from the fund for the costs associated
27 with certain services provided to the expansion
28 population pursuant to section 249J.6, certain
29 initiatives to be designed pursuant to section 249J.8,
30 the case-mix adjusted reimbursement system for persons
31 with mental retardation or developmental disabilities
32 pursuant to section 249J.12, certain health promotion
33 partnership activities pursuant to section 249J.14,
34 the cost and quality performance evaluation pursuant
35 to section 249J.15, auditing requirements pursuant to
36 section 249J.21, the provision of additional indigent
37 patient care and treatment, and administrative costs
38 associated with this chapter.

39 DIVISION VIII
40 LIMITATIONS

41 Sec. 23. NEW SECTION. 249J.23 LIMITATIONS.

42 1. The provisions of this chapter shall not be
43 construed, are not intended as, and shall not imply a
44 grant of entitlement for services to individuals who
45 are eligible for assistance under this chapter or for
46 utilization of services that do not exist or are not
47 otherwise available on the effective date of this Act.
48 Any state obligation to provide services pursuant to
49 this chapter is limited to the extent of the funds
50 appropriated or distributed for the purposes of this

Page 15

1 chapter.

2 2. The provisions of this chapter shall not be
3 construed and are not intended to affect the provision
4 of services to recipients of medical assistance
5 services existing on the effective date of this Act.

6 DIVISION IX

7 HOSPITAL TRUST FUND

8 Sec. 24. Section 249I.3, subsections 4 and 5, Code
9 2005, are amended to read as follows:

10 4. "Hospital trust fund" means the fund and the
11 accounts of the fund created in this chapter to secure
12 funds based on hospital inpatient and outpatient
13 prospective payment methodologies under the medical
14 assistance program and to provide for the deposit of
15 moneys from various sources for the support of certain
16 public hospitals.

17 5. "Public hospital" means a hospital licensed
18 pursuant to chapter 135B and governed pursuant to
19 chapter 145A, 226, 347, 347A, or 392.

20 Sec. 25. Section 249I.4, Code 2005, is amended to
21 read as follows:

22 249I.4 HOSPITAL TRUST FUND – CREATED –
23 APPROPRIATIONS.

24 1. A hospital trust fund is created in the state
25 treasury under the authority of the department of
26 human services. ~~Moneys received through agreements~~
27 ~~for the trust fund and moneys received from sources,~~
28 ~~including grants, contributions, and participant~~
29 ~~payments, shall be deposited in the trust fund.~~

30 2. Moneys deposited in the trust fund and the
31 accounts of the trust fund shall be used only as
32 provided in appropriations or distributions from the
33 trust fund ~~to the department~~ and the accounts of the
34 trust fund for the purposes specified in the
35 appropriation or distribution.

36 3. The trust fund and the accounts of the trust
37 fund shall be separate from the general fund of the
38 state and shall not be considered part of the general
39 fund of the state. The moneys in the trust fund and
40 the accounts of the trust fund shall not be considered
41 revenue of the state, but rather shall be funds of the
42 trust fund and the accounts of the trust fund. The
43 moneys in the trust fund and the accounts of the trust
44 fund are not subject to section 8.33 and shall not be
45 transferred, used, obligated, appropriated, or
46 otherwise encumbered, except to provide for the
47 purposes of this chapter. Notwithstanding section
48 12C.7, subsection 2, interest or earnings on moneys
49 deposited in the trust fund and the accounts of the
50 trust fund shall be credited to the trust fund and the

Page 16

1 accounts of the trust fund.

2 4. The department shall adopt rules pursuant to
3 chapter 17A to administer the trust fund and the
4 accounts of the trust fund and to establish procedures
5 for participation by public hospitals.

6 5. The treasurer of state shall provide a
7 quarterly report of trust fund activities and balances
8 to the director.

9 6. The hospital trust fund shall consist of the
10 following accounts:

11 a. THE PUBLIC HOSPITAL ACCOUNT. Moneys received
12 through agreements for the trust fund based on
13 hospital inpatient and outpatient prospective payment
14 methodologies, and moneys received from other sources
15 for deposit in the account, including grants,
16 contributions, and participant payments, shall be
17 deposited in the public hospital account.

18 b. THE INDIGENT PATIENT CARE PROGRAM ACCOUNT.
19 Moneys appropriated from the general fund of the state
20 to the account, moneys received as federal financial
21 participation funds pursuant to chapter 249J and
22 credited to the account, moneys received for
23 disproportionate share hospitals and credited to the
24 account, moneys received for indirect medical
25 education and credited to the account, proceeds
26 transferred from the county treasurer as specified in
27 subsection 8, and moneys from any other source
28 credited to the account shall be deposited in the
29 account. Moneys in the account shall be appropriated
30 to the university of Iowa hospitals and clinics for
31 the purposes provided in the federal law making the
32 funds available or as specified in the state
33 appropriation, and shall be distributed as determined
34 by the department.

35 c. THE ACUTE CARE TEACHING HOSPITAL ACCOUNT.
36 Moneys appropriated from the general fund of the state
37 to the account, moneys received as federal financial
38 participation funds pursuant to chapter 249J and
39 credited to the account, moneys received for
40 disproportionate share hospitals and credited to the
41 account, moneys received for indirect medical
42 education and credited to the account, proceeds
43 transferred from the county treasurer as specified in
44 subsection 8, and moneys received from any other
45 source and credited to the account shall be deposited
46 in the account. Moneys in the account shall be
47 appropriated to a publicly owned acute care teaching
48 hospital located in a county with a population over
49 three hundred fifty thousand, for the purposes
50 provided in the federal law making the funds available

Page 17

1 or as specified in the state appropriation, and shall
2 be distributed as determined by the department.
3 d. THE STATE HOSPITALS FOR PERSONS WITH MENTAL
4 ILLNESS ACCOUNT. Moneys appropriated from the general
5 fund of the state to the account, moneys received as
6 federal financial participation funds pursuant to
7 chapter 249J and credited to the account, moneys
8 received for disproportionate share hospitals and
9 credited to the account, proceeds transferred from the
10 county treasurer as specified in subsection 8, and
11 moneys received from any other source and credited to
12 the account shall be deposited in the account.
13 Allocations or appropriations made to the state
14 hospitals for persons with mental illness for the
15 purposes of routine maintenance, infrastructure
16 improvements, or education shall be retained in the
17 respective hospital's allocation or appropriation and
18 shall not be deposited in the account. Moneys in the
19 account shall be appropriated to the state hospitals
20 for persons with mental illness designated pursuant to
21 section 226.1 for the purposes provided in the federal
22 law making the funds available or as specified in the
23 state appropriation, and shall be distributed as
24 determined by the department.
25 7. The department shall determine the distribution
26 of moneys from each account in the fund based upon the
27 source of receipt of the moneys. Notwithstanding
28 section 262.28, payments to be made to participating
29 hospitals under subsection 6, paragraphs "b" through
30 "d", may be made on a prospective basis in varying
31 monthly installments. After the close of the state
32 fiscal year, the payments shall be adjusted to reflect
33 actual expenditures, and the adjusted payments shall
34 be made prior to September 1. If payments to a
35 participating hospital under subsection 6, paragraphs
36 "b" through "d", are made in excess of actual
37 expenditures, the participating hospital shall remit
38 the excess amount to the department. If payments to a
39 participating hospital under subsection 6, paragraphs
40 "b" through "d", are insufficient to reflect actual
41 expenditures, the department shall pay the difference
42 to the participating hospital.
43 8. Notwithstanding any provision to the contrary,
44 from each semiannual collection of taxes levied under
45 section 347.7 and collected after July 1, 2005, the
46 county treasurer of the county with a population over
47 three hundred fifty thousand in which a publicly owned
48 acute care teaching hospital is located shall transfer
49 the proceeds collected pursuant to section 347.7 for
50 the general fund levy and the tort liability and

Page 18

1 insurance fund levy, which would otherwise be
2 distributed to the county hospital, to the treasurer
3 of state for deposit by the treasurer of state in the
4 indigent patient care program account, the acute care
5 teaching hospital account, and the state hospitals for
6 persons with mental illness account under this
7 section, in amounts determined by the department. The
8 board of trustees of the acute care teaching hospital
9 identified in this subsection and the department shall
10 execute an agreement under chapter 28E to specify the
11 requirements relative to transfer of the proceeds and
12 the distribution of moneys to the hospital from the
13 acute care teaching hospital account.

14 9. The state board of regents on behalf of the
15 university of Iowa hospitals and clinics and the
16 department shall execute an agreement under chapter
17 28E to specify the requirements relating to
18 distribution of moneys to the hospital from the
19 indigent patient care program account.

20 10. As a condition of the eligibility of the
21 county with a population over three hundred fifty
22 thousand for state payment as defined in section
23 331.438 for the fiscal year beginning July 1, 2005,
24 and for succeeding fiscal years, the county shall
25 annually pay to an acute care teaching hospital
26 located in the county a state maintenance of effort
27 payment that is equal to the amount that was paid from
28 the county's services fund under section 331.424A, for
29 those services provided by the acute care teaching
30 hospital for the fiscal year beginning July 1, 2003,
31 on behalf of persons receiving services that were not
32 reimbursed under the medical assistance program prior
33 to July 1, 2005.

DIVISION X

CORRESPONDING PROVISIONS

36 Sec. 26. Section 97B.52A, subsection 1, paragraph
37 c, Code 2005, is amended to read as follows:

38 c. For a member whose first month of entitlement
39 is July 2000 or later, the member does not return to
40 any employment with a covered employer until the
41 member has qualified for at least one calendar month
42 of retirement benefits, and the member does not return
43 to covered employment until the member has qualified
44 for no fewer than four calendar months of retirement
45 benefits. For purposes of this paragraph, effective
46 July 1, 2000, any employment with a covered employer
47 does not include employment as an elective official or
48 member of the general assembly if the member is not
49 covered under this chapter for that employment. For
50 purposes of determining a bona fide retirement under

Page 19

1 this paragraph and for a member whose first month of
2 entitlement is July 2004 or later, but before July
3 2006, covered employment does not include employment
4 as a licensed health care professional by a public
5 hospital as defined in section 249I.3, with the
6 exception of public hospitals governed pursuant to
7 chapter 226.

8 Sec. 27. Section 218.78, subsection 1, Code 2005,
9 is amended to read as follows:

10 1. All institutional receipts of the department of
11 human services, including funds received from client
12 participation at the state resource centers under
13 section 222.78 and at the state mental health
14 institutes under section 230.20, shall be deposited in
15 the general fund except for reimbursements for
16 services provided to another institution or state
17 agency, for receipts deposited in the revolving farm
18 fund under section 904.706, for deposits into the
19 medical assistance fund under section 249A.11, for any
20 deposits into the medical assistance fund of any
21 medical assistance payments received through the
22 expansion population program pursuant to chapter 249J,
23 and rentals charged to employees or others for room,
24 apartment, or house and meals, which shall be
25 available to the institutions.

26 Sec. 28. Section 230.20, subsection 2, paragraph
27 a, Code 2005, is amended to read as follows:

28 a. The superintendent shall certify to the
29 department the billings to each county for services
30 provided to patients chargeable to the county during
31 the preceding calendar quarter. The county billings
32 shall be based on the average daily patient charge and
33 other service charges computed pursuant to subsection
34 1, and the number of inpatient days and other service
35 units chargeable to the county. However, a county
36 billing shall be decreased by an amount equal to
37 reimbursement by a third party payor or estimation of
38 such reimbursement from a claim submitted by the
39 superintendent to the third party payor for the
40 preceding calendar quarter. When the actual third
41 party payor reimbursement is greater or less than
42 estimated, the difference shall be reflected in the
43 county billing in the calendar quarter the actual
44 third party payor reimbursement is determined. For
45 the purposes of this paragraph, "third-party payor
46 reimbursement" does not include reimbursement provided
47 under chapter 249J.

48 Sec. 29. Section 230.20, subsections 5 and 6, Code
49 2005, are amended to read as follows:

50 5. An individual statement shall be prepared for a

Page 20

1 patient on or before the fifteenth day of the month
2 following the month in which the patient leaves the
3 mental health institute, and a general statement shall
4 be prepared at least quarterly for each county to
5 which charges are made under this section. Except as
6 otherwise required by sections 125.33 and 125.34 the
7 general statement shall list the name of each patient
8 chargeable to that county who was served by the mental
9 health institute during the preceding month or
10 calendar quarter, the amount due on account of each
11 patient, and the specific dates for which any third
12 party payor reimbursement received by the state is
13 applied to the statement and billing, and the county
14 shall be billed for eighty percent of the stated
15 charge for each patient specified in this subsection.
16 For the purposes of this subsection, "third-party
17 payor reimbursement" does not include reimbursement
18 provided under chapter 249J. The statement prepared
19 for each county shall be certified by the department
20 and a duplicate statement shall be mailed to the
21 auditor of that county.

22 6. All or any reasonable portion of the charges
23 incurred for services provided to a patient, to the
24 most recent date for which the charges have been
25 computed, may be paid at any time by the patient or by
26 any other person on the patient's behalf. Any payment
27 ~~so~~ made by the patient or other person, and any
28 federal financial assistance received pursuant to
29 Title XVIII or XIX of the federal Social Security Act
30 for services rendered to a patient, shall be credited
31 against the patient's account and, if the charges ~~so~~
32 paid as described in this subsection have previously
33 been billed to a county, reflected in the mental
34 health institute's next general statement to that
35 county. However, any payment made under chapter 249J
36 shall not be reflected in the mental health
37 institute's next general statement to that county.

38 Sec. 30. Section 249A.4, subsection 8, unnumbered
39 paragraph 1, Code 2005, is amended to read as follows:
40 Shall advise and consult at least semiannually with
41 a council composed of the presidents of the following
42 organizations, or a president's representative who is
43 a member of the organization represented by the
44 president: the Iowa medical society, the Iowa
45 osteopathic medical association, the Iowa academy of
46 family physicians, the Iowa chapter of the American
47 academy of pediatrics, the Iowa physical therapy
48 association, the Iowa dental association, the Iowa
49 nurses association, the Iowa pharmacy association, the
50 Iowa podiatric medical society, the Iowa optometric

Page 21

1 association, the Iowa association of community
 2 providers, the Iowa psychological association, the
 3 Iowa psychiatric society, the Iowa chapter of the
 4 national association of social workers, the Iowa
 5 hospital association, the Iowa association of rural
 6 health clinics, the opticians' association of Iowa,
 7 inc., the Iowa association of hearing health
 8 professionals, the Iowa speech and hearing
 9 association, the Iowa health care association, the
 10 Iowa association for home care, the Iowa council of
 11 health care centers, the Iowa physician assistant
 12 society, the Iowa association of nurse practitioners,
 13 the Iowa occupational therapy association, the Iowa
 14 association of homes and services for the aging, the
 15 ARC of Iowa which was formerly known as the
 16 association for retarded citizens of Iowa, the
 17 alliance for the mentally ill of Iowa, Iowa state
 18 association of counties, and the governor's
 19 developmental disabilities council, together with one
 20 person designated by the Iowa chiropractic society;
 21 one state representative from each of the two major
 22 political parties appointed by the speaker of the
 23 house, one state senator from each of the two major
 24 political parties appointed by the president of the
 25 senate, after consultation with the majority leader
 26 and the minority leader of the senate, each for a term
 27 of two years; ~~four~~ public representatives equal in
 28 number to the number of representatives of
 29 professional groups and associations specifically
 30 represented on the council under this subsection,
 31 appointed by the governor for staggered terms of two
 32 years each, none of whom shall be members of, or
 33 practitioners of, or have a pecuniary interest in any
 34 of the professions or businesses represented by any of
 35 the several professional groups and associations
 36 specifically represented on the council under this
 37 subsection, and ~~at least one~~ all of whom shall be a
 38 ~~recipient~~ current or former recipients of medical
 39 assistance; the director of public health, or a
 40 representative designated by the director; the
 41 director of the department of elder affairs, or a
 42 representative designated by the director; the dean of
 43 Des Moines university – osteopathic medical center,
 44 or a representative designated by the dean; and the
 45 dean of the university of Iowa college of medicine, or
 46 a representative designated by the dean.

47 Sec. 31. Section 249A.11, Code 2005, is amended to
 48 read as follows:
 49 249A.11 PAYMENT FOR PATIENT CARE SEGREGATED.
 50 A state resource center or mental health institute,

Page 22

1 upon receipt of any payment made under this chapter
2 for the care of any patient, shall segregate an amount
3 equal to that portion of the payment which is required
4 by law to be made from nonfederal funds except for any
5 nonfederal funds received through the expansion
6 population program pursuant to chapter 249J. The
7 money segregated shall be deposited in the medical
8 assistance fund of the department of human services.

9 Sec. 32. Section 249H.4, Code 2005, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 7. The director shall amend the
12 medical assistance state plan to eliminate the
13 mechanism to secure funds based on skilled nursing
14 facility prospective payment methodologies under the
15 medical assistance program and to terminate agreements
16 entered into with public nursing facilities under this
17 chapter, effective June 30, 2005.

18 Sec. 33. Section 249I.5, Code 2005, is amended to
19 read as follows:

20 249I.5 STATE PLAN AMENDMENT.

21 The director shall amend the state medical
22 assistance state plan as necessary to implement this
23 chapter. The director shall amend the medical
24 assistance state plan to eliminate the mechanism to
25 secure funds based on hospital inpatient and
26 outpatient prospective payment methodologies under the
27 medical assistance program and to terminate agreements
28 entered into under this chapter, effective June 30,
29 2005.

30 Sec. 34. 2004 Iowa Acts, chapter 1175, section 86,
31 subsection 2, paragraph b, unnumbered paragraph 2, and
32 subparagraphs (1), (2), and (3), are amended to read
33 as follows:

34 ~~Of the amount appropriated in this lettered~~
35 ~~paragraph, \$25,950,166 shall be considered encumbered~~
36 ~~and shall not be expended for any purpose until~~
37 ~~January 1, 2005.~~

38 (1) ~~However, if If~~ the department of human
39 services adjusts hospital payments to provide an
40 increased base rate to offset the high cost incurred
41 for providing services to medical assistance patients
42 ~~on or prior to January July 1, 2005,~~ a portion of the
43 amount specified in this unnumbered paragraph equal to
44 the increased Medicaid payment shall ~~revert to the~~
45 ~~general fund of the state.~~ Notwithstanding section
46 8.54, subsection 7, the amount required to revert
47 ~~under this subparagraph shall not be considered to be~~
48 ~~appropriated for purposes of the state general fund~~
49 ~~expenditure limitation for the fiscal year beginning~~
50 ~~July 1, 2004.~~

Page 23

1 ~~(2) If the adjustment described in subparagraph~~
2 ~~(1) to increase the base rate is not made prior to~~
3 ~~January 1, 2005, the amount specified in this~~
4 ~~unnumbered paragraph shall no longer be considered~~
5 ~~enumbered, may be expended, and shall be available~~
6 ~~for the purposes originally specified be transferred~~
7 ~~by the university of Iowa hospitals and clinics to the~~
8 ~~medical assistance fund of the department of human~~
9 ~~services. Of the amount transferred, an amount equal~~
10 ~~to the federal share of the payments shall be~~
11 ~~transferred to the fund for health care transformation~~
12 ~~created in section 249J.22.~~

13 ~~(3) (2) Any incremental increase in the base rate~~
14 ~~made pursuant to subparagraph (1) shall not be used in~~
15 ~~determining the university of Iowa hospital and~~
16 ~~clinics disproportionate share rate or when~~
17 ~~determining the statewide average base rate for~~
18 ~~purposes of calculating indirect medical education~~
19 ~~rates.~~

20 Sec. 35. 2003 Iowa Acts, chapter 112, section 11,
21 subsection 1, is amended to read as follows:

22 1. For the fiscal ~~year years~~ beginning July 1,
23 2003, and ending June 30, 2004, and beginning July 1,
24 2004, and for each fiscal year thereafter ending June
25 30, 2005, the department of human services shall
26 institute a supplemental payment adjustment applicable
27 to physician services provided to medical assistance
28 recipients at publicly owned acute care teaching
29 hospitals. The adjustment shall generate supplemental
30 payments to physicians which are equal to the
31 difference between the physician's charge and the
32 physician's fee schedule under the medical assistance
33 program. To the extent of the supplemental payments,
34 a qualifying hospital shall, after receipt of the
35 payments, transfer to the department of human services
36 an amount equal to the actual supplemental payments
37 that were made in that month. The department of human
38 services shall deposit these payments in the
39 department's medical assistance account. The
40 department of human services shall amend the medical
41 assistance state plan as necessary to implement this
42 section. The department may adopt emergency rules to
43 implement this section. The department of human
44 services shall amend the medical assistance state plan
45 to eliminate this provision effective June 30, 2005.

46 Sec. 36. CORRESPONDING DIRECTIVES TO DEPARTMENT.

47 The department shall do all of the following:

48 1. Withdraw the request for the waiver and the
49 medical assistance state plan amendment submitted to
50 the centers for Medicare and Medicaid services of the

Page 24

1 United States department of health and human services
2 regarding the nursing facility quality assurance
3 assessment as directed pursuant to 2003 Iowa Acts,
4 chapter 112, section 4, 2003 Iowa Acts, chapter 179,
5 section 162, and 2004 Iowa Acts, chapter 1085,
6 sections 8, 10, and 11.

7 2. Amend the medical assistance state plan to
8 eliminate the mechanism to secure funds based on
9 hospital inpatient and outpatient prospective payment
10 methodologies under the medical assistance program,
11 effective June 30, 2005.

12 3. Amend the medical assistance state plan to
13 eliminate the mechanisms to receive supplemental
14 disproportionate share hospital and indirect medical
15 education funds as originally submitted, effective
16 June 30, 2005.

17 4. Amend the medical assistance state plan
18 amendment to adjust hospital payments to provide an
19 increased base rate to offset the high cost incurred
20 for providing services to medical assistance patients
21 at the university of Iowa hospitals and clinics as
22 originally submitted based upon the specifications of
23 2004 Iowa Acts, chapter 1175, section 86, subsection
24 2, paragraph "b", unnumbered paragraph 2, and
25 subparagraphs (1),(2), and (3), to be approved for the
26 fiscal year beginning July 1 2004, and ending June 30,
27 2005, only, and to be eliminated June 30, 2005.

28 5. Amend the medical assistance state plan
29 amendment to establish a physician payment adjustment
30 from the university of Iowa hospitals and clinics, as
31 originally submitted as described in 2003 Iowa Acts,
32 chapter 112, section 11, subsection 1, to be approved
33 for the state fiscal years beginning July 1, 2003, and
34 ending June 30, 2004, and beginning July 1, 2004, and
35 ending June 30, 2005, and to be eliminated effective
36 June 30, 2005.

37 6. Amend the medical assistance state plan to
38 eliminate the mechanism to secure funds based on
39 skilled nursing facility prospective payment
40 methodologies under the medical assistance program,
41 effective June 30, 2005.

42 7. Request a waiver from the centers for Medicare
43 and Medicaid services of the United States department
44 of health and human services of the provisions
45 relating to the early and periodic screening,
46 diagnostic, and treatment program requirements as
47 described in section 1905(a)(5) of the federal Social
48 Security Act relative to the expansion population.
49 Sec. 37. Sections 249A.20B and 249A.34, Code 2005,
50 are repealed.

Page 25

1 Sec. 38. 2003 Iowa Acts, chapter 112, section 4,
2 2003 Iowa Acts, chapter 179, section 162, and 2004
3 Iowa Acts, chapter 1085, section 8, and section 10,
4 subsection 5, are repealed.

5 DIVISION XI

6 PHARMACY COPAYMENTS

7 Sec. 39. COPAYMENTS FOR PRESCRIPTION DRUGS UNDER
8 THE MEDICAL ASSISTANCE PROGRAM. The department of
9 human services shall require recipients of medical
10 assistance to pay the following copayments on each
11 prescription filled for a covered prescription drug,
12 including each refill of such prescription, as
13 follows:

- 14 1. A copayment of \$1 for each covered generic
15 prescription drug not included on the prescription
16 drug list.
- 17 2. A copayment of \$1 for each covered brand-name
18 or generic prescription drug included on the
19 prescription drug list.
- 20 3. A copayment of \$1 for each covered brand-name
21 prescription drug not included on the prescription
22 drug list for which the cost to the state is up to and
23 including \$25.
- 24 4. A copayment of \$2 for each covered brand-name
25 prescription drug not included on the prescription
26 drug list for which the cost to the state is more than
27 \$25 and up to and including \$50.
- 28 5. A copayment of \$3 for each covered brand-name
29 prescription drug not included on the preferred drug
30 list for which the cost to the state is more than \$50.

31 DIVISION XII

32 STATE PAPERS PROGRAM

33 Sec. 40. Section 135B.31, Code 2005, is amended to
34 read as follows:

35 135B.31 EXCEPTIONS.

36 ~~Nothing in this~~ This division is ~~not~~ intended ~~or~~
37 ~~should and shall not~~ affect in any way ~~that the~~
38 obligation of public hospitals under chapter 347 or
39 municipal hospitals, ~~as well as the state hospital at~~
40 ~~Iowa City, to provide medical or obstetrical and~~
41 ~~newborn care for indigent persons under chapter 255 or~~
42 ~~255A, wherein medical care or treatment is provided by~~
43 ~~hospitals of that category~~ to patients of certain
44 entitlement, nor ~~to~~ the operation by the state of
45 mental or other hospitals authorized by law. ~~Nothing~~
46 ~~herein~~ This division shall ~~not~~ in any way affect or
47 limit the practice of dentistry or the practice of
48 oral surgery by a dentist.

49 Sec. 41. Section 144.13A, subsection 3, Code 2005,
50 is amended to read as follows:

Page 26

1 3. If the person responsible for the filing of the
2 certificate of birth under section 144.13 is not the
3 parent, the person is entitled to collect the fee from
4 the parent. The fee shall be remitted to the state
5 registrar. If the expenses of the birth are
6 reimbursed under the medical assistance program
7 established by chapter 249A, ~~or paid for under the~~
8 ~~statewide indigent patient care program established by~~
9 ~~chapter 255, or paid for under the obstetrical and~~
10 ~~newborn indigent patient care program established by~~
11 ~~chapter 255A,~~ or if the parent is indigent and unable
12 to pay the expenses of the birth and no other means of
13 payment is available to the parent, the registration
14 fee and certified copy fee are waived. If the person
15 responsible for the filing of the certificate is not
16 the parent, the person is discharged from the duty to
17 collect and remit the fee under this section if the
18 person has made a good faith effort to collect the fee
19 from the parent.

20 Sec. 42. Section 249A.4, subsection 12, Code 2005,
21 is amended by striking the subsection.

22 UNIVERSITY OF IOWA HOSPITALS AND CLINICS

23 Sec. 43. NEW SECTION. 263.18 TREATMENT OF
24 PATIENTS - USE OF EARNINGS FOR NEW FACILITIES.

25 1. The university of Iowa hospitals and clinics
26 authorities may at their discretion receive patients
27 into the hospital for medical, obstetrical, or
28 surgical treatment or hospital care. The university
29 of Iowa hospitals and clinics ambulances and ambulance
30 personnel may be used for the transportation of such
31 patients at a reasonable charge if specialized
32 equipment is required.

33 2. The university of Iowa hospitals and clinics
34 authorities shall collect from the person or persons
35 liable for support of such patients reasonable charges
36 for hospital care and service and deposit payment of
37 the charges with the treasurer of the university for
38 the use and benefit of the university of Iowa
39 hospitals and clinics.

40 3. Earnings of the university of Iowa hospitals
41 and clinics shall be administered so as to increase,
42 to the greatest extent possible, the services
43 available for patients, including acquisition,
44 construction, reconstruction, completion, equipment,
45 improvement, repair, and remodeling of medical
46 buildings and facilities, additions to medical
47 buildings and facilities, and the payment of principal
48 and interest on bonds issued to finance the cost of
49 medical buildings and facilities as authorized by the
50 provisions of chapter 263A.

Page 27

1 4. The physicians and surgeons on the staff of the
2 university of Iowa hospitals and clinics who care for
3 patients provided for in this section may charge for
4 the medical services provided under such rules,
5 regulations, and plans approved by the state board of
6 regents.

7 Sec. 44. NEW SECTION. 263.19 PURCHASES.

8 Any purchase in excess of ten thousand dollars, of
9 materials, appliances, instruments, or supplies by the
10 university of Iowa hospitals and clinics, when the
11 price of the materials, appliances, instruments, or
12 supplies to be purchased is subject to competition,
13 shall be made pursuant to open competitive quotations,
14 and all contracts for such purchases shall be subject
15 to chapter 72. However, purchases may be made through
16 a hospital group purchasing organization provided that
17 the university of Iowa hospitals and clinics is a
18 member of the organization and the group purchasing
19 organization selects the items to be offered to
20 members through a competitive bidding process.

21 Sec. 45. NEW SECTION. 263.20 COLLECTING AND
22 SETTLING CLAIMS FOR CARE.

23 Whenever a patient or person legally liable for the
24 patient's care at the university of Iowa hospitals and
25 clinics has insurance, an estate, a right of action
26 against others, or other assets, the university of
27 Iowa hospitals and clinics, through the facilities of
28 the office of the attorney general, may file claims,
29 institute or defend suit in court, and use other legal
30 means available to collect accounts incurred for the
31 care of the patient, and may compromise, settle, or
32 release such actions under the rules and procedures
33 prescribed by the president of the university and the
34 office of the attorney general. If a county has paid
35 any part of such patient's care, a pro rata amount
36 collected, after deduction for cost of collection,
37 shall be remitted to the county and the balance shall
38 be credited to the hospital fund.

39 Sec. 46. NEW SECTION. 263.21 TRANSFER OF
40 PATIENTS FROM STATE INSTITUTIONS.

41 The director of the department of human services,
42 in respect to institutions under the director's
43 control, the administrator of any of the divisions of
44 the department, in respect to the institutions under
45 the administrator's control, the director of the
46 department of corrections, in respect to the
47 institutions under the department's control, and the
48 state board of regents, in respect to the Iowa braille
49 and sight saving school and the Iowa school for the
50 deaf, may send any inmate, student, or patient of an

Page 28

1 institution, or any person committed or applying for
2 admission to an institution, to the university of Iowa
3 hospitals and clinics for treatment and care. The
4 department of human services, the department of
5 corrections, and the state board of regents shall
6 respectively pay the traveling expenses of such
7 patient, and when necessary the traveling expenses of
8 an attendant for the patient, out of funds
9 appropriated for the use of the institution from which
10 the patient is sent.

11 Sec. 47. NEW SECTION. 263.22 MEDICAL CARE FOR
12 PAROLEES AND PERSONS ON WORK RELEASE.

13 The director of the department of corrections may
14 send former inmates of the institutions provided for
15 in section 904.102, while on parole or work release,
16 to the university of Iowa hospitals and clinics for
17 treatment and care. The director may pay the
18 traveling expenses of any such patient, and when
19 necessary the traveling expenses of an attendant of
20 the patient, out of funds appropriated for the use of
21 the department of corrections.

22 Sec. 48. Section 271.6, Code 2005, is amended to
23 read as follows:

24 271.6 INTEGRATED TREATMENT OF UNIVERSITY HOSPITAL
25 PATIENTS.

26 The authorities of the Oakdale campus may authorize
27 patients for admission to the hospital on the Oakdale
28 campus who are referred from the university hospitals
29 and who shall retain the same status, classification,
30 and authorization for care which they had at the
31 university hospitals. Patients referred from the
32 university hospitals to the Oakdale campus shall be
33 deemed to be patients of the university hospitals.
34 ~~Chapters 255 and 255A and~~ The operating policies of
35 the university hospitals shall apply to the patients
36 and to the payment for their care the same as the
37 provisions apply to patients who are treated on the
38 premises of the university hospitals.

39 Sec. 49. Section 331.381, subsection 9, Code 2005,
40 is amended by striking the subsection.

41 Sec. 50. Section 331.502, subsection 17, Code
42 2005, is amended by striking the subsection.

43 Sec. 51. Section 331.552, subsection 13, Code
44 2005, is amended to read as follows:

45 13. Make transfer payments to the state for school
46 expenses for blind and deaf children; and support of
47 persons with mental illness, ~~and hospital care for the~~
48 ~~indigent~~ as provided in sections 230.21, ~~255-26,~~
49 269.2, and 270.7.

50 Sec. 52. Section 331.653, subsection 26, Code

Page 29

- 1 2005, is amended by striking the subsection.
2 Sec. 53. Section 331.756, subsection 53, Code
3 2005, is amended by striking the subsection.
4 Sec. 54. Section 602.8102, subsection 48, Code
5 2005, is amended by striking the subsection.
6 Sec. 55. Chapters 255 and 255A, Code 2005, are
7 repealed.
8 Sec. 56. MEDICAL ASSISTANCE ELIGIBILITY FOR
9 INMATES OF PUBLIC INSTITUTIONS. The department shall
10 maximize the federal financial participation exception
11 under the medical assistance program for inmates of
12 public institutions who are patients in a medical
13 institution as provided in 42 U.S.C. } 1396d(a)(27)(A)
14 and are otherwise eligible for medical assistance.

15 DIVISION XIII

16 STATE MEDICAL INSTITUTION

17 Sec. 57. NEW SECTION. 218A.1 STATE MEDICAL
18 INSTITUTION.

- 19 1. All of the following shall be collectively
20 designated as a single state medical institution:
21 a. The mental health institute, Mount Pleasant,
22 Iowa.
23 b. The mental health institute, Independence,
24 Iowa.
25 c. The mental health institute, Clarinda, Iowa.
26 d. The mental health institute, Cherokee, Iowa.
27 e. The Glenwood state resource center.
28 f. The Woodward state resource center.
29 2. Necessary portions of the institutes and
30 resource centers shall remain licensed as separate
31 hospitals and as separate intermediate care facilities
32 for persons with mental retardation, and the locations
33 and operations of the institutes and resource centers
34 shall not be subject to consolidation to comply with
35 this chapter.
36 3. The state medical institution shall qualify for
37 payments described in subsection 4 for the fiscal
38 period beginning July 1, 2005, and ending June 30,
39 2010, if the state medical institution and the various
40 parts of the institution comply with the requirements
41 for payment specified in subsection 4, and all of the
42 following conditions are met:
43 a. The total number of beds in the state medical
44 institution licensed as hospital beds is less than
45 fifty percent of the total number of all state medical
46 institution beds. In determining compliance with this
47 requirement, however, any reduction in the total
48 number of beds that occurs as the result of reduction
49 in census due to an increase in utilization of home
50 and community-based services shall not be considered.

Page 30

1 b. An individual is appointed by the director of
2 human services to serve as the director of the state
3 medical institution and an individual is appointed by
4 the director of human services to serve as medical
5 director of the state medical institution. The
6 individual appointed to serve as the director of the
7 state medical institution may also be an employee of
8 the department of human services or of a component
9 part of the state medical institution. The individual
10 appointed to serve as medical director of the state
11 medical institution may also serve as the medical
12 director of one of the component parts of the state
13 medical institution.

14 c. A workgroup comprised of the director of human
15 services or the director's designee, the director of
16 the state medical institution, the directors of all
17 licensed intermediate care facilities for persons with
18 mental retardation in the state, and representatives
19 from the Iowa state association of counties, the Iowa
20 association of community providers, and other
21 interested parties develops and presents a plan, for
22 submission to the centers for Medicare and Medicaid
23 services of the United States department of health and
24 human services, to the general assembly no later than
25 July 1, 2007, to reduce the number of individuals in
26 intermediate care facilities for persons with mental
27 retardation in the state and concurrently to increase
28 the number of individuals with mental retardation and
29 developmental disabilities in the state who have
30 access to home and community-based services. The plan
31 shall include a proposal to redesign the home and
32 community-based services waivers for persons with
33 mental retardation and persons with brain injury under
34 the medical assistance program. The department shall
35 not implement the plan without express authorization
36 by the general assembly.

37 4. The department of human services shall submit a
38 waiver to the centers for Medicare and Medicaid
39 services of the United States department of health and
40 human services to provide for all of the following:

41 a. Coverage under the medical assistance program,
42 with appropriate federal matching funding, for
43 inpatient and outpatient hospital services provided to
44 eligible individuals by any part of the state medical
45 institution that maintains a state license as a
46 hospital.

47 b. Disproportionate share hospital payments for
48 services provided by any part of the state medical
49 institution that maintains a state license as a
50 hospital.

1 c. Imposition of an assessment on intermediate
 2 care facilities for persons with mental retardation on
 3 any part of the state medical institution that
 4 provides intermediate care facility for persons with
 5 mental retardation services.

6 DIVISION XIV

7 APPROPRIATIONS AND EFFECTIVE DATES

8 Sec. 58. APPROPRIATIONS FROM HOSPITAL TRUST FUND
 9 ACCOUNTS.

10 1. There is appropriated from the indigent patient
 11 care program account created in section 249I.4 to the
 12 university of Iowa hospitals and clinics for the
 13 fiscal year beginning July 1, 2005, and ending June
 14 30, 2006, the following amount, or so much thereof as
 15 is necessary, to be used for the purposes designated:
 16 For salaries, support, maintenance, equipment, and
 17 miscellaneous purposes, for the provision of medical
 18 and surgical treatment of indigent patients, for
 19 provision of services to recipients under the medical
 20 assistance program expansion population pursuant to
 21 chapter 249J, as enacted in this Act, and for medical
 22 education:
 23 \$ 27,284,584

24 2. There is appropriated from the acute care
 25 teaching hospital account created in section 249I.4 to
 26 a publicly owned acute care teaching hospital located
 27 in a county with a population over three hundred fifty
 28 thousand for the fiscal year beginning July 1, 2005,
 29 and ending June 30, 2006, the following amount, or so
 30 much thereof as is necessary, to be used for the
 31 purposes designated:
 32 For the provision of medical and surgical treatment
 33 of indigent patients and for provision of services to
 34 recipients under the medical assistance program
 35 expansion population pursuant to chapter 249J, as
 36 enacted in this Act:
 37 \$ 40,000,000

38 3. There is appropriated from the state hospitals
 39 for persons with mental illness account created in
 40 section 249I.4 to the state hospitals for persons with
 41 mental illness designated pursuant to section 226.1
 42 for the fiscal year beginning July 1, 2005, and ending
 43 June 30, 2006, the following amounts, or so much
 44 thereof as is necessary, to be used for the purposes
 45 designated:

46 a. For services at the state mental health
 47 institute at Cherokee, including services to
 48 recipients under the medical assistance program
 49 expansion population pursuant to chapter 249J, as
 50 enacted in this Act:

1	.....	\$ 13,074,889
2	b. For services at the state mental health	
3	institute at Clarinda to recipients under the medical	
4	assistance program expansion population pursuant to	
5	chapter 249J, as enacted in this Act:	
6	.....	\$ 7,439,591
7	c. For services at the state mental health	
8	institute at Independence to recipients under the	
9	medical assistance program expansion population	
10	pursuant to chapter 249J, as enacted in this Act:	
11	.....	\$ 17,329,091
12	d. For services at the state mental health	
13	institute at Mount Pleasant to recipients under the	
14	medical assistance program expansion population	
15	designation pursuant to chapter 249J, as enacted in	
16	this Act:	
17	.....	\$ 6,131,181

18 Sec. 59. EFFECTIVE DATES – CONTINGENT REDUCTION
 19 – RULES – RETROACTIVE APPLICABILITY.

20 1. The provisions of this Act requiring the
 21 department of human services to request waivers from
 22 the centers for Medicare and Medicaid services of the
 23 United States department of health and human services
 24 and to amend the medical assistance state plan, being
 25 deemed of immediate importance, take effect upon
 26 enactment.

27 2. The remaining provisions of this Act, with the
 28 exception of the provisions described in subsection 1,
 29 shall not take effect unless the department of human
 30 services receives approval of all waivers and medical
 31 assistance state plan amendments required under this
 32 Act. If all approvals are received, the remaining
 33 provisions of this Act shall take effect July 1, 2005,
 34 or on the date specified in the waiver or medical
 35 assistance state plan amendment for a particular
 36 provision. The department of human services shall
 37 notify the Code editor of the date of receipt of the
 38 approvals.

39 3. If this Act is enacted and if the Eighty-first
 40 General Assembly enacts legislation appropriating
 41 moneys from the general fund of the state to the
 42 department of human services for the fiscal year
 43 beginning July 1, 2005, and ending June 30, 2006, for
 44 the state hospitals for persons with mental illness
 45 designated pursuant to section 226.1, for salaries,
 46 support, maintenance, and miscellaneous purposes and
 47 for full-time equivalent positions, and if this Act is
 48 enacted, the appropriations shall be reduced in the
 49 following amounts and the amounts shall be transferred
 50 to the medical assistance fund of the department of

Page 33

1	human services to diminish the effect of	
2	intergovernmental transfer reductions:	
3	a. For the state mental health institute at	
4	Cherokee:	
5	.....	\$ 13,074,889
6	b. For the state mental health institute at	
7	Clarinda:	
8	.....	\$ 7,439,591
9	c. For the state mental health institute at	
10	Independence:	
11	.....	\$ 17,329,091
12	d. For the state mental health institute at Mount	
13	Pleasant:	
14	.....	\$ 6,131,181

15 4. If this Act is enacted and if the Eighty-first
16 General Assembly enacts legislation appropriating
17 moneys from the general fund of the state to the state
18 university of Iowa for the fiscal year beginning July
19 1, 2005, and ending June 30, 2006, for the university
20 hospitals for salaries, support, maintenance,
21 equipment, and miscellaneous purposes and for medical
22 and surgical treatment of indigent patients as
23 provided in chapter 255, for medical education, and
24 for full-time equivalent positions, and if this Act is
25 enacted, the appropriation is reduced by \$27,284,584
26 and the amount shall be transferred to the medical
27 assistance fund of the department of human services to
28 diminish the effect of intergovernmental transfer
29 reductions.

30 5. If this Act is enacted, and if the Eighty-first
31 General Assembly enacts 2005 Iowa Acts, House File
32 816, and 2005 Iowa Acts, House File 816 includes a
33 provision relating to medical assistance supplemental
34 amounts for disproportionate share hospital and
35 indirect medical education, the provision in House
36 File 816 shall not take effect.

37 6. The department of human services may adopt
38 emergency rules pursuant to chapter 17A to implement
39 and administer the provisions of this Act.

40 7. The department of human services may procure
41 sole source contracts to implement any provision of
42 this Act.

43 8. The provisions of this Act amending 2003 Iowa
44 Acts, chapter 112, section 11, and repealing section
45 249A.20B, are retroactively applicable to May 2, 2003.

46 9. The section of this Act amending 2004 Iowa
47 Acts, chapter 1175, section 86, is retroactively
48 applicable to May 17, 2004."

H-1364

1 Amend House File 849 as follows:

2 1. Page 1, line 14, by inserting after the word
3 "vendor." The following: "If the department elects to
4 submit a proposal, it shall notify the executive
5 council of that decision not less than forty-five days
6 prior to the date when the request for proposals is to
7 be issued."

8 2. Page 1, line 31, by inserting after the figure
9 "2006," the following: "unless the department is
10 selected as the vendor,".

11 3. Page 1, line 35, by inserting after the words
12 "one-third of the" the following: "net".

13 4. Page 2, line 1, by inserting after the word
14 "subsection" the following: ", less any amount
15 required to be returned to the federal government,".

16 5. Page 2, line 4, by inserting after the word
17 "patrol" the following: ", and two-thirds of the net
18 proceeds from the sale of motor vehicles, less any
19 amount required to be returned to the federal
20 government, shall be deposited in the general fund".

RAECKER of Polk

H-1365

1 Amend Senate File 350, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 30 the
4 following:

5 "Sec.____. ENACTMENT AS SUBSTANTIAL CHANGE IN
6 CIRCUMSTANCES. The enactment of subsection 5A of
7 section 598.21 constitutes a substantial change in
8 circumstances authorizing the court to modify a
9 support order, decree, or judgment in accordance with
10 that subsection.

11 Sec.____. EFFECTIVE DATE - RETROACTIVE
12 APPLICABILITY. The section of this Act relating to
13 enactment of section 598.21, subsection 5A, as a
14 substantial change in circumstances, being deemed of
15 immediate importance, takes effect upon enactment and
16 is retroactively applicable to orders, decrees, or
17 judgments entered or pending as provided in section
18 598.21, subsection 5A, paragraph "e".

19 2. Title page, line 1, by inserting after the
20 word "to" the following: "child support and the
21 postsecondary education subsidy including".

22 3. Title page, line 1, by inserting after the
23 word "obligation" the following: ", providing an
24 effective date, and providing for retroactive
25 applicability".

26 4. By renumbering as necessary.

STRUYK of Pottawattamie

H-1369

1 Amend House File 829 as follows:

2 1. Page 3, line 4, by inserting after the word
3 "items" the following: ", service contracts executed
4 pursuant to section 8.47, subsection 3,".

ALONS of Sioux

H-1375

1 Amend House File 841 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "DIVISION I
5 IOWACARE

6 Section 1. NEW SECTION. 249J.1 TITLE.

7 This chapter shall be known and may be cited as the
8 "Iowacare Act".

9 Sec. 2. NEW SECTION. 249J.2 FEDERAL FINANCIAL
10 PARTICIPATION – CONTINGENT IMPLEMENTATION.

11 This chapter shall be implemented only to the
12 extent that federal matching funds are available for
13 nonfederal expenditures under this chapter. The
14 department shall not expend funds under this chapter,
15 including but not limited to expenditures for
16 reimbursement of providers and program administration,
17 if appropriated nonfederal funds are not matched by
18 federal financial participation.

19 Sec. 3. NEW SECTION. 249J.3 DEFINITIONS.

20 As used in this chapter, unless the context
21 otherwise requires:

22 1. "Department" means the department of human
23 services.

24 2. "Director" means the director of human
25 services.

26 3. "Expansion population" means the individuals
27 who are eligible solely for benefits under the medical
28 assistance program as provided in this chapter.

29 4. "Full benefit dually eligible Medicare Part D
30 beneficiary" means a person who is eligible for
31 coverage for Medicare Part D drugs and is
32 simultaneously eligible for full medical assistance
33 benefits pursuant to chapter 249A, under any category
34 of eligibility.

35 5. "Full benefit recipient" means an adult who is
36 eligible for full medical assistance benefits pursuant
37 to chapter 249A under any category of eligibility.

- 38 6. "Medical assistance" or "Medicaid" means
 39 medical assistance as defined in section 249A.2.
 40 7. "Medicare Part D" means the Medicare Part D
 41 program established pursuant to the Medicare
 42 Prescription Drug, Improvement, and Modernization Act
 43 of 2003, Pub L. No. 108-173.
 44 8. "Minimum data set" means the minimum data set
 45 established by the centers for Medicare and Medicaid
 46 services of the United States department of health and
 47 human services for nursing home resident assessment
 48 and care screening.
 49 9. "Nursing facility" means a nursing facility as
 50 defined in section 135C.1.

Page 2

- 1 10. "Public hospital" means a public hospital as
 2 defined in section 249L.3.
 3 Sec. 4. NEW SECTION. 249J.4 PURPOSE.
 4 It is the purpose of this chapter to propose a
 5 variety of initiatives to increase the efficiency,
 6 quality, and effectiveness of the health care system;
 7 to increase access to appropriate health care; to
 8 provide incentives to consumers to engage in
 9 responsible health care utilization and personal
 10 health care management; to reward providers based on
 11 quality of care and improved service delivery; and to
 12 encourage the utilization of information technology,
 13 to the greatest extent possible, to reduce
 14 fragmentation and increase coordination of care and
 15 quality outcomes.

16 DIVISION II
 17 MEDICAID EXPANSION

- 18 Sec. 5. NEW SECTION. 249J.5 EXPANSION POPULATION
 19 ELIGIBILITY.

- 20 1. Except as otherwise provided in this chapter,
 21 an individual nineteen through sixty-four years of age
 22 shall be eligible solely for the expansion population
 23 benefits described in this chapter when provided
 24 through the expansion population provider network as
 25 described in this chapter, if the individual meets all
 26 of the following conditions:
 27 a. The individual is not eligible for coverage
 28 under the medical assistance program in effect on
 29 April 1, 2005, or was eligible for coverage under the
 30 medical assistance program in effect on April 1, 2005,
 31 but chose not to enroll in that program.
 32 b. The individual has a family income at or below
 33 two hundred percent of the federal poverty level as
 34 defined by the most recently revised poverty income
 35 guidelines published by the United States department
 36 of health and human services.

37 c. The individual fulfills all other conditions of
 38 participation for the expansion population described
 39 in this chapter, including requirements relating to
 40 personal financial responsibility.
 41 2. Individuals otherwise eligible solely for
 42 family planning benefits authorized under the medical
 43 assistance family planning services waiver, effective
 44 January 1, 2005, as described in 2004 Iowa Acts,
 45 chapter 1175, section 116, subsection 8, may also be
 46 eligible for expansion population benefits provided
 47 through the expansion population provider network.
 48 3. Individuals with family incomes below three
 49 hundred percent of the federal poverty level as
 50 defined by the most recently revised poverty income

Page 3

1 guidelines published by the United States department
 2 of health and human services may also be eligible for
 3 obstetrical and newborn care under the expansion
 4 population if deductions for the medical expenses of
 5 all family members would reduce the family income to
 6 one hundred eighty-five percent of the federal poverty
 7 level or below.

8 4. Enrollment for the expansion population may be
 9 limited, closed, or reduced and the scope and duration
 10 of expansion population services provided may be
 11 limited, reduced, or terminated if the department
 12 determines that federal medical assistance program
 13 matching funds or appropriated state funds will not be
 14 available to pay for existing or additional
 15 enrollment.

16 5. Eligibility for the expansion population shall
 17 not include individuals who have access to group
 18 health insurance or who were terminated from health
 19 insurance coverage in the six-month period immediately
 20 prior to application for coverage through the
 21 expansion population, unless such coverage was
 22 involuntarily terminated or the reason for not
 23 accessing group health insurance or for terminating
 24 coverage is allowed by rule of the department.

25 6. Each expansion population member shall provide
 26 to the department all insurance information required
 27 by the health insurance premium payment program.

28 7. The department shall contract with the
 29 administrators of county general relief to perform
 30 intake functions for the expansion population, but
 31 only at the discretion of each individual
 32 administrator of county general relief.

33 Sec. 6. NEW SECTION. 249J.6 EXPANSION POPULATION
 34 BENEFITS.

35 1. Beginning July 1, 2005, the expansion

- 36 population shall be eligible for all of the following
- 37 expansion population services:
- 38 a. Inpatient hospital procedures described in the
- 39 diagnostic related group codes designated by the
- 40 department.
- 41 b. Outpatient hospital services described in the
- 42 ambulatory patient groupings or noninpatient services
- 43 designated by the department.
- 44 c. Physician and advanced registered nurse
- 45 practitioner services described in the current
- 46 procedural terminology codes specified by the
- 47 department.
- 48 d. Dental services described in the dental codes
- 49 specified by the department.
- 50 e. Limited pharmacy benefits provided by an

Page 4

- 1 expansion population provider network hospital
- 2 pharmacy and solely related to an appropriately billed
- 3 expansion population service.
- 4 f. Transportation to and from an expansion
- 5 population provider network provider only when
- 6 provided by the provider or a volunteer.
- 7 2. Beginning no later than March 1, 2006, all
- 8 expansion population members shall receive a single
- 9 complete medical examination and personal health
- 10 improvement plan within ninety days of enrollment in
- 11 the program. These services may be provided by an
- 12 expansion population provider network physician,
- 13 advanced registered nurse practitioner, or physician
- 14 assistant or any other physician, advanced registered
- 15 nurse practitioner, or physician assistant, available
- 16 to any full benefit recipient including but not
- 17 limited to such providers available through a free
- 18 clinic under a contract with the department to provide
- 19 these services or through federally qualified health
- 20 centers or rural health clinics that employ a
- 21 physician.
- 22 3. Beginning no later than July 1, 2006, expansion
- 23 population members shall be provided all of the
- 24 following:
- 25 a. Access to a pharmacy assistance clearinghouse
- 26 program to match expansion population members with
- 27 free or discounted prescription drug programs provided
- 28 by the pharmaceutical industry.
- 29 b. Access to a medical information hotline,
- 30 accessible twenty-four hours per day, seven days per
- 31 week, to assist expansion population members in making
- 32 appropriate choices about the use of emergency room
- 33 and other health care services.
- 34 4. Membership in the expansion population shall

35 not preclude an expansion population member from
36 eligibility for services not covered under the
37 expansion population for which the expansion
38 population member is otherwise entitled under state or
39 federal law.

40 5. Members of the expansion population shall not
41 be considered full benefit dually eligible Medicare
42 Part D beneficiaries for the purposes of calculating
43 the state's payment under Medicare Part D, until such
44 time as the expansion population is eligible for all
45 of the same benefits as full benefit recipients under
46 the medical assistance program.

47 Sec. 7. NEW SECTION. 249J.7 EXPANSION POPULATION
48 PROVIDER NETWORK.

49 1. Expansion population members shall only be
50 eligible to receive expansion population services

Page 5

1 through a provider included in the expansion
2 population provider network. Except as otherwise
3 provided in this chapter, the expansion population
4 provider network shall be limited to a publicly owned
5 acute care teaching hospital located in a county with
6 a population over three hundred fifty thousand, the
7 university of Iowa hospitals and clinics, and the
8 state hospitals for persons with mental illness
9 designated pursuant to section 226.1 with the
10 exception of the programs at such state hospitals for
11 persons with mental illness that provide substance
12 abuse treatment, serve gero-psychiatric patients, or
13 treat sexually violent predators.

14 2. Expansion population services provided to
15 expansion population members by providers included in
16 the expansion population provider network shall be
17 payable at the full benefit recipient rates.

18 3. Unless otherwise prohibited by law, a provider
19 under the expansion population provider network may
20 deny care to an individual who refuses to apply for
21 coverage under the expansion population.

22 Sec. 8. NEW SECTION. 249J.8 EXPANSION POPULATION
23 MEMBERS – FINANCIAL PARTICIPATION.

24 1. Beginning July 1, 2005, each expansion
25 population member shall pay a monthly premium not to
26 exceed one-twelfth of five percent of the member's
27 annual family income to be paid on the last day of the
28 month of coverage. An expansion population member
29 shall pay the monthly premium for a minimum of four
30 consecutive months, regardless of the length of
31 enrollment of the member. An expansion population
32 member shall not be required to pay any premium if the
33 department determines that the total cost of

34 activities related to collection of the premium would
 35 exceed ninety-five percent of the premium to be
 36 collected. Timely payment of premiums, including any
 37 arrearages accrued from prior enrollment, is a
 38 condition of receiving any expansion population
 39 services. An expansion population member shall also
 40 pay the same copayments required of other adult
 41 recipients of the medical assistance program.

42 2. The department may reduce the required out-of-
 43 pocket expenditures for an individual expansion
 44 population member based upon the member's increased
 45 wellness activities such as smoking cessation or
 46 compliance with the personal health improvement plan
 47 completed by the member.

48 3. The department shall submit to the governor and
 49 the general assembly by March 15, 2006, a design for
 50 each of the following:

Page 6

1 a. An insurance cost subsidy program for expansion
 2 population members who have access to employer health
 3 insurance plans, provided that the design shall
 4 require that no less than fifty percent of the cost of
 5 such insurance shall be paid by the employer.

6 b. A health care account program option for
 7 individuals eligible for enrollment in the expansion
 8 population. The health care account program option
 9 shall be available only to adults who have been
 10 enrolled in the expansion population for at least
 11 twelve consecutive calendar months. Under the health
 12 care account program option, the individual would
 13 agree to exchange one year's receipt of benefits under
 14 the expansion population to which the individual would
 15 otherwise be entitled for a credit of up to a
 16 specified amount toward any medical assistance program
 17 covered service. The balance in the health care
 18 account at the end of the year, if any, would be
 19 available for withdrawal by the individual.

20 Sec. 9. NEW SECTION. 249J.9 FUTURE EXPANSION
 21 POPULATION, BENEFITS, AND PROVIDER NETWORK GROWTH.

22 1. POPULATION. The department shall contract with
 23 the division of insurance of the department of
 24 commerce or another appropriate entity to track, on an
 25 annual basis, the number of uninsured and underinsured
 26 Iowans, the cost of private market insurance coverage,
 27 and other barriers to access to private insurance for
 28 Iowans. Based on these findings and available funds,
 29 the department shall make recommendations, annually,
 30 to the governor and the general assembly regarding
 31 further expansion of the expansion population.

32 2. BENEFITS.

- 33 a. The department shall not provide additional
 34 services to expansion population members without
 35 express authorization provided by the general
 36 assembly.
- 37 b. The department, upon the recommendation of the
 38 clinicians advisory panel established pursuant to
 39 section 249J.17, may change the scope and duration of
 40 any of the available expansion population services,
 41 but this subsection shall not be construed to
 42 authorize the department to make expenditures in
 43 excess of the amount appropriated for benefits for the
 44 expansion population.
- 45 3. EXPANSION POPULATION PROVIDER NETWORK.
- 46 a. The department shall not expand the expansion
 47 population provider network unless the department is
 48 able to pay for expansion population services provided
 49 by such providers at the full benefit recipient rates.
- 50 b. The department may limit access to the

Page 7

- 1 expansion population provider network by the expansion
 2 population to the extent the department deems
 3 necessary to meet the financial obligations to each
 4 provider under the expansion population provider
 5 network. This subsection shall not be construed to
 6 authorize the department to make any expenditure in
 7 excess of the amount appropriated for benefits for the
 8 expansion population.
- 9 Sec. 10. NEW SECTION. 249J.10 MAXIMIZATION OF
 10 FUNDING FOR INDIGENT PATIENTS.
- 11 1. Unencumbered certified local matching funds may
 12 be used to cover the state share of the cost of
 13 services for the expansion population.
- 14 2. The department of human services shall include
 15 in its annual budget submission, recommendations
 16 relating to a disproportionate share hospital and
 17 indirect medical education allocation plan that
 18 maximizes the availability of federal funds for
 19 payments to hospitals for the care and treatment of
 20 indigent patients.
- 21 3. If state and federal law and regulations so
 22 provide and if federal disproportionate share hospital
 23 funds and indirect medical education funds are
 24 available under Title XIX of the federal Social
 25 Security Act, federal disproportionate share hospital
 26 funds and indirect medical education funds shall be
 27 distributed as specified by the department.

28 DIVISION III

29 REBALANCING LONG-TERM CARE

- 30 Sec. 11. NEW SECTION. 249J.11 NURSING FACILITY
 31 LEVEL OF CARE DETERMINATION FOR FACILITY-BASED AND

32 COMMUNITY-BASED SERVICES.

33 The department shall amend the medical assistance
34 state plan to provide for all of the following:

35 1. That nursing facility level of care services
36 under the medical assistance program shall be
37 available to an individual admitted to a nursing
38 facility on or after July 1, 2005, who meets
39 eligibility criteria for the medical assistance
40 program pursuant to section 249A.3, if the individual
41 also meets any of the following criteria:

42 a. Based upon the minimum data set, the individual
43 requires limited assistance, extensive assistance, or
44 has total dependence on assistance, provided by the
45 physical assistance of one or more persons, with three
46 or more activities of daily living as defined by the
47 minimum data set which may include but are not limited
48 to locomotion, dressing, eating, personal hygiene, or
49 toileting.

50 b. The individual requires the establishment of a

Page 8

1 safe, secure environment due to moderate or severe
2 impairment of cognitive skills for daily decision
3 making.

4 c. The individual has established a dependency
5 requiring residency in a medical institution for more
6 than one year.

7 2. That an individual admitted to a nursing
8 facility prior to July 1, 2005, and an individual
9 applying for home and community-based services waiver
10 services at the nursing facility level of care on or
11 after July 1, 2005, who meets the eligibility criteria
12 for the medical assistance program pursuant to section
13 249A.3, shall also meet any of the following criteria:

14 a. Based on the minimum data set, the individual
15 requires supervision or limited assistance, provided
16 by the physical assistance of not more than one
17 person, for one or more activities of daily living as
18 defined by the minimum data set which may include but
19 are not limited to locomotion, dressing, eating,
20 toileting, personal hygiene, or bathing.

21 b. The individual requires the establishment of a
22 safe, secure environment due to modified independence
23 or moderate impairment of cognitive skills for daily
24 decision making.

25 3. That, beginning July 1, 2005, if nursing
26 facility level of care is determined to be medically
27 necessary for an individual and the individual meets
28 the nursing facility level of care requirements for
29 home and community-based services waiver services
30 under subsection 2, but appropriate home and

31 community-based services are not available to the
 32 individual in the individual's community at the time
 33 of the determination or the provision of available
 34 home and community-based services to meet the skilled
 35 care requirements of the individual is not cost-
 36 effective, the criteria for admission of the
 37 individual to a nursing facility for nursing facility
 38 level of care services shall be the criteria in effect
 39 on June 30, 2005.

40 Sec. 12. NEW SECTION. 249J.12 SERVICES FOR
 41 PERSONS WITH MENTAL RETARDATION OR DEVELOPMENTAL
 42 DISABILITIES.

43 1. The department, in cooperation with the Iowa
 44 state association of counties, the Iowa association of
 45 community providers, and other interested parties,
 46 shall develop a case-mix adjusted reimbursement system
 47 plan for both institution-based and community-based
 48 services for persons with mental retardation or
 49 developmental disabilities for submission to the
 50 general assembly by January 1, 2007. The department

Page 9

1 shall not implement the case-mix adjusted
 2 reimbursement system plan without express
 3 authorization by the general assembly.

4 2. The department, in consultation with the Iowa
 5 state association of counties, the Iowa association of
 6 community providers, and other interested parties,
 7 shall develop a plan for submission to the governor
 8 and the general assembly no later than July 1, 2007,
 9 to enhance alternatives for community-based care for
 10 individuals who would otherwise require care in an
 11 intermediate care facility for persons with mental
 12 retardation. The plan shall not be implemented
 13 without express authorization by the general assembly.

14 Sec. 13. NEW SECTION. 249J.13 CHILDREN'S MENTAL
 15 HEALTH WAIVER SERVICES.

16 1. The department shall provide medical assistance
 17 waiver services to not more than three hundred
 18 children who meet the eligibility criteria for the
 19 medical assistance program pursuant to section 249A.3
 20 and also meet both of the following criteria:

21 a. The child requires behavioral health care
 22 services and qualifies for the level of care provided
 23 by a psychiatric medical institution for children.
 24 b. The child has a diagnosable mental, behavioral,
 25 or emotional disorder of sufficient duration to meet
 26 diagnostic criteria specified within the diagnostic
 27 and statistical manual of mental disorders, fourth
 28 edition, that results in functional impairment that
 29 substantially interferes with or limits the child's

30 role or functioning in the child's family, school, or
 31 community activities.

32 2. If necessary, the department shall renegotiate
 33 the medical assistance contract provisions for
 34 behavioral health services for the contractor to
 35 address the needs of the children described in
 36 subsection 1.

37 **DIVISION IV**

38 **HEALTH PROMOTION PARTNERSHIPS**

39 **Sec. 14. NEW SECTION. 249J.14 HEALTH PROMOTION**
 40 **PARTNERSHIPS.**

41 1. **SERVICES FOR ADULTS AT STATE MENTAL HEALTH**
 42 **INSTITUTES.** Beginning July 1, 2005, inpatient and
 43 outpatient hospital services at the state hospitals
 44 for persons with mental illness designated pursuant to
 45 section 226.1 shall be covered services under the
 46 medical assistance program.

47 2. **DIETARY COUNSELING.** By July 1, 2006, the
 48 department shall design and begin implementation of a
 49 strategy to provide dietary counseling and support to
 50 child and adult recipients of medical assistance to

Page 10

1 assist these recipients in avoiding excessive weight
 2 gain or loss and to assist in development of personal
 3 weight loss programs for recipients determined by the
 4 recipient's health care provider to be clinically
 5 overweight.

6 3. **ELECTRONIC MEDICAL RECORDS.** By October 1,
 7 2006, the department shall develop a practical
 8 strategy for expanding utilization of electronic
 9 medical recordkeeping by medical assistance program
 10 providers. The plan shall focus, initially, on
 11 medical assistance program recipients whose quality of
 12 care would be significantly enhanced by the
 13 availability of electronic medical recordkeeping.

14 4. **PROVIDER INCENTIVE PAYMENT PROGRAMS.** By
 15 January 1, 2007, the department shall design and
 16 implement a medical assistance provider incentive
 17 payment program based upon evaluation of public and
 18 private sector models.

19 5. **HEALTH ASSESSMENT FOR MEDICAL ASSISTANCE**
 20 **RECIPIENTS WITH MENTAL RETARDATION OR DEVELOPMENTAL**
 21 **DISABILITIES.** The department shall work with the
 22 university of Iowa colleges of medicine, dentistry,
 23 nursing, pharmacy, and public health, and the
 24 university of Iowa hospitals and clinics to determine
 25 whether the physical and dental health of recipients
 26 of medical assistance who are persons with mental
 27 retardation or developmental disabilities are being
 28 regularly and fully addressed and to identify barriers

29 to such care. The department shall report the
30 department's findings to the governor and the general
31 assembly by January 1, 2007.

32 6. **SMOKING CESSATION.** The department shall
33 implement a program with the goal of reducing smoking
34 among recipients of medical assistance who are
35 children to less than one percent and among those who
36 are adults to less than ten percent, by July 1, 2007.

37 7. **DENTAL HOME FOR CHILDREN.** By July 1, 2008,
38 every recipient of medical assistance who is a child
39 twelve years of age or younger shall have a designated
40 dental home and shall be provided with the dental
41 screenings and preventive care identified in the oral
42 health standards under the early and periodic
43 screening, diagnostic, and treatment program.

44 DIVISION V

45 IOWA MEDICAID ENTERPRISE

46 Sec. 15. **NEW SECTION. 249J.15 COST AND QUALITY**
47 **PERFORMANCE EVALUATION.**

48 Beginning July 1, 2005, the department shall
49 contract with an independent consulting firm to do all
50 of the following:

Page 11

1 1. Annually evaluate and compare the cost and
2 quality of care provided by the medical assistance
3 program with the cost and quality of care available
4 through private insurance and managed care
5 organizations doing business in the state.

6 2. Annually evaluate the improvements by the
7 medical assistance program in the cost and quality of
8 services provided to Iowans over the cost and quality
9 of care provided in the prior year.

10 Sec. 16. **NEW SECTION. 249J.16 OPERATIONS –**
11 **PERFORMANCE EVALUATION.**

12 Beginning July 1, 2006, the department shall submit
13 a report of the results of an evaluation of the
14 performance of each component of the Iowa Medicaid
15 enterprise using the performance standards contained
16 in the contracts with the Iowa Medicaid enterprise
17 partners.

18 Sec. 17. **NEW SECTION. 249J.17 CLINICIANS**
19 **ADVISORY PANEL – CLINICAL MANAGEMENT.**

20 1. Beginning July 1, 2005, the medical director of
21 the Iowa Medicaid enterprise, with the approval of the
22 medical assistance director, shall assemble and act as
23 chairperson for a clinicians advisory panel to
24 recommend to the department clinically appropriate
25 health care utilization management and coverage
26 decisions for the medical assistance program which are
27 not otherwise addressed by the Iowa medical assistance

28 drug utilization review commission created pursuant to
 29 section 249A.24 or the medical assistance
 30 pharmaceutical and therapeutics committee established
 31 pursuant to section 249A.20A. The meetings shall be
 32 open to the public except to the extent necessary to
 33 prevent the disclosure of personal health information.
 34 2. The medical director of the Iowa Medicaid
 35 enterprise shall prepare an annual report summarizing
 36 the recommendations made by the panel and adopted by
 37 the department regarding clinically appropriate health
 38 care utilization management and coverage under the
 39 medical assistance program.

40 Sec. 18. NEW SECTION. 249J.18 HEALTH CARE
 41 SERVICES PRICING AND REIMBURSEMENT OF PROVIDERS.

42 The department shall annually collect data on
 43 third-party payor rates in the state and, as
 44 appropriate, the usual and customary charges of health
 45 care providers, including the reimbursement rates paid
 46 to providers and by third-party payors participating
 47 in the medical assistance program. The department
 48 shall consult with the division of insurance of the
 49 department of commerce in adopting administrative
 50 rules specifying the reporting format and guaranteeing

Page 12

1 the confidentiality of the information provided by the
 2 providers and third-party payors. The department
 3 shall review the data and make recommendations to the
 4 governor and the general assembly regarding pricing
 5 changes and reimbursement rates annually by January 1.

6 DIVISION VI
 7 GOVERNANCE

8 Sec. 19. NEW SECTION. 249J.19 MEDICAL ASSISTANCE
 9 PROJECTIONS AND ASSESSMENT COUNCIL.

10 1. A medical assistance projections and assessment
 11 council is created consisting of the following
 12 members:

- 13 a. The co-chairpersons and ranking members of the
 14 legislative joint appropriations subcommittee on
 15 health and human services, or a member of the
 16 appropriations subcommittee designated by the co-
 17 chairperson or ranking member.
 - 18 b. The chairpersons and ranking members of the
 19 human resources committees of the senate and the house
 20 of representatives, or a member of the committee
 21 designated by the chairperson or ranking member.
 - 22 c. The chairpersons and ranking members of the
 23 appropriations committees of the senate and the house
 24 of representatives, or a member of the committee
 25 designated by the chairperson or ranking member.
- 26 2. The council shall meet as often as deemed

27 necessary, but shall meet at least quarterly. The
 28 council may use sources of information deemed
 29 appropriate, and the department and other agencies of
 30 state government shall provide information to the
 31 council as requested. The legislative services agency
 32 shall provide staff support to the council.

33 3. The council shall select a chairperson,
 34 annually, from its membership. A majority of the
 35 members of the council shall constitute a quorum.

36 4. The council shall do all of the following:

37 a. Make quarterly cost projections for the medical
 38 assistance program.

39 b. Review quarterly reports on all initiatives
 40 under this chapter, including those provisions in the
 41 design, development, and implementation phases, and
 42 make additional recommendations for medical assistance
 43 program reform on an annual basis.

44 c. Review quarterly reports on the success of the
 45 Iowa Medicaid enterprise based upon the contractual
 46 performance measures for each Iowa Medicaid enterprise
 47 partner.

48 d. Assure that the expansion population is managed
 49 at all times within funding limitations. In assuring
 50 such compliance, the council shall assume that

Page 13

1 supplemental funding will not be available for
 2 coverage of services provided to the expansion
 3 population.

4 5. The department of human services, the
 5 department of management, and the legislative services
 6 agency shall utilize a joint process to arrive at an
 7 annual consensus projection for medical assistance
 8 program expenditures for submission to the council.
 9 By December 15 of each fiscal year, the council shall
 10 agree to a projection of expenditures for the fiscal
 11 year beginning the following July 1, based upon the
 12 consensus projection submitted.

13 DIVISION VII

14 ENHANCING THE FEDERAL-STATE FINANCIAL PARTNERSHIP

15 Sec. 20. NEW SECTION. 249J.20 PAYMENTS TO HEALTH 16 CARE PROVIDERS BASED ON ACTUAL COSTS.

17 Payments under the medical assistance program to
 18 public hospitals and public nursing facilities shall
 19 not exceed the actual medical assistance costs
 20 reported on the Medicare hospital and hospital health
 21 care complex cost report submitted to the centers for
 22 Medicare and Medicaid services of the United States
 23 department of health and human services. The public
 24 hospitals and public nursing facilities shall retain
 25 one hundred percent of the medical assistance payments

26 earned under state reimbursement rules. State
27 reimbursement rules may provide for reimbursement at
28 less than actual cost.

29 Sec. 21. NEW SECTION. 249J.21 INDEPENDENT ANNUAL
30 AUDIT.

31 The department shall contract with a certified
32 public accountant to provide an analysis, on an annual
33 basis, to the governor and the general assembly
34 regarding compliance of the Iowa medical assistance
35 program with each of the following:

36 1. That the state has not instituted any new
37 provider taxes as defined by the centers for Medicare
38 and Medicaid services of the United States department
39 of health and human services.

40 2. That public hospitals and public nursing
41 facilities are not paid more than the actual costs of
42 care for medical assistance program and
43 disproportionate share hospital program recipients
44 based upon Medicare program principles of accounting
45 and cost reporting.

46 3. That the state is not recycling federal funds
47 provided under Title XIX of the Social Security Act as
48 defined by the centers for Medicare and Medicaid
49 services of the United States department of health and
50 human services.

Page 14

1 Sec. 22. NEW SECTION. 249J.22 FUND FOR HEALTH
2 CARE TRANSFORMATION.

3 1. A fund for health care transformation is
4 created in the state treasury under the authority of
5 the department. Moneys received through the physician
6 payment adjustment as described in 2003 Iowa Acts,
7 chapter 112, section 11, subsection 1, and through the
8 adjustment to hospital payments to provide an
9 increased base rate to offset the high costs incurred
10 for providing services to medical assistance patients
11 as described in 2004 Iowa Acts, chapter 1175, section
12 86, subsection 2, paragraph "b", shall be deposited in
13 the fund.

14 2. Moneys in the fund shall be separate from the
15 general fund of the state and shall not be considered
16 part of the general fund of the state. The moneys
17 deposited in the fund are not subject to section 8.33
18 and shall not be transferred, used, obligated,
19 appropriated, or otherwise encumbered, except to
20 provide for the purposes specified in this section.
21 Notwithstanding section 12C.7, subsection 2, interest
22 or earnings on moneys deposited in the fund shall be
23 credited to the fund.

24 3. Moneys deposited in the fund for health care

25 transformation shall be used only as provided in
 26 appropriations from the fund for the costs associated
 27 with certain services provided to the expansion
 28 population pursuant to section 249J.6, certain
 29 initiatives to be designed pursuant to section 249J.8,
 30 the case-mix adjusted reimbursement system for persons
 31 with mental retardation or developmental disabilities
 32 pursuant to section 249J.12, certain health promotion
 33 partnership activities pursuant to section 249J.14,
 34 the cost and quality performance evaluation pursuant
 35 to section 249J.15, auditing requirements pursuant to
 36 section 249J.21, the provision of additional indigent
 37 patient care and treatment, and administrative costs
 38 associated with this chapter.

39 DIVISION VIII
 40 LIMITATIONS

41 Sec. 23. NEW SECTION. 249J.23 LIMITATIONS.
 42 1. The provisions of this chapter shall not be
 43 construed, are not intended as, and shall not imply a
 44 grant of entitlement for services to individuals who
 45 are eligible for assistance under this chapter or for
 46 utilization of services that do not exist or are not
 47 otherwise available on the effective date of this Act.
 48 Any state obligation to provide services pursuant to
 49 this chapter is limited to the extent of the funds
 50 appropriated or distributed for the purposes of this

Page 15

1 chapter.

2 2. The provisions of this chapter shall not be
 3 construed and are not intended to affect the provision
 4 of services to recipients of medical assistance
 5 services existing on the effective date of this Act.

6 DIVISION IX

7 HOSPITAL TRUST FUND

8 Sec. 24. Section 249I.3, subsections 4 and 5, Code
 9 2005, are amended to read as follows:

10 4. "Hospital trust fund" means the fund and the
 11 accounts of the fund created in this chapter to secure
 12 funds based on hospital inpatient and outpatient
 13 prospective payment methodologies under the medical
 14 assistance program and to provide for the deposit of
 15 moneys from various sources for the support of certain
 16 public hospitals.

17 5. "Public hospital" means a hospital licensed
 18 pursuant to chapter 135B and governed pursuant to
 19 chapter 145A, 226, 347, 347A, or 392.

20 Sec. 25. Section 249I.4, Code 2005, is amended to
 21 read as follows:

22 249I.4 HOSPITAL TRUST FUND – CREATED –
 23 APPROPRIATIONS.

24 1. A hospital trust fund is created in the state
 25 treasury under the authority of the department of
 26 human services. ~~Moneys received through agreements
 27 for the trust fund and moneys received from sources,
 28 including grants, contributions, and participant
 29 payments, shall be deposited in the trust fund.~~

30 2. Moneys deposited in the trust fund and the
 31 accounts of the trust fund shall be used only as
 32 provided in appropriations or distributions from the
 33 trust fund ~~to the department~~ and the accounts of the
 34 trust fund for the purposes specified in the
 35 appropriation or distribution.

36 3. The trust fund and the accounts of the trust
 37 fund shall be separate from the general fund of the
 38 state and shall not be considered part of the general
 39 fund of the state. The moneys in the trust fund and
 40 the accounts of the trust fund shall not be considered
 41 revenue of the state, but rather shall be funds of the
 42 trust fund and the accounts of the trust fund. The
 43 moneys in the trust fund and the accounts of the trust
 44 fund are not subject to section 8.33 and shall not be
 45 transferred, used, obligated, appropriated, or
 46 otherwise encumbered, except to provide for the
 47 purposes of this chapter. Notwithstanding section
 48 12C.7, subsection 2, interest or earnings on moneys
 49 deposited in the trust fund and the accounts of the
 50 trust fund shall be credited to the trust fund and the

Page 16

1 accounts of the trust fund.

2 4. The department shall adopt rules pursuant to
 3 chapter 17A to administer the trust fund and the
 4 accounts of the trust fund and to establish procedures
 5 for participation by public hospitals.

6 5. The treasurer of state shall provide a
 7 quarterly report of trust fund activities and balances
 8 to the director.

9 6. The hospital trust fund shall consist of the
 10 following accounts:

11 a. THE PUBLIC HOSPITAL ACCOUNT. Moneys received
 12 through agreements for the trust fund based on
 13 hospital inpatient and outpatient prospective payment
 14 methodologies, and moneys received from other sources
 15 for deposit in the account, including grants,
 16 contributions, and participant payments, shall be
 17 deposited in the public hospital account.

18 b. THE INDIGENT PATIENT CARE PROGRAM ACCOUNT.
 19 Moneys appropriated from the general fund of the state
 20 to the account, moneys received as federal financial
 21 participation funds pursuant to chapter 249J and
 22 credited to the account, moneys received for

23 disproportionate share hospitals and credited to the
24 account, moneys received for indirect medical
25 education and credited to the account, proceeds
26 transferred from the county treasurer as specified in
27 subsection 8, and moneys from any other source
28 credited to the account shall be deposited in the
29 account. Moneys in the account shall be appropriated
30 to the university of Iowa hospitals and clinics for
31 the purposes provided in the federal law making the
32 funds available or as specified in the state
33 appropriation, and shall be distributed as determined
34 by the department.
35 c. THE ACUTE CARE TEACHING HOSPITAL ACCOUNT.
36 Moneys appropriated from the general fund of the state
37 to the account, moneys received as federal financial
38 participation funds pursuant to chapter 249J and
39 credited to the account, moneys received for
40 disproportionate share hospitals and credited to the
41 account, moneys received for indirect medical
42 education and credited to the account, proceeds
43 transferred from the county treasurer as specified in
44 subsection 8, and moneys received from any other
45 source and credited to the account shall be deposited
46 in the account. Moneys in the account shall be
47 appropriated to a publicly owned acute care teaching
48 hospital located in a county with a population over
49 three hundred fifty thousand, for the purposes
50 provided in the federal law making the funds available

Page 17

1 or as specified in the state appropriation, and shall
2 be distributed as determined by the department.
3 d. THE STATE HOSPITALS FOR PERSONS WITH MENTAL
4 ILLNESS ACCOUNT. Moneys appropriated from the general
5 fund of the state to the account, moneys received as
6 federal financial participation funds pursuant to
7 chapter 249J and credited to the account, moneys
8 received for disproportionate share hospitals and
9 credited to the account, proceeds transferred from the
10 county treasurer as specified in subsection 8, and
11 moneys received from any other source and credited to
12 the account shall be deposited in the account.
13 Allocations or appropriations made to the state
14 hospitals for persons with mental illness for the
15 purposes of routine maintenance, infrastructure
16 improvements, or education shall be retained in the
17 respective hospital's allocation or appropriation and
18 shall not be deposited in the account. Moneys in the
19 account shall be appropriated to the state hospitals
20 for persons with mental illness designated pursuant to
21 section 226.1 for the purposes provided in the federal

22 law making the funds available or as specified in the
23 state appropriation, and shall be distributed as
24 determined by the department.
25 7. The department shall determine the distribution
26 of moneys from each account in the fund based upon the
27 source of receipt of the moneys. Notwithstanding
28 section 262.28, payments to be made to participating
29 hospitals under subsection 6, paragraphs "b" through
30 "d", may be made on a prospective basis in varying
31 monthly installments. After the close of the state
32 fiscal year, the payments shall be adjusted to reflect
33 actual expenditures, and the adjusted payments shall
34 be made prior to September 1. If payments to a
35 participating hospital under subsection 6, paragraphs
36 "b" through "d", are made in excess of actual
37 expenditures, the participating hospital shall remit
38 the excess amount to the department. If payments to a
39 participating hospital under subsection 6, paragraphs
40 "b" through "d", are insufficient to reflect actual
41 expenditures, the department shall pay the difference
42 to the participating hospital.
43 8. Notwithstanding any provision to the contrary,
44 from each semiannual collection of taxes levied under
45 section 347.7 and collected after July 1, 2005, the
46 county treasurer of the county with a population over
47 three hundred fifty thousand in which a publicly owned
48 acute care teaching hospital is located shall transfer
49 the proceeds collected pursuant to section 347.7 for
50 the general fund levy and the tort liability and

Page 18

1 insurance fund levy not to exceed a total of thirty-
2 four million dollars, which would otherwise be
3 distributed to the county hospital, to the treasurer
4 of state for deposit by the treasurer of state in the
5 indigent patient care program account, the acute care
6 teaching hospital account, and the state hospitals for
7 persons with mental illness account under this
8 section, in amounts determined by the department. The
9 board of trustees of the acute care teaching hospital
10 identified in this subsection and the department shall
11 execute an agreement under chapter 28E to specify the
12 requirements relative to transfer of the proceeds and
13 the distribution of moneys to the hospital from the
14 acute care teaching hospital account.
15 9. The state board of regents on behalf of the
16 university of Iowa hospitals and clinics and the
17 department shall execute an agreement under chapter
18 28E to specify the requirements relating to
19 distribution of moneys to the hospital from the
20 indigent patient care program account.

21 10. The state and any county utilizing the acute
22 care teaching hospital located in a county with a
23 population over three hundred fifty thousand for
24 mental health services prior to July 1, 2005, shall
25 annually enter into an agreement with such hospital to
26 pay a per diem amount that is not less than the per
27 diem amount paid for those services in effect for the
28 fiscal year beginning July 1, 2004, for each expansion
29 population member accessing such services at that
30 hospital on or after July 1, 2005.

31 DIVISION X

32 CORRESPONDING PROVISIONS

33 Sec. 26. Section 97B.52A, subsection 1, paragraph
34 c, Code 2005, is amended to read as follows:

35 c. For a member whose first month of entitlement
36 is July 2000 or later, the member does not return to
37 any employment with a covered employer until the
38 member has qualified for at least one calendar month
39 of retirement benefits, and the member does not return
40 to covered employment until the member has qualified
41 for no fewer than four calendar months of retirement
42 benefits. For purposes of this paragraph, effective
43 July 1, 2000, any employment with a covered employer
44 does not include employment as an elective official or
45 member of the general assembly if the member is not
46 covered under this chapter for that employment. For
47 purposes of determining a bona fide retirement under
48 this paragraph and for a member whose first month of
49 entitlement is July 2004 or later, but before July
50 2006, covered employment does not include employment

Page 19

1 as a licensed health care professional by a public
2 hospital as defined in section 249I.3, with the
3 exception of public hospitals governed pursuant to
4 chapter 226.

5 Sec. 27. Section 218.78, subsection 1, Code 2005,
6 is amended to read as follows:

7 1. All institutional receipts of the department of
8 human services, including funds received from client
9 participation at the state resource centers under
10 section 222.78 and at the state mental health
11 institutes under section 230.20, shall be deposited in
12 the general fund except for reimbursements for
13 services provided to another institution or state
14 agency, for receipts deposited in the revolving fund
15 fund under section 904.706, for deposits into the
16 medical assistance fund under section 249A.11, for any
17 deposits into the medical assistance fund of any
18 medical assistance payments received through the
19 expansion population program pursuant to chapter 249J.

20 and rentals charged to employees or others for room,
21 apartment, or house and meals, which shall be
22 available to the institutions.

23 Sec. 28. Section 230.20, subsection 2, paragraph
24 a, Code 2005, is amended to read as follows:

25 a. The superintendent shall certify to the
26 department the billings to each county for services
27 provided to patients chargeable to the county during
28 the preceding calendar quarter. The county billings
29 shall be based on the average daily patient charge and
30 other service charges computed pursuant to subsection
31 1, and the number of inpatient days and other service
32 units chargeable to the county. However, a county
33 billing shall be decreased by an amount equal to
34 reimbursement by a third party payor or estimation of
35 such reimbursement from a claim submitted by the
36 superintendent to the third party payor for the
37 preceding calendar quarter. When the actual third
38 party payor reimbursement is greater or less than
39 estimated, the difference shall be reflected in the
40 county billing in the calendar quarter the actual
41 third party payor reimbursement is determined. For
42 the purposes of this paragraph, "third-party payor
43 reimbursement" does not include reimbursement provided
44 under chapter 249J.

45 Sec. 29. Section 230.20, subsections 5 and 6, Code
46 2005, are amended to read as follows:

47 5. An individual statement shall be prepared for a
48 patient on or before the fifteenth day of the month
49 following the month in which the patient leaves the
50 mental health institute, and a general statement shall

Page 20

1 be prepared at least quarterly for each county to
2 which charges are made under this section. Except as
3 otherwise required by sections 125.33 and 125.34 the
4 general statement shall list the name of each patient
5 chargeable to that county who was served by the mental
6 health institute during the preceding month or
7 calendar quarter, the amount due on account of each
8 patient, and the specific dates for which any third
9 party payor reimbursement received by the state is
10 applied to the statement and billing, and the county
11 shall be billed for eighty percent of the stated
12 charge for each patient specified in this subsection.
13 For the purposes of this subsection, "third-party
14 payor reimbursement" does not include reimbursement
15 provided under chapter 249J. The statement prepared
16 for each county shall be certified by the department
17 and a duplicate statement shall be mailed to the
18 auditor of that county.

19 6. All or any reasonable portion of the charges
 20 incurred for services provided to a patient, to the
 21 most recent date for which the charges have been
 22 computed, may be paid at any time by the patient or by
 23 any other person on the patient's behalf. Any payment
 24 so made by the patient or other person, and any
 25 federal financial assistance received pursuant to
 26 Title XVIII or XIX of the federal Social Security Act
 27 for services rendered to a patient, shall be credited
 28 against the patient's account and, if the charges so
 29 paid as described in this subsection have previously
 30 been billed to a county, reflected in the mental
 31 health institute's next general statement to that
 32 county. However, any payment made under chapter 249J
 33 shall not be reflected in the mental health
 34 institute's next general statement to that county.
 35 Sec. 30. Section 249A.4, subsection 8, unnumbered
 36 paragraph 1, Code 2005, is amended to read as follows:
 37 Shall advise and consult at least semiannually with
 38 a council composed of the presidents of the following
 39 organizations, or a president's representative who is
 40 a member of the organization represented by the
 41 president: the Iowa medical society, the Iowa
 42 osteopathic medical association, the Iowa academy of
 43 family physicians, the Iowa chapter of the American
 44 academy of pediatrics, the Iowa physical therapy
 45 association, the Iowa dental association, the Iowa
 46 nurses association, the Iowa pharmacy association, the
 47 Iowa podiatric medical society, the Iowa optometric
 48 association, the Iowa association of community
 49 providers, the Iowa psychological association, the
 50 Iowa psychiatric society, the Iowa chapter of the

Page 21

1 national association of social workers, the Iowa
 2 hospital association, the Iowa association of rural
 3 health clinics, the opticians' association of Iowa,
 4 inc., the Iowa association of hearing health
 5 professionals, the Iowa speech and hearing
 6 association, the Iowa health care association, the
 7 Iowa association for home care, the Iowa council of
 8 health care centers, the Iowa physician assistant
 9 society, the Iowa association of nurse practitioners,
 10 the Iowa occupational therapy association, the Iowa
 11 association of homes and services for the aging, the
 12 ARC of Iowa which was formerly known as the
 13 association for retarded citizens of Iowa, the
 14 alliance for the mentally ill of Iowa, Iowa state
 15 association of counties, and the governor's
 16 developmental disabilities council, together with one
 17 person designated by the Iowa chiropractic society;

18 one state representative from each of the two major
19 political parties appointed by the speaker of the
20 house, one state senator from each of the two major
21 political parties appointed by the president of the
22 senate, after consultation with the majority leader
23 and the minority leader of the senate, each for a term
24 of two years; ~~four~~ public representatives equal in
25 number to the number of representatives of
26 professional groups and associations specifically
27 represented on the council under this subsection,
28 appointed by the governor for staggered terms of two
29 years each, none of whom shall be members of, or
30 practitioners of, or have a pecuniary interest in any
31 of the professions or businesses represented by any of
32 the several professional groups and associations
33 specifically represented on the council under this
34 subsection, and ~~at least one~~ all of whom shall be a
35 recipient current or former recipients of medical
36 assistance; the director of public health, or a
37 representative designated by the director; the
38 director of the department of elder affairs, or a
39 representative designated by the director; the dean of
40 Des Moines university – osteopathic medical center,
41 or a representative designated by the dean; and the
42 dean of the university of Iowa college of medicine, or
43 a representative designated by the dean.

44 Sec. 31. Section 249A.11, Code 2005, is amended to
45 read as follows:

46 249A.11 PAYMENT FOR PATIENT CARE SEGREGATED.

47 A state resource center or mental health institute,
48 upon receipt of any payment made under this chapter
49 for the care of any patient, shall segregate an amount
50 equal to that portion of the payment which is required

Page 22

1 by law to be made from nonfederal funds except for any
2 nonfederal funds received through the expansion
3 population program pursuant to chapter 249J. The
4 money segregated shall be deposited in the medical
5 assistance fund of the department of human services.

6 Sec. 32. Section 249H.4, Code 2005, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 7. The director shall amend the
9 medical assistance state plan to eliminate the
10 mechanism to secure funds based on skilled nursing
11 facility prospective payment methodologies under the
12 medical assistance program and to terminate agreements
13 entered into with public nursing facilities under this
14 chapter, effective June 30, 2005.

15 Sec. 33. Section 249I.5, Code 2005, is amended to
16 read as follows:

17 2491.5 STATE PLAN AMENDMENT.

18 The director shall amend the state medical
 19 assistance state plan as necessary to implement this
 20 chapter. The director shall amend the medical
 21 assistance state plan to eliminate the mechanism to
 22 secure funds based on hospital inpatient and
 23 outpatient prospective payment methodologies under the
 24 medical assistance program and to terminate agreements
 25 entered into under this chapter, effective June 30,
 26 2005.

27 Sec. 34. 2004 Iowa Acts, chapter 1175, section 86,
 28 subsection 2, paragraph b, unnumbered paragraph 2, and
 29 subparagraphs (1), (2), and (3), are amended to read
 30 as follows:

31 ~~Of the amount appropriated in this lettered~~
 32 ~~paragraph, \$25,950,166 shall be considered encumbered~~
 33 ~~and shall not be expended for any purpose until~~
 34 ~~January 1, 2005.~~

35 (1) ~~However, if~~ If the department of human
 36 services adjusts hospital payments to provide an
 37 increased base rate to offset the high cost incurred
 38 for providing services to medical assistance patients
 39 on or prior to January July 1, 2005, a portion of the
 40 amount specified in this unnumbered paragraph equal to
 41 the increased Medicaid payment shall ~~revert to the~~
 42 ~~general fund of the state. Notwithstanding section~~
 43 ~~8.54, subsection 7, the amount required to revert~~
 44 ~~under this subparagraph shall not be considered to be~~
 45 ~~appropriated for purposes of the state general fund~~
 46 ~~expenditure limitation for the fiscal year beginning~~
 47 ~~July 1, 2004.~~

48 (2) ~~If the adjustment described in subparagraph~~
 49 (1) ~~to increase the base rate is not made prior to~~
 50 ~~January 1, 2005, the amount specified in this~~

Page 23

1 ~~unnumbered paragraph shall no longer be considered~~
 2 ~~encumbered, may be expended, and shall be available~~
 3 ~~for the purposes originally specified be transferred~~
 4 ~~by the university of Iowa hospitals and clinics to the~~
 5 ~~medical assistance fund of the department of human~~
 6 ~~services. Of the amount transferred, an amount equal~~
 7 ~~to the federal share of the payments shall be~~
 8 ~~transferred to the fund for health care transformation~~
 9 ~~created in section 249J.22.~~

10 (3) (2) Any incremental increase in the base rate
 11 made pursuant to subparagraph (1) shall not be used in
 12 determining the university of Iowa hospital and
 13 clinics disproportionate share rate or when
 14 determining the statewide average base rate for
 15 purposes of calculating indirect medical education

16 rates.

17 Sec. 35. 2003 Iowa Acts, chapter 112, section 11,
18 subsection 1, is amended to read as follows:

19 1. For the fiscal year years beginning July 1,
20 2003, and ending June 30, 2004, and beginning July 1,
21 2004, and ~~for each fiscal year thereafter~~ ending June
22 30, 2005, the department of human services shall
23 institute a supplemental payment adjustment applicable
24 to physician services provided to medical assistance
25 recipients at publicly owned acute care teaching
26 hospitals. The adjustment shall generate supplemental
27 payments to physicians which are equal to the
28 difference between the physician's charge and the
29 physician's fee schedule under the medical assistance
30 program. To the extent of the supplemental payments,
31 a qualifying hospital shall, after receipt of the
32 payments, transfer to the department of human services
33 an amount equal to the actual supplemental payments
34 that were made in that month. The department of human
35 services shall deposit these payments in the
36 department's medical assistance account. The
37 department of human services shall amend the medical
38 assistance state plan as necessary to implement this
39 section. The department may adopt emergency rules to
40 implement this section. The department of human
41 services shall amend the medical assistance state plan
42 to eliminate this provision effective June 30, 2005.

43 Sec. 36. CORRESPONDING DIRECTIVES TO DEPARTMENT.
44 The department shall do all of the following:

45 1. Withdraw the request for the waiver and the
46 medical assistance state plan amendment submitted to
47 the centers for Medicare and Medicaid services of the
48 United States department of health and human services
49 regarding the nursing facility quality assurance
50 assessment as directed pursuant to 2003 Iowa Acts,

Page 24

1 chapter 112, section 4, 2003 Iowa Acts, chapter 179,
2 section 162, and 2004 Iowa Acts, chapter 1085,
3 sections 8, 10, and 11.

4 2. Amend the medical assistance state plan to
5 eliminate the mechanism to secure funds based on
6 hospital inpatient and outpatient prospective payment
7 methodologies under the medical assistance program,
8 effective June 30, 2005.

9 3. Amend the medical assistance state plan to
10 eliminate the mechanisms to receive supplemental
11 disproportionate share hospital and indirect medical
12 education funds as originally submitted, effective
13 June 30, 2005.

14 4. Amend the medical assistance state plan

15 amendment to adjust hospital payments to provide an
 16 increased base rate to offset the high cost incurred
 17 for providing services to medical assistance patients
 18 at the university of Iowa hospitals and clinics as
 19 originally submitted based upon the specifications of
 20 2004 Iowa Acts, chapter 1175, section 86, subsection
 21 2, paragraph "b", unnumbered paragraph 2, and
 22 subparagraphs (1),(2), and (3), to be approved for the
 23 fiscal year beginning July 1 2004, and ending June 30,
 24 2005, only, and to be eliminated June 30, 2005.

25 5. Amend the medical assistance state plan
 26 amendment to establish a physician payment adjustment
 27 from the university of Iowa hospitals and clinics, as
 28 originally submitted as described in 2003 Iowa Acts,
 29 chapter 112, section 11, subsection 1, to be approved
 30 for the state fiscal years beginning July 1, 2003, and
 31 ending June 30, 2004, and beginning July 1, 2004, and
 32 ending June 30, 2005, and to be eliminated effective
 33 June 30, 2005.

34 6. Amend the medical assistance state plan to
 35 eliminate the mechanism to secure funds based on
 36 skilled nursing facility prospective payment
 37 methodologies under the medical assistance program,
 38 effective June 30, 2005.

39 7. Request a waiver from the centers for Medicare
 40 and Medicaid services of the United States department
 41 of health and human services of the provisions
 42 relating to the early and periodic screening,
 43 diagnostic, and treatment program requirements as
 44 described in section 1905(a)(5) of the federal Social
 45 Security Act relative to the expansion population.
 46 Sec. 37. Sections 249A.20B and 249A.34, Code 2005,
 47 are repealed.

48 Sec. 38. 2003 Iowa Acts, chapter 112, section 4,
 49 2003 Iowa Acts, chapter 179, section 162, and 2004
 50 Iowa Acts, chapter 1085, section 8, and section 10,

Page 25

1 subsection 5, are repealed.

2

DIVISION XI

3

PHARMACY COPAYMENTS

4

Sec. 39. COPAYMENTS FOR PRESCRIPTION DRUGS UNDER
 THE MEDICAL ASSISTANCE PROGRAM. The department of

6

human services shall require recipients of medical
 7 assistance to pay the following copayments on each
 8 prescription filled for a covered prescription drug,
 9 including each refill of such prescription, as
 10 follows:

11

1. A copayment of \$1 for each covered generic
 12 prescription drug not included on the prescription
 13 drug list.

14 2. A copayment of \$1 for each covered brand-name
 15 or generic prescription drug included on the
 16 prescription drug list.

17 3. A copayment of \$1 for each covered brand-name
 18 prescription drug not included on the prescription
 19 drug list for which the cost to the state is up to and
 20 including \$25.

21 4. A copayment of \$2 for each covered brand-name
 22 prescription drug not included on the prescription
 23 drug list for which the cost to the state is more than
 24 \$25 and up to and including \$50.

25 5. A copayment of \$3 for each covered brand-name
 26 prescription drug not included on the preferred drug
 27 list for which the cost to the state is more than \$50.

28 DIVISION XII

29 STATE PAPERS PROGRAM

30 Sec. 40. Section 135B.31, Code 2005, is amended to
 31 read as follows:

32 135B.31 EXCEPTIONS.

33 ~~Nothing in this~~ This division is not intended ~~or~~
 34 ~~should and shall not~~ affect in any way ~~that the~~
 35 obligation of public hospitals under chapter 347 or
 36 municipal hospitals, ~~as well as the state hospital at~~
 37 ~~Iowa City, to provide medical or obstetrical and~~
 38 ~~newborn care for indigent persons under chapter 255 or~~
 39 ~~255A, wherein medical care or treatment is provided by~~
 40 ~~hospitals of that category~~ to patients of certain
 41 entitlement, ~~nor to the operation by the state of~~
 42 mental or other hospitals authorized by law. ~~Nothing~~
 43 ~~herein~~ This division shall not in any way affect or
 44 limit the practice of dentistry or the practice of
 45 oral surgery by a dentist.

46 Sec. 41. Section 144.13A, subsection 3, Code 2005,
 47 is amended to read as follows:

48 3. If the person responsible for the filing of the
 49 certificate of birth under section 144.13 is not the
 50 parent, the person is entitled to collect the fee from

Page 26

1 the parent. The fee shall be remitted to the state
 2 registrar. If the expenses of the birth are
 3 reimbursed under the medical assistance program
 4 established by chapter 249A, ~~or paid for under the~~
 5 ~~statewide indigent patient care program established by~~
 6 ~~chapter 255, or paid for under the obstetrical and~~
 7 ~~newborn indigent patient care program established by~~
 8 ~~chapter 255A, or if the parent is indigent and unable~~
 9 to pay the expenses of the birth and no other means of
 10 payment is available to the parent, the registration
 11 fee and certified copy fee are waived. If the person
 12 responsible for the filing of the certificate is not

13 the parent, the person is discharged from the duty to
 14 collect and remit the fee under this section if the
 15 person has made a good faith effort to collect the fee
 16 from the parent.

17 Sec. 42. Section 249A.4, subsection 12, Code 2005,
 18 is amended by striking the subsection.

19 UNIVERSITY OF IOWA HOSPITALS AND CLINICS
 20 Sec. 43. NEW SECTION. 263.18 TREATMENT OF
 21 PATIENTS – USE OF EARNINGS FOR NEW FACILITIES.

22 1. The university of Iowa hospitals and clinics
 23 authorities may at their discretion receive patients
 24 into the hospital for medical, obstetrical, or
 25 surgical treatment or hospital care. The university
 26 of Iowa hospitals and clinics ambulances and ambulance
 27 personnel may be used for the transportation of such
 28 patients at a reasonable charge if specialized
 29 equipment is required.

30 2. The university of Iowa hospitals and clinics
 31 authorities shall collect from the person or persons
 32 liable for support of such patients reasonable charges
 33 for hospital care and service and deposit payment of
 34 the charges with the treasurer of the university for
 35 the use and benefit of the university of Iowa
 36 hospitals and clinics.

37 3. Earnings of the university of Iowa hospitals
 38 and clinics shall be administered so as to increase,
 39 to the greatest extent possible, the services
 40 available for patients, including acquisition,
 41 construction, reconstruction, completion, equipment,
 42 improvement, repair, and remodeling of medical
 43 buildings and facilities, additions to medical
 44 buildings and facilities, and the payment of principal
 45 and interest on bonds issued to finance the cost of
 46 medical buildings and facilities as authorized by the
 47 provisions of chapter 263A.

48 4. The physicians and surgeons on the staff of the
 49 university of Iowa hospitals and clinics who care for
 50 patients provided for in this section may charge for

Page 27

1 the medical services provided under such rules,
 2 regulations, and plans approved by the state board of
 3 regents.

4 Sec. 44. NEW SECTION. 263.19 PURCHASES.
 5 Any purchase in excess of ten thousand dollars, of
 6 materials, appliances, instruments, or supplies by the
 7 university of Iowa hospitals and clinics, when the
 8 price of the materials, appliances, instruments, or
 9 supplies to be purchased is subject to competition,
 10 shall be made pursuant to open competitive quotations,
 11 and all contracts for such purchases shall be subject

12 to chapter 72. However, purchases may be made through
 13 a hospital group purchasing organization provided that
 14 the university of Iowa hospitals and clinics is a
 15 member of the organization and the group purchasing
 16 organization selects the items to be offered to
 17 members through a competitive bidding process.

18 Sec. 45. NEW SECTION. 263.20 COLLECTING AND
 19 SETTLING CLAIMS FOR CARE.

20 Whenever a patient or person legally liable for the
 21 patient's care at the university of Iowa hospitals and
 22 clinics has insurance, an estate, a right of action
 23 against others, or other assets, the university of
 24 Iowa hospitals and clinics, through the facilities of
 25 the office of the attorney general, may file claims,
 26 institute or defend suit in court, and use other legal
 27 means available to collect accounts incurred for the
 28 care of the patient, and may compromise, settle, or
 29 release such actions under the rules and procedures
 30 prescribed by the president of the university and the
 31 office of the attorney general. If a county has paid
 32 any part of such patient's care, a pro rata amount
 33 collected, after deduction for cost of collection,
 34 shall be remitted to the county and the balance shall
 35 be credited to the hospital fund.

36 Sec. 46. NEW SECTION. 263.21 TRANSFER OF
 37 PATIENTS FROM STATE INSTITUTIONS.

38 The director of the department of human services,
 39 in respect to institutions under the director's
 40 control, the administrator of any of the divisions of
 41 the department, in respect to the institutions under
 42 the administrator's control, the director of the
 43 department of corrections, in respect to the
 44 institutions under the department's control, and the
 45 state board of regents, in respect to the Iowa Braille
 46 and sight saving school and the Iowa school for the
 47 deaf, may send any inmate, student, or patient of an
 48 institution, or any person committed or applying for
 49 admission to an institution, to the university of Iowa
 50 hospitals and clinics for treatment and care. The

Page 28

1 department of human services, the department of
 2 corrections, and the state board of regents shall
 3 respectively pay the traveling expenses of such
 4 patient, and when necessary the traveling expenses of
 5 an attendant for the patient, out of funds
 6 appropriated for the use of the institution from which
 7 the patient is sent.

8 Sec. 47. NEW SECTION. 263.22 MEDICAL CARE FOR
 9 PAROLEES AND PERSONS ON WORK RELEASE.

10 The director of the department of corrections may

11 send former inmates of the institutions provided for
 12 in section 904.102, while on parole or work release,
 13 to the university of Iowa hospitals and clinics for
 14 treatment and care. The director may pay the
 15 traveling expenses of any such patient, and when
 16 necessary the traveling expenses of an attendant of
 17 the patient, out of funds appropriated for the use of
 18 the department of corrections.

19 Sec. 48. Section 271.6, Code 2005, is amended to
 20 read as follows:

21 271.6 INTEGRATED TREATMENT OF UNIVERSITY HOSPITAL
 22 PATIENTS.

23 The authorities of the Oakdale campus may authorize
 24 patients for admission to the hospital on the Oakdale
 25 campus who are referred from the university hospitals
 26 and who shall retain the same status, classification,
 27 and authorization for care which they had at the
 28 university hospitals. Patients referred from the
 29 university hospitals to the Oakdale campus shall be
 30 deemed to be patients of the university hospitals.
 31 ~~Chapters 255 and 255A and~~ The operating policies of
 32 the university hospitals shall apply to the patients
 33 and to the payment for their care the same as the
 34 provisions apply to patients who are treated on the
 35 premises of the university hospitals.

36 Sec. 49. Section 331.381, subsection 9, Code 2005,
 37 is amended by striking the subsection.

38 Sec. 50. Section 331.502, subsection 17, Code
 39 2005, is amended by striking the subsection.

40 Sec. 51. Section 331.552, subsection 13, Code
 41 2005, is amended to read as follows:

42 13. Make transfer payments to the state for school
 43 expenses for blind and deaf children, and support of
 44 persons with mental illness, ~~and hospital care for the~~
 45 ~~indigent~~ as provided in sections 230.21, 255-26,
 46 269.2, and 270.7.

47 Sec. 52. Section 331.653, subsection 26, Code
 48 2005, is amended by striking the subsection.

49 Sec. 53. Section 331.756, subsection 53, Code
 50 2005, is amended by striking the subsection.

Page 29

1 Sec. 54. Section 602.8102, subsection 48, Code
 2 2005, is amended by striking the subsection.

3 Sec. 55. Chapters 255 and 255A, Code 2005, are
 4 repealed.

5 Sec. 56. MEDICAL ASSISTANCE ELIGIBILITY FOR
 6 INMATES OF PUBLIC INSTITUTIONS. The department shall
 7 maximize the federal financial participation exception
 8 under the medical assistance program for inmates of
 9 public institutions who are patients in a medical

10 institution as provided in 42 U.S.C. } 1396d(a)(27)(A)
11 and are otherwise eligible for medical assistance.

12 DIVISION XIII

13 STATE MEDICAL INSTITUTION

14 Sec. 57. NEW SECTION. 218A.1 STATE MEDICAL
15 INSTITUTION.

16 1. All of the following shall be collectively
17 designated as a single state medical institution:

18 a. The mental health institute, Mount Pleasant,
19 Iowa.

20 b. The mental health institute, Independence,
21 Iowa.

22 c. The mental health institute, Clarinda, Iowa.

23 d. The mental health institute, Cherokee, Iowa.

24 e. The Glenwood state resource center.

25 f. The Woodward state resource center.

26 2. Necessary portions of the institutes and
27 resource centers shall remain licensed as separate
28 hospitals and as separate intermediate care facilities
29 for persons with mental retardation, and the locations
30 and operations of the institutes and resource centers
31 shall not be subject to consolidation to comply with
32 this chapter.

33 3. The state medical institution shall qualify for
34 payments described in subsection 4 for the fiscal
35 period beginning July 1, 2005, and ending June 30,
36 2010, if the state medical institution and the various
37 parts of the institution comply with the requirements
38 for payment specified in subsection 4, and all of the
39 following conditions are met:

40 a. The total number of beds in the state medical
41 institution licensed as hospital beds is less than
42 fifty percent of the total number of all state medical
43 institution beds. In determining compliance with this
44 requirement, however, any reduction in the total
45 number of beds that occurs as the result of reduction
46 in census due to an increase in utilization of home
47 and community-based services shall not be considered.

48 b. An individual is appointed by the director of
49 human services to serve as the director of the state
50 medical institution and an individual is appointed by

Page 30

1 the director of human services to serve as medical
2 director of the state medical institution. The
3 individual appointed to serve as the director of the
4 state medical institution may also be an employee of
5 the department of human services or of a component
6 part of the state medical institution. The individual
7 appointed to serve as medical director of the state
8 medical institution may also serve as the medical

9 director of one of the component parts of the state
10 medical institution.

11 c. A workgroup comprised of the director of human
12 services or the director's designee, the director of
13 the state medical institution, the directors of all
14 licensed intermediate care facilities for persons with
15 mental retardation in the state, and representatives
16 from the Iowa state association of counties, the Iowa
17 association of community providers, and other
18 interested parties develops and presents a plan, for
19 submission to the centers for Medicare and Medicaid
20 services of the United States department of health and
21 human services, to the general assembly no later than
22 July 1, 2007, to reduce the number of individuals in
23 intermediate care facilities for persons with mental
24 retardation in the state and concurrently to increase
25 the number of individuals with mental retardation and
26 developmental disabilities in the state who have
27 access to home and community-based services. The plan
28 shall include a proposal to redesign the home and
29 community-based services waivers for persons with
30 mental retardation and persons with brain injury under
31 the medical assistance program. The department shall
32 not implement the plan without express authorization
33 by the general assembly.

34 4. The department of human services shall submit a
35 waiver to the centers for Medicare and Medicaid
36 services of the United States department of health and
37 human services to provide for all of the following:

38 a. Coverage under the medical assistance program,
39 with appropriate federal matching funding, for
40 inpatient and outpatient hospital services provided to
41 eligible individuals by any part of the state medical
42 institution that maintains a state license as a
43 hospital.

44 b. Disproportionate share hospital payments for
45 services provided by any part of the state medical
46 institution that maintains a state license as a
47 hospital.

48 c. Imposition of an assessment on intermediate
49 care facilities for persons with mental retardation on
50 any part of the state medical institution that

Page 31

1 provides intermediate care facility for persons with
2 mental retardation services.

3 DIVISION XIV

4 APPROPRIATIONS AND EFFECTIVE DATES

5 Sec. 58. APPROPRIATIONS FROM HOSPITAL TRUST FUND
6 ACCOUNTS.

7 1. There is appropriated from the indigent patient

8 care program account created in section 249I.4 to the
 9 university of Iowa hospitals and clinics for the
 10 fiscal year beginning July 1, 2005, and ending June
 11 30, 2006, the following amount, or so much thereof as
 12 is necessary, to be used 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 recipients under the medical
 17 assistance program expansion population pursuant to
 18 chapter 249J, as enacted in this Act, and for medical
 19 education:

20 \$ 27,284,584

21 2. There is appropriated from the acute care
 22 teaching hospital account created in section 249I.4 to
 23 a publicly owned acute care teaching hospital located
 24 in a county with a population over three hundred fifty
 25 thousand for the fiscal year beginning July 1, 2005,
 26 and ending June 30, 2006, the following amount, or so
 27 much thereof as is necessary, to be used for the
 28 purposes designated:

29 For the provision of medical and surgical treatment
 30 of indigent patients and for provision of services to
 31 recipients under the medical assistance program
 32 expansion population pursuant to chapter 249J, as
 33 enacted in this Act:

34 \$ 40,000,000

35 3. There is appropriated from the state hospitals
 36 for persons with mental illness account created in
 37 section 249I.4 to the state hospitals for persons with
 38 mental illness designated pursuant to section 226.1
 39 for the fiscal year beginning July 1, 2005, and ending
 40 June 30, 2006, the following amounts, or so much
 41 thereof as is necessary, to be used for the purposes
 42 designated:

43 a. For services at the state mental health
 44 institute at Cherokee, including services to
 45 recipients under the medical assistance program
 46 expansion population pursuant to chapter 249J, as
 47 enacted in this Act:

48 \$ 13,074,889

49 b. For services at the state mental health
 50 institute at Clarinda to recipients under the medical

Page 32

1 assistance program expansion population pursuant to
 2 chapter 249J, as enacted in this Act:

3 \$ 7,439,591

4 c. For services at the state mental health
 5 institute at Independence to recipients under the
 6 medical assistance program expansion population

7 pursuant to chapter 249J, as enacted in this Act:
8 \$ 17,329,091

9 d. For services at the state mental health
10 institute at Mount Pleasant to recipients under the
11 medical assistance program expansion population
12 designation pursuant to chapter 249J, as enacted in
13 this Act:
14 \$ 6,131,181

15 Sec. 59. EFFECTIVE DATES – CONTINGENT REDUCTION
16 – RULES – RETROACTIVE APPLICABILITY.

17 1. The provisions of this Act requiring the
18 department of human services to request waivers from
19 the centers for Medicare and Medicaid services of the
20 United States department of health and human services
21 and to amend the medical assistance state plan, being
22 deemed of immediate importance, take effect upon
23 enactment.

24 2. The remaining provisions of this Act, with the
25 exception of the provisions described in subsection 1,
26 shall not take effect unless the department of human
27 services receives approval of all waivers and medical
28 assistance state plan amendments required under this
29 Act. If all approvals are received, the remaining
30 provisions of this Act shall take effect July 1, 2005,
31 or on the date specified in the waiver or medical
32 assistance state plan amendment for a particular
33 provision. The department of human services shall
34 notify the Code editor of the date of receipt of the
35 approvals.

36 3. If this Act is enacted and if the Eighty-first
37 General Assembly enacts legislation appropriating
38 moneys from the general fund of the state to the
39 department of human services for the fiscal year
40 beginning July 1, 2005, and ending June 30, 2006, for
41 the state hospitals for persons with mental illness
42 designated pursuant to section 226.1, for salaries,
43 support, maintenance, and miscellaneous purposes and
44 for full-time equivalent positions, and if this Act is
45 enacted, the appropriations shall be reduced in the
46 following amounts and the amounts shall be transferred
47 to the medical assistance fund of the department of
48 human services to diminish the effect of
49 intergovernmental transfer reductions:

50 a. For the state mental health institute at

Page 33

1 Cherokee:
2 \$ 13,074,889

3 b. For the state mental health institute at
4 Clarinda:
5 \$ 7,439,591

- 6 c. For the state mental health institute at
- 7 Independence:
- 8 \$ 17,329,091
- 9 d. For the state mental health institute at Mount
- 10 Pleasant:
- 11 \$ 6,131,181

12 4. If this Act is enacted and if the Eighty-first
 13 General Assembly enacts legislation appropriating
 14 moneys from the general fund of the state to the state
 15 university of Iowa for the fiscal year beginning July
 16 1, 2005, and ending June 30, 2006, for the university
 17 hospitals for salaries, support, maintenance,
 18 equipment, and miscellaneous purposes and for medical
 19 and surgical treatment of indigent patients as
 20 provided in chapter 255, for medical education, and
 21 for full-time equivalent positions, and if this Act is
 22 enacted, the appropriation is reduced by \$27,284,584
 23 and the amount shall be transferred to the medical
 24 assistance fund of the department of human services to
 25 diminish the effect of intergovernmental transfer
 26 reductions.

27 5. If this Act is enacted, and if the Eighty-first
 28 General Assembly enacts 2005 Iowa Acts, House File
 29 816, and 2005 Iowa Acts, House File 816 includes a
 30 provision relating to medical assistance supplemental
 31 amounts for disproportionate share hospital and
 32 indirect medical education, the provision in House
 33 File 816 shall not take effect.

34 6. The department of human services may adopt
 35 emergency rules pursuant to chapter 17A to implement
 36 and administer the provisions of this Act.

37 7. The department of human services may procure
 38 sole source contracts to implement any provision of
 39 this Act.

40 8. The provisions of this Act amending 2003 Iowa
 41 Acts, chapter 112, section 11, and repealing section
 42 249A.20B, are retroactively applicable to May 2, 2003.

43 9. The section of this Act amending 2004 Iowa
 44 Acts, chapter 1175, section 86, is retroactively
 45 applicable to May 17, 2004.”

COMMITTEE ON WAYS AND MEANS

H-1380

1 Amend the amendment, H-1326, to House File 820 as
 2 follows:

- 3 1. Page 1, by striking lines 39 through 45, and
- 4 inserting the following: “The”.

H-1384

- 1 Amend the amendment, H-1368, to Senate File 350, as
- 2 passed by the Senate, as follows:
- 3 1. By striking page 3, line 4, through page 4,
- 4 line 13.
- 5 2. By renumbering as necessary.

MURPHY of Dubuque

H-1386

- 1 Amend House File 847 as follows:
- 2 1. Page 1, line 30, by inserting after the word
- 3 "removal," the following: "public hospitals
- 4 established under chapters 37, 347, and 347A,".
- 5 2. Page 2, line 28, by inserting after the word
- 6 "removal," the following: "public hospitals
- 7 established by a city,".

HOGG of Linn

H-1387

- 1 Amend House File 847 as follows:
- 2 1. Page 1, line 30, by inserting after the word
- 3 "removal," the following: "jails,".
- 4 2. Page 2, line 28, by inserting after the word
- 5 "removal," the following: "jails,".

HOGG of Linn

H-1389

- 1 Amend Senate File 272, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 18, by inserting after the word
- 4 "clinics," the following: "the Iowa/Nebraska primary
- 5 care association,".

TOMENGA of Polk

H-1391

- 1 Amend House File 849 as follows:
- 2 1. Page 1, by inserting after line 14 the
- 3 following:
- 4 "2. To the extent practicable, the request for
- 5 proposals shall include provisions for the following:
- 6 a. Daily rates with unlimited mileage within the

7 state of Iowa.

8 b. A fifty-nine-minute grace period before next-
9 day charges are imposed.

10 c. An hourly rate for late return of a vehicle.

11 d. Separate bids for daily fleet rental, monthly
12 fleet rental, and rental on a long-term basis.

13 e. The ability to generate management reports with
14 the following information, broken down by agency:

15 (1) Number of rentals per month.

16 (2) Average number of days per rental.

17 (3) Average number of miles per rental.

18 (4) Average rental charge per rental day.

19 f. Daily business hours beginning no later than
20 seven a.m. and ending no earlier than five-thirty
21 p.m., Monday through Friday, with Saturday pick-up
22 ability and the ability to accommodate after-hours
23 returns.

24 g. A roadside assistance program.

25 h. Provision of vehicles no more than two model
26 years old.”

27 2. Page 1, line 15, by inserting before the word
28 “Options” the following: “3.”

29 3. Page 1, by inserting after line 24 the
30 following:

31 “4. If the department chooses to submit a
32 proposal, that proposal shall be based on the complete
33 cost of providing the services set out in the request
34 for proposals. Costs shall be detailed on a line-item
35 basis and shall include:

36 a. All depreciation costs, including depreciation
37 costs for vehicles, office equipment, and furniture.

38 b. Interest.

39 c. Collision and comprehensive reserves.

40 d. Liability insurance or reserves.

41 e. Maintenance accrual and expense.

42 f. Rent for all required space, including office
43 space and parking for vehicles.

44 g. Costs of any data system used.

45 h. Costs of all office supplies and equipment.

46 i. Costs of vehicle detailing and washing.

47 j. All personnel costs, including the salaries and
48 the full value of any benefit package for personnel,

49 including all levels of supervision, management, and
50 labor, with all costs prorated based on the percentage

Page 2

1 of time spent on motor pool activities.

2 k. Projection for increased depreciation based on
3 replacement of older or wrecked vehicles.

4 l. The value of all tax and license expenses
5 avoided by the state.”

- 6 4. Page 1, line 25, by striking the figure "2."
 7 and inserting the following: "5."
 8 5. Page 1, line 28, by striking the word and
 9 figure "subsection 1" and inserting the following:
 10 "this section".
 11 6. Page 2, line 5, by striking the figure "3."
 12 and inserting the following: "6."
 13 7. By renumbering as necessary.

RAECKER of Polk

H-1392

- 1 Amend House File 829 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. NEW SECTION. 7E.5B DEPARTMENT AND
 5 INDEPENDENT AGENCY SERVICE RELOCATIONS.
 6 Prior to the relocation of an office that has the
 7 primary responsibility of providing service or
 8 assistance to the public or some segment of the
 9 public, a department or independent agency shall
 10 notify the city or county in which that office is
 11 located of its intentions to relocate the office and
 12 shall issue a request for proposals in order to select
 13 the relocation site. The department or independent
 14 agency shall consider only those sites proposed
 15 through the request for proposals process. If the
 16 proposals are rejected by the department or
 17 independent agency, a new request for proposals shall
 18 be issued. The term "service" or "assistance"
 19 includes, but is not limited to, driver's licenses,
 20 unemployment benefits, Medicaid, and other benefits."
 21 2. Title page, line 1, by inserting after the
 22 word "bidding" the following: "and other procurement
 23 and relocation".
 24 3. Title page, line 2, by striking the word
 25 "purchases" and inserting the following: "agencies".
 26 4. By renumbering as necessary.

PETERSEN of Polk

H-1394

- 1 Amend House File 846 as follows:
 2 1. Page 1, line 18, by inserting after the word
 3 "grant." The following: "However, reports on gifts,
 4 grants, or bequests filed by the state board of

5 regents pursuant to section 8.44 shall be deemed
6 sufficient to comply with the requirements of this
7 section.”

RAECKER of Polk

H-1395

1 Amend House File 847 as follows:
2 1. Page 1, line 27, by striking the words
3 “garbage disposal,” and inserting the following:
4 “garbage disposal including recycling programs and
5 services.”
6 2. Page 2, line 25, by striking the words
7 “garbage disposal,” and inserting the following:
8 “garbage disposal including recycling programs and
9 services.”

MASCHER of Johnson

H-1405

1 Amend House File 847 as follows:
2 1. Page 1, line 30, by inserting after the word
3 “removal,” the following: “job creation and economic
4 development.”
5 2. Page 2, line 28, by inserting after the word
6 “removal,” the following: “job creation and economic
7 development.”

KUHN of Floyd

H-1406

1 Amend House File 847 as follows:
2 1. Page 1, line 30, by inserting after the word
3 “removal,” the following: “election services.”

GASKILL of Wapello

H-1407

1 Amend House File 847 as follows:
2 1. Page 1, line 30, by inserting after the word
3 “removal,” the following: “childhood lead poisoning
4 programs.”
5 2. Page 2, line 28, by inserting after the word
6 “removal,” the following: “childhood lead poisoning
7 programs.”

FORD of Polk

H-1408

1 Amend House File 847 as follows:

- 2 1. Page 1, line 30, by inserting after the word
 3 "removal," the following: "veterans services,".
 4 2. Page 2, line 28, by inserting after the word
 5 "removal," the following: "veterans services,".

SMITH of Marshall

H-1409

1 Amend House File 829 as follows:

- 2 1. Page 3, line 23, by inserting after the word
 3 "department" the following: ", including the
 4 relocation of any office of the department that has
 5 the primary responsibility of providing service or
 6 assistance to the public or some segment of the
 7 public".
 8 2. Page 3, line 24, by striking the word
 9 "purchased" and inserting the following:
 10 "accomplished".
 11 33. Page 4, by inserting after line 17 the
 12 following:
 13 "Sec. ____ Section 307.21, subsection 4, Code
 14 2005, is amended by adding the following new paragraph
 15 after paragraph b:
 16 **NEW PARAGRAPH.** Bb. Prior to the relocation of any
 17 office of the department that has the primary
 18 responsibility of providing service or assistance to
 19 the public or some segment of the public, the
 20 department shall notify the city or county, in which
 21 that office is located, of its intentions to relocate
 22 the office and shall issue a request for proposals in
 23 order to select the relocation site. The department
 24 shall consider only those sites proposed through the
 25 request for proposals process. If the proposals are
 26 rejected by the department, a new request for
 27 proposals shall be issued."
 28 4. By renumbering as necessary.

PETERSEN of Polk

H-1410

1 Amend House File 848 as follows:

- 2 1. By striking page 2, line 5, through page 5,
 3 line 10, and inserting the following:
 4 "Sec. ____ Section 260C.17, Code 2005, is amended
 5 by striking the section and inserting in lieu thereof
 6 the following:

7 260C.17 PREPARATION AND APPROVAL OF BUDGET –
8 OPERATIONS LEVY.

9 1. BUDGET APPROVAL. The board of directors of
10 each merged area shall prepare an annual budget
11 designating the proposed expenditures for operation of
12 the community college. The board shall further
13 designate the amounts which are to be raised by local
14 taxation and the amounts which are to be raised by
15 other sources of revenue for the operation. The
16 budget of each merged area shall be submitted to the
17 state board no later than May 1 preceding the next
18 fiscal year for approval. The state board shall
19 review the proposed budget and shall, prior to June 1,
20 either grant its approval or return the budget without
21 approval with the comments of the state board attached
22 to it. Any unapproved budget shall be resubmitted to
23 the state board for final approval.

24 2. BASE LEVEL. Upon approval of the budget by the
25 state board, the board of directors shall certify the
26 amount to the respective county auditors and the
27 boards of supervisors annually shall levy a tax of
28 twenty and one-fourth cents per thousand dollars of
29 assessed value on taxable property in a merged area
30 for the operation of a community college.

31 3. OPTIONAL SUPPLEMENTAL AMOUNT. In addition to
32 the amount of the operations levy under subsection 2,
33 the board of directors of each community college may
34 certify an additional amount for levy by March 15 to
35 the respective county auditors for collection in the
36 subsequent fiscal year, and the boards of supervisors
37 shall levy a tax on all taxable property in the merged
38 area for deposit in the local workforce and economic
39 development fund created in section 260C.18C. The sum
40 of the moneys collected by a community college under
41 this subsection shall not exceed the sum of sixteen
42 percent of the following for the fiscal year beginning
43 July 1, 2006, thirty-two percent of the following for
44 the fiscal year beginning July 1, 2007, forty-eight
45 percent of the following for the fiscal year beginning
46 July 1, 2008, sixty-four percent of the following for
47 the fiscal year beginning July 1, 2009, and eighty
48 percent of the following for fiscal years beginning on
49 or after July 1, 2010:

50 a. The community college's budgeted employer

Page 2

1 contributions under the Federal Insurance
2 Contributions Act, as defined in section 97C.2, for
3 the fiscal year of collection.

4 b. The community college's budgeted employer
5 contributions to the community college's employees'

6 retirement systems for the fiscal year of collection.

7 c. The community college's budgeted utility costs
8 for the fiscal year of collection. As used in this
9 paragraph, "utility costs" includes the cost of
10 electricity, water, waste collection, fuel oil and gas
11 for heating, heat, and air conditioning expenditures.
12 "Utility costs" does not include telephone service, or
13 gas used in laboratories and shops for community
14 college purposes.

15 d. The moneys the community college would receive
16 from the collection of a property tax of ten cents per
17 thousand dollars of assessed valuation for the fiscal
18 year of collection.

19 For fiscal years beginning on or after July 1,
20 2011, the rate of the levy certified under this
21 subsection shall not exceed the community college's
22 supplemental operations levy cap. For purposes of
23 this paragraph, "community college's supplemental
24 operations levy cap" means the maximum levy expressed
25 in cents per thousand dollars of assessed valuation
26 which could have been collected by the community
27 college under this subsection for the fiscal year
28 beginning July 1, 2010.

29 Moneys collected under this subsection shall be
30 deposited in the community college's local workforce
31 and economic development fund.

32 4. TAXES COLLECTED. Taxes collected pursuant to
33 the levy shall be paid by the respective county
34 treasurers to the treasurer of the merged area as
35 provided in section 331.552, subsection 29.

36 Sec. __. **NEW SECTION. 260C.18C LOCAL WORKFORCE**
37 **AND ECONOMIC DEVELOPMENT FUND.**

38 1. **LOCAL WORKFORCE AND ECONOMIC DEVELOPMENT FUND.**

39 A local workforce and economic development fund is
40 created at each community college. Moneys shall be
41 deposited and expended from the fund as provided in
42 this section.

43 2. **ALLOWABLE USE.** Moneys deposited in the fund
44 are at the disposal of the community college to be
45 spent only on the following, provided that no more
46 than fifteen percent of the moneys deposited may be
47 used as provided under paragraph "F" and provided that
48 seventy percent of the moneys used as provided in
49 paragraphs "a" through "e" shall be used on projects
50 in the areas of advanced manufacturing, information

Page 3

1 technology and insurance, and life sciences which
2 include the areas of biotechnology, health care
3 technology, and nursing care technology:

4 a. Projects for which an agreement with the

5 community college and an employer within the community
6 college's merged area meet all of the requirements of
7 the accelerated career education program under chapter
8 260G.

9 b. Projects for which an agreement with the
10 community college and a business meet all the
11 requirements of the Iowa jobs training Act under
12 chapter 260F. However, such projects are not subject
13 to the maximum advance or award limitations contained
14 in section 260F.6, subsection 2, or the allocation
15 limitations contained in section 260F.8, subsection 1.

16 c. For the development and implementation of
17 career academies that are designed to provide new
18 career preparation opportunities for high school
19 students and that are formally linked with
20 postsecondary career and technical education programs.
21 For purposes of this section, "career academy" means a
22 program of study that combines a minimum of two years
23 of secondary education with an associate degree, or
24 the equivalent, career preparatory program in a
25 nonduplicative, sequential course of study that is
26 standards-based, integrates academic and technical
27 instruction, utilizes work-based and worksite learning
28 where appropriate and available, utilizes an
29 individual career planning process with parent
30 involvement, and leads to an associate degree or
31 postsecondary diploma or certificate in a career field
32 that prepares an individual for entry and advancement
33 in a high-skill and rewarding career field and further
34 education. The department of economic development, in
35 conjunction with the state board of education and the
36 division of community colleges and workforce
37 preparation of the department of education, shall
38 adopt administrative rules for the development and
39 implementation of such career academies pursuant to
40 section 256.11, subsection 5, paragraph "h", section
41 260C.1, and Title II of Pub. L. No. 105-332, the Carl
42 D. Perkins Vocational and Technical Education Act of
43 1998.

44 d. Programs and courses that provide vocational
45 and technical training and programs for in-service
46 training and retraining of workers under section
47 260C.1, subsections 2 and 3.

48 e. Job retention projects under section 260F.9.

49 f. Student support services, including but not
50 limited to:

Page 4

1 (1) Student counseling, including personal
2 counseling, academic counseling, behavioral
3 counseling, and career counseling.

- 4 (2) Support groups for high-need students.
 5 (3) Student mentoring.
 6 (4) Orientation to college classes taught in high
 7 school which include career planning.
 8 (5) Back-to-college training for nontraditional
 9 students.
 10 (6) Utilization of software for assessing the
 11 students' work interests, listing current job
 12 openings, and projecting future job openings in the
 13 state of Iowa to assist students in planning their
 14 careers.

15 Sec. __. Section 260G.3, subsection 2, paragraph
 16 e, Code 2005, is amended to read as follows:

17 e. Moneys from a workforce training and economic
 18 development fund created in section 260C.18A or
 19 260C.18C, based on the number of program job positions
 20 agreed to by the employer to be available under the
 21 agreement, the amount of which shall be calculated in
 22 the same manner as the program job credits provided
 23 for in section 260G.4A."

24 2. Page 5, by inserting before line 11 the
 25 following:

26 "Sec. __. Section 421.1, Code 2005, is amended by
 27 adding the following new subsection:

28 NEW SUBSECTION. 4A. Upon the appeal of a county
 29 or city, review the decision of the director of
 30 revenue regarding the withholding of a reimbursement
 31 payment authorized in section 425.1 to the county or
 32 city. The board may reverse or affirm the decision of
 33 the director.

34 Sec. __. NEW SECTION. 421.1A PROPERTY
 35 ASSESSMENT APPEAL BOARD.

36 1. A statewide property assessment appeal board is
 37 created for the purpose of establishing a consistent,
 38 fair, and equitable property assessment appeal
 39 process. The statewide property assessment appeal
 40 board is established within the department of revenue
 41 for administrative and budgetary purposes. The
 42 board's principal office shall be in the office of the
 43 department of revenue in the capital of the state.

44 2. a. The property assessment appeal board shall
 45 consist of three members appointed to staggered six-
 46 year terms, beginning and ending as provided in
 47 section 69.19, by the governor and subject to
 48 confirmation by the senate. Subject to confirmation
 49 by the senate, the governor shall appoint from the
 50 members a chairperson of the board to a two-year term.

Page 5

- 1 Vacancies on the board shall be filled for the
 2 unexpired portion of the term in the same manner as

3 regular appointments are made. The term of office for
4 the initial board shall begin January 1, 2007.

5 b. Each member of the property assessment appeal
6 board shall be qualified by virtue of at least two
7 years' experience in the area of government,
8 corporate, or private practice relating to property
9 appraisal and property tax administration. One member
10 of the board shall be a certified real estate
11 appraiser or hold a professional appraisal
12 designation, one member shall be an attorney
13 practicing in the area of state and local taxation or
14 property tax appraisals, and one member shall be a
15 professional with experience in the field of
16 accounting or finance and with experience in state and
17 local taxation matters. No more than two members of
18 the board may be from the same political party as that
19 term is defined in section 43.2.

20 c. The property assessment appeal board shall
21 organize by appointing an executive secretary who
22 shall take the same oath of office as the members of
23 the board. The board shall set the salary of the
24 executive secretary within the limits of the pay plan
25 for exempt positions provided for in section 8A.413,
26 subsection 2. The board may employ additional
27 personnel as it finds necessary.

28 3. At the election of a property owner or
29 aggrieved taxpayer or an appellant described in
30 section 441.42, the property assessment appeal board
31 shall review any final decision, finding, ruling,
32 determination, or order of a local board of review
33 relating to protests of an assessment, valuation, or
34 application of an equalization order.

35 4. The property assessment appeal board may do all
36 of the following:

37 a. Affirm, reverse, or modify a final decision,
38 finding, ruling, determination, or order of a local
39 board of review.

40 b. Order the payment or refund of property taxes
41 in a matter over which the board has jurisdiction.

42 c. Grant other relief or issue writs, orders, or
43 directives that the board deems necessary or
44 appropriate in the process of disposing of a matter
45 over which the board has jurisdiction.

46 d. Subpoena documents and witnesses and administer
47 oaths.

48 e. Adopt administrative rules pursuant to chapter
49 17A for the administration and implementation of its
50 powers, including rules for practice and procedure for

2 hearings on appeals of assessments shall be conducted,
3 filing fees to be imposed by the board, and for the
4 determination of the correct assessment of property
5 which is the subject of an appeal.

6 f. Adopt administrative rules pursuant to chapter
7 17A necessary for the preservation of order and the
8 regulation of proceedings before the board, including
9 forms or notice and the service thereof, which rules
10 shall conform as nearly as possible to those in use in
11 the courts of this state.

12 5. The property assessment appeal board shall
13 employ a competent attorney to serve as its general
14 counsel, and assistants to the general counsel as it
15 finds necessary for the full and efficient discharge
16 of its duties, notwithstanding section 13.7. The
17 general counsel is the attorney for, and legal advisor
18 of, the board. The general counsel or an assistant to
19 the general counsel shall provide the necessary legal
20 advice to the board in all matters and shall represent
21 the board in all actions instituted in a court
22 challenging the validity of a rule or order of the
23 board. The general counsel shall devote full-time to
24 the duties of the office. During employment as
25 general counsel to the board, the counsel shall not be
26 a member of a political committee, contribute to a
27 political campaign, participate in a political
28 campaign, or be a candidate for partisan political
29 office.

30 6. The members of the property assessment appeal
31 board shall receive a salary commensurate with the
32 salary of a district judge. The members of the board,
33 any administrative law judges, and any employees of
34 the board, when required to travel in the discharge of
35 official duties, shall be paid their actual and
36 necessary expenses incurred in the performance of
37 duties.

38 Sec. ___. Section 428.4, unnumbered paragraph 1,
39 Code 2005, is amended to read as follows:

40 Property shall be assessed for taxation each year.
41 Real estate shall be listed and assessed in 1981 and
42 every two years thereafter. The assessment of real
43 estate shall be the value of the real estate as of
44 January 1 of the year of the assessment. The year
45 1981 and each odd-numbered year thereafter shall be a
46 reassessment year. In any year, after the year in
47 which an assessment has been made of all the real
48 estate in an assessing jurisdiction, the assessor
49 shall value and assess or revalue and reassess, as the
50 case may require, any real estate that the assessor

Page 7

1 finds was incorrectly valued or assessed, or was not
2 listed, valued, and assessed, in the assessment year
3 immediately preceding, also any real estate the
4 assessor finds has changed in value subsequent to
5 January 1 of the preceding real estate assessment
6 year. However, a percentage increase on a class of
7 property shall not be made in a year not subject to an
8 equalization order unless ordered by the department of
9 revenue. The assessor shall determine the actual
10 value and compute the taxable value thereof as of
11 January 1 of the year of the revaluation and
12 reassessment. The assessment shall be completed as
13 specified in section 441.28, but no reduction or
14 increase in actual value shall be made for prior
15 years. If an assessor makes a change in the valuation
16 of the real estate as provided for, sections 441.23,
17 441.37, 441.37A, 441.38 and 441.39 apply.

18 Sec. __. Section 441.19, subsection 4, Code 2005,
19 is amended to read as follows:

20 4. The supplemental returns ~~herein~~ provided for in
21 this section shall be preserved in the same manner as
22 assessment rolls, but shall be confidential to the
23 assessor, board of review, property assessment appeal
24 board, or director of revenue, and shall not be open
25 to public inspection, but any final assessment roll as
26 made out by the assessor shall be a public record,
27 provided that such supplemental return shall be
28 available to counsel of either the person making the
29 return or of the public, in case any appeal is taken
30 to the board of review, to the property assessment
31 appeal board, or to the court.

32 Sec. __. Section 441.21, subsection 1, Code 2005,
33 is amended by adding the following new paragraphs:
34 NEW PARAGRAPH. h. The assessor shall determine
35 the value of real property in accordance with rules
36 adopted by the department of revenue and in accordance
37 with forms and guidelines contained in the real
38 property appraisal manual prepared by the department
39 as updated from time to time. Such rules, forms, and
40 guidelines shall not be inconsistent with or change
41 the means, as provided in this section, of determining
42 the actual, market, taxable, and assessed values. If
43 the director of revenue determines that an assessor
44 has willfully disregarded the rules of the department
45 relating to valuation of property or has willfully
46 disregarded the forms and guidelines contained in the
47 real property appraisal manual, the department shall
48 take steps to withhold the reimbursement payment
49 authorized in section 425.1 to the county or city, as
50 applicable, until the director of revenue determines

Page 8

1 that the assessor is in compliance. A county or city
2 for which such funds have been withheld may appeal the
3 action of the department to the state board of tax
4 review. The department shall adopt rules relating to
5 application of this paragraph.

6 NEW PARAGRAPH. i. If the assessor wishes to use
7 any manuals, guidelines, or forms other than those
8 prescribed by the department of revenue, the assessor
9 shall first receive permission from the director of
10 revenue.

11 Sec. __. Section 441.21, subsection 2, Code 2005,
12 is amended to read as follows:

13 2. In the event market value of the property being
14 assessed cannot be readily established in the
15 foregoing manner, then the assessor may determine the
16 value of the property using the other uniform and
17 recognized appraisal methods including its productive
18 and earning capacity, if any, industrial conditions,
19 its cost, physical and functional depreciation and
20 obsolescence and replacement cost, and all other
21 factors which would assist in determining the fair and
22 reasonable market value of the property but the actual
23 value shall not be determined by use of only one such
24 factor. The following shall not be taken into
25 consideration: Special value or use value of the
26 property to its present owner, and the good will or
27 value of a business which uses the property as
28 distinguished from the value of the property as
29 property. However, in assessing property that is
30 rented or leased to low-income individuals and
31 families as authorized by section 42 of the Internal
32 Revenue Code, as amended, and which section limits the
33 amount that the individual or family pays for the
34 rental or lease of units in the property, the assessor
35 shall use the productive and earning capacity from the
36 actual rents received as a method of appraisal and
37 shall take into account the extent to which that use
38 and limitation reduces the market value of the
39 property. The assessor shall not consider any tax
40 credit equity or other subsidized financing as income
41 provided to the property in determining the assessed
42 value. The property owner shall notify the assessor
43 when property is withdrawn from section 42 eligibility
44 under the Internal Revenue Code. The property shall
45 not be subject to section 42 assessment procedures for
46 the assessment year for which section 42 eligibility
47 is withdrawn. This notification must be provided to
48 the assessor no later than March 1 of the assessment
49 year or the owner will be subject to a penalty of five
50 hundred dollars for that assessment year. The penalty

Page 9

1 shall be collected at the same time and in the same
2 manner as regular property taxes. Upon adoption of
3 uniform rules by the ~~revenue~~ department of revenue or
4 succeeding authority covering assessments and
5 valuations of such properties, ~~said the~~ valuation on
6 such properties shall be determined in accordance
7 therewith with such rules and in accordance with forms'
8 and guidelines contained in the real property
9 appraisal manual prepared by the department as updated
10 from time to time for assessment purposes to assure
11 uniformity, but such rules, forms, and guidelines
12 shall not be inconsistent with or change the foregoing
13 means of determining the actual, market, taxable and
14 assessed values.

15 Sec. . Section 441.21, subsections 4 and 5,
16 Code 2005, are amended to read as follows:

17 4. For valuations established as of January 1,
18 1979, the percentage of actual value at which
19 agricultural and residential property shall be
20 assessed shall be the quotient of the dividend and
21 divisor as defined in this section. The dividend for
22 each class of property shall be the dividend as
23 determined for each class of property for valuations
24 established as of January 1, 1978, adjusted by the
25 product obtained by multiplying the percentage
26 determined for that year by the amount of any
27 additions or deletions to actual value, excluding
28 those resulting from the revaluation of existing
29 properties, as reported by the assessors on the
30 abstracts of assessment for 1978, plus six percent of
31 the amount so determined. ~~However, if the difference~~
32 ~~between the dividend so determined for either class of~~
33 ~~property and the dividend for that class of property~~
34 ~~for valuations established as of January 1, 1978,~~
35 ~~adjusted by the product obtained by multiplying the~~
36 ~~percentage determined for that year by the amount of~~
37 ~~any additions or deletions to actual value, excluding~~
38 ~~those resulting from the revaluation of existing~~
39 ~~properties, as reported by the assessors on the~~
40 ~~abstracts of assessment for 1978, is less than six~~
41 ~~percent, the 1979 dividend for the other class of~~
42 ~~property shall be the dividend as determined for that~~
43 ~~class of property for valuations established as of~~
44 ~~January 1, 1978, adjusted by the product obtained by~~
45 ~~multiplying the percentage determined for that year by~~
46 ~~the amount of any additions or deletions to actual~~
47 ~~value, excluding those resulting from the revaluation~~
48 ~~of existing properties, as reported by the assessors~~
49 ~~on the abstracts of assessment for 1978, plus a~~
50 ~~percentage of the amount so determined which is equal~~

Page 10

1 to the percentage by which the dividend as determined
2 for the other class of property for valuations
3 established as of January 1, 1978, adjusted by the
4 product obtained by multiplying the percentage
5 determined for that year by the amount of any
6 additions or deletions to actual value, excluding
7 those resulting from the revaluation of existing
8 properties, as reported by the assessors on the
9 abstracts of assessment for 1978, is increased in
10 arriving at the 1979 dividend for the other class of
11 property. The divisor for each class of property
12 shall be the total actual value of all such property
13 in the state in the preceding year, as reported by the
14 assessors on the abstracts of assessment submitted for
15 1978, plus the amount of value added to said total
16 actual value by the revaluation of existing properties
17 in 1979 as equalized by the director of revenue
18 pursuant to section 441.49. The director shall
19 utilize information reported on abstracts of
20 assessment submitted pursuant to section 441.45 in
21 determining such percentage. For valuations
22 established as of January 1, 1980, and each year
23 thereafter, the percentage of actual value as
24 equalized by the director of revenue as provided in
25 section 441.49 at which agricultural and residential
26 property shall be assessed shall be calculated in
27 accordance with the methods provided herein including
28 ~~the limitation of increases in agricultural and~~
29 ~~residential assessed values to the percentage increase~~
30 ~~of the other class of property if the other class~~
31 ~~increases less than the allowable limit adjusted to~~
32 ~~include the applicable and current values as equalized~~
33 ~~by the director of revenue in this subsection, except~~
34 that any references to six percent in this subsection
35 shall be four percent. For valuations established as
36 of January 1, 2005, and each year thereafter, the
37 percentage of actual value as equalized by the
38 director of revenue as provided in section 441.49 at
39 which agricultural and residential property shall be
40 assessed shall be calculated in accordance with the
41 methods provided in this subsection and subsection 5A,
42 except that any references to six percent in this
43 subsection shall be four percent.
44 5. For valuations established as of January 1,
45 1979, commercial property and industrial property,
46 excluding properties referred to in section 427A.1,
47 subsection 7, shall be assessed as a percentage of the
48 actual value of each class of property. The
49 percentage shall be determined for each class of
50 property by the director of revenue for the state in

Page 11

1 accordance with the provisions of this section. For
2 valuations established as of January 1, 1979, the
3 percentage shall be the quotient of the dividend and
4 divisor as defined in this section. The dividend for
5 each class of property shall be the total actual
6 valuation for each class of property established for
7 1978, plus six percent of the amount so determined.
8 The divisor for each class of property shall be the
9 valuation for each class of property established for
10 1978, as reported by the assessors on the abstracts of
11 assessment for 1978, plus the amount of value added to
12 the total actual value by the revaluation of existing
13 properties in 1979 as equalized by the director of
14 revenue pursuant to section 441.49. For valuations
15 established as of January 1, 1979, property valued by
16 the department of revenue pursuant to chapters 428,
17 433, 437, and 438 shall be considered as one class of
18 property and shall be assessed as a percentage of its
19 actual value. The percentage shall be determined by
20 the director of revenue in accordance with the
21 provisions of this section. For valuations
22 established as of January 1, 1979, the percentage
23 shall be the quotient of the dividend and divisor as
24 defined in this section. The dividend shall be the
25 total actual valuation established for 1978 by the
26 department of revenue, plus ten percent of the amount
27 so determined. The divisor for property valued by the
28 department of revenue pursuant to chapters 428, 433,
29 437, and 438 shall be the valuation established for
30 1978, plus the amount of value added to the total
31 actual value by the revaluation of the property by the
32 department of revenue as of January 1, 1979. For
33 valuations established as of January 1, 1980,
34 commercial property and industrial property, excluding
35 properties referred to in section 427A.1, subsection
36 7, shall be assessed at a percentage of the actual
37 value of each class of property. The percentage shall
38 be determined for each class of property by the
39 director of revenue for the state in accordance with
40 the provisions of this section. For valuations
41 established as of January 1, 1980, the percentage
42 shall be the quotient of the dividend and divisor as
43 defined in this section. The dividend for each class
44 of property shall be the dividend as determined for
45 each class of property for valuations established as
46 of January 1, 1979, adjusted by the product obtained
47 by multiplying the percentage determined for that year
48 by the amount of any additions or deletions to actual
49 value, excluding those resulting from the revaluation
50 of existing properties, as reported by the assessors

Page 12

1 on the abstracts of assessment for 1979, plus four
2 percent of the amount so determined. The divisor for
3 each class of property shall be the total actual value
4 of all such property in 1979, as equalized by the
5 director of revenue pursuant to section 441.49, plus
6 the amount of value added to the total actual value by
7 the revaluation of existing properties in 1980. The
8 director shall utilize information reported on the
9 abstracts of assessment submitted pursuant to section
10 441.45 in determining such percentage. For valuations
11 established as of January 1, 1980, property valued by
12 the department of revenue pursuant to chapters 428,
13 433, 437, and 438 shall be assessed at a percentage of
14 its actual value. The percentage shall be determined
15 by the director of revenue in accordance with the
16 provisions of this section. For valuations
17 established as of January 1, 1980, the percentage
18 shall be the quotient of the dividend and divisor as
19 defined in this section. The dividend shall be the
20 total actual valuation established for 1979 by the
21 department of revenue, plus eight percent of the
22 amount so determined. The divisor for property valued
23 by the department of revenue pursuant to chapters 428,
24 433, 437, and 438 shall be the valuation established
25 for 1979, plus the amount of value added to the total
26 actual value by the revaluation of the property by the
27 department of revenue as of January 1, 1980. For
28 valuations established as of January 1, 1981, and each
29 year thereafter, the percentage of actual value as
30 equalized by the director of revenue as provided in
31 section 441.49 at which commercial property and
32 industrial property, excluding properties referred to
33 in section 427A.1, subsection 7, shall be assessed
34 shall be calculated in accordance with the methods
35 provided herein in this subsection, except that any
36 references to six percent in this subsection shall be
37 four percent. For valuations established as of
38 January 1, 1981, and each year thereafter, the
39 percentage of actual value at which property valued by
40 the department of revenue pursuant to chapters 428,
41 433, 437, and 438 shall be assessed shall be
42 calculated in accordance with the methods provided
43 herein, except that any references to ten percent in
44 this subsection shall be eight percent. Beginning
45 with valuations established as of January 1, 1979, and
46 each year thereafter, property valued by the
47 department of revenue pursuant to chapter 434 shall
48 also be assessed at a percentage of its actual value
49 which percentage shall be equal to the percentage
50 determined by the director of revenue for commercial

1 property, industrial property, or property valued by
 2 the department of revenue pursuant to chapters 428,
 3 433, 437, and 438, whichever is lowest. For
 4 valuations established as of January 1, 2005, and each
 5 year thereafter, the percentage of actual value as
 6 equalized by the director of revenue as provided in
 7 section 441.49 at which commercial and industrial
 8 property shall be assessed shall be calculated in
 9 accordance with the methods provided in this
 10 subsection and subsection 5A, except that any
 11 references to six percent in this subsection shall be
 12 four percent.

13 Sec. __. Section 441.21, Code 2005, is amended by
 14 adding the following new subsection:

15 NEW SUBSECTION. 5A. Notwithstanding the
 16 limitation of increases in subsection 4 and the
 17 limitation of increases for commercial and industrial
 18 property in subsection 5, for valuations established
 19 as of January 1, 2005, and each year thereafter, for
 20 residential, agricultural, commercial, and industrial
 21 property, the assessed values of these four classes of
 22 property shall be limited to the percentage increase
 23 of that class of property that is the lowest
 24 percentage increase under the allowable limit adjusted
 25 to include the applicable and current values as
 26 equalized by the director of revenue.

27 Sec. __. Section 441.28, Code 2005, is amended to
 28 read as follows:

29 **441.28 ASSESSMENT ROLLS – CHANGE – NOTICE TO**
 30 **TAXPAYER.**

31 The assessment shall be completed not later than
 32 April 15 each year. If the assessor makes any change
 33 in an assessment after it has been entered on the
 34 assessor's rolls, the assessor shall note on ~~said~~ the
 35 roll, together with the original assessment, the new
 36 assessment and the reason for the change, together
 37 with the assessor's signature and the date of the
 38 change. Provided, however, in the event the assessor
 39 increases any assessment the assessor shall give
 40 notice of the increase in writing ~~thereof~~ to the
 41 taxpayer by mail ~~prior to the meeting of the board of~~
 42 review postmarked no later than April 15. No changes
 43 shall be made on the assessment rolls after April 15
 44 except by order of the board of review or of the
 45 property assessment appeal board, or by decree of
 46 court.

47 Sec. __. Section 441.35, unnumbered paragraph 2,
 48 Code 2005, is amended to read as follows:

49 In any year after the year in which an assessment
 50 has been made of all of the real estate in any taxing

Page 14

1 district, ~~it shall be the duty of~~ the board of review
 2 ~~to shall~~ meet as provided in section 441.33, and wher
 3 ~~it the board~~ finds the same has changed in value, ~~t~~
 4 the board shall revalue and reassess any part or all
 5 of the real estate contained in such taxing district,
 6 and in such case, ~~it the board~~ shall determine the
 7 actual value as of January 1 of the year of the
 8 revaluation and reassessment and compute the taxable
 9 value thereof, ~~and any.~~ Any aggrieved taxpayer may
 10 petition for a revaluation of the taxpayer's property,
 11 but no reduction or increase shall be made for prior
 12 years. If the assessment of any such property is
 13 raised, or any property is added to the tax list by
 14 the board, the clerk shall give notice in the manner
 15 provided in section 441.36, ~~provided, however, that,~~
 16 However, if the assessment of all property in any
 17 taxing district is raised, the board may instruct the
 18 clerk to give immediate notice by one publication in
 19 one of the official newspapers located in the taxing
 20 district, and such published notice shall take the
 21 place of the mailed notice provided for in section
 22 441.36, but all other provisions of ~~said that~~ section
 23 shall apply. The decision of the board as to the
 24 foregoing matters shall be subject to appeal to the
 25 property assessment appeal board within the same time
 26 and in the same manner as provided in section 441.37A
 27 and to the district court within the same time and in
 28 the same manner as provided in section 441.38.
 29 Sec. . . . NEW SECTION. 441.37A APPEAL OF PROTEST
 30 TO PROPERTY ASSESSMENT APPEAL BOARD.
 31 1. For the assessment year beginning January 1,
 32 2007, and all subsequent assessment years, appeals may
 33 be taken from the action of the board of review with
 34 reference to protests of assessment, valuation, or
 35 application of an equalization order to the property
 36 assessment appeal board created in section 421.1A.
 37 However, a property owner or aggrieved taxpayer or an
 38 appellant described in section 441.42 may bypass the
 39 property assessment appeal board and appeal the
 40 decision of the local board of review to the district
 41 court pursuant to section 441.38. For an appeal to
 42 the property assessment appeal board to be valid,
 43 written notice must be filed by the party appealing
 44 the decision with the executive secretary of the
 45 property assessment appeal board within twenty days
 46 after the date the board of review's letter of
 47 disposition of the appeal is postmarked to the party
 48 making the protest. The written notice of appeal
 49 shall include a petition setting forth the basis of
 50 the appeal and the relief sought. No new grounds in

Page 15

1 addition to those set out in the protest to the local
2 board of review as provided in section 441.37 can be
3 pleaded, but additional evidence to sustain those
4 grounds may be introduced. The assessor shall have
5 the same right to appeal to the assessment appeal
6 board as an individual taxpayer, public body, or other
7 public officer as provided in section 441.42.

8 Filing of the written notice of appeal and petition
9 with the executive secretary of the property
10 assessment appeal board shall preserve all rights of
11 appeal of the appellant, except as otherwise provided
12 in subsection 2. A copy of the appellant's written
13 notice of appeal and petition shall be mailed by the
14 executive secretary of the property assessment appeal
15 board to the local board of review whose decision is
16 being appealed. In all cases where a change in
17 assessed valuation of one hundred thousand dollars or
18 more is petitioned for, the local board of review
19 shall mail a copy of the written notice of appeal and
20 petition to all affected taxing districts as shown on
21 the last available tax list.

22 2. A party to the appeal may request a hearing or
23 the appeal may proceed without a hearing. If a
24 hearing is requested, the appellant and the local
25 board of review from which the appeal is taken shall
26 be given at least thirty days' written notice by the
27 property assessment appeal board of the date the
28 appeal shall be heard and the local board of review
29 may be present and participate at such hearing.
30 Notice to all affected taxing districts shall be
31 deemed to have been given when written notice is
32 provided to the local board of review. Failure by the
33 appellant to appear at the property assessment appeal
34 board hearing shall be grounds for dismissal of the
35 appeal unless a continuance is granted to the
36 appellant. If an appeal is dismissed for failure to
37 appear, the property assessment appeal board shall
38 have no jurisdiction to consider any subsequent appeal
39 on the appellant's protest.

40 An appeal may be considered by less than a majority
41 of the members of the board, and the chairperson of
42 the board may assign members to consider appeals.
43 Appeals to the property assessment appeal board may
44 also be considered by an administrative law judge
45 assigned by the division of administrative hearings of
46 the department of inspections and appeals in
47 accordance with section 10A.801. If a hearing is
48 requested, it shall be open to the public and shall be
49 conducted in accordance with the rules of practice and
50 procedure adopted by the board. However, any

Page 16

1 deliberation of the officer considering the appeal in
2 reaching a decision on any appeal shall be
3 confidential. The property assessment appeal board,
4 or any member of the board, or an administrative law
5 judge may require the production of any books,
6 records, papers, or documents as evidence in any
7 matter pending before the board that may be material,
8 relevant, or necessary for the making of a just
9 decision. Any books, records, papers, or documents
10 produced as evidence shall become part of the record
11 of the appeal. Any testimony given relating to the
12 appeal shall be transcribed and made a part of the
13 record of the appeal.

14 3. a. The officer considering the appeal shall
15 determine anew all questions arising before the local
16 board of review which relate to the liability of the
17 property to assessment or the amount thereof. All of
18 the evidence shall be considered and there shall be no
19 presumption as to the correctness of the valuation of
20 assessment appealed from. The property assessment
21 appeal board shall make a decision in each appeal
22 filed with the board. If the appeal is considered by
23 less than a majority of the board or by an
24 administrative law judge, the determination made by
25 that person shall be forwarded to the full board for
26 approval, rejection, or modification. If the initial
27 determination is rejected by the board, it shall be
28 returned for reconsideration to the board member or
29 administrative law judge making the initial
30 determination. Any deliberation of the board
31 regarding an initial determination shall be
32 confidential.

33 b. The decision of the board shall be considered
34 the final agency action for purposes of further
35 appeal, except as otherwise provided in section
36 441.49. The decision shall be final unless appealed
37 to district court as provided in section 441.38. The
38 levy of taxes on any assessment appealed to the board
39 shall not be delayed by any proceeding before the
40 board, and if the assessment appealed from is reduced
41 by the decision of the board, any taxes levied upon
42 that portion of the assessment reduced shall be abated
43 or, if already paid, shall be refunded. If the
44 subject of an appeal is the application of an
45 equalization order, the property assessment appeal
46 board shall not order a reduction in assessment
47 greater than the amount that the assessment was
48 increased due to application of the equalization
49 order. Each party to the appeal shall be responsible
50 for the costs of the appeal incurred by that party.

Page 17

1 Sec. __. Section 441.38, Code 2005, is amended to
2 read as follows:

3 441.38 APPEAL TO DISTRICT COURT.

4 1. Appeals may be taken from the action of the
5 local board of review with reference to protests of
6 assessment, to the district court of the county in
7 which the board holds its sessions within twenty days
8 after its adjournment or May 31, whichever date is
9 later. Appeals may be taken from the action of the
10 property assessment appeal board to the district court
11 of the county where the property which is the subject
12 of the appeal is located within twenty days after the
13 letter of disposition of the appeal by the property
14 assessment appeal board is postmarked to the
15 appellant. No new grounds in addition to those set
16 out in the protest to the local board of review as
17 provided in section 441.37, or in addition to those
18 set out in the appeal to the property assessment
19 appeal board, if applicable, can be pleaded, but
20 additional evidence to sustain those grounds may be
21 introduced. The assessor shall have the same right to
22 appeal and in the same manner as an individual
23 taxpayer, public body or other public officer as
24 provided in section 441.42. Appeals shall be taken by
25 filing a written notice of appeal with the clerk of
26 district court. Filing of the written notice of
27 appeal shall preserve all rights of appeal of the
28 appellant.

29 2. Notice of appeal shall be served as an original
30 notice on the chairperson, presiding officer, or clerk
31 of the board of review, and on the executive secretary
32 of the property assessment appeal board, if
33 applicable, after the filing of notice under
34 subsection 1 with the clerk of district court.

35 Sec. __. Section 441.39, Code 2005, is amended to
36 read as follows:

37 441.39 TRIAL ON APPEAL.

38 The If the appeal is from a decision of the local
39 board of review, the court shall hear the appeal in
40 equity and determine anew all questions arising before
41 the board which relate to the liability of the
42 property to assessment or the amount thereof. The
43 court shall consider all of the evidence and there
44 shall be no presumption as to the correctness of the
45 valuation of assessment appealed from. If the appeal
46 is from a decision of the property assessment appeal
47 board, the court's review shall be limited to the
48 correction of errors at law. Its decision shall be
49 certified by the clerk of the court to the county
50 auditor, and the assessor, who shall correct the

Page 18

1 assessment books accordingly.

2 Sec. ___. Section 441.43, Code 2005, is amended to
3 read as follows:

4 441.43 POWER OF COURT.

5 Upon trial of any appeal from the action of the
6 board of review or of the property assessment appeal
7 board fixing the amount of assessment upon any
8 property concerning which complaint is made, the court
9 may increase, decrease, or affirm the amount of the
10 assessment appealed from.

11 Sec. ___. Section 441.49, unnumbered paragraph 5,
12 Code 2005, is amended to read as follows:

13 The local board of review shall reconvene in
14 special session from October 15 to November 15 for the
15 purpose of hearing the protests of affected property
16 owners or taxpayers within the jurisdiction of the
17 board whose valuation of property if adjusted pursuant
18 to the equalization order issued by the director of
19 revenue will result in a greater value than permitted
20 under section 441.21. The board of review shall
21 accept protests only during the first ten days
22 following the date the local board of review
23 reconvenes. The board of review shall limit its
24 review to only the timely filed protests. The board
25 of review may adjust all or a part of the percentage
26 increase ordered by the director of revenue by
27 adjusting the actual value of the property under
28 protest to one hundred percent of actual value. Any
29 adjustment so determined by the board of review shall
30 not exceed the percentage increase provided for in the
31 director's equalization order. The determination of
32 the board of review on filed protests is final,
33 subject to appeal to the property assessment appeal
34 board. A final decision by the local board of review,
35 or the property assessment appeal board, if the local
36 board's decision is appealed, is subject to review by
37 the director of revenue for the purpose of determining
38 whether the board's actions substantially altered the
39 equalization order. In making the review, the
40 director has all the powers provided in chapter 421,
41 and in exercising the powers the director is not
42 subject to chapter 17A. Not later than fifteen days
43 following the adjournment of the board, the board of
44 review shall submit to the director of revenue, on
45 forms prescribed by the director, a report of all
46 actions taken by the board of review during this
47 session.

48 Sec. ___. Section 445.60, Code 2005, is amended to
49 read as follows:

50 445.60 REFUNDING ERRONEOUS TAX.

Page 19

1 The board of supervisors shall direct the county
 2 treasurer to refund to the taxpayer any tax or portion
 3 of a tax found to have been erroneously or illegally
 4 paid, with all interest, fees, and costs actually
 5 paid. A refund shall not be ordered or made unless a
 6 claim for refund is presented to the board within two
 7 years of the date the tax was due, or if appealed to
 8 the board of review, the property assessment appeal
 9 board, the state board of tax review, or district
 10 court, within two years of the final decision."

11 3. Page 5, by striking lines 11 through 13 and
 12 inserting the following:

13 "Sec. ____ EFFECTIVE AND APPLICABILITY DATES.

14 1. The sections of this Act amending sections
 15 257.1, subsection 2, section 260C.17, section 260G.3,
 16 subsection 2, and enacting section 260C.18C, take
 17 effect July 1, 2005, and are applicable to the school
 18 budget year beginning July 1, 2006, and succeeding
 19 budget years.

20 2. The sections of this Act amending section
 21 441.21, subsections 4 and 5, and enacting section
 22 441.21, subsection 5A, apply retroactively to January
 23 1, 2005, for assessment years beginning on or after
 24 that date."

25 4. Title page, by striking lines 1 through 4 and
 26 inserting the following: "An Act relating to property
 27 taxation and related aspects of education funding by
 28 increasing the regular program foundation base,
 29 modifying the community college operations levy,
 30 creating a local workforce and economic development
 31 fund for community colleges, modifying property
 32 assessment guidelines and notification requirements,
 33 creating a property assessment appeal board to hear
 34 appeals of the actions of local boards of review,
 35 tying together the assessment limitations of certain
 36 classes of property, and providing effective and
 37 retroactive applicability dates."

38 5. By renumbering as necessary.

PAULSEN of Linn

H-1412

1 Amend the amendment, H-1410, to House File 848 as
 2 follows:

3 1. Page 1, by inserting after line 1 the
 4 following:

5 " ____ . By striking page 1, line 1 through page 2,
 6 line 4."

7 2. Page 19, by striking lines 14 and 15 and

8 inserting the following:

- 9 "1. The sections of this Act amending section
10 260C.17 and section 260G.3,"
11 3. Page 19, by striking line 28.
12 4. By renumbering as necessary.

HEATON of Henry

H-1413

1 Amend the amendment, H-1410, to House File 848, as
2 follows:

- 3 1. Page 1, by striking line 34 and inserting the
4 following: "authorize an additional supplemental
5 amount for levy by directing the county commissioner
6 of elections to call an election to submit the
7 question of such authorization for the board at a
8 regular or special election. If a majority of those
9 voting on the question at the election favors
10 authorization of the board to make such a levy, the
11 board shall certify for a levy during each of the ten
12 years following the election. If a majority of those
13 voting on the question at the election does not favor
14 authorization of the board to make a levy, the board
15 shall not submit the question to the voters again
16 until three hundred fifty-five days have elapsed from
17 the election. A levy authorized under this subsection
18 shall be certified by March 15 to".

JACOBS of Polk
SANDS of Louisa
S. OLSON of Clinton

H-1414

1 Amend the amendment, H-1410, to House File 848 as
2 follows:

- 3 1. By striking page 9, line 15, through page 13,
4 line 26.
5 2. Page 19, line 14, by striking the figure "1."
6 3. Page 19, by striking lines 20 through 24.
7 4. Page 19, by striking lines 35 through 37, and
8 inserting the following: "and providing effective and
9 applicability dates."
10 5. By renumbering as necessary.

PETTENGILL of Benton
SCHUELLER of Jackson

H-1415

1 Amend House File 847 as follows:

2 1. Page 1, line 7, by inserting after the word
3 "county" the following: ", and identified as
4 essential services by resolution of the board of
5 supervisors,".

6 2. Page 1, line 9, by striking the words "are
7 not" and inserting the following: "have not been
8 identified as".

9 3. Page 1, by inserting after line 9, the
10 following:

11 "2. On or before January 1, 2006, the board of
12 supervisors shall conduct a public hearing on creation
13 of a list of essential services provided by the
14 county. Notice of the public hearing shall be
15 published as provided in section 331.305. No later
16 than thirty days after the public hearing, the board
17 of supervisors shall adopt by resolution a list of
18 essential services provided by the county. Such list
19 shall be in effect for the following fiscal year and
20 for all subsequent fiscal years. The list shall be
21 published annually with the budget summary required to
22 be published by the county pursuant to section
23 331.434.

24 The list of essential services may be modified from
25 time to time by resolution of the board. However, the
26 list shall not be modified more than once in a
27 calendar year. If the board wishes to modify the
28 list, the board shall conduct another public hearing
29 as provided in this subsection before adoption of the
30 resolution modifying the list."

31 4. Page 1, line 10, by striking the figure "2."
32 and inserting the following: "3."

33 5. Page 1, by striking lines 24 through 33.

34 6. Page 2, line 4, by inserting after the word
35 "city" the following: ", and identified as essential
36 services by resolution of the city council,".

37 7. Page 2, line 6, by striking the words "are
38 not" and inserting the following: "have not been
39 identified as".

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

42 "2. On or before January 1, 2006, the city council
43 shall conduct a public hearing on creation of a list
44 of essential services provided by the city. Notice of
45 the public hearing shall be published as provided in
46 section 362.3. No later than thirty days after the
47 public hearing, the city council shall adopt by
48 resolution a list of essential services provided by
49 the city. Such list shall be in effect for the
50 following fiscal year and for all subsequent fiscal

Page 2

- 1 years. The list shall be published annually with the
 2 budget summary required to be published by the city
 3 pursuant to section 384.16.
 4 The list of essential services may be modified from
 5 time to time by resolution of the city council.
 6 However, the list shall not be modified more than once
 7 in a calendar year. If the city council wishes to
 8 modify the list, the city council shall conduct
 9 another public hearing as provided in this subsection
 10 before adoption of the resolution modifying the list."
 11 9. Page 2, line 8, by striking the figure "2."
 12 and inserting the following: "3."
 13 10. Page 2, by striking lines 22 through 30.
 14 11. By renumbering, redesignating, and correcting
 15 internal references as necessary.

GASKILL of Wapello

H-1416

- 1 Amend Senate File 360, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 10, by inserting after line 15, the
 4 following:
 5 "Sec. NEW SECTION. 514C.22 ENTERAL FORMULAS
 6 - COVERAGE.
 7 1. Except as provided in subsections 4 and 5, and
 8 notwithstanding the uniformity of treatment
 9 requirements of section 514C.6, a policy or contract
 10 providing for third-party payment or prepayment of
 11 health or medical expenses shall not exclude or
 12 restrict benefits for enteral formulas for home use
 13 for which a practitioner licensed by law to prescribe
 14 and administer prescription drugs has issued a written
 15 order, if such policy or contract provides benefits
 16 for other outpatient prescription drugs or devices.
 17 Such written order must state that the enteral formula
 18 is medically necessary for the patient.
 19 2. For purposes of this section, "enteral formula"
 20 means enteral formulas which have been proven
 21 effective for the treatment of inborn errors of
 22 metabolism with a dietary restriction, which if left
 23 untreated will cause malnourishment, chronic physical
 24 disability, mental retardation, or death. "Enteral
 25 formula" includes low-protein medical food and
 26 metabolic formula prescribed for persons diagnosed
 27 with inborn errors of metabolism with a dietary
 28 restriction. The commissioner, by rule, shall further
 29 define enteral formula.
 30 3. a. This section applies to the following

31 classes of third-party payment provider contracts or
 32 policies delivered, issued for delivery, continued, or
 33 renewed in this state on or after July 1, 2005:
 34 (1) Individual or group accident and sickness
 35 insurance providing coverage on an expense-incurred
 36 basis.
 37 (2) Any individual or group hospital or medical
 38 service contract issued pursuant to chapter 509, 514,
 39 or 514A.
 40 (3) Any individual or group health maintenance
 41 organization contract regulated under chapter 514B.
 42 (4) A plan established pursuant to chapter 509A
 43 for public employees.
 44 (5) An organized delivery system licensed by the
 45 director of public health.
 46 b. This section shall not apply to accident only,
 47 specified disease, short-term hospital or medical,
 48 hospital confinement indemnity, credit, dental,
 49 vision, Medicare supplement, long-term care, basic
 50 hospital and medical-surgical expense coverage as

Page 2

1 defined by the commissioner, disability income
 2 insurance coverage, coverage issued as a supplement to
 3 liability insurance, workers' compensation or similar
 4 insurance, or automobile medical payment insurance.
 5 4. An individual or group policy, contract, or
 6 plan subject to the requirements of this section shall
 7 at a minimum provide an aggregate annual limit for
 8 enteral formula coverage benefits of not less than ten
 9 thousand dollars per year for each family covered, not
 10 including deductibles, coinsurance, or copayments.
 11 The policy, contract, or plan may include deductibles,
 12 coinsurance, or copayments, provided that the amounts
 13 and extent of such deductibles, coinsurance, or
 14 copayments are the same as those applicable to other
 15 health, medical, or surgical services coverage under
 16 the policy, contract, or plan."
 17 2. Title page, line 5, by inserting after the
 18 word "applications," the following: "health insurance
 19 coverage for certain enteral formulas."
 20 3. By renumbering as necessary.

PETERSEN of Polk

H-1419

1 Amend House File 862 as follows:
 2 1. Page 7, by inserting after line 16, the
 3 following:
 4 "Sec. __. Section 142A.9, Code 2005, is amended

- 5 by adding the following new subsection:
 6 **NEW SUBSECTION.** 4. The chairperson of the
 7 commission and the director of the department of
 8 education shall approve the content of any materials
 9 distributed under this section, prior to
 10 distribution."
 11 2. By renumbering as necessary.

DE BOEF of Keokuk
 HEATON of Henry

TYMESON of Madison
 UPMEYER of Hancock

H-1421

- 1 Amend the amendment, H-1410, to House File 848 as
 2 follows:
 3 1. By striking page 1, line 2, through page 19,
 4 line 38, and inserting the following:
 5 "___ By striking everything after the enacting
 6 clause and inserting the following:
 7 "Section 1. Section 260C.17, Code 2005, is amended
 8 by striking the section and inserting in lieu thereof
 9 the following:
 10 260C.17 PREPARATION AND APPROVAL OF BUDGET –
 11 OPERATIONS LEVY.
 12 1. BUDGET APPROVAL. The board of directors of
 13 each merged area shall prepare an annual budget
 14 designating the proposed expenditures for operation of
 15 the community college. The board shall further
 16 designate the amounts which are to be raised by local
 17 taxation and the amounts which are to be raised by
 18 other sources of revenue for the operation. The
 19 budget of each merged area shall be submitted to the
 20 state board no later than May 1 preceding the next
 21 fiscal year for approval. The state board shall
 22 review the proposed budget and shall, prior to June 1,
 23 either grant its approval or return the budget without
 24 approval with the comments of the state board attached
 25 to it. Any unapproved budget shall be resubmitted to
 26 the state board for final approval.
 27 2. BASE LEVEL. Upon approval of the budget by the
 28 state board, the board of directors shall certify the
 29 amount to the respective county auditors and the
 30 boards of supervisors annually shall levy a tax of
 31 twenty and one-fourth cents per thousand dollars of
 32 assessed value on taxable property in a merged area
 33 for the operation of a community college.
 34 3. OPTIONAL SUPPLEMENTAL AMOUNT. In addition to
 35 the amount of the operations levy under subsection 2,
 36 the board of directors of each community college may
 37 certify an additional amount for levy by March 15 to
 38 the respective county auditors for collection in the
 39 subsequent fiscal year, and the boards of supervisors

40 shall levy a tax on all taxable property in the merged
41 area for deposit in the local workforce and economic
42 development fund created in section 260C.18C. The sum
43 of the moneys collected by a community college under
44 this subsection shall not exceed the sum of sixteen
45 percent of the following for the fiscal year beginning
46 July 1, 2006, thirty-two percent of the following for
47 the fiscal year beginning July 1, 2007, forty-eight
48 percent of the following for the fiscal year beginning
49 July 1, 2008, sixty-four percent of the following for
50 the fiscal year beginning July 1, 2009, and eighty

Page 2

1 percent of the following for fiscal years beginning on
2 or after July 1, 2010:

3 a. The community college's budgeted employer
4 contributions under the Federal Insurance
5 Contributions Act, as defined in section 97C.2, for
6 the fiscal year of collection.

7 b. The community college's budgeted employer
8 contributions to the community college's employees'
9 retirement systems for the fiscal year of collection.

10 c. The community college's budgeted utility costs
11 for the fiscal year of collection. As used in this
12 paragraph, "utility costs" includes the cost of
13 electricity, water, waste collection, fuel oil and gas
14 for heating, heat, and air conditioning expenditures.
15 "Utility costs" does not include telephone service, or
16 gas used in laboratories and shops for community
17 college purposes.

18 d. The moneys the community college would receive
19 from the collection of a property tax of ten cents per
20 thousand dollars of assessed valuation for the fiscal
21 year of collection.

22 For fiscal years beginning on or after July 1,
23 2011, the rate of the levy certified under this
24 subsection shall not exceed the community college's
25 supplemental operations levy cap. For purposes of
26 this paragraph, "community college's supplemental
27 operations levy cap" means the maximum levy expressed
28 in cents per thousand dollars of assessed valuation
29 which could have been collected by the community
30 college under this subsection for the fiscal year
31 beginning July 1, 2010.

32 Moneys collected under this subsection shall be
33 deposited in the community college's local workforce
34 and economic development fund.

35 4. TAXES COLLECTED. Taxes collected pursuant to
36 the levy shall be paid by the respective county
37 treasurers to the treasurer of the merged area as
38 provided in section 331.552, subsection 29.

39 Sec. 2. NEW SECTION. 260C.18C LOCAL WORKFORCE
40 AND ECONOMIC DEVELOPMENT FUND.

41 1. LOCAL WORKFORCE AND ECONOMIC DEVELOPMENT FUND.

42 A local workforce and economic development fund is
43 created at each community college. Moneys shall be
44 deposited and expended from the fund as provided in
45 this section.

46 2. ALLOWABLE USE. Moneys deposited in the fund
47 are at the disposal of the community college to be
48 spent only on the following, provided that no more
49 than fifteen percent of the moneys deposited may be
50 used as provided under paragraph "f" and provided that

Page 3

1 seventy percent of the moneys used as provided in
2 paragraphs "a" through "e" shall be used on projects
3 in the areas of advanced manufacturing, information
4 technology and insurance, and life sciences which
5 include the areas of biotechnology, health care
6 technology, and nursing care technology:
7 a. Projects for which an agreement with the
8 community college and an employer within the community
9 college's merged area meet all of the requirements of
10 the accelerated career education program under chapter
11 260G.

12 b. Projects for which an agreement with the
13 community college and a business meet all the
14 requirements of the Iowa jobs training Act under
15 chapter 260F. However, such projects are not subject
16 to the maximum advance or award limitations contained
17 in section 260F.6, subsection 2, or the allocation
18 limitations contained in section 260F.8, subsection 1.

19 c. For the development and implementation of
20 career academies that are designed to provide new
21 career preparation opportunities for high school
22 students and that are formally linked with
23 postsecondary career and technical education programs.
24 For purposes of this section, "career academy" means a
25 program of study that combines a minimum of two years
26 of secondary education with an associate degree, or
27 the equivalent, career preparatory program in a
28 nonduplicative, sequential course of study that is
29 standards-based, integrates academic and technical
30 instruction, utilizes work-based and worksite learning
31 where appropriate and available, utilizes an
32 individual career planning process with parent
33 involvement, and leads to an associate degree or
34 postsecondary diploma or certificate in a career field
35 that prepares an individual for entry and advancement
36 in a high-skill and rewarding career field and further
37 education. The department of economic development, in

38 conjunction with the state board of education and the
39 division of community colleges and workforce
40 preparation of the department of education, shall
41 adopt administrative rules for the development and
42 implementation of such career academies pursuant to
43 section 256.11, subsection 5, paragraph "h", section
44 260C.1, and Title II of Pub. L. No. 105-332, the Carl
45 D. Perkins Vocational and Technical Education Act of
46 1998.

47 d. Programs and courses that provide vocational
48 and technical training and programs for in-service
49 training and retraining of workers under section
50 260C.1, subsections 2 and 3.

Page 4

1 e. Job retention projects under section 260F.9.

2 f. Student support services, including but not
3 limited to:

4 (1) Student counseling, including personal
5 counseling, academic counseling, behavioral
6 counseling, and career counseling.

7 (2) Support groups for high-need students.

8 (3) Student mentoring.

9 (4) Orientation to college classes taught in high
10 school which include career planning.

11 (5) Back-to-college training for nontraditional
12 students.

13 (6) Utilization of software for assessing the
14 students' work interests, listing current job
15 openings, and projecting future job openings in the
16 state of Iowa to assist students in planning their
17 careers.

18 Sec. 3. Section 260G.3, subsection 2, paragraph e,
19 Code 2005, is amended to read as follows:

20 e. Moneys from a workforce training and economic
21 development fund created in section 260C.18A or
22 260C.18C, based on the number of program job positions
23 agreed to by the employer to be available under the
24 agreement, the amount of which shall be calculated in
25 the same manner as the program job credits provided
26 for in section 260G.4A.

27 Sec. 4. EFFECTIVE AND APPLICABILITY DATE. This
28 Act takes effect July 1, 2005, and is applicable to
29 the school budget year beginning July 1, 2006, and
30 succeeding budget years."

31 2. Title page, by striking lines 1 and 2 and
32 inserting the following: "An Act establishing a
33 community college".

H-1423

1 Amend the amendment, H-1410, to House File 848 as
2 follows:

3 1. Page 6, by inserting after line 37, the
4 following:

5 "Sec. NEW SECTION. 426C.1 COMMERCIAL AND
6 INDUSTRIAL PROPERTY TAX CREDIT – FUND –
7 APPORTIONMENT – PAYMENT.

8 1. A commercial and industrial property tax credit
9 fund is created. There is appropriated from the
10 general fund of the state to the department of revenue
11 to be credited to the commercial and industrial
12 property tax credit fund for the fiscal year beginning
13 July 1, 2006, and for each subsequent fiscal year, an
14 amount sufficient to pay the warrants required under
15 this chapter.

16 The director of the department of administrative
17 services shall issue warrants on the commercial and
18 industrial property tax credit fund payable to the
19 county treasurers of the several counties of the state
20 under this chapter.

21 2. The commercial and industrial property tax
22 credit fund shall be apportioned each year so as to
23 give a credit against the tax on eligible commercial
24 and industrial property in the state in an amount
25 equal to ten percent of the actual levy on the actual
26 value of such property.

27 3. The amount due each county shall be paid in two
28 payments on November 15 and March 15 of each fiscal
29 year, drawn upon warrants payable to the respective
30 county treasurers. The two payments shall be as
31 nearly equal as possible.

32 4. The amount of credits shall be apportioned by
33 each county treasurer to the several taxing districts
34 as provided by law, in the same manner as though the
35 amount of the credit had been paid by the owners.
36 However, the several taxing districts shall not draw
37 the funds so credited until after the semiannual
38 allocations have been received by the county
39 treasurer, as provided in this chapter.

40 Sec. NEW SECTION. 426C.2 COMPUTATION BY
41 AUDITOR.

42 On or before May 15, the county auditor shall
43 compute the amount of property taxes to be levied on
44 or estimated to be levied on all property eligible for
45 the commercial and industrial property tax credit
46 which are due and payable in the ensuing fiscal year
47 and on or before May 15 shall certify the total amount
48 to the department of revenue.

49 Sec. NEW SECTION. 426C.3 WARRANTS
50 AUTHORIZED BY DIRECTOR.

Page 2

1 After receiving from the county auditors the
 2 certifications provided for in section 426C.2, and
 3 during the following fiscal year, the director of
 4 revenue shall authorize the department of
 5 administrative services to draw warrants on the
 6 commercial and industrial property tax credit fund
 7 payable to the county treasurers as provided in
 8 section 426C.1.

9 Sec. . NEW SECTION. 426C.4 APPORTIONMENT BY
 10 AUDITOR.

11 The county auditor shall determine the amount to be
 12 credited to each parcel of commercial or industrial
 13 property, and shall enter upon tax lists as a credit
 14 against the tax levied on each parcel of commercial or
 15 industrial property on which there has been made an
 16 allowance of credit before delivering said tax lists
 17 to the county treasurer. Upon receipt of the warrant
 18 by the county auditor, the auditor shall deliver the
 19 warrant to the county treasurer for apportionment.
 20 The county treasurer shall show on each tax receipt
 21 the amount of tax credit for each parcel of business
 22 property. In case of change of ownership the credit
 23 shall follow the title.

24 Sec. . NEW SECTION. 426C.5 RULES.

25 The director of revenue shall prescribe forms and
 26 rules, not inconsistent with this chapter, necessary
 27 to carry out its purposes.”

28 2. By striking page 9, line 15, through page 13,
 29 line 26.

30 3. Page 19, by striking lines 20 through 24, and
 31 inserting the following:

32 “2. The sections of this Act enacting chapter 426C
 33 apply to property taxes due and payable in fiscal
 34 years beginning on or after July 1, 2006.”

35 4. Page 19, by inserting before line 25, the
 36 following:

37 “Sec. . IMPLEMENTATION. The provisions of
 38 section 25B.7 do not apply to the commercial and
 39 industrial property tax credits established in this
 40 Act.”

41 5. Page 19, by striking lines 35 through 37, and
 42 inserting the following: “providing for a property
 43 tax credit for property taxes due on commercial and
 44 industrial property, making an appropriation, and
 45 providing effective and applicability dates.”

46 6. By renumbering as necessary.

H-1424

1 Amend the amendment, H-1410, to House File 848 as
2 follows:

3 1. Page 1, by inserting after line 1 the
4 following:

5 "___ By striking page 1, line 2, through page 2,
6 line 4, and inserting the following: "paragraph 2,
7 Code 2005, is amended to read as follows:

8 For the budget year commencing July 1, ~~1999~~ 2006,
9 and for each succeeding budget year the regular
10 program foundation base per pupil is ~~eighty-seven and~~
11 ~~five-tenths~~ eighty-nine and twenty-eight hundredths
12 percent of the regular program state cost per pupil.
13 For the budget year commencing July 1, 1991, and for
14 each succeeding budget year the special education
15 support services foundation base is seventy-nine
16 percent of the special education support services
17 state cost per pupil. The combined foundation base is
18 the sum of the regular program foundation base and the
19 special education support services foundation base."
20 2. By renumbering as necessary.

HOGG of Linn

H-1428

1 Amend House File 833 as follows:

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

4 "Section 1. Section 22.7, Code 2005, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 51. The information contained in
7 the electronic drug database established in section
8 124.510A, except to the extent that disclosure is
9 authorized pursuant to section 124.510C.

10 Sec. 2. NEW SECTION. 124.510A ELECTRONIC DRUG
11 DATABASE ESTABLISHED.

12 The board shall establish and maintain an
13 electronic drug database. The board shall use the
14 electronic drug database to monitor the misuse, abuse,
15 and diversion of selected controlled substances and
16 other drugs the board includes in the database
17 pursuant to section 124.510E, subsection 1, paragraph
18 "i". The board shall electronically collect and
19 disseminate information pursuant to sections 124.510C
20 and 124.510D and rules adopted pursuant to this
21 division. The board may contract with a third-
22 party/private vendor to administer the electronic drug
23 database.

24 Sec. 3. NEW SECTION. 124.510B DATA REPORTING.

25 1. Each licensed pharmacy that dispenses selected

26 drugs identified by the board by rule to patients in
27 the state, and each licensed pharmacy located in the
28 state that dispenses such selected drugs to patients
29 inside or outside the state, unless specifically
30 excepted in this section or by rule, shall submit the
31 following prescription information to the board or its
32 designee:

- 33 a. Pharmacy identification.
- 34 b. Patient identification.
- 35 c. Prescriber identification.
- 36 d. The date the prescription was issued by the
37 prescriber.
- 38 e. The date the prescription was dispensed.
- 39 f. An indication of whether the prescription
40 dispensed is new or a refill.
- 41 g. Identification of the drug dispensed.
- 42 h. Quantity of the drug dispensed.
- 43 i. The number of days' supply of the drug
44 dispensed.
- 45 j. Serial or prescription number assigned by the
46 pharmacy.
- 47 k. Source of payment for the prescription.

48 2. Information shall be submitted electronically
49 in the format specified by the board unless the board
50 has granted a waiver and approved an alternate format.

Page 2

1 3. Information shall be timely transmitted as
2 designated by the board by rule, unless the board
3 grants an extension. The board may grant an extension
4 if either of the following occurs:

- 5 a. The pharmacy suffers a mechanical or electronic
6 failure, or cannot meet the deadline established by
7 the board for other reasons beyond the pharmacy's
8 control.
- 9 b. The board or its designee is unable to receive
10 electronic submissions.

11 4. This section shall not apply to a prescriber
12 furnishing, dispensing, supplying, or administering
13 drugs to the prescriber's patient, or to dispensing by
14 a licensed pharmacy for the purposes of inpatient
15 hospital care, inpatient hospice care, or long-term
16 residential facility patient care.

17 Sec. 4. NEW SECTION. 124.510C DATA ACCESS.

- 18 1. The board or its designee may provide
19 information from the electronic drug database to all
20 of the following:
- 21 a. A person who is a designated representative of
22 a governmental entity responsible for the licensure,
23 regulation, or discipline of licensed health care
24 professionals authorized to prescribe or dispense

25 drugs, who is involved in an investigation of a person
26 licensed, regulated, or subject to discipline by the
27 entity, and who is seeking access to information in
28 the database that is relevant to the subject matter of
29 the investigation and pursuant to a written probable
30 cause determination.

31 b. A federal, state, county, township, or
32 municipal officer of this or any other state, or the
33 United States, whose duty it is to enforce the laws
34 relating to prescription drugs and who is actively
35 engaged in a specific investigation of a specific
36 person and is seeking access to information in the
37 database pursuant to a probable cause determination or
38 warrant.

39 c. A properly convened grand jury pursuant to a
40 subpoena properly issued.

41 d. A pharmacist or prescriber who requests the
42 information and certifies in a form specified by the
43 board that it is for the purpose of providing medical
44 or pharmaceutical care to a patient of the pharmacist
45 or prescriber.

46 e. An individual who requests the individual's own
47 database information in accordance with the procedure
48 established in rules of the board adopted under
49 section 124.510E.

50 2. The board or its designee shall maintain a

Page 3

1 record of each person that requests information from
2 the database. Pursuant to rules adopted by the board
3 under section 124.510E, the board may use the records
4 to document and report statistics and law enforcement
5 outcomes and to identify inappropriate access or other
6 prohibited acts. The board or its designee may
7 provide records of a person's requests for database
8 information to the following persons:

9 a. Pursuant to a probable cause determination, a
10 designated representative of a governmental entity
11 that is responsible for the licensure, regulation, or
12 discipline of licensed health care professionals
13 authorized to prescribe or dispense drugs who is
14 involved in a specific investigation of the individual
15 who submitted the request.

16 b. Pursuant to a probable cause determination or
17 warrant, a federal, state, county, township, or
18 municipal officer of this or any other state or the
19 United States, whose duty is to enforce the laws
20 relating to prescription drugs, and who is actively
21 engaged in a specific investigation of the specific
22 person who submitted the request.

23 3. Information contained in the database and any

24 information obtained from it is strictly confidential
25 medical information, is not a public record pursuant
26 to chapter 22, and is not subject to discovery,
27 subpoena, or other means of legal compulsion for
28 release except as provided in this division.
29 Information contained in the records of requests for
30 information from the database is privileged and
31 confidential, is not a public record, and is not
32 subject to discovery, subpoena, or other means of
33 legal compulsion for release except as provided in
34 this division. Information from the database shall
35 not be released, shared with an agency or institution,
36 or made public except as provided in this division.
37 4. Information collected for the database shall be
38 retained in the database for four years. The
39 information shall then be destroyed unless a law
40 enforcement agency or a governmental entity
41 responsible for the licensure, regulation, or
42 discipline of licensed health care professionals
43 authorized to prescribe or dispense drugs has
44 submitted a written request to the board or its
45 designee for retention of specific information in
46 accordance with rules adopted by the board under
47 section 124.510E.
48 5. A pharmacist or other dispenser making a report
49 to the database in good faith pursuant to this
50 division is immune from any liability, civil,

Page 4

1 criminal, or administrative, which might otherwise be
2 incurred or imposed as a result of the report.
3 6. Nothing in this section shall require a
4 pharmacist or prescriber to obtain information about a
5 patient from the database. A pharmacist or prescriber
6 does not have a duty and shall not be held liable in
7 damages to any person in any civil or derivative
8 criminal or administrative action for injury, death,
9 or loss to person or property on the basis that the
10 pharmacist or prescriber did or did not seek or obtain
11 information from the database. A pharmacist or
12 prescriber acting in good faith is immune from any
13 civil, criminal, or administrative liability that
14 might otherwise be incurred or imposed for requesting
15 or receiving information from the database.
16 7. The board shall not charge a fee to a pharmacy,
17 pharmacist, or prescriber for the establishment,
18 maintenance, or administration of the database. The
19 board shall not charge a fee for the transmission of
20 data to the database nor for the receipt of
21 information from the database, except that the board
22 may charge a reasonable fee to an individual who

23 requests the individual's own database information or
 24 to a person requesting statistical, aggregate, or
 25 nonpersonally identified information from the
 26 database. A fee charged pursuant to this subsection
 27 shall not exceed the cost of providing the requested
 28 information and shall be considered a repayment
 29 receipt as defined in section 8.2.

30 Sec. 5. NEW SECTION. 124.510D DATA REVIEW AND
 31 REFERRAL.

32 The board or its designee shall review the
 33 information in the electronic drug database. If the
 34 board determines, consistent with the board's
 35 authority under this chapter or chapter 155A, that
 36 there is probable cause to believe that drug diversion
 37 or another violation of law may have occurred, the
 38 board shall notify the appropriate law enforcement
 39 agency or the governmental entity responsible for the
 40 licensure, regulation, or discipline of the licensed
 41 health care professional, and shall supply information
 42 required to initiate an investigation. The board
 43 shall not refer information relating to an individual
 44 for further investigation except upon a probable cause
 45 determination. A probable cause determination shall
 46 be consistent with guidelines developed by the
 47 advisory council established under section 124.510F.

48 Sec. 6. NEW SECTION. 124.510E RULES AND
 49 REPORTING.

50 1. The board shall adopt rules in accordance with

Page 5

1 chapter 17A to carry out the purposes of, and to
 2 enforce the provisions of, this division. The rules
 3 shall include but not be limited to the development of
 4 procedures relating to:

5 a. Identifying each patient about whom information
 6 is entered into the electronic drug database.

7 b. An electronic format for the submission of
 8 information from pharmacies.

9 c. A waiver to submit information in another
 10 format for a pharmacy unable to submit information
 11 electronically.

12 d. Granting by the board of a request from a law
 13 enforcement agency or a governmental entity
 14 responsible for the licensure, regulation, or
 15 discipline of licensed health care professionals
 16 authorized to prescribe or dispense drugs for the
 17 retention of information scheduled for deletion from
 18 the database after four years when the information
 19 pertains to an open investigation being conducted by
 20 the agency or entity.

21 e. An application for an extension of time by a

- 22 pharmacy regarding information to be transmitted to
23 the board or its designee.
- 24 f. The submission by a person or governmental
25 entity to which the board is authorized to provide
26 information of a request for the information and a
27 procedure for the verification of the identity of the
28 requestor.
- 29 g. Use by the board of the database request
30 records required by section 124.510C, subsection 2, to
31 document and report statistics and law enforcement
32 outcomes and to identify inappropriate access or other
33 prohibited acts.
- 34 h. Submission of a request by an individual for
35 the individual's own database information and
36 verification of the identity of the requestor.
- 37 i. The development of a list of controlled
38 substances and other drugs that shall be included in
39 the database.
- 40 j. Access by a pharmacist or prescriber to
41 information in the database pursuant to a written
42 agreement with the board.
- 43 k. Terms and conditions of the contract, if the
44 board contracts for database administration with a
45 third-party or private vendor.
- 46 l. The correction or deletion of erroneous
47 information from the database.
- 48 2. No later than January 1, 2008, and every two
49 years thereafter, the board shall present to the
50 general assembly and the governor a report of the

Page 6

1 following:

- 2 a. The cost to the state of implementing and
3 maintaining the database.
- 4 b. Information from pharmacies, prescribers, the
5 board, and others regarding the usefulness of the
6 database.
- 7 c. Information from pharmacies, prescribers, the
8 board, and others regarding the board's effectiveness
9 in providing information from the database.
- 10 d. Information documenting the timely transmission
11 of information from the electronic drug database to
12 authorized requestors.
- 13 Sec. 7. NEW SECTION. 124.510F ADVISORY COUNCIL
14 ESTABLISHED.
- 15 The board shall establish an advisory council to
16 provide oversight to the electronic drug database
17 program. The board shall adopt rules specifying the
18 duties and activities of the advisory council and
19 related matters.
- 20 1. The council shall consist of three licensed

21 pharmacists, three licensed physicians, two licensed
 22 prescribers who are not physicians, and two members of
 23 the general public. The board shall solicit
 24 recommendations for health professional council
 25 members from Iowa health professional licensing
 26 boards, associations, and societies. The license of
 27 each health professional appointed to and serving on
 28 the advisory council shall be current and in good
 29 standing with the professional's licensing board.

30 2. The council may make recommendations to advance
 31 the goals of the database, which include
 32 identification of misuse and diversion of identified
 33 controlled substances and other drugs and enhancement
 34 of the quality of health care delivery in this state.

35 3. Among other things, the council shall:

36 a. Assist the board in developing criteria for
 37 granting requests by researchers and other persons for
 38 statistical, aggregate, or nonpersonally identified
 39 information using database information, developed
 40 consistent with the goals of the database.

41 b. Assist the board in ensuring patient
 42 confidentiality and the integrity of the patient's
 43 treatment relationship with the patient's health care
 44 provider.

45 c. Make recommendations regarding the continued
 46 benefits of maintaining the electronic drug database
 47 in relationship to cost and other burdens to the
 48 board. The council's recommendations shall be
 49 included in reports required by section 124.510E,
 50 subsection 2.

Page 7

1 4. Members of the advisory council shall be
 2 eligible to request and receive actual expenses for
 3 their duties as members of the advisory council,
 4 subject to reimbursement limits imposed by the
 5 department of administrative services, and shall also
 6 be eligible to receive a per diem compensation as
 7 provided in section 7E.6, subsection 1.

8 Sec. 8. NEW SECTION. 124.510G PROHIBITED ACTS
 9 AND PENALTIES.

10 The failure of a licensed pharmacist or licensed
 11 prescriber to comply with the requirements of this
 12 division, or the performance or causing the
 13 performance of, or the aiding and abetting of another
 14 person in the performance of, any of the prohibited
 15 acts identified in this section shall constitute
 16 grounds for disciplinary action against the pharmacist
 17 or prescriber by the appropriate professional
 18 licensing board. Each licensing board that licenses
 19 prescribers and drug dispensers subject to the

20 provisions of this division may adopt rules in
 21 accordance with chapter 17A to implement the
 22 provisions of this section and may impose penalty as
 23 allowed under section 272C.3. In addition, a civil
 24 penalty not to exceed twenty-five thousand dollars for
 25 each violation may be imposed.

26 1. A pharmacist who willfully and knowingly fails
 27 to submit prescription information to the board or its
 28 designee as required by this division, or who
 29 knowingly and intentionally submits prescription
 30 information known to the pharmacist to be false or
 31 fraudulent, may be subject to disciplinary action by
 32 the board.

33 2. A person authorized to access or receive
 34 prescription information pursuant to this division who
 35 willfully and knowingly discloses or attempts to
 36 disclose such information with the intent to cause
 37 harm to another person in violation of this division
 38 is guilty of a class "D" felony.

39 3. A person who willfully and knowingly uses,
 40 releases, publishes, or otherwise makes available to
 41 another person any personally identifiable information
 42 obtained from or contained in the database is guilty
 43 of a serious misdemeanor.

44 4. A person without lawful authority who obtains
 45 or attempts to obtain information, obtains or attempts
 46 to obtain unauthorized access to, or who willfully and
 47 knowingly alters or destroys valid information
 48 contained in the database is guilty of a class "D"
 49 felony.

50 5. A person authorized to access or receive

Page 8

1 prescription information pursuant to this division who
 2 knowingly and intentionally discloses confidential
 3 information to a person who is not authorized to
 4 receive the information pursuant to this division is
 5 guilty of a serious misdemeanor.

6 6. This section shall not preclude a pharmacist or
 7 prescriber who requests and receives information from
 8 the database consistent with the requirements of this
 9 chapter from otherwise lawfully providing that
 10 information to any other person for medical or
 11 pharmaceutical care purposes."

12 2. Page 12, by inserting after line 12 the
 13 following:

14 "Sec. ___. EFFECTIVE DATE. The sections of this
 15 Act relating to and establishing an electronic drug
 16 database, being deemed of immediate importance, take
 17 effect upon enactment."

18 3. Title page, by striking line 2, and inserting

19 the following: "providing for the creation of an
 20 electronic drug database, establishing and
 21 appropriating fees, providing penalties, and providing
 22 an effective date."
 23 4. By renumbering as necessary.

UPMEYER of Hancock
 SMITH of Marshall

H-1430

1 Amend House File 833 as follows:

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

4 "Sec. . NEW SECTION. 155B.1 DEFINITIONS.

5 As used in this chapter unless the context
 6 otherwise requires:

7 1. "Commissioner" means the commissioner of
 8 insurance.

9 2. "Covered entity" means a nonprofit hospital or
 10 medical services corporation, health insurer, health
 11 benefit plan, or health maintenance organization; a
 12 health program administered by the state in the
 13 capacity of provider of health coverage; or an
 14 employer, labor union, or other group of persons
 15 organized in the state that provides health coverage
 16 to covered individuals who are employed or reside in
 17 the state. "Covered entity" does not include a self-
 18 funded plan that is exempt from state regulation
 19 pursuant to the federal Employee Retirement Income
 20 Security Act of 1974 (ERISA), as codified at 29 U.S.C.
 21 § 1001 et seq., a plan issued for coverage for federal
 22 employees, or a health plan that provides coverage
 23 only for accidental injury, specified disease,
 24 hospital indemnity, Medicare supplemental, disability
 25 income, long-term care, or other limited benefit
 26 health insurance policies and contracts.

27 3. "Covered individual" means a member,
 28 participant, enrollee, contract holder, policyholder,
 29 or beneficiary of a covered entity who is provided
 30 health coverage by the covered entity. "Covered
 31 individual" includes a dependent or other person
 32 provided health coverage through a policy, contract,
 33 or plan for a covered individual.

34 4. "Generic drug" means a chemically equivalent
 35 copy of a brand-name drug with an expired patent.

36 5. "Labeler" means an entity or person that
 37 receives prescription drugs from a manufacturer or
 38 wholesaler and repackages those drugs for later retail
 39 sale and that has a labeler code from the federal food
 40 and drug administration under 21 C.F.R. § 270.201.

41 6. "Pharmacy benefits management" means the

42 procurement of prescription drugs at a negotiated rate
43 for dispensing within this state to covered
44 individuals, the administration or management of
45 prescription drug benefits provided by a covered
46 entity for the benefit of covered individuals, or any
47 of the following services provided with regard to the
48 administration of the following pharmacy benefits:
49 a. Mail service pharmacy.
50 b. Claims processing, retail network management,

Page 2

1 or payment of claims to pharmacies for prescription
2 drugs dispensed to covered individuals.
3 c. Clinical formulary development and management
4 services.
5 d. Rebate contracting and administration.
6 e. Certain patient compliance, therapeutic
7 intervention, or generic substitution programs.
8 f. Disease management programs involving
9 prescription drug utilization.
10 7. "Pharmacy benefits manager" means an entity
11 that performs pharmacy benefits management services.
12 "Pharmacy benefits manager" includes a person or
13 entity acting for a pharmacy benefits manager in a
14 contractual or employment relationship in the
15 performance of pharmacy benefits management services
16 for a covered entity. "Pharmacy benefits manager"
17 does not include a health insurance carrier or its
18 subsidiary when the health insurance carrier or its
19 subsidiary is providing pharmacy benefits management
20 services to its own insureds; or a public self-funded
21 pool or a private single employer self-funded plan
22 that provides such benefits or services directly to
23 its beneficiaries.
24 8. "Prescription drug" means prescription drug as
25 defined in section 155A.3.
26 9. "Prescription drug order" means a written order
27 from a practitioner or an oral order from a
28 practitioner or the practitioner's authorized agent
29 who communicates the practitioner's instructions for a
30 prescription drug or device to be dispensed.
31 10. "Proprietary information" means information on
32 pricing, costs, revenue, taxes, market share,
33 negotiating strategies, customers, or personnel held
34 by private entities and used for that private entity's
35 business purposes.
36 11. "Trade secret" means information, including a
37 formula, pattern, compilation, program, device,
38 method, technique, or process, that meets all of the
39 following conditions:
40 a. Derives independent economic value, actual or

41 potential, from not being generally known to, and not
 42 being readily ascertainable by proper means by, other
 43 persons who can obtain economic value from its
 44 disclosure or use.

45 b. Is the subject of efforts that are reasonable
 46 under the circumstances to maintain its secrecy.

47 Sec. . NEW SECTION. 155B.2 PHARMACY BENEFITS
 48 MANAGER – LICENSE.

49 1. A person shall not perform or act as a pharmacy
 50 benefits manager in this state without obtaining an

Page 3

1 annual license to do business in this state from the
 2 commissioner under this section.

3 2. The commissioner shall adopt rules, pursuant to
 4 chapter 17A, relating to the issuance of a license
 5 under this section. The rules shall include but are
 6 not limited to inclusion of all of the following:

7 a. Definition of terms.

8 b. Use of prescribed forms.

9 c. Reporting requirements.

10 d. Enforcement procedures.

11 e. Protection of proprietary information and trade
 12 secrets.

13 Sec. . NEW SECTION. 155B.3 MANAGER TO PERFORM
 14 DUTIES IN GOOD FAITH.

15 Each pharmacy benefits manager shall perform its
 16 duties exercising good faith and fair dealing toward
 17 the covered entity and covered individuals.

18 Sec. . NEW SECTION. 155B.4 DISCLOSURE OF
 19 REVENUES RECEIVED FROM PHARMACEUTICAL MANUFACTURER OR
 20 LABELER UNDER CONTRACT WITH MANAGER – CONTENT –
 21 FEES.

22 1. A covered entity may request that any pharmacy
 23 benefits manager with which it has a pharmacy benefits
 24 management services contract disclose to the covered
 25 entity, the amount of all rebate revenues and the
 26 nature, type, and amounts of all other revenues that
 27 the pharmacy benefits manager receives from each
 28 pharmaceutical manufacturer or labeler with whom the
 29 pharmacy benefits manager has a contract. The
 30 pharmacy benefits manager shall disclose all of the
 31 following in writing:

32 a. The aggregate amount and, for a list of drugs
 33 to be specified in the contract, the specific amount,
 34 of all rebates and other retrospective utilization
 35 discounts received by the pharmacy benefits manager,
 36 directly or indirectly, from each pharmaceutical
 37 manufacturer or labeler that is earned in connection
 38 with the dispensing of prescription drugs to covered
 39 individuals of the health benefit plans issued by the

- 40 covered entity or for which the covered entity is the
 41 designated administrator.
 42 b. The nature, type, and amount of all other
 43 revenue received by the pharmacy benefits manager
 44 directly or indirectly from each pharmaceutical
 45 manufacturer or labeler for any other products or
 46 services provided to the pharmaceutical manufacturer
 47 or labeler by the pharmacy benefits manager with
 48 respect to programs that the covered entity offers or
 49 provides to its enrollees.
 50 c. Any prescription drug utilization information

Page 4

- 1 requested by the covered entity relating to covered
 2 individuals.
 3 2. A pharmacy benefits manager shall provide the
 4 information requested by the covered entity for such
 5 disclosure within thirty days of receipt of the
 6 request. If requested, the information shall be
 7 provided no less than once each year. The contract
 8 entered into between the pharmacy benefits manager and
 9 the covered entity shall specify any fees to be
 10 charged for drug utilization reports requested by the
 11 covered entity.
 12 Sec. . NEW SECTION. 155B.5 PERMISSION OF
 13 ENTITY REQUIRED TO CONTACT COVERED INDIVIDUAL -
 14 EXCEPTION.
 15 A pharmacy benefits manager, unless authorized
 16 pursuant to the terms of its contract with a covered
 17 entity, shall not contact any covered individual
 18 without the express written permission of the covered
 19 entity.
 20 Sec. . NEW SECTION. 155B.6 CONFIDENTIALITY OF
 21 INFORMATION - INJUNCTION - DAMAGES.
 22 1. With the exception of utilization information,
 23 a covered entity shall maintain any information
 24 disclosed in response to a request pursuant to section
 25 155B.4 as confidential and proprietary information,
 26 and shall not use such information for any other
 27 purpose or disclose such information to any other
 28 person except as provided in this chapter or in the
 29 pharmacy benefits management services contract between
 30 the parties.
 31 2. A covered entity that discloses information in
 32 violation of this section is subject to an action for
 33 injunctive relief and is liable for any damages which
 34 are the direct and proximate result of such
 35 disclosure.
 36 3. This section does not prohibit a covered entity
 37 from disclosing confidential or proprietary
 38 information to the commissioner, upon request. Any

39 such information obtained by the commissioner is
40 confidential and privileged and is not open to public
41 inspection or disclosure.

42 Sec. __. NEW SECTION. 155B.7 AUDITS OF
43 MANAGER'S RECORDS.

44 A covered entity may have the pharmacy benefits
45 manager's records related to the rebates or other
46 information described in section 155B.4 audited, to
47 the extent the information relates directly or
48 indirectly to such covered entity's contract, in
49 accordance with the terms of the pharmacy benefits
50 management services contract between the parties.

Page 5

1 However, if the parties have not expressly provided
2 for audit rights and the pharmacy benefits manager has
3 advised the covered entity that other reasonable
4 options are available and subject to negotiation, the
5 covered entity may have such records audited as
6 follows:

7 1. An audit may be conducted no more frequently
8 than once in each twelve-month period upon not less
9 than thirty business days' written notice to the
10 pharmacy benefits manager.

11 2. The covered entity may select an independent
12 firm to conduct the audit, and the independent firm
13 shall sign a confidentiality agreement with the
14 covered entity and the pharmacy benefits manager
15 ensuring that all information obtained during the
16 audit will be treated as confidential. The firm may
17 not use, disclose, or otherwise reveal any such
18 information in any manner or form to any person or
19 entity except as otherwise permitted under the
20 confidentiality agreement. The covered entity shall
21 treat all information obtained as a result of the
22 audit as confidential, and may not use or disclose
23 such information except as may be otherwise permitted
24 under the terms of the contract between the covered
25 entity and the pharmacy benefits manager or if ordered
26 by a court of competent jurisdiction for good cause
27 shown.

28 3. Any audit shall be conducted at the pharmacy
29 benefits manager's office where such records are
30 located, during normal business hours, without undue
31 interference with the pharmacy benefits manager's
32 business activities, and in accordance with reasonable
33 audit procedures.

34 Sec. __. NEW SECTION. 155B.8 DISPENSING OF
35 SUBSTITUTE PRESCRIPTION DRUG FOR PRESCRIBED DRUG.

36 1. With regard to the dispensing of a substitute
37 prescription drug for a prescribed drug to a covered

38 individual, when the pharmacy benefits manager
 39 requests a substitution, the following provisions
 40 shall apply:
 41 a. The pharmacy benefits manager may request the
 42 substitution of a lower-priced generic and
 43 therapeutically equivalent drug for a higher-priced
 44 prescribed drug.
 45 b. With regard to substitutions in which the
 46 substitute drug's net cost is more for the covered
 47 individual or the covered entity than the prescribed
 48 drug, the substitution shall be made only for medical
 49 reasons that benefit the covered individual.
 50 2. If a substitution is being requested pursuant

Page 6

1 to this section, the pharmacy benefits manager shall
 2 obtain the approval of the prescribing health
 3 professional prior to the substitution.
 4 3. A pharmacy benefits manager shall not
 5 substitute an equivalent drug product contrary to a
 6 prescription drug order that prohibits a substitution.
 7 Sec. ____ NEW SECTION. 155B.9 CIVIL ACTION –
 8 ENFORCEMENT OF CHAPTER – DAMAGES.
 9 A covered entity may bring a civil action to
 10 enforce the provisions of this chapter or to seek
 11 civil damages for the violation of the provisions of
 12 this chapter.
 13 Sec. ____ NEW SECTION. 155B.10 APPLICATION OF
 14 CHAPTER TO CERTAIN CONTRACTS.
 15 The provisions of this chapter apply only to
 16 pharmacy benefits management services contracts
 17 entered into or renewed on or after July 1, 2005.”
 18 2. Title page, line 1, by inserting after the
 19 word “pharmacy,” the following: “relating to the
 20 regulation of pharmacy benefits managers, providing
 21 civil relief.”

BELL of Jasper

H-1431

1 Amend House File 829 as follows:
 2 1. Page 3, by striking lines 10 through 17, and
 3 inserting the following: “however, a master contract
 4 shall be available for public inspection and the board
 5 shall either file a copy of each such contract with

6 the department of management, or inform the department
7 of management where it may be found."

JENKINS of Black Hawk
KURTENBACH of Story
ALONS of Sioux

H-1434

1 Amend House File 862 as follows:
2 1. Page 2, line 16, by striking the figure
3 "5,011,565" and inserting the following: "9,345,394".

FOEGE of Linn

H-1441

1 Amend House File 862 as follows:
2 1. Page 2, line 16, by striking the figure
3 "5,011,565" and inserting the following: "9,345,394".
4 2. Page 7, line 12, by striking the figure
5 "6,400,000" and inserting the following: "10,733,829".
6 "10,733,829".

FOEGE of Linn

H-1450

1 Amend Senate Concurrent Resolution 9, as passed by
2 the Senate, as follows:
3 1. Page 1, line 22, by striking the word
4 "fifteen" and inserting the following: "seventeen".
5 2. Page 1, line 28, by striking the words "One
6 member" and inserting the following: "Two members".
7 3. Page 2, by striking lines 8 and 9, and
8 inserting the following:
9 "____. One member from the Iowa association of
10 criminal defense lawyers."
11 4. Page 2, by inserting before line 10 the
12 following:
13 "____. One member from the office of the state
14 public defender."
15 5. By renumbering as necessary.

PAULSEN of Linn

H-1451

1 Amend House File 868 as follows:
2 1. Page 59, by inserting after line 8 the
3 following:
4 "DIVISION XIV

MINIMUM WAGE

5 Sec. ____ Section 91D.1, subsection 1, paragraphs
 6 a and d, Code 2005, are amended to read as follows:
 7 a. The hourly wage stated in the federal minimum
 8 wage law, pursuant to 29 U.S.C. § 206, shall be
 9 increased to ~~\$3.85~~ \$5.90 on January 1 of ~~1990, 2006,~~
 10 ~~\$4.25 on January 1 of 1991,~~ and ~~\$4.65~~ to \$6.65 on
 11 January 1 of ~~1992, 2007.~~
 12 d. An employer is not required to pay an employee
 13 the applicable minimum wage provided in paragraph "a"
 14 until the employee has completed ninety calendar days
 15 of employment with the employer. An employee who has
 16 completed ninety calendar days of employment with the
 17 employer prior to January 1 of ~~1990, 1991, 2006, or~~
 18 ~~1992~~ January 1, 2007, shall earn the applicable hourly
 19 minimum wage. An employer shall pay an employee who
 20 has not completed ninety calendar days of employment
 21 with the employer an hourly wage of at least ~~\$3.35~~
 22 \$5.40 as of January 1 of ~~1990, 2006,~~ ~~\$3.85~~ as of
 23 ~~January 1 of 1991,~~ and ~~\$4.25~~ \$6.15 as of January 1 of
 24 ~~1992, 2007."~~
 25
 26 2. By renumbering as necessary.

HUNTER of Polk
 BUKTA of Clinton
 FOEGE of Linn
 GASKILL of Wapello
 JACOBY of Johnson
 KRESSIG of Black Hawk
 LENSING of Johnson
 MCCARTHY of Polk
 R. OLSON of Polk
 REASONER of Union
 D. TAYLOR of Linn
 WENDT of Woodbury
 WHITAKER of Van Buren
 WINCKLER of Scott

BERRY of Black Hawk
 FALLON of Polk
 FREVERT of Palo Alto
 HEDDENS of Story
 JOCHUM of Dubuque
 KUHN of Floyd
 MASCHER of Johnson
 D. OLSON of Boone
 PETTENGILL of Benton
 SHOULTZ of Black Hawk
 T. TAYLOR of Linn
 WESSEL-KROESCHELL of Story
 WHITEAD of Woodbury

H-1452

1 Amend the amendment, H-1417, to House File 841 as
 2 follows:
 3 1. Page 3, by inserting after line 48, the
 4 following:
 5 " _____. If the department provides intake services
 6 at the location of a provider included in the
 7 expansion population provider network, the department
 8 shall consider subcontracting with local nonprofit
 9 agencies to promote greater understanding between
 10 providers, under the medical assistance program and
 11 included in the expansion population provider network,
 12 and their recipients and members."

13 2. Page 4, line 33, by inserting after the figure
 14 "2006." the following: "The criteria for the
 15 comprehensive medical examination and the personal
 16 health improvement plan shall be developed and applied
 17 in a manner that takes into consideration cultural
 18 variations that may exist within the expansion
 19 population."

20 3. Page 4, line 41, by striking the words
 21 "services or" and inserting the following:
 22 "services,".

23 4. Page 4, line 43, by inserting after the word
 24 "physician" the following: ", or through any other
 25 nonprofit agency qualified or deemed to be qualified
 26 by the department to perform these services".

27 5. Page 11, line 31, by inserting after the word
 28 "section." the following: "To the greatest extent
 29 feasible, and if applicable to a data set, the date
 30 reported shall include demographic information
 31 concerning the population served including but not
 32 limited to factors, such as race and economic status,
 33 as specified by the department."

34 6. Page 37, line 10, by inserting after the word
 35 "Act." the following: "In addition to sole source
 36 contracting, the department may contract with local
 37 nonprofit agencies to provide services enumerated in
 38 this Act. The department shall utilize nonprofit
 39 agencies to the greatest extent possible in the
 40 delivery of the programs and services enumerated in
 41 this Act to promote greater understanding between
 42 providers, under the medical assistance program and
 43 included in the expansion population provider network,
 44 and their recipients and members."

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

FORD of Polk
 CARROLL of Poweshiek

H-1458

1 Amend House File 847 as follows:

2 1. Page 1, line 30, by inserting after the word
 3 "removal," the following: "domestic abuse
 4 prevention,".

5 2. Page 2, line 28, by inserting after the word
 6 "removal," the following: "domestic abuse
 7 prevention,".

WESSEL-KROESCHELL of Story

H-1461

- 1 Amend Senate File 355, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 14 through 17.
- 4 2. Page 1, by striking lines 20 and 21.
- 5 3. Page 1, by striking lines 24 through 31.
- 6 4. By renumbering as necessary.

UPMEYER of Hancock

H-1462

- 1 Amend House File 863 as follows:
- 2 1. Page 1, line 28, by striking the word "ten"
- 3 and inserting the following: "twenty".
- 4 2. Page 1, line 29, by striking the words
- 5 "assessor shall pay all" and inserting the following:
- 6 "court may award the appellant".
- 7 3. Page 2, line 4, by striking the words
- 8 "assessor shall pay all" and inserting the following:
- 9 "court may award the appellant".

HOGG of Linn

H-1463

- 1 Amend House File 847 as follows:
- 2 1. Page 1, by striking lines 9 through 13, and
- 3 inserting the following: "are not essential services
- 4 unless notice is provided in the budget summary
- 5 required to be published by the county pursuant to
- 6 section 331.434. The notice shall include a listing
- 7 of the essential services, by".
- 8 2. Page 1, line 22, by striking the word
- 9 "services." And inserting the following: "services
- 10 unless notice of the reduced funding for essential
- 11 services is provided in this budget summary."
- 12 3. Page 1, line 24, by striking the figure "3."
- 13 and inserting the following: "2."
- 14 4. Page 2, by striking lines 7 through 11, and
- 15 inserting the following: "essential services unless
- 16 notice is provided in the budget summary required to
- 17 be published by the city pursuant to section 384.16.
- 18 The notice shall include a listing of the essential
- 19 services, by".
- 20 5. Page 2, line 20, by striking the word
- 21 "services." And inserting the following: "services
- 22 unless notice of the reduced funding for essential
- 23 services is provided in this budget summary."
- 24 6. Page 2, line 22, by striking the figure "3."
- 25 and inserting the following: "2."

26 7. Title page, line 2, by striking the word
 27 "counties," and inserting the following: "counties
 28 under certain circumstances,".

HOGG of Linn

H-1470

1 Amend House File 847 as follows:

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

4 "DIVISION I

5 LOCAL BUDGETS – ESSENTIAL SERVICES"

6 2. Page 2, by inserting before line 31 the
 7 following:

8 "DIVISION II

9 COMMERCIAL AND INDUSTRIAL PROPERTY TAX CREDITS

10 Sec.____. NEW SECTION. 426C.1 COMMERCIAL AND
 11 INDUSTRIAL PROPERTY TAX CREDIT – FUND –
 12 APPORTIONMENT – PAYMENT.

13 1. A commercial and industrial property tax credit
 14 fund is created. There is appropriated from the
 15 general fund of the state to the department of revenue
 16 to be credited to the commercial and industrial
 17 property tax credit fund for the fiscal year beginning
 18 July 1, 2006, and for each subsequent fiscal year, an
 19 amount sufficient to pay the warrants required under
 20 this chapter.

21 The director of the department of administrative
 22 services shall issue warrants on the commercial and
 23 industrial property tax credit fund payable to the
 24 county treasurers of the several counties of the state
 25 under this chapter.

26 2. The commercial and industrial property tax
 27 credit fund shall be apportioned each year so as to
 28 give a credit against the tax on eligible commercial
 29 and industrial property in the state in an amount
 30 equal to ten percent of the actual levy on the actual
 31 value of such property.

32 3. The amount due each county shall be paid in two
 33 payments on November 15 and March 15 of each fiscal
 34 year, drawn upon warrants payable to the respective
 35 county treasurers. The two payments shall be as
 36 nearly equal as possible.

37 4. The amount of credits shall be apportioned by
 38 each county treasurer to the several taxing districts
 39 as provided by law, in the same manner as though the
 40 amount of the credit had been paid by the owners.
 41 However, the several taxing districts shall not draw
 42 the funds so credited until after the semiannual
 43 allocations have been received by the county
 44 treasurer, as provided in this chapter.

45 Sec. . NEW SECTION. 426C.2 COMPUTATION BY
 46 AUDITOR.

47 On or before May 15, the county auditor shall
 48 compute the amount of property taxes to be levied on
 49 or estimated to be levied on all property eligible for
 50 the commercial and industrial property tax credit

Page 2

1 which are due and payable in the ensuing fiscal year
 2 and on or before May 15 shall certify the total amount
 3 to the department of revenue.

4 Sec. . NEW SECTION. 426C.3 WARRANTS
 5 AUTHORIZED BY DIRECTOR.

6 After receiving from the county auditors the
 7 certifications provided for in section 426C.2, and
 8 during the following fiscal year, the director of
 9 revenue shall authorize the department of
 10 administrative services to draw warrants on the
 11 commercial and industrial property tax credit fund
 12 payable to the county treasurers as provided in
 13 section 426C.1.

14 Sec. . NEW SECTION. 426C.4 APPORTIONMENT BY
 15 AUDITOR.

16 The county auditor shall determine the amount to be
 17 credited to each parcel of commercial or industrial
 18 property, and shall enter upon tax lists as a credit
 19 against the tax levied on each parcel of commercial or
 20 industrial property on which there has been made an
 21 allowance of credit before delivering said tax lists
 22 to the county treasurer. Upon receipt of the warrant
 23 by the county auditor, the auditor shall deliver the
 24 warrant to the county treasurer for apportionment.
 25 The county treasurer shall show on each tax receipt
 26 the amount of tax credit for each parcel of business
 27 property. In case of change of ownership the credit
 28 shall follow the title.

29 Sec. . NEW SECTION. 426C.5 RULES.

30 The director of revenue shall prescribe forms and
 31 rules, not inconsistent with this chapter, necessary
 32 to carry out its purposes.

33 Sec. . APPLICABILITY DATE. The sections of
 34 this division of this Act apply to property taxes due
 35 and payable in fiscal years beginning on or after July
 36 1, 2006.

37 Sec. . IMPLEMENTATION. The provisions of
 38 section 25B.7 do not apply to the commercial and
 39 industrial property tax credits established in this
 40 division of this Act.

41 **DIVISION III**
 42 **PROPERTY ASSESSMENT"**

43 3. Page 20, line 27, by inserting before the word

44 "Act" the following: "division of this".

45 4. Title page, line 2, by inserting after the
46 word "counties," the following: "providing for a
47 property tax credit for property taxes due on
48 commercial and industrial property,".

49 5. Title page, by striking lines 6 and 7, and
50 inserting the following: "assessment limitations of

Page 3

1 certain classes of property, making an appropriation,
2 and providing retroactive and other applicability
3 dates."

WISE of Lee

H-1471

1 Amend Senate File 272, 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. Section 217.3, subsection 4, Code
6 2005, is amended to read as follows:

7 4. Approve the budget of the department of human
8 services prior to submission to the governor. Prior
9 to approval of the budget, the council shall publicize
10 and hold a public hearing to provide explanations and
11 hear questions, opinions, and suggestions regarding
12 the budget. Invitations to the hearing shall be
13 extended to the governor, the governor-elect, the
14 director of the department of management, and other
15 persons deemed by the council as integral to the
16 budget process. The budget materials submitted to the
17 governor shall include a review of options for
18 revising the medical assistance program made available
19 by federal action or by actions implemented by other
20 states as identified by the department, the medical
21 assistance advisory council and the executive
22 committee of the medical assistance advisory council
23 created in section 249A.4, subsection 8 249A.4B, and
24 by county representatives. The review shall address
25 what potential revisions could be made in this state
26 and how the changes would be beneficial to Iowans.

27 Sec. 2. Section 249A.4, subsection 8, Code 2005,
28 is amended by striking the subsection.

29 Sec. 3. NEW SECTION. 249A.4B MEDICAL ASSISTANCE
30 ADVISORY COUNCIL.

31 1. A medical assistance advisory council is
32 created to comply with 42 C.F.R. § 431.12 based on
33 section 1902(a)(4) of the federal Social Security Act
34 and to advise the director about health and medical

35 care services under the medical assistance program.
 36 The council shall meet no more than quarterly. The
 37 director of public health shall serve as chairperson
 38 of the council.
 39 2. The council shall include all of the following
 40 members:
 41 a. The president, or the president's
 42 representative, of each of the following professional
 43 or business entities, or a member of each of the
 44 following professional or business entities, selected
 45 by the entity:
 46 (1) The Iowa medical society.
 47 (2) The Iowa osteopathic medical association.
 48 (3) The Iowa academy of family physicians.
 49 (4) The Iowa chapter of the American academy of
 50 pediatrics.

Page 2

1 (5) The Iowa physical therapy association.
 2 (6) The Iowa dental association.
 3 (7) The Iowa nurses association.
 4 (8) The Iowa pharmacy association.
 5 (9) The Iowa podiatric medical society.
 6 (10) The Iowa optometric association.
 7 (11) The Iowa association of community providers.
 8 (12) The Iowa psychological association.
 9 (13) The Iowa psychiatric society.
 10 (14) The Iowa chapter of the national association
 11 of social workers.
 12 (15) The coalition for family and children's
 13 services in Iowa.
 14 (16) The Iowa hospital association.
 15 (17) The Iowa association of rural health clinics.
 16 (18) The Iowa/Nebraska primary care association.
 17 (19) Free clinics of Iowa.
 18 (20) The opticians' association of Iowa, inc.
 19 (21) The Iowa association of hearing health
 20 professionals.
 21 (22) The Iowa speech and hearing association.
 22 (23) The Iowa health care association.
 23 (24) The Iowa association of area agencies on
 24 aging.
 25 (25) AARP.
 26 (26) The Iowa caregivers association.
 27 (27) The Iowa coalition of home and community-
 28 based services for seniors.
 29 (28) The Iowa adult day services association.
 30 (29) The Iowa association of homes and services
 31 for the aging.
 32 (30) The Iowa association for home care.
 33 (31) The Iowa council of health care centers.

- 34 (32) The Iowa physician assistant society.
 35 (33) The Iowa association of nurse practitioners.
 36 (34) The Iowa nurse practitioner society.
 37 (35) The Iowa occupational therapy association.
 38 (36) The ARC of Iowa, formerly known as the
 39 association for retarded citizens of Iowa.
 40 (37) The alliance for the mentally ill of Iowa.
 41 (38) The Iowa state association of counties.
 42 (39) The governor's developmental disabilities
 43 council.
 44 (40) The Iowa chiropractic society.
 45 b. Public representatives which may include
 46 members of consumer groups, including recipients of
 47 medical assistance or their families, consumer
 48 organizations, and others, equal in number to the
 49 number of representatives of the professional and
 50 business entities specifically represented under

Page 3

- 1 paragraph "a", appointed by the governor for staggered
 2 terms of two years each, none of whom shall be members
 3 of, or practitioners of, or have a pecuniary interest
 4 in any of the professional or business entities
 5 specifically represented under paragraph "a", and a
 6 majority of whom shall be current or former recipients
 7 of medical assistance or members of the families of
 8 current or former recipients.
 9 c. The director of public health, or the
 10 director's designee.
 11 d. The director of the department of elder
 12 affairs, or the director's designee.
 13 e. The dean of Des Moines university –
 14 osteopathic medical center, or the dean's designee.
 15 f. The dean of the university of Iowa college of
 16 medicine, or the dean's designee.
 17 g. The following members of the general assembly,
 18 each for a term of two years:
 19 (1) One member of the house of representatives
 20 from each of the two major political parties,
 21 appointed by the speaker of the house.
 22 (2) One member of the senate from each of the two
 23 major political parties, appointed by the president of
 24 the senate, after consultation with the majority
 25 leader and the minority leader of the senate.
 26 3. a. An executive committee of the council is
 27 created and shall consist of the following members of
 28 the council:
 29 (1) Five of the professional or business entity
 30 members designated pursuant to subsection 2, paragraph
 31 "a", and selected by the members specified under that
 32 paragraph.

33 (2) Five of the public members appointed pursuant
34 to subsection 2, paragraph "b", and selected by the
35 members specified under that paragraph.

36 (3) The director of public health, or the
37 director's designee.

38 b. The executive committee shall meet on a monthly
39 basis. The director of public health shall serve as
40 chairperson of the executive committee.

41 c. Based upon the deliberations of the council and
42 the executive committee, the executive committee shall
43 make recommendations to the director regarding the
44 budget, policy, and administration of the medical
45 assistance program.

46 4. For each council meeting, other than those held
47 during the time the general assembly is in session,
48 each legislative member of the council shall be
49 reimbursed for actual travel and other necessary
50 expenses and shall receive a per diem as specified in

Page 4

1 section 7E.6 for each day in attendance, as shall the
2 members of the council or the executive committee who
3 are recipients or the family members of recipients of
4 medical assistance, regardless of whether the general
5 assembly is in session.

6 5. The department shall provide staff support and
7 independent technical assistance to the council and
8 the executive committee.

9 6. The director shall consider the recommendations
10 offered by the council and the executive committee in
11 the director's preparation of medical assistance
12 budget recommendations to the council on human
13 services pursuant to section 217.3 and in
14 implementation of medical assistance program policies.

15 Sec. 4. Section 249A.34, subsection 1, paragraph
16 h, Code 2005, is amended to read as follows:

17 h. A representative of the medical assistance
18 advisory council executive committee established
19 pursuant to section 249A.4, subsection 8 249A.4B."

20 2. By renumbering as necessary.

CARROLL of Poweshiek

H-1473

1 Amend Senate File 395, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 25 the
4 following:

5 "Sec. ____ Section 175A.3, Code 2005, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 3. The department shall submit a
 8 report by January 1, annually, to the members of the
 9 general assembly providing for an accounting and
 10 explanation of how revenue deposited into the fund
 11 from the wine gallonage tax was spent in the previous
 12 fiscal year, how the revenue is being allocated during
 13 the current fiscal year, and anticipated revenue
 14 expenditures for the next fiscal year."
 15 2. By renumbering as necessary.

WINCKLER of Scott
 JOCHUM of Dubuque
 SHOULTZ of Black Hawk

H-1474

1 Amend House File 861 as follows:
 2 1. Page 1, line 16, by striking the word "or" and
 3 inserting the following: "users,"
 4 2. Page 1, by striking lines 17 and 18 and
 5 inserting the following: "business users, or
 6 governmental users reselling the telecommunications
 7 services. "Telecommunications facility" does not
 8 include facilities dedicated for use by a municipal
 9 agency, health facility, airport, or safety or law
 10 enforcement agency."
 11 3. Page 1, line 26, by inserting after the word
 12 "enterprise" the following: ", or approved by voters
 13 pursuant to section 388.2,".
 14 4. Page 1, by striking lines 27 and 28 and
 15 inserting the following: ""Telecommunications
 16 project" does not include projects of a municipal
 17 agency, health facility, airport, or safety or law
 18 enforcement agency."
 19 5. Page 2, line 19, by striking the word "Prior"
 20 and inserting the following: "Except as provided in
 21 paragraph "c", prior".
 22 6. Page 3, line 13, by inserting after the word
 23 "independent" the following: "nationally recognized".
 24 7. Page 3, line 14, by striking the words "in the
 25 telecommunications industry".
 26 8. Page 3, lines 16 and 17, by striking the words
 27 "investment banking".
 28 9. Page 3, line 21, by striking the word
 29 "banking".
 30 10. Page 3, by inserting after line 34 the
 31 following:
 32 "c. If a private investor, other than a purchaser
 33 of revenue bonds for the project, provides or is
 34 obligated to provide fifty percent or more of the
 35 project's funding, either directly, through a joint
 36 venture, or otherwise, the requirements of subsections

37 "a" and "b" shall not apply, provided that all risks
38 attendant to such funding are borne exclusively by the
39 private investor without financing from, recourse to,
40 or protection against risk or loss provided by a city
41 or any other governmental agency or instrumentality."

42 11. Page 4, by striking lines 2 and 3 and
43 inserting the following: "telecommunications
44 facilities within the city and up to two miles beyond
45 the limits of the city and may add services and
46 functions to the facilities without".

47 12. Page 4, line 6, by striking the figure "1"
48 and inserting the following: "3, paragraph "b",
49 subparagraph (3), or subsection 3, paragraph "c".

50 13. Page 4, by inserting after line 16 the

Page 2

1 following:

2 "8. The provisions of this section shall not apply
3 to a telecommunications facility owned or operated by
4 a city, city utility, combined city utility, city
5 enterprise, or combined city enterprise, or approved
6 by voters pursuant to section 388.2, on or before
7 January 1, 2005."

8 14. Page 4, line 31, by inserting after the word
9 "project" the following: ", if required pursuant to
10 section 388.2,".

11 15. Page 5, by inserting after line 3 the
12 following:

13 "(3) Loans of legally available funds from a city
14 or another city utility, provided that such loans meet
15 all of the following requirements:

16 (a) Have a term of not more than ten years and
17 bear interest at private market rates.

18 (b) The principal and interest on such loans are
19 paid solely from revenues earned or to be earned by
20 the telecommunications project with interest payable
21 quarterly and principal payable in equal annual
22 installments over the last eight years of the ten-
23 year term of the loan, or earlier as required by the
24 telecommunications utility.

25 (c) The city or city utility may not extend,
26 forgive, or modify the terms of such loans in any
27 manner that results in the avoidance of the
28 requirements of this subsection.

29 (4) Loans from a financial institution if the
30 principal and interest on such loans are paid solely
31 from revenues earned or to be earned by the
32 telecommunications project."

33 16. Page 5, by striking line 12 and inserting the
34 following: "sixty percent of those voting, unless the
35 requirements of section 388.2, subsection 3, paragraph

36 "c", are met in which case the ballot issue shall only
 37 require approval of a majority of those voting and may
 38 be held in the same".
 39 17. By renumbering as necessary.

STRUYK of Pottawattamie

H-1480

1 Amend House File 868 as follows:
 2 1. Page 59, by inserting after line 8 the
 3 following:
 4 "DIVISION XIV
 5 HEALTH CARE INSURANCE EXPENDITURES
 6 Sec. NEW SECTION. 84A.11 HEALTH CARE
 7 INSURANCE EXPENDITURES ASSESSMENT.
 8 1. By January 31 of each year, a for-profit
 9 employer with more than fifteen thousand employees
 10 shall file a report with the department of workforce
 11 development identifying all of the following:
 12 a. The total amount of wages paid to employees
 13 during the previous calendar year.
 14 b. The total amount of health care insurance
 15 expenditures paid by the employer during the previous
 16 calendar year for the benefit of employees. "Health
 17 care insurance" includes insurance for medical care,
 18 prescription drugs, vision care, dental care, and
 19 other costs to provide health care insurance benefits.
 20 2. At the same time the report required under
 21 subsection 1 is filed with the department of workforce
 22 development, if the amount reported for the previous
 23 calendar year pursuant to subsection 1, paragraph "b",
 24 is less than eight percent of the amount reported for
 25 the previous calendar year pursuant to subsection 1,
 26 paragraph "a", the employer shall be assessed an
 27 amount equal to the difference of eight percent of the
 28 amount reported for the previous calendar year
 29 pursuant to subsection 1, paragraph "a", and the
 30 amount reported for the previous calendar year
 31 pursuant to subsection 1, paragraph "b". An
 32 assessment under this section shall be remitted to the
 33 department of workforce development for deposit in the
 34 medical assistance fund of the department of human
 35 services. An employer shall not deduct any assessment
 36 paid pursuant to this subsection from wages paid to
 37 employees.
 38 3. An employer failing to meet a requirement of
 39 this section may be assessed a civil penalty not to
 40 exceed two hundred fifty thousand dollars for any
 41 violation."
 42 2. Title page, line 2, by inserting after the
 43 word "assistance" the following: ", assessments,".

44 3. By renumbering as necessary.

MASCHER of Johnson

H-1481

1 Amend House File 875 as follows:
 2 1. Page 5, by inserting after line 14 the
 3 following:
 4 "As a condition of the appropriation in this
 5 lettered paragraph, local fire departments must show
 6 they are pursuing, or have received, the training
 7 requirements for fire fighter I classification for all
 8 members who may engage in structural fire fighting, as
 9 identified in the job performance requirements for the
 10 fire fighter I classification in national fire
 11 protection association 1001 standard for fire fighter
 12 professional qualifications."

HUSER of Polk

H-1486

1 Amend House File 868 as follows:
 2 1. Page 59, by inserting after line 8 the
 3 following:
 4 "DIVISION XIV
 5 IOWA GREAT PLACES
 6 Sec. __. NEW SECTION. 303.3C IOWA GREAT PLACES
 7 PROGRAM.
 8 1. a. The department of cultural affairs shall
 9 establish and administer an Iowa great places program
 10 for purposes of combining resources of state
 11 government in an effort to showcase the unique and
 12 authentic qualities of communities, regions,
 13 neighborhoods, and districts that make such places
 14 exceptional places to work and live. The department
 15 of cultural affairs shall provide administrative
 16 assistance to the Iowa great places board. The
 17 department of cultural affairs shall coordinate the
 18 efforts of the Iowa great places board with the
 19 efforts of state agencies participating in the program
 20 which shall include, but not be limited to, the
 21 department of economic development, the Iowa finance
 22 authority, the department of human rights, the
 23 department of natural resources, the department of
 24 transportation, and the department of workforce
 25 development.
 26 b. The program shall combine resources from state
 27 government to capitalize on all of the following
 28 aspects of the chosen Iowa great places:
 29 (1) Arts and culture.
 30 (2) Historic fabric.

- 31 (3) Architecture.
32 (4) Natural environment.
33 (5) Housing options.
34 (6) Amenities.
35 (7) Entrepreneurial incentive for business
36 development.
37 (8) Diversity.
38 c. Initially, three Iowa great places projects
39 shall be identified by the Iowa great places board.
40 Two years after the third project is identified by the
41 board, the board may identify additional Iowa great
42 places for participation under the program.
43 2. a. The Iowa great places board is established
44 consisting of twelve members. The board shall be
45 located for administrative purposes within the
46 department of cultural affairs and the director shall
47 provide office space, staff assistance, and necessary
48 supplies and equipment for the board. The director
49 shall budget moneys to pay the compensation and
50 expenses of the board. In performing its functions,

Page 2

- 1 the board is performing a public function on behalf of
2 the state and is a public instrumentality of the
3 state.
4 b. The members of the board shall be appointed by
5 the governor, subject to confirmation by the senate.
6 At least four members shall be less than thirty years
7 old on the date the member is appointed by the
8 governor. The board shall include representatives of
9 cities and counties, local government officials,
10 cultural leaders, housing developers, business owners,
11 and parks officials.
12 c. The chairperson and vice chairperson shall be
13 elected by the board members from the membership of
14 the board. In the case of the absence or disability
15 of the chairperson and vice chairperson, the members
16 of the board shall elect a temporary chairperson by a
17 majority vote of those members who are present and
18 voting, provided a quorum is present.
19 d. Members of the board shall be appointed to
20 three-year staggered terms and the terms shall
21 commence and end as provided in section 69.19. If a
22 vacancy occurs, a successor shall be appointed in the
23 same manner and subject to the same qualifications as
24 the original appointment to serve the unexpired term.
25 e. A majority of the members of the board
26 constitutes a quorum.
27 f. A member of the board shall abstain from voting
28 on the provision of financial assistance to a project
29 which is located in the county in which the member of

30 the board resides.
 31 g. The members of the board are entitled to
 32 receive reimbursement for actual expenses incurred
 33 while engaged in the performance of official duties.
 34 A board member may also be eligible to receive
 35 compensation as provided in section 7E.6.
 36 3. The board shall do all of the following:
 37 a. Organize.
 38 b. Identify three Iowa great places for purposes
 39 of receiving a package of resources under the program.
 40 c. Identify a combination of state resources which
 41 can be provided to Iowa great places."
 42 2. By renumbering as necessary.

REICHERT of Muscatine
 BERRY of Black Hawk
 LENSING of Johnson
 FORD of Polk

MILLER of Webster
 WINCKLER of Scott
 SCHUELLER of Jackson

H-1489

1 Amend House File 875 as follows:
 2 1. Page 1, by inserting after line 1 the
 3 following:
 4 "STATE GENERAL FUND
 5 Section 1. There is appropriated from the general
 6 fund of the state to the following departments and
 7 agencies for the fiscal year beginning July 1, 2005,
 8 and ending June 30, 2006, the following amounts, or so
 9 much thereof as is necessary, to be used for the
 10 purposes designated:
 11 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
 12 a. For technology improvement projects:
 13 \$ 3,802,000
 14 Of the amount appropriated in this lettered
 15 paragraph, \$2,700,000 is allocated for continued
 16 implementation and operation of the integrated
 17 information for Iowa system; \$792,000 is allocated for
 18 continued development and implementation of the
 19 electronic tax administration project; and \$310,000 is
 20 allocated for maintenance and costs associated with
 21 upgrading the enterprise data warehouse.
 22 b. For relocation and project costs directly
 23 associated with remodeling projects on the capitol
 24 complex and for facility lease payments:
 25 \$ 1,824,000
 26 c. For routine maintenance of state buildings and
 27 facilities:
 28 \$ 2,000,000
 29 2. DEPARTMENT OF CORRECTIONS
 30 a. For maintenance costs of the department of
 31 corrections and board of parole associated with the

32 department of administrative services:
 33 \$ 105,300
 34 3. DEPARTMENT OF CULTURAL AFFAIRS
 35 For continuation of the project recommended by the
 36 Iowa battle flag advisory committee to stabilize the
 37 condition of the battle flag collection:
 38 \$ 220,000
 39 4. DEPARTMENT OF ECONOMIC DEVELOPMENT
 40 For costs associated with a study involving an
 41 environmental assessment and preliminary cultural and
 42 historical impact related to the establishment of a
 43 regional ferryboat service between Iowa and Illinois:
 44 \$ 60,000
 45 The funds are to be allocated to an area of the
 46 state that has an established ferryboat task force.
 47 The funds appropriated in this lettered paragraph are
 48 contingent upon the receipt of federal matching funds
 49 and financial participation by the state of Illinois
 50 in the study.

Page 2

1 5. DEPARTMENT OF EDUCATION
 2 a. For maintenance and lease costs associated with
 3 connections for part III of the Iowa communications
 4 network:
 5 \$ 2,727,000
 6 b. To the public broadcasting division for
 7 replacing transmitters:
 8 \$ 2,000,000
 9 d. To the vocational rehabilitation division to
 10 replace lost indirect costs:
 11 \$ 101,164
 12 6. NATIONAL PROGRAM FOR PLAYGROUND SAFETY AT THE
 13 UNIVERSITY OF NORTHERN IOWA
 14 For the Iowa safe surfacing initiative:
 15 \$ 500,000
 16 Not more than 2.5 percent of the funds appropriated
 17 in this subsection shall be used by the national
 18 program for playground safety for administrative costs
 19 associated with the Iowa safe surfacing initiative.
 20 The crumb rubber playground tiles for the
 21 initiative shall be international play equipment
 22 manufacturers association (IPEMA)-certified to the
 23 American society for testing and materials (ASTM)
 24 F1292 standard.
 25 7. DEPARTMENT OF NATURAL RESOURCES
 26 a. For the dredging of lakes, including necessary
 27 preparation for dredging, in accordance with the
 28 department's classification of Iowa lakes restoration
 29 report:
 30 \$ 1,000,000

- 31 The department shall consider the following
 32 criteria for funding lake dredging projects as
 33 provided in this lettered paragraph, and shall
 34 prioritize projects based on the following:
 35 (1) Documented efforts to address watershed
 36 protection, considering testing, conservation efforts,
 37 and amount of time devoted to watershed protection.
 38 (2) Protection of a natural resource and natural
 39 habitat.
 40 (3) Percentage of public access and undeveloped
 41 lakefront property.
 42 (4) Continuation of current projects partially
 43 funded by state resources to achieve department
 44 recommendations.
 45 b. For costs associated with Iowa's membership in
 46 the mid-America port commission established in chapter
 47 28K:
 48 \$ 80,000
 49 8. DEPARTMENT OF PUBLIC SAFETY
 50 a. For costs of entering into and making payments

Page 3

- 1 under a lease-purchase agreement to replace and
 2 upgrade the automated fingerprint identification
 3 system:
 4 \$ 550,000
 5 b. To the division of fire safety for allocation
 6 to the fire service training bureau to be used for the
 7 revolving loan program for equipment purchases by
 8 local fire departments:
 9 \$ 500,000
 10 c. For capitol building and judicial building
 11 security:
 12 \$ 800,000
 13 DIVISION II"
 14 2. Page 1, by striking lines 9 through 24.
 15 3. Page 2, by striking lines 7 through 10.
 16 4. Page 2, by striking lines 21 through 25.
 17 5. By striking page 2, line 31, through page 3,
 18 line 5.
 19 6. Page 3, by striking lines 11 through 19.
 20 7. By striking page 3, line 33, through page 4,
 21 line 9.
 22 8. Page 4, by striking lines 11 through 26.
 23 9. By striking page 4, line 34, through page 5,
 24 line 1.
 25 10. Page 5, by striking lines 3 through 6.
 26 11. Page 5, by striking lines 11 through 16.
 27 12. By striking page 7, line 35, through page 8,

28 line 4.

29 13. By renumbering as necessary.

WISE of Lee
PETERSEN of Polk
QUIRK of Chickasaw

H-1490

1 Amend the amendment, H-1471, to Senate File 272, as
2 passed by the Senate, as follows:

3 1. Page 3, by striking lines 19 through 21 and
4 inserting the following:

5 "(1) Two members of the house of representatives,
6 one appointed by the speaker of the house and one
7 appointed by the minority leader of the house of
8 representatives from their respective parties."

MURPHY of Dubuque

H-1491

1 Amend House File 848 as follows:

2 1. By striking page 2, line 5, through page 5,
3 line 10, and inserting the following:

4 "Sec. ___. Section 260C.17, Code 2005, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 260C.17 PREPARATION AND APPROVAL OF BUDGET -
8 OPERATIONS LEVY.

9 1. BUDGET APPROVAL. The board of directors of
10 each merged area shall prepare an annual budget
11 designating the proposed expenditures for operation of
12 the community college. The board shall further
13 designate the amounts which are to be raised by local
14 taxation and the amounts which are to be raised by
15 other sources of revenue for the operation. The
16 budget of each merged area shall be submitted to the
17 state board no later than May 1 preceding the next
18 fiscal year for approval. The state board shall
19 review the proposed budget and shall, prior to June 1,
20 either grant its approval or return the budget without
21 approval with the comments of the state board attached
22 to it. Any unapproved budget shall be resubmitted to
23 the state board for final approval.

24 2. BASE LEVEL. Upon approval of the budget by the
25 state board, the board of directors shall certify the
26 amount to the respective county auditors and the
27 boards of supervisors annually shall levy a tax of
28 twenty and one-fourth cents per thousand dollars of
29 assessed value on taxable property in a merged area
30 for the operation of a community college.

31 3. OPTIONAL SUPPLEMENTAL AMOUNT. In addition to
32 the amount of the operations levy under subsection 2,
33 the board of directors of each community college may
34 certify an additional amount for levy by March 15 to
35 the respective county auditors for collection in the
36 subsequent fiscal year, and the boards of supervisors
37 shall levy a tax on all taxable property in the merged
38 area for deposit in the local workforce and economic
39 development fund created in section 260C.18C. The sum
40 of the moneys collected by a community college under
41 this subsection shall not exceed the sum of sixteen
42 percent of the following for the fiscal year beginning
43 July 1, 2006, thirty-two percent of the following for
44 the fiscal year beginning July 1, 2007, forty-eight
45 percent of the following for the fiscal year beginning
46 July 1, 2008, sixty-four percent of the following for
47 the fiscal year beginning July 1, 2009, and eighty
48 percent of the following for fiscal years beginning on
49 or after July 1, 2010:
50 a. The community college's budgeted employer.

Page 2

1 contributions under the Federal Insurance
2 Contributions Act, as defined in section 97C.2, for
3 the fiscal year of collection.
4 b. The community college's budgeted employer
5 contributions to the community college's employees'
6 retirement systems for the fiscal year of collection.
7 c. The community college's budgeted utility costs
8 for the fiscal year of collection. As used in this
9 paragraph, "utility costs" includes the cost of
10 electricity, water, waste collection, fuel oil and gas
11 for heating, heat, and air conditioning expenditures.
12 "Utility costs" does not include telephone service, or
13 gas used in laboratories and shops for community
14 college purposes.
15 d. The moneys the community college would receive
16 from the collection of a property tax of ten cents per
17 thousand dollars of assessed valuation for the fiscal
18 year of collection.
19 For fiscal years beginning on or after July 1,
20 2011, the rate of the levy certified under this
21 subsection shall not exceed the community college's
22 supplemental operations levy cap. For purposes of
23 this paragraph, "community college's supplemental
24 operations levy cap" means the maximum levy expressed
25 in cents per thousand dollars of assessed valuation
26 which could have been collected by the community
27 college under this subsection for the fiscal year
28 beginning July 1, 2010.
29 Moneys collected under this subsection shall be

30 deposited in the community college's local workforce
31 and economic development fund.

32 4. TAXES COLLECTED. Taxes collected pursuant to
33 the levy shall be paid by the respective county
34 treasurers to the treasurer of the merged area as
35 provided in section 331.552, subsection 29.

36 Sec. __. NEW SECTION. 260C.18C LOCAL WORKFORCE
37 AND ECONOMIC DEVELOPMENT FUND.

38 1. LOCAL WORKFORCE AND ECONOMIC DEVELOPMENT FUND.

39 A local workforce and economic development fund is
40 created at each community college. Moneys shall be
41 deposited and expended from the fund as provided in
42 this section.

43 2. ALLOWABLE USE. Moneys deposited in the fund
44 are at the disposal of the community college to be
45 spent only on the following, provided that no more
46 than fifteen percent of the moneys deposited may be
47 used as provided under paragraph "f" and provided that
48 seventy percent of the moneys used as provided in
49 paragraphs "a" through "e" shall be used on projects
50 in the areas of advanced manufacturing, information

Page 3

1 technology and insurance, and life sciences which
2 include the areas of biotechnology, health care
3 technology, and nursing care technology:

4 a. Projects for which an agreement with the
5 community college and an employer within the community
6 college's merged area meet all of the requirements of
7 the accelerated career education program under chapter
8 260G.

9 b. Projects for which an agreement with the
10 community college and a business meet all the
11 requirements of the Iowa jobs training Act under
12 chapter 260F. However, such projects are not subject
13 to the maximum advance or award limitations contained
14 in section 260F.6, subsection 2, or the allocation
15 limitations contained in section 260F.8, subsection 1.

16 c. For the development and implementation of
17 career academies that are designed to provide new
18 career preparation opportunities for high school
19 students and that are formally linked with
20 postsecondary career and technical education programs.
21 For purposes of this section, "career academy" means a
22 program of study that combines a minimum of two years
23 of secondary education with an associate degree, or
24 the equivalent, career preparatory program in a
25 nonduplicative, sequential course of study that is
26 standards-based, integrates academic and technical
27 instruction, utilizes work-based and worksite learning
28 where appropriate and available, utilizes an

29 individual career planning process with parent
 30 involvement, and leads to an associate degree or
 31 postsecondary diploma or certificate in a career field
 32 that prepares an individual for entry and advancement
 33 in a high-skill and rewarding career field and further
 34 education. The department of economic development, in
 35 conjunction with the state board of education and the
 36 division of community colleges and workforce
 37 preparation of the department of education, shall
 38 adopt administrative rules for the development and
 39 implementation of such career academies pursuant to
 40 section 256.11, subsection 5, paragraph "h", section
 41 260C.1, and Title II of Pub. L. No. 105-332, the Carl
 42 D. Perkins Vocational and Technical Education Act of
 43 1998.

44 d. Programs and courses that provide vocational
 45 and technical training and programs for in-service
 46 training and retraining of workers under section
 47 260C.1, subsections 2 and 3.

48 e. Job retention projects under section 260F.9.

49 f. Student support services, including but not
 50 limited to:

Page 4

- 1 (1) Student counseling, including personal
- 2 counseling, academic counseling, behavioral
- 3 counseling, and career counseling.
- 4 (2) Support groups for high-need students.
- 5 (3) Student mentoring.
- 6 (4) Orientation to college classes taught in high
- 7 school which include career planning.
- 8 (5) Back-to-college training for nontraditional
- 9 students.
- 10 (6) Utilization of software for assessing the
- 11 students' work interests, listing current job
- 12 openings, and projecting future job openings in the
- 13 state of Iowa to assist students in planning their
- 14 careers.
- 15 Sec. __. Section 260G.3, subsection 2, paragraph
- 16 e, Code 2005, is amended to read as follows:
- 17 e. Moneys from a workforce training and economic
- 18 development fund created in section 260C.18A or
- 19 260C.18C, based on the number of program job positions
- 20 agreed to by the employer to be available under the
- 21 agreement, the amount of which shall be calculated in
- 22 the same manner as the program job credits provided
- 23 for in section 260G.4A."
- 24 2. Title page, by striking lines 2 and 3 and
- 25 inserting the following: "program foundation base,
- 26 modifying the community college operations levy,
- 27 creating a local workforce and economic development

28 fund for community colleges, and”.

PAULSEN of Linn

H-1492

1 Amend House File 848 as follows:

2 1. By striking page 1, line 1, through page 2,
3 line 4.

4 2. Title page, by striking lines 1 and 2 and
5 inserting the following: "An Act relating to
6 education funding by establishing a community
7 college".

8 3. By renumbering as necessary.

HEATON of Henry

H-1506

1 Amend House File 874 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 “Section 1. Section 170.1, subsection 4, Code
5 2005, is amended to read as follows:

6 4. a. “Farm deer” means an animal belonging to
7 the cervidae family and classified as part of the dama
8 species of the dama genus, commonly referred to as
9 fallow deer; part of the elaphus species of the cervus
10 genus, commonly referred to as red deer or elk; part
11 of the virginianus species of the odocoileus genus,
12 commonly referred to as whitetail; part of the
13 hemionus species of the odocoileus genus, commonly
14 referred to as mule deer; or part of the Lippon
15 species of the cervus genus, commonly referred to as
16 sika. ~~However, a farm deer~~

17 b. “Farm deer” does not include any unmarked free-
18 ranging elk, whitetail, or mule deer. “Farm deer”
19 also does not include preserve whitetail which are
20 kept on a hunting preserve as provided in chapter
21 484C.

22 Sec. 2. NEW SECTION. 170.1A APPLICATION OF
23 CHAPTER.

24 1. A landowner shall not keep whitetail unless the
25 whitetail are kept as farm deer under this chapter or
26 kept as preserve whitetail on a hunting preserve
27 pursuant to chapter 484C.

28 2. This chapter authorizes the department of
29 agriculture and land stewardship to regulate whitetail
30 kept as farm deer. However, the department of natural
31 resources shall regulate preserve whitetail kept on a
32 hunting preserve pursuant to chapter 484C.

33 Sec. 3. Section 484B.3, Code 2005, is amended to
34 read as follows:

35 484B.3 AUTHORITY OF THE DIRECTOR.

36 1. The director shall develop, administer, and
37 enforce hunting preserve programs and requirements
38 within the state which implement the provisions of
39 this chapter and the rules adopted by the commission
40 pursuant to this chapter.

41 2. The chapter does not apply to keeping farm deer
42 as defined in section 170.1 as regulated by the
43 department of agriculture and land stewardship
44 pursuant to chapter 170 or to preserve whitetail kept
45 on a hunting preserve as regulated by the department
46 of natural resources pursuant to chapter 484C.

47 Sec. 4. NEW SECTION. 484C.1 DEFINITIONS.

48 As used in this chapter, unless the context
49 otherwise requires:

50 1. "Commission" means the natural resource

Page 2

1 commission as created pursuant to section 455A.6.

2 2. "Department" means the department of natural
3 resources as created pursuant to section 455A.2.

4 3. "Documented event" includes but is not limited
5 to the birth, death, harvest, transfer for
6 consideration, or release of preserve whitetail.

7 4. "Fence" means a boundary fence which encloses
8 preserve whitetail within a landowner's property as
9 required to be constructed and maintained pursuant to
10 this chapter.

11 5. "Hunting preserve" means land where a landowner
12 keeps preserve whitetail as part of a business, if the
13 business's purpose is to provide persons with the
14 opportunity to hunt the preserve whitetail.

15 6. "Landowner" means a person who holds an
16 interest in land, including a titleholder.

17 7. "Preserve whitetail" means whitetail kept on a
18 hunting preserve.

19 8. "Whitetail" means an animal belonging to the
20 cervidae family and classified as part of the
21 virginianus species of the odocoileus genus.

22 Sec. 5. NEW SECTION. 484C.2 APPLICATION OF
23 CHAPTER.

24 1. A landowner shall not keep whitetail unless the
25 whitetail are kept as preserve whitetail pursuant to
26 this chapter or as farm deer pursuant to chapter 170.

27 2. This chapter authorizes the department of
28 natural resources to regulate preserve whitetail.
29 However, the department of agriculture and land
30 stewardship shall regulate whitetail kept as farm deer
31 pursuant to chapter 170.

32 Sec. 6. NEW SECTION. 484C.3 RULES.

33 The department shall adopt rules pursuant to
34 chapter 17A as necessary to administer this chapter.

35 Sec. 7. NEW SECTION. 484C.4 DEPARTMENTAL
36 PROGRAMS AND REQUIREMENTS.

37 The department shall develop, administer, and
38 enforce hunting preserve programs and requirements,
39 which implement the provisions of this chapter and
40 rules adopted by the department pursuant to section
41 484C.3, regarding fencing, recordkeeping, reporting,
42 and the tagging, transportation, testing, and
43 monitoring for disease of preserve whitetail.

44 Sec. 8. NEW SECTION. 484C.5 MINIMUM ENCLOSED
45 ACREAGE – EXCEPTIONS.

46 A hunting preserve must include at least three
47 hundred twenty contiguous acres which are enclosed by
48 a fence certified pursuant to section 484C.6.

49 However, the hunting preserve may include a fewer
50 number of enclosed acres if any of the following

Page 3

1 applies:

2 1. The commission grants a waiver for the hunting
3 preserve according to terms and conditions required by
4 the commission. The hunting preserve must include at
5 least one hundred sixty contiguous acres.

6 2. a. The hunting preserve was operated as a
7 business on January 1, 2005.

8 b. If the hunting preserve was operating on
9 January 1, 2005, the landowner or the landowner's
10 successor in interest may sell or otherwise transfer
11 ownership of the hunting preserve to another person
12 who may continue to operate the hunting preserve in
13 the same manner as the landowner. However, this
14 paragraph shall not apply if the owner of the hunting
15 preserve or any successor in interest fails to
16 register with the department as provided in section
17 484C.7 for three or more consecutive years.

18 3. a. The hunting preserve was not operated as a
19 business on January 1, 2005, and all of the following
20 apply:

21 (1) The hunting preserve has at least one hundred
22 contiguous acres.

23 (2) The hunting preserve's fence is certified by
24 the department not later than September 1, 2005.

25 b. If the hunting preserve complies with paragraph

26 "a", the landowner or the landowner's successor in
27 interest may sell or otherwise transfer ownership of
28 the hunting preserve to another person who may
29 continue to operate the hunting preserve in the same
30 manner as the landowner. However, this paragraph
31 shall not apply if the owner of the hunting preserve
32 or any successor in interest fails to register with
33 the department as provided in section 484C.7 for three
34 or more consecutive years.

35 Sec. 9. NEW SECTION. 484C.6 FENCING –
36 CERTIFICATION.

37 1. A fence required to enclose preserve whitetail
38 under section 484C.5 must be constructed and
39 maintained as prescribed by rules adopted by the
40 department and as certified by the department. The
41 fence shall be constructed and maintained to ensure
42 that the preserve whitetail are kept in the enclosure
43 and all other whitetail are excluded from the
44 enclosure.

45 2. A fence that was certified by the department of
46 agriculture and land stewardship pursuant to chapter
47 170 prior to the effective date of this Act shall be
48 certified by the department of natural resources.

49 3. A fence shall be at least eight feet in height
50 above ground level. The enclosure shall be posted

Page 4

1 with signs as prescribed by rules adopted by the
2 department.

3 4. The department may require that the fence be
4 inspected and approved by the department prior to
5 certification. The department shall periodically
6 inspect the fence at any reasonable time by
7 appointment or by providing the landowner with at
8 least forty-eight hours' notice.

9 Sec. 10. NEW SECTION. 484C.7 REGISTRATION AND
10 FEE.

11 A landowner who keeps preserve whitetail shall
12 annually register the landowner's hunting preserve
13 with the department by June 30. The landowner shall
14 pay the department a registration fee. The amount of
15 the registration fee shall not exceed three hundred
16 fifty dollars per fiscal year. The fee shall be
17 deposited into the state fish and game protection
18 fund.

19 Sec. 11. NEW SECTION. 484C.8 REQUIREMENTS FOR
20 RELEASING WHITETAIL – PROPERTY INTERESTS.

21 A person shall not release whitetail kept as
22 preserve whitetail onto land unless the landowner
23 complies with all of the following:

24 1. The landowner must notify the department at

25 least thirty days prior to first releasing the
26 preserve whitetail on the land. The notice shall be
27 provided in a manner required by the department. The
28 notice must at least provide all of the following:
29 a. A statement verifying that the fence which
30 encloses the land is certified by the department
31 pursuant to section 484C.6.
32 b. The landowner's name.
33 c. The location of the land enclosed by the fence.
34 2. The landowner shall cooperate with the
35 department to remove any whitetail from the enclosed
36 land. However, after the thirtieth day following
37 receipt of the notice, the state shall relinquish its
38 property interest in any remaining whitetail that the
39 landowner and the department were unable to remove
40 from the enclosed land. Any remaining whitetail
41 existing at that time on the enclosed land, and any
42 progeny of the whitetail, shall become preserve
43 whitetail and property of the landowner.
44 3. A hunting preserve may include whitetail which
45 were regulated as farm deer by the department of
46 agriculture and land stewardship pursuant to chapter
47 170 and transported to the hunting preserve. The
48 whitetail shall be considered farm deer until released
49 onto the hunting preserve. Once released onto the
50 hunting preserve, the whitetail and its progeny become

Page 5

1 preserve whitetail and are subject to regulation by
2 the department of natural resources.
3 Sec. 12. NEW SECTION. 484C.9 DOCUMENTATION –
4 INSPECTIONS.
5 1. The department shall prepare forms for
6 documents, including records and reports, and provide
7 such forms to landowners in order to comply with this
8 section. The department shall provide procedures for
9 the receipt, filing, processing, and return of
10 documents in an electronic format. The department
11 shall provide for the authentication of the documents
12 that may include electronic signatures as provided in
13 chapter 554D. However, this subsection does not
14 require a landowner to complete or receive a document
15 in an electronic format.
16 2. A landowner who operates a hunting preserve
17 shall do all of the following:
18 a. Keep records as required by the department.
19 The records shall be open for inspection at any
20 reasonable time by the department.
21 b. File an annual report with the department on or
22 before June 30. The report shall describe the hunting
23 preserve operations during the preceding twelve

24 months. The original report shall be forwarded to the
 25 department and a copy shall be retained in the hunting
 26 preserve's file for three years from the date of
 27 expiration of the landowner's last registration as
 28 provided in section 484C.7.

29 c. Keep a record of a documented event as required
 30 by the department. The record of the documented event
 31 shall be entered in the annual report required in this
 32 section. The record of the documented event shall be
 33 maintained by the landowner and submitted to the
 34 department. The entry of the documented event shall
 35 be made within twenty-four hours after its occurrence
 36 as prescribed by departmental rule.

37 Sec. 13. NEW SECTION. 484C.10 TAKING PRESERVE
 38 WHITETAIL – TRANSPORTATION TAGS.

39 The department shall provide transportation tags to
 40 a landowner for use in identifying the carcass of
 41 preserve whitetail.

42 1. The tags shall be used to designate all
 43 preserve whitetail taken by persons on the hunting
 44 preserve. A person taking the preserve whitetail
 45 shall tag the preserve whitetail in accordance with
 46 the rules adopted by the department.

47 2. The preserve whitetail taken on a hunting
 48 preserve shall be tagged prior to being removed from
 49 the hunting preserve.

50 3. A tag shall remain attached to the carcass of

Page 6

1 the dead preserve whitetail until processed for
 2 consumption. The person taking the preserve whitetail
 3 shall be provided with a bill of sale by the
 4 landowner. The bill of sale shall remain in the
 5 possession of the person taking the preserve
 6 whitetail.

7 4. Preserve whitetail tags issued to a hunting
 8 preserve are not transferable.

9 Sec. 14. NEW SECTION. 484C.11 TAKING PRESERVE
 10 WHITETAIL – PROCESSING.

11 If preserve whitetail have been taken, the
 12 harvested preserve whitetail may be processed by the
 13 hunting preserve as prescribed by rules adopted by the
 14 department. The rules shall provide for the marking
 15 and shipment of meat.

16 Sec. 15. NEW SECTION. 484C.12 HEALTH
 17 REQUIREMENTS – CHRONIC WASTING DISEASE.

18 1. Preserve whitetail that are purchased,
 19 propagated, confined, released, or sold by a hunting
 20 preserve shall be free of diseases considered
 21 reportable for wildlife, poultry, or livestock. The
 22 department may provide for the quarantine of diseased

23 preserve whitetail that threaten the health of animal
24 populations.
25 2. The landowner, or the landowner's veterinarian,
26 and an epidemiologist designated by the department
27 shall develop a plan for eradicating a reportable
28 disease among the preserved whitetail population. The
29 plan shall be designed to reduce and then eliminate
30 the reportable disease, and to prevent the spread of
31 the disease to other animals. The plan must be
32 developed and signed within sixty days after a
33 determination that the preserved whitetail population
34 is affected with the disease. The plan must address
35 population management and adhere to rules adopted by
36 the department. The plan must be formalized as a
37 memorandum of agreement executed by the landowner or
38 landowner's veterinarian and the epidemiologist. The
39 plan must be approved by the department.
40 Sec. 16. NEW SECTION. 484C.13 PENALTIES.
41 1. A person who violates a provision of this
42 chapter or a rule adopted pursuant to this chapter is
43 guilty of a simple misdemeanor.
44 2. A landowner who keeps preserve whitetail and
45 who fails to register with the department as required
46 in section 484C.7 is subject to a civil penalty of not
47 more than two thousand five hundred dollars. The
48 civil penalty shall be deposited in the state fish and
49 game protection fund.
50 3. The department may suspend or revoke a fence

Page 7

1 certification issued pursuant to section 484C.6 if the
2 department determines that a landowner has done any of
3 the following:
4 a. Provided false information to the department in
5 an application for fence certification pursuant to
6 section 484C.6.
7 b. Failed to provide access to the department for
8 an inspection as provided in this chapter.
9 c. Failed to maintain adequate records or to
10 submit timely reports as provided in section 484C.9.
11 d. Failed to maintain a fence enclosing the land
12 where preserve whitetail are kept as required by this
13 chapter. The department shall not suspend or revoke a
14 certification, if the landowner remedies each item as
15 provided in a notice of deficiency delivered to the
16 landowner by the department. The remedies shall be
17 completed within seven days from receipt of the
18 notice. The notice shall be hand delivered or sent by
19 certified mail.
20 Sec. 17. DEPARTMENT OF AGRICULTURE AND LAND
21 STEWARDSHIP AND DEPARTMENT OF NATURAL RESOURCES -

22 JOINT STUDY AND RECOMMENDATIONS.

23 1. The department of agriculture and land
 24 stewardship and the department of natural resources
 25 shall conduct a joint study to consider issues
 26 relating to keeping of farm deer pursuant to Code
 27 chapter 170 and keeping preserve whitetail as part of
 28 a hunting preserve pursuant to Code chapter 484C as
 29 enacted by this Act. As part of the study, the
 30 departments shall consider all of the following:

- 31 a. The fair and effective regulation of farm deer
 32 and preserve whitetail by the departments.
- 33 b. Threats to farm deer, preserve whitetail, and
 34 state-owned whitetail caused by potential outbreaks of
 35 infectious diseases including but not limited to
 36 chronic wasting disease, and methods to cooperate in
 37 monitoring and controlling infectious diseases and
 38 obtaining federal moneys necessary to provide for the
 39 prevention and suppression of infectious diseases.

40 2. The departments shall jointly report the
 41 results of the study, including findings and
 42 recommendations, to the government oversight
 43 committees by November 2005 as required by the
 44 committees.

45 Sec. 18. DEPARTMENT OF NATURAL RESOURCES AND
 46 HUNTING PRESERVE INDUSTRY – JOINT STUDY AND
 47 RECOMMENDATIONS.

48 1. A preserve whitetail committee is established.

49 The committee shall be composed of the following:

- 50 a. Not more than five persons appointed by the

Page 8

1 governor who shall be members of the Iowa whitetail
 2 deer association.

3 b. Not more than five persons appointed by the
 4 director of the department of natural resources who
 5 shall be knowledgeable regarding hunting preserves.

6 2. The committee shall develop recommendations for
 7 industry standards and guidelines to be used by the
 8 natural resource commission when considering the
 9 granting of waivers for minimum acreage requirements
 10 for hunting preserves as provided in section 484C.5 as
 11 enacted in this Act.

12 3. The committee shall submit the recommendations
 13 required in this section to the natural resource
 14 commission by January 1, 2006.”

H-1508

- 1 Amend House File 868 as follows:
 2 1. Title page, line 1, by inserting after the
 3 word "workforce," the following: "renewable fuels,".

FREVERT of Palo Alto

H-1510

- 1 Amend House File 848 as follows:
 2 1. Page 2, by inserting before line 5 the
 3 following:
 4 "Sec. . NEW SECTION. 257.51 BEFORE AND AFTER
 5 SCHOOL PROGRAMS - ADDITIONAL ALLOWABLE GROWTH.
 6 1. The general assembly finds and declares that
 7 quality before and after school programs provide safe,
 8 engaging environments that complement the school day
 9 by promoting learning to improve student outcomes.
 10 While there is no one single formula for success in
 11 before and after school programs, the general assembly
 12 encourages communities to invest local resources in
 13 before and after school programs. The general
 14 assembly finds that effective programs combine
 15 academic, enrichment, cultural, and recreational
 16 activities to guide learning and engage children and
 17 youth in year-round age-appropriate activities. The
 18 best programs develop activities to meet the
 19 particular needs and interests of the children and
 20 youth they serve, whether they are provided by a year-
 21 round school-based program or by a school program
 22 linked to community-based, faith-based, or nonprofit
 23 organizations. The types of activities supported by
 24 the best before and after school programs include, but
 25 are not limited to, the following:
 26 a. Tutoring and supplementing instruction in basic
 27 skills, such as reading, math, and science.
 28 b. Drug and violence prevention curricula and
 29 counseling.
 30 c. Youth leadership activities.
 31 d. Volunteer and service learning opportunities.
 32 e. Career and vocational awareness and
 33 preparation.
 34 f. Courses and enrichment in arts and culture.
 35 g. Computer instruction.
 36 h. Character development and civic participation.
 37 i. Language instruction, including English as a
 38 second language.
 39 j. Mentoring.
 40 k. Positive interaction with law enforcement.
 41 l. Supervised recreation programs.
 42 m. Health and nutrition programs.

43 2. Boards of directors of school districts,
44 individually or jointly with other boards of directors
45 of school districts, requesting to use additional
46 allowable growth for before and after school programs
47 shall annually submit an application for additional
48 allowable growth that includes a program budget to the
49 department of education as provided in this chapter.
50 The school district shall incorporate a program plan

Page 2

1 for its before and after school program into its
2 comprehensive school improvement plan required under
3 section 256.7, subsection 21.

4 3. The school district's comprehensive school
5 improvement plan shall identify the parts of the
6 program that will be implemented first upon approval
7 of the application. A district may charge a fee for
8 participation in the before and after school program,
9 but shall make every reasonable effort to remove
10 financial barriers that prevent families from
11 utilizing the before and after school program. The
12 program plans may provide for a school-based program
13 or school-linked program to community-based, faith-
14 based, and nonprofit organizations in the community.

15 4. The state board of education shall adopt rules
16 under chapter 17A relating to the administration of
17 this section. The rules shall prescribe the
18 components of the program plans to be addressed in the
19 school district's comprehensive school improvement
20 plan under this section.

21 5. For purposes of this section, "before and after
22 school program" means a school-based or school-linked
23 program that is offered before and after school,
24 before school, after school, during the summer, or at
25 other times school is not in session.

26 6. The board of directors of a school district
27 requesting to use additional allowable growth for
28 before and after school programs shall submit
29 applications for approval of the programs to the
30 department of education not later than November 1
31 preceding the budget year during which the programs
32 will be offered. The department of education shall
33 review the application and shall, prior to January 15,
34 either grant approval for the programs or return the
35 request for approval with comments of the department
36 of education included. An unapproved application may
37 be resubmitted with modifications to the department of
38 education no later than February 1. No later than
39 February 15, the department of education shall notify
40 the department of management and the school budget
41 review committee of the names of the school districts

42 for which programs using additional allowable growth
 43 for funding have been approved and the approved budget
 44 of each program listed separately for each school
 45 district having an approved program.
 46 7. The budget of an approved before and after
 47 school program for a school district shall be funded
 48 annually on a basis of at least one-fourth or more
 49 from user fees, grants, subsidies, and other locally
 50 generated sources and up to three-fourths by an

Page 3

1 increase in allowable growth as defined in section
 2 257.8. Annually, the department of management shall
 3 establish a modified allowable growth for each
 4 district equal to the difference between the approved
 5 budget for the before and after school programs for
 6 that district and the portion of the budget funded
 7 from user fees, grants, subsidies, and other locally
 8 generated sources for that purpose. The maximum
 9 dollar amount of allowable growth for a program shall
 10 not exceed five percent times the budget enrollment
 11 times the district cost per pupil less the amount
 12 available from user fees, grants, subsidies, and other
 13 locally generated sources for the program.
 14 8. If any portion of the before and after school
 15 program budget remains unexpended at the end of the
 16 budget year, the remainder shall be carried over to
 17 the subsequent budget year and added to the before and
 18 after school program budget as a locally generated
 19 source of funding for that year."
 20 2. Title page, line 3, by inserting after the
 21 word "levy," the following: "allowing school
 22 districts to request additional allowable growth for
 23 before and after school programs,".

BERRY of Black Hawk
 HOGG of Linn
 LYKAM of Scott
 HEDDENS of Story
 KRESSIG of Black Hawk
 SCHUELLER of Jackson
 WINCKLER of Scott
 WESSEL-KROESCHELL of Story

FORD of Polk
 JOCHUM of Dubuque
 MILLER of Webster
 HUNTER of Polk
 LENSING of Johnson
 WENDT of Woodbury
 THOMAS of Clayton

H-1512

1 Amend the amendment, H-1489, to House File 875 as
 2 follows:
 3 1. By striking everything after the amending
 4 clause and inserting the following:
 5 "___ Page 1, by inserting after line 1 the

6 following:

7 "STATE GENERAL FUND

8 Section 1. There is appropriated from the general
 9 fund of the state to the following departments and
 10 agencies for the fiscal year beginning July 1, 2005,
 11 and ending June 30, 2006, the following amounts, or so
 12 much thereof as is necessary, to be used for the
 13 purposes designated:

- 14 1. DEPARTMENT OF CORRECTIONS
- 15 a. For maintenance costs of the department of
 16 corrections and board of parole associated with the
 17 department of administrative services:
 18 \$ 105,300
- 19 b. For rent payments for the community-based
 20 corrections facility located in Davenport and the Vine
 21 street building located in West Des Moines:
 22 \$ 122,000
- 23 2. DEPARTMENT OF CULTURAL AFFAIRS
- 24 For continuation of the project recommended by the
 25 Iowa battle flag advisory committee to stabilize the
 26 condition of the battle flag collection:
 27 \$ 220,000
- 28 3. DEPARTMENT OF EDUCATION
- 29 To the vocational rehabilitation division to
 30 replace lost indirect costs:
 31 \$ 101,164
- 32 4. DEPARTMENT OF PUBLIC SAFETY
- 33 For capitol building and judicial building
 34 security:
 35 \$ 800,000

36 DIVISION II"

- 37 ___ Page 1, line 29, by striking the figure
 38 "1,925,427" and inserting the following: "3,151,891".
- 39 ___ Page 2, by striking lines 7 through 10.
- 40 ___ Page 2, by striking lines 21 through 25.
- 41 ___ By striking page 2, line 31, through page 3,
 42 line 5.
- 43 ___ Page 3, by striking lines 17 through 19.
- 44 ___ By striking page 4, line 34, through page 5,
 45 line 1.
- 46 ___ Page 5, by striking lines 15 and 16.
- 47 ___ Page 8, by inserting after line 4 the
 48 following:
 49 "Sec. ___ Section 8.57B, subsection 4, Code 2005,
 50 is amended to read as follows:

Page 2

- 1 4. There is appropriated from the rebuild Iowa
 2 infrastructure fund to the vertical infrastructure
 3 fund, the following:
 4 a. For the fiscal year beginning July 1, 2005, and

5 ending June 30, 2006, the sum of fifteen million
6 dollars.

7 b. For the fiscal year beginning July 1, 2006, and
8 ending June 30, 2007, the sum of fifteen million
9 dollars.

10 c. For the fiscal year beginning July 1, 2007, and
11 ending June 30, 2008, the sum of fifty million
12 dollars.

13 d. For the fiscal year beginning July 1, 2008, and
14 ending June 30, 2009, the sum of fifty million
15 dollars."

16 ____ Page 19, line 8, by inserting after the word
17 "fund" the following: "for the fiscal year that
18 begins July 1, 2005,".

19 ____ Page 19, by inserting after line 14 the
20 following:

21 "Sec. ____ DEPARTMENT OF ADMINISTRATIVE SERVICES.

22 1. There is appropriated from the vertical
23 infrastructure fund to the department of
24 administrative services for the designated fiscal
25 years, the following amounts, or so much thereof as if
26 necessary, to be used for the purposes designated:

27 For major renovation and major repair needs,
28 including health, life, and fire safety needs, and for
29 compliance with the federal Americans With
30 Disabilities Act, for state buildings and facilities
31 under the purview of the department:

32 FY 2006-2007	\$ 10,000,000
33 FY 2007-2008	\$ 40,000,000
34 FY 2008-2009	\$ 40,000,000

35 Notwithstanding section 8.33, moneys appropriated
36 in this section shall not revert at the close of the
37 fiscal year for which they were appropriated but shall
38 remain available for the purposes designated until the
39 close of the fiscal year that begins July 1, 2010, or
40 until the project for which the appropriation was made
41 is completed, whichever is earlier."

42 2. By renumbering as necessary.

DIX of Butler

H-1514

1 Amend the amendment, H-1491, to House File 848 as
2 follows:

3 1. By striking page 1, line 3, through page 4,
4 line 28, and inserting the following: "line 10."

5 2. Title page, by striking lines 2 and 3, and
6 inserting the following: "program foundation base,
7 and".

H-1515

1 Amend House File 848 as follows:

2 1. By striking page 2, line 5, through page 5,
3 line 10.

4 2. Title page, by striking lines 2 and 3, and
5 inserting the following: "program foundation base,
6 and".

RAYHONS of Hancock

H-1516

1 Amend House File 828 as follows:

2 1. Page 3, by inserting after line 29, the
3 following:

4 "Sec. ___. Section 462A.12, Code 2005, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 14. A person shall not operate a
7 vessel on the waters of this state unless every person
8 on board the vessel who is under thirteen years of age
9 is wearing a type I, II, III, or V personal flotation
10 device that is approved by the United States coast
11 guard, while the vessel is moving. This subsection
12 does not apply to a person who is under thirteen years
13 of age and is in an enclosed cabin or below deck."

14 2. Title page, line 2, by inserting after the
15 word "minors," the following: "requiring the wearing
16 of personal flotation devices by certain minors,".

17 3. By renumbering as necessary.

REICHERT of Muscatine

H-1519

1 Amend House File 848 as follows:

2 1. By striking page 1, line 2, through page 2,
3 line 4, and inserting the following: "paragraph 2,
4 Code 2005, is amended to read as follows:

5 For the budget year commencing July 1, ~~1999~~ 2006,
6 and for each succeeding budget year the regular
7 program foundation base per pupil is ~~eighty-seven and~~
8 ~~five-tenths~~ eighty-nine and twenty-eight hundredths
9 percent of the regular program state cost per pupil.

10 For the budget year commencing July 1, 1991, and for
11 each succeeding budget year the special education
12 support services foundation base is seventy-nine
13 percent of the special education support services
14 state cost per pupil. The combined foundation base is

15 the sum of the regular program foundation base and the
 16 special education support services foundation base."
 17 2. By renumbering as necessary.

HOGG of Linn

H-1521

1 Amend the amendment, H-1505, to House File 875, as
 2 follows:
 3 1. Page 1, by striking lines 38 and 39.

REICHERT of Muscatine

H-1522

1 Amend the amendment, H-1502, to House File 875, as
 2 follows:
 3 1. By striking everything after the amending
 4 clause and inserting the following:
 5 "___ Page 2, by inserting after line 5 the
 6 following:
 7 "___ For maintenance of the Terrace Hill complex:
 8 \$ 571,000"

COHOON of Des Moines

H-1523

1 Amend the amendment, H-1489, to House File 875 as
 2 follows:
 3 1. By striking everything after the amending
 4 clause and inserting the following:
 5 "___ Page 1, by inserting after line 1 the
 6 following:
 7 "STATE GENERAL FUND
 8 Section 1. There is appropriated from the general
 9 fund of the state to the following departments and
 10 agencies for the fiscal year beginning July 1, 2005,
 11 and ending June 30, 2006, the following amounts, or so
 12 much thereof as is necessary, to be used for the
 13 purposes designated:
 14 1. DEPARTMENT OF CORRECTIONS
 15 a. For maintenance costs of the department of
 16 corrections and board of parole associated with the
 17 department of administrative services:
 18 \$ 105,300
 19 b. For rent payments for the community-based
 20 corrections facility located in Davenport and the Vine
 21 street building located in West Des Moines:
 22 \$ 122,000
 23 2. DEPARTMENT OF CULTURAL AFFAIRS

24 For continuation of the project recommended by the
 25 Iowa battle flag advisory committee to stabilize the
 26 condition of the battle flag collection:

27	\$ 220,000
28 3. DEPARTMENT OF EDUCATION	
29 To the vocational rehabilitation division to 30 replace lost indirect costs:	
31	\$ 101,164
32 4. DEPARTMENT OF PUBLIC SAFETY	
33 For capitol building and judicial building 34 security:	
35	\$ 800,000

36 DIVISION II"

- 37 ___ Page 1, line 29, by striking the figure
 38 "1,925,427" and inserting the following: "3,291,891".
 39 ___ Page 2, by striking lines 7 through 10.
 40 ___ Page 2, by striking lines 21 through 25.
 41 ___ By striking page 2, line 31, through page 3,
 42 line 5.
 43 ___ Page 3, by striking lines 17 through 19.
 44 ___ By striking page 4, line 34, through page 5,
 45 line 1.
 46 ___ Page 5, by striking lines 15 and 16.
 47 ___ Page 8, by inserting after line 4 the
 48 following:
 49 "Sec. ___ Section 8.57B, subsection 4, Code 2005,
 50 is amended to read as follows:

Page 2

- 1 4. There is appropriated from the rebuild Iowa
 2 infrastructure fund to the vertical infrastructure
 3 fund, the following:
- 4 a. For the fiscal year beginning July 1, 2005, and
 5 ending June 30, 2006, the sum of fifteen million
 6 dollars.
- 7 b. For the fiscal year beginning July 1, 2006, and
 8 ending June 30, 2007, the sum of fifteen million
 9 dollars.
- 10 c. For the fiscal year beginning July 1, 2007, and
 11 ending June 30, 2008, the sum of fifty million
 12 dollars.
- 13 d. For the fiscal year beginning July 1, 2008, and
 14 ending June 30, 2009, the sum of fifty million
 15 dollars."
- 16 ___ Page 19, line 8, by inserting after the word
 17 "fund" the following: "for the fiscal year that
 18 begins July 1, 2005,".
- 19 ___ Page 19, by inserting after line 14 the
 20 following:
 21 "Sec. ___ DEPARTMENT OF ADMINISTRATIVE SERVICES.
 22 1. There is appropriated from the vertical

23 infrastructure fund to the department of
 24 administrative services for the designated fiscal
 25 years, the following amounts, or so much thereof as if
 26 necessary, to be used for the purposes designated:
 27 For major renovation and major repair needs,
 28 including health, life, and fire safety needs, and for
 29 compliance with the federal Americans With
 30 Disabilities Act, for state buildings and facilities
 31 under the purview of the department:

32 FY 2006-2007	\$ 10,000,000
33 FY 2007-2008	\$ 40,000,000
34 FY 2008-2009	\$ 40,000,000

35 Notwithstanding section 8.33, moneys appropriated
 36 in this section shall not revert at the close of the
 37 fiscal year for which they were appropriated but shall
 38 remain available for the purposes designated until the
 39 close of the fiscal year that begins July 1, 2010, or
 40 until the project for which the appropriation was made
 41 is completed, whichever is earlier."
 42 2. By renumbering as necessary.

DIX of Butler

H-1524

1 Amend the amendment, H-1481, to House File 875 as
 2 follows:
 3 1. Page 1, by striking lines 5 through 12 and
 4 inserting the following: "lettered paragraph,
 5 priority for appropriations from the revolving loan
 6 fund shall go to departments that can demonstrate
 7 active pursuit of fire fighter I training
 8 certification for all members engaged in structural
 9 fire fighting."

LUKAN of Dubuque

H-1527

1 Amend the amendment, H-1506, to House File 874, as
 2 follows:
 3 1. Page 7, line 26, by striking the words "farm
 4 deer" and inserting the following: "whitetail as farm
 5 deer".
 6 2. Page 7, line 31, by striking the words "farm
 7 deer" and inserting the following: "whitetail kept as
 8 farm deer".
 9 3. Page 7, line 33, by striking the words "farm

10 deer" and inserting the following: "whitetail kept as
11 farm deer".

MERTZ of Kossuth
DRAKE of Pottawattamie

H-1528

1 Amend the amendment, H-1506, to House File 874, as
2 follows:
3 1. Page 2, by striking lines 15 and 16, and
4 inserting the following:
5 "___ "Landowner" means a person who holds an
6 interest in land on which a hunting ranch or shooting
7 preserve is located."
8 2. By renumbering as necessary.

MERTZ of Kossuth

H-1529

1 Amend the amendment, H-1506, to House File 874 as
2 follows:
3 1. Page 2, by striking lines 7 through 10, and
4 inserting the following:
5 "___ "Fence" means a boundary fence of at least
6 eight feet in height above ground level that encloses
7 confined whitetail within a landowner's property."
8 2. By renumbering as necessary.

MERTZ of Kossuth

H-1530

1 Amend the amendment, H-1506, to House File 874 as
2 follows:
3 1. Page 4, by striking lines 7 and 8, and
4 inserting the following: "appointment."
5 2. Page 5, by striking lines 19 and 20, and
6 inserting the following: "The records shall be open
7 for inspection by the department at any reasonable
8 time by appointment."
9 3. Page 7, line 8, by inserting after the word
10 "chapter" the following: ", if access was denied
11 during a mutually agreed upon appointment".

MERTZ of Kossuth

H-1531

1 Amend the amendment, H-1506, to House File 874, as
2 follows:
3 1. Page 4, lines 9 and 10, by striking the words

4 "AND FEE".

5 2. Page 4, by striking lines 13 through 18, and
6 inserting the following: "with the department by June
7 30."

8 3. Page 8, by inserting after line 14, the
9 following:

10 "___ Title page, line 2, by striking the words
11 "fees and"."

MERTZ of Kossuth

H-1532

1 Amend Senate File 220, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 35, through page 2,
4 line 1, and inserting the following:

5 "Sec. ___. Section 279.10, subsection 4, Code
6 2005, is amended by striking the subsection and
7 inserting in lieu thereof the following:

8 4. The director of the department of education
9 shall grant a request made by a board of directors of
10 a school district stating its desire to commence
11 classes for regularly established elementary and
12 secondary schools prior to the earliest starting date
13 specified in subsection 1, if the school district is
14 sharing a common school calendar with one or more
15 other school districts for purposes of a collaborative
16 educational program. The provisions of section 257.17
17 relating to an aid reduction for early school start
18 dates shall not apply to a school district receiving a
19 waiver pursuant to this subsection."

20 2. Title page, line 4, by striking the word
21 "date," and inserting the following: "date except
22 under specified circumstances,".

WILDERDYKE of Harrison

H-1534

1 Amend House File 868 as follows:

2 1. Page 58, by striking line 28, and inserting
3 the following:

4 "RENEWABLE FUELS

5 Sec. ___. Section 8A.362, subsection 3, unnumbered
6 paragraph 2, Code 2005, is amended to read as follows:

7 A motor vehicle operated under this subsection
8 shall not operate on gasoline other than ethanol
9 blended gasoline ~~blended with at least ten percent~~
10 ethanol as provided in section 214A.2, unless under
11 emergency circumstances. A state-issued credit card
12 used to purchase gasoline shall not be valid to

13 purchase gasoline other than ethanol blended gasoline
 14 ~~blended with at least ten percent ethanol~~, if
 15 commercially available. The motor vehicle shall also
 16 be affixed with a brightly visible sticker which
 17 notifies the traveling public that the motor vehicle
 18 is being operated on ethanol blended gasoline ~~blended~~
 19 ~~with ethanol~~. However, the sticker is not required to
 20 be affixed to an unmarked vehicle used for purposes of
 21 providing law enforcement or security.

22 Sec. __. Section 8A.362, subsection 5, paragraph
 23 a, subparagraphs (1) and (2), Code 2005, are amended
 24 to read as follows:

25 (1) ~~A fuel blended with not more than fifteen~~
 26 ~~percent E-85 gasoline and at least eighty-five percent~~
 27 ~~ethanol as provided in section 214A.2.~~

28 (2) ~~A fuel which is a mixture of diesel Biodiesel~~
 29 ~~fuel and processed soybean oil. At least twenty~~
 30 ~~percent of the mixed fuel by volume must be processed~~
 31 ~~soybean oil as defined in section 159A.2.”~~

32 2. Page 59, by inserting after line 8 the
 33 following:

34 “Sec. __. Section 159A.2, Code 2005, is amended
 35 by adding the following new subsections:

36 NEW SUBSECTION. 0A. “Biodiesel fuel” means a
 37 motor vehicle fuel which is a mixture of diesel fuel
 38 and processed soybean oil, which meets the standards
 39 for such motor vehicle fuel established in section
 40 214A.2, if at least twenty percent of the mixed fuel
 41 by volume is processed soybean oil.

42 NEW SUBSECTION. 3A. “Ethanol blended gasoline”
 43 means motor vehicle fuel which is a mixture of
 44 gasoline and denatured alcohol, which meets the
 45 standards for such motor vehicle fuel established in
 46 section 214A.2.

47 NEW SUBSECTION. 4A. “Motor vehicle fuel” means
 48 the same as defined in section 214A.1.

49 Sec. __. Section 159A.2, subsection 6, Code 2005,
 50 is amended by striking the subsection and inserting in

Page 2

1 lieu thereof the following:

2 6. “Renewable fuel” means the same as defined in
 3 section 214A.1.

4 Sec. __. Section 159A.3, subsection 3, Code 2005,
 5 is amended to read as follows:

6 3. a. A chief purpose of the office is to further
 7 the production and consumption of ethanol fuel blended
 8 gasoline in this state. The office shall be the
 9 primary state agency charged with the responsibility
 10 to promote public consumption of ethanol fuel blended
 11 gasoline.

12 b. The office shall promote the production and
 13 consumption of ~~soy~~diesel biodiesel fuel in this state.
 14 Sec. __. Section 214A.1, Code 2005, is amended by
 15 adding the following new subsections:
 16 NEW SUBSECTION. 0A. "Advertise" means to present
 17 a commercial message in any medium, including but not
 18 limited to print, radio, television, sign, display,
 19 label, tag, or articulation.
 20 NEW SUBSECTION. 6A. "Renewable fuel" means an
 21 energy source at least in part derived from biomass or
 22 other nonfossil organic compound capable of powering
 23 machinery, including but not limited to an engine or
 24 power plant. A renewable fuel includes but is not
 25 limited to ethanol blended gasoline or biodiesel fuel
 26 meeting the standards of section 214A.2.
 27 Sec. __. Section 214A.2, subsection 1, Code 2005,
 28 is amended to read as follows:
 29 1. The secretary shall adopt rules pursuant to
 30 chapter 17A for carrying out this chapter. The rules
 31 may include, but are not limited to, specifications
 32 relating to motor vehicle fuel or, including but not
 33 limited to renewable fuel which may contain oxygenate
 34 octane enhancers. In the interest of uniformity, the
 35 secretary shall adopt by reference or otherwise
 36 specifications relating to tests and standards for
 37 motor fuel or oxygenate octane enhancers, established
 38 by A.S.T.M. (American society for testing and
 39 materials) international, unless the secretary
 40 determines those specifications are inconsistent with
 41 this chapter or are not appropriate to the conditions
 42 which exist in this state.
 43 Sec. __. Section 214A.2, subsection 3, Code 2005,
 44 is amended by striking the subsection and inserting in
 45 lieu thereof the following:
 46 3. a. Gasoline blended with denatured alcohol
 47 shall be known as ethanol blended gasoline if it meets
 48 the standards for renewable fuel as provided in this
 49 section. In addition, all of the following must
 50 apply:

Page 3

1 (1) Until July 1, 2015, at least ten percent of
 2 the mixture of gasoline and denatured alcohol by
 3 volume must be denatured alcohol.
 4 (2) On and after July 1, 2015, at least twenty
 5 percent of the mixture of gasoline and denatured
 6 alcohol by volume must be denatured alcohol.
 7 b. Ethanol blended gasoline shall be known as E-85
 8 gasoline if it meets the standards for renewable fuel
 9 as provided in this section. In addition, all of the
 10 following must apply:

11 (1) From the first day of April until the last day
 12 of October, at least eighty-five percent of the
 13 mixture of gasoline and denatured alcohol by volume
 14 must be denatured alcohol.

15 (2) From the first day of November until the last
 16 day of March, at least seventy-five percent of the
 17 mixture of gasoline and denatured alcohol by volume
 18 must be denatured alcohol.

19 Sec. __. Section 214A.2, Code 2005, is amended by
 20 adding the following new subsection:

21 NEW SUBSECTION. 3A. Diesel fuel blended with
 22 processed soybean oil shall be known as biodiesel fuel
 23 if it meets the standards for renewable fuel as
 24 provided in this section. In addition, all of the
 25 following must apply:

26 (1) Until July 1, 2015, at least two percent of
 27 the mixture of diesel fuel and processed soybean oil
 28 by volume must be processed soybean oil.

29 (2) On and after July 1, 2015, at least twenty
 30 percent of the mixture of diesel fuel and processed
 31 soybean oil by volume must be processed soybean oil.

32 Sec. __. Section 214A.3, Code 2005, is amended to
 33 read as follows:

34 214A.3 FALSE REPRESENTATIONS ADVERTISING.

35 A person for purposes of selling shall not falsely
 36 represent ~~do any of the following:~~

37 1. Falsely advertise the quality or kind of any
 38 motor vehicle fuel or oxygenate octane enhancer or add
 39 which is blended into the motor vehicle fuel.

40 2. Falsely advertise that a motor vehicle fuel is
 41 a renewable fuel as provided in section 214A.2. The
 42 dealer shall not advertise the sale of motor vehicle
 43 fuel using the term "ethanol", "E-85", or "biodiesel",
 44 or use any derivative, plural, or compound of any such
 45 word unless the motor vehicle fuel meets the standards
 46 as provided in section 214A.2.

47 3. Add coloring matter thereto to motor vehicle
 48 fuel for the purpose of misleading the public as to
 49 its quality.

50 Sec. __. Section 214A.19, subsection 1,

Page 4

1 unnumbered paragraph 1, Code 2005, is amended to read
 2 as follows:

3 The department of natural resources, conditioned
 4 upon the availability of funds, is authorized to award
 5 demonstration grants to persons who purchase vehicles
 6 which operate on alternative fuels, including but not
 7 limited to, ~~high blend ethanol E-85 gasoline,~~
 8 compressed natural gas, electricity, solar energy, or
 9 hydrogen. A grant shall be for the purpose of

10 conducting research connected with the fuel or the
 11 vehicle, and not for the purchase of the vehicle
 12 itself, except that the money may be used for the
 13 purchase of the vehicle if all of the following
 14 conditions are satisfied:

15 Sec. __. Section 216B.3, subsection 16, paragraph
 16 a, Code 2005, is amended to read as follows:

17 a. A motor vehicle purchased by the commission
 18 shall ~~not only~~ operate on ethanol blended gasoline
 19 ~~other than gasoline blended with at least ten percent~~
 20 ~~ethanol as provided in section 214A.2.~~ A state-issued
 21 state-issued credit card used to purchase gasoline
 22 shall not be valid to purchase gasoline other than
 23 ethanol blended gasoline ~~blended with at least ten~~
 24 ~~percent ethanol.~~ The motor vehicle shall also be
 25 affixed with a brightly visible sticker which notifies
 26 the traveling public that the motor vehicle is being
 27 operated on ethanol blended gasoline ~~blended with~~
 28 ~~ethanol.~~ However, the sticker is not required to be
 29 affixed to an unmarked vehicle used for purposes of
 30 providing law enforcement or security.

31 Sec. __. Section 216B.3, subsection 16, paragraph
 32 b, subparagraph (1), subparagraph subdivisions (a) and
 33 (b), Code 2005, are amended to read as follows:

34 (a) ~~A fuel blended with not more than fifteen~~
 35 ~~percent E-85 gasoline and at least eighty-five percent~~
 36 ~~ethanol as provided in section 214A.2.~~

37 (b) ~~A fuel which is a mixture of diesel Biodiesel~~
 38 ~~fuel and processed soybean oil. At least twenty~~
 39 ~~percent of the mixed fuel by volume must be processed~~
 40 ~~soybean oil as defined in section 159A.2.~~

41 Sec. __. Section 260C.19A, subsection 1, Code
 42 2005, is amended to read as follows:

43 1. A motor vehicle purchased by or used under the
 44 direction of the board of directors to provide
 45 services to a merged area shall ~~not only~~ operate on
 46 ethanol blended gasoline ~~other than gasoline blended~~
 47 ~~with at least ten percent ethanol as provided in~~
 48 ~~section 214A.2.~~ The motor vehicle shall also be
 49 affixed with a brightly visible sticker which notifies
 50 the traveling public that the motor vehicle is being

Page 5

1 operated on ethanol blended gasoline ~~blended with~~
 2 ~~ethanol.~~ However, the sticker is not required to be
 3 affixed to an unmarked vehicle used for purposes of
 4 providing law enforcement or security.

5 Sec. __. Section 260C.19A, subsection 2,
 6 paragraph a, subparagraphs (1) and (2), Code 2005, are
 7 amended to read as follows:

8 (1) ~~A fuel blended with not more than fifteen~~

9 percent E-85 gasoline and at least eighty-five percent
10 ethanol as provided in section 214A.2.

11 (2) A fuel which is a mixture of diesel Biodiesel
12 fuel and processed soybean oil. At least twenty
13 percent of the mixed fuel by volume must be processed
14 soybean oil as defined in section 159A.2.

15 Sec. __. Section 262.25A, subsection 2, Code
16 2005, is amended to read as follows:

17 2. A motor vehicle purchased by the institutions
18 shall ~~not only~~ operate on ethanol blended gasoline
19 ~~other than gasoline blended with at least ten percent~~
20 ethanol as provided in section 214A.2. A state-issued
21 credit card used to purchase gasoline shall not be
22 valid to purchase gasoline other than ethanol blended
23 gasoline blended with at least ten percent ethanol.
24 The motor vehicle shall also be affixed with a
25 brightly visible sticker which notifies the traveling
26 public that the motor vehicle is being operated on
27 ethanol blended gasoline ~~blended with ethanol~~.
28 However, the sticker is not required to be affixed to
29 an unmarked vehicle used for purposes of providing law
30 enforcement or security.

31 Sec. __. Section 279.34, Code 2005, is amended to
32 read as follows:

33 279.34 MOTOR VEHICLES REQUIRED TO OPERATE ON
34 ~~ETHANOL-BLENDED~~ ETHANOL BLENDED GASOLINE.

35 A motor vehicle purchased by or used under the
36 direction of the board of directors to provide
37 services to a school corporation shall ~~not, on or~~
38 ~~after January 1, 1993,~~ only operate on ethanol blended
39 gasoline other than gasoline blended with at least ten
40 percent ethanol as provided in section 214A.2. The
41 motor vehicle shall also be affixed with a brightly
42 visible sticker which notifies the traveling public
43 that the motor vehicle is being operated on ethanol
44 blended gasoline ~~blended with ethanol~~. However, the
45 sticker is not required to be affixed to an unmarked
46 vehicle used for purposes of providing law enforcement
47 or security.

48 Sec. __. Section 307.20, subsection 3, paragraph
49 a, Code 2005, is amended to read as follows:

50 a. "Biodiesel fuel" means ~~soy~~ diesel fuel ~~the same~~

Page 6

1 as defined in section 159A.2.

2 Sec. __. Section 307.21, subsection 4, paragraph
3 d, Code 2005, is amended to read as follows:

4 d. A motor vehicle purchased by the administrator
5 shall not operate on gasoline other than ethanol
6 blended gasoline ~~blended with at least ten percent~~
7 ethanol as provided in section 214A.2. A state-issue

8 credit card used to purchase gasoline shall not be
 9 valid to purchase gasoline other than ethanol blended
 10 gasoline blended with at least ten percent ethanol.
 11 The motor vehicle shall also be affixed with a
 12 brightly visible sticker which notifies the traveling
 13 public that the motor vehicle is being operated on
 14 ethanol blended gasoline blended with ethanol.
 15 However, the sticker is not required to be affixed to
 16 an unmarked vehicle used for purposes of providing law
 17 enforcement or security.

18 Sec. __. Section 307.21, subsection 5, paragraph
 19 a, subparagraphs (1) and (2), Code 2005, are amended
 20 to read as follows:

21 (1) ~~A fuel blended with not more than fifteen~~
 22 ~~percent E-85 gasoline and at least eighty five percent~~
 23 ~~ethanol as provided in section 214A.2.~~

24 (2) ~~A fuel which is a mixture of processed soybean~~
 25 ~~oil and diesel Biodiesel fuel. At least twenty~~
 26 ~~percent of the fuel by volume must be processed~~
 27 ~~soybean oil as defined in section 159A.2.~~

28 Sec. __. Section 331.908, Code 2005, is amended
 29 to read as follows:

30 331.908 MOTOR VEHICLES REQUIRED TO OPERATE ON
 31 ETHANOL-BLENDED ETHANOL BLENDED GASOLINE.

32 A motor vehicle purchased or used by a county to
 33 provide county services shall not, ~~on or after January~~
 34 ~~1, 1993,~~ operate on gasoline other than ethanol
 35 blended gasoline blended with at least ten percent
 36 ethanol as provided in section 214A.2. The motor
 37 vehicle shall also be affixed with a brightly visible
 38 sticker which notifies the traveling public that the
 39 motor vehicle is being operated on ethanol blended
 40 gasoline blended with ethanol. However, the sticker
 41 is not required to be affixed to an unmarked vehicle
 42 used for purposes of providing law enforcement or
 43 security.

44 Sec. __. Section 364.20, Code 2005, is amended to
 45 read as follows:

46 364.20 MOTOR VEHICLES REQUIRED TO OPERATE ON
 47 ETHANOL-BLENDED ETHANOL BLENDED GASOLINE.

48 A motor vehicle purchased or used by a city to
 49 provide city services shall not, ~~on or after January~~
 50 ~~1, 1993,~~ operate on gasoline other than ethanol

Page 7

1 blended gasoline blended with at least ten percent
 2 ethanol as provided in section 214A.2. The motor
 3 vehicle shall also be affixed with a brightly visible
 4 sticker which notifies the traveling public that the
 5 motor vehicle is being operated on ethanol blended
 6 gasoline blended with ethanol. However, the sticker

7 is not required to be affixed to an unmarked vehicle
 8 used for purposes of providing law enforcement or
 9 security.

10 Sec. __. Section 452A.2, subsection 11, Code
 11 2005, is amended to read as follows:

12 11. "Ethanol blended gasoline" means ~~motor fuel~~
 13 ~~containing at least ten percent alcohol distilled from~~
 14 ~~cereal grains gasoline which meets the standards~~
 15 ~~provided in section 214A.2.~~

16 Sec. __. Section 904.312A, subsection 1, Code
 17 2005, is amended to read as follows:

18 1. A motor vehicle purchased by the department
 19 shall not operate on gasoline other than ethanol
 20 blended gasoline ~~blended with at least ten percent~~
 21 ~~ethanol as provided in section 214A.2.~~ A state-issued
 22 credit card used to purchase gasoline shall not be
 23 valid to purchase gasoline other than ethanol blended
 24 gasoline blended with at least ten percent ethanol.
 25 The motor vehicle shall also be affixed with a
 26 brightly visible sticker which notifies the traveling
 27 public that the motor vehicle is being operated on
 28 ethanol blended gasoline ~~blended with ethanol.~~
 29 However, the sticker is not required to be affixed to
 30 an unmarked vehicle used for purposes of providing law
 31 enforcement or security.

32 Sec. __. Section 904.312A, subsection 2,
 33 paragraph a, subparagraphs (1) and (2), Code 2005, are
 34 amended to read as follows:

35 (1) ~~A fuel blended with not more than fifteen~~
 36 ~~percent E-85 gasoline and at least eighty-five percent~~
 37 ~~ethanol as provided in section 214A.2.~~

38 (2) ~~A fuel which is a mixture of diesel Biodiesel~~
 39 ~~fuel and processed soybean oil. At least twenty~~
 40 ~~percent of the mixed fuel by volume must be processed~~
 41 ~~soybean oil as defined in section 159A.2."~~

42 3. By renumbering as necessary.

ZIRKELBACH of Jones

H-1537

1 Amend the amendment, H-1506, to House File 874 as
 2 follows:

3 1. Page 5, by inserting before line 37, the
 4 following:

5 "Sec. __. NEW SECTION. 484C.9A WHITETAIL
 6 IDENTIFICATION.

7 A landowner who keeps whitetail on a hunting
 8 preserve shall identify the whitetail with an
 9 identification device which may be in the form of a
 10 tag or other item approved by the department. The
 11 identification device shall identify the landowner and

12 the hunting preserve including by name and address.”

13 2. Page 7, by inserting after line 19, the

14 following:

15 “___ The department shall impose, assess, and
 16 collect a civil penalty upon a landowner who keeps
 17 whitetail in a hunting preserve, if the whitetail
 18 trespasses upon the land of another person or strays
 19 from the landowner’s control onto a public road or a
 20 right-of-way. The amount of the civil penalty shall
 21 not exceed one thousand five hundred dollars for each
 22 offense. A civil penalty collected by the department
 23 shall be deposited into the general fund of the state.
 24 In addition, the landowner shall be liable for all
 25 damages caused by the landowner’s whitetail that
 26 strays from the landowner’s control upon the land of
 27 another person or onto a public road or a right-of-
 28 way.”

29 3. Page 8, by inserting after line 14, the

30 following:

31 “___ Title page, line 1, by inserting after the
 32 word “for” the following: “remedies and”.”

33 4. By renumbering as necessary.

ZIRKELBACH of Jones

H-1542

1 Amend House File 540, 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. 321.267A TRAFFIC
 6 ACCIDENTS INVOLVING CERTIFIED LAW ENFORCEMENT OFFICERS
 7 – REPORTS.

8 1. Any traffic accident involving the operation of
 9 a motor vehicle by a certified law enforcement officer
 10 shall be reported to the department by the officer’s
 11 employer. The officer’s employer shall certify to the
 12 department whether or not the accident occurred as the
 13 result of legal intervention by the officer, as
 14 defined in the American national standards institute
 15 D16.1 manual on classification of motor vehicle
 16 accidents, 1996 edition.

17 2. Notwithstanding section 321.200, upon receiving
 18 a certification pursuant to subsection 1, the
 19 department shall not include a notation of the
 20 accident described in the certification on the
 21 officer’s driving record.

22 3. For the purposes of this section, “certified
 23 law enforcement officer” means a law enforcement
 24 officer who is certified through the Iowa law

25 enforcement academy as provided in section 80B.13,
26 subsection 3, or section 80B.17."

SENATE AMENDMENT

H-1546

1 Amend Senate File 390, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, by inserting after line 20 the
4 following:

5 "(8) A community college as defined in section
6 260C.2."

7 2. Page 4, line 26, by striking the word "July"
8 and inserting the following: "January".

FREVERT of Palo Alto

H-1548

1 Amend House File 868 as follows:

2 1. Page 1, by striking lines 18 through 34.

3 2. Page 1, line 35, by striking the figure and
4 word "2. a." and inserting the following: "1."

5 3. Page 2, line 2, by inserting after the word
6 "fund," the following: "the average annual wage,
7 excluding benefits, of new jobs created must be equal
8 to or greater than one hundred ten percent of the
9 average county wage, and".

10 4. Page 2, by striking lines 7 through 10 and
11 inserting the following:

12 "2. An applicant may apply to the Iowa economic
13 development board for a waiver of the wage
14 requirements in subsection 1."

15 5. Page 4, line 32, by striking the words
16 "~~department of economic development~~" and inserting the
17 following: "Iowa economic development board".

18 6. Page 13, line 6, by inserting after the word
19 and figure "subsection 1," the following: "if
20 enacted,".

21 7. Page 18, line 25, by inserting after the word
22 "chapter" the following: "for projects located inside
23 or outside certified cultural and entertainment
24 districts".

25 8. Page 20, by striking lines 20 through 22 and
26 inserting the following: "personnel in charge of
27 intellectual property management and technology at
28 colleges and universities in the state."

29 9. Page 20, lines 23 and 24, by striking the
30 words "at colleges and universities in the state".

31 10. Page 20, line 27, by inserting after the word
32 "businesses" the following: "at colleges and

33 universities in the state".

34 11. Page 29, by inserting after line 26 the
35 following:

36 "(11) Trucking and warehousing."

37 12. Page 29, line 27, by striking the word
38 "business" and inserting the following: "and service
39 businesses".

40 13. Page 31, line 35, by striking the word "
41 whether" and inserting the following: "and".

42 14. Page 32, line 23, by striking the words "the
43 community and".

44 15. Page 32, line 24, by inserting after the word
45 "agreement." the following: "If the business receives
46 a local property tax exemption, the business shall
47 also certify annually to the community the compliance
48 of the business with the requirements of the
49 agreement."

50 16. Page 45, line 21, by inserting after the

Page 2

1 words "for a" the following: "project-specific".

2 17. Page 45, line 23, by inserting after the
3 words "grant a" the following: "project-specific".

4 18. Page 46, by inserting after line 16 the
5 following:

6 "6. The department shall negotiate the amount of
7 tax incentives provided to an applicant under the
8 program in accordance with this section."

9 19. Page 46, by striking lines 25 through 27, and
10 inserting the following: "community economic
11 betterment program or wage-benefits tax credits under
12 chapter 15H."

13 20. By striking page 48, line 32, through page
14 49, line 1.

15 21. Page 51, line 8, by striking the words "and
16 made the qualifying investment".

17 22. Page 51, lines 11 and 12, by striking the
18 words "without making additional qualifying
19 investments".

20 23. Page 51, by striking lines 15 through 17.

21 24. Page 51, line 19, by striking the words "and
22 made the qualifying investments".

23 25. Page 51, by striking lines 24 through 26, and
24 inserting the following: "by the department may
25 appeal the decision to the Iowa economic development
26 board within thirty days of notice of disapproval. If
27 the board".

28 26. Page 51, line 32, by striking the words
29 "department of economic development" and inserting the
30 following: "Iowa economic development board".

31 27. Page 51, line 35, by striking the words

32 "department of economic development" and inserting the
33 following: "Iowa economic development board".

34 28. Page 52, line 3, by striking the word
35 "department" and inserting the following: "board".

36 29. Page 52, by striking lines 19 and 20, and
37 inserting the following: "development program or tax
38 incentives under the high quality job creation program
39 in chapter 15, subchapter II, part 13."

40 30. Page 53, line 16, by striking the figure
41 "17." and inserting the following: "18."

42 31. Page 53, line 21, by striking the figure "9."
43 and inserting the following: "10."

44 32. Page 54, line 15, by striking the figure "6."
45 and inserting the following: "7."

46 33. Page 54, by inserting after line 19 the
47 following:

48 "Sec.____. CONTRACT VALIDITY – NEW JOBS AND
49 INCOME PROGRAM – NEW CAPITAL INVESTMENT PROGRAM. Any
50 contract entered into for a project or activity

Page 3

1 approved by the department of economic development
2 under the new jobs and income program and the new
3 capital investment program remains valid. The
4 elimination of the new jobs and income program and the
5 new capital investment program under this Act shall
6 not constitute grounds for rescision or modification of
7 contracts entered into with the department under the
8 programs."

9 34. By renumbering as necessary.

HOFFMAN of Crawford

H-1549

1 Amend House File 877 as follows:

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

4 "Section 1. Section 544A.16, subsection 7, Code
5 2005, is amended by striking the subsection."

6 2. Page 1, by striking lines 9 and 10 and
7 inserting the following: "including the preparation
8 of documents relating".

9 3. Page 1, line 14, by inserting after the word
10 "building." the following: "'Interior design" does
11 not include services that constitute the practice of
12 architecture or the practice of professional
13 engineering."

14 4. Page 1, by striking lines 16 through 19 and
15 inserting the following: "registered under this
16 chapter."

- 17 5. Page 2, line 20, by inserting after the word
 18 "duties." the following: "The rules shall include
 19 provisions addressing conflicts of interest and full
 20 disclosure, including sources of compensation."
 21 6. Page 3, lines 12 and 13, by striking the words
 22 and figure ", as provided in subsection 1".
 23 7. Page 3, by striking lines 21 through 26 and
 24 inserting the following:
 25 "2. Has completed any of the following:
 26 a. Four years of interior design education plus
 27 two years of full-time work experience in interior
 28 design.
 29 b. Three years of interior design education plus
 30 three years of full-time work experience in interior
 31 design.
 32 c. Two years of interior design education plus
 33 four years of full-time work experience in interior
 34 design."
 35 8. Page 6, by striking lines 2 through 9 and
 36 inserting the following:
 37 "1. A person licensed to practice architecture
 38 pursuant to the laws of this state.
 39 2. A person licensed as a professional engineer
 40 pursuant to the laws of this state."
 41 9. Page 6, by striking lines 22 through 27.
 42 10. By striking page 6, line 31 through page 7,
 43 line 7 and inserting the following: "interior
 44 designer to a person residing in Iowa who does not
 45 meet the examination requirements specified in section
 46 544C.5, if the person submits evidence to the board
 47 demonstrating both of the following:
 48 1. A minimum of two years of interior design
 49 education and a combined total of six years of
 50 interior design education and experience that is

Page 2

- 1 acceptable to the board.
 2 2. Successful completion of section 1 of the
 3 national council for interior design qualification
 4 examination relating to life safety codes and barrier-
 5 free requirements."
 6 11. By renumbering as necessary.

GREINER of Washingtonⁿ

H-1550

- 1 Amend the amendment, H-1544, to House File 809, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by inserting after line 7 the

5 following:

6 " ____ Page 10, by inserting after line 31 the

7 following:

8 "Sec. ____ ENDOW IOWA GRANTS APPROPRIATIONS.

9 1. There is appropriated from the general fund of
10 the state to the department of economic development
11 for the fiscal period beginning July 1, 2005, and
12 ending June 30, 2008, the following amounts, or so
13 much thereof as is necessary, to be used for the
14 purpose designated:

15 For endow Iowa grants to lead philanthropic
16 entities pursuant to section 15E.304:

17 FY 2005-2006	\$ 50,000
18 FY 2006-2007	\$ 50,000
19 FY 2007-2008	\$ 50,000

20 2. Notwithstanding section 8.33, moneys that
21 remain unexpended at the end of the fiscal year shall
22 not revert to any fund but shall remain available for
23 expenditure for the designated purposes during the
24 succeeding fiscal year.

25 Sec. ____ NEW SECTION. 15G.110 APPROPRIATION.

26 For the fiscal period beginning July 1, 2005, and
27 ending June 30, 2015, there is appropriated to the
28 department of economic development each fiscal year
29 fifty million dollars from the general fund of the
30 state for deposit in the grow Iowa values fund.

31 Sec. ____ NEW SECTION. 15G.111 APPROPRIATIONS.

32 1. a. For the fiscal period beginning July 1,
33 2005, and ending June 30, 2015, there is appropriated
34 each fiscal year from the grow Iowa values fund
35 created in section 15G.108, if enacted, to the
36 department of economic development thirty-five million
37 dollars for programs administered by the department of
38 economic development.

39 b. Each year that moneys are appropriated under
40 this subsection, the department shall allocate a
41 percentage of the moneys for each of the following
42 types of activities:

- 43 (1) Business start-ups.
- 44 (2) Business expansion.
- 45 (3) Business modernization.
- 46 (4) Business attraction.
- 47 (5) Business retention.
- 48 (6) Marketing.
- 49 (7) Research and development.

50 c. The department shall require an applicant for

Page 2

1 moneys appropriated under this subsection to include
2 in the application a statement regarding the intended
3 return on investment. A recipient of moneys

4 appropriated under this subsection shall annually
5 submit a statement to the department regarding the
6 progress achieved on the intended return on investment
7 stated in the application. The department, in
8 cooperation with the department of revenue, shall
9 develop a method of identifying and tracking each new
10 job created and the leveraging of moneys through
11 financial assistance from moneys appropriated under
12 this subsection. The department of economic
13 development shall identify research and development
14 activities funded through financial assistance from
15 not more than ten percent of the moneys appropriated
16 under this subsection, and, instead of determining
17 return on investment and job creation for the
18 identified funding, determine the potential impact on
19 the state's economy.

20 d. The department may use moneys appropriated
21 under this subsection to procure technical assistance
22 from either the public or private sector, for
23 information technology purposes, for a statewide labor
24 shed study, and for rail, air, or river port
25 transportation-related purposes. The use of moneys
26 appropriated for rail, air, or river port
27 transportation-related purposes must be directly
28 related to an economic development project and the
29 moneys must be used to leverage other financial
30 assistance moneys.

31 e. Of the moneys appropriated under this
32 subsection, the department may use up to one and one-
33 half percent for administrative purposes.

34 f. The Iowa economic development board shall
35 approve or deny applications for financial assistance
36 provided with moneys appropriated under this
37 subsection. In providing such financial assistance,
38 the board shall, whenever possible, coordinate the
39 assistance with other programs administered by the
40 department of economic development, including the
41 community economic betterment program established in
42 section 15.317 and the value-added agricultural
43 products and processes financial assistance program
44 established in section 15E.111.

45 g. It is the policy of this state to expand and
46 stimulate the state economy by advancing, promoting,
47 and expanding biotechnology industries in this state.
48 To implement this policy, the Iowa economic
49 development board shall consider providing assistance
50 to projects that increase value-added income to

Page 3

1 individuals or organizations involved in agricultural
2 business or biotechnology projects. Such a project

3 need not create jobs specific to the project site;
4 however, such a project must foster the knowledge and
5 creativity necessary to promote the state's
6 agricultural economy and to increase employment in
7 urban and rural areas as a result.

8 2. For the fiscal period beginning July 1, 2005,
9 and ending June 30, 2015, there is appropriated each
10 fiscal year from the grow Iowa values fund created in
11 section 15G.108, if enacted, to the department of
12 economic development five million dollars for the
13 following:

14 a. For financial assistance to institutions of
15 higher learning under the control of the state board
16 of regents and to accredited private universities in
17 this state for infrastructure projects and programs
18 needed to assist in the implementation of activities
19 under chapter 262B.

20 b. For financial assistance to a single
21 biosciences development organization determined by the
22 department to possess expertise in promoting the area
23 of bioscience entrepreneurship. The organization must
24 be composed of representatives of both the public and
25 the private sector and shall be composed of subunits
26 or subcommittees in the areas of existing identified
27 biosciences platforms, education and workforce
28 development, commercialization, communication, policy
29 and governance, and finance. Such financial
30 assistance shall be used for purposes of activities
31 related to biosciences and bioeconomy development
32 under chapter 262B, if so amended.

33 3. For the fiscal period beginning July 1, 2005,
34 and ending June 30, 2015, there is appropriated each
35 fiscal year from the grow Iowa values fund created in
36 section 15G.108, if enacted, to the general fund of
37 the state four million dollars for payment of tax
38 credits approved pursuant to section 404A.4, if so
39 amended, for projects located in certified cultural
40 and entertainment districts.

41 4. For the fiscal period beginning July 1, 2005,
42 and ending June 30, 2015, there is appropriated each
43 fiscal year from the grow Iowa values fund created in
44 section 15G.108, if enacted, to the department of
45 economic development one million dollars for purposes
46 of providing financial assistance for projects in
47 targeted state parks, state banner parks, and
48 destination parks. The department of natural
49 resources shall submit a plan to the department of
50 economic development for the expenditure of moneys

2 focus on improving state parks, state banner parks,
3 and destination parks for economic development
4 purposes. Based on the report submitted, the
5 department of economic development shall provide
6 financial assistance to the department of natural
7 resources for support of state parks, state banner
8 parks, and destination parks. For purposes of this
9 subsection, "state banner park" means a park with
10 multiple uses and which focuses on the economic
11 development benefits of a community or area of the
12 state.

13 5. For the fiscal period beginning July 1, 2005,
14 and ending June 30, 2015, there is appropriated each
15 fiscal year from the grow Iowa values fund created in
16 section 15G.108, if enacted, to the office of the
17 treasurer of state one million dollars for deposit in
18 the Iowa cultural trust fund created in section
19 303A.4.

20 6. For the fiscal period beginning July 1, 2005,
21 and ending June 30, 2015, there is appropriated each
22 fiscal year from the grow Iowa values fund created in
23 section 15G.108, if enacted, to the department of
24 economic development seven million dollars for deposit
25 into the workforce training and economic development
26 funds of the community colleges created pursuant to
27 section 260C.18A.

28 7. For the fiscal period beginning July 1, 2005,
29 and ending June 30, 2015, there is appropriated each
30 fiscal year from the grow Iowa values fund created in
31 section 15G.108, if enacted, to the general fund of
32 the state four hundred thousand dollars for payment of
33 endow Iowa tax credits approved pursuant to section
34 15E.305, if so amended, and for new small business
35 development center assistance as provided in this
36 subsection.

37 8. a. For the fiscal period beginning July 1,
38 2005, and ending June 30, 2015, there is appropriated
39 each fiscal year from the grow Iowa values fund
40 created in section 15G.108, if enacted, to the
41 department of economic development one million dollars
42 for providing economic development region financial
43 assistance under section 15E.232, subsections 3, 4, 5,
44 and 6, if enacted, and under section 15E.233, if
45 enacted.

46 b. Of the moneys appropriated in this subsection,
47 the department shall transfer three hundred fifty
48 thousand dollars each fiscal year for the fiscal
49 period beginning July 1, 2005, and ending June 30,
50 2015, to Iowa state university of science and

Page 5

1 technology, for purposes of providing financial
 2 assistance to establish small business development
 3 centers in areas of the state previously served by a
 4 small business development center and to maintain
 5 existing small business development centers.
 6 Financial assistance for a small business development
 7 center shall not be awarded unless the city or county
 8 where the center is located or scheduled to be located
 9 demonstrates the ability to obtain local matching
 10 moneys on a dollar-for-dollar basis. An award of
 11 financial assistance to a small business development
 12 center under this paragraph shall not exceed twenty
 13 thousand dollars.

14 c. Of the moneys appropriated under this
 15 subsection, the department may use up to fifty
 16 thousand dollars each fiscal year during the fiscal
 17 period beginning July 1, 2005, and ending June 30,
 18 2015, for purposes of providing training, materials,
 19 and assistance to Iowa business resource centers.

20 9. For the fiscal period beginning July 1, 2005,
 21 and ending June 30, 2015, there is appropriated each
 22 fiscal year from the grow Iowa values fund created in
 23 section 15G.108, if enacted, to the general fund of
 24 the state two million dollars for payment of economic
 25 development region revolving fund contribution tax
 26 credits approved pursuant to section 15E.232, if
 27 enacted.

28 10. Notwithstanding section 8.33, moneys that
 29 remain unexpended at the end of a fiscal year shall
 30 not revert to any fund but shall remain available for
 31 expenditure for the designated purposes during the
 32 succeeding fiscal year.”

33 2. By renumbering as necessary.

HOFFMAN of Crawford

H-1552

1 Amend the amendment, H-1550, to the Senate
 2 amendment, H-1544, to House File 809, as amended,
 3 passed, and reprinted by the House, as follows:

4 1. By striking page 1, line 8, through page 5,
 5 line 32, and inserting the following:

6 ""Section 1. **NEW SECTION.** 15E.315 REGULATORY
 7 EFFICIENCY COMMISSION.

8 1. A regulatory efficiency commission is
 9 established for purposes of identifying unneeded,
 10 outdated, or ineffective regulations, fines, and fees
 11 that hinder business development or efficient
 12 governmental operation relative to business

13 development activities. The commission shall also
 14 develop methods for streamlining business access to
 15 regulatory information. The commission shall maintain
 16 an ongoing process for inviting, receiving, and
 17 considering suggestions from the public, business
 18 owners, employees, and others for regulatory changes.
 19 Commission staffing shall be provided by the
 20 department.

21 2. The commission shall consist of ten voting
 22 members appointed by the governor and four ex officio
 23 members. Members appointed by the governor are
 24 subject to confirmation by the senate and shall serve
 25 three-year staggered terms as designated by the
 26 governor beginning and ending as provided in section
 27 69.19. A vacancy in membership shall be filled in the
 28 same manner as the original appointment. The members
 29 shall serve without compensation, but shall be
 30 reimbursed for actual and necessary expenses incurred
 31 in the performance of official duties as a member.
 32 The members of the commission shall select a
 33 chairperson and any other officers deemed by the
 34 commission to be necessary from their membership. The
 35 commission shall meet at least quarterly but may meet
 36 as often as necessary. Meetings shall be set by a
 37 majority of the commission or upon the call of the
 38 chairperson. A majority of the commission members
 39 shall constitute a quorum.

40 a. The ten voting members shall consist of the
 41 following:

42 (1) Two members shall be economic development
 43 representatives from two different chambers of
 44 commerce. One shall be from a metropolitan area with
 45 more than fifty thousand people and one shall be from
 46 a metropolitan area with fifty thousand people or
 47 less.

48 (2) Two members representing agricultural
 49 interests, at least one of whom is involved in
 50 marketing farm products directly to consumers or

Page 2

1 businesses.

2 (3) One member representing the Iowa association
 3 of business and industry.

4 (4) One member representing commercial-based
 5 businesses.

6 (5) One member representing manufacturing-based
 7 businesses.

8 (6) One member representing an environmental
 9 organization.

10 (7) One member representing labor interests.

11 (8) One member representing consumer advocacy

12 organizations.

13 b. The four ex officio members shall be members of
14 the general assembly. Two members shall be from the
15 senate and two members shall be from the house of
16 representatives, with not more than one member from
17 each chamber being from the same political party. The
18 two senators shall be designated by the president of
19 the senate after consultation with the majority and
20 minority leaders of the senate. The two
21 representatives shall be designated by the speaker of
22 the house of representatives after consultation with
23 the majority and minority leaders of the house of
24 representatives. Legislative members shall serve in
25 an ex officio, nonvoting capacity.

26 3. The commission shall submit a written report
27 annually by December 15 to the governor and the
28 general assembly. The report shall include the
29 findings and legislative recommendations of the
30 commission. The report shall be distributed by the
31 secretary of the senate and the chief clerk of the
32 house of representatives to the chairpersons and
33 members of the administrative rules review committee
34 and to the standing committees in the senate and the
35 house of representatives that deal with economic
36 development and economic growth.

37 Sec. 2. NEW SECTION. 15E.316 REGULATORY
38 OMBUDSMAN OFFICE.

39 The department shall establish a regulatory
40 ombudsman office for purposes of assisting businesses
41 with regulatory issues. The office shall assist
42 businesses with state program and regulatory
43 applications, direct businesses to proper entities for
44 specialized assistance, and provide businesses with
45 general information regarding programs and regulatory
46 issues.

47 Sec. 3. Section 260C.18A, subsection 2, paragraph
48 b, Code 2005, is amended to read as follows:

49 b. Projects in which an agreement between a
50 community college and a business meet all the

Page 3

1 requirements of the Iowa jobs training Act under
2 chapter 260F. However, projects funded by moneys
3 provided by a local workforce training and economic
4 development fund of a community college are not
5 subject to the maximum advance or award limitations
6 contained in section 260F.6, subsection 2, or the
7 allocation limitations contained in section 260F.8,
8 subsection 1.

9 Sec. 4. Section 260C.18A, subsection 2, Code 2005,
10 is amended by adding the following new paragraph:

11 NEW PARAGRAPH. f. Training and retraining
 12 programs for targeted industries as authorized in
 13 section 15.343, subsection 2, paragraph "a".

14 Sec. 5. Section 260C.18A, subsection 5, Code 2005,
 15 is amended by striking the subsection.

16 Sec. 6. NEW SECTION. 303.3B CULTURAL AND
 17 ENTERTAINMENT DISTRICTS.

18 1. The department of cultural affairs shall
 19 establish and administer a cultural and entertainment
 20 district certification program. The program shall
 21 encourage the growth of communities through the
 22 development of areas within a city for public and
 23 private uses related to cultural and entertainment
 24 purposes.

25 2. A city may create and designate a cultural and
 26 entertainment district subject to certification by the
 27 department of cultural affairs, in consultation with
 28 the department of economic development. A cultural
 29 and entertainment district is encouraged to
 30 incorporate historic buildings within the district and
 31 must incorporate the planning principles listed in
 32 section 15F.203, subsection 3, paragraph "g". A
 33 cultural and entertainment district certification
 34 shall remain in effect for ten years following the
 35 date of certification. Two or more cities may apply
 36 jointly for certification of a district that extends
 37 across a common boundary. Through the adoption of
 38 administrative rules, the department of cultural
 39 affairs shall develop a certification application for
 40 use in the certification process.

41 3. The department of cultural affairs shall
 42 encourage development projects and activities located
 43 in certified cultural and entertainment districts
 44 through incentives under cultural grant programs
 45 pursuant to section 303.3, chapter 303A, and any other
 46 grant programs.

47 4. A city may form a cultural and entertainment
 48 district administrative committee for purposes of
 49 administering and fostering activities in the
 50 district. At least half of the committee membership

Page 4

1 must include members who are younger than thirty-five
 2 years of age at the time of appointment to the
 3 committee.

4 5. The department shall establish and administer a
 5 cultural and entertainment district events program for
 6 purposes of providing financial assistance for
 7 cultural and entertainment events located in cultural
 8 and entertainment districts certified pursuant to this
 9 section. Financial assistance under the program shall

10 take the form of grants.

11 Sec. 7. Section 404A.4, subsection 4, Code 2005,
12 is amended to read as follows:

13 4. ~~The~~ For the fiscal year beginning July 1, 2005,
14 the total amount of tax credits that may be approved
15 for the fiscal year under this chapter shall not
16 exceed twenty million dollars. For the fiscal year
17 beginning July 1, 2006, and every fiscal year
18 thereafter, the total amount of tax credits that may
19 be approved for a fiscal year under this chapter shall
20 not exceed two million four hundred thousand dollars.
21 For the fiscal years year beginning ~~July 1, 2005, and~~
22 ~~July 1, 2006,~~ an additional five hundred thousand
23 dollars of tax credits may be approved ~~each fiscal~~
24 ~~year~~ for purposes of projects located in cultural and
25 entertainment districts certified pursuant to section
26 303.3B. Any of the additional tax credits allocated
27 for projects located in certified cultural and
28 entertainment districts that are not approved during a
29 fiscal year may be carried over to the succeeding
30 fiscal year. The department of cultural affairs shall
31 establish by rule the procedures for the application,
32 review, selection, and awarding of certifications of
33 completion. The departments of economic development,
34 cultural affairs, and revenue shall each adopt rules
35 to jointly administer this subsection and shall
36 provide by rule for the method to be used to determine
37 for which fiscal year the tax credits are available.

38 Sec. 8. APPROPRIATIONS.

39 1. MAIN STREET PROGRAM.

40 a. For the fiscal year beginning July 1, 2005, and
41 ending June 30, 2006, there is appropriated from the
42 general fund of the state to the department of
43 cultural affairs one million dollars for purposes of
44 the main street program.

45 b. The department of economic development shall
46 transfer the administrative duties of the main street
47 program to the department of cultural affairs. The
48 department of cultural affairs shall adopt rules
49 pursuant to chapter 17A for purposes of administering
50 the program. The department of cultural affairs shall

Page 5

1 make the program available to cities of any size in
2 the state. Any approved project or activity
3 originally approved by the department of economic
4 development under the main street program remains
5 valid. The transfer of administrative duties to the
6 department of cultural affairs shall not constitute
7 grounds for rescision or modification of main street
8 program contracts entered into with the department of

9 economic development.

10 2. CULTURAL AND ENTERTAINMENT DISTRICT EVENTS

11 PROGRAM. For the fiscal year beginning July 1, 2005,

12 and ending June 30, 2006, there is appropriated from

13 the general fund of the state to the department of

14 economic development one million dollars for purposes

15 of administering section 15E.321.

16 3. WORKFORCE TRAINING. For the fiscal year

17 beginning July 1, 2005, and ending June 30, 2006,

18 there is appropriated from the general fund of the

19 state to the department of economic development

20 fourteen million dollars for deposit into the

21 workforce training and economic development funds of

22 the community colleges created pursuant to section

23 260C.18A.

24 4. LOAN AND CREDIT GUARANTEE.

25 a. For the fiscal year beginning July 1, 2005, and

26 ending June 30, 2006, there is appropriated from the

27 general fund of the state to the department of

28 economic development ten million dollars for deposit

29 into the loan and credit guarantee fund created

30 pursuant to section 15E.227.

31 b. The moneys appropriated under this subsection

32 shall be used by the department under the loan and

33 credit guarantee program for purposes of loan or

34 credit guarantees to small businesses in

35 geographically diverse parts of the state. Within two

36 years of receiving a loan or credit guarantee under

37 the program, a small business must provide and pay at

38 least eighty percent of the cost of a standard medical

39 and dental insurance plan for full-time employees. A

40 small business receiving a loan or credit guarantee

41 under the program shall agree to pay a median wage for

42 new full-time jobs of at least thirteen dollars and

43 thirty-five cents per hour indexed to 2004 dollars

44 based on the gross national product implicit price

45 deflator published by the bureau of economic analysis

46 of the United States department of commerce or one

47 hundred thirty percent of the average wage in the

48 county in which the small business is located,

49 whichever is higher. For purposes of this paragraph,

50 "small business" means a business with less than fifty

Page 6

1 employees.

2 5. SMALL BUSINESS DEVELOPMENT CENTERS.

3 a. For the fiscal year beginning July 1, 2005, and

4 ending June 30, 2006, there is appropriated from the

5 general fund of the state to Iowa state university of

6 science and technology two million dollars for the

7 purposes provided in paragraph "b".

8 b. The moneys appropriated in this subsection
 9 shall be allocated by Iowa state university to small
 10 business development centers to develop and administer
 11 programs to assist small businesses to plan for the
 12 transfer of ownership of the business, including the
 13 transfer of all or a part of the ownership of a
 14 business to an employee stock ownership plan.
 15 6. REGULATORY OMBUDSMAN OFFICE. For the fiscal
 16 year beginning July 1, 2005, and ending June 30, 2006,
 17 there is appropriated from the general fund of the
 18 state to the department of economic development two
 19 hundred fifty thousand dollars for purposes of
 20 administering section 15E.316. The department may
 21 create three full-time equivalent positions for
 22 purposes of administering section 15E.316.""
 23 2. By renumbering as necessary.

FALLON of Polk

H-1556

1 Amend the amendment, H-1554, to the Senate
 2 amendment, H-1544, to House File 809, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 1, by inserting after line 24 the
 5 following:
 6 "Sec.____ DEPARTMENT OF CULTURAL AFFAIRS. There
 7 is appropriated from the general fund of the state to
 8 the department of cultural affairs for the fiscal year
 9 beginning July 1, 2005, and ending June 30, 2006, two
 10 hundred fifty thousand dollars for planning and
 11 programming for the community cultural grant program
 12 established under section 303.3. The moneys
 13 appropriated under this section shall be in addition
 14 to any other moneys appropriated to the department for
 15 the same purposes."
 16 2. Page 5, line 27, by inserting after the word
 17 "state," the following: "the department of cultural
 18 affairs,".
 19 3. By renumbering as necessary.

MILLER of Webster

H-1558

1 Amend the amendment, H-1450, to Senate Concurrent
 2 Resolution 9, as passed by the Senate, as follows:
 3 1. Page 1, line 4, by striking the word
 4 "seventeen" and inserting the following: "nineteen".
 5 2. Page 1, by inserting after line 14 the
 6 following:
 7 "____. Page 2, by inserting after line 12 the

8 following:

9 “___ Two members from nonprofit organizations
10 that work with offenders involved in the criminal
11 justice system in Iowa.””

FORD of Polk

H-1559

1 Amend Senate Concurrent Resolution 9, as passed by
2 the Senate, as follows:

3 1. Page 1, line 22, by striking the word
4 “fifteen” and inserting the following: “seventeen”.

5 2. Page 2, by inserting after line 12 the
6 following:

7 “___ Two members from nonprofit organizations
8 that work with offenders involved in the criminal
9 justice system in Iowa.”

10 3. By renumbering as necessary.

FORD of Polk

H-1560

1 Amend Senate Concurrent Resolution 9, as passed by
2 the Senate, as follows:

3 1. Page 1, by striking line 15 and inserting the
4 following: "with particular criminal offenders; and

5 WHEREAS, an assessment of the possible need for
6 local communities to establish citizen review panels
7 should also be conducted, including a discussion of
8 such a panel's purpose, structure, and authority; NOW
9 THEREFORE,."

FORD of Polk

H-1565

1 Amend the Senate amendment, H-1544, to House File
2 809, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 7 the
5 following:

6 “___ Page 10, by inserting after line 31 the
7 following:

8 “Sec. ___. ENDOW IOWA GRANTS APPROPRIATIONS.

9 1. There is appropriated from the general fund of
10 the state to the department of economic development
11 for the fiscal period beginning July 1, 2005, and
12 ending June 30, 2008, the following amounts, or so
13 much thereof as is necessary, to be used for the
14 purpose designated:

15 For endow Iowa grants to lead philanthropic
 16 entities pursuant to section 15E.304:

17 FY 2005-2006	\$ 50,000
18 FY 2006-2007	\$ 50,000
19 FY 2007-2008	\$ 50,000

20 2. Notwithstanding section 8.33, moneys that
 21 remain unexpended at the end of the fiscal year shall
 22 not revert to any fund but shall remain available for
 23 expenditure for the designated purposes during the
 24 succeeding fiscal year.

25 Sec. NEW SECTION. 15G.110 APPROPRIATION.

26 For the fiscal year beginning July 1, 2005, and
 27 ending June 30, 2006, there is appropriated to the
 28 department of economic development fifty million
 29 dollars from the general fund of the state for deposit
 30 in the grow Iowa values fund.

31 Sec. NEW SECTION. 15G.111 APPROPRIATIONS.

32 1. a. For the fiscal year beginning July 1, 2005,
 33 and ending June 30, 2006, there is appropriated from
 34 the grow Iowa values fund created in section 15G.108,
 35 if enacted, to the department of economic development
 36 thirty-five million dollars for programs administered
 37 by the department of economic development.

38 b. Of the moneys are appropriated under this
 39 subsection, the department shall allocate a percentage
 40 of the moneys for each of the following types of
 41 activities:

- 42 (1) Business start-ups.
- 43 (2) Business expansion.
- 44 (3) Business modernization.
- 45 (4) Business attraction.
- 46 (5) Business retention.
- 47 (6) Marketing.
- 48 (7) Research and development.

49 c. The department shall require an applicant for
 50 moneys appropriated under this subsection to include

Page 2

1 in the application a statement regarding the intended
 2 return on investment. A recipient of moneys
 3 appropriated under this subsection shall annually
 4 submit a statement to the department regarding the
 5 progress achieved on the intended return on investment
 6 stated in the application. The department, in
 7 cooperation with the department of revenue, shall
 8 develop a method of identifying and tracking each new
 9 job created and the leveraging of moneys through
 10 financial assistance from moneys appropriated under
 11 this subsection. The department of economic
 12 development shall identify research and development
 13 activities funded through financial assistance from

14 not more than ten percent of the moneys appropriated
15 under this subsection, and, instead of determining
16 return on investment and job creation for the
17 identified funding, determine the potential impact on
18 the state's economy.

19 d. The department may use moneys appropriated
20 under this subsection to procure technical assistance
21 from either the public or private sector, for
22 information technology purposes, for a statewide labor
23 shed study, and for rail, air, or river port
24 transportation-related purposes. The use of moneys
25 appropriated for rail, air, or river port
26 transportation-related purposes must be directly
27 related to an economic development project and the
28 moneys must be used to leverage other financial
29 assistance moneys.

30 e. Of the moneys appropriated under this
31 subsection, the department may use up to one and one-
32 half percent for administrative purposes.

33 f. The Iowa economic development board shall
34 approve or deny applications for financial assistance
35 provided with moneys appropriated under this
36 subsection. In providing such financial assistance,
37 the board shall, whenever possible, coordinate the
38 assistance with other programs administered by the
39 department of economic development, including the
40 community economic betterment program established in
41 section 15.317 and the value-added agricultural
42 products and processes financial assistance program
43 established in section 15E.111.

44 g. It is the policy of this state to expand and
45 stimulate the state economy by advancing, promoting,
46 and expanding biotechnology industries in this state.
47 To implement this policy, the Iowa economic
48 development board shall consider providing assistance
49 to projects that increase value-added income to
50 individuals or organizations involved in agricultural

Page 3

1 business or biotechnology projects. Such a project
2 need not create jobs specific to the project site;
3 however, such a project must foster the knowledge and
4 creativity necessary to promote the state's
5 agricultural economy and to increase employment in
6 urban and rural areas as a result.

7 2. For the fiscal year beginning July 1, 2005, and
8 ending June 30, 2006, there is appropriated from the
9 grow Iowa values fund created in section 15G.108, if
10 enacted, to the department of economic development
11 five million dollars for financial assistance to
12 institutions of higher learning under the control of

13 the state board of regents for capacity building
14 infrastructure in areas related to technology
15 commercialization, for marketing and business
16 development efforts in areas related to technology
17 commercialization, entrepreneurship, and business
18 growth, and for infrastructure projects and programs
19 needed to assist in the implementation of activities
20 under chapter 262B, if so amended. In allocating
21 moneys to institutions under the control of the state
22 board of regents, the board shall require the
23 institutions to provide a *one-to-one match* of
24 additional moneys for the activities funded with
25 moneys appropriated under this subsection. The state
26 board of regents shall prepare a report for submission
27 to the governor, the general assembly, and the
28 legislative services agency regarding the activities,
29 projects, and programs funded with moneys appropriated
30 under this subsection.

31 The state board of regents may allocate any moneys
32 appropriated under this subsection and received from
33 the department for financial assistance to a single
34 biosciences development organization determined by the
35 department to possess expertise in promoting the area
36 of bioscience entrepreneurship. The organization must
37 be composed of representatives of both the public and
38 the private sector and shall be composed of subunits
39 or subcommittees in the areas of existing identified
40 biosciences platforms, education and workforce
41 development, commercialization, communication, policy
42 and governance, and finance. Such financial
43 assistance shall be used for purposes of activities
44 related to biosciences and bioeconomy development
45 under chapter 262B, if so amended, and to accredited
46 private universities in this state.

47 3. For the fiscal year beginning July 1, 2005, and
48 ending June 30, 2006, there is appropriated from the
49 grow Iowa values fund created in section 15G.108, if
50 enacted, to the department of economic development one

Page 4

1 million dollars for purposes of providing financial
2 assistance for projects in targeted state parks, state
3 banner parks, and destination parks. The department
4 of natural resources shall submit a plan to the
5 department of economic development for the expenditure
6 of moneys appropriated under this subsection. The
7 plan shall focus on improving state parks, state
8 banner parks, and destination parks for economic
9 development purposes. Based on the report submitted,
10 the department of economic development shall provide
11 financial assistance to the department of natural

12 resources for support of state parks, state banner
13 parks, and destination parks. For purposes of this
14 subsection, "state banner park" means a park with
15 multiple uses and which focuses on the economic
16 development benefits of a community or area of the
17 state.

18 4. For the fiscal year beginning July 1, 2005, and
19 ending June 30, 2006, there is appropriated from the
20 grow Iowa values fund created in section 15G.108, if
21 enacted, to the office of the treasurer of state one
22 million dollars for deposit in the Iowa cultural trust
23 fund created in section 303A.4.

24 5. For the fiscal year beginning July 1, 2005, and
25 ending June 30, 2006, there is appropriated from the
26 grow Iowa values fund created in section 15G.108, if
27 enacted, to the department of economic development
28 seven million dollars for deposit into the workforce
29 training and economic development funds of the
30 community colleges created pursuant to section
31 260C.18A.

32 6. a. For the fiscal year beginning July 1, 2005,
33 and ending June 30, 2006, there is appropriated from
34 the grow Iowa values fund created in section 15G.108,
35 if enacted, to the department of economic development
36 one million dollars for providing economic development
37 region financial assistance under section 15E.232,
38 subsections 3, 4, 5, and 6, if enacted, and under
39 section 15E.233, if enacted.

40 b. Of the moneys appropriated in this subsection,
41 the department shall transfer three hundred fifty
42 thousand dollars to Iowa state university of science
43 and technology, for purposes of providing financial
44 assistance to establish small business development
45 centers in areas of the state previously served by a
46 small business development center and to maintain
47 existing small business development centers.
48 Financial assistance for a small business development
49 center shall not be awarded unless the city of county
50 where the center is located or scheduled to be located

Page 5

1 demonstrates the ability to obtain local matching
2 moneys on a dollar-for-dollar basis. An award of
3 financial assistance to a small business development
4 center under this paragraph shall not exceed twenty
5 thousand dollars.

6 c. Of the moneys appropriated under this
7 subsection, the department may use up to fifty
8 thousand dollars for purposes of providing training,
9 materials, and assistance to Iowa business resource
10 centers.

- 11 7. Notwithstanding section 8.33, moneys that
12 remain unexpended at the end of the fiscal year shall
13 not revert to any fund but shall remain available for
14 expenditure for the designated purposes during the
15 succeeding fiscal year.”
- 16 2. Page 1, by inserting after line 30 the
17 following:
18 “___. Title page, line 2, by inserting after the
19 word “development,” the following: “the office of the
20 treasurer of state,.”
- 21 3. By renumbering as necessary.

HOFFMAN of Crawford

H-1568

- 1 Amend the amendment, H-1565, to the Senate
2 amendment, H-1544, to House File 809, as amended,
3 passed, and reprinted by the House, as follows:
- 4 1. Page 1, by inserting after line 24 the
5 following:
6 “Sec. ___. DEPARTMENT OF CULTURAL AFFAIRS. There
7 is appropriated from the general fund of the state to
8 the department of cultural affairs for the fiscal year
9 beginning July 1, 2005, and ending June 30, 2006, two
10 hundred fifty thousand dollars for planning and
11 programming for the community cultural grant program
12 established under section 303.3. The moneys
13 appropriated under this section shall be in addition
14 to any other moneys appropriated to the department for
15 the same purposes.”
- 16 2. Page 5, line 20, by inserting after the word
17 “state,” the following: “the department of cultural
18 affairs,.”
- 19 3. By renumbering as necessary.

MILLER of Webster

H-1570

- 1 Amend the amendment, H-1565, to the Senate
2 amendment, H-1544, to House File 809, as amended,
3 passed, and reprinted by the House, as follows:
- 4 1. By striking page 1, line 8, through page 5,
5 line 15, and inserting the following:
6 “”Section 1. **NEW SECTION. 15E.315 REGULATORY**
7 **EFFICIENCY COMMISSION.**
8 1. A regulatory efficiency commission is
9 established for purposes of identifying unneeded,
10 outdated, or ineffective regulations, fines, and fees
11 that hinder business development or efficient
12 governmental operation relative to business

13 development activities. The commission shall also
14 develop methods for streamlining business access to
15 regulatory information. The commission shall maintain
16 an ongoing process for inviting, receiving, and
17 considering suggestions from the public, business
18 owners, employees, and others for regulatory changes.
19 Commission staffing shall be provided by the
20 department.

21 2. The commission shall consist of ten voting
22 members appointed by the governor and four ex officio
23 members. Members appointed by the governor are
24 subject to confirmation by the senate and shall serve
25 three-year staggered terms as designated by the
26 governor beginning and ending as provided in section
27 69.19. A vacancy in membership shall be filled in the
28 same manner as the original appointment. The members
29 shall serve without compensation, but shall be
30 reimbursed for actual and necessary expenses incurred
31 in the performance of official duties as a member.
32 The members of the commission shall select a
33 chairperson and any other officers deemed by the
34 commission to be necessary from their membership. The
35 commission shall meet at least quarterly but may meet
36 as often as necessary. Meetings shall be set by a
37 majority of the commission or upon the call of the
38 chairperson. A majority of the commission members
39 shall constitute a quorum.

40 a. The ten voting members shall consist of the
41 following:

42 (1) Two members shall be economic development
43 representatives from two different chambers of
44 commerce. One shall be from a metropolitan area with
45 more than fifty thousand people and one shall be from
46 a metropolitan area with fifty thousand people or
47 less.

48 (2) Two members representing agricultural
49 interests, at least one of whom is involved in
50 marketing farm products directly to consumers or

Page 2

1 businesses.

2 (3) One member representing the Iowa association
3 of business and industry.

4 (4) One member representing commercial-based
5 businesses.

6 (5) One member representing manufacturing-based
7 businesses.

8 (6) One member representing an environmental
9 organization.

10 (7) One member representing labor interests.

11 (8) One member representing consumer advocacy

12 organizations.

13 b. *The four ex officio members shall be members of*
 14 *the general assembly. Two members shall be from the*
 15 *senate and two members shall be from the house of*
 16 *representatives, with not more than one member from*
 17 *each chamber being from the same political party. The*
 18 *two senators shall be designated by the president of*
 19 *the senate after consultation with the majority and*
 20 *minority leaders of the senate. The two*
 21 *representatives shall be designated by the speaker of*
 22 *the house of representatives after consultation with*
 23 *the majority and minority leaders of the house of*
 24 *representatives. Legislative members shall serve in*
 25 *an ex officio, nonvoting capacity.*

26 3. *The commission shall submit a written report*
 27 *annually by December 15 to the governor and the*
 28 *general assembly. The report shall include the*
 29 *findings and legislative recommendations of the*
 30 *commission. The report shall be distributed by the*
 31 *secretary of the senate and the chief clerk of the*
 32 *house of representatives to the chairpersons and*
 33 *members of the administrative rules review committee*
 34 *and to the standing committees in the senate and the*
 35 *house of representatives that deal with economic*
 36 *development and economic growth.*

37 Sec. 2. NEW SECTION. 15E.316 REGULATORY
 38 OMBUDSMAN OFFICE.

39 The department shall establish a regulatory
 40 ombudsman office for purposes of assisting businesses
 41 with regulatory issues. The office shall assist
 42 businesses with state program and regulatory
 43 applications, direct businesses to proper entities for
 44 specialized assistance, and provide businesses with
 45 general information regarding programs and regulatory
 46 issues.

47 Sec. 3. Section 260C.18A, subsection 2, paragraph
 48 b, Code 2005, is amended to read as follows:

49 b. *Projects in which an agreement between a*
 50 *community college and a business meet all the*

Page 3

1 requirements of the Iowa jobs training Act under
 2 chapter 260F. However, projects funded by moneys
 3 provided by a local workforce training and economic
 4 development fund of a community college are not
 5 subject to the maximum advance or award limitations
 6 contained in section 260F.6, subsection 2, or the
 7 allocation limitations contained in section 260F.8,
 8 subsection 1.

9 Sec. 4. Section 260C.18A, subsection 2, Code 2005,
 10 is amended by adding the following new paragraph:

11 NEW PARAGRAPH. f. Training and retraining
12 programs for targeted industries as authorized in
13 section 15.343, subsection 2, paragraph "a".

14 Sec. 5. Section 260C.18A, subsection 5, Code 2005,
15 is amended by striking the subsection.

16 Sec. 6. NEW SECTION. 303.3B CULTURAL AND
17 ENTERTAINMENT DISTRICTS.

18 1. The department of cultural affairs shall
19 establish and administer a cultural and entertainment
20 district certification program. The program shall
21 encourage the growth of communities through the
22 development of areas within a city for public and
23 private uses related to cultural and entertainment
24 purposes.

25 2. A city may create and designate a cultural and
26 entertainment district subject to certification by the
27 department of cultural affairs, in consultation with
28 the department of economic development. A cultural
29 and entertainment district is encouraged to
30 incorporate historic buildings within the district and
31 must incorporate the planning principles listed in
32 section 15F.203, subsection 3, paragraph "g". A
33 cultural and entertainment district certification
34 shall remain in effect for ten years following the
35 date of certification. Two or more cities may apply
36 jointly for certification of a district that extends
37 across a common boundary. Through the adoption of
38 administrative rules, the department of cultural
39 affairs shall develop a certification application for
40 use in the certification process.

41 3. The department of cultural affairs shall
42 encourage development projects and activities located
43 in certified cultural and entertainment districts
44 through incentives under cultural grant programs
45 pursuant to section 303.3, chapter 303A, and any other
46 grant programs.

47 4. A city may form a cultural and entertainment
48 district administrative committee for purposes of
49 administering and fostering activities in the
50 district. At least half of the committee membership

Page 4

1 must include members who are younger than thirty-five
2 years of age at the time of appointment to the
3 committee.

4 5. The department shall establish and administer a
5 cultural and entertainment district events program for
6 purposes of providing financial assistance for
7 cultural and entertainment events located in cultural
8 and entertainment districts certified pursuant to this
9 section. Financial assistance under the program shall

10 take the form of grants.

11 Sec. 7. Section 404A.4, subsection 4, Code 2005,

12 is amended to read as follows:

13 4. The For the fiscal year beginning July 1, 2005,
 14 the total amount of tax credits that may be approved
 15 for the fiscal year under this chapter shall not

16 exceed twenty million dollars. For the fiscal year
 17 beginning July 1, 2006, and every fiscal year
 18 thereafter, the total amount of tax credits that may
 19 be approved for a fiscal year under this chapter shall
 20 not exceed two million four hundred thousand dollars.

21 For the fiscal ~~years~~ year beginning ~~July 1, 2005, and~~
 22 July 1, 2006, an additional five hundred thousand
 23 dollars of tax credits may be approved ~~each fiscal~~
 24 ~~year~~ for purposes of projects located in cultural and
 25 entertainment districts certified pursuant to section
 26 303.3B. Any of the additional tax credits allocated
 27 for projects located in certified cultural and
 28 entertainment districts that are not approved during a
 29 fiscal year may be carried over to the succeeding
 30 fiscal year. The department of cultural affairs shall
 31 establish by rule the procedures for the application,
 32 review, selection, and awarding of certifications of
 33 completion. The departments of economic development,
 34 cultural affairs, and revenue shall each adopt rules
 35 to jointly administer this subsection and shall
 36 provide by rule for the method to be used to determine
 37 for which fiscal year the tax credits are available.

38 Sec. 8. APPROPRIATIONS.

39 1. MAIN STREET PROGRAM.

40 a. For the fiscal year beginning July 1, 2005, and
 41 ending June 30, 2006, there is appropriated from the
 42 *general fund of the state to the department of*
 43 cultural affairs one million dollars for purposes of
 44 the main street program.

45 b. The department of economic development shall
 46 transfer the administrative duties of the main street
 47 program to the department of cultural affairs. The
 48 department of cultural affairs shall adopt rules
 49 pursuant to chapter 17A for purposes of administering
 50 the program. The department of cultural affairs shall

Page 5

1 make the program available to cities of any size in
 2 the state. Any approved project or activity
 3 originally approved by the department of economic
 4 development under the main street program remains
 5 valid. The transfer of administrative duties to the
 6 department of cultural affairs shall not constitute
 7 grounds for rescission or modification of main street
 8 program contracts entered into with the department of

9 economic development.

10 2. CULTURAL AND ENTERTAINMENT DISTRICT EVENTS

11 PROGRAM. For the fiscal year beginning July 1, 2005,
12 and ending June 30, 2006, there is appropriated from
13 the general fund of the state to the department of
14 economic development one million dollars for purposes
15 of administering section 15E.321.

16 3. WORKFORCE TRAINING. For the fiscal year
17 beginning July 1, 2005, and ending June 30, 2006,
18 there is appropriated from the general fund of the
19 state to the department of economic development
20 fourteen million dollars for deposit into the
21 workforce training and economic development funds of
22 the community colleges created pursuant to section
23 260C.18A.

24 4. LOAN AND CREDIT GUARANTEE.

25 a. For the fiscal year beginning July 1, 2005, and
26 ending June 30, 2006, there is appropriated from the
27 general fund of the state to the department of
28 economic development ten million dollars for deposit
29 into the loan and credit guarantee fund created
30 pursuant to section 15E.227.

31 b. The moneys appropriated under this subsection
32 shall be used by the department under the loan and
33 credit guarantee program for purposes of loan or
34 credit guarantees to small businesses in
35 geographically diverse parts of the state. Within two
36 years of receiving a loan or credit guarantee under
37 the program, a small business must provide and pay at
38 least eighty percent of the cost of a standard medical
39 and dental insurance plan for full-time employees. A
40 small business receiving a loan or credit guarantee
41 under the program shall agree to pay a median wage for
42 new full-time jobs of at least thirteen dollars and
43 thirty-five cents per hour indexed to 2004 dollars
44 based on the gross national product implicit price
45 deflator published by the bureau of economic analysis
46 of the United States department of commerce or one
47 hundred thirty percent of the average wage in the
48 county in which the small business is located,
49 whichever is higher. For purposes of this paragraph,
50 "small business" means a business with less than fifty

Page 6

1 employees.

2 5. SMALL BUSINESS DEVELOPMENT CENTERS.

3 a. For the fiscal year beginning July 1, 2005, and
4 ending June 30, 2006, there is appropriated from the
5 general fund of the state to Iowa state university of
6 science and technology two million dollars for the
7 purposes provided in paragraph "b".

8 b. The moneys appropriated in this subsection
 9 shall be allocated by Iowa state university to all
 10 business development centers to develop and administer
 11 programs to assist small businesses to plan for the
 12 transfer of ownership of the business, including the
 13 transfer of all or a part of the ownership of a
 14 business to an employee stock ownership plan.

15 6. REGULATORY OMBUDSMAN OFFICE. For the fiscal
 16 year beginning July 1, 2005, and ending June 30, 2006,
 17 there is appropriated from the general fund of the
 18 state to the department of economic development two
 19 hundred fifty thousand dollars for purposes of
 20 administering section 15E.316. The department may
 21 create three full-time equivalent positions for
 22 purposes of administering section 15E.316."""

23 2. By renumbering as necessary.

FALLON of Polk

H-1572

1 Amend the amendment, H-1565, to the Senate
 2 amendment, H-1544, to House File 809, as amended,
 3 passed, and reprinted by the House, as follows:

4 1. Page 2, line 24, by inserting after the word
 5 "purposes." The following: "The expansion or
 6 retention of commercial air carrier service at an Iowa
 7 airport shall be considered an economic development
 8 project."

JOCHUM of Dubuque

H-1574

1 Amend the amendment, H-1565, to the Senate
 2 amendment, H-1544, to House File 809, as amended,
 3 passed, and reprinted by the House, as follows:

4 1. Page 1, lines 26 and 27, by striking the words
 5 and figures "fiscal year beginning July 1, 2005, and
 6 ending June 30, 2006," and inserting the following:
 7 "fiscal period beginning July 1, 2005, and ending June
 8 30, 2015,".

9 2. Page 1, line 27, by inserting after the word
 10 "appropriated" the following: "each fiscal year".

11 3. Page 1, lines 32 and 33, by striking the words
 12 and figures "fiscal year beginning July 1, 2005, and
 13 ending June 30, 2006," and inserting the following:
 14 "fiscal period beginning July 1, 2005, and ending June
 15 30, 2015,".

16 4. Page 1, line 33, by inserting after the word
 17 "appropriated" the following: "each fiscal year".

18 5. Page 3, lines 7 and 8, by striking the words

19 and figures "fiscal year beginning July 1, 2005, and
20 ending June 30, 2006," and inserting the following:
21 "fiscal period beginning July 1, 2005, and ending June
22 30, 2015,".

23 6. Page 3, line 8, by inserting after the word
24 "appropriated" the following: "each fiscal year".

25 7. Page 3, lines 47 and 48, by striking the words
26 and figures "fiscal year beginning July 1, 2005, and
27 ending June 30, 2006," and inserting the following:
28 "fiscal period beginning July 1, 2005, and ending June
29 30, 2015,".

30 8. Page 3, line 48, by inserting after the word
31 "appropriated" the following: "each fiscal year".

32 9. Page 4, lines 18 and 19, by striking the words
33 and figures "fiscal year beginning July 1, 2005, and
34 ending June 30, 2006," and inserting the following:
35 "fiscal period beginning July 1, 2005, and ending June
36 30, 2015,".

37 10. Page 4, line 19, by inserting after the word
38 "appropriated" the following: "each fiscal year".

39 11. Page 4, lines 24 and 25, by striking the
40 words and figures "fiscal year beginning July 1, 2005,
41 and ending June 30, 2006," and inserting the
42 following: "fiscal period beginning July 1, 2005, and
43 ending June 30, 2015,".

44 12. Page 4, line 25, by inserting after the word
45 "appropriated" the following: "each fiscal year".

46 13. Page 4, lines 32 and 33, by striking the
47 words and figures "fiscal year beginning July 1, 2005,
48 and ending June 30, 2006," and inserting the
49 following: "fiscal period beginning July 1, 2005, and
50 ending June 30, 2015,".

Page 2

1 14. Page 4, line 33, by inserting after the word
2 "appropriated" the following: "each fiscal year".

3 15. Page 4, line 41, by inserting after the word
4 "transfer" the following: "annually".

5 16. Page 5, line 7, by inserting after the word
6 "use" the following: "annually".

7 17. Page 5, line 12, by striking the words "the
8 fiscal" and inserting the following: "a fiscal".

THOMAS of Clayton
WISE of Lee
D. OLSON of Boone
MILLER of Webster
ZIRKELBACH of Jones

HOGG of Linn
DANDEKAR of Linn
SCHUELLER of Jackson
REICHERT of Muscatine

H-1578

- 1 Amend House File 882 as follows:
 2 1. Page 7, by inserting after line 32, the
 3 following:
 4 "Sec. __. SURPLUS APPROPRIATION. Notwithstanding
 5 any contrary provisions of section 8.57, prior to any
 6 other appropriation and distribution of any surplus in
 7 the general fund of the state at the conclusion of the
 8 fiscal year ending June 30, 2005, pursuant to section
 9 8.57, subsection 1, there is appropriated from that
 10 surplus ten million dollars to the department of
 11 economic development for purposes of financial
 12 assistance to a single biosciences development
 13 organization determined by the department to possess
 14 expertise in promoting the area of bioscience
 15 entrepreneurship."
 16 2. By renumbering as necessary.

WISE of Lee
 DANDEKAR of Linn
 PETERSEN of Polk

H-1580

- 1 Amend House File 882 as follows:
 2 1. Page 16, by inserting after line 16, the
 3 following:
 4 "Sec. __. VEHICLE DEALERSHIP STUDY. The
 5 legislative council is requested to appoint an interim
 6 study committee that will study the motor vehicle
 7 licensing law as it pertains to motor vehicle
 8 dealerships' moves from one facility and location to
 9 another facility and location in the state. A report
 10 should be provided to the general assembly by January
 11 15, 2006."
 12 2. By renumbering as necessary.

RAECKER of Polk

H-1582

- 1 Amend House File 882 as follows:
 2 1. Page 40, by inserting after line 15 the
 3 following:
 4 "DIVISION
 5 MINIMUM WAGE
 6 Sec. __. Section 91D.1, subsection 1, paragraphs
 7 a and d, Code 2005, are amended to read as follows:
 8 a. The hourly wage stated in the federal minimum
 9 wage law, pursuant to 29 U.S.C. § 206, shall be
 10 increased to ~~\$3.85~~ \$5.90 on January 1 of ~~1990, 2006,~~

11 ~~\$4.25 on January 1 of 1991, and \$4.65 to \$6.65 on~~
 12 ~~January 1 of 1992, 2007.~~
 13 d. An employer is not required to pay an employee
 14 the applicable minimum wage provided in paragraph "a"
 15 until the employee has completed ninety calendar days
 16 of employment with the employer. An employee who has
 17 completed ninety calendar days of employment with the
 18 employer prior to January 1 of ~~1990, 1991, 2006, or~~
 19 ~~1992~~ January 1, 2007, shall earn the applicable hourly
 20 minimum wage. An employer shall pay an employee who
 21 has not completed ninety calendar days of employment
 22 with the employer an hourly wage of at least ~~\$3.35~~
 23 \$5.40 as of January 1 of ~~1990, 2006~~, ~~\$3.85 as of~~
 24 ~~January 1 of 1991, and \$4.25~~ \$6.15 as of January 1 of
 25 ~~1992, 2007.~~
 26 2. By renumbering as necessary.

HUNTER of Polk
 FALLON of Polk
 FREVERT of Palo Alto
 GASKILL of Wapello
 JACOBY of Johnson
 KRESSIG of Black Hawk
 MASCHER of Johnson
 REASONER of Union
 ZIRKELBACH of Jones
 HOGG of Linn
 SHOMSHOR of Pottawattamie
 D. TAYLOR of Linn
 WENDT of Woodbury
 WHITAKER of Van Buren
 WINCKLER of Scott

BUKTA of Clinton
 FOEGE of Linn
 DAVITT of Warren
 HEDDENS of Story
 JOCHUM of Dubuque
 LENSING of Johnson
 R. OLSON of Polk
 BELL of Jasper
 SMITH of Marshall
 COHOON of Des Moines
 SHOULTZ of Black Hawk
 T. TAYLOR of Linn
 WESSEL-KROESCHELL of Story
 WHITEAD of Woodbury
 MURPHY of Dubuque

H-1583

1 Amend House File 882 as follows:
 2 1. Page 9, by inserting after line 29, the
 3 following:
 4 "Sec. . **NEW SECTION. 91D.2 OVERTIME PAY**
 5 **REQUIREMENTS – EXEMPTIONS.**
 6 The requirements of the federal Fair Labor
 7 Standards Act of 1938, as stated in 29 U.S.C. § 201,
 8 et seq., and the regulations adopted under 29 C.F.R.
 9 pt. 541, subpart G, shall apply to employers and
 10 employees in this state, except that the definitions
 11 set forth and in place in 29 C.F.R. pt. 541 on March
 12 30, 2003, shall be used in otherwise determining
 13 whether an employee is exempt or nonexempt for
 14 purposes of overtime pay requirements."

HUNTER of Polk
 ZIRKELBACH of Jones

T. TAYLOR of Linn
 BELL of Jasper

BUKTA of Clinton
 DAVITT of Warren
 FOEGE of Linn
 HEDDENS of Story
 JACOBY of Johnson
 KRESSIG of Black Hawk
 MASCHER of Johnson
 R. OLSON of Polk
 SMITH of Marshall
 WENDT of Woodbury
 WHITAKER of Van Buren
 WINCKLER of Scott

COHOON of Des Moines
 FALLON of Polk
 GASKILL of Wapello
 HOGG of Linn
 JOCHUM of Dubuque
 LENSING of Johnson
 MURPHY of Dubuque
 SHOULTZ of Black Hawk
 D. TAYLOR of Linn
 WESSEL-KROESCHELL of Story
 WHITEAD of Woodbury

H-1586

1 Amend House File 882 as follows:

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

4 "Sec. ___. Section 330.17, unnumbered paragraph 2,
 5 Code 2005, is amended by striking the unnumbered
 6 paragraph and inserting in lieu thereof the following:

7 If a city has an airport commission, the city
 8 council may adopt a resolution of intent to abolish
 9 the airport commission and shall call a public hearing
 10 on the proposal. Notice of the time and place of the
 11 public hearing shall be published as provided in
 12 section 331.305, except that at least ten days' notice
 13 must be given. At the public hearing, the council
 14 shall receive oral and written comments regarding the
 15 proposal from any person. Thereafter, the council, at
 16 a subsequent meeting, may adopt a final resolution to
 17 abolish the airport commission or may adopt a
 18 resolution abandoning the proposal. If the council
 19 adopts a final resolution to abolish the airport
 20 commission, a petition meeting the same requirements
 21 specified in section 362.4 for petitions authorized by
 22 city code may be filed with the clerk within thirty
 23 days following the effective date of the final
 24 resolution, requesting that the question of abolishing
 25 the airport commission be submitted to the registered
 26 voters of the city. Upon receipt of a petition
 27 requesting an election, the council shall direct the
 28 county commissioner of elections to put the proposal
 29 on the ballot for the next regular city election or a
 30 special election. If a petition is not received, the
 31 council may amend the ordinance to abolish the airport
 32 commission and assume or transfer the powers and
 33 duties of the airport commission."

34 2. By renumbering as necessary.

H-1595

1 Amend House File 882 as follows:

2 1. Page 6, by inserting after line 14, the
3 following:

4 "Sec. __. 2005 Iowa Acts, House File 816, section
5 10, subsection 1, paragraph f, unnumbered paragraph 1,
6 if enacted, is amended to read as follows:

7 For funds for regents universities' general
8 operating budgets:

9 \$ 12,569,288
10 40,000,000"

11 2. By renumbering as necessary.

KRESSIG of Black Hawk
MASCHER of Johnson
BERRY of Black Hawk
WESSEL-KROESCHELL of Story

LENSING of Johnson
JACOBY of Scott
HEDDENS of Story
SHOULTZ of Black Hawk

H-1599

1 Amend House File 882 as follows:

2 1. Page 2, line 10, by striking the figure
3 "11,271,000" and inserting the following:
4 "37,771,000".

5 2. Page 2, by striking lines 11 through 13, and
6 inserting the following:

7 "Of the amount appropriated under section 279.51,
8 subsection 1, pursuant to this subsection, \$33,996,000
9 is allocated for purposes of the grants awarded by the
10 child development coordinating council and other
11 council duties as provided in section 279.51,
12 subsection 1, paragraph "b"."

OLDSON of Polk
BUKTA of Clinton
FORD of Polk
HUSER of Polk
KUHN of Floyd
MILLER of Webster
BERRY of Black Hawk
DAVITT of Warren
HEDDENS of Story
JACOBY of Johnson
LENSING of Johnson
MERTZ of Kossuth
D. OLSON of Boone
PETTENGILL of Benton
SCHUELLER of Jackson
SWAIM of Davis
WENDT of Woodbury
WINCKLER of Scott

BELL of Jasper
DANDEKAR of Linn
HOGG of Linn
JOCHUM of Dubuque
LYKAM of Scott
OLDSON of Polk
COHOON of Des Moines
FREVERT of Palo Alto
HUNTER of Polk
KRESSIG of Black Hawk
MASCHER of Johnson
MURPHY of Dubuque
R. OLSON of Polk
REASONER of Union
SHOULTZ of Black Hawk
T. TAYLOR of Linn
WHITAKER of Van Buren
ZIRKELBACH of Jones

PETERSEN of Polk
REICHERT of Muscatine
SMITH of Marshall
THOMAS of Clayton
WHITEAD of Woodbury

QUIRK of Chickasaw
SHOMSHOR of Pottawattamie
D. TAYLOR of Linn
WESSEL-KROESCHELL of Story
WISE of Lee

H-1600

1 Amend House File 882 as follows:

2 1. Page 6, by inserting after line 14, the
3 following:

4 "Sec.____. 2005 Iowa Acts, House File 816, section
5 5, subsection 12, if enacted, is amended to read as
6 follows:

7 12. STUDENT ACHIEVEMENT AND TEACHER QUALITY
8 PROGRAM

9 For purposes, as provided in law, of the student
10 achievement and teacher quality program established
11 pursuant to chapter 284:

12 \$ 58,718,894
13 92,683,894"

14 2. Page 7, by inserting after line 32, the
15 following:

16 "Sec.____. Section 284.13, subsection 1, paragraph
17 e, Code 2005, as amended by 2005 Iowa Acts, House File
18 816, section 22, if enacted, is amended to read as
19 follows:

20 e. For the fiscal year beginning July 1, 2005, and
21 ending June 30, 2006, up to ~~one~~ six hundred ~~eighty-~~
22 ~~five~~ thousand dollars to the department of education
23 for purposes of implementing the career development
24 program requirements of section 284.6, and the review
25 panel requirements of section 284.9. From the moneys
26 allocated to the department pursuant to this
27 paragraph, not less than ten thousand dollars shall be
28 distributed to the board of educational examiners for
29 purposes of convening an educator licensing review
30 working group. A portion of the funds allocated to
31 the department for purposes of this paragraph may be
32 used by the department for administrative purposes.
33 Notwithstanding section 8.33, moneys allocated for
34 purposes of this paragraph prior to July 1, 2004,
35 which remain unobligated or unexpended at the end of
36 the fiscal year for which the moneys were
37 appropriated, shall remain available for expenditure
38 for the purposes for which they were allocated, for
39 the fiscal year beginning July 1, 2004, and ending
40 June 30, 2005."

41 3. Page 7, by inserting after line 33, the
42 following:

43 "Sec.____. 2005 Iowa Acts, House File 816,

44 sections 9 and 23, if enacted, are repealed."

45 4. By renumbering as necessary.

WENDT of Woodbury
 BUKTA of Clinton
 FORD of Polk
 HOGG of Linn
 JOCHUM of Dubuque
 LYKAM of Scott
 OLDSON of Polk
 COHOON of Des Moines
 FREVERT of Palo Alto
 HUNTER of Polk
 KRESSIG of Black Hawk
 MASCHER of Johnson
 MURPHY of Dubuque
 R. OLSON of Polk
 REASONER of Union
 SHOULTZ of Black Hawk
 T. TAYLOR of Linn
 WINCKLER of Scott
 QUIRK of Chickasaw
 SHOMSHOR of Pottawattamie
 D. TAYLOR of Linn
 WESSEL-KROESCHELL of Story
 WISE of Lee

BELL of Jasper
 DANDEKAR of Linn
 GASKILL of Wapello
 HUSER of Polk
 KUHN of Floyd
 MILLER of Webster
 BERRY of Black Hawk
 DAVITT of Warren
 HEDDENS of Story
 JACOBY of Johnson
 LENSING of Johnson
 MERTZ of Kossuth
 D. OLSON of Boone
 PETTENGILL of Benton
 SCHUELLER of Jackson
 SWAIM of Davis
 WHITAKER of Van Buren
 ZIRKELBACH of Jones
 REICHERT of Muscatine
 SMITH of Marshall
 THOMAS of Clayton
 WHITEAD of Woodbury

H-1602

- 1 Amend the amendment, H-1581, to House File 882 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "____. By striking page 26, line 20, through page
- 6 29, line 24 and inserting the following:
- 7 "Sec.____. INFORMATION AND SECURITY REVIEW. The
- 8 attorney general and the auditor of state shall review
- 9 the county land record information system and report
- 10 to the government oversight committees on or before
- 11 January 15, 2006, regarding the security of
- 12 information on the county land record information
- 13 system and how information on such system may be
- 14 used.""
- 15 2. By renumbering as necessary.

THOMAS of Clayton

H-1612

- 1 Amend the amendment, H-1581, to House File 882 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and

4 inserting the following:

5 “___ By striking page 26, line 20, through page
6 29, line 24 and inserting the following:

7 “Sec. ___. REPAYMENT OF MONEYS. A county that has
8 received moneys pursuant to section 331.605C for the
9 purpose of paying the costs related to a statewide
10 internet website and does not participate in the
11 county land record information system shall repay such
12 moneys to the treasurer of state.”

13 2. By renumbering as necessary.

THOMAS of Clayton

H-1619

1 Amend House File 882 as follows:

2 1. Page 40, by inserting after line 15, the
3 following:

4 “DIVISION

5 RENEWABLE ENERGY TAX CREDIT

6 Sec. ___. Section 422.11J, Code 2005, is amended
7 to read as follows:

8 422.11J WIND ENERGY PRODUCTION TAX CREDIT CREDITS
9 FOR WIND ENERGY PRODUCTION AND RENEWABLE ENERGY.

10 The taxes imposed under this division, less the
11 credits allowed under sections 422.12 and 422.12B,
12 shall be reduced by ~~a wind energy production tax~~
13 ~~credit credits for wind energy production~~ allowed
14 under chapter 476B and for renewable energy allowed
15 under chapter 476C.

16 Sec. ___. Section 422.33, subsection 16, Code
17 2005, is amended to read as follows:

18 16. The taxes imposed under this division shall be
19 reduced by ~~a wind energy production tax credit credits~~
20 for wind energy production allowed under chapter 476B
21 and for renewable energy allowed under chapter 476C.

22 Sec. ___. Section 422.60, subsection 8, Code 2005,
23 is amended to read as follows:

24 8. The taxes imposed under this division shall be
25 reduced by ~~a wind energy production tax credit credits~~
26 for wind energy production allowed under chapter 476B
27 and for renewable energy allowed under chapter 476C.

28 Sec. ___. Section 423.4, Code 2005, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 4. A person in possession of a
31 renewable energy tax credit certificate issued
32 pursuant to chapter 476C may apply to the director for
33 refund of the amount of sales or use tax imposed and
34 paid upon purchases made by the applicant.

35 a. The refunds may be obtained only in the
36 following manner and under the following conditions:

37 (1) On forms furnished by the department and filed

38 by January 31 after the end of the calendar year in
 39 which the tax credit certificate is to be applied, the
 40 applicant shall report to the department the total
 41 amount of sales and use tax paid during the reporting
 42 period on purchases made by the applicant.

43 (2) The applicant shall separately list the
 44 amounts of sales and use tax paid during the reporting
 45 period.

46 (3) If required by the department, the applicant
 47 shall prove that the person making the sales has
 48 included the amount thereof in the computation of the
 49 sales price of such person and that such person has
 50 paid the tax levied by this subchapter or subchapter

Page 2

1 III, based upon such computation of the sales price.

2 (4) The applicant shall provide the tax credit
 3 certificates issued pursuant to chapter 476C to the
 4 department with the forms required by this paragraph
 5 "a".

6 b. If satisfied that the foregoing conditions and
 7 requirements have been complied with, the director
 8 shall refund the amount claimed by the applicant for
 9 an amount not greater than the amount of tax credits
 10 issued in tax credit certificates pursuant to chapter
 11 476C.

12 Sec. __. Section 432.12E, Code 2005, is amended
 13 to read as follows:

14 432.12E WIND ENERGY PRODUCTION TAX CREDIT CREDITS
 15 FOR WIND ENERGY PRODUCTION AND RENEWABLE ENERGY.

16 The taxes imposed under this chapter shall be
 17 reduced by a wind energy production tax credit credits
 18 for wind energy production allowed under chapter 476B
 19 and for renewable energy allowed under chapter 476C.

20 Sec. __. NEW SECTION. 437A.17B REIMBURSEMENT
 21 FOR RENEWABLE ENERGY.

22 A person in possession of a renewable energy tax
 23 credit certificate issued pursuant to chapter 476C may
 24 apply to the director for a reimbursement of the
 25 amount of taxes imposed and paid by the person
 26 pursuant to this chapter in an amount not more than
 27 the person received in renewable energy tax credit
 28 certificates pursuant to chapter 476C. To obtain the
 29 reimbursement, the person shall attach to the return
 30 required under section 437A.8 the renewable energy tax
 31 credit certificates issued to the person pursuant to
 32 chapter 476C, and provide any other information the
 33 director may require. The director shall direct a
 34 warrant to be issued to the person for an amount equal
 35 to the tax imposed and paid by the person pursuant to
 36 this chapter but for not more than the amount of the

37 renewable energy tax credit certificates attached to
 38 the return.
 39 Sec. . NEW SECTION. 476C.1 DEFINITIONS.
 40 For purposes of this chapter, unless the context
 41 otherwise requires:
 42 1. "Anaerobic digester system" means a system of
 43 components that processes plant or animal materials
 44 based on the absence of oxygen and produces methane or
 45 other biogas used to generate electricity, hydrogen
 46 fuel, or heat for a commercial purpose.
 47 2. "Biogas recovery facility" means an anaerobic
 48 digester system that is located in this state.
 49 3. "Biomass conversion facility" means a facility
 50 in this state that converts plant-derived organic

Page 3

1 matter including, but not limited to, agricultural
 2 food and feed crops, crop wastes and residues, wood
 3 wastes and residues, or aquatic plants to generate
 4 electricity, hydrogen fuel, or heat for a commercial
 5 purpose.
 6 4. "Board" means the utilities board within the
 7 utilities division of the department of commerce.
 8 5. "Department" means the department of revenue.
 9 6. "Eligible renewable energy facility" means a
 10 wind energy conversion facility, a biogas recovery
 11 facility, a biomass conversion facility, a methane gas
 12 recovery facility, or a solar energy conversion
 13 facility that meets all of the following requirements:
 14 a. Is located in this state.
 15 b. Is at least fifty-one percent owned by one or
 16 more of any combination of the following:
 17 (1) A resident of this state.
 18 (2) Any of the following as defined in section
 19 9H.1:
 20 (a) An authorized farm corporation.
 21 (b) An authorized limited liability company.
 22 © An authorized trust.
 23 (d) A family farm corporation.
 24 (e) A family farm limited liability company.
 25 (f) A family trust.
 26 (g) A revocable trust.
 27 (h) A testamentary trust.
 28 (3) A small business as defined in section 15.102.
 29 (4) An electric cooperative association organized
 30 pursuant to chapter 499 that sells electricity to end
 31 users located in this state.
 32 (5) An electric cooperative association that has
 33 one or more members organized pursuant to chapter 499.
 34 (6) A cooperative corporation organized pursuant
 35 to chapter 497 or a limited liability corporation

36 organized pursuant to chapter 490A whose shares and
37 membership are held by an entity that is not
38 prohibited from owning agricultural land under chapter
39 9H.

40 (7) A school district located in this state.

41 c. Has at least one owner that meets the
42 requirements of paragraph "b" for each two and one-
43 half megawatts of nameplate generating capacity or the
44 energy production capacity equivalent for hydrogen
45 fuel or heat for a commercial purpose of the otherwise
46 eligible renewable energy facility.

47 d. Was initially placed into service on or after
48 July 1, 2005, and before January 1, 2011.

49 7. "Energy production capacity equivalent" means
50 the amount of energy in a standard cubic foot of

Page 4

1 hydrogen gas or the number of British thermal units
2 that are equal to the energy in a kilowatt-hour of
3 electricity. For the purposes of this chapter, one
4 kilowatt-hour shall be deemed equivalent to three
5 thousand three hundred thirty-three British thermal
6 units of heat or ten and forty-five one hundredths of
7 standard cubic feet of hydrogen gas.

8 8. "Heat for a commercial purpose" means the heat
9 in British thermal unit equivalents from methane or
10 other biogas produced in this state sold to a
11 purchaser of renewable energy for use for a commercial
12 purpose.

13 9. "Hydrogen fuel" means hydrogen produced in this
14 state from a renewable source that is used in a fuel
15 cell or hydrogen-powered internal combustion engine.

16 10. "Methane gas recovery facility" means a
17 facility in this state which is used in connection
18 with a sanitary landfill or which uses wastes that
19 would otherwise be deposited in a sanitary landfill,
20 that collects methane gas or other gases and converts
21 the gas into energy to generate electricity, hydrogen
22 fuel, or heat for a commercial purpose.

23 11. "Producer of renewable energy" means a person
24 who owns an eligible renewable energy facility.

25 12. "Purchaser of renewable energy" means a person
26 who buys electric energy, hydrogen fuel, methane gas
27 or other biogas used to generate electricity, or heat
28 for a commercial purpose from an eligible renewable
29 energy facility.

30 13. "Solar energy conversion facility" means a
31 solar energy facility in this state that collects and
32 converts incident solar radiation into energy to
33 generate electricity.

34 14. "Wind energy conversion facility" means a wind

35 energy conversion system in this state that collects
 36 and converts wind into energy to generate electricity.
 37 Sec.____. NEW SECTION. 476C.2 TAX CREDIT AMOUNT
 38 – LIMITATIONS.

39 1. A producer or purchaser of renewable energy may
 40 receive renewable energy tax credits under this
 41 chapter in an amount equal to one and one-half cents
 42 per kilowatt-hour of electricity, or four dollars and
 43 fifty cents per million British thermal units of heat
 44 for a commercial purpose, or four dollars and fifty
 45 cents per million British thermal units of methane gas
 46 or other biogas used to generate electricity, or one
 47 dollar and forty-four cents per one thousand standard
 48 cubic feet of hydrogen fuel generated by and purchased
 49 from an eligible renewable energy facility.
 50 2. The renewable energy tax credit shall not be

Page 5

1 allowed for any kilowatt-hour of electricity, British
 2 thermal unit of heat for a commercial purpose, British
 3 thermal unit of methane gas or other biogas used to
 4 generate electricity, or standard cubic foot of
 5 hydrogen fuel that is purchased from an eligible
 6 renewable energy facility by a related person. For
 7 purposes of this subsection, persons shall be treated
 8 as related to each other if either person owns an
 9 eighty percent or more equity interest in the other
 10 person.

11 Sec.____. NEW SECTION. 476C.3 DETERMINATION OF
 12 ELIGIBILITY.

13 1. A producer or purchaser of renewable energy may
 14 apply to the board for a written determination
 15 regarding whether a facility is an eligible renewable
 16 energy facility by submitting to the board a written
 17 application containing all of the following:
 18 a. Information regarding the ownership of the
 19 facility including the percentage of equity interest
 20 held by each owner.
 21 b. The nameplate generating capacity of the
 22 facility or energy production capacity equivalent.
 23 c. Information regarding the facility's initial
 24 placement in service.
 25 d. Information regarding the type of facility and
 26 what type of renewable energy the facility will
 27 produce.
 28 e. A copy of the power purchase agreement or other
 29 agreement to purchase electricity, hydrogen fuel,
 30 methane or other biogas, or heat for a commercial
 31 purpose which shall designate either the producer or
 32 purchaser of renewable energy as eligible to apply for
 33 the renewable energy tax credit.

34 f. Any other information the board may require.
35 2. The board shall review the application and
36 supporting information and shall make a preliminary
37 determination regarding whether the facility is an
38 eligible renewable energy facility. The board shall
39 notify the applicant of the approval or denial of the
40 application within thirty days of receipt of the
41 application and information required. If the board
42 fails to notify the applicant of the approval or
43 denial within thirty days, the application shall be
44 deemed denied. An applicant who receives a
45 determination denying an application may file an
46 appeal with the board within thirty days from the date
47 of the denial pursuant to the provisions of chapter
48 17A. In the absence of a timely appeal, the
49 preliminary determination shall be final. If the
50 application is incomplete, the board may grant an

Page 6

1 extension of time for the provision of additional
2 information.

3 3. A facility that is not operational within
4 eighteen months after issuance of an approval for the
5 facility by the board shall cease to be an eligible
6 renewable energy facility. A facility that is granted
7 and thereafter loses approval may reapply to the board
8 for a new determination.

9 4. The maximum amount of nameplate generating
10 capacity of all wind energy conversion facilities the
11 board may find eligible under this chapter shall not
12 exceed ninety megawatts of nameplate generating
13 capacity. The maximum amount of energy production
14 capacity equivalent of all other facilities the board
15 may find eligible under this chapter shall not exceed
16 a combined output of ten megawatts of nameplate
17 generating capacity.

18 5. An owner meeting the requirements of section
19 476C.1, subsection 6, paragraph "b" shall not be an
20 owner of more than two eligible renewable energy
21 facilities.

22 Sec. . NEW SECTION. 476C.4 TAX CREDIT
23 CERTIFICATE PROCEDURE.

24 1. A producer or purchaser of renewable energy may
25 apply to the board for the renewable energy tax credit
26 by submitting to the board all of the following:

27 a. A completed application in a form prescribed by
28 the board.

29 b. A copy of the determination granting approval
30 of the facility as an eligible renewable energy
31 facility by the board.

32 c. A copy of a signed power purchase agreement or

33 other agreement to purchase electricity, hydrogen
 34 fuel, methane or other biogas, or heat for a
 35 commercial purpose from an eligible renewable energy
 36 facility which shall designate either the producer or
 37 purchaser of renewable energy as eligible to apply for
 38 the renewable energy tax credit.

39 d. Sufficient documentation that the electricity,
 40 heat for a commercial purpose, methane gas or other
 41 biogas, or hydrogen fuel has been generated by the
 42 eligible renewable energy facility and sold to the
 43 purchaser of renewable energy.

44 e. Any other information the board deems
 45 necessary.

46 2. The board shall notify the department of the
 47 amount of kilowatt-hours, British thermal units of
 48 heat for a commercial purpose, British thermal units
 49 of methane gas or other biogas used to generate
 50 electricity, or standard cubic feet of hydrogen fuel

Page 7

1 generated and purchased from an eligible renewable
 2 energy facility. The department shall calculate the
 3 amount of the tax credit for which the applicant is
 4 eligible and shall issue the tax credit certificate
 5 for that amount or notify the applicant in writing of
 6 its refusal to do so. An applicant whose application
 7 is denied may file an appeal with the department
 8 within sixty days from the date of the denial pursuant
 9 to the provisions of chapter 17A.

10 3. Each tax credit certificate shall contain the
 11 person's name, address, and tax identification number,
 12 the amount of tax credits, the first taxable year the
 13 certificate may be used, the type of tax to which the
 14 tax credits shall be applied, and any other
 15 information required by the department. The tax
 16 credit certificate shall only list one type of tax to
 17 which the amount of the tax credit may be applied.
 18 Once issued by the department, the tax credit
 19 certificate shall not be terminated or rescinded.

20 4. If the tax credit application is filed by a
 21 partnership, limited liability company, S corporation,
 22 estate, trust, or other reporting entity all of the
 23 income of which is taxed directly to its equity
 24 holders or beneficiaries, for the taxes imposed under
 25 chapter 422, division II or III, the tax credit
 26 certificate shall be issued directly to equity holders
 27 or beneficiaries of the applicant in proportion to
 28 their pro rata share of the income of such entity.
 29 The applicant shall, in the application made under
 30 this section, identify its equity holders or
 31 beneficiaries, and the percentage of such entity's

32 income that is allocable to each equity holder or
33 beneficiary. If the tax credit application is filed
34 by a partnership, limited liability company, S
35 corporation, estate, trust, or other reporting entity,
36 all of whose income is taxed directly to its equity
37 holders or beneficiaries for the taxes imposed under
38 chapter 422, division V, or under chapter 423, 432, or
39 437A, the tax credit certificate shall be issued
40 directly to the partnership, limited liability
41 company, S corporation, estate, trust, or other
42 reporting entity.

43 5. The department shall not issue a tax credit
44 certificate if the facility approved by the board as
45 an eligible renewable energy facility is not
46 operational within eighteen months after the approval
47 is issued.

48 6. The department shall not issue a tax credit
49 certificate to any person who has received a tax
50 credit pursuant to chapter 476B.

Page 8

1 7. Once a tax credit certificate is issued
2 pursuant to this section, the tax credit may only be
3 claimed against the type of tax reflected on the
4 certificate.

5 Sec. . NEW SECTION. 476C.5 CERTIFICATE
6 ISSUANCE PERIOD.

7 A producer or purchaser of renewable energy may
8 receive renewable energy tax credit certificates for a
9 ten-year period for each eligible renewable energy
10 facility under this chapter. The ten-year period for
11 issuance of the tax credit certificates begins with
12 the date the purchaser of renewable energy first
13 purchases electricity, hydrogen fuel, methane gas or
14 other biogas used to generate electricity, or heat for
15 commercial purposes from the eligible renewable energy
16 facility for which a tax credit is issued under this
17 chapter. Renewable energy tax credit certificates
18 shall not be issued for renewable energy purchased
19 after December 31, 2020.

20 Sec. . NEW SECTION. 476C.6 TRANSFERABILITY
21 AND USE OF TAX CREDIT CERTIFICATES – REGISTRATION.

22 1. Renewable energy tax credit certificates issued
23 under this chapter may be transferred to any person.
24 A tax credit certificate shall only be transferred
25 once. However, for purposes of this transfer
26 provision, a decision between a producer and purchaser
27 of renewable energy regarding who claims the tax
28 credit issued pursuant to this chapter shall not be
29 considered a transfer and must be set forth in the
30 application for the tax credit pursuant to section

31 476C.4. Within thirty days of transfer, the
32 transferee must submit the transferred tax credit
33 certificate to the department along with a statement
34 containing the transferee's name, tax identification
35 number, and address, and the denomination that each
36 new certificate is to carry and any other information
37 required by the department. Within thirty days of
38 receiving the transferred tax credit certificate and
39 the transferee's statement, the department shall issue
40 one or more replacement tax credit certificates to the
41 transferee. Each replacement tax credit certificate
42 must contain the information required under section
43 476C.4, subsection 3, and must have the same effective
44 taxable year and the same expiration date that
45 appeared in the transferred tax credit certificate.
46 Tax credit certificate amounts of less than the
47 minimum amount established by rule shall not be
48 transferable. A tax credit shall not be claimed by a
49 transferee under this chapter until a replacement tax
50 credit certificate identifying the transferee as the

Page 9

1 proper holder has been issued. The replacement tax
2 credit certificate may reflect a different type of tax
3 than the type of tax noted on the original tax credit
4 certificate.

5 The transferee may use the amount of the tax credit
6 transferred against taxes imposed under chapter 422,
7 divisions II, III, and V, and chapter 432 for any tax
8 year the original transferor could have claimed the
9 tax credit. The transferee may claim a refund under
10 chapter 423 or 437A for any tax year within the time
11 period set forth in section 423.47 or 437A.14 for
12 which the original transferor could have claimed the
13 refund. Any consideration received for the transfer
14 of the tax credit shall not be included as income
15 under chapter 422, divisions II, III, and V. Any
16 consideration paid for the transfer of the tax credit
17 shall not be deducted from income under chapter 422,
18 divisions II, III, and V.

19 2. To claim a renewable energy tax credit under
20 this chapter, a taxpayer must attach one or more tax
21 credit certificates to the taxpayer's tax return, or
22 if used against taxes imposed under chapter 423, the
23 taxpayer shall comply with section 423.4, or if used
24 against taxes imposed under chapter 437A, the taxpayer
25 shall comply with section 437A.17B, subsection 4. A
26 tax credit certificate shall not be used or attached
27 to a return filed for a taxable year beginning prior
28 to July 1, 2006. The tax credit certificate or
29 certificates attached to the taxpayer's tax return

30 shall be issued in the taxpayer's name, expire on or
 31 after the last day of the taxable year for which the
 32 taxpayer is claiming the tax credit, and show a tax
 33 credit amount equal to or greater than the tax credit
 34 claimed on the taxpayer's tax return. Any tax credit
 35 in excess of the taxpayer's tax liability for the
 36 taxable year may be credited to the taxpayer's tax
 37 liability for the following seven tax years or until
 38 the credit is depleted, whichever is earlier. If the
 39 tax credit is applied against the taxes imposed under
 40 chapter 423 or 437A, any credit in excess of the
 41 taxpayer's tax liability is carried over and can be
 42 filed with the refund claim for the following seven
 43 tax years or until depleted, whichever is earlier.
 44 However, the certificate shall not be used to reduce
 45 tax liability for a tax period ending after the
 46 expiration date of the certificate.

47 3. The department shall develop a system for the
 48 registration of the renewable energy tax credit
 49 certificates issued or transferred under this chapter
 50 and a system that permits verification that any tax

Page 10

1 credit claimed on a tax return is valid and that
 2 transfers of the tax credit certificates are made in
 3 accordance with the requirements of this chapter. The
 4 tax credit certificates issued under this chapter
 5 shall not be classified as a security pursuant to
 6 chapter 502.

7 Sec. . NEW SECTION. 476C.7 RULES.
 8 The department and the board may adopt rules
 9 pursuant to chapter 17A for the administration and
 10 enforcement of this chapter.

11 Sec. . EFFECTIVE DATE. This division of this
 12 Act, being deemed of immediate importance, takes
 13 effect upon enactment."

14 2. Title page, line 2, by inserting after the
 15 word "fees" the following: "and tax credits".
 16 3. By renumbering as necessary.

SHOULTZ of Black Hawk

H-1627

1 Amend House File 711, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 1, line 30, through page 2,
 4 line 12.
 5 2. By renumbering as necessary.

SENATE AMENDMENT

H-1641

- 1 Amend the Senate amendment, H-1635, to House File
- 2 816, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 13, line 40, by striking the figure
- 5 "21,219,288" and inserting the following:
- 6 "40,000,000".

KRESSIG of Black Hawk
 HEDDENS of Story
 JACOBY of Johnson
 SHOULTZ of Black Hawk
 D. OLSON of Boone

WESSEL-KROESCHELL of Story
 MASCHER of Johnson
 LENSING of Johnson
 BERRY of Black Hawk

H-1642

- 1 Amend the Senate amendment, H-1634, to House File
- 2 761, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 6, by striking lines 43 through 45 and
- 5 inserting the following:
- 6 "Each school district shall administer diagnostic
- 7 assessments for measuring reading accuracy and fluency
- 8 skills, including but not limited to phonemic
- 9 awareness, oral reading ability, and comprehension
- 10 skills, to every kindergarten student".

WINCKLER of Scott

H-1643

- 1 Amend the Senate amendment, H-1634, to House File
- 2 761, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 8, by inserting after line 41 the
- 5 following:
- 6 "Sec. __. IPERS COVERAGE STUDY. The Iowa public
- 7 employees' retirement system (IPERS) shall consult
- 8 with the department of human services and others to
- 9 study how persons providing child care at a child care
- 10 facility that is licensed or registered under chapter
- 11 237A or that is provided under the direction of a
- 12 school district can be covered under IPERS. IPERS
- 13 shall report to the governor and general assembly on
- 14 or before December 16, 2005, with findings and
- 15 recommendations from the study."
- 16 2. By renumbering as necessary.

PETERSEN of Polk

H-1644

1 Amend the Senate amendment, H-1634, to House File
2 761, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 8, by inserting after line 41 the
5 following:

6 "Sec. __. HAWK-I COVERAGE STUDY. The department
7 of human services and the hawk-I board shall study how
8 persons providing child care at a child care facility
9 that is licensed or registered under chapter 237A or
10 that is provided under the direction of a school
11 district, and the persons' family members, can be
12 covered under the hawk-I program. The department and
13 the hawk-I board shall report to the governor and
14 general assembly on or before December 16, 2005, with
15 findings and recommendations from the study."

16 2. By renumbering as necessary.

PETERSEN of Polk

H-1645

1 Amend the Senate amendment, H-1635, to House File
2 816, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 1, line 5, through page 40,
5 line 42, and inserting the following:

6 "DEPARTMENT FOR THE BLIND

7 Section 1. ADMINISTRATION. There is appropriated
8 from the general fund of the state to the department
9 for the blind for the fiscal year beginning July 1,
10 2005, and ending June 30, 2006, the following amount,
11 or so much thereof as is necessary, to be used for the
12 purposes designated:

13 For salaries, support, maintenance, miscellaneous
14 purposes and for not more than the following full-time
15 equivalent positions:
16 \$ 1,886,842
17 FTEs 109.50

18 COLLEGE STUDENT AID COMMISSION

19 Sec. 2. There is appropriated from the general
20 fund of the state to the college student aid
21 commission for the fiscal year beginning July 1, 2005,
22 and ending June 30, 2006, the following amounts, or so
23 much thereof as may be necessary, to be used for the
24 purposes designated:

25 1. GENERAL ADMINISTRATION

26 For salaries, support, maintenance, miscellaneous
27 purposes, and for not more than the following full-
28 time equivalent positions:
29 \$ 349,494

30 FTEs 4.30
 31 2. STUDENT AID PROGRAMS
 32 For payments to students for the Iowa grant
 33 program:
 34 \$ 1,029,784
 35 3. DES MOINES UNIVERSITY – OSTEOPATHIC MEDICAL
 36 CENTER
 37 a. For forgivable loans to Iowa students attending
 38 the Des Moines university – osteopathic medical
 39 center under the forgivable loan program pursuant to
 40 section 261.19:
 41 \$ 50,000
 42 To receive funds appropriated pursuant to this
 43 paragraph, Des Moines university -- osteopathic
 44 medical center shall match the funds with
 45 institutional funds on a dollar-for-dollar basis.
 46 b. For the Des Moines university -- osteopathic
 47 medical center for an initiative in primary health
 48 care to direct primary care physicians to shortage
 49 areas in the state:
 50 \$ 346,451

Page 2

1 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM
 2 For purposes of providing national guard
 3 educational assistance under the program established
 4 in section 261.86:
 5 \$ 3,800,000
 6 5. TEACHER SHORTAGE FORGIVABLE LOAN PROGRAM
 7 For the teacher shortage forgivable loan program
 8 established in section 261.111:
 9 \$ 285,000
 10 Sec. 3. WORK-STUDY APPROPRIATION NULLIFICATION FOR
 11 FY 2005-2006. Notwithstanding section 261.85, for the
 12 fiscal year beginning July 1, 2005, and ending June
 13 30, 2006, the amount appropriated for the work-study
 14 program under section 261.85 shall be zero.
 15 DEPARTMENT OF CULTURAL AFFAIRS
 16 Sec. 4. There is appropriated from the general
 17 fund of the state to the department of cultural
 18 affairs for the fiscal year beginning July 1, 2005,
 19 and ending June 30, 2006, the following amounts, or so
 20 much thereof as is necessary, to be used for the
 21 purposes designated:
 22 1. ADMINISTRATION
 23 For salaries, support, maintenance, and
 24 miscellaneous purposes:
 25 \$ 235,636
 26 The department of cultural affairs shall coordinate
 27 activities with the tourism office of the department
 28 of economic development to promote attendance at the

29 state historical building and at this state's historic
 30 sites.
 31 2. COMMUNITY CULTURAL GRANTS
 32 For planning and programming for the community
 33 cultural grants program established under section
 34 303.3:
 35 \$ 299,240
 36 3. HISTORICAL DIVISION
 37 For salaries, support, maintenance, miscellaneous
 38 purposes, and for not more than the following full-
 39 time equivalent positions:
 40 \$ 3,040,920
 41 FTEs 65.00
 42 4. HISTORIC SITES
 43 For salaries, support, maintenance, and
 44 miscellaneous purposes:
 45 \$ 526,459
 46 5. ARTS DIVISION
 47 For salaries, support, maintenance, miscellaneous
 48 purposes, including funds to match federal grants and
 49 for not more than the following full-time equivalent
 50 positions:

Page 3

1 \$ 1,157,486
 2 FTEs 11.25

3 DEPARTMENT OF EDUCATION

4 Sec. 5. There is appropriated from the general
 5 fund of the state to the department of education for
 6 the fiscal year beginning July 1, 2005, and ending
 7 June 30, 2006, the following amounts, or so much
 8 thereof as may be necessary, to be used for the
 9 purposes designated:

10 1. GENERAL ADMINISTRATION
 11 For salaries, support, maintenance, miscellaneous
 12 purposes, and for not more than the following full-
 13 time equivalent positions:
 14 \$ 5,139,542
 15 FTEs 76.27

16 The director of the department of education shall
 17 ensure that all school districts are aware of the
 18 state education resources available on the state
 19 website for listing teacher job openings and shall
 20 make every reasonable effort to enable qualified
 21 practitioners to post their resumes on the state
 22 website. The department shall administer the posting
 23 of job vacancies for school districts, accredited
 24 nonpublic schools, and area education agencies on the
 25 state website. The department may coordinate this
 26 activity with the Iowa school board association or
 27 other interested education associations in the state.

28 The department shall strongly encourage school
29 districts to seek direct claiming under the medical
30 assistance program for funding of school district
31 nursing services for students.

32 2. VOCATIONAL EDUCATION ADMINISTRATION

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

36 \$ 514,828
37 FTEs 13.80

38 3. VOCATIONAL REHABILITATION SERVICES DIVISION

39 a. For salaries, support, maintenance,
40 miscellaneous purposes, and for not more than the
41 following full-time equivalent positions:

42 \$ 4,340,050
43 FTEs 273.50

44 The division of vocational rehabilitation services
45 shall seek funding from other sources, such as local
46 funds, for purposes of matching the state's federal
47 vocational rehabilitation allocation, as well as for
48 matching other federal vocational rehabilitation
49 funding that may become available.

50 Except where prohibited under federal law, the

Page 4

1 division of vocational rehabilitation services of the
2 department of education shall accept client
3 assessments, or assessments of potential clients,
4 performed by other agencies in order to reduce
5 duplication of effort.

6 Notwithstanding the full-time equivalent position
7 limit established in this lettered paragraph, for the
8 fiscal year ending June 30, 2006, if federal funding
9 is received to pay the costs of additional employees
10 for the vocational rehabilitation services division
11 who would have duties relating to vocational
12 rehabilitation services paid for through federal
13 funding, authorization to hire not more than 4.00
14 additional full-time equivalent employees shall be
15 provided, the full-time equivalent position limit
16 shall be exceeded, and the additional employees shall
17 be hired by the division.

18 b. For matching funds for programs to enable
19 persons with severe physical or mental disabilities to
20 function more independently, including salaries and
21 support, and for not more than the following full-time
22 equivalent position:

23 \$ 54,150
24 FTEs 1.00

25 The highest priority use for the moneys
26 appropriated under this lettered paragraph shall be

27 for programs that emphasize employment and assist
 28 persons with severe physical or mental disabilities to
 29 find and maintain employment to enable them to
 30 function more independently.

31 4. STATE LIBRARY

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

35 \$ 1,378,555

36 FTEs 18.00

37 b. For the enrich Iowa program:

38 \$ 1,698,432

39 (1) Funds allocated for purposes of the enrich
 40 Iowa program as provided in this lettered paragraph
 41 shall be distributed by the division of libraries and
 42 information services to provide support for Iowa's
 43 libraries. The commission of libraries shall develop
 44 rules governing the allocation of funds provided by
 45 the general assembly for the enrich Iowa program to
 46 provide direct state assistance to public libraries
 47 and to fund the open access and access plus programs.
 48 Direct state assistance to eligible public libraries
 49 is provided as an incentive to improve library
 50 services and to reduce inequities among communities in

Page 5

1 the delivery of library services based on recognized
 2 and adopted performance measures. Funds distributed
 3 as direct state assistance shall be distributed to
 4 eligible public libraries that are in compliance with
 5 performance measures adopted by rule by the commission
 6 of libraries. The funds allocated as provided in this
 7 lettered paragraph shall not be used for the costs of
 8 administration by the division. The amount of direct
 9 state assistance distributed to each eligible public
 10 library shall be based upon the following:

11 (a) The level of compliance by the eligible public
 12 library with the performance measures adopted by the
 13 commission as provided in this subparagraph.

14 (b) The number of people residing within an
 15 eligible library's geographic service area for whom
 16 the library provides services.

17 (c) The amount of other funding the eligible
 18 public library received in the previous fiscal year
 19 for providing services to rural residents and to
 20 contracting communities.

21 (2) Moneys received by a public library under this
 22 lettered paragraph shall supplement, not supplant, any
 23 other funding received by the library.

24 (3) For purposes of this section, "eligible public
 25 library" means a public library that meets all of the

26 following requirements:

27 (a) Submits to the division all of the following:

28 (i) The report provided for under section 256.51,
29 subsection 1, paragraph "h".

30 (ii) An application and accreditation report, in a
31 format approved by the commission, that provides
32 evidence of the library's compliance with at least one
33 level of the standards established in accordance with
34 section 256.51, subsection 1, paragraph "k".

35 (iii) Any other application or report the division
36 deems necessary for the implementation of the enrich
37 Iowa program.

38 (b) Participates in the library resource and
39 information sharing programs established by the state
40 library.

41 (c) Is a public library established by city
42 ordinance or a library district as provided in chapter
43 336.

44 (4) Each eligible public library shall maintain a
45 separate listing within its budget for payments
46 received and expenditures made pursuant to this
47 lettered paragraph, and shall annually submit this
48 listing to the division.

49 (5) By January 15, 2007, the division shall submit
50 a program evaluation report to the general assembly

Page 6

1 and the governor detailing the uses and the impacts of
2 funds allocated under this lettered paragraph.

3 (6) A public library that receives funds in
4 accordance with this lettered paragraph shall have an
5 internet use policy in place, which may or may not
6 include internet filtering. The library shall submit
7 a report describing the library's internet use efforts
8 to the division.

9 (7) A public library that receives funds in
10 accordance with this lettered paragraph shall provide
11 open access, the reciprocal borrowing program, as a
12 service to its patrons, at a reimbursement rate
13 determined by the state library.

14 5. LIBRARY SERVICE AREA SYSTEM

15 For state aid:

16 \$ 1,376,558

17 6. PUBLIC BROADCASTING DIVISION

18 For salaries, support, maintenance, capital
19 expenditures, miscellaneous purposes, and for not more
20 than the following full-time equivalent positions:

21 \$ 7,356,722

22 FTEs 86.00

23 7. REGIONAL TELECOMMUNICATIONS COUNCILS

24 For state aid:

25 \$ 1,240,478
 26 The regional telecommunications councils
 27 established in section 8D.5 shall use the funds
 28 appropriated in this subsection to provide technical
 29 assistance for network classrooms, planning and
 30 troubleshooting for local area networks, scheduling of
 31 video sites, and other related support activities.
 32 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS
 33 For reimbursement for vocational education
 34 expenditures made by secondary schools:
 35 \$ 2,936,904
 36 Funds appropriated in this subsection shall be used
 37 for expenditures made by school districts to meet the
 38 standards set in sections 256.11, 258.4, and 260C.14
 39 as a result of the enactment of 1989 Iowa Acts,
 40 chapter 278. Funds shall be used as reimbursement for
 41 vocational education expenditures made by secondary
 42 schools in the manner provided by the department of
 43 education for implementation of the standards set in
 44 1989 Iowa Acts, chapter 278.
 45 9. SCHOOL FOOD SERVICE
 46 For use as state matching funds for federal
 47 programs that shall be disbursed according to federal
 48 regulations, including salaries, support, maintenance,
 49 and miscellaneous purposes:
 50 \$ 2,509,683

Page 7

1 10. IOWA EMPOWERMENT FUND
 2 For deposit in the school ready children grants
 3 account of the Iowa empowerment fund created in
 4 section 28.9:
 5 \$ 21,481,594
 6 a. From the moneys deposited in the school ready
 7 children grants account for the fiscal year beginning
 8 July 1, 2005, and ending June 30, 2006, not more than
 9 \$300,000 is allocated for the community empowerment
 10 office and other technical assistance activities. It
 11 is the intent of the general assembly that regional
 12 technical assistance teams will be established and
 13 will include staff from various agencies, as
 14 appropriate, including the area education agencies,
 15 community colleges, and the Iowa state university of
 16 science and technology cooperative extension service
 17 in agriculture and home economics. The Iowa
 18 empowerment board shall direct staff to work with the
 19 advisory council to inventory technical assistance
 20 needs. Funds allocated under this lettered paragraph
 21 may be used by the Iowa empowerment board for the
 22 purpose of skills development and support for ongoing
 23 training of the regional technical assistance teams.

24 However, funds shall not be used for additional staff
25 or for the reimbursement of staff.

26 b. Notwithstanding any other provision of law to
27 the contrary, the community empowerment office shall
28 use the documentation created by the legislative
29 services agency to continue the implementation of the
30 four-year phase-in period of the distribution formula
31 approved by the community empowerment board.

32 c. As a condition of receiving funding
33 appropriated in this subsection, each community
34 empowerment area board shall report to the Iowa
35 empowerment board progress on each of the state
36 indicators approved by the state board, as well as
37 progress on local indicators. The community
38 empowerment area board must also submit a written plan
39 amendment extending by one year the area's
40 comprehensive school ready children grant plan
41 developed for providing services for children from
42 birth through five years of age and provide other
43 information specified by the Iowa empowerment board.
44 The amendment may also provide for changes in the
45 programs and services provided under the plan. The
46 Iowa empowerment board shall establish a submission
47 deadline for the plan amendment that allows a
48 reasonable period of time for preparation of the plan
49 amendment and for review and approval or request for
50 modification of the plan amendment by the Iowa

Page 8

1 empowerment board. In addition, the community
2 empowerment board must continue to comply with
3 reporting provisions and other requirements adopted by
4 the Iowa empowerment board in implementing section
5 28.8.

6 d. Of the amount appropriated in this subsection
7 for deposit in the school ready children grants
8 account of the Iowa empowerment fund, \$500,000 shall
9 be allocated to a collaborative effort between the
10 Iowa community empowerment board and Iowa state
11 university extension to provide hands-on assistance to
12 child care providers.

13 e. Of the amount appropriated in this subsection
14 for deposit in the school ready children grants
15 account of the Iowa empowerment fund that is used for
16 distribution to areas, \$3,000,000 shall be used to
17 assist low-income parents with preschool tuition.

18 f. Of the amount appropriated in this subsection
19 for deposit in the school ready children grants
20 account of the Iowa empowerment fund that is used for
21 distribution to areas, \$1,000,000 shall be used to
22 collaborate with area education agencies and community

23 colleges to provide both child care and preschool
 24 providers with ready access to high-quality
 25 professional development.

26 11. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS
 27 To provide funds for costs of providing textbooks
 28 to each resident pupil who attends a nonpublic school
 29 as authorized by section 301.1. The funding is
 30 limited to \$20 per pupil and shall not exceed the
 31 comparable services offered to resident public school
 32 pupils:
 33 \$ 614,058

34 12. STUDENT ACHIEVEMENT AND TEACHER QUALITY
 35 PROGRAM
 36 For purposes, as provided in law, of the student
 37 achievement and teacher quality program established
 38 pursuant to chapter 284:
 39 \$ 67,618,894

40 13. COMMUNITY COLLEGES
 41 For general state financial aid to merged areas as
 42 defined in section 260C.2 in accordance with chapters
 43 258 and 260C:
 44 \$147,579,244

45 The funds appropriated in this subsection shall be
 46 allocated as follows:
 47 a. Merged Area I \$ 7,124,315
 48 b. Merged Area II \$ 8,258,602
 49 c. Merged Area III \$ 7,650,479
 50 d. Merged Area IV \$ 3,746,521

Page 9

1 e. Merged Area V \$ 7,926,341
 2 f. Merged Area VI \$ 7,261,075
 3 g. Merged Area VII \$ 10,560,846
 4 h. Merged Area IX \$ 13,005,054
 5 i. Merged Area X \$ 20,603,300
 6 j. Merged Area XI \$ 21,745,905
 7 k. Merged Area XII \$ 8,535,410
 8 l. Merged Area XIII \$ 8,754,676
 9 m. Merged Area XIV \$ 3,791,821
 10 n. Merged Area XV \$ 11,924,610
 11 o. Merged Area XVI \$ 6,690,289

12 Sec. 6. STATEWIDE TEACHER INTERN PROGRAM –
 13 FEDERAL GRANT APPLICATION COORDINATION.
 14 The department shall work cooperatively with the
 15 state board of regents and other appropriate eligible
 16 grantees to obtain any available federal funding,
 17 including grants that may be available for the
 18 establishment and operation of a teacher intern
 19 program.

20 Sec. 7. BOARD OF EDUCATIONAL EXAMINERS LICENSING
 21 FEES.

22 Notwithstanding section 272.10, for the fiscal year
23 beginning July 1, 2005, and ending June 30, 2006, the
24 executive director of the board of educational
25 examiners shall deposit at least 27 percent of the
26 fees collected annually with the treasurer of state
27 which shall be credited to the general fund of the
28 state. The remaining licensing fees collected during
29 the fiscal year beginning July 1, 2005, and retained
30 are appropriated to the board for the purposes related
31 to the board's duties. Notwithstanding section 8.33,
32 licensing fees retained by and appropriated to the
33 board pursuant to this section that remain
34 unencumbered or unobligated at the close of the fiscal
35 year in an amount of not more than 10 percent of the
36 total licensing fees collected by the board by 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 Sec. 8. EDUCATOR LICENSING REVIEW WORKING GROUP.

42 1. The board of educational examiners, in
43 consultation with the department of education, shall
44 convene a working group whose work shall be conducted
45 over a three-year period to identify and recommend
46 measures to improve Iowa's current teacher and
47 administrator preparation and licensing practices.
48 The working group shall review the current teacher and
49 administrator preparation and licensing processes to
50 identify essential standards to maintain quality

Page 10

1 preparation and licensing requirements for teachers
2 and administrators. The review shall also do the
3 following:
4 a. Identify state laws and agency rules that are
5 no longer essential to maintain quality.
6 b. Compare Iowa's teacher and administrator
7 preparation and licensing practices with those of
8 neighboring states, and identify those areas where
9 Iowa's practices differ from, or are consistent with,
10 the practices of the states neighboring Iowa.
11 c. Identify potential barriers preventing teacher
12 and administrator candidates from neighboring states
13 from applying for licensure in Iowa.
14 d. Review federal laws and regulations relating to
15 teachers and teacher licensure in order to ensure
16 compliance with federal laws and regulations,
17 especially those relating to highly qualified
18 teachers.
19 2. The working group shall consist of teachers,
20 administrators, and representatives of the department

21 of education, the state board of education, the board
22 of educational examiners, and practitioner preparation
23 institutions.

24 3. The working group shall annually submit its
25 findings and recommendations to the chairpersons and
26 ranking members of the senate and house standing
27 education committees and the joint appropriations
28 subcommittee on education by January 15.

29 Sec. 9. MINIMUM TEACHER SALARY REQUIREMENTS – FY
30 2005-2006.

31 1. Notwithstanding section 284.7, subsection 1,
32 paragraph "a", subparagraph (2), the minimum teacher
33 salary paid by a school district or area education
34 agency for purposes of teacher compensation in
35 accordance with chapter 284, for the fiscal year
36 beginning July 1, 2005, and ending June 30, 2006,
37 shall be the minimum salary amount the school district
38 or area education agency paid to a first-year
39 beginning teacher or, the minimum salary amount the
40 school district or area education agency would have
41 paid a first-year beginning teacher if the school
42 district or area education agency had participated in
43 the program in the 2001-2002 school year, in
44 accordance with section 284.7, subsection 1, Code
45 Supplement 2001. If the school district or area
46 education agency did not employ a first-year beginning
47 teacher in the 2001-2002 school year, the minimum
48 salary is the amount that the district would have paid
49 a first-year beginning teacher under chapter 284 in
50 the 2001-2002 school year.

Page 11

1 2. Notwithstanding section 284.7, subsection 1,
2 paragraph "b", subparagraph (2), the minimum career
3 teacher salary paid to a career teacher who was a
4 beginning teacher in the 2004-2005 school year, by a
5 school district or area education agency participating
6 in the student achievement and teacher quality
7 program, for the school year beginning July 1, 2005,
8 and ending June 30, 2006, shall be, unless the school
9 district has a minimum career teacher salary that
10 exceeds thirty thousand dollars, one thousand dollars
11 greater than the minimum salary amount the school
12 district or area education agency paid to a first-year
13 beginning teacher if the school district or area
14 education agency participated in the program during
15 the 2001-2002 school year, or the minimum salary
16 amount the school district or area education agency
17 would have paid a first-year beginning teacher if the
18 school district or area education agency had
19 participated in the program in the 2001-2002 school

20 year, in accordance with section 284.7, subsection 1,
 21 Code Supplement 2001.
 22 3. Notwithstanding section 284.7, subsection 1,
 23 paragraph "b", subparagraph (2), and except as
 24 provided in subsection 2, the minimum career teacher
 25 salary paid by a school district or area education
 26 agency participating in the student achievement and
 27 teacher quality program, for purposes of teacher
 28 compensation in accordance with chapter 284, for the
 29 school year beginning July 1, 2005, and ending June
 30 30, 2006, shall be the minimum salary amount the
 31 school district or area education agency paid to a
 32 career teacher if the school district or area
 33 education agency participated in the program during
 34 the 2001-2002 school year, or, the minimum salary
 35 amount the school district or area education agency
 36 would have paid a career teacher if the school
 37 district or area education agency had participated in
 38 the program in the 2001-2002 school year, in
 39 accordance with section 284.7, subsection 1, Code
 40 Supplement 2001.

41 STATE BOARD OF REGENTS

42 Sec. 10. There is appropriated from the general
 43 fund of the state to the state board of regents for
 44 the fiscal year beginning July 1, 2005, and ending
 45 June 30, 2006, the following amounts, or so much
 46 thereof as may be necessary, to be used for the
 47 purposes designated:

48 1. OFFICE OF STATE BOARD OF REGENTS

49 a. For salaries, support, maintenance,
 50 miscellaneous purposes, and for not more than the

Page 12

1 following full-time equivalent positions:
 2 \$ 1,167,137
 3 FTEs 16.00

4 The state board of regents, the department of
 5 management, and the legislative services agency shall
 6 cooperate to determine and agree upon, by November 15,
 7 2005, the amount that needs to be appropriated for
 8 tuition replacement for the fiscal year beginning July
 9 1, 2006.

10 The state board of regents shall submit a monthly
 11 financial report in a format agreed upon by the state
 12 board of regents office and the legislative services
 13 agency.

14 b. For allocation by the state board of regents to
 15 the state university of Iowa, the Iowa state
 16 university of science and technology, and the
 17 university of northern Iowa to reimburse the
 18 institutions for deficiencies in their operating funds

19 resulting from the pledging of tuitions, student fees
 20 and charges, and institutional income to finance the
 21 cost of providing academic and administrative
 22 buildings and facilities and utility services at the
 23 institutions:
 24 \$ 13,975,431
 25 Notwithstanding section 8.33, funds appropriated
 26 for the purposes in this lettered paragraph remaining
 27 unencumbered or unobligated at the end of the fiscal
 28 year shall not revert but shall be available for
 29 expenditure for the purposes specified in this
 30 lettered paragraph during the subsequent fiscal year.
 31 c. For funds to be allocated to the southwest Iowa
 32 graduate studies center:
 33 \$ 105,956
 34 d. For funds to be allocated to the siouxland
 35 interstate metropolitan planning council for the
 36 tristate graduate center under section 262.9,
 37 subsection 21:
 38 \$ 77,941
 39 e. For funds to be allocated to the quad-cities
 40 graduate studies center:
 41 \$ 157,144
 42 f. For funds for regents universities' general
 43 operating budgets:
 44 14,969,288
 45 The funds appropriated for purposes of this
 46 lettered paragraph are subject to the following
 47 allocations and requirements:
 48 (1) The partnership for transformation and
 49 excellence is a four-year partnership plan created by
 50 the state board of regents for the purpose of

Page 13

1 enhancing the regents' strategic priorities for
 2 educational quality and public accountability. Under
 3 the plan, Iowa students and families will be subject
 4 to moderate student tuition increases, and a clear and
 5 concise reallocation plan that may be audited will
 6 exist to strengthen the academic focus at the regents
 7 universities. The reallocation plan will enhance the
 8 quality of the regents universities and provide both
 9 an incentive and an opportunity for university-wide
 10 reprioritization and reallocation of resources to the
 11 most important strategic areas.
 12 (2) The funds shall be distributed by the board as
 13 outlined in the state board of regents partnership for
 14 transformation and excellence. The funds may be used
 15 for any of the following purposes:
 16 (a) Supporting new strategic initiatives.
 17 (b) Meeting enrollment increases.

- 18 (c) Meeting the demand for new courses and
19 services.
- 20 (d) Funding new but unavoidable or mandated cost
21 increases.
- 22 (e) Supporting any other initiatives important to
23 the core functions of the university.
- 24 The funds may also be used for pay adjustments,
25 expense reimbursements, and related benefits for state
26 board of regents employees covered by a collective
27 bargaining agreement and for state board of regents
28 employees not covered by a collective bargaining
29 agreement. The board shall provide from other
30 available sources any additional funding needed for
31 such pay adjustments, expense reimbursements, and
32 related benefits.
- 33 (3) The state board of regents shall annually set
34 a target dollar amount or percentage figure of
35 expected reallocation of resources for each
36 university. The universities shall report to the
37 board on a semiannual basis regarding the actions
38 taken relating to the reallocations. Once funds have
39 been reallocated, that amount shall not be redirected
40 to the original entity or purpose unless extraordinary
41 circumstances exist and an equivalent reallocation
42 amount is increased for the same fiscal year. A
43 reallocation of resources may be made for any of the
44 following purposes:
- 45 (a) Supporting new strategic initiatives.
- 46 (b) Meeting enrollment increases.
- 47 (c) Meeting the demand for new courses and
48 services.
- 49 (d) Funding new but unavoidable or mandated cost
50 increases.

Page 14

- 1 (e) Supporting any other initiatives important to
2 the core functions of the university.
- 3 (4) For the purposes of this lettered paragraph:
- 4 (a) "Entity" means a president, vice president, or
5 a college, academic or nonacademic department,
6 division, program, or other unit.
- 7 (b) "Reallocation of resources" means funds within
8 the base budget of a university entity are removed by
9 the administrator of that entity and redirected to
10 another university entity or purpose.
- 11 (5) The state university of Iowa, the Iowa state
12 university of science and technology, and the
13 university of northern Iowa shall each generate
14 matching internal reallocations in an amount equal to
15 50 percent of the amounts received by the universities
16 pursuant to this lettered paragraph.

17 (6) From the moneys allocated to the Iowa state
 18 university of science and technology pursuant to this
 19 lettered paragraph, an amount equal to \$1,000,000
 20 shall be distributed to the college of veterinary
 21 medicine to reduce the operating fees charged by the
 22 veterinary diagnostic laboratory. If Iowa state
 23 university of science and technology fails to
 24 distribute funds to the college of veterinary science
 25 in accordance with this paragraph, the moneys shall
 26 revert to the general fund of the state.

27 g. For funds to be distributed to the midwestern
 28 higher education compact to pay Iowa's member state
 29 annual obligation:

30 \$ 90,000

31 2. STATE UNIVERSITY OF IOWA

32 a. General university, including lakeside laboratory
 33 For salaries, support, maintenance, equipment,
 34 miscellaneous purposes, and for not more than the following
 35 full-time equivalent positions:

36 \$220,131,572

37 FTEs 5,058.55

38 It is the intent of the general assembly that the
 39 university continue progress on the school of public
 40 health and the public health initiative for the
 41 purposes of establishing an accredited school of
 42 public health and for funding an initiative for the
 43 health and independence of elderly Iowans.

44 b. University hospitals

45 For salaries, support, maintenance, equipment, and
 46 miscellaneous purposes and for medical and surgical
 47 treatment of indigent patients as provided in chapter
 48 255, for medical education, and for not more than the
 49 following full-time equivalent positions:

50 \$ 27,284,584

Page 15

1 FTEs 6,877.34

2 (1) The university of Iowa hospitals and clinics
 3 shall, within the context of chapter 255 and when
 4 medically appropriate, make reasonable efforts to
 5 extend the university of Iowa hospitals and clinics'
 6 use of home telemedicine and other technologies to
 7 reduce the frequency of visits to the hospital
 8 required by the indigent patients.

9 (2) The university of Iowa hospitals and clinics
 10 shall submit quarterly a report regarding the portion
 11 of the appropriation in this lettered paragraph
 12 expended on medical education. The report shall be
 13 submitted in a format jointly developed by the
 14 university of Iowa hospitals and clinics, the
 15 legislative services agency, and the department of

16 management, and shall delineate the expenditures and
17 purposes of the funds.

18 (3) Funds appropriated in this lettered paragraph
19 shall not be used to perform abortions except
20 medically necessary abortions, and shall not be used
21 to operate the early termination of pregnancy clinic
22 except for the performance of medically necessary
23 abortions. For the purpose of this lettered
24 paragraph, an abortion is the purposeful interruption
25 of pregnancy with the intention other than to produce
26 a live-born infant or to remove a dead fetus, and a
27 medically necessary abortion is one performed under
28 one of the following conditions:

29 (a) The attending physician certifies that
30 continuing the pregnancy would endanger the life of
31 the pregnant woman.

32 (b) The attending physician certifies that the
33 fetus is physically deformed, mentally deficient, or
34 afflicted with a congenital illness.

35 (c) The pregnancy is the result of a rape which is
36 reported within 45 days of the incident to a law
37 enforcement agency or public or private health agency
38 which may include a family physician.

39 (d) The pregnancy is the result of incest which is
40 reported within 150 days of the incident to a law
41 enforcement agency or public or private health agency
42 which may include a family physician.

43 (e) The abortion is a spontaneous abortion,
44 commonly known as a miscarriage, wherein not all of
45 the products of conception are expelled.

46 (4) The total quota allocated to the counties for
47 indigent patients for the fiscal year beginning July
48 1, 2005, shall not be lower than the total quota
49 allocated to the counties for the fiscal year
50 commencing July 1, 1998. The total quota shall be

Page 16

1 allocated among the counties on the basis of the 2000
2 census pursuant to section 255.16.

3 c. Psychiatric hospital

4 For salaries, support, maintenance, equipment,
5 miscellaneous purposes, for the care, treatment, and
6 maintenance of committed and voluntary public
7 patients, and for not more than the following full-
8 time equivalent positions:

9 \$ 7,043,056

10 FTEs 269.65

11 d. Center for disabilities and development

12 For salaries, support, maintenance, miscellaneous
13 purposes, and for not more than the following full-
14 time equivalent positions:

15	.....	\$ 6,363,265
16	.....	FTEs 130.37
17	From the funds appropriated in this lettered	
18	paragraph, \$200,000 shall be allocated for purposes of	
19	the employment policy group.	
20	e. Oakdale campus	
21	For salaries, support, maintenance, miscellaneous	
22	purposes, and for not more than the following full-	
23	time equivalent positions:	
24	.....	\$ 2,657,335
25	.....	FTEs 38.25
26	f. State hygienic laboratory	
27	For salaries, support, maintenance, miscellaneous	
28	purposes, and for not more than the following full-	
29	time equivalent positions:	
30	.....	\$ 3,849,461
31	.....	FTEs 102.50
32	g. Family practice program	
33	For allocation by the dean of the college of	
34	medicine, with approval of the advisory board, to	
35	qualified participants, to carry out chapter 148D for	
36	the family practice program, including salaries and	
37	support, and for not more than the following full-time	
38	equivalent positions:	
39	.....	\$ 2,075,948
40	.....	FTEs 190.40
41	h. Child health care services	
42	For specialized child health care services,	
43	including childhood cancer diagnostic and treatment	
44	network programs, rural comprehensive care for	
45	hemophilia patients, and the Iowa high-risk infant	
46	follow-up program, including salaries and support, and	
47	for not more than the following full-time equivalent	
48	positions:	
49	.....	\$ 649,066
50	.....	FTEs 57.97

Page 17

1	i. Statewide cancer registry	
2	For the statewide cancer registry, and for not more	
3	than the following full-time equivalent positions:	
4	.....	\$ 178,739
5	.....	FTEs 2.10
6	j. Substance abuse consortium	
7	For funds to be allocated to the Iowa consortium	
8	for substance abuse research and evaluation, and for	
9	not more than the following full-time equivalent	
10	position:	
11	.....	\$ 64,871
12	.....	FTEs 1.00
13	k. Center for biocatalysis	

14 For the center for biocatalysis, and for not more
 15 than the following full-time equivalent positions:
 16 \$ 881,384
 17 FTEs 6.28
 18 l. Primary health care initiative
 19 For the primary health care initiative in the
 20 college of medicine and for not more than the
 21 following full-time equivalent positions:
 22 \$ 759,875
 23 FTEs 5.89
 24 From the funds appropriated in this lettered
 25 paragraph, \$330,000 shall be allocated to the
 26 department of family practice at the state university
 27 of Iowa college of medicine for family practice
 28 faculty and support staff.
 29 m. Birth defects registry
 30 For the birth defects registry and for not more
 31 than the following full-time equivalent position:
 32 \$ 44,636
 33 FTEs 1.00
 34 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
 35 a. General university
 36 For salaries, support, maintenance, equipment,
 37 miscellaneous purposes, and for not more than the
 38 following full-time equivalent positions:
 39 \$173,269,729
 40 FTEs 3,647.42
 41 It is the intent of the general assembly that the
 42 university continue progress on the center for
 43 excellence in fundamental plant sciences.
 44 b. Agricultural experiment station
 45 For salaries, support, maintenance, miscellaneous
 46 purposes, and for not more than the following full-
 47 time equivalent positions:
 48 \$ 31,019,520
 49 FTEs 546.98
 50 c. Cooperative extension service in agriculture

Page 18

1 and home economics
 2 For salaries, support, maintenance, miscellaneous
 3 purposes, and for not more than the following full-
 4 time equivalent positions:
 5 \$ 19,738,432
 6 FTEs 383.34
 7 d. Leopold center
 8 For agricultural research grants at Iowa state
 9 university under section 266.39B, and for not more
 10 than the following full-time equivalent positions:
 11 \$ 464,319
 12 FTEs 11.25

13 e. Livestock disease research
 14 For deposit in and the use of the livestock disease
 15 research fund under section 267.8:
 16 \$ 220,708
 17 4. UNIVERSITY OF NORTHERN IOWA
 18 a. General university
 19 For salaries, support, maintenance, equipment,
 20 miscellaneous purposes, and for not more than the
 21 following full-time equivalent positions:
 22 \$ 77,831,821
 23 FTEs 1,398.01
 24 It is the intent of the general assembly that the
 25 university continue to allocate funds for a masters in
 26 social work program, the roadside vegetation project,
 27 and the Iowa office for staff development.
 28 b. Recycling and reuse center
 29 For purposes of the recycling and reuse center, and
 30 for not more than the following full-time equivalent
 31 positions:
 32 \$ 211,858
 33 FTEs 3.00
 34 5. STATE SCHOOL FOR THE DEAF
 35 For salaries, support, maintenance, miscellaneous
 36 purposes, and for not more than the following full-
 37 time equivalent positions:
 38 \$ 8,810,471
 39 FTEs 126.60
 40 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
 41 For salaries, support, maintenance, miscellaneous
 42 purposes, and for not more than the following full-
 43 time equivalent positions:
 44 \$ 4,930,295
 45 FTEs 81.00
 46 7. TUITION AND TRANSPORTATION COSTS
 47 For payment to local school boards for the tuition
 48 and transportation costs of students residing in the
 49 Iowa braille and sight saving school and the state
 50 school for the deaf pursuant to section 262.43 and for

Page 19

1 payment of certain clothing, prescription, and
 2 transportation costs for students at these schools
 3 pursuant to section 270.5:
 4 \$ 15,020
 5 Sec. 11. INSTITUTE FOR TOMORROW'S WORKFORCE.
 6 There is appropriated from the general fund of the
 7 state to the department of management for allocation
 8 to the institute for tomorrow's workforce created
 9 under chapter 7K, if enacted by this Act, for the
 10 fiscal year beginning July 1, 2005, and ending June
 11 30, 2006, the following amount, or so much thereof as

12 is necessary, to be used for the purposes designated:
 13 For the activities of the institute created
 14 pursuant to section 7K.1, and subject to the matching
 15 fund requirement of that section, if enacted:
 16 \$ 250,000

17 Sec. 12. MEDICAL ASSISTANCE – SUPPLEMENTAL

18 AMOUNTS. For the fiscal year beginning July 1, 2005,
 19 and ending June 30, 2006, the department of human
 20 services shall continue the supplemental
 21 disproportionate share and a supplemental indirect
 22 medical education adjustment applicable to state-
 23 owned acute care hospitals with more than 500 beds and
 24 shall reimburse qualifying hospitals pursuant to that
 25 adjustment with a supplemental amount for services
 26 provided medical assistance recipients. The
 27 adjustment shall generate supplemental payments
 28 intended to equal the state appropriation made to a
 29 qualifying hospital for treatment of indigent patients
 30 as provided in chapter 255. To the extent of the
 31 supplemental payments, a qualifying hospital shall,
 32 after receipt of the funds, transfer to the department
 33 of human services an amount equal to the actual
 34 supplemental payments that were made in that month.
 35 The aggregate amounts for the fiscal year shall not
 36 exceed the state appropriation made to the qualifying
 37 hospital for treatment of indigent patients as
 38 provided in chapter 255. The department of human
 39 services shall deposit these funds in the department's
 40 medical assistance account. To the extent that state
 41 funds appropriated to a qualifying hospital for the
 42 treatment of indigent patients as provided in chapter
 43 255 have been transferred to the department of human
 44 services as a result of these supplemental payments
 45 made to the qualifying hospital, the department shall
 46 not, directly or indirectly, recoup the supplemental
 47 payments made to a qualifying hospital for any reason,
 48 unless an equivalent amount of the funds transferred
 49 to the department of human services by a qualifying
 50 hospital pursuant to this provision is transferred to

Page 20

1 the qualifying hospital by the department.
 2 If the state supplemental amount allotted to the
 3 state of Iowa for the federal fiscal year beginning
 4 October 1, 2005, and ending September 30, 2006,
 5 pursuant to section 1923(f)(3) of the federal Social
 6 Security Act, as amended, or pursuant to federal
 7 payments for indirect medical education is greater
 8 than the amount necessary to fund the federal share of
 9 the supplemental payments specified in the preceding
 10 paragraph, the department of human services shall

11 increase the supplemental disproportionate share or
12 supplemental indirect medical education adjustment by
13 the lesser of the amount necessary to utilize fully
14 the state supplemental amount or the amount of state
15 funds appropriated to the state university of Iowa
16 general education fund and allocated to the university
17 for the college of medicine. The state university of
18 Iowa shall transfer from the allocation for the
19 college of medicine to the department of human
20 services, on a monthly basis, an amount equal to the
21 additional supplemental payments made during the
22 previous month pursuant to this paragraph. A
23 qualifying hospital receiving supplemental payments
24 pursuant to this paragraph that are greater than the
25 state appropriation made to the qualifying hospital
26 for treatment of indigent patients as provided in
27 chapter 255 shall be obligated as a condition of its
28 participation in the medical assistance program to
29 transfer to the state university of Iowa general
30 education fund on a monthly basis an amount equal to
31 the funds transferred by the state university of Iowa
32 to the department of human services. To the extent
33 that state funds appropriated to the state university
34 of Iowa and allocated to the college of medicine have
35 been transferred to the department of human services
36 as a result of these supplemental payments made to the
37 qualifying hospital, the department shall not,
38 directly or indirectly, recoup these supplemental
39 payments made to a qualifying hospital for any reason,
40 unless an equivalent amount of the funds transferred
41 to the department of human services by the state
42 university of Iowa pursuant to this paragraph is
43 transferred to the qualifying hospital by the
44 department.

45 Continuation of the supplemental disproportionate
46 share and supplemental indirect medical education
47 adjustment shall preserve the funds available to the
48 university hospital for medical and surgical treatment
49 of indigent patients as provided in chapter 255 and to
50 the state university of Iowa for educational purposes

Page 21

1 at the same level as provided by the state funds
2 initially appropriated for that purpose.
3 The department of human services shall, in any
4 compilation of data or other report distributed to the
5 public concerning payments to providers under the
6 medical assistance program, set forth reimbursements
7 to a qualifying hospital through the supplemental
8 disproportionate share and supplemental indirect
9 medical education adjustment as a separate item and

10 shall not include such payments in the amounts
 11 otherwise reported as the reimbursement to a
 12 qualifying hospital for services to medical assistance
 13 recipients.

14 For purposes of this section, "supplemental
 15 payment" means a supplemental payment amount paid for
 16 medical assistance to a hospital qualifying for that
 17 payment under this section.

18 Sec. 13. For the fiscal year beginning July 1,
 19 2005, and ending June 30, 2006, the state board of
 20 regents may use notes, bonds, or other evidences of
 21 indebtedness issued under section 262.48 to finance
 22 projects that will result in energy cost savings in an
 23 amount that will cause the state board to recover the
 24 cost of the projects within an average of six years.

25 Sec. 14. Notwithstanding section 270.7, the
 26 department of administrative services shall pay the
 27 state school for the deaf and the Iowa braille and
 28 sight saving school the moneys collected from the
 29 counties during the fiscal year beginning July 1,
 30 2005, for expenses relating to prescription drug costs
 31 for students attending the state school for the deaf
 32 and the Iowa braille and sight saving school.

33 Sec. 15. NEW SECTION. 7K.1 INSTITUTE FOR
 34 TOMORROW'S WORKFORCE.

35 1. FINDINGS. The general assembly finds that
 36 Iowa's children are this state's greatest asset and to
 37 improve the future for Iowa's children, it is
 38 necessary to focus elementary, secondary, and
 39 postsecondary education efforts on what children need
 40 to know to be successful students and successful
 41 participants in Iowa's global workforce. Iowa's state
 42 community and business leaders are at the forefront of
 43 this ongoing conversation. The general assembly
 44 further finds that the creation of an institute for
 45 tomorrow's workforce provides a long-term forum for
 46 bold, innovative recommendations to improve Iowa's
 47 education system to meet the workforce needs of Iowa's
 48 new economy.

49 2. INSTITUTE ESTABLISHED - DUTIES. An institute
 50 for tomorrow's workforce is created as an independent

Page 22

1 agency, which shall, at a minimum, do the following:

2 a. Review educational standards to determine
 3 relevance and rigor necessary for continuous
 4 improvement in student achievement and meeting
 5 workforce needs.

6 b. Identify jobs skills and corresponding high
 7 school coursework necessary to achieve success in the
 8 Iowa workforce.

- 9 c. Review the state's education accountability
10 measures, including but not limited to student
11 proficiency and individual and organization program
12 accountability.
- 13 d. Identify state and local barriers to improved
14 student achievement and student success as well as
15 barriers to sharing among and within all areas of
16 Iowa's education system.
- 17 e. Identify effective education structure and
18 delivery models that promote optimum student
19 achievement opportunities for all Iowa students that
20 include, but are not limited to, the role of
21 technology.
- 22 f. Serve as a clearinghouse for existing and
23 emerging innovative educational sharing and
24 collaborative efforts among and between Iowa's
25 secondary education system as well as Iowa's
26 postsecondary education system.
- 27 g. Promote partnerships between private sector
28 business and all areas of Iowa's education system.
- 29 h. Promote partnerships between other Iowa
30 governance structures including, but not limited to,
31 cities and counties, and all areas of Iowa's education
32 system.
- 33 i. Identify ways to reduce the achievement gap
34 between white and non-white, non-Asian students.
- 35 3. MEMBERSHIP. The board of directors of the
36 institute for tomorrow's workforce shall consist of
37 fifteen members serving staggered three-year terms
38 beginning on May 1 of the year of appointment who
39 shall be appointed as follows:
- 40 a. Five members shall be appointed by the governor
41 as follows:
- 42 (1) A school district superintendent from a school
43 district with enrollment of one thousand one hundred
44 forty-nine or fewer pupils.
- 45 (2) An individual representing an Iowa business
46 employing more than two hundred fifty employees.
- 47 (3) A community college president.
- 48 (4) An individual representing labor and workforce
49 interests.
- 50 (5) An individual representing an Iowa agriculture

Page 23

- 1 association.
- 2 b. Five members shall be appointed by the speaker
3 of the house of representatives as follows:
- 4 (1) An individual representing the area education
5 agencies.
- 6 (2) The president of an accredited private
7 institution as defined in section 261.9.

8 (3) An individual representing an Iowa business
 9 employing more than fifty employees but less than two
 10 hundred fifty employees.

11 (4) An individual representing urban economic
 12 development interests.

13 (5) An individual from an association representing
 14 Iowa businesses.

15 c. Five members shall be appointed by the
 16 president of the senate as follows:

17 (1) A school district superintendent from a school
 18 district with an enrollment of more than one thousand
 19 one hundred forty-nine pupils.

20 (2) A president of an institution of higher
 21 education under the control of the state board of
 22 regents.

23 (3) An individual representing an Iowa business
 24 employing fifty or fewer employees.

25 (4) An individual representing rural economic
 26 development interests.

27 (5) An individual representing a business that
 28 established itself in Iowa on or after July 1, 1999.

29 Members, except as provided in paragraph "c",
 30 subparagraph (2), shall not be employed by the state.

31 One co-chairperson shall be appointed by the speaker
 32 of the house of representatives and one co-chairperson
 33 shall be appointed by the president of the senate.

34 4. MATCHING FUNDS REQUIREMENT. Moneys
 35 appropriated by the general assembly for purposes of
 36 the institute for tomorrow's workforce shall be
 37 allocated only to the extent that the state moneys are
 38 matched from other sources by the institute on a
 39 dollar-for-dollar basis.

40 5. REPORTING REQUIREMENTS. The institute for
 41 tomorrow's workforce shall submit its findings and
 42 recommendations by January 15 annually in a report to
 43 the governor, the speaker of the house of
 44 representatives, the president of the senate, the
 45 state board of education, the state board of regents,
 46 the department of workforce development, the
 47 department of economic development, the Iowa
 48 association of community college trustees, the college
 49 student aid commission, the Iowa association of
 50 independent colleges and universities, and

Page 24

1 associations representing school boards, nonpublic
 2 schools, area education agencies, and teachers. The
 3 report shall include an accounting of the revenues and
 4 expenditures of the institute.

5 6. This chapter is repealed effective July 1,
 6 2015.

7 Sec. 16. Section 256.9, Code 2005, is amended by
 8 adding the following new subsection:
 9 NEW SUBSECTION. 53. Develop and make available to
 10 school districts, examples of age-appropriate
 11 materials and lists of resources which parents may use
 12 to teach their children to recognize unwanted physical
 13 and verbal sexual advances, to not make unwanted
 14 physical and verbal sexual advances, to effectively
 15 reject unwanted sexual advances, that it is wrong to
 16 take advantage of or exploit another person, and about
 17 counseling, medical, and legal resources available to
 18 survivors of sexual abuse and sexual assault,
 19 including resources for escaping violent
 20 relationships. The materials and resources shall
 21 cover verbal, physical, and visual sexual harassment,
 22 including nonconsensual sexual advances, and
 23 nonconsensual physical sexual contact. In developing
 24 the materials and resource list, the director shall
 25 consult with entities that shall include, but not be
 26 limited to, the departments of human services, public
 27 health, and public safety, education stakeholders, and
 28 parent-teacher organizations. School districts shall
 29 provide age-appropriate materials and a list of
 30 available community and web-based resources to parents
 31 at registration and shall also include the age-
 32 appropriate materials and resource list in the student
 33 handbook. School districts are encouraged to work
 34 with their communities to provide voluntary parent
 35 education sessions to provide parents with the skills
 36 and appropriate strategies to teach their children as
 37 described in this subsection. School districts shall
 38 incorporate the age-appropriate materials into
 39 relevant curricula and shall reinforce the importance
 40 of preventive measures when reasonable with parents
 41 and students.

42 Sec. 17. Section 257.14, subsection 3, unnumbered
 43 paragraph 2, is amended by striking the unnumbered
 44 paragraph.

45 Sec. 18. Section 257B.1B, subsection 1, Code 2005,
 46 is amended to read as follows:

47 1. Fifty-five For the fiscal year beginning July
 48 1, 2004, and each succeeding fiscal year, fifty-five
 49 percent of the moneys deposited in the fund to the
 50 department of education for allocation to the Iowa

Page 25

1 reading recovery center council to assist school
 2 districts in developing reading recovery and literacy
 3 programs. The Iowa reading recovery council shall use
 4 the area education agency unified budget as its fiscal
 5 agent for grant moneys and for other moneys

6 administered by the council.

7 Sec. 19. Section 261.9, subsection 1, paragraph b,
8 Code 2005, is amended to read as follows:

9 b. Is accredited by the north central association
10 of colleges and secondary schools accrediting agency
11 based on their requirements, is exempt from taxation
12 under section 501(c)(3) of the Internal Revenue Code,
13 and annually provides a matching aggregate amount of
14 institutional financial aid equal to at least seventy-
15 five percent of the amount received in a fiscal year
16 by the institution's students for Iowa tuition grant
17 assistance under this chapter. Commencing with the
18 fiscal year beginning July 1, ~~2005~~ 2006, the matching
19 aggregate amount of institutional financial aid shall
20 increase by the percentage of increase each fiscal
21 year of funds appropriated for Iowa tuition grants
22 under section 261.25, subsection 1, to a maximum match
23 of one hundred percent. The institution shall file
24 annual reports with the commission prior to receipt of
25 tuition grant moneys under this chapter. An
26 institution whose income is not exempt from taxation
27 under section 501(c) of the Internal Revenue Code and
28 whose students were eligible to receive Iowa tuition
29 grant money in the fiscal year beginning July 1, 2003,
30 shall meet the match requirements of this paragraph no
31 later than June 30, 2005.

32 Sec. 20. Section 261.25, subsection 1, Code 2005,
33 is amended to read as follows:

34 1. There is appropriated from the general fund of
35 the state to the commission for each fiscal year the
36 following:

37 a. The sum of ~~forty-seven~~ forty-four million one
38 ~~eight hundred fifty-seven~~ fifty-five thousand five
39 ~~nine hundred fifteen~~ sixty-nine dollars for tuition
40 grants for distribution to qualified students enrolled
41 at accredited private institutions that are exempt
42 from taxation under section 501(c)(3) of the Internal
43 Revenue Code.

44 b. From the funds appropriated in this subsection,
45 ~~not more than three~~ The sum of four million four eight
46 hundred seventeen thousand six hundred six dollars may
47 be distributed to for distribution to qualified
48 students enrolled at accredited private institutions
49 whose income is not exempt from taxation under section
50 501(c) of the Internal Revenue Code and whose students

Page 26

1 were eligible to receive Iowa tuition grant moneys in
2 the fiscal year beginning July 1, 2003. A for-profit
3 institution which, effective March 9, 2005, purchased
4 an accredited private institution that was exempt from

5 taxation under section 501(c) of the Internal Revenue
 6 Code, shall be an eligible institution under the Iowa
 7 tuition grant program.

8 If an accredited private institution has an average
 9 default rate of ten percent or more within the most
 10 recent consecutive three-year period as determined by
 11 the commission using the official cohort default rates
 12 for schools released annually by the United States
 13 department of education, the total amount of tuition
 14 grant moneys calculated by the commission for award to
 15 qualified students enrolled in the accredited private
 16 institution shall be reduced by one percent for each
 17 one-tenth of a percentage point in which the
 18 institution exceeds the ten percent default average.
 19 The sum of the moneys retained by the commission as a
 20 result of the reduction shall be redistributed by the
 21 commission on a pro rata basis under the state student
 22 aid programs administered by the commission.

23 Sec. 21. Section 262.9, subsection 18, Code 2005,
 24 is amended to read as follows:

25 18. Not less than thirty days prior to action by
 26 the board on any proposal to increase tuition, fees,
 27 or charges at one or more of the institutions of
 28 higher education under its control, send written
 29 notification of the amount of the proposed increase
 30 including a copy of the proposed tuition increase
 31 docket memorandum prepared for its consideration to
 32 the presiding officers of the student government
 33 organization of the affected institutions. The final
 34 decision on an increase in tuition or mandatory fees
 35 charged to all students at an institution for a fiscal
 36 year shall be made at a no later than the regular
 37 meeting held in November of the preceding fiscal year
 38 and shall be reflected in a final docket memorandum
 39 that states the estimated total cost of attending each
 40 of the institutions of higher education under the
 41 board's control. The regular meeting held in November
 42 shall be held in Ames, Cedar Falls, or Iowa City and
 43 shall not be held during a the period in which classes
 44 have been suspended for university holiday or break
 45 Thanksgiving vacation.

46 Sec. 22. **NEW SECTION. 272.29 ANNUAL**
 47 **ADMINISTRATIVE RULES REVIEW.**

48 The executive director shall annually review the
 49 administrative rules adopted pursuant to this chapter
 50 and related state laws. The executive director shall

1 annually submit the executive director's findings and
 2 recommendations in a report to the board and the
 3 chairpersons and ranking members of the senate and

4 house standing committees on education and the joint
5 appropriations subcommittee on education by January
6 15.

7 Sec. 23. Section 284.13, subsection 1, paragraphs
8 a through c, Code 2005, are amended to read as
9 follows:

10 a. For each fiscal year in the fiscal period
11 beginning July 1, 2003, and ending June 30, ~~2005~~ 2006,
12 the department shall reserve up to five hundred
13 thousand dollars of any moneys appropriated for
14 purposes of this chapter. For each fiscal year in
15 which moneys are appropriated by the general assembly
16 for purposes of team-based variable pay pursuant to
17 section 284.11, the amount of moneys allocated to
18 school districts shall be in the proportion that the
19 basic enrollment of a school district bears to the sum
20 of the basic enrollments of all participating school
21 districts for the budget year. However, the per pupil
22 amount distributed to a school district under the
23 pilot program shall not exceed one hundred dollars.

24 b. For the fiscal year beginning July 1, ~~2004~~
25 2005, and ending June 30, ~~2005~~ 2006, to the department
26 of education, the amount of ~~one~~ two million ~~one~~
27 ~~hundred thousand~~ dollars for the issuance of national
28 board certification awards in accordance with section
29 256.44.

30 c. For the fiscal year beginning July 1, ~~2004~~
31 2005, and succeeding fiscal years, an amount up to
32 ~~three~~ four million ~~five~~ one hundred thousand dollars
33 for first-year and second-year beginning teachers, to
34 the department of education for distribution to school
35 districts for purposes of the beginning teacher
36 mentoring and induction programs. A school district
37 shall receive one thousand three hundred dollars per
38 beginning teacher participating in the program. If
39 the funds appropriated for the program are
40 insufficient to pay mentors and school districts as
41 provided in this paragraph, the department shall
42 prorate the amount distributed to school districts
43 based upon the amount appropriated. Moneys received
44 by a school district pursuant to this paragraph shall
45 be expended to provide each mentor with an award of
46 five hundred dollars per semester, at a minimum, for
47 participation in the school district's beginning
48 teacher mentoring and induction program; to implement
49 the plan; and to pay any applicable costs of the
50 employer's share of contributions to federal social

Page 28

1 security and the Iowa public employees' retirement
2 system or a pension and annuity retirement system

3 established under chapter 294, for such amounts paid
4 by the district.

5 Sec. 24. Section 284.13, subsection 1, paragraph
6 e, Code 2005, is amended to read as follows:

7 e. For the fiscal year beginning July 1, 2004
8 2005, and ending June 30, ~~2005~~ 2006, up to ~~two one~~
9 hundred fifty eighty-five thousand dollars to the
10 department of education for purposes of implementing
11 the career development program requirements of section
12 284.6, and the review panel requirements of section
13 284.9. From the moneys allocated to the department
14 pursuant to this paragraph, not less than ~~seventy-~~
15 five ten thousand dollars shall be ~~used to administer~~
16 ~~the ambassador to education position in accordance~~
17 ~~with section 256.45~~ distributed to the board of
18 educational examiners for purposes of convening an
19 educator licensing review working group. A portion of
20 the funds allocated to the department for purposes of
21 this paragraph may be used by the department for
22 administrative purposes. Notwithstanding section
23 8.33, moneys allocated for purposes of this paragraph
24 prior to July 1, 2004, which remain unobligated or
25 unexpended at the end of the fiscal year for which the
26 moneys were appropriated, shall remain available for
27 expenditure for the purposes for which they were
28 allocated, for the fiscal year beginning July 1, 2004,
29 and ending June 30, 2005.

30 Sec. 25. Section 284.13, subsection 1, Code 2005,
31 is amended by adding the following new paragraph:
32 NEW PARAGRAPH. dd. For the fiscal year beginning
33 July 1, 2005, and ending June 30, 2006, up to
34 seventeen million eight hundred thousand dollars to
35 the department of education for use by school
36 districts to add two additional teacher contract days
37 to the school calendar. Prior to receiving funds
38 under this paragraph, a school district shall submit
39 for approval to the department the school district's
40 professional development plan for use of the moneys.
41 From the moneys allocated to the department pursuant
42 to this paragraph, not less than seventy-five thousand
43 dollars shall be used to administer the ambassador to
44 education position in accordance with section 256.45
45 and the reporting and plan requirements of this
46 subsection shall not apply to this allocation. The
47 department shall submit a report on school district
48 use of the moneys distributed pursuant to this
49 paragraph to the chairpersons and ranking members of
50 the house and senate standing committees on education,

2 and the legislative services agency not later than
3 January 15, 2006.

4 Sec. 26. Section 423E.4, subsection 6, unnumbered
5 paragraph 1, Code 2005, is amended to read as follows:

6 A school district with a certified enrollment of
7 fewer than two hundred fifty pupils in the entire
8 district or certified enrollment of fewer than one
9 hundred pupils in high school shall not expend the
10 supplemental school infrastructure amount received for
11 new construction or for payments for bonds issued for
12 new construction against the supplemental school
13 infrastructure amount without prior application to the
14 department of education and receipt of a certificate
15 of need pursuant to this subsection. However, a
16 certificate of need is not required for the payment of
17 outstanding bonds issued for new construction pursuant
18 to section 296.1, before April 1, 2003. A certificate
19 of need is also not required for repairing
20 schoolhouses or buildings, equipment, technology, or
21 transportation equipment for transporting students as
22 provided in section 298.3, or for construction
23 necessary for compliance with the federal Americans
24 With Disabilities Act pursuant to 42 U.S.C. §
25 12101--12117. In determining whether a certificate of
26 need shall be issued or denied, the department shall
27 consider all of the following:

28 Sec. 27. Section 423E.5, unnumbered paragraph 1,
29 Code 2005, is amended to read as follows:

30 The board of directors of a school district shall
31 be authorized to issue negotiable, interest-bearing
32 school bonds, without election, and utilize tax
33 receipts derived from the sales and services tax for
34 school infrastructure purposes and the supplemental
35 school infrastructure amount distributed pursuant to
36 section 423E.4, subsection 2, paragraph "b", for
37 principal and interest repayment. Proceeds of the
38 bonds issued pursuant to this section shall be
39 utilized solely for school infrastructure needs as
40 school infrastructure is defined in section 423E.1,
41 subsection 3. Bonds issued under this section may be
42 sold at public ~~or private~~ sale as provided in chapter
43 75, ~~or at private sale~~, without notice and hearing as
44 provided in section 73A.12. Bonds may bear dates,
45 bear interest at rates not exceeding that permitted by
46 chapter 74A, mature in one or more installments, be in
47 registered form, carry registration and conversion
48 privileges, be payable as to principal and interest at
49 times and places, be subject to terms of redemption
50 prior to maturity with or without premium, and be in

Page 30

1 one or more denominations, all as provided by the
2 resolution of the board of directors authorizing their
3 issuance. The resolution may also prescribe
4 additional provisions, terms, conditions, and
5 covenants which the board of directors deems
6 advisable, including provisions for creating and
7 maintaining reserve funds, the issuance of additional
8 bonds ranking on a parity with such bonds and
9 additional bonds junior and subordinate to such bonds,
10 and that such bonds shall rank on a parity with or be
11 junior and subordinate to any bonds which may be then
12 outstanding. Bonds may be issued to refund
13 outstanding and previously issued bonds under this
14 section. Local option sales and services tax revenue
15 bonds are a contract between the school district and
16 holders, and the resolution issuing the bonds and
17 pledging local option sales and services tax revenues
18 to the payment of principal and interest on the bonds
19 is a part of the contract. Bonds issued pursuant to
20 this section shall not constitute indebtedness within
21 the meaning of any constitutional or statutory debt
22 limitation or restriction, and shall not be subject to
23 any other law relating to the authorization, issuance,
24 or sale of bonds.

25 Sec. 28. BUDGET GUARANTEE RESOLUTION – RESOLUTION
26 ADOPTION EXTENSION. Notwithstanding the provisions of
27 section 257.14, subsection 3, unnumbered paragraph 3,
28 a school district that wishes to receive a budget
29 adjustment pursuant to that subsection for the school
30 budget year beginning July 1, 2005, shall have until
31 June 1, 2005, to adopt a resolution to receive the
32 budget adjustment and to notify the department of
33 management of the adoption of the resolution and the
34 amount of the budget adjustment to be received.

35 Sec. 29. EFFECTIVE DATES.

36 1. The section of this Act that amends section
37 257B.1B, being deemed of immediate importance, takes
38 effect upon enactment.

39 2. The section of this Act that amends section
40 257.14, subsection 3, unnumbered paragraph 2, being
41 deemed of immediate importance, takes effect upon
42 enactment.

43 3. The section of this Act providing an extension
44 of time for adoption of a budget adjustment resolution
45 pursuant to section 257.14, subsection 3, for a budget
46 adjustment for the school budget year beginning July
47 1, 2005, being deemed of immediate importance, takes
48 effect upon enactment.

49 Sec. 30. RETROACTIVE APPLICABILITY DATES.

50 1. The section of this Act amending section 262.9,

Page 31

- 1 subsection 18, being deemed of immediate importance,
 2 takes effect upon enactment and applies retroactively
 3 to July 1, 2004. However, for the fiscal year
 4 beginning July 1, 2005, the final decision on an
 5 increase in tuition or mandatory fees charged to all
 6 students at an institution pursuant to section 262.9,
 7 subsection 18, as amended by this Act, shall be made
 8 at the regular meeting of the board of regents held in
 9 December 2004.
- 10 2. The section of this Act amending section
 11 423E.5, being deemed of immediate importance, takes
 12 effect upon enactment and applies retroactively to
 13 July 1, 2004."
- 14 2. Title page, by striking line 5, and inserting
 15 the following: "regents, and providing for properly
 16 related matters and including effective and
 17 retroactive applicability date provisions."
- 18 3. By renumbering, redesignating, and correcting
 19 internal references as necessary.

CHAMBERS of O'Brien

H-1646

- 1 Amend the Senate amendment, H-1634, to House File
 2 761, as amended, passed, and reprinted by the House,
 3 as follows:
- 4 1. By striking page 6, line 41 through page 7,
 5 line 14.
- 6 2. By renumbering as necessary.

SMITH of Marshall

H-1647

- 1 Amend the Senate amendment, H-1634, to House File
 2 761, as amended, passed, and reprinted by the House,
 3 as follows:
- 4 1. Page 8, by inserting after line 41 the
 5 following:
- 6 "Sec. __. CHILD DEVELOPMENT EDUCATION FORGIVABLE
 7 LOAN PROGRAM STUDY. The department of education and
 8 the college student aid commission shall conduct a
 9 study of the need for implementing a forgivable loan
 10 program for child development students who after
 11 graduation provide high-quality child care, preschool,
 12 or child development services in areas of the state
 13 where there is a shortage of these services. The
 14 department and commission shall report to the governor
 15 and general assembly on or before December 16, 2005,

- 16 with findings and recommendations from the study.”
 17 2. By renumbering as necessary.

MASCHER of Johnson

H-1648

- 1 Amend the Senate amendment, H-1634, to House File
 2 761, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 7, by inserting after line 14 the
 5 following:
 6 "Sec. ___. COLOCATION OF STATE EARLY CHILDHOOD
 7 STAFF PLAN. The community empowerment office of the
 8 department of management shall develop a plan to
 9 physically or virtually colocate the state
 10 administrative offices of the state programs directed
 11 to children from birth to age five and the associated
 12 state administrative staff. The plan shall be
 13 presented to the chairpersons and ranking members of
 14 the committees on human resources of the senate and
 15 the house of representatives on or before January 16,
 16 2006."
 17 2. By renumbering as necessary.

SMITH of Marshall

H-1649

- 1 Amend the Senate amendment, H-1634, to House File
 2 761, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 7, by inserting after line 16 the
 5 following:
 6 "Sec. ___. Section 237A.1, subsections 6 and 7,
 7 Code 2005, are amended to read as follows:
 8 6. "Child care home" means a person or program
 9 providing child care to ~~five~~ two or fewer children at
 10 any one time that is not registered to provide child
 11 care under this chapter, as authorized under section
 12 237A.3.
 13 7. "Child development home" means a person or
 14 program registered under section 237A.3A that may
 15 provide child care to ~~six~~ three or more children at
 16 any one time.
 17 Sec. ___. Section 237A.3, subsection 1, Code 2005,
 18 is amended to read as follows:
 19 1. A person or program providing child care to
 20 ~~five~~ two children or fewer at any one time is a child
 21 care home provider and is not required to register
 22 under section 237A.3A as a child development home.
 23 However, the person or program may register as a child

24 development home.
 25 Sec.____. Section 237A.4, Code 2005, is amended to
 26 read as follows:
 27 237A.4 INSPECTION AND EVALUATION.
 28 1. The department shall make periodic inspections
 29 of licensed centers to ensure compliance with
 30 licensing requirements provided in this chapter, and
 31 the local boards of health may make periodic
 32 inspections of licensed centers to ensure compliance
 33 with health-related licensing requirements provided in
 34 this chapter. The department may inspect records
 35 maintained by a licensed center and may inquire into
 36 matters concerning these centers and the persons in
 37 charge. The department shall require that the center
 38 be inspected by the state fire marshal or a designee
 39 for compliance with rules relating to fire safety
 40 before a license is granted or renewed.
 41 2. The department or a designee shall visit each
 42 registered child development home to conduct an on-
 43 site inspection within two months of the child
 44 development home's initial registration and shall
 45 conduct an on-site inspection of each child
 46 development home at least every eighteen months
 47 following the initial visit. The department or a
 48 designee may periodically visit registered child
 49 development homes for the purpose of evaluation of an
 50 inquiry into matters concerning compliance with rules

Page 2

1 adopted under section 237A.12. Evaluation of child
 2 development homes under this section may include
 3 consultative services provided pursuant to section
 4 237A.6."
 5 2. By renumbering as necessary.

SHOULTZ of Black Hawk
 JOCHUM of Dubuque

H-1650

1 Amend the amendment, H-1645, to the Senate
 2 amendment, H-1635, to House File 816, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 21, by inserting after line 17 the
 5 following:
 6 "Sec.____. DEPARTMENT OF EDUCATION -
 7 POSTSECONDARY READINESS PILOT PROGRAM.
 8 1. There is appropriated from the general fund of
 9 the state to the department of education for the
 10 fiscal year beginning July 1, 2005, and ending June
 11 30, 2006, the following amount, or so much thereof as

12 is necessary, to be used for the purposes of providing
 13 grants to school districts under the postsecondary
 14 readiness pilot program established pursuant to this
 15 section:
 16 \$ 100,000

17 2. A postsecondary readiness pilot program is
 18 established to be administered by the department. The
 19 department shall develop an application process and
 20 grant selection criteria. The purpose of the program
 21 shall be to determine, through the use of assessments,
 22 how prepared students enrolled in grades eight, ten,
 23 and twelve are for postsecondary education or
 24 workforce experiences. The grant program shall
 25 provide for the selection of three school districts
 26 for participation in the postsecondary readiness pilot
 27 program. The school districts shall be located in
 28 different geographic areas of the state, with
 29 enrollments as follows:

- 30 a. One school district with an actual enrollment
- 31 of two thousand five hundred or more pupils.
- 32 b. One school district with an actual enrollment
- 33 that is greater than six hundred pupils, but less than
- 34 two thousand five hundred pupils.
- 35 c. One school district with an actual enrollment
- 36 of six hundred or fewer pupils.

37 A school district with more than one attendance
 38 center serving the grades specified in this section
 39 shall select one attendance center for participation
 40 in the pilot program.

41 3. A school district receiving grant funds under
 42 this section shall use assessments published by the
 43 American college testing program, inc., (ACT) as
 44 follows:

- 45 a. For students in grade eight, the explore
- 46 assessment.
- 47 b. For students in grade ten, the plan assessment.
- 48 c. For students in grade twelve, the ACT college
- 49 entrance examination.
- 50 4. The participating school districts shall

Page 2

1 utilize the results of the assessments administered
 2 pursuant to subsection 3 to identify measures which
 3 the school district shall take to improve or expand
 4 the school district's curriculum and increase the
 5 rigor of the courses offered at the junior high school
 6 and high school levels in the school year following
 7 the completion of the assessments.

8 5. Each school district receiving grant funds
 9 under this section shall submit to the department of
 10 education, not later than August 1, 2006, the results

11 of the assessments administered pursuant to subsection
12 3, the process used to evaluate the school district's
13 current curriculum, and the measures identified by the
14 school district to improve, expand, and increase the
15 rigor of the school district's junior high school and
16 high school curriculum and courses pursuant to
17 subsection 4.

18 6. The department shall evaluate the results of
19 the postsecondary readiness pilot program and shall
20 submit its findings and recommendations to the
21 chairpersons and ranking members of the senate and
22 house standing committees on education and the joint
23 appropriations subcommittee on education by December
24 15, 2006."

WENDT of Woodbury

H-1651

1 Amend the amendment, H-1645, to the Senate
2 amendment, H-1635, to House File 816, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 24, by inserting after line 6, the
5 following:

6 "Sec. ___. Section 256.7, subsection 24, Code
7 2005, is amended to read as follows:

8 24. Adopt rules on or before January 1, 2001, to
9 require school districts and accredited nonpublic
10 schools to adopt local policies relating to health
11 services, media services programs, and guidance
12 programs, as part of the general accreditation
13 standards applicable to school districts pursuant to
14 section 256.11. This subsection shall be applicable
15 strictly for reporting purposes and shall not be
16 interpreted to require school districts and accredited
17 nonpublic schools to provide or offer health services;
18 ~~media services programs, or guidance programs."~~

19 2. Page 24, by inserting after line 41, the
20 following:

21 "Sec. ___. Section 256.11, Code 2005, is amended
22 by adding the following new subsection:

23 NEW SUBSECTION. 9. Unless a waiver has been
24 obtained under section 256.11A, each accredited
25 nonpublic school or school district shall have the
26 following:

27 a. A media center in each attendance center
28 accessible to students throughout the school day and a
29 qualified school media services specialist who meets
30 the licensing standards prescribed by the board of
31 educational examiners and who is responsible for media
32 center supervision.

33 b. An articulated sequential elementary-secondary

34 guidance program for grades kindergarten through
 35 twelve and a guidance counselor who meets the
 36 licensing standards prescribed by the board of
 37 educational examiners.

38 In determining the requirements of this subsection
 39 for an accredited nonpublic school, the department
 40 shall evaluate the accredited nonpublic school on an
 41 accredited nonpublic school system basis rather than
 42 on an individual accredited nonpublic school basis.

43 Sec. __. Section 256.11A, subsection 1, Code
 44 2005, is amended to read as follows:

45 1. ~~Schools Accredited nonpublic schools and school~~
 46 ~~districts unable to meet the standard adopted by the~~
 47 ~~state board requiring each school or school district~~
 48 ~~operating a kindergarten through grade twelve program~~
 49 ~~to provide an articulated sequential elementary-~~
 50 ~~secondary guidance program~~ may, not later than August

Page 2

1 1, ~~1995 2005~~, for the school year beginning July 1,
 2 ~~1995 2005~~, file a written request to the department o
 3 education that the department waive ~~one or more of the~~
 4 ~~requirement for requirements established in section~~
 5 ~~256.11, subsection 9, that an accredited nonpublic~~
 6 ~~school or school district have a media center and a~~
 7 ~~qualified school media services specialist and that an~~
 8 ~~accredited nonpublic school or school district~~
 9 ~~operating a kindergarten through grade twelve program~~
 10 ~~provide an articulated sequential elementary-~~
 11 ~~secondary guidance program.~~ The procedures specified
 12 in subsection 3 apply to the request. Not later than
 13 August 1, ~~1996 2006~~, for the school year beginning
 14 July 1, ~~1996 2006~~, the board of directors of a school
 15 district or the authorities in charge of a nonpublic
 16 school may request a one-year extension of the waiver.

17 Sec. __. Section 256.11A, subsection 2, Code
 18 2005, is amended by striking the subsection.”

19 3. Page 30, by inserting after line 34, the
 20 following:

21 “Sec. __. 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 the sections of this Act amending sections
 25 256.7, 256.11, and 256.11A shall be paid by a school
 26 district from state school foundation aid received by
 27 the school district under section 257.16. This
 28 specification of the payment of the state cost shall
 29 be deemed to meet all the state funding-related
 30 requirements of section 25B.2, subsection 3, and no
 31 additional state funding shall be necessary for the
 32 full implementation of those sections by and

33 enforcement of those sections against all affected
 34 school districts.”
 35 4. By renumbering as necessary.

WENDT of Woodbury
 MASCHER of Johnson

H-1652

1 Amend the amendment, H-1645, to the Senate
 2 amendment, H-1635, to House File 816, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 29, by inserting after line 3 the
 5 following:
 6 “Sec. . NEW SECTION. 422.11K SCHOOL
 7 CHARITABLE ORGANIZATION TAX CREDIT.
 8 1. The taxes imposed under this division less the
 9 credits allowed under sections 422.12 and 422.12B
 10 shall be reduced by a school charitable organization
 11 tax credit equal to twenty-five percent of the amount
 12 of voluntary cash contributions made by the taxpayer
 13 during the tax year to a school charitable
 14 organization, not to exceed either of the following:
 15 a. Five hundred dollars for a single individual.
 16 b. Seven hundred fifty dollars for a married
 17 couple.
 18 2. The taxpayer shall not be entitled to the
 19 credit unless the credit is preapproved by the
 20 department as provided in subsection 4.
 21 3. To be eligible for this credit, all of the
 22 following shall apply:
 23 a. A deduction pursuant to section 170 of the
 24 Internal Revenue Code for any amount of the
 25 contribution is not taken for state tax purposes.
 26 b. The contribution does not designate that any
 27 part of the contribution be used for the direct
 28 benefit of any dependent of the taxpayer or any other
 29 child designated by the taxpayer.
 30 4. To receive the tax credit, the taxpayer shall
 31 apply for the credit to the department by January 31
 32 following the end of the calendar year in which a
 33 contribution was made. If the taxpayer and school
 34 charitable organization qualify, the department shall
 35 approve the application for credit and so notify the
 36 taxpayer by April 1 following receipt of the
 37 application. However, the department of revenue shall
 38 only grant approval under this section for a total of
 39 five million dollars in credits in the fiscal year
 40 beginning July 1, 2006, and for a total of ten million
 41 dollars in credits in the fiscal years beginning on or
 42 after July 1, 2007. Once the qualified applications
 43 total more than five million dollars or ten million

44 dollars, as applicable, in credits, the department
45 shall award the approved credits on the basis of the
46 date of application for credit and the remaining
47 approved credits shall be awarded in the subsequent
48 fiscal year. The department shall notify the taxpayer
49 of the year for which the credit is approved. The
50 department shall prepare application forms which may

Page 2

1 be made available to charitable organizations that may
2 qualify as school charitable organizations.

3 5. Any credit in excess of the tax liability is
4 not refundable but the excess for the tax year may be
5 credited to the tax liability for the following five
6 tax years or until depleted, whichever is the earlier.

7 6. Married taxpayers who file separate returns or
8 file separately on a combined return form must
9 determine the tax credit under subsection 1, paragraph
10 "b", based upon their combined net income and allocate
11 the total credit amount to each spouse in the
12 proportion that each spouse's respective net income
13 bears to the total combined net income. Nonresidents
14 or part-year residents of Iowa must determine their
15 tax credit in the ratio of their Iowa source net
16 income to their all source net income. Nonresidents
17 or part-year residents who are married and elect to
18 file separate returns or to file separately on a
19 combined return form must allocate the tax credit
20 between the spouses in the ratio of each spouse's Iowa
21 source net income to the combined Iowa source net
22 income of the taxpayers.

23 7. For purposes of this section:

24 a. "Qualified school" means a public or private
25 nonprofit preschool, as defined in section 237A.1,
26 located in this state or a public or nonpublic
27 elementary or secondary school in this state which is
28 accredited under section 256.11 and adheres to the
29 provisions of the federal Civil Rights Act of 1964 and
30 chapter 216. A qualified school shall not
31 discriminate on the basis of race, creed, color,
32 national origin, sex, age, or disability.

33 b. (1) "School charitable organization" means a
34 charitable organization in this state that is exempt
35 from federal taxation under section 501(c)(3) of the
36 Internal Revenue Code, whose governing board consists
37 of, but is not limited to, parents, teachers, and
38 members of the general public, and that allocates at
39 least ninety percent of its annual revenue for
40 educational expenses, scholarships, or tuition grants
41 to children to allow them to attend any qualified
42 school of their parents' choice.

43 (2) A school charitable organization shall not
44 discriminate on the basis of race, creed, color,
45 national origin, sex, age, or disability. A school
46 charitable organization shall only award educational
47 expense payments, scholarships, and tuition grants to
48 children who reside in Iowa. In addition, to qualify
49 as a school charitable organization, the charitable
50 organization shall only provide educational expense

Page 3

1 payments, scholarships, or tuition grants to children
2 from families whose incomes are less than three
3 hundred percent of the federal poverty level, as
4 defined by the most recently revised income guidelines
5 published by the United States department of health
6 and human services.

7 8. A school charitable organization that receives
8 a voluntary cash contribution pursuant to this section
9 shall report to the department, on a form prescribed
10 by the department, by February 28 of each year all of
11 the following information:

12 a. The name, address, and contact name of the
13 school charitable organization.

14 b. The total number of contributions received
15 during the previous calendar year.

16 c. The total dollar amount of contributions
17 received during the previous calendar year.

18 d. The total number of children awarded
19 educational expense payments, scholarships, or tuition
20 grants during the previous calendar year.

21 e. The total dollar amount of educational expense
22 payments, scholarships, and tuition grants awarded
23 during the previous calendar year.

24 f. For each school to which educational expense
25 payments, scholarships, or tuition grants were awarded
26 all of the following shall be provided:

27 (1) The name and address of the school.

28 (2) The number of educational expense payments,
29 scholarships, and tuition grants awarded during the
30 previous calendar year.

31 (3) The total dollar amount of educational expense
32 payments, scholarships, and tuition grants awarded
33 during the previous calendar year.

34 9. The department shall annually file a report
35 with the chairpersons and ranking members of the
36 senate and house committees on ways and means
37 detailing a compilation of the information received
38 from the reports of all school charitable
39 organizations filed pursuant to the requirements of
40 subsection 8."

41 2. Page 30, by inserting after line 48 the

42 following:

43 "Sec.____. APPLICABILITY DATE. The section of
44 this Act enacting section 422.11K applies to tax years
45 beginning on or after January 1, 2006, but before
46 January 1, 2014."

WENDT of Woodbury
JOCHUM of Dubuque
HOGG of Linn

H-1653

1 Amend the amendment, H-1645, to the Senate
2 amendment, H-1635, to House File 816, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 21, by inserting after line 17, the
5 following:

6 "Sec.____. SHARED OPERATIONAL FUNCTIONS –
7 SUPPLEMENTARY WEIGHTING – APPROPRIATION. For the
8 fiscal year beginning July 1, 2005, and ending June
9 30, 2006, there is appropriated from the general fund
10 of the state to the department of education the
11 following amount, or so much thereof as may be
12 necessary, to be utilized for the purpose designated:

13 \$ 6,100,000

14 The funds appropriated pursuant to this section
15 shall be allocated on or about November 15, 2005, to
16 school districts that have established shared
17 operational functions pursuant to section 257.11,
18 subsection 5A. If the amount appropriated is
19 insufficient to fully fund the amount of supplementary
20 weighting requested and approved, the funds shall be
21 allocated to each requesting and approved school
22 district based on the ratio that each district's
23 actual enrollment bears to the total actual enrollment
24 of all requesting and approved school districts.
25 Notwithstanding section 8.33, moneys appropriated in
26 this section that remain unencumbered or unobligated
27 at the close of the fiscal year shall not revert but
28 shall remain available for expenditure for the
29 purposes designated until the close of the succeeding
30 fiscal year."

31 2. Page 24, by inserting after line 41, the
32 following:

33 "Sec.____. Section 257.11, Code 2005, is amended
34 by adding the following new subsection:

35 NEW SUBSECTION. 5A. SHARED OPERATIONAL FUNCTIONS
36 – INCREASED STUDENT OPPORTUNITIES.

37 a. In order to provide additional funding to
38 increase student opportunities for school districts
39 that share operational functions, a supplementary
40 weighting plan for determining enrollment is adopted.

41 A supplementary weighting of two hundredths per pupil
42 shall be assigned to pupils enrolled in a district
43 that shares with one or more other districts one or
44 more operational functions in the areas of business
45 management, human resources, transportation, or
46 operation and maintenance for at least twenty percent
47 of the school year.

48 b. The minimum amount of additional weighting for
49 which a school district shall be eligible is an amount
50 corresponding to ten additional pupils, and the

Page 2

1 maximum amount of additional weighting for which a
2 school district shall be eligible is an amount
3 corresponding to twenty additional pupils. Criteria
4 for determining qualification of operational functions
5 for additional weighting shall be determined by the
6 department of education by rule.

7 c. Amounts received as supplementary weighting for
8 sharing operational functions pursuant to paragraph
9 "a" and for any savings realized through the sharing
10 of such functions shall be utilized by a school
11 district to improve teacher salaries, and offer
12 additional courses to maximize the access of every
13 high school student to four years of mathematics,
14 science, and English or language arts, with the intent
15 that additional course offerings will include advanced
16 content and advanced placement opportunities."

17 3. Page 30, by inserting after line 48, the
18 following:

19 "____. The section of this Act amending section
20 257.11 by enacting subsection 5A, being deemed of
21 immediate importance, takes effect upon enactment, and
22 first applies to supplementary weighting for the
23 school year beginning July 1, 2005."

WENDT of Woodbury

H-1654

1 Amend the amendment, H-1645, to the Senate
2 amendment, H-1635, to House File 816, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 24, by striking lines 7 and 8 and
5 inserting the following:

6 "Sec. ____ Section 256.9, Code 2005, is amended by
7 adding the following new subsections:

8 **NEW SUBSECTION.** 52A. Develop core knowledge and
9 skill criteria, based upon the Iowa standards for
10 school leaders, for mentoring and induction,
11 evaluation, and administrator career development

12 purposes pursuant to chapter 284A. The criteria shall
 13 further define the characteristics of quality
 14 administrators as established by the Iowa standards
 15 for school leaders established in section 284A.3.”

16 2. Page 26, by inserting after line 45 the
 17 following:

18 “Sec. ___. Section 272.9A, Code 2005, is amended
 19 by adding the following new unnumbered paragraph:
 20 NEW UNNUMBERED PARAGRAPH. The board shall include
 21 in its administrator licensure renewal requirements,
 22 adopted pursuant to section 272.2, subsection 1, an
 23 option under which compliance with individual
 24 administrator career development plans may constitute
 25 successful completion of a professional development
 26 program.”

27 3. Page 27, by inserting after line 6 the
 28 following:

29 “Sec. ___. Section 284.1, unnumbered paragraph 1,
 30 Code 2005, is amended to read as follows:

31 A student achievement and teacher quality program
 32 is established to promote high student achievement.
 33 The program shall consist of the following ~~four~~ five
 34 major elements:

35 Sec. ___. Section 284.1, subsection 3, Code 2005,
 36 is amended to read as follows:

37 3. Professional development, including teacher
 38 development academies, designed to directly support
 39 best teaching practices.

40 Sec. ___. Section 284.1, Code 2005, is amended by
 41 adding the following new subsection:

42 NEW SUBSECTION. 3A. Evaluation of teachers
 43 against the Iowa teaching standards.

44 Sec. ___. Section 284.2, subsection 1, Code 2005,
 45 is amended to read as follows:

46 1. “Beginning teacher” means an individual serving
 47 under an initial or intern license, issued by the
 48 board of educational examiners under chapter 272, ~~who~~
 49 ~~is assuming a position as a classroom teacher.~~ For
 50 purposes of the beginning teacher mentoring and

Page 2

1 induction program created pursuant to section 284.5,
 2 “beginning teacher” also includes preschool teachers
 3 who are licensed by the board of educational examiners
 4 under chapter 272 and are employed by a school
 5 district or area education agency.

6 Sec. ___. Section 284.2, subsection 2, Code 2005,
 7 is amended by striking the subsection.

8 Sec. ___. Section 284.2, subsections 8 and 12,
 9 Code 2005, are amended to read as follows:

10 8. “Mentor” means an individual employed by a

11 school district or area education agency as a
12 ~~classroom~~ teacher or a retired teacher who holds a
13 valid license issued under chapter 272. The
14 individual must have a record of four years of
15 successful teaching practice, must be employed on a
16 nonprobationary basis, and must demonstrate
17 professional commitment to both the improvement of
18 teaching and learning and the development of beginning
19 teachers.

20 12. "Teacher" means an individual holding a
21 practitioner's license issued under chapter 272, who
22 is employed in a nonadministrative position as a
23 teacher, librarian, media specialist, preschool
24 teacher, or counselor by a school district or area
25 education agency pursuant to a contract issued by a
26 board of directors under section 279.13. "Teacher"
27 also means a school social worker licensed under
28 chapter 154C if the social worker is employed in a
29 nonadministrative position by a school district or
30 area education agency pursuant to a contract issued by
31 a board of directors under section 279.13. A teacher
32 may be employed in both an administrative and a
33 nonadministrative position by a board of directors and
34 shall be considered a part-time teacher for the
35 portion of time that the teacher is employed in a
36 nonadministrative position. "Teacher" includes a
37 licensed individual employed on a less than full-time
38 basis by a school district through a contract between
39 the school district and an institution of higher
40 education with a practitioner preparation program in
41 which the licensed teacher is enrolled.

42 Sec. __. Section 284.5, subsections 1 and 3, Code
43 2005, are amended to read as follows:

44 1. A beginning teacher mentoring and induction
45 program is created to promote excellence in teaching,
46 enhance student achievement, build a supportive
47 environment within school districts and area education
48 agencies, increase the retention of promising
49 beginning teachers, and promote the personal and
50 professional well-being of ~~classroom~~ teachers.

Page 3

1 3. Each school district and area education agency
2 shall provide a beginning teacher mentoring and
3 induction program for all ~~classroom~~ teachers who are
4 beginning teachers, and notwithstanding section 284.4,
5 subsection 1, a school district and an area education
6 agency shall be eligible to receive moneys under
7 section 284.13, subsection 1, paragraph "c", for
8 purposes of implementing a beginning teacher mentoring
9 and induction program in accordance with this section.

10 Sec.____. Section 284.6, Code 2005, is amended by
11 adding the following new subsections:
12 NEW SUBSECTION. 7. The department shall establish
13 teacher development academies for the training of
14 school-based teams of teachers. Each academy shall
15 include a multiday summer institute and follow-up
16 training and coaching during the subsequent school
17 year. Teachers attending an academy shall receive
18 stipends up to the equivalent of ten contract days for
19 activities offered outside of regular contract hours
20 and during the summer. The employer shall pay
21 applicable costs of the employer share of
22 contributions to federal social security and the Iowa
23 public employees' retirement system or a pension
24 system and annuity system established under chapter
25 294. School districts shall be reimbursed for team
26 expenses associated with attendance at an academy from
27 moneys appropriated to the department for this
28 purpose. Area education agency personnel may
29 participate as members of the school-based teams, but
30 shall not be eligible for stipends or reimbursement of
31 expenses.
32 NEW SUBSECTION. 8. Teachers who successfully
33 complete teacher development academy training may
34 apply to attend a training program to become a teacher
35 fellow candidate. The department shall develop a
36 method to identify applicants who have completed all
37 elements and expectations of teacher development
38 academy training. The department shall also develop,
39 with input from key stakeholders, a process for
40 selecting teacher fellow candidates and credentialing
41 of teacher fellows in accordance with section 284.7,
42 subsection 1, paragraph "c". The process shall
43 utilize a panel of individuals who are recognized for
44 their experience in providing quality professional
45 development and represent various stakeholder groups
46 within the educational community.
47 Sec.____. Section 284.7, subsection 1, unnumbered
48 paragraph 1, Code 2005, is amended to read as follows:
49 ~~Effective July 1, 2001, the~~ The following career
50 path levels are established and shall be implemented

Page 4

1 in accordance with this chapter:
2 Sec.____. Section 284.7, subsection 1, paragraph
3 a, subparagraph (1), subparagraph subdivisions (a) and
4 (b), Code 2005, are amended to read as follows:
5 (a) Has successfully completed an approved
6 practitioner preparation program as defined in section
7 272.1 or holds an intern teacher license issued by the
8 board of educational examiners under chapter 272.

9 (b) Holds an initial or intern teacher license
 10 issued by the board of educational examiners.
 11 Sec. __. Section 284.7, subsection 1, Code 2005,
 12 is amended by adding the following new paragraph:
 13 NEW PARAGRAPH. C. TEACHER FELLOW.
 14 (1) A teacher fellow is a teacher who meets the
 15 following requirements:
 16 (a) Holds a valid license issued by the board of
 17 educational examiners for the area in which the
 18 teacher is teaching.
 19 (b) Participates in teacher career development as
 20 set forth in this chapter.
 21 I Demonstrates continuous improvement in
 22 teaching.
 23 (d) Has successfully obtained a credential from a
 24 teacher development academy or equivalent training as
 25 determined by the department by rule.
 26 (e) Has successfully completed at least four years
 27 of consecutive classroom instruction.
 28 (f) Has successfully demonstrated competency on
 29 the Iowa teaching standards through a performance
 30 review.
 31 (2) The participating district shall provide an
 32 annual salary adjustment of five thousand dollars per
 33 year for the five-year term of the teacher fellow
 34 credential. In order to maintain the teacher fellow
 35 credential, the teacher fellow shall annually serve as
 36 a trainer and shall participate in annual follow-up
 37 activities consistent with the training provided
 38 pursuant to section 284.6, subsection 7. A teacher
 39 may renew the teacher fellow credential through a
 40 renewal process determined by rule by the department.
 41 Sec. __. Section 284.7, subsection 2, Code 2005,
 42 is amended by striking the subsection.
 43 Sec. __. Section 284.7, subsection 3, Code 2005,
 44 is amended to read as follows:
 45 3. A teacher shall be promoted one level at a time
 46 ~~and a~~. A teacher promoted to the ~~next~~ career level
 47 shall remain at that level for at least ~~one year~~ two
 48 years before requesting promotion to the ~~next career~~
 49 teacher fellow level.
 50 Sec. __. Section 284.8, subsection 3, Code 2005,

Page 5

1 is amended to read as follows:
 2 3. If a teacher is denied advancement to the
 3 ~~career II or advanced~~ teacher fellow level based upon
 4 a performance review, the teacher may appeal the
 5 decision to an adjudicator under the process
 6 established under section 279.17. However, the
 7 decision of the adjudicator is final.

8 Sec.____. Section 284.10, subsection 5, Code 2005,
9 is amended to read as follows:

10 5. By July 1, ~~2005~~ 2006, the director shall
11 develop and implement an evaluator training
12 certification renewal program for administrators and
13 other practitioners who need to renew a certificate
14 issued pursuant to this section.”

15 4. By striking page 27, line 7, through page 28,
16 line 29, and inserting the following:

17 “Sec.____. Section 284.13, subsection 1, paragraph
18 a, Code 2005, is amended by striking the paragraph.

19 Sec.____. Section 284.13, subsection 1, paragraphs
20 b through d, Code 2005, are amended to read as
21 follows:

22 b. For the fiscal year beginning July 1, 2004
23 2005, and ending June 30, ~~2005~~ 2006, to the department
24 of education, the amount of ~~one~~ two million ~~one~~
25 ~~hundred thousand~~ dollars for the issuance of national
26 board certification awards in accordance with section
27 256.44. From the moneys allocated to the department
28 pursuant to this paragraph, not more than two hundred
29 fifty thousand dollars shall be used to fund a support
30 program for national board certification applicants.

31 c. For the fiscal year beginning July 1, ~~2004~~
32 2005, and succeeding fiscal years, an amount up to
33 ~~three~~ four million ~~five~~ one hundred thousand dollars
34 for first-year and second-year beginning teachers, to
35 the department of education for distribution to school
36 districts for purposes of the beginning teacher
37 mentoring and induction programs. A school district
38 shall receive one thousand three hundred dollars per
39 beginning teacher participating in the program. If
40 the funds appropriated for the program are
41 insufficient to pay mentors and school districts as
42 provided in this paragraph, the department shall
43 prorate the amount distributed to school districts
44 based upon the amount appropriated. Moneys Except as
45 provided in section 284A.8, subsection 1, moneys
46 received by a school district pursuant to this
47 paragraph shall be expended to provide each mentor
48 with an award of five hundred dollars per semester, at
49 a minimum, for participation in the school district’s
50 beginning teacher mentoring and induction program; to

Page 6

1 implement the plan; and to pay any applicable costs of
2 the employer’s share of contributions to federal
3 social security and the Iowa public employees’
4 retirement system or a pension and annuity retirement
5 system established under chapter 294, for such amounts
6 paid by the district.

7 d. For the fiscal year beginning July 1, 2003
 8 ~~2005, and ending June 30, 2004 succeeding fiscal~~
 9 ~~years, an amount up to one million six hundred~~
 10 ~~thousand dollars to the department of education for~~
 11 ~~purposes of maintaining the evaluator training program~~
 12 ~~and teacher career development programs. A portion of~~
 13 ~~the funds Funds allocated to the department for~~
 14 ~~purposes of this paragraph may be used by the~~
 15 ~~department for administrative purposes.~~
 16 ~~Notwithstanding section 8.33, from the moneys~~
 17 ~~allocated under this paragraph for the fiscal year~~
 18 ~~beginning July 1, 2003, that remain unobligated or~~
 19 ~~unexpended at the end of the fiscal year, three~~
 20 ~~hundred thousand dollars shall not revert but shall~~
 21 ~~remain available for expenditure to maintain the~~
 22 ~~evaluator training program, and up to five hundred~~
 23 ~~thousand dollars shall remain available to supplement~~
 24 ~~moneys allocated pursuant to paragraph "f" of this~~
 25 ~~subsection.~~

26 Sec. __. Section 284.13, subsection 1, paragraph
 27 e, Code 2005, is amended by striking the paragraph and
 28 inserting in lieu thereof the following:

29 e. For the fiscal year beginning July 1, 2005, and
 30 ending June 30, 2006, up to one million nine hundred
 31 ninety-five thousand dollars to the department of
 32 education for purposes of implementing teacher
 33 development academies pursuant to section 284.7. A
 34 portion of the funds allocated to the department for
 35 purposes of this paragraph may be used by the
 36 department for administrative purposes."

37 5. Page 28, line 31, by striking the word
 38 "paragraph" and inserting the following:
 39 "paragraphs".6.

40 Page 29, by inserting after line 3 the
 41 following:

42 **NEW PARAGRAPH.** Ee. For the fiscal year beginning
 43 July 1, 2005, and ending June 30, 2006, up to two
 44 million five hundred five thousand dollars to the
 45 department of education for distribution to school
 46 districts for purposes paying stipends to teachers who
 47 are employed by the school district and designated as
 48 teacher fellows pursuant to section 284.7. A portion
 49 of the funds allocated to the department for purposes
 50 of this paragraph may be used by the department for

1 administrative purposes.
 2 Sec. __. Section 284.13, subsection 1, paragraph
 3 g, Code 2005, is amended to read as follows:
 4 g. From moneys available under paragraph "f", the
 5 department shall allocate to area education agencies

6 an amount per ~~classroom~~ teacher employed by an area
 7 education agency that is approximately equivalent to
 8 the average per teacher amount allocated to the
 9 districts. The average per teacher amount shall be
 10 calculated by dividing the total number of ~~classroom~~
 11 teachers employed by school districts and the ~~classroom~~
 12 teachers employed by area education agencies
 13 into the total amount of moneys available under
 14 paragraph "f".

15 Sec. __. Section 284.13, subsection 1, paragraph
 16 h. Notwithstanding section 8.33, any moneys
 17 remaining unencumbered or unobligated from the moneys
 18 allocated for purposes of ~~paragraph "b" or "c" this~~
 19 ~~subsection~~ shall not revert but shall remain available
 20 in the succeeding fiscal year for expenditure for the
 21 purposes designated. The provisions of section 8.39
 22 shall not apply to the funds appropriated pursuant to
 23 this subsection.

24 Sec. __. Section 284.13, subsection 1, paragraph
 25 I, Code 2005, is amended by striking the paragraph.
 26 Sec. __. NEW SECTION. 284A.1 ADMINISTRATOR
 27 PERFORMANCE AND CAREER DEVELOPMENT.

28 An administrator quality program is established to
 29 enhance educator quality and advance high student
 30 achievement. The program shall consist of the
 31 following three major elements:

- 32 1. Mentoring and induction programs that provide
- 33 support for administrators in accordance with section
- 34 284A.5.
- 35 2. Professional development designed to directly
- 36 support best practices for leadership.
- 37 3. Evaluation of administrators against the Iowa
- 38 standards for school leaders.

39 Sec. __. NEW SECTION. 284A.2 DEFINITIONS.
 40 As used in this chapter, unless the context
 41 otherwise requires:

- 42 1. "Administrator" means an individual holding a
- 43 professional administrator license issued under
- 44 chapter 272, who is employed by a school district or
- 45 area education agency pursuant to a contract issued by
- 46 a board of directors under section 279.23. An
- 47 administrator may be employed in both an
- 48 administrative and a nonadministrative position by a
- 49 board of directors and shall be considered a part-time
- 50 administrator for the portion of time that the

Page 8

- 1 individual is employed in an administrative position.
- 2 2. "Department" means the department of education.
- 3 3. "Director" means the director of the department
- 4 of education.

5 4. "Mentor" means an individual employed by a
6 school district or area education agency as a school
7 district administrator or a retired administrator who
8 holds a valid license issued under chapter 272. The
9 individual must have a record of four years of
10 successful administrative practice and must
11 demonstrate professional commitment to both the
12 improvement of teaching and learning and the
13 development of beginning teachers.

14 5. "New administrator" means an individual serving
15 under a professional administrator license, issued
16 under chapter 272, who is assuming a position as a
17 school district administrator for the first time.

18 6. "Performance review" means a summative
19 evaluation of an administrator and used to determine
20 whether the administrator's practice meets school
21 district expectations and the Iowa standards for
22 school leaders.

23 7. "School board" means the board of directors of
24 a school district or a collaboration of boards of
25 directors of school districts.

26 8. "State board" means the state board of
27 education.

28 Sec. . . . NEW SECTION. 284A.3 IOWA STANDARDS FOR
29 SCHOOL LEADERS.

30 1. For purposes of this chapter and for developing
31 evaluation criteria under section 279.23A, the Iowa
32 standards for school leaders describe a school
33 administrator as an educational leader who promotes
34 the success of all students by doing the following:

35 a. Facilitating the development, articulation,
36 implementation, and stewardship of a vision of
37 learning that is shared and supported by the school
38 community.

39 b. Advocating, nurturing, and sustaining a school
40 culture and instructional program conducive to student
41 learning and staff professional development.

42 c. Ensuring management of the school organization,
43 operations, and resources in order to provide a safe,
44 efficient, and effective learning environment.

45 d. Collaborating with families and community
46 members, responding to diverse community interests and
47 needs, and mobilizing community resources.

48 e. Acting with integrity, fairness, and in an
49 ethical manner.

50 f. Understanding, responding to, and influencing

Page 9

1 the larger political, social, economic, legal, and
2 cultural context.

3 g. Fulfilling professional responsibilities

4 established by the school district.

5 2. By July 1, 2006, each school board shall
6 conduct, for purposes of performance reviews for
7 administrators, evaluations that assess
8 administrators, at a minimum, against the Iowa
9 standards for school leaders and the criteria for the
10 standards developed by the department in accordance
11 with section 256.9, subsection 53. A local school
12 board may establish additional administrator standards
13 and criteria. A local school board and its
14 administrators may negotiate evaluation and grievance
15 procedures for the administrators that are not in
16 conflict with this chapter.

17 Sec. . NEW SECTION. 284A.4 PARTICIPATION.

18 1. A school district shall do all of the
19 following:

- 20 a. Participate in an administrator mentoring and
21 induction program as provided in this chapter.
- 22 b. Adopt individual administrator career
23 development plans in accordance with this chapter.
- 24 c. Adopt an administrator evaluation plan that, at
25 a minimum, requires an annual performance review of
26 administrators in the school district based upon the
27 Iowa standards for school leaders and individual
28 administrator career development plans.

29 2. Effective July 1, 2005, each school district
30 shall participate in the administrator quality
31 program.

32 Sec. . NEW SECTION. 284A.5 NEW ADMINISTRATOR
33 MENTORING AND INDUCTION PROGRAM.

34 1. A new administrator mentoring and induction
35 program is created to promote excellence in school
36 leadership, improve classroom instruction, enhance
37 student achievement, build a supportive environment
38 within school districts, increase the retention of
39 promising school leaders, and promote the personal and
40 professional well-being of administrators.

41 2. The state board shall adopt rules to administer
42 this section.

43 3. The department, in collaboration with other
44 educational partners, shall provide a new
45 administrator mentoring and induction program for all
46 new administrators.

47 4. The new administrator mentoring and induction
48 program shall, at a minimum, require one year of
49 programming to support the Iowa standards for school
50 leaders and new administrators' professional and

3 program organizational and collaborative structures,
4 provide a budget, provide for sustainability of the
5 program, and provide for program evaluation.

6 5. A new administrator shall be informed by the
7 school district or the area education agency, prior to
8 the new administrator's participation in a mentoring
9 and induction program, of the criteria upon which the
10 administrator shall be evaluated and of the evaluation
11 process utilized by the school district or area
12 education agency.

13 Sec. __. NEW SECTION. 284A.6 ADMINISTRATOR
14 CAREER DEVELOPMENT.

15 1. Each school district shall provide professional
16 growth programming for individuals employed in
17 administrative positions at the school district by the
18 school district or area education agency as deemed
19 appropriate by the board of directors of the school
20 district or the area education agency employing the
21 administrator. School districts may collaborate with
22 other educational stakeholders including other school
23 districts, area education agencies, professional
24 organizations, higher education institutions, and
25 private providers, in the provision of professional
26 development for school district administrators.
27 Professional development programming for school
28 district administrators may include supports that meet
29 the career development needs of individual
30 administrators aligned to the Iowa standards for
31 school leaders and individual administrator career
32 development plans.

33 2. An administrator employed in a school district
34 administrative position by a school district or area
35 education agency, in cooperation with the
36 administrator's evaluator, shall develop an individual
37 administrator career development plan. The purpose of
38 the plan is to promote individual and group career
39 development. The individual plan shall be based, at a
40 minimum, on the needs of the administrator, the Iowa
41 standards for school leaders, and the student
42 achievement goals of the attendance center and the
43 school district as outlined in the comprehensive
44 school improvement plan.

45 3. The administrator's evaluator shall annually
46 meet with the administrator to review the
47 administrator's progress in meeting career development
48 goals in the plan and to review collaborative work
49 with other staff on student achievement goals and to
50 modify as necessary the administrator's individual

2 school district's needs and the individual's progress
3 in meeting the goals in the plan. The administrator
4 shall present to the evaluator evidence of progress.
5 The administrator's supervisor and the evaluator shall
6 review, modify, accept, or reject modifications made
7 to the administrator's individual plan.

8 Sec. . NEW SECTION. 284A.7 PERFORMANCE REVIEW
9 REQUIREMENTS FOR ADMINISTRATORS.

10 A school district shall review an administrator's
11 performance annually for purposes of assisting the
12 administrator in making continuous improvement,
13 documenting continued competence in the Iowa standards
14 for school leaders, or to determine whether the
15 administrator's practice meets school district
16 expectations. The performance review shall include,
17 at a minimum, an assessment of the administrator's
18 progress toward meeting the Iowa standards for school
19 leaders and the implementation of the administrator's
20 individual career development plan, including
21 supporting documentation or materials aligned to the
22 Iowa standards for school leaders and the
23 administrator's individual career development plan.

24 Sec. . NEW SECTION. 284A.8 STATE PROGRAM
25 APPROPRIATION.

26 1. There is appropriated from the general fund of
27 the state to the department of education for the
28 fiscal year beginning July 1, 2005, and each
29 succeeding fiscal year, the sum of two hundred forty-
30 five thousand dollars for purposes of the new
31 administrator mentoring and induction program. From
32 the funds appropriated, the department shall allocate
33 to each school district one thousand five hundred
34 dollars per new administrator participating in the new
35 administrator mentoring and induction program. If the
36 funds appropriated for the program are insufficient to
37 pay school districts as provided in this subsection,
38 the department shall prorate the amount distributed to
39 school districts based upon the amount appropriated.
40 Moneys received by a school district pursuant to this
41 subsection shall be expended to implement the new
42 administrator mentoring program.

43 2. Notwithstanding section 8.33, any moneys
44 remaining unobligated or unexpended from the moneys
45 appropriated under subsection 1 shall not revert, but
46 shall remain available in the succeeding fiscal year
47 for expenditure for the purposes designated. The
48 provisions of section 8.39 shall not apply to the
49 funds appropriated pursuant to this section."

50 7. Page 30, by inserting after line 34 the

Page 12

- 1 following:
- 2 "Sec. ___. Section 284.9, Code 2005, is repealed."
- 3 8. By renumbering as necessary.

WINCKLER of Scott
 MASCHER of Johnson

H-1655

- 1 Amend the amendment, H-1645, to the Senate
- 2 amendment, H-1635, to House File 816, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 24, by inserting after line 41 the
- 5 following:
- 6 "Sec. ___. Section 257.1, subsection 2, unnumbered
- 7 paragraph 2, Code 2005, is amended to read as follows:
- 8 For the budget year commencing July 1, ~~1999~~ 2006,
- 9 and for each succeeding budget year, the regular
- 10 program foundation base per pupil is ~~eighty-seven and~~
- 11 ~~five-tenths~~ ninety-two and four-tenths percent of the
- 12 regular program state cost per pupil. For the budget
- 13 year commencing July 1, ~~1991~~ 2006, and for each
- 14 succeeding budget year, the special education support
- 15 services foundation base is ~~seventy-nine~~ ninety-two
- 16 and four-tenths percent of the special education
- 17 support services state cost per pupil. The combined
- 18 foundation base is the sum of the regular program
- 19 foundation base and the special education support
- 20 services foundation base.
- 21 Sec. ___. Section 257.3, subsection 1, unnumbered
- 22 paragraph 1, Code 2005, is amended to read as follows:
- 23 Except as provided in subsections 2 and 3, a school
- 24 district shall cause to be levied each year, for the
- 25 school general fund, a foundation property tax equal
- 26 to ~~five six~~ five dollars and ~~forty~~ ninety cents per
- 27 thousand dollars of assessed valuation on all taxable
- 28 property in the district. The county auditor shall
- 29 spread the foundation levy over all taxable property
- 30 in the district.
- 31 Sec. ___. Section 257.3, subsection 2, paragraphs
- 32 a and b, Code 2005, are amended to read as follows:
- 33 a. Notwithstanding subsection 1, a reorganized
- 34 school district shall cause a foundation property tax
- 35 of ~~four~~ five dollars and ~~forty~~ ninety cents per
- 36 thousand dollars of assessed valuation to be levied on
- 37 all taxable property which, in the year preceding a
- 38 reorganization, was within a school district affected
- 39 by the reorganization as defined in section 275.1, or
- 40 in the year preceding a dissolution was a part of a
- 41 school district that dissolved if the dissolution

42 proposal has been approved by the director of the
 43 department of education pursuant to section 275.55.
 44 b. In succeeding school years, the foundation
 45 property tax levy on that portion shall be increased
 46 to the rate of ~~four~~ six dollars and ~~ninety forty~~ cents
 47 per thousand dollars of assessed valuation the first
 48 succeeding year, ~~five~~ six dollars and ~~fifteen sixty-~~
 49 five cents per thousand dollars of assessed valuation
 50 the second succeeding year, and ~~five~~ six dollars and

Page 2

1 forty ninety cents per thousand dollars of assessed
 2 valuation the third succeeding year and each year
 3 thereafter.

4 Sec. __. Section 257.10, subsection 4, Code 2005,
 5 is amended by adding the following new unnumbered
 6 paragraph:

7 NEW UNNUMBERED PARAGRAPH. For the budget year
 8 beginning July 1, 2006, and succeeding budget years,
 9 the department of management shall increase the
 10 special education support services district cost per
 11 pupil for a school district containing an area
 12 education agency with a special education support
 13 services district cost per pupil which falls below the
 14 special education support services state cost per
 15 pupil, to equal the special education support services
 16 state cost per pupil."

17 2. Page 30, by inserting after line 24 the
 18 following:

19 "Sec. __. Section 425A.3, subsection 1, Code
 20 2005, is amended to read as follows:

21 1. The family farm tax credit fund shall be
 22 apportioned each year in the manner provided in this
 23 chapter so as to give a credit against the tax on each
 24 eligible tract of agricultural land within the several
 25 school districts of the state in which the levy for
 26 the general school fund exceeds five six dollars and
 27 forty fifty cents per thousand dollars of assessed
 28 value. The amount of the credit on each eligible
 29 tract of agricultural land shall be the amount the tax
 30 levied for the general school fund exceeds the amount
 31 of tax which would be levied on each eligible tract of
 32 agricultural land were the levy for the general school
 33 fund five six dollars and forty fifty cents per
 34 thousand dollars of assessed value for the previous
 35 year. However, in the case of a deficiency in the
 36 family farm tax credit fund to pay the credits in
 37 full, the credit on each eligible tract of
 38 agricultural land in the state shall be proportionate
 39 and applied as provided in this chapter.

40 Sec. __. Section 425A.5, Code 2005, is amended to

41 read as follows:

42 425A.5 COMPUTATION BY COUNTY AUDITOR.

43 The family farm tax credit allowed each year shall
44 be computed as follows: On or before April 1, the
45 county auditor shall list by school districts all
46 tracts of agricultural land which are entitled to
47 credit, the taxable value for the previous year, the
48 budget from each school district for the previous
49 year, and the tax rate determined for the general fund
50 of the school district in the manner prescribed in

Page 3

1 section 444.3 for the previous year, and if the tax
2 rate is in excess of five six dollars and forty fifty
3 cents per thousand dollars of assessed value, the
4 auditor shall multiply the tax levy which is in excess
5 of five six dollars and forty fifty cents per thousand
6 dollars of assessed value by the total taxable value
7 of the agricultural land entitled to credit in the
8 school district, and on or before April 1, certify the
9 total amount of credit and the total number of acres
10 entitled to the credit to the department of revenue.

11 Sec. __. Section 426.3, Code 2005, is amended to
12 read as follows:

13 426.3 WHERE CREDIT GIVEN.

14 The agricultural land credit fund shall be
15 apportioned each year in the manner hereinafter
16 provided so as to give a credit against the tax on
17 each tract of agricultural lands within the several
18 school districts of the state in which the levy for
19 the general school fund exceeds five six dollars and
20 forty fifty cents per thousand dollars of assessed
21 value; the amount of such credit on each tract of such
22 lands shall be the amount the tax levied for the
23 general school fund exceeds the amount of tax which
24 would be levied on said tract of such lands were the
25 levy for the general school fund five six dollars and
26 forty fifty cents per thousand dollars of assessed
27 value for the previous year, except in the case of a
28 deficiency in the agricultural land credit fund to pay
29 said credits in full, in which case the credit on each
30 eligible tract of such lands in the state shall be
31 proportionate and shall be applied as hereinafter
32 provided.

33 Sec. __. Section 426.6, unnumbered paragraph 1,
34 Code 2005, is amended to read as follows:

35 The agricultural land tax credit allowed each year
36 shall be computed as follows: On or before April 1,
37 the county auditor shall list by school districts all
38 tracts of agricultural lands which are entitled to
39 credit, together with the taxable value for the

40 previous year, together with the budget from each
 41 school district for the previous year, and the tax
 42 rate determined for the general fund of the district
 43 in the manner prescribed in section 444.3 for the
 44 previous year, and if such tax rate is in excess of
 45 five six dollars and forty fifty cents per thousand
 46 dollars of assessed value, the auditor shall multiply
 47 the tax levy which is in excess of five six dollars
 48 and forty fifty cents per thousand dollars of assessed
 49 value by the total taxable value of the agricultural
 50 lands entitled to credit in the district, and on or

Page 4

1 before April 1, certify the amount to the department
 2 of revenue."

3 3. Page 30, by inserting after line 48 the
 4 following:

5 "Sec. . EFFECTIVE AND APPLICABILITY DATES.

6 1. The sections of this Act increasing the regular
 7 program foundation base and the special education
 8 support services foundation base, and increasing the
 9 foundation property tax, take effect July 1, 2005, and
 10 are applicable to the school budget year beginning
 11 July 1, 2006, and succeeding budget years.

12 2. The sections of this Act amending provisions
 13 relating to the family farm tax credit and the
 14 agricultural land tax credit take effect January 1,
 15 2007, for taxes payable in the fiscal year beginning
 16 July 1, 2007."

17 4. Page 31, line 16, by inserting after the word
 18 "effective" the following: ", applicability,".

19 5. By renumbering as necessary.

WENDT of Woodbury

H-1656

1 Amend the amendment, H-1645, to the Senate
 2 amendment, H-1635, to House File 816, as amended,
 3 passed, and reprinted by the House, as follows:

4 1. Page 24, line 8, by striking the word
 5 "subsection" and inserting the following:
 6 "subsections".

7 2. Page 24, by inserting after line 41, the
 8 following:

9 "NEW SUBSECTION. 54. Prepare and make available
 10 to school districts and accredited nonpublic schools
 11 courses of instruction that meet the requirements of
 12 section 280.28. The director shall set forth
 13 standards and criteria for professional development
 14 related to these courses of instruction for school

15 districts, accredited nonpublic schools, area
16 education agencies, and practitioner preparation
17 programs which encourage cooperative planning and
18 voluntary professional development for all school
19 personnel that provide health, human growth and
20 development, or family education and request the
21 training, through regional planning, joint powers
22 agreements, or contract services; and which provide
23 for periodic, voluntary, professional development
24 training to update school personnel regarding new
25 developments in health, human growth and development,
26 or family education. The director shall also develop
27 a procedure for evaluating human growth and
28 development, health education, and family life
29 curricula in each school district and accredited
30 nonpublic school offering comprehensive sexual health
31 education in order to determine compliance with the
32 provisions of section 280.28.

33 Sec. __. Section 256.11, subsections 3 and 4,

34 Code 2005, are amended to read as follows:

35 3. The following areas shall be taught in grades
36 one through six: English-language arts, social
37 studies, mathematics, science, health, age-appropriate
38 and science-based human growth and development,
39 physical education, traffic safety, music, and visual
40 art. The health curriculum shall include the
41 characteristics of communicable diseases including
42 acquired immune deficiency syndrome. The state board
43 as part of accreditation standards shall adopt
44 curriculum definitions for implementing the elementary
45 program.

46 4. The following shall be taught in grades seven
47 and eight: English-language arts; social studies;
48 mathematics; science; health; age-appropriate and
49 science-based human growth and development, family,
50 consumer, career, and technology education; physical

Page 2

1 education; music; and visual art. The health
2 curriculum shall include age-appropriate and science-
3 based information regarding the characteristics of
4 sexually transmitted diseases and acquired immune
5 deficiency syndrome. The state board as part of
6 accreditation standards shall adopt curriculum
7 definitions for implementing the program in grades
8 seven and eight. However, this subsection shall not
9 apply to the teaching of family, consumer, career, and
10 technology education in nonpublic schools.

11 Sec. __. Section 256.11, subsection 5, paragraph
12 j, Code 2005, is amended to read as follows:

13 j. One unit of health education which shall

14 include personal health; food and nutrition;
 15 environmental health; safety and survival skills;
 16 consumer health; family life; age-appropriate and
 17 science-based human growth and development; substance
 18 abuse and nonuse; emotional and social health; health
 19 resources; and prevention and control of disease,
 20 including age-appropriate and science-based
 21 information regarding sexually transmitted diseases
 22 and acquired immune deficiency syndrome.”

23 3. Page 27, by inserting after line 6, the
 24 following:

25 “Sec. NEW SECTION. 280.28 SEXUAL HEALTH
 26 EDUCATION AUTHORIZED.

27 1. The board of directors of each school district
 28 and the authorities in charge of each nonpublic school
 29 may provide age-appropriate, comprehensive sexual
 30 health education as part of the health, human growth
 31 and development, or family education curriculum taught
 32 in accordance with section 256.11.

33 2. The school district or school may train school
 34 personnel or contract with consultants who have
 35 expertise in comprehensive sexual health education to
 36 deliver the instruction authorized by this section.

37 3. Whether taught by school district or school
 38 personnel or by outside consultants, the comprehensive
 39 sexual health education provided in accordance with
 40 subsection 1 shall meet all of the following criteria:

41 a. Instruction and materials used shall be age-
 42 appropriate.

43 b. All factual information presented shall be
 44 science-based and objective.

45 c. Instruction for a student who is limited
 46 English proficient shall be as required pursuant to
 47 section 280.4, and shall be consistent with the
 48 existing curriculum and alternative options for a
 49 student who is limited English proficient.

50 d. Instruction and materials shall meet all of the

Page 3

1 following conditions:

2 (1) Are appropriate for use with students of all
 3 ethnic and racial groups, sexual orientations,
 4 genders, and physical and mental abilities.

5 (2) Are accessible to students with disabilities,
 6 including but not limited to, the provision of a
 7 modified curriculum, materials, and instruction in
 8 alternative formats, and auxiliary aids.

9 (3) Encourage a student to communicate with the
 10 student's parent or guardian about human sexuality.

11 (4) Teach students to recognize unwanted physical
 12 and verbal sexual advances, not to make unwanted

13 physical and verbal sexual advances, and how to
14 effectively reject unwanted sexual advances. The
15 instruction and materials shall cover verbal,
16 physical, and visual sexual harassment, including
17 nonconsensual sexual advances, nonconsensual physical
18 sexual contact, and rape by an acquaintance or family
19 member. The course information and materials shall
20 emphasize personal accountability and respect for
21 others and shall also encourage youth to resist peer
22 pressure.

23 (5) Teach that it is wrong to take advantage of or
24 exploit another person.

25 (6) Teach students about counseling, medical, and
26 legal resources available to survivors of sexual abuse
27 and sexual assault, including resources for escaping
28 violent relationships.

29 (7) Teach, commencing in grade seven, the value of
30 abstinence, that abstinence from sexual intercourse is
31 the only certain way to prevent unintended pregnancy,
32 that abstinence from sexual activity is the only
33 certain way to prevent sexually transmitted diseases,
34 and provide science-based information on other methods
35 of preventing pregnancy and sexually transmitted
36 diseases and HIV.

37 (8) Teach, commencing in grade seven, about
38 sexually transmitted diseases, including how sexually
39 transmitted diseases are and are not transmitted, the
40 effectiveness and safety of all federal food and drug
41 administration-approved methods of reducing the risk
42 of contracting sexually transmitted diseases, and
43 identify local resources for testing and medical care
44 for sexually transmitted diseases and HIV.

45 (9) Provide, commencing in grade seven, data
46 regarding the effectiveness and safety of all federal
47 food and drug administration-approved contraceptive
48 methods in preventing pregnancy, including but not
49 limited to, emergency contraception.

50 (10) Provide, commencing in grade seven, students

Page 4

1 with skills for making and implementing responsible
2 decisions about sexuality.

3 4. If the board of directors of a school district
4 or the authorities in charge of a nonpublic school
5 elect not to provide comprehensive sexual health
6 education in accordance with subsection 1, the school
7 district or school shall, at the beginning of each
8 school year, send a notice to the parent or guardian
9 of each student enrolled in the school district or
10 school that explains all of the following:

11 a. That the state authorizes age-appropriate,

12 comprehensive sexual health education in kindergarten
 13 through grade twelve.
 14 b. The criteria for comprehensive sexual health
 15 education set forth in subsection 3.
 16 c. That comprehensive sexual health education is
 17 not being offered to the student.
 18 5. A pupil shall not be required to take
 19 comprehensive sexual health education instruction if
 20 the parent or guardian files with the appropriate
 21 principal a written request that the pupil be excused
 22 from the instruction.
 23 6. For purposes of this section and section
 24 256.11, unless the context otherwise requires:
 25 a. "Age-appropriate" means topics, messages, and
 26 teaching methods suitable to particular ages or age
 27 groups of children and adolescents, based on
 28 developing cognitive, emotional, and behavioral
 29 capacity typical for the age or age group.
 30 b. "HIV" means HIV as defined in section 141A.1.
 31 c. "Science-based" means all of the following:
 32 (1) Complete information that is verified or
 33 supported by the weight of research conducted in
 34 compliance with accepted scientific methods;
 35 recognized as accurate and objective by leading
 36 professional organizations and agencies with relevant
 37 expertise in the field, such as the American college
 38 of obstetricians and gynecologists, the American
 39 public health association, and the American academy of
 40 pediatrics; and published in peer-reviewed journals
 41 where appropriate.
 42 (2) Information that is free of racial, ethnic,
 43 sexual orientation, and gender biases."
 44 4. By renumbering, redesignating, and correcting
 45 internal references as necessary.

WENDT of Woodbury

H-1657

1 Amend the amendment, H-1645, to the Senate
 2 amendment, H-1635, to House File 816, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 24, by inserting after line 44, the
 5 following:
 6 "Sec. ____ Section 257.31, subsection 17,
 7 paragraph a, Code 2005, is amended to read as follows:
 8 a. If a district's average transportation costs
 9 per pupil exceed the state average transportation
 10 costs per pupil determined under paragraph "c" by one
 11 hundred ~~fifty~~ percent, the committee ~~may~~ shall grant
 12 transportation assistance aid to the district in an
 13 amount up to, but not exceeding, fifty cents of

14 transportation assistance for each dollar by which the
 15 district's average transportation costs per pupil
 16 exceed the state average transportation costs per
 17 pupil as determined under paragraph "c". Such aid
 18 shall be miscellaneous income and shall not be
 19 included in district cost.

20 Sec. ___. Section 257.31, subsection 17, Code
 21 2005, is amended by adding the following new
 22 paragraphs:

23 NEW PARAGRAPH. e. There is appropriated from the
 24 general fund of the state to the committee, for the
 25 fiscal year beginning July 1, 2005, and each
 26 succeeding fiscal year, up to eight million seven
 27 hundred sixty-four thousand dollars for transportation
 28 assistance aid to school districts as provided in this
 29 subsection, which shall supplement, not supplant, the
 30 moneys appropriated pursuant to paragraph "d".

31 NEW PARAGRAPH. f. The committee shall adopt rules
 32 pursuant to chapter 17A for granting transportation
 33 assistance aid and for otherwise administering this
 34 subsection."

35 2. By renumbering, redesignating, and correcting
 36 internal references as necessary.

THOMAS of Clayton

H-1658

1 Amend the amendment, H-1645, to the Senate
 2 amendment, H-1635, to House File 816, as amended,
 3 passed, and reprinted by the House, as follows:

4 1. Page 25, by inserting after line 6 the
 5 following:

6 "Sec. ___. Section 260C.14, Code 2005, is amended
 7 by adding the following new subsection:

8 NEW SUBSECTION. 21. Adopt a policy to charge an
 9 individual who qualifies for admission to the
 10 community college, but who does not qualify as a
 11 resident for tuition purposes, the resident tuition
 12 rate and any applicable mandatory fees for enrollments
 13 if the individual signs a letter of intent to reside
 14 in Iowa after graduating from the community college
 15 for a period of not less than one year and meets any
 16 of the following conditions:

17 a. Is a member in good standing of the Iowa
 18 national guard.

19 b. The person's net income earned in Iowa is over
 20 two thousand five hundred dollars, or five thousand
 21 dollars if married and filing jointly, in the current
 22 tax year and the person may file an Iowa income tax
 23 form for the current year, and the person owns
 24 property located in the state of Iowa and pays taxes

25 levied on the property.

26 Sec. __. Section 261.9, subsection 1, unnumbered
 27 paragraph 1, Code 2005, is amended to read as follows:
 28 "Accredited private institution" means an
 29 institution of higher learning located in Iowa which
 30 is operated privately and not controlled or
 31 administered by any state agency or any subdivision of
 32 the state and which meets the criteria in paragraphs
 33 "a" and "b" and all of the criteria in paragraphs "d"
 34 through "g" "h", except that institutions defined in
 35 paragraph "c" of this subsection are exempt from the
 36 requirements of paragraphs "a" and "b":"

37 2. Page 25, by inserting after line 31 the
 38 following:

39 "Sec. __. Section 261.9, subsection 1, Code 2005,
 40 is amended by adding the following new paragraph:
 41 NEW PARAGRAPH. H. Adopts a policy to charge an
 42 individual who qualifies for admission to the
 43 accredited private institution, but who does not
 44 qualify as a resident for tuition purposes, the
 45 resident tuition rate and any applicable mandatory
 46 fees for enrollments if the individual signs a letter
 47 of intent to reside in Iowa after graduating from the
 48 community college for a period of not less than one
 49 year and meets any of the following conditions:

50 (1) Is a member in good standing of the Iowa

Page 2

1 national guard.

2 (2) The person's net income earned in Iowa is over
 3 two thousand five hundred dollars, or five thousand
 4 dollars if married and filing jointly, in the current
 5 tax year and the person may file an Iowa income tax
 6 form for the current year, and the person owns
 7 property located in the state of Iowa and pays taxes
 8 levied on the property."

9 3. Page 26, by inserting after line 45 the
 10 following:

11 "Sec. __. Section 262.9, Code 2005, is amended by
 12 adding the following new subsection:
 13 NEW SUBSECTION. 31. Adopt a policy to charge an
 14 individual who qualifies for admission to an
 15 institution of higher education under the control of
 16 the board, but who does not qualify as a resident for
 17 tuition purposes, the resident tuition rate and any
 18 applicable mandatory fees for enrollments if the
 19 individual signs a letter of intent to reside in Iowa
 20 after graduating from the institution for a period of
 21 not less than one year and meets any of the following
 22 conditions:

23 a. Is a member in good standing of the Iowa

24 national guard.
 25 b. The person's net income earned in Iowa is over
 26 two thousand five hundred dollars, or five thousand
 27 dollars if married and filing jointly, in the current
 28 tax year and the person may file an Iowa income tax
 29 form for the current year, and the person owns
 30 property located in the state of Iowa and pays taxes
 31 levied on the property."
 32 4. By renumbering, redesignating, and correcting
 33 internal references as necessary.

ZIRKELBACH of Jones

H-1659

1 Amend the amendment, H-1645, to the Senate
 2 amendment, H-1635, to House File 816, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 29, by inserting after line 3, the
 5 following:
 6 "Sec. ___. Section 298.3, subsection 3, Code 2005,
 7 is amended to read as follows:
 8 3. The purchase, lease, or lease-purchase of a
 9 single unit of equipment or technology exceeding five
 10 hundred dollars in value per unit, and the purchase of
 11 software or payments under a software licensing
 12 agreement relating to that purchase, lease, or lease-
 13 purchase."
 14 2. Page 30, by inserting after line 34, the
 15 following:
 16 "Sec. ___. APPLICABILITY. The section of this Act
 17 that amends section 298.3, subsection 3, is applicable
 18 for physical plant and equipment levies imposed either
 19 through board authorization or voter approval on or
 20 after the enactment of this Act, or local option sales
 21 taxes for school infrastructure purposes imposed on or
 22 after the enactment of this Act."
 23 3. Page 31, line 16, by inserting after the word
 24 "including" the following: "applicability,"
 25 4. By renumbering, redesignating, and correcting
 26 internal references as necessary.

HEDDENS of Story
 OLSON of Boon
 BUKTA of Clinton

H-1660

1 Amend the amendment, H-1645, to the Senate
 2 amendment, H-1635, to House File 816, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 12, line 44, by striking the figure

5 "14,969,288" and inserting the following:
 6 "40,000,000".

KRESSIG of Black Hawk
 LENSING of Johnson
 WESSEL-KROESCHELL of Story
 JACOBY of Johnson

HEDDENS of Story
 SHOULTZ of Black Hawk
 BERRY of Black Hawk
 D. OLSON of Boone

H-1661

1 Amend the amendment, H-1645, to the Senate
 2 amendment, H-1635, to House File 816, as amended,
 3 passed, and reprinted by the House, as follows:

4 1. Page 27, by inserting after line 6 the
 5 following:

6 "Sec. __. Section 284.2, subsections 1, 2, 3, and
 7 12, Code 2005, are amended to read as follows:

8 1. "Beginning teacher" means an individual serving
 9 under an initial license, issued by the board of
 10 educational examiners under chapter 272, who is
 11 assuming a position as a classroom teacher. For
 12 purposes of the beginning teacher mentoring and
 13 induction program created pursuant to section 284.5,
 14 "beginning teacher" also includes preschool teachers,
 15 school nurses, school social workers, counselors, and
 16 media specialists who are licensed by the board of
 17 educational examiners under chapter 272 or hold a
 18 letter of authorization or statement of professional
 19 recognition issued by the board of educational
 20 examiners, and who are employed by serving a
 21 probationary period of employment with a school
 22 district or area education agency.

23 2. "Classroom teacher" means an individual who
 24 holds a valid practitioner's license and who is
 25 employed under a contract issued by a board of
 26 directors under section 279.13 to provide classroom
 27 instruction to students, or as a preschool teacher.
 28 "Classroom teacher" also includes school nurses,
 29 school social workers, counselors, and media
 30 specialists who are licensed by the board of
 31 educational examiners under chapter 272 or hold a
 32 letter of authorization or statement of professional
 33 recognition issued by the board of educational
 34 examiners, and who are employed by a school district
 35 or area education agency.

36 3. "Comprehensive evaluation" means a summative
 37 evaluation of a beginning teacher conducted by an
 38 evaluator for purposes of determining a beginning
 39 teacher's level of competency, ~~for recommendation for~~
 40 ~~licensure~~ based upon the Iowa teaching standards, and
 41 to determine whether the teacher's practice meets the
 42 school district expectations for a career teacher.

43 12. "Teacher" means an individual holding a
 44 practitioner's license issued under chapter 272, who
 45 is employed in a nonadministrative position as a
 46 teacher, librarian, media specialist, preschool
 47 teacher, school nurse, school social worker, or
 48 counselor by a school district or area education
 49 agency pursuant to a contract issued by a board of
 50 directors under section 279.13. A teacher may be

Page 2

1 employed in both an administrative and a
 2 nonadministrative position by a board of directors and
 3 shall be considered a part-time teacher for the
 4 portion of time that the teacher is employed in a
 5 nonadministrative position. "Teacher" includes a
 6 licensed individual employed on a less than full-time
 7 basis by a school district through a contract between
 8 the school district and an institution of higher
 9 education with a practitioner preparation program in
 10 which the licensed teacher is enrolled.

11 Sec.____. Section 284.5, subsection 8, Code 2005,
 12 is amended to read as follows:

13 8. If the general assembly appropriates moneys for
 14 purposes of this section, a school district or area
 15 education agency is eligible to receive state
 16 assistance for up to two years under this section for
 17 each teacher the school district or area education
 18 agency employs who was formerly employed in an
 19 accredited nonpublic school or in another state as a
 20 first-year teacher. The school district or area
 21 education agency employing the teacher shall determine
 22 the conditions and requirements of a teacher
 23 participating in a program in accordance with this
 24 subsection. ~~The school district or area education~~
 25 ~~agency that employs the teacher shall recommend the~~
 26 ~~teacher for an educational license if the teacher,~~
 27 ~~through a comprehensive evaluation, is determined to~~
 28 ~~demonstrate competence in the Iowa teaching~~
 29 ~~standards."~~

30 2. Page 29, by inserting after line 3 the
 31 following:

32 "Sec.____. Section 284.13, Code 2005, is amended
 33 by adding the following new subsection:

34 NEW SUBSECTION. 4. For each fiscal year in which
 35 moneys are appropriated by the general assembly for
 36 purposes of this chapter, each school district and
 37 area education agency shall, by July 1 annually,
 38 report to the department of education the number of
 39 preschool teachers, librarians, media specialists,
 40 school nurses, school social workers, and counselors
 41 who were employed by the school district or area

42 education agency on the third Friday of September of
 43 the previous fiscal year.”
 44 3. By renumbering as necessary.

MASCHER of Johnson

H-1662

1 Amend the amendment, H-1645, to the Senate
 2 amendment, H-1635, to House File 816, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 24, by inserting after line 44, the
 5 following:
 6 “Sec. __. **NEW SECTION. 257.51 BEFORE AND AFTER**
 7 **SCHOOL PROGRAMS – ADDITIONAL ALLOWABLE GROWTH.**
 8 1. The general assembly finds and declares that
 9 quality before and after school programs provide safe,
 10 engaging environments that complement the school day
 11 by promoting learning to improve student outcomes.
 12 While there is no one single formula for success in
 13 before and after school programs, the general assembly
 14 encourages communities to invest local resources in
 15 before and after school programs. The general
 16 assembly finds that effective programs combine
 17 academic, enrichment, cultural, and recreational
 18 activities to guide learning and engage children and
 19 youth in year-round age-appropriate activities. The
 20 best programs develop activities to meet the
 21 particular needs and interests of the children and
 22 youth they serve, whether they are provided by a year-
 23 round school-based program or by a school program
 24 linked to community-based, faith-based, or nonprofit
 25 organizations. The types of activities supported by
 26 the best before and after school programs include, but
 27 are not limited to, the following:
 28 a. Tutoring and supplementing instruction in basic
 29 skills, such as reading, math, and science.
 30 b. Drug and violence prevention curricula and
 31 counseling.
 32 c. Youth leadership activities.
 33 d. Volunteer and service learning opportunities.
 34 e. Career and vocational awareness and
 35 preparation.
 36 f. Courses and enrichment in arts and culture.
 37 g. Computer instruction.
 38 h. Character development and civic participation.
 39 i. Language instruction, including English as a
 40 second language.
 41 j. Mentoring.
 42 k. Positive interaction with law enforcement.
 43 l. Supervised recreation programs.
 44 m. Health and nutrition programs.

45 2. Boards of directors of school districts,
46 individually or jointly with other boards of directors
47 of school districts, requesting to use additional
48 allowable growth for before and after school programs
49 shall annually submit an application for additional
50 allowable growth that includes a program budget to the

Page 2

1 department of education as provided in this chapter.
2 The school district shall incorporate a program plan
3 for its before and after school program into its
4 comprehensive school improvement plan required under
5 section 256.7, subsection 21.

6 3. The school district's comprehensive school
7 improvement plan shall identify the parts of the
8 program that will be implemented first upon approval
9 of the application. A district may charge a fee for
10 participation in the before and after school program,
11 but shall make every reasonable effort to remove
12 financial barriers that prevent families from
13 utilizing the before and after school program. The
14 program plans may provide for a school-based program
15 or school-linked program to community-based, faith-
16 based, and nonprofit organizations in the community.

17 4. The state board of education shall adopt rules
18 under chapter 17A relating to the administration of
19 this section. The rules shall prescribe the
20 components of the program plans to be addressed in the
21 school district's comprehensive school improvement
22 plan under this section.

23 5. For purposes of this section, "before and after
24 school program" means a school-based or school-linked
25 program that is offered before and after school,
26 before school, after school, during the summer, or at
27 other times school is not in session.

28 6. The board of directors of a school district
29 requesting to use additional allowable growth for
30 before and after school programs shall submit
31 applications for approval of the programs to the
32 department of education not later than November 1
33 preceding the budget year during which the programs
34 will be offered. The department of education shall
35 review the application and shall, prior to January 15,
36 either grant approval for the programs or return the
37 request for approval with comments of the department
38 of education included. An unapproved application may
39 be resubmitted with modifications to the department of
40 education no later than February 1. No later than
41 February 15, the department of education shall notify
42 the department of management and the school budget
43 review committee of the names of the school districts

44 for which programs using additional allowable growth
 45 for funding have been approved and the approved budget
 46 of each program listed separately for each school
 47 district having an approved program.
 48 7. The budget of an approved before and after
 49 school program for a school district shall be funded
 50 annually on a basis of at least one-fourth or more

Page 3

1 from user fees, grants, subsidies, and other locally
 2 generated sources and up to three-fourths by an
 3 increase in allowable growth as defined in section
 4 257.8. Annually, the department of management shall
 5 establish a modified allowable growth for each
 6 district equal to the difference between the approved
 7 budget for the before and after school programs for
 8 that district and the portion of the budget funded
 9 from user fees, grants, subsidies, and other locally
 10 generated sources for that purpose. The maximum
 11 dollar amount of allowable growth for a program shall
 12 not exceed five percent times the budget enrollment
 13 times the district cost per pupil less the amount
 14 available from user fees, grants, subsidies, and other
 15 locally generated sources for the program.

16 8. If any portion of the before and after school
 17 program budget remains unexpended at the end of the
 18 budget year, the remainder shall be carried over to
 19 the subsequent budget year and added to the before and
 20 after school program budget as a locally generated
 21 source of funding for that year.”

22 2. By renumbering, redesignating, and correcting
 23 internal references as necessary.

BERRY of Black Hawk

H-1663

1 Amend the amendment, H-1645, to the Senate
 2 amendment, H-1635, to House File 816, as amended,
 3 passed, and reprinted by the House, as follows:

4 1. Page 7, by striking line 5 and inserting the
 5 following:

6 “..... \$ 42,681,594”

7 2. Page 7, line 9, by striking the figure
 8 “300,000” and inserting the following: “500,000”.

9 3. Page 8, by inserting after line 25 the
 10 following:

11 “g. Of the amount appropriated in this subsection
 12 for deposit in the school ready children grants
 13 account of the Iowa empowerment fund that is used for
 14 distribution to areas, \$20,000,000 shall be used by

15 the Iowa empowerment board to provide funding,
16 support, and technical assistance to expand programs
17 directed to children from birth through age five.”
18 4. By renumbering, redesignating, and correcting
19 internal references as necessary.

WENDT of Woodbury

H-1664

1 Amend the amendment, H-1645, to the Senate
2 amendment, H-1635, to House File 816, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 25, by inserting after line 6 the
5 following:

6 "Sec. ____ . Section 260C.14, Code 2005, is amended
7 by adding the following new subsection:

8 **NEW SUBSECTION.** 21. Adopt a policy, to take
9 effect not later than January 1, 2006, related to the
10 classification of students for purposes of determining
11 tuition and fees that provides equal opportunity for
12 granting resident status to individuals who meet all
13 of the following conditions:

14 a. Resided in this state for at least three years
15 as of the date the individual graduated from an
16 accredited high school or received a high school
17 equivalency diploma in this state.

18 b. Is accepted for enrollment in a community
19 college in this state.

20 c. Is an undocumented person who is not a citizen
21 or national of the United States.

22 d. Has established domicile in Iowa for the period
23 during which the individual is enrolled at the
24 community college."

25 2. Page 26, by inserting after line 45 the
26 following:

27 "Sec. ____ . Section 262.9, Code 2005, is amended by
28 adding the following new subsection:

29 **NEW SUBSECTION.** 31. Adopt a policy, to take
30 effect not later than January 1, 2006, related to the
31 classification of students for purposes of determining
32 tuition and fees that provides equal opportunity for
33 granting resident status to individuals who meet all
34 of the following conditions:

35 a. Resided in this state for at least three years
36 as of the date the individual graduated from an
37 accredited high school or received a high school
38 equivalency diploma in this state.

39 b. Is accepted for enrollment in a university
40 under the control of the board in this state.

41 c. Is an undocumented person who is not a citizen
42 or national of the United States.

43 d. Has established domicile in Iowa for the period
 44 during which the individual is enrolled at a
 45 university under the control of the board."
 46 3. By renumbering, redesignating, and correcting
 47 internal references as necessary.

WINCKLER of Scott

H-1665

1 Amend the amendment, H-1645, to the Senate
 2 amendment, H-1635, to House File 816, as amended,
 3 passed, and reprinted by the House, as follows:

4 1. Page 27, by inserting after line 6 the
 5 following:

6 "Sec. ___. Section 280.12, subsection 2, Code
 7 2005, is amended by adding the following new
 8 paragraph:

9 **NEW PARAGRAPH. F. Harassment or bullying**
 10 **prevention goals, programs, training, and other**
 11 **initiatives.**

12 **Sec. ___. NEW SECTION. 280.28 HARASSMENT AND**
 13 **BULLYING PROHIBITED - POLICY - IMMUNITY.**

14 1. **PURPOSE - FINDINGS - POLICY.** The state of
 15 Iowa is committed to providing all students with a
 16 safe and civil school environment in which all members
 17 of the school community are treated with dignity and
 18 respect. The general assembly finds that a safe and
 19 civil school environment is necessary for students to
 20 learn and achieve at high academic levels. Harassing
 21 and bullying behavior can seriously disrupt the
 22 ability of school employees to maintain a safe and
 23 civil environment, and the ability of students to
 24 learn and succeed. Therefore, it is the policy of the
 25 state of Iowa that school employees, volunteers, and
 26 students in Iowa schools shall not engage in harassing
 27 or bullying behavior.

28 2. **DEFINITIONS.** For purposes of this section,
 29 unless the context otherwise requires:

30 a. "Harassment" and "bullying" shall be construed
 31 to mean the same and mean any conduct toward a student
 32 that is based on any actual or perceived trait or
 33 characteristic of the student and that creates an
 34 objectively hostile school environment which meets any
 35 of the following conditions:

36 (1) Places the student in reasonable fear of harm
 37 to the student's person or property.

38 (2) Has a substantially detrimental effect on the
 39 student's physical or mental health.

40 (3) Has the effect of substantially interfering
 41 with a student's academic performance.

42 (4) Has the effect of substantially interfering

43 with the student's ability to participate in or
44 benefit from the services, activities, or privileges
45 provided by a school.
46 b. "Trait or characteristic of the student"
47 includes, but is not limited to, age, color, creed,
48 national origin, race, religion, marital status, sex,
49 sexual orientation, gender identity, physical
50 attributes, physical or mental ability or disability,

Page 2

1 ancestry, political party preference, socioeconomic
2 status, or familial status.
3 3. POLICY. On or before January 1, 2006, the
4 board of directors of a school district and the
5 authorities in charge of each accredited nonpublic
6 school shall adopt a policy declaring harassment and
7 bullying in schools, on school property, and at any
8 school function, or school-sponsored activity
9 regardless of its location, in a manner consistent
10 with this section, as against state and school policy.
11 The board and the authorities shall make a copy of the
12 policy available to all school employees, volunteers,
13 students, and parents and shall take all appropriate
14 steps to bring the policy against harassment and
15 bullying, and the responsibilities set forth in the
16 policy to the attention of school employees,
17 volunteers, students, and parents. Each policy shall,
18 at a minimum, include all of the following components:
19 a. A statement declaring harassment and bullying
20 to be against state and school policy. The statement
21 shall include, but not be limited to, the following
22 provisions:
23 (1) School employees, volunteers, and students in
24 school, on school property, or at any school function
25 or school-sponsored activity shall not engage in
26 harassing and bullying behavior.
27 (2) School employees, volunteers, and students
28 shall not engage in reprisal, retaliation, or false
29 accusation against a victim, witness, or an individual
30 who has reliable information about such an act of
31 harassment or bullying.
32 b. A definition of harassment and bullying that is
33 no less inclusive than the definition set forth in
34 this section.
35 c. A description of the type of behavior expected
36 from school employees, volunteers, and students
37 relative to prevention measures, reporting, and
38 investigation of harassment or bullying.
39 d. The consequences and appropriate remedial
40 action for a person who violates the harassment and
41 bullying policy.

42 e. A procedure for reporting an act of harassment
 43 or bullying, including the identification by job title
 44 of the school official responsible for ensuring that
 45 the policy is implemented, and the identification of
 46 the person or persons to whom reports of harassment or
 47 bullying shall be submitted.
 48 f. A procedure for the prompt investigation of
 49 complaints, either identifying the school principal,
 50 or the principal's designee as the individual

Page 3

1 responsible for conducting the investigation,
 2 including a statement that investigators will consider
 3 the totality of circumstances presented in determining
 4 whether conduct objectively constitutes harassment or
 5 bullying under this section.

6 g. A statement of the manner in which the policy
 7 will be publicized.

8 4. PROGRAMS ENCOURAGED. The board of directors of
 9 a school district and the authorities in charge of
 10 each accredited nonpublic school are encouraged to
 11 establish programs designed to eliminate harassment
 12 and bullying in schools. To the extent that funds are
 13 available for these purposes, school districts and
 14 accredited nonpublic schools shall do the following:

15 a. Provide training on harassment and bullying
 16 policies to school employees and volunteers who have
 17 significant contact with students.

18 b. Develop a process to provide school employees,
 19 volunteers, and students with the skills and knowledge
 20 to help reduce incidents of harassment and bullying.

21 5. IMMUNITY. A school employee, volunteer, or
 22 student, or a student's parent or guardian, who
 23 promptly, reasonably, and in good faith reports an
 24 incident of harassment or bullying, in compliance with
 25 the procedures in the policy adopted pursuant to this
 26 section, to the appropriate school official designated
 27 by the school district or accredited nonpublic school,
 28 shall be immune from civil or criminal liability
 29 relating to such report, as well as for participating
 30 in any administrative or judicial proceeding resulting
 31 from or relating to the report.

32 6. COLLECTION REQUIREMENT. The board of directors
 33 of a school district and the authorities in charge of
 34 each nonpublic school shall develop and maintain a
 35 system to collect harassment and bullying incidence
 36 data.

37 7. INTEGRATION OF POLICY AND REPORTING. The board
 38 of directors of a school district and the authorities
 39 in charge of each nonpublic school shall integrate its
 40 antiharassment and antibullying policy into the

41 comprehensive school improvement plan required under
42 section 256.7, subsection 21, and shall report data
43 collected under subsection 6, as specified by the
44 department to the local community.

45 8. EXISTING REMEDIES NOT AFFECTED. This section
46 shall not be construed to preclude a victim from
47 seeking administrative or legal remedies under any
48 applicable provision of law."

49 2. By renumbering, redesignating, and correcting
50 internal references as necessary.

WENDT of Woodbury

H-1666

1 Amend the amendment, H-1645, to the Senate
2 amendment, H-1635, to House File 816, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 29, by inserting after line 3, the
5 following:

6 "Sec. ___. Section 296.7, subsection 3, Code 2005,
7 is amended to read as follows:

8 3. A Except as provided in section 298.4, a school
9 district, providing an insurance program as described
10 in subsection 2, shall not contract indebtedness and
11 issue general obligation bonds or enter into insurance
12 agreements obligating the school district to make
13 payments beyond its current budget year for that
14 employee benefit plan. A school district may,
15 however, apply to the school budget review committee
16 for relief if necessitated by the expenses in the
17 school district's insurance program as described in
18 subsection 2.

19 Sec. ___. Section 298.4, Code 2005, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 6. To pay the cost of employee
22 health benefits. For the purposes of this subsection,
23 employee health benefits means costs for hospital and
24 surgical, medical expense, major medical, dental, or
25 prescription drug benefits. In authorizing a levy
26 pursuant to this subsection, the board may, and upon
27 the written request of not less than one hundred
28 eligible electors or thirty percent of the number of
29 eligible electors voting at the last regular school
30 election, whichever is greater, shall, direct the
31 county commissioner of elections to provide for
32 submitting the proposition of utilizing the management
33 levy for employee health benefits in the notice of the
34 regular school election. The proposition is adopted
35 if a majority of those voting on the proposition at
36 the election approves it. The district management
37 levy may, in the board's discretion, be utilized to

38 fund all, or a portion, of the district's employee
 39 health benefit costs. Authorization to levy pursuant
 40 to this subsection shall be in the board's discretion
 41 and shall not be subject to or imposed by arbitrator
 42 decision."
 43 2. By renumbering, redesignating, and correcting
 44 internal references as necessary.

FREVERT of Palo Alto

H-1667

1 Amend the amendment, H-1645, to the Senate
 2 amendment, H-1635, to House File 816, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 27, by inserting after line 6 the
 5 following:
 6 "Sec. __. NEW SECTION. 279.60 ANTIBULLYING AND
 7 ANTI-HARASSMENT POLICY.
 8 1. The board of directors of each school district
 9 shall adopt and implement a policy prohibiting
 10 bullying and harassment of all students. The policy
 11 shall be developed, and annually reviewed, with input
 12 from parents, guardians, school employees, volunteers,
 13 students, school administrators, and other members of
 14 the community. The policy shall, at a minimum,
 15 include or provide for all of the following:
 16 a. A definition of bullying and harassment which
 17 shall be construed to mean any conduct toward a
 18 student that is based on any real or perceived
 19 characteristic, including, but not limited to, age,
 20 color, creed, national origin, race, religion, marital
 21 status, sex, sexual orientation, gender identity,
 22 physical attributes, physical or mental ability or
 23 disability, ancestry, political party preference,
 24 socioeconomic status, or familial status, and that
 25 creates an objectively hostile school environment
 26 which meets any of the following conditions:
 27 (1) Places the student in reasonable fear of harm
 28 to the student's person or property.
 29 (2) Has a substantially detrimental effect on the
 30 student's physical or mental health.
 31 (3) Has the effect of substantially interfering
 32 with a student's academic performance.
 33 (4) Has the effect of substantially interfering
 34 with the student's ability to participate in or
 35 benefit from the services, activities, or privileges
 36 provided by a school.
 37 b. Effective prevention strategies and
 38 professional development for teachers and
 39 administrators.
 40 c. Monitoring and evaluation of the policy's

41 effectiveness on an annual basis and inclusion in the
 42 comprehensive school improvement plan filed with the
 43 department of education in accordance with section
 44 256.7, subsection 21.
 45 d. Procedures for receiving and responding to
 46 complaints.
 47 e. Consequences and appropriate remedial action
 48 for violation of the policy, taking into account the
 49 pattern and severity of particular bullying and
 50 harassing behavior.

Page 2

1 f. Public notice of the policy.
 2 g. *Prohibition of reprisals or retaliation against*
 3 *any person who cooperates or assists in the*
 4 *investigation of bullying or harassing behavior.*
 5 2. Each school board shall develop procedures
 6 necessary to implement and administer this section."
 7 2. By renumbering as necessary.

FOEGE of Linn

H-1668

1 Amend the amendment, H-1645, to the Senate
 2 amendment, H-1635, to House File 816, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 2, by inserting after line 9, the
 5 following:
 6 "6. REGISTERED NURSE RECRUITMENT PROGRAM
 7 For the registered nurse recruitment program
 8 established in section 261.23:
 9 \$ 99,000"
 10 2. By renumbering, redesignating, and correcting
 11 internal references as necessary.

FORD of Polk

H-1669

1 Amend the amendment, H-1645, to the Senate
 2 amendment, H-1635, to House File 816, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 27, by inserting after line 6, the
 5 following:
 6 "Sec. __. Section 282.3, subsection 2, unnumbered
 7 paragraph 3, Code 2005, is amended to read as follows:
 8 No child shall be admitted to school work for the
 9 year immediately preceding the first grade unless the
 10 child is five years of age on or before the fifteenth
 11 of September of the current school year, except that a

12 child who is five years of age on or before the
 13 fifteenth of October of the current school year and
 14 who has demonstrated the possession of sufficient
 15 ability to profit by kindergarten work on the basis of
 16 tests or other means of evaluation recommended or
 17 approved by the department of education may be
 18 admitted to kindergarten if the department approves
 19 the admission prior to August 1."

20 2. By renumbering, redesignating, and correcting
 21 internal references as necessary.

TYMESON of Madison
 HUSER of Polk

H-1671

1 Amend the Senate amendment, H-1635, to House File
 2 816, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. By striking page 2, line 24, through page 3,
 5 line 3.

6 2. By striking page 35, line 42, through page 36,
 7 line 30, and inserting the following:

8 "Sec.____. Section 261.9, subsection 1, paragraph
 9 b, Code 2005, is amended to read as follows:

10 b. Is accredited by the north central association
 11 of colleges and secondary schools accrediting agency
 12 based on their requirements, is exempt from taxation
 13 under section 501©(3) of the Internal Revenue Code,
 14 and annually provides a matching aggregate amount of
 15 institutional financial aid equal to at least seventy-
 16 five percent of the amount received in a fiscal year
 17 by the institution's students for Iowa tuition grant
 18 assistance under this chapter. Commencing with the
 19 fiscal year beginning July 1, ~~2005~~ 2006, the matching
 20 aggregate amount of institutional financial aid shall
 21 increase by the percentage of increase each fiscal
 22 year of funds appropriated for Iowa tuition grants
 23 under section 261.25, subsection 1, to a maximum match
 24 of one hundred percent. The institution shall file
 25 annual reports with the commission prior to receipt of
 26 tuition grant moneys under this chapter. An
 27 institution whose income is not exempt from taxation
 28 under section 501© of the Internal Revenue Code and
 29 whose students were eligible to receive Iowa tuition
 30 grant money in the fiscal year beginning July 1, 2003,
 31 shall meet the match requirements of this paragraph no
 32 later than June 30, 2005.

33 Sec.____. Section 261.25, subsection 1, Code 2005,
 34 is amended to read as follows:

35 1. There is appropriated from the general fund of
 36 the state to the commission for each fiscal year the

37 following:

38 a. ~~The sum of forty-seven~~ forty-four million ~~one~~
 39 eight hundred ~~fifty-seven~~ fifty-five thousand ~~five~~
 40 nine hundred ~~fifteen~~ sixty-nine dollars for tuition
 41 grants for distribution to qualified students enrolled
 42 at accredited private institutions that are exempt
 43 from taxation under section 501©(3) of the Internal
 44 Revenue Code.

45 b. ~~From the funds appropriated in this subsection,~~
 46 ~~not more than three~~ The sum of four million ~~four~~ eight
 47 hundred ~~seventeen~~ thousand six hundred ~~six~~ dollars ~~may~~
 48 ~~be distributed to~~ for distribution to qualified
 49 students enrolled at accredited private institutions
 50 whose income is not exempt from taxation under section

Page 2

1 501© of the Internal Revenue Code and whose students
 2 were eligible to receive Iowa tuition grant moneys in
 3 the fiscal year beginning July 1, 2003. A for-profit
 4 institution which, effective March 9, 2005, purchased
 5 an accredited private institution that was exempt from
 6 taxation under section 501© of the Internal Revenue
 7 Code, shall be an eligible institution under the Iowa
 8 tuition grant program.

9 If an accredited private institution has an average
 10 default rate of ten percent or more within the most
 11 recent consecutive three-year period as determined by
 12 the commission using the official cohort default rates
 13 for schools released annually by the United States
 14 department of education, the total amount of tuition
 15 grant moneys calculated by the commission for award to
 16 qualified students enrolled in the accredited private
 17 institution shall be reduced by one percent for each
 18 one-tenth of a percentage point in which the
 19 institution exceeds the ten percent default average.
 20 The sum of the moneys retained by the commission as a
 21 result of the reduction shall be redistributed by the
 22 commission on a pro rata basis under the state student
 23 aid programs administered by the commission.”

24 3. By renumbering, redesignating, and correcting
 25 internal references as necessary.

WINCKLER of Scott

H-1672

1 Amend the amendment, H-1645, to the Senate
 2 amendment, H-1635, to House File 816, as amended,
 3 passed, and reprinted by the House, as follows:

4 1. Page 8, by striking line 39 and inserting the
 5 following:

- 6 “..... \$ 92,683,894”
- 7 2. By striking page 10, line 29, through page 11,
- 8 line 40.
- 9 3. Page 28, lines 8 and 9, by striking the words
- 10 “~~one hundred fifty eighty-five~~” and inserting the
- 11 following: “~~six hundred fifty~~”.
- 12 4. By striking page 28, line 30, through page 29,
- 13 line 3.
- 14 5. By renumbering, redesignating, and correcting
- 15 internal references as necessary.

OLDSON of Polk

H-1673

- 1 Amend the amendment, H-1645, to the Senate
- 2 amendment, H-1635, to House File 816, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 8, by inserting after line 39 the
- 5 following:
- 6 “ . EARLY CHILDHOOD ACCESS TO SPECIAL NEEDS
- 7 PROGRAMS
- 8 For access to early intervention programs for
- 9 infants and toddlers with disabilities:
- 10 \$ 234,677”
- 11 2. By renumbering as necessary.

HEDDENS of Story

H-1674

- 1 Amend the amendment, H-1645, to the Senate
- 2 amendment, H-1635, to House File 816, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 24, by inserting after line 44 the
- 5 following:
- 6 “Sec. . Section 257.35, subsection 4, Code
- 7 2005, as amended by 2005 Iowa Acts, House File 882, if
- 8 enacted, is amended by striking the subsection.”

HEDDENS of Story
WENDT of Woodbury
FOEGE of Linn

H-1675

- 1 Amend the amendment, H-1645, to the Senate
- 2 amendment, H-1635, to House File 816, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 18, by striking line 38, and inserting
- 5 the following:
- 6 “..... \$ 9,310,471”
- 7 2. Page 18, by striking line 44, and inserting

8 the following:

9 "..... \$ 5,430,295"

PETTENGILL of Benton

H-1676

1 Amend the amendment, H-1645, to the Senate
2 amendment, H-1635, to House File 816, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 11, by inserting after line 40, the
5 following:

6 "DEPARTMENT OF HUMAN SERVICES

7 Sec. __. IOWA JUVENILE HOME. There is
8 appropriated from the general fund of the state to the
9 department of human services for the fiscal year
10 beginning July 1, 2005, and ending June 30, 2006, the
11 following amounts, or so much thereof as is necessary,
12 to be used for the purposes designated:

13 For educational materials for the Iowa juvenile
14 home at Toledo:

15 \$ 125,000"

16 2. By renumbering, redesignating, and correcting
17 internal references as necessary.

PETTENGILL of Benton

H-1677

1 Amend the amendment, H-1645, to the Senate
2 amendment, H-1635, to House File 816, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 3, by inserting after line 2 the
5 following:

6 "6. GREAT PLACES

7 For salaries, support, maintenance, and
8 miscellaneous purposes:

9 \$ 200,000"

THOMAS of Clayton

H-1682

1 Amend the Senate amendment, H-1678, to House File
2 808, as passed by the House, as follows:

3 1. By striking page 8, line 42, through page 9,
4 line 29.

5 2. By renumbering as necessary.

MERTZ of Kossuth

H-1683

- 1 Amend the Senate amendment H-1678, to House File
 2 808, as passed by the House, as follows:
 3 1. By striking page 9, line 30, through page 10,
 4 line 25, and inserting the following:
 5 "MISCELLANEOUS"
 6 2. By renumbering as necessary.

MERTZ of Kossuth

H-1684

- 1 Amend the Senate amendment, H-1679, to House File
 2 875, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 2, line 44, by inserting after the word
 5 "fire" the following: "regional".
 6 2. Page 3, line 4, by inserting after the word
 7 "fire" the following: "regional".

HUSER of Polk
 LUKAN of Dubuque

H-1685

- 1 Amend the Senate amendment, H-1678, to House File
 2 808, as passed by the House, as follows:
 3 1. Page 11, by inserting after line 3, the
 4 following:
 5 "WILDLIFE CONSERVATION
 6 Sec. ___. Section 481A.55, subsection 1, Code
 7 2005, is amended to read as follows:
 8 1. Except as otherwise provided, a person shall
 9 not buy or sell, dead or alive, a bird or animal or
 10 any part of one which is protected by this chapter,
 11 but this section does not apply to fur-bearing
 12 animals, bones of wild turkeys that were legally
 13 taken, and the skins, plumage, and antlers of legally
 14 taken game. This section does not prohibit the
 15 purchase of jackrabbits from sources outside this
 16 state. A person shall not purchase, sell, barter, or
 17 offer to purchase, sell, or barter for millinery or
 18 ornamental use the feathers of migratory game birds;
 19 and a person shall not purchase, sell, barter, or
 20 offer to purchase, sell, or barter mounted specimens
 21 of migratory game birds."

REICHERT of Muscatine

H-1686

1 Amend the Senate Amendment, H-1678, to House File
 2 808, as passed by the House, as follows:

3 1. Page 11, by inserting after line 3, the
 4 following:

5 "AGRICULTURAL LEGISLATION

6 Sec. __. Section 331.304A, Code 2005, is amended
 7 to read as follows:

8 331.304A LIMITATIONS ON COUNTY LEGISLATION -
 9 CONFINEMENT FEEDING OPERATION SITING ORDINANCES.

10 1. As used in this section:

11 a. "Aerobic structure", "animal", "animal feeding
 12 operation", "animal feeding operation structure", and
 13 "confinement feeding operation", "confinement feeding
 14 operation structure", "manure", and "small animal
 15 feeding operation" mean the same as defined in section
 16 459.102.

17 b. "County legislation" means any ordinance,
 18 motion, resolution, or amendment adopted by a county
 19 pursuant to section 331.302.

20 2. a. Except as provided in paragraph "b", a
 21 county shall not adopt or enforce county legislation
 22 regulating a condition or activity occurring on land
 23 used for the production, care, feeding, or housing of
 24 animals unless the regulation of the production, care,
 25 feeding, or housing of animals is expressly authorized
 26 by state law. County legislation adopted in violation
 27 of this section is void and unenforceable and any
 28 enforcement activity conducted in violation of this
 29 section is void. A condition or activity occurring on
 30 land used for the production, care, feeding, or
 31 housing of animals includes but is not limited to the
 32 construction, operation, or management of an animal
 33 feeding operation, an animal feeding operation
 34 structure, or aerobic structure, and to the storage,
 35 handling, or application of manure or egg washwater.

36 b. (1) A county may adopt a confinement feeding
 37 operations siting ordinance pursuant to section
 38 331.302. The purpose of the ordinance shall be to
 39 designate areas for the construction of confinement
 40 feeding operation structures regardless of whether the
 41 county has adopted an ordinance under chapter 335 or
 42 has filed a county construction evaluation resolution
 43 with the department of natural resources pursuant to
 44 section 459.304.

45 (2) The county shall adopt or amend a confinement
 46 feeding operations siting ordinance only after
 47 considering the recommendation of a confinement
 48 feeding operations siting commission which shall be
 49 established by a county adopting or amending an
 50 ordinance. The board shall appoint five persons as

Page 2

1 members of the commission. Four members shall not
2 reside in a city and one member shall reside in a
3 city. At least three of the members shall be persons
4 who are or were actively engaged in animal
5 agriculture.

6 (3) The ordinance shall apply to the siting of
7 confinement feeding operation structures that are part
8 of confinement feeding operations in which swine are
9 kept. However, the ordinance shall not apply to a
10 small animal feeding operation. The designation of
11 sites for construction shall be based on criteria
12 required in order to preserve and protect natural
13 resources, including water sources and fragile
14 environmental locations; lessen congestion and
15 overcrowding of confinement feeding operations,
16 especially near cities; and protect the health and
17 welfare of the public.

18 Sec. __. Section 335.2, Code 2005, is amended to
19 read as follows:

20 335.2 FARMS AGRICULTURAL PURPOSES EXEMPT.

21 Except to the extent required to implement as
22 provided in this section 335.27, no, an ordinance
23 adopted under this chapter applies shall not apply to
24 an agricultural operation including but not limited to
25 land, farm houses, farm barns, farm outbuildings or
26 other buildings or structures which are primarily
27 adapted, by reason of nature and area, for use for an
28 agricultural purposes purpose, while so used.

29 However, the ordinances an ordinance adopted under
30 this chapter may apply to any of the following:

31 1. The implementation of an agricultural land
32 preservation ordinance as provided in section 335.27.

33 2. The implementation of a confinement feeding
34 operations siting ordinance as provided in section
35 331.304A.

36 3. A structure, building, dam, obstruction,
37 deposit or excavation in or on the flood plains of any
38 a river or stream.

39 Sec. __. Section 459.303, subsection 1,
40 unnumbered paragraph 1, Code 2005, is amended to read
41 as follows:

42 The department shall approve or disapprove
43 applications for permits for the construction,
44 including the expansion, of confinement feeding
45 operation structures, as provided by rules adopted
46 pursuant to this chapter. The department's decision
47 to approve or disapprove a permit for the construction
48 of a confinement feeding operation structure shall be
49 based on whether the application is submitted
50 according to procedures required by the department and

Page 3

1 the application meets standards established by the
 2 department. The department shall not approve an
 3 application for the construction of a confinement
 4 feeding operation structure if the construction would
 5 be in violation of a confinement feeding operations
 6 siting ordinance adopted pursuant to section 331.304A
 7 that is filed with the department pursuant to section
 8 459.304. A person shall not begin construction of a
 9 confinement feeding operation structure requiring a
 10 permit under this section, unless the department first
 11 approves the person's application and issues to the
 12 person a construction permit. The department shall
 13 provide conditions for requiring when a person must
 14 obtain a construction permit.

15 Sec.____. Section 459.304, subsection 2, paragraph
 16 b, Code 2005, is amended by adding the following new
 17 subparagraph:

18 NEW SUBPARAGRAPH. (5) Whether the construction of
 19 a proposed confinement feeding operation structure
 20 violates a confinement feeding operations siting
 21 ordinance adopted by the county board of supervisors
 22 pursuant to section 331.304A.

23 Sec.____. Section 459.304, Code 2005, is amended
 24 by adding the following new subsection:

25 NEW SUBSECTION. 2A. A county board of supervisors
 26 that has adopted a confinement feeding operations
 27 siting ordinance pursuant to section 331.304A shall
 28 file the most current version of the ordinance with
 29 the department according to procedures required by the
 30 department."

FREVERT of Palo Alto

H-1687

1 Amend the Senate amendment, H-1678, to House File
 2 808, as passed by the House, as follows:

3 1. Page 11, by inserting after line 3, the
 4 following:

5 "ESTABLISHMENT OF RENEWABLE FUEL STANDARDS

6 Sec.____. Section 159A.2, Code 2005, is amended by
 7 adding the following new subsections:

8 NEW SUBSECTION. 0A. "Biodiesel fuel" means a
 9 motor vehicle fuel which is a mixture of diesel fuel
 10 and processed soybean oil, which meets the standards
 11 for such motor vehicle fuel established in section
 12 214A.2, if at least twenty percent of the mixed fuel
 13 by volume is processed soybean oil.

14 NEW SUBSECTION. 3A. "Ethanol blended gasoline"
 15 means motor vehicle fuel which is a mixture of

16 gasoline and denatured alcohol, which meets the
17 standards for such motor vehicle fuel established in
18 section 214A.2.

19 NEW SUBSECTION. 4A. "Motor vehicle fuel" means
20 the same as defined in section 214A.1.

21 Sec. __. Section 159A.2, subsection 6, Code 2005,
22 is amended by striking the subsection and inserting in
23 lieu thereof the following:

24 6. "Renewable fuel" means the same as defined in
25 section 214A.1.

26 Sec. __. Section 159A.3, subsection 3, Code 2005,
27 is amended to read as follows:

28 3. a. A chief purpose of the office is to further
29 the production and consumption of ethanol ~~fuel~~ blended
30 gasoline in this state. The office shall be the
31 primary state agency charged with the responsibility
32 to promote public consumption of ethanol ~~fuel~~ blended
33 gasoline.

34 b. The office shall promote the production and
35 consumption of ~~soy~~ biodiesel fuel in this state.

36 Sec. __. Section 214A.1, Code 2005, is amended by
37 adding the following new subsections:

38 NEW SUBSECTION. 0A. "Advertise" means to present
39 a commercial message in any medium, including but not
40 limited to print, radio, television, sign, display,
41 label, tag, or articulation.

42 NEW SUBSECTION. 6A. "Renewable fuel" means an
43 energy source at least in part derived from biomass or
44 other nonfossil organic compound capable of powering
45 machinery, including but not limited to an engine or
46 power plant. A renewable fuel includes but is not
47 limited to ethanol blended gasoline or biodiesel fuel
48 meeting the standards of section 214A.2.

49 Sec. __. Section 214A.2, subsection 1, Code 2005,
50 is amended to read as follows:

Page 2

1 1. The secretary shall adopt rules pursuant to
2 chapter 17A for carrying out this chapter. The rules
3 may include, but are not limited to, specifications
4 relating to motor ~~vehicle fuel or, including but not~~
5 ~~limited to renewable fuel which may contain oxygenate~~
6 ~~octane enhancers. In the interest of uniformity, the~~
7 ~~secretary shall adopt by reference or otherwise~~
8 ~~specifications relating to tests and standards for~~
9 ~~motor fuel or oxygenate octane enhancers, established~~
10 ~~by A.S.T.M. (American society for testing and~~
11 ~~materials) international, unless the secretary~~
12 ~~determines those specifications are inconsistent with~~
13 ~~this chapter or are not appropriate to the conditions~~
14 ~~which exist in this state.~~

15 Sec. Section 214A.2, subsection 3, Code 2005,
 16 is amended by striking the subsection and inserting in
 17 lieu thereof the following:

18 3. a. Gasoline blended with denatured alcohol
 19 shall be known as ethanol blended gasoline if it meets
 20 the standards for renewable fuel as provided in this
 21 section. In addition, all of the following must
 22 apply:

23 (1) Until July 1, 2015, at least ten percent of
 24 the mixture of gasoline and denatured alcohol by
 25 volume must be denatured alcohol.

26 (2) On and after July 1, 2015, at least twenty
 27 percent of the mixture of gasoline and denatured
 28 alcohol by volume must be denatured alcohol.

29 b. Ethanol blended gasoline shall be known as E-85
 30 gasoline if it meets the standards for renewable fuel
 31 as provided in this section. In addition, all of the
 32 following must apply:

33 (1) From the first day of April until the last day
 34 of October, at least eighty-five percent of the
 35 mixture of gasoline and denatured alcohol by volume
 36 must be denatured alcohol.

37 (2) From the first day of November until the last
 38 day of March, at least seventy-five percent of the
 39 mixture of gasoline and denatured alcohol by volume
 40 must be denatured alcohol.

41 Sec. Section 214A.2, Code 2005, is amended by
 42 adding the following new subsection:

43 NEW SUBSECTION. 3A. Diesel fuel blended with
 44 processed soybean oil shall be known as biodiesel fuel
 45 if it meets the standards for renewable fuel as
 46 provided in this section. In addition, all of the
 47 following must apply:

48 (1) Until July 1, 2015, at least two percent of
 49 the mixture of diesel fuel and processed soybean oil
 50 by volume must be processed soybean oil.

Page 3

1 (2) On and after July 1, 2015, at least twenty
 2 percent of the mixture of diesel fuel and processed
 3 soybean oil by volume must be processed soybean oil.

4 Sec. Section 214A.3, Code 2005, is amended to
 5 read as follows:

6 214A.3 FALSE REPRESENTATIONS ADVERTISING.

7 A person ~~for purposes of selling~~ shall not ~~falsely~~
 8 ~~represent~~ do any of the following:

9 1. Falsely advertise the quality or kind of any
 10 motor vehicle fuel or oxygenate octane enhancer ~~or add~~
 11 which is blended into the motor vehicle fuel.

12 2. Falsely advertise that a motor vehicle fuel is
 13 a renewable fuel as provided in section 214A.2. The

14 dealer shall not advertise the sale of motor vehicle
 15 fuel using the term "ethanol", "E-85", or "biodiesel",
 16 or use any derivative, plural, or compound of any such
 17 word unless the motor vehicle fuel meets the standards
 18 as provided in section 214A.2.

19 3. Add coloring matter thereto to motor vehicle
 20 fuel for the purpose of misleading the public as to
 21 its quality.

22 Sec.____. Section 214A.19, subsection 1,
 23 unnumbered paragraph 1, Code 2005, is amended to read
 24 as follows:

25 The department of natural resources, conditioned
 26 upon the availability of funds, is authorized to award
 27 demonstration grants to persons who purchase vehicles
 28 which operate on alternative fuels, including but not
 29 limited to, ~~high blend ethanol~~ E-85 gasoline,
 30 compressed natural gas, electricity, solar energy, or
 31 hydrogen. A grant shall be for the purpose of
 32 conducting research connected with the fuel or the
 33 vehicle, and not for the purchase of the vehicle
 34 itself, except that the money may be used for the
 35 purchase of the vehicle if all of the following
 36 conditions are satisfied:

37 CONFORMING CHANGES

38 Sec.____. Section 8A.362, subsection 3, unnumbered
 39 paragraph 2, Code 2005, is amended to read as follows:

40 A motor vehicle operated under this subsection
 41 shall not operate on gasoline other than ethanol
 42 blended gasoline blended with at least ten percent
 43 ethanol as provided in section 214A.2, unless under
 44 emergency circumstances. A state-issued credit card
 45 used to purchase gasoline shall not be valid to
 46 purchase gasoline other than ethanol blended gasoline
 47 blended with at least ten percent ethanol, if
 48 commercially available. The motor vehicle shall also
 49 be affixed with a brightly visible sticker which
 50 notifies the traveling public that the motor vehicle

Page 4

1 is being operated on ethanol blended gasoline ~~blended~~
 2 ~~with ethanol~~. However, the sticker is not required to
 3 be affixed to an unmarked vehicle used for purposes of
 4 providing law enforcement or security.

5 Sec.____. Section 8A.362, subsection 5, paragraph
 6 a, subparagraphs (1) and (2), Code 2005, are amended
 7 to read as follows:

8 (1) ~~A fuel blended with not more than fifteen~~
 9 ~~percent E-85 gasoline and at least eighty-five percent~~
 10 ~~ethanol as provided in section 214A.2.~~

11 (2) ~~A fuel which is a mixture of diesel~~ Biodiesel
 12 ~~fuel and processed soybean oil. At least twenty~~

13 percent of the mixed fuel by volume must be processed
 14 soybean oil as defined in section 159A.2.

15 Sec. __. Section 216B.3, subsection 16, paragraph
 16 a, Code 2005, is amended to read as follows:

17 a. A motor vehicle purchased by the commission
 18 shall ~~not only~~ operate on ethanol blended gasoline
 19 ~~other than gasoline blended with at least ten percent~~
 20 ~~ethanol as provided in section 214A.2.~~ A state-issued
 21 state-issued credit card used to purchase gasoline
 22 shall not be valid to purchase gasoline other than
 23 ethanol blended gasoline ~~blended with at least ten~~
 24 ~~percent ethanol.~~ The motor vehicle shall also be
 25 affixed with a brightly visible sticker which notifies
 26 the traveling public that the motor vehicle is being
 27 operated on ethanol blended gasoline ~~blended with~~
 28 ~~ethanol.~~ However, the sticker is not required to be
 29 affixed to an unmarked vehicle used for purposes of
 30 providing law enforcement or security.

31 Sec. __. Section 216B.3, subsection 16, paragraph
 32 b, subparagraph (1), subparagraph subdivisions (a) and
 33 (b), Code 2005, are amended to read as follows:

34 (a) ~~A fuel blended with not more than fifteen~~
 35 ~~percent E-85 gasoline and at least eighty five percent~~
 36 ~~ethanol as provided in section 214A.2.~~

37 (b) ~~A fuel which is a mixture of diesel Biodiesel~~
 38 ~~fuel and processed soybean oil. At least twenty~~
 39 ~~percent of the mixed fuel by volume must be processed~~
 40 ~~soybean oil as defined in section 159A.2.~~

41 Sec. __. Section 260C.19A, subsection 1, Code
 42 2005, is amended to read as follows:

43 1. A motor vehicle purchased by or used under the
 44 direction of the board of directors to provide
 45 services to a merged area shall ~~not only~~ operate on
 46 ethanol blended gasoline ~~other than gasoline blended~~
 47 ~~with at least ten percent ethanol as provided in~~
 48 ~~section 214A.2.~~ The motor vehicle shall also be
 49 affixed with a brightly visible sticker which notifies
 50 the traveling public that the motor vehicle is being

Page 5

1 operated on ethanol blended gasoline ~~blended with~~
 2 ~~ethanol.~~ However, the sticker is not required to be
 3 affixed to an unmarked vehicle used for purposes of
 4 providing law enforcement or security.

5 Sec. __. Section 260C.19A, subsection 2,
 6 paragraph a, subparagraphs (1) and (2), Code 2005, are
 7 amended to read as follows:

8 (1) ~~A fuel blended with not more than fifteen~~
 9 ~~percent E-85 gasoline and at least eighty five percent~~
 10 ~~ethanol as provided in section 214A.2.~~

11 (2) ~~A fuel which is a mixture of diesel Biodiesel~~

12 fuel and processed soybean oil. At least twenty
 13 percent of the mixed fuel by volume must be processed
 14 soybean oil as defined in section 159A.2.

15 Sec. __. Section 262.25A, subsection 2, Code
 16 2005, is amended to read as follows:

17 2. A motor vehicle purchased by the institutions
 18 shall ~~not only~~ operate on ethanol blended gasoline
 19 ~~other than gasoline blended with at least ten percent~~
 20 ethanol as provided in section 214A.2. A state-issued
 21 credit card used to purchase gasoline shall not be
 22 valid to purchase gasoline other than ethanol blended
 23 ~~gasoline blended with at least ten percent ethanol.~~
 24 The motor vehicle shall also be affixed with a
 25 brightly visible sticker which notifies the traveling
 26 public that the motor vehicle is being operated on
 27 ethanol blended gasoline ~~blended with ethanol.~~
 28 However, the sticker is not required to be affixed to
 29 an unmarked vehicle used for purposes of providing law
 30 enforcement or security.

31 Sec. __. Section 279.34, Code 2005, is amended to
 32 read as follows:

33 279.34 MOTOR VEHICLES REQUIRED TO OPERATE ON,
 34 ~~ETHANOL-BLENDED ETHANOL BLENDED GASOLINE.~~

35 A motor vehicle purchased by or used under the
 36 direction of the board of directors to provide
 37 services to a school corporation shall ~~not, on or~~
 38 ~~after January 1, 1993,~~ only operate on ethanol blended
 39 ~~gasoline other than gasoline blended with at least ten~~
 40 ~~percent ethanol as provided in section 214A.2.~~ The
 41 motor vehicle shall also be affixed with a brightly
 42 visible sticker which notifies the traveling public
 43 that the motor vehicle is being operated on ethanol
 44 blended gasoline ~~blended with ethanol.~~ However, the
 45 sticker is not required to be affixed to an unmarked
 46 vehicle used for purposes of providing law enforcement
 47 or security.

48 Sec. __. Section 307.20, subsection 3, paragraph
 49 a, Code 2005, is amended to read as follows:

50 a. "Biodiesel fuel" means ~~soy~~diesel fuel the same

Page 6

1 as defined in section 159A.2.

2 Sec. __. Section 307.21, subsection 4, paragraph
 3 d, Code 2005, is amended to read as follows:

4 d. A motor vehicle purchased by the administrator
 5 shall not operate on gasoline other than ethanol
 6 blended gasoline ~~blended with at least ten percent~~
 7 ~~ethanol as provided in section 214A.2.~~ A state-issue
 8 credit card used to purchase gasoline shall not be
 9 valid to purchase gasoline other than ethanol blended
 10 ~~gasoline blended with at least ten percent ethanol.~~

11 The motor vehicle shall also be affixed with a
 12 brightly visible sticker which notifies the traveling
 13 public that the motor vehicle is being operated on
 14 ethanol blended gasoline blended with ethanol.
 15 However, the sticker is not required to be affixed to
 16 an unmarked vehicle used for purposes of providing law
 17 enforcement or security.

18 Sec. Section 307.21, subsection 5, paragraph
 19 a, subparagraphs (1) and (2), Code 2005, are amended
 20 to read as follows:

21 (1) ~~A fuel blended with not more than fifteen~~
 22 ~~percent E-85 gasoline and at least eighty five percent~~
 23 ~~ethanol as provided in section 214A.2.~~

24 (2) ~~A fuel which is a mixture of processed soybean~~
 25 ~~oil and diesel Biodiesel fuel. At least twenty~~
 26 ~~percent of the fuel by volume must be processed~~
 27 ~~soybean oil as defined in section 159A.2.~~

28 Sec. Section 331.908, Code 2005, is amended
 29 to read as follows:

30 331.908 MOTOR VEHICLES REQUIRED TO OPERATE ON
 31 ~~ETHANOL-BLENDED ETHANOL BLENDED GASOLINE.~~

32 A motor vehicle purchased or used by a county to
 33 provide county services shall not, ~~on or after January~~
 34 ~~1, 1993,~~ operate on gasoline other than ethanol
 35 blended gasoline blended with at least ten percent
 36 ethanol as provided in section 214A.2. The motor
 37 vehicle shall also be affixed with a brightly visible
 38 sticker which notifies the traveling public that the
 39 motor vehicle is being operated on ethanol blended
 40 gasoline blended with ethanol. However, the sticker
 41 is not required to be affixed to an unmarked vehicle
 42 used for purposes of providing law enforcement or
 43 security.

44 Sec. Section 364.20, Code 2005, is amended to
 45 read as follows:

46 364.20 MOTOR VEHICLES REQUIRED TO OPERATE ON
 47 ~~ETHANOL-BLENDED ETHANOL BLENDED GASOLINE.~~

48 A motor vehicle purchased or used by a city to
 49 provide city services shall not, ~~on or after January~~
 50 ~~1, 1993,~~ operate on gasoline other than ethanol

Page 7

1 blended gasoline blended with at least ten percent
 2 ethanol as provided in section 214A.2. The motor
 3 vehicle shall also be affixed with a brightly visible
 4 sticker which notifies the traveling public that the
 5 motor vehicle is being operated on ethanol blended
 6 gasoline blended with ethanol. However, the sticker
 7 is not required to be affixed to an unmarked vehicle
 8 used for purposes of providing law enforcement or
 9 security.

10 Sec. __. Section 452A.2, subsection 11, Code

11 2005, is amended to read as follows:

12 11. "Ethanol blended gasoline" means ~~motor fuel~~
 13 ~~containing at least ten percent alcohol distilled from~~
 14 ~~cereal grains gasoline which meets the standards~~
 15 ~~provided in section 214A.2.~~

16 Sec. __. Section 904.312A, subsection 1, Code

17 2005, is amended to read as follows:

18 1. A motor vehicle purchased by the department
 19 shall not operate on gasoline other than ethanol
 20 blended gasoline blended with at least ten percent
 21 ethanol as provided in section 214A.2. A state-issued
 22 credit card used to purchase gasoline shall not be
 23 valid to purchase gasoline other than ethanol blended
 24 gasoline blended with at least ten percent ethanol.
 25 The motor vehicle shall also be affixed with a
 26 brightly visible sticker which notifies the traveling
 27 public that the motor vehicle is being operated on
 28 ethanol blended gasoline blended with ethanol.
 29 However, the sticker is not required to be affixed to
 30 an unmarked vehicle used for purposes of providing law
 31 enforcement or security.

32 Sec. __. Section 904.312A, subsection 2,

33 paragraph a, subparagraphs (1) and (2), Code 2005, are
 34 amended to read as follows:

35 (1) ~~A fuel blended with not more than fifteen~~
 36 ~~percent E-85 gasoline and at least eighty-five percent~~
 37 ~~ethanol as provided in section 214A.2.~~

38 (2) ~~A fuel which is a mixture of diesel Biodiesel~~
 39 ~~fuel and processed soybean oil. At least twenty~~
 40 ~~percent of the mixed fuel by volume must be processed~~
 41 ~~soybean oil as defined in section 159A.2."~~

42 2. By renumbering as necessary.

ZIRKELBACH of Jones

H-1688

1 Amend the Senate amendment, H-1678, to House File
 2 808, as passed by the House, as follows:

3 1. Page 11, by inserting after line 3, the
 4 following:

5 "WATERSHED IMPROVEMENT

6 Sec. __. NEW SECTION. 455B.118 WATERSHED
 7 IMPROVEMENT FUND.

8 1. A watershed improvement fund is created in the
 9 state treasury under the joint administrative control
 10 of the department of natural resources and the
 11 department of agriculture and land stewardship.
 12 Moneys appropriated to the fund and any other moneys
 13 available to and obtained or accepted by either
 14 department for placement in the fund shall be

15 deposited in the fund. Additionally, payments of
16 interest, recaptures of awards, and other repayments
17 to the fund shall be deposited in the fund.
18 Notwithstanding section 12C.7, subsection 2, interest
19 or earnings on moneys in the fund shall be credited to
20 the fund. Notwithstanding section 8.33, moneys in the
21 fund that remain unencumbered or unobligated at the
22 end of the fiscal year shall not revert, but shall
23 remain available for the same purpose in the
24 succeeding fiscal year. Moneys appropriated to either
25 department and deposited in the fund shall not be used
26 for administrative purposes.

27 2. The purposes of the watershed improvement fund
28 are the following:

29 a. Enhancement of water quality in the state
30 through a variety of impairment-based, locally
31 directed watershed improvement grant projects.

32 b. Positively affecting the management and use of
33 water for the purposes of drinking, agriculture,
34 recreation, sport, and economic development in the
35 state.

36 c. Ensuring public participation in the process of
37 determining priorities related to water quality
38 including but not limited to all of the following:

39 (1) Agricultural runoff and drainage.

40 (2) Stream bank erosion.

41 (3) Municipal discharge.

42 (4) Stormwater runoff.

43 (5) Unsewered communities.

44 (6) Industrial discharge.

45 (7) Livestock runoff.

46 3. A watershed improvement review committee is
47 established consisting of all of the following voting
48 members, appointed by the named entity or entities and
49 approved by the governor:

50 a. One member of the agribusiness association of

Page 2

1 Iowa.

2 b. One member of the Iowa association of water
3 agencies.

4 c. One member of the Iowa environmental council.

5 d. One member of the Iowa farm bureau federation.

6 e. One member of the Iowa pork producers
7 association.

8 f. One member of the Iowa rural water association.

9 g. One member of the Iowa soybean association.

10 h. One member representing soil and water
11 conservation districts of Iowa.

12 i. One member of the Iowa association of county
13 conservation boards.

- 14 j. One person representing the department of
15 agriculture and land stewardship.
- 16 k. One person representing the department of
17 natural resources.
- 18 4. The watershed improvement review committee
19 shall do all of the following:
- 20 a. Award local watershed improvement grants and
21 monitor the progress of local watershed improvement
22 projects awarded grants. A local watershed
23 improvement grant may be awarded for a period not to
24 exceed three years. Each local watershed improvement
25 grant awarded shall not exceed ten percent of the
26 moneys appropriated for the grants during a fiscal
27 year.
- 28 b. Assist with the development of monitoring plans
29 for local watershed improvement projects.
- 30 c. Review monitoring results before, during, and
31 after completion of a local watershed improvement
32 project.
- 33 d. Review costs and benefits of mitigation
34 practices utilized by a project.
- 35 e. By January 31, annually, submit an electronic
36 report to the governor and the general assembly
37 regarding the progress of the watershed improvement
38 projects during the previous calendar year.
- 39 f. Elicit the expertise of other organizations for
40 technical assistance in the work of the review
41 committee.
- 42 g. Adopt administrative rules pursuant to chapter
43 17A to administer this section.
- 44 5. A watershed improvement review committee member
45 who also serves on a local watershed improvement
46 committee shall abstain from voting on a local
47 watershed improvement grant application submitted by
48 the same local watershed improvement committee of
49 which the person is a member.
- 50 6. a. A local watershed improvement committee

Page 3

1 shall be organized for the purposes of applying for a
2 local watershed improvement grant and implementing a
3 local watershed improvement project. Each local
4 watershed improvement grant application shall include
5 a methodology for attaining measurable, observable,
6 and performance-based results. A majority of the
7 members of the local watershed improvement committee
8 shall represent a cause for the impairment of the
9 watershed. The committee shall be authorized as a
10 not-for-profit organization by the secretary of state.
11 Soil and water conservation districts may also be
12 eligible and apply for and receive local watershed

13 improvement grants.
 14 b. A local watershed improvement committee shall
 15 be responsible for application for and implementation
 16 of an approved local watershed improvement grant,
 17 including providing authorization for project bids and
 18 project expenditures under the grant. A portion of
 19 the grant moneys may be used to engage engineering
 20 expertise related to the project. The committee shall
 21 monitor local performance throughout the local
 22 watershed grant project and shall submit a report at
 23 six-month intervals regarding the progress and
 24 findings of the project as required by the watershed
 25 improvement review committee."

THOMAS of Clayton

H-1689

1 Amend the Senate amendment, H-1678, to House File
 2 808, as passed by the House, as follows:

3 1. Page 11, by inserting after line 3 the
 4 following:

5 "WATER QUALITY

6 Sec. ___. Section 455B.191, subsections 1 and 2,
 7 Code 2005, are amended to read as follows:

8 1. Any person who violates any provision of part 1
 9 of division III of this chapter or any permit, rule,
 10 standard, or order issued under part 1 of division III
 11 of this chapter shall be subject to a civil penalty
 12 not to exceed ~~five~~ twenty-five thousand dollars for
 13 each day of such violation.

14 2. Any person who negligently or knowingly
 15 violates section 455B.183 or section 455B.186 or any
 16 condition or limitation included in any permit issued
 17 under section 455B.183, or who negligently or
 18 knowingly introduces into a sewer system or into a
 19 publicly owned treatment works any pollutant or
 20 hazardous substance which the person knew or
 21 reasonably should have known could cause personal
 22 injury or property damage or, other than in compliance
 23 with all applicable federal and state requirements or
 24 permits, negligently or knowingly causes a treatment
 25 works to violate any water quality standard, effluent
 26 standard, pretreatment standard or condition of a
 27 permit issued to the treatment works pursuant to
 28 section 455B.183 is guilty of a serious misdemeanor
 29 for a negligent violation and is guilty of an
 30 aggravated misdemeanor for a knowing violation. A
 31 conviction for a negligent violation is punishable by
 32 a fine of not more than ~~twenty-five~~ fifty thousand
 33 dollars for each day of violation or by imprisonment
 34 for not more than one year, or both; however, if the

35 conviction is for a second or subsequent violation
 36 committed by a person under this subsection, the
 37 conviction is punishable by a fine of not more than
 38 fifty one hundred thousand dollars for each day of
 39 violation or by imprisonment for not more than two
 40 years, or both. A conviction for a knowing violation
 41 is punishable by a fine of not more than fifty one
 42 hundred thousand dollars for each day of violation or
 43 by imprisonment for not more than two years, or both;
 44 however, if the conviction is for a second or
 45 subsequent violation committed by a person under this
 46 subsection, the conviction is punishable by a fine of
 47 not more than ~~one~~ two hundred thousand dollars for
 48 each day of violation or by imprisonment for not more
 49 than five years, or both. As used in this section,
 50 "hazardous substance" means hazardous substance as

Page 2

- 1 defined in section 455B.381 or section 455B.411."
- 2 2. Page 11, line 9, by inserting after the word
- 3 "fees" the following: "and penalties"."

FORD of Polk

H-1690

- 1 Amend the Senate amendment, H-1678, to House File
- 2 808, as passed by the House, as follows:
- 3 1. Page 11, by inserting after line 3, the
- 4 following:
- 5 "FOREST RESERVATIONS
- 6 Sec. . NEW SECTION. 483A.23A FOREST
- 7 RESERVATIONS - PUBLIC HUNTING ACCESS.
- 8 On and after January 1, 2006, a nonresident owner
- 9 of land in this state making application for a tax
- 10 exemption for a forest reservation pursuant to section
- 11 427C.3 shall agree to allow public access for walk-in
- 12 hunting on the forest reservation during the period of
- 13 tax exemption."

GASKILL of Wapello

H-1691

- 1 Amend the Senate amendment, H-1678, to House File
- 2 808, as passed by the House, as follows:
- 3 1. By striking page 1, line 45, through page 2,
- 4 line 32.
- 5 2. Page 3, line 6, by striking the figure
- 6 "16,968,439" and inserting the following:
- 7 "16,872,439".

8 3. By striking page 3, line 8, through page 8,
9 line 18.

10 4. By striking page 8, line 47, through page 9,
11 line 6, and inserting the following: "d, Code 2005,
12 is amended by striking the paragraph and inserting in
13 lieu thereof the following:

14 d. Establish a registration fee imposed on each
15 horse which is a thoroughbred, quarter horse, or
16 standardbred which shall be paid by the breeder of the
17 horse. The department shall not impose the
18 registration fee more than once on each horse. The
19 amount of the registration fee shall not exceed thirty
20 dollars. The moneys paid to the department from
21 registration fees shall be considered repayment
22 receipts as defined in section 8.2, and shall be used
23 for the administration and enforcement of this
24 subsection."

25 5. Page 11, by inserting after line 3, the
26 following:

27 "AGRICULTURAL COOPERATIVES

28 Sec. __. Section 501A.231, subsection 5, as
29 enacted by 2005 Iowa Acts, House File 859, section 17,
30 is amended to read as follows:

31 5. The secretary of state may provide for the
32 change of registered office or registered agent on the
33 form prescribed by the secretary of state for the
34 biennial report, provided that the form contains the
35 information required by section 501A.402. If the
36 secretary of state determines that a biennial report
37 does not contain the information required by this
38 section but otherwise meets the requirements of
39 section ~~501.402~~ 501A.402 for the purpose of changing
40 the registered office or registered agent, the
41 secretary of state shall file the statement of change
42 of registered office or registered agent, effective as
43 provided in section 501A.203, before returning the
44 biennial report to the cooperative as provided in this
45 section. A statement of change of registered office
46 or agent pursuant to this subsection shall be executed
47 by a person authorized to execute the biennial report.

48 Sec. __. Section 501A.1001, subsection 4, as
49 enacted by 2005 Iowa Acts, House File 859, section 73,
50 is amended to read as follows:

Page 2

1 4. The determinations of the board as to the
2 amount or fair value or the fairness to the
3 cooperative of the contribution accepted or to be
4 accepted by the cooperative or the terms of payment or
5 performance, including under a contribution ~~rights~~
6 agreement in section 501A.1003, and a contribution

7 rights agreement in section 501A.1004, are presumed to
8 be proper if they are made in good faith and on the
9 basis of accounting methods, or a fair valuation or
10 other method, reasonable in the circumstances.
11 Directors who are present and entitled to vote, and
12 who, intentionally or without reasonable
13 investigation, fail to vote against approving a
14 consideration that is unfair to the cooperative, or
15 overvalue property or services received or to be
16 received by the cooperative as a contribution, are
17 jointly and severally liable to the cooperative for
18 the benefit of the then members who did not consent to
19 and are damaged by the action to the extent of the
20 damages of those members. A director against whom a
21 claim is asserted under this subsection, except in
22 case of knowing participation in a deliberate fraud,
23 is entitled to contribution on an equitable basis from
24 other directors who are liable under this subsection.
25 Sec. __. Section 10B.4, subsection 1, Code 2005,
26 as amended by 2005 Iowa Acts, House File 859, section
27 102, if enacted, is amended to read as follows:

28 1. A biennial report shall be filed by a reporting
29 entity with the secretary of state on or before March
30 31 of each odd-numbered year as required by rules
31 adopted by the secretary of state pursuant to chapter
32 17A. However, a reporting entity required to file a
33 biennial report pursuant to chapter 490, 490A, 496C,
34 497, 498, ~~490A~~, 499, 501, 501A, or 504A shall file the
35 report required by this section in the same year as
36 required by that chapter. The reporting entity may
37 file the report required by this section together with
38 the biennial report required to be filed by one of the
39 other chapters referred to in this subsection. The
40 reports shall be filed on forms prepared and supplied
41 by the secretary of state. The secretary of state may
42 provide for combining its reporting forms with other
43 biennial reporting forms required to be used by the
44 reporting entities.

45 Sec. __. 2005 Iowa Acts, House File 859, section
46 104, is amended by striking the section and inserting
47 in lieu thereof the following:

48 SEC. 104. Section 15.385, subsection 4, paragraph
49 a, Code 2005, is amended to read as follows:

50 a. An eligible business may claim a tax credit

Page 3

1 equal to a percentage of the new investment directly
2 related to new jobs created by the location or
3 expansion of an eligible business under the program.
4 The tax credit shall be allowed against taxes imposed
5 under chapter 422, division II, III, or V. If the

6 business is a partnership, S corporation, limited
 7 liability company, cooperative organized under chapter
 8 501 or 501A and filing as a partnership for federal
 9 tax purposes, or estate or trust electing to have the
 10 income taxed directly to the individual, an individual
 11 may claim the tax credit allowed. The amount claimed
 12 by the individual shall be based upon the pro rata
 13 share of the individual's earnings of the partnership,
 14 S corporation, limited liability company, cooperative
 15 organized under chapter 501 or 501A, and filing as a
 16 partnership for federal tax purposes, or estate or
 17 trust. The percentage shall be equal to the amount
 18 provided in paragraph "d". Any tax credit in excess
 19 of the tax liability for the tax year may be credited
 20 to the tax liability for the following seven years or
 21 until depleted, whichever occurs first.

22 Subject to prior approval by the department of
 23 economic development, in consultation with the
 24 department of revenue, an eligible business whose
 25 project primarily involves the production of value-
 26 added agricultural products or uses
 27 biotechnology-related processes may elect to receive a
 28 refund of all or a portion of an unused tax credit.
 29 For purposes of this subsection, such an eligible
 30 business includes a cooperative described in section
 31 521 of the Internal Revenue Code which is not required
 32 to file an Iowa corporate income tax return, and whose
 33 project primarily involves the production of ethanol.
 34 The refund may be applied against a tax liability
 35 imposed under chapter 422, division II, III, or V. If
 36 the business is a partnership, S corporation, limited
 37 liability company, cooperative organized under chapter
 38 501 or 501A, and filing as a partnership for federal
 39 tax purposes, or estate or trust electing to have the
 40 income taxed directly to the individual, an individual
 41 may claim the tax credit allowed. The amount claimed
 42 by the individual shall be based upon the pro rata
 43 share of the individual's earnings of the partnership,
 44 S corporation, limited liability company, cooperative
 45 organized under chapter 501 or 501A and filing as a
 46 partnership for federal tax purposes, or estate or
 47 trust."

48 6. Page 11, line 6, by striking the words "a wind
 49 energy production tax credit" and inserting the
 50 following: "cooperative associations".

Page 4

1 7. By renumbering as necessary.

H-1692

1 Amend the Senate amendment, H-1678, to House File
2 808, as passed by the House, as follows:

3 1. Page 11, by inserting after line 3, the
4 following:

5 "WILDLIFE CONSERVATION

6 Sec. __. Section 481A.130, subsection 1,
7 paragraph g, Code 2005, is amended to read as follows:

8 g. For each antlered deer, reimbursement shall be
9 based on the point score of the antlered deer as
10 measured by the Boone and Crockett club's net scoring
11 system for whitetail deer as follows:

12 (1) 150 gross points or less: A minimum of two
13 thousand dollars and not more than five thousand
14 dollars, and eighty hours of community service or, in
15 lieu of the community service, a minimum of four
16 thousand dollars and not more than ten thousand
17 dollars, in an amount that is deemed reasonable by the
18 court.

19 (2) More than 150 gross points: A minimum of five
20 thousand dollars and not more than ten thousand
21 dollars, and eighty hours of community service or, in
22 lieu of the community service, a minimum of ten
23 thousand dollars and not more than twenty thousand
24 dollars, in an amount that is deemed reasonable by the
25 court."

26 2. By renumbering as necessary.

WHITAKER of Van Buren

H-1695

1 Amend the Senate amendment, H-1678, to House File
2 808, as passed by the House, as follows:

3 1. Page 1, by inserting after line 25, the
4 following:

5 "Sec. 100. FARMERS MARKET NUTRITION PROGRAMS.

6 1. The department of agriculture and land
7 stewardship shall revise the department's
8 administrative rules, policies, and requirements
9 regarding the eligibility of a farmers market to
10 participate in the women, infants, and children Iowa
11 farmers market nutrition program or the senior farmers
12 market nutrition program, or both. Under the
13 revision, the department shall reduce the number of
14 certified vendor applications required for a farmers
15 market to participate from five applications to one
16 application. The revision shall be implemented for
17 the farmers market season that commences in spring
18 2005.

19 2. The department may adopt administrative rules

20 under section 17A.4, subsection 2, and section 17A.5,
21 subsection 2, paragraph "b", to implement the
22 provisions of this section to be applicable to the
23 farmers markets operated beginning in spring 2005 and
24 the rules shall become effective immediately upon
25 filing or on a later effective date specified in the
26 rules, unless the effective date is delayed by the
27 administrative rules review committee. Any rules
28 adopted in accordance with this section shall not take
29 effect before the rules are reviewed by the
30 administrative rules review committee. The delay
31 authority provided to the administrative rules review
32 committee under section 17A.4, subsection 5, and
33 section 17A.8, subsection 9, shall be applicable to a
34 delay imposed under this section, notwithstanding a
35 provision in those sections making them inapplicable
36 to section 17A.5, subsection 2, paragraph "b". Any
37 rules adopted in accordance with the provisions of
38 this section shall also be published as notice of
39 intended action as provided in section 17A.4."

40 2. Page 11, by inserting after line 3 the
41 following:

42 "Sec. ___. EFFECTIVE DATE. Section 100 of this
43 Act, being deemed of immediate importance, takes
44 effect upon enactment."

45 3. Page 11, line 9, by inserting after the word
46 "fees" the following: "and an effective date".

SWAIM of Davis

H-1707

1 Amend the Senate amendment, H-1633, to House File
2 868, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 2, by inserting after line 43, the
5 following:

6 "___ Page 25, by inserting after line 18, the
7 following:

8 "Sec. ___. OPERATIONAL EXPENSES. Moneys that are
9 appropriated to the department of economic development
10 pursuant to section 15G.111, if enacted, for deposit
11 in workforce training and economic development funds
12 of community colleges may be used by community
13 colleges for operational expenses associated with
14 vocational technical training."

15 2. Page 3, by inserting after line 2 the
16 following:

17 "___ Page 57, by inserting after line 16 the
18 following:

19 "Sec. ___. Section 15E.305, subsection 2, Code
20 2005, is amended to read as follows:

21 2. The aggregate amount of tax credits authorized
 22 pursuant to this section shall not exceed a total of
 23 two million dollars annually. The maximum amount of
 24 tax credits granted to a taxpayer shall not exceed
 25 five percent of the aggregate amount of tax credits
 26 authorized."

27 _____. Page 59, line 14, by inserting after the
 28 word "issued" the following: "each calendar year"."

29 3. Page 3, line 14, by striking the word
 30 "state." And inserting the following: "state."

31 4. Page 3, by inserting after line 14 the
 32 following:

33 "Sec.____. Section 452A.3, Code 2005, is amended
 34 by adding the following new subsection:

35 NEW SUBSECTION. 1C. The rate of the excise tax on
 36 E-85 gasoline imposed in subsection 1B shall be
 37 determined based on the number of gallons of E-85
 38 gasoline that is distributed in this state during the
 39 previous calendar year. The department shall
 40 determine the actual tax paid for E-85 gasoline for
 41 each period beginning January 1 and ending December
 42 31. The amount of the tax paid on E-85 gasoline
 43 during the past calendar year shall be compared to the
 44 amount of tax on E-85 gasoline that would have been
 45 paid using the tax rate for gasoline imposed in
 46 subsection 1 or 1A and a difference shall be
 47 established. If this difference is equal to or
 48 greater than twenty-five thousand dollars, the tax
 49 rate for E-85 gasoline for the period beginning July 1
 50 following the end of the determination period shall be

Page 2

1 the rate in effect as stated in subsection 1 or 1A.
 2 Sec.____. STUDY. The state department of
 3 transportation shall review the current revenue levels
 4 of the road use tax fund and its sufficiency for the
 5 projected construction and maintenance needs of city,
 6 county, and state governments in the future. The
 7 department shall submit a written report to the
 8 general assembly regarding its findings on or before
 9 December 31, 2006. The report may include
 10 recommendations concerning funding levels needed to
 11 support the future mobility and accessibility for
 12 users of Iowa's public road system.

13 Sec.____. EFFECTIVE DATE. The sections of this
 14 division of this Act amending chapter 452A take effect
 15 January 1, 2006."

16 5. Page 5, by inserting after line 4, the
 17 following:

18 "____. Page 59, by inserting after line 35, the
 19 following:

“DIVISION

PORT AUTHORITIES

20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

Sec. ____ Section 12.30, subsection 1, paragraph
a, Code 2005, is amended to read as follows:
a. “Authority” means a department, or public or
quasi-public instrumentality of the state including,
but not limited to, the authority created under
chapter 12E, 16, 16A, 175, 257C, 261A, or 327I, which
has the power to issue obligations, except that
“authority” does not include the state board of
regents or the Iowa finance authority to the extent it
acts pursuant to chapter 260C. “Authority” also
includes a port authority created under chapter 28J.
Sec. ____ NEW SECTION. 28J.1 DEFINITIONS.
As used in this chapter, unless the context
otherwise requires:
1. “Authorized purposes” means an activity that
enhances, fosters, aids, provides, or promotes
transportation, economic development, housing,
recreation, education, governmental operations,
culture, or research within the jurisdiction of a port
authority.
2. “Board” means the board of directors of a port
authority established pursuant to section 28J.2.
3. “City” means the same as defined in section
362.2.
4. “Construction” means alteration, creation,
development, enlargement, erection, improvement,
installation, reconstruction, remodeling, and
renovation.
5. “Contracting governmental agency” means any

Page 3

1 governmental agency or taxing district of the state
2 that, by action of its legislative authority, enters
3 into an agreement with a port authority pursuant to
4 section 28J.17.
5 6. “Cost” as applied to a port authority facility
6 means any of the following:
7 a. The cost of construction contracts, land,
8 rights-of-way, property rights, easements, franchise
9 rights, and interests required for acquisition or
10 construction.
11 b. The cost of demolishing or removing any
12 buildings or structures on land, including the cost of
13 acquiring any lands to which those buildings or
14 structures may be moved.
15 c. The cost of diverting a highway, interchange of
16 a highway, and access roads to private property,
17 including the cost of land or easements, and
18 relocation of a facility of a utility company or

19 common carrier.

20 d. The cost of machinery, furnishings, equipment,
21 financing charges, interest prior to and during
22 construction and for no more than twelve months after
23 completion of construction, engineering, and expenses
24 of research and development with respect to a
25 facility.

26 e. Legal and administrative expenses, plans,
27 specifications, surveys, studies, estimates of cost
28 and revenues, engineering services, and other expenses
29 necessary or incident to determining the feasibility
30 or practicability of acquiring or constructing a
31 facility.

32 f. The interest upon the revenue bonds and pledge
33 orders during the period or estimated period of
34 construction and for twelve months thereafter, or for
35 twelve months after the acquisition date, reserve
36 funds as the port authority deems advisable in
37 connection with a facility and the issuance of port
38 authority revenue bonds and pledge orders.

39 g. The costs of issuance of port authority revenue
40 bonds and pledge orders.

41 h. The cost of diverting a rail line, rail spur
42 track, or rail spur track switch, including the cost
43 of land or easements, and relocation of a facility of
44 a utility company or common carrier.

45 i. The cost of relocating an airport's runways,
46 terminals, and related facilities including the cost
47 of land or easements, and relocation of a facility of
48 a utility company or common carrier.

49 7. "Facility" or "port authority facility" means
50 real or personal property owned, leased, or otherwise

Page 4

1 controlled or financed by a port authority and related
2 to or in furtherance of one or more authorized
3 purposes.

4 8. "Governmental agency" means a department,
5 division, or other unit of state government of this
6 state or any other state, city, county, township, or
7 other governmental subdivision, or any other public
8 corporation or agency created under the laws of this
9 state, any other state, the United States, or any
10 department or agency thereof, or any agency,
11 commission, or authority established pursuant to an
12 interstate compact or agreement or combination
13 thereof.

14 9. "Person" means the same as defined in section
15 4.1.

16 10. "Pledge order" means a promise to pay out of
17 the net revenues of a port authority, which is

18 delivered to a contractor or other person in payment
19 of all or part of the cost of a facility.

20 11. "Political subdivision" means a city, county,
21 city-county consolidation, or multicounty
22 consolidation, or combination thereof.

23 12. "Political subdivisions comprising the port
24 authority" means the political subdivisions which
25 created or participated in the creation of the port
26 authority under section 28J.2, or which joined an
27 existing port authority under section 28J.4.

28 13. "Port authority" means an entity created
29 pursuant to section 28J.2.

30 14. "Port authority revenue bonds" means revenue
31 bonds and revenue refunding bonds issued pursuant to
32 section 28J.21.

33 15. "Public roads" means all public highways,
34 roads, and streets in this state, whether maintained
35 by the state or by a county or city.

36 16. "Revenues" means rental fees and other charges
37 received by a port authority for the use or services
38 of a facility, a gift or grant received with respect
39 to a facility, moneys received with respect to the
40 lease, sublease, sale, including installment sale or
41 conditional sale, or other disposition of a facility,
42 moneys received in repayment of and for interest on
43 any loans made by the port authority to a person or
44 governmental agency, proceeds of port authority
45 revenue bonds for payment of principal, premium, or
46 interest on the bonds authorized by the port
47 authority, proceeds from any insurance, condemnation,
48 or guarantee pertaining to the financing of the
49 facility, and income and profit from the investment of
50 the proceeds of port authority revenue bonds or of any

Page 5

1 revenues.

2 Sec. NEW SECTION. 28J.2 CREATION AND POWERS
3 OF PORT AUTHORITY.

4 1. Two or more political subdivisions may create a
5 port authority under this chapter by resolution. If a
6 proposal to create a port authority receives a
7 favorable majority of the members of the elected
8 legislative body of the political subdivision, the
9 port authority is created at the time provided in the
10 resolution. The jurisdiction of a port authority
11 includes the territory described in section 28J.8.

12 2. A port authority created pursuant to this
13 section may sue and be sued, complain, and defend in
14 its name and has the powers and jurisdiction
15 enumerated in this chapter.

16 3. At the time a port authority is created

17 pursuant to this section, the political subdivisions
 18 comprising the port authority may restrict the powers
 19 granted the port authority pursuant to this chapter by
 20 specifically adopting such restrictions in the
 21 resolution creating the port authority.

22 4. The political subdivisions comprising the port
 23 authority whose powers have been restricted pursuant
 24 to subsection 3 may at any time adopt a resolution to
 25 grant additional powers to the port authority, so long
 26 as the additional powers do not exceed the powers
 27 permitted under this chapter.

28 Sec. . NEW SECTION. 28J.3 APPROPRIATION AND
 29 EXPENDITURE OF PUBLIC FUNDS – DISSOLUTION.

30 1. The political subdivisions comprising a port
 31 authority may appropriate and expend public funds to
 32 finance or subsidize the operation and authorized
 33 purposes of the port authority. A port authority
 34 shall control tax revenues allocated to the facilities
 35 the port authority administers and all revenues
 36 derived from the operation of the port authority, the
 37 sale of its property, interest on investments, or from
 38 any other source related to the port authority.

39 2. All revenues received by the port authority
 40 shall be held in a separate fund in a manner agreed to
 41 by the political subdivisions comprising the port
 42 authority. Revenues may be paid out only at the
 43 direction of the board of directors of the port
 44 authority.

45 3. A port authority shall comply with section
 46 331.341, subsections 1, 2, 4, and 5, and section
 47 331.342, when contracting for public improvements.

48 4. Subject to making due provisions for payment
 49 and performance of any outstanding obligations, the
 50 political subdivisions comprising the port authority

Page 6

1 may dissolve the port authority, and transfer the
 2 property of the port authority to the political
 3 subdivisions comprising the port authority in a manner
 4 agreed upon between the political subdivisions
 5 comprising the port authority prior to the dissolution
 6 of the port authority.

7 Sec. . NEW SECTION. 28J.4 JOINING AN EXISTING
 8 PORT AUTHORITY.

9 1. A political subdivision which is contiguous to
 10 either a political subdivision which participated in
 11 the creation of the port authority or a political
 12 subdivision which proposes to join the port authority
 13 at the same time which is contiguous to a political
 14 subdivision which participated in the creation of the
 15 port authority may join the port authority by

16 resolution.

17 2. If more than one such political subdivision
 18 proposes to join the port authority at the same time,
 19 the resolution of each such political subdivision
 20 shall designate the political subdivisions which are
 21 to be so joined.

22 3. Any territory or city not included in a port
 23 authority which is annexed to a city included within
 24 the jurisdiction of a port authority shall, on such
 25 annexation and without further proceedings, be annexed
 26 to and be included in the jurisdiction of the port
 27 authority.

28 4. Before a political subdivision is joined to a
 29 port authority, other than by annexation to a city,
 30 the political subdivisions comprising the port
 31 authority shall agree upon the terms and conditions
 32 pursuant to which such political subdivision is to be
 33 joined.

34 5. For the purpose of this chapter, such political
 35 subdivision shall be considered to have participated
 36 in the creation of the port authority, except that the
 37 initial term of any director of the port authority
 38 appointed by a joining political subdivision shall be
 39 four years.

40 6. After each resolution proposing a political
 41 subdivision to join a port authority has become
 42 effective and the terms and conditions of joining the
 43 port authority have been agreed to, the board of
 44 directors of the port authority shall by resolution
 45 either accept or reject the proposal. Such proposal
 46 to join a port authority shall be effective upon
 47 adoption of the resolution by the board of directors
 48 of the port authority and thereupon the jurisdiction
 49 of the port authority includes the joining political
 50 subdivision.

Page 7

1 Sec. . NEW SECTION. 28J.5 MEMBERSHIP OF BOARD
 2 OF DIRECTORS.

3 1. A port authority created pursuant to section
 4 28J.2 shall be governed by a board of directors.
 5 Members of a board of directors of a port authority
 6 shall be divided among the political subdivisions
 7 comprising the port authority in such proportions as
 8 the political subdivisions may agree and shall be
 9 appointed by the respective political subdivision's
 10 elected legislative body.

11 2. The number of directors comprising the board
 12 shall be determined by agreement between the political
 13 subdivisions comprising the port authority, and which
 14 number may be changed by resolution of the political

15 subdivisions comprising the port authority.

16 3. A majority of the directors shall have been
17 qualified electors of, or owned a business or been
18 employed in, one or more political subdivisions within
19 the area of the jurisdiction of the port authority for
20 a period of at least three years preceding
21 appointment.

22 4. The directors of a port authority first
23 appointed shall serve staggered terms. Thereafter
24 each successor director shall serve for a term of four
25 years, except that any person appointed to fill a
26 vacancy shall be appointed to only the unexpired term.
27 A director is eligible for reappointment.

28 5. The board may provide procedures for the
29 removal of a director who fails to attend three
30 consecutive regular meetings of the board. If a
31 director is so removed, a successor shall be appointed
32 for the remaining term of the removed director in the
33 same manner provided for the original appointment.
34 The appointing body may at any time remove a director
35 appointed by it for misfeasance, nonfeasance, or
36 malfeasance in office.

37 6. The board may adopt bylaws and shall elect one
38 director as chairperson and one director as vice
39 chairperson, designate terms of office, and appoint a
40 secretary who need not be a director.

41 7. A majority of the board of directors shall
42 constitute a quorum for the purpose of holding a
43 meeting of the board. The affirmative vote of a
44 majority of a quorum shall be necessary for any action
45 taken by the port authority unless the board
46 determines that a greater number of affirmative votes
47 is necessary for particular actions to be taken by the
48 port authority. A vacancy in the membership of the
49 board shall not impair the rights of a quorum to
50 exercise all the rights and perform all the duties of

Page 8

1 the port authority.

2 8. Each director shall be entitled to receive from
3 the port authority such sum of money as the board may
4 determine as compensation for services as a director
5 and reimbursement for reasonable expenses in the
6 performance of official duties.

7 Sec. . NEW SECTION. 28J.6 CIVIL IMMUNITY OF
8 DIRECTORS.

9 A director of a port authority shall not be
10 personally liable for any monetary damages that arise
11 from actions taken in the performance of the
12 director's official duties, except for acts or
13 omissions that are not in good faith or that involve

14 intentional misconduct, a knowing violation of law, or
 15 any transaction from which the director derived an
 16 improper personal benefit.

17 Sec. __. NEW SECTION. 28J.7 EMPLOYEES, ADVISORY
 18 BOARD, PEACE OFFICERS.

19 1. A port authority shall employ and fix the
 20 qualifications, duties, and compensation of any
 21 employees and enter into contracts for any services
 22 that may be required to conduct the business of the
 23 port authority, and may appoint an advisory board,
 24 which shall serve without compensation.

25 2. An employee of a port authority is a public
 26 employee for the purposes of collective bargaining
 27 under chapter 20.

28 3. a. A port authority may provide for the
 29 administration and enforcement of the laws of the
 30 state by employing peace officers who shall have all
 31 the powers conferred by law on peace officers of this
 32 state with regard to the apprehension of violators
 33 upon all property under its control within and without
 34 the port authority. The peace officers may seek the
 35 assistance of other appropriate law enforcement
 36 officers to enforce its rules and maintain order.

37 b. Peace officers employed by a port authority
 38 shall meet all requirements as police officers
 39 appointed under the civil service law of chapter 400
 40 and shall participate in the retirement system
 41 established by chapter 411.

42 c. Peace officers employed by a port authority
 43 shall serve as a peace officer force with respect to
 44 the property, grounds, buildings, equipment, and
 45 facilities under the control of the port authority, to
 46 prevent hijacking of aircraft or watercraft, protect
 47 the property of the authority and the property of
 48 others located thereon, suppress nuisances and
 49 disturbances and breaches of the peace, and enforce
 50 laws and the rules of the port authority for the

Page 9

1 preservation of good order. Peace officers are vested
 2 with the same powers of arrest as peace officers under
 3 section 804.7.

4 4. If an employee of a political subdivision
 5 comprising the port authority is transferred to a
 6 comparable position with the port authority, the
 7 employee is entitled to suffer no loss in pay,
 8 pension, fringe benefits, or other benefits and shall
 9 be entitled to a comparable rank and grade as the
 10 employee's prior position. Sick leave, longevity, and
 11 vacation time accrued to such employees shall be
 12 credited to them as employees of the port authority.

13 All rights and accruals of such employees as members
 14 of the Iowa public employees' retirement system
 15 pursuant to chapter 97B and the retirement system for
 16 police officers pursuant to chapter 411 shall remain
 17 in force and shall be automatically transferred to the
 18 port authority.

19 Sec. __. NEW SECTION. 28J.8 AREA OF
 20 JURISDICTION.

21 1. The area of jurisdiction of a port authority
 22 shall include all of the territory of the political
 23 subdivisions comprising the port authority and, if the
 24 port authority owns or leases a railroad line or
 25 airport, the territory on which the railroad's line,
 26 terminals, and related facilities or the airport's
 27 runways, terminals, and related facilities are
 28 located, regardless of whether the territory is
 29 located in the political subdivisions comprising the
 30 port authority.

31 2. A political subdivision that has created a port
 32 authority or joined an existing port authority shall
 33 not be included in any other port authority.

34 Sec. __. NEW SECTION. 28J.9 POWERS OF PORT
 35 AUTHORITY.

36 A port authority may exercise all of the following
 37 powers:

- 38 1. Adopt bylaws for the regulation of the port
 39 authority's affairs and the conduct of the port
 40 authority's business.
- 41 2. Adopt an official seal.
- 42 3. Maintain a principal office and branch offices
 43 within the port authority's jurisdiction.
- 44 4. Acquire, construct, furnish, equip, maintain,
 45 repair, sell, exchange, lease, lease with an option to
 46 purchase, convey interests in real or personal
 47 property, and operate any property of the port
 48 authority in connection with transportation,
 49 recreational, governmental operations, or cultural
 50 activities in furtherance of an authorized purpose.

Page 10

1 5. Straighten, deepen, and improve any channel,
 2 river, stream, or other watercourse or way which may
 3 be necessary or proper in the development of the
 4 facilities of the port authority.

5 6. Make available the use or services of any
 6 facility of the port authority to any person or
 7 governmental agency.

8 7. Issue bonds or pledge orders pursuant to the
 9 requirements and limitations in section 28J.21.

10 8. Issue port authority revenue bonds beyond the
 11 limit of bonded indebtedness provided by law, payable

12 solely from revenues as provided in section 28J.21,
13 for the purpose of providing funds to pay the costs of
14 any facility or facilities of the port authority or
15 parts thereof.

16 9. Apply to the proper authorities of the United
17 States for the right to establish, operate, and
18 maintain foreign trade zones and establish, operate,
19 and maintain foreign trade zones and to acquire,
20 exchange, sell, lease to or from, lease with an option
21 to purchase, or operate facilities, land, or property
22 in accordance with the federal Foreign Trade Zones
23 Act, 19 U.S.C. § 81a-81u.

24 10. Enjoy and possess the same legislative and
25 executive rights, privileges, and powers granted
26 cities under chapter 364 and counties under chapter
27 331, including the exercise of police power but
28 excluding the power to levy taxes.

29 11. Maintain such funds as it considers necessary
30 and adhere to the public funds investment standards of
31 chapter 12B, as applicable.

32 12. Direct port authority agents or employees,
33 after at least five days' written notice, to enter
34 upon lands within the port authority's jurisdiction to
35 make surveys and examinations preliminary to location
36 and construction of works for the port authority,
37 without liability of the port authority or its agents
38 or employees except for actual damages.

39 13. Promote, advertise, and publicize the port
40 authority and its facilities, and provide information
41 to shippers and other commercial interests.

42 14. Adopt bylaws, not in conflict with state or
43 federal law, necessary or incidental to the
44 performance of the duties of and the execution of the
45 powers of the port authority under this chapter.

46 15. Do any of the following in regard to interests
47 in real or personal property, including machinery,
48 equipment, plants, factories, offices, and other
49 structures and facilities related to or in furtherance
50 of any authorized purpose as the board in its sole

Page 11

1 discretion may determine:

2 a. Loan money to any person or governmental agency
3 for the acquisition, construction, furnishing, or
4 equipping of the property.

5 b. Acquire, construct, maintain, repair, furnish,
6 or equip the property.

7 c. Sell to, exchange with, lease, convey other
8 interests in, or lease with an option to purchase the
9 same or any lesser interest in the property to the
10 same or any other person or governmental agency.

11 d. Guarantee the obligations of any person or
12 governmental agency.

13 e. Accept and hold as consideration for the
14 conveyance of property or any interest therein such
15 property or interests therein as the board may
16 determine, notwithstanding any restrictions that apply
17 to the investment of funds by a port authority.

18 16. Sell, lease, or convey other interests in real
19 and personal property, and grant easements or rights-
20 of-way over property of the port authority. The board
21 shall specify the consideration and terms for the
22 sale, lease, or conveyance of other interests in real
23 and personal property. A determination made by the
24 board under this subsection shall be conclusive. The
25 sale, lease, or conveyance may be made without
26 advertising and the receipt of bids.

27 17. Enter into an agreement with a political
28 subdivision comprising the port authority for the
29 political subdivision to exercise its right of eminent
30 domain pursuant to chapters 6A and 6B on behalf of the
31 port authority. However, a condemnation exercised on
32 behalf of a port authority pursuant to this subsection
33 shall not take or disturb property or a facility
34 belonging to a governmental agency, utility company,
35 or common carrier, which property or facility is
36 necessary and convenient in the operation of the
37 governmental agency, utility company, or common
38 carrier, unless provision is made for the restoration,
39 relocation, or duplication of such property or
40 facility, or upon the election of the governmental
41 agency, utility company, or common carrier, for the
42 payment of compensation, if any, at the sole cost of
43 the port authority, provided that both of the
44 following apply:

45 a. If a restoration or duplication proposed to be
46 made under this subsection involves a relocation of
47 the property or facility, the new facility and
48 location shall be of at least comparable utilitarian
49 value and effectiveness and shall not impair the
50 ability of the utility company or common carrier to

Page 12

1 compete in its original area of operation.

2 b. If a restoration or duplication made under this
3 subsection involves a relocation of the property or
4 facility, the port authority shall acquire no interest
5 or right in or to the appropriated property or
6 facility, until the relocated property or facility is
7 available for use and until marketable title thereto
8 has been transferred to the utility company or common
9 carrier.

10 18. a. Make and enter into all contracts and
11 agreements and execute all instruments necessary or
12 incidental to the performance of the duties of and the
13 execution of powers of the port authority under this
14 chapter.

15 b. Except as provided in paragraph "c", when the
16 cost of a contract for the construction of a building,
17 structure, or other improvement undertaken by a port
18 authority involves an expenditure exceeding twenty-
19 five thousand dollars, and the port authority is the
20 contracting entity, the port authority shall make a
21 written contract after notice calling for bids for the
22 award of the contract has been given by publication
23 twice, with at least seven days between publications,
24 in a newspaper of general circulation in the area of
25 the port authority. Each such contract shall be let
26 to the lowest responsive and responsible bidder.
27 Every contract shall be accompanied by or shall refer
28 to plans and specifications for the work to be done,
29 prepared for and approved by the port authority, and
30 signed by an authorized officer of the port authority
31 and by the contractor.

32 c. The board of directors may provide criteria for
33 the negotiation and award without competitive bidding
34 of any contract as to which the port authority is the
35 contracting entity for the construction of any
36 building or structure or other improvement under any
37 of the following circumstances:

38 (1) A real and present emergency exists that
39 threatens damage or injury to persons or property of
40 the port authority or other persons, provided that a
41 statement specifying the nature of the emergency that
42 is the basis for the negotiation and award of a
43 contract without competitive bidding shall be signed
44 by the officer of the port authority that executes
45 that contract at the time of the contract's execution
46 and shall be attached to the contract.

47 (2) A commonly recognized industry or other
48 standard or specification does not exist and cannot
49 objectively be articulated for the improvement.

50 (3) The contract is for any energy conservation

Page 13

1 measure as defined in section 7D.34.

2 (4) With respect to material to be incorporated
3 into the improvement, only a single source or supplier
4 exists for the material.

5 (5) A single bid is received by the port authority
6 after complying with the provisions of paragraph "b".

7 d. (1) If a contract is to be negotiated and
8 awarded without competitive bidding for the reason set

9 forth in paragraph "c", subparagraph (2), the port
10 authority shall publish a notice calling for technical
11 proposals at least twice, with at least seven days
12 between publications, in a newspaper of general
13 circulation in the area of the port authority. After
14 receipt of the technical proposals, the port authority
15 may negotiate with and award a contract for the
16 improvement to the person making the proposal
17 considered to be the most advantageous to the port
18 authority.

19 (2) If a contract is to be negotiated and awarded
20 without competitive bidding for the reason set forth
21 in paragraph "c", subparagraph (4), construction
22 activities related to the incorporation of the
23 material into the improvement also may be provided
24 without competitive bidding by the source or supplier
25 of that material.

26 e. A purchase, exchange, sale, lease, lease with
27 an option to purchase, conveyance of other interests
28 in, or other contract with a person or governmental
29 agency that pertains to the acquisition, construction,
30 maintenance, repair, furnishing, equipping, or
31 operation of any real or personal property, related to
32 or in furtherance of economic development and the
33 provision of adequate housing, shall be made in such
34 manner and subject to such terms and conditions as may
35 be determined in the board's discretion. This
36 paragraph applies to all contracts that are subject to
37 this section, notwithstanding any other provision of
38 law that might otherwise apply, including a
39 requirement of notice, competitive bidding or
40 selection, or for the provision of security. However,
41 this paragraph shall not apply to a contract secured
42 exclusively by or to be paid exclusively from the
43 general revenues of the port authority. For the
44 purposes of this paragraph, any revenues derived by
45 the port authority under a lease or other agreement
46 that, by its terms, contemplates the use of amounts
47 payable under the agreement either to pay the costs of
48 the improvement that is the subject of the contract or
49 to secure obligations of the port authority issued to
50 finance costs of such improvement, are excluded from

Page 14

1 general revenues.

2 19. Employ managers, superintendents, and other
3 employees and retain or contract with consulting
4 engineers, financial consultants, accounting experts,
5 architects, attorneys, and any other consultants and
6 independent contractors as are necessary in the port
7 authority's judgment to carry out this chapter, and

8 fix the compensation thereof. All expenses thereof
 9 shall be payable from any available funds of the port
 10 authority or from funds appropriated for that purpose
 11 by the political subdivisions comprising the port
 12 authority.

13 20. Receive and accept from a governmental agency
 14 grants and loans for the construction of a port
 15 authority facility, for research and development with
 16 respect to a port authority facility, or any other
 17 authorized purpose, and receive and accept aid or
 18 contributions from any source of moneys, property,
 19 labor, or other things of value, to be held, used, and
 20 applied only for the purposes for which the grants,
 21 loans, aid, or contributions are made.

22 21. Engage in research and development with
 23 respect to a port authority facility.

24 22. Purchase fire and extended coverage and
 25 liability insurance for a port authority facility and
 26 for the principal office and branch offices of the
 27 port authority, insurance protecting the port
 28 authority and its officers and employees against
 29 liability for damage to property or injury to or death
 30 of persons arising from its operations, and any other
 31 insurance the port authority may agree to provide
 32 under a resolution authorizing port authority revenue
 33 bonds, pledge orders, or in any trust agreement
 34 securing the same.

35 23. Charge, alter, and collect rental fees and
 36 other charges for the use or services of a port
 37 authority facility as provided in section 28J.16.

38 24. Perform all acts necessary or proper to carry
 39 out the powers expressly granted in this chapter.

40 Sec. NEW SECTION. 28J.10 PARTICIPATION OF
 41 PRIVATE ENTERPRISE.

42 The port authority shall foster and encourage the
 43 participation of private enterprise in the development
 44 of the port authority facilities to the fullest extent
 45 practicable in the interest of limiting the necessity
 46 of construction and operation of the facilities by the
 47 port authority.

48 Sec. NEW SECTION. 28J.11 PROVISIONS DO NOT
 49 AFFECT OTHER LAWS OR POWERS.

50 This chapter shall not do any of the following:

Page 15

1 1. Impair a provision of law directing the payment
 2 of revenues derived from public property into sinking
 3 funds or dedicating those revenues to specific
 4 purposes.

5 2. Impair the powers of a political subdivision to
 6 develop or improve a port and terminal facility except

7 as restricted by section 28J.15.

8 3. Enlarge, alter, diminish, or affect in any way,
9 a lease or conveyance made, or action taken prior to
10 the creation of a port authority under section 28J.2
11 by a city or a county.

12 4. Impair or interfere with the exercise of a
13 permit for the removal of sand or gravel, or other
14 similar permits issued by a governmental agency.

15 5. Impair or contravene applicable federal
16 regulations.

17 Sec. . NEW SECTION. 28J.12 CONVEYANCE, LEASE,
18 OR EXCHANGE OF PUBLIC PROPERTY.

19 A port authority may convey or lease, lease with an
20 option to purchase, or exchange with any governmental
21 agency or other port authority without competitive
22 bidding and on mutually agreeable terms, any personal
23 or real property, or any interest therein.

24 Sec. . NEW SECTION. 28J.13 ANNUAL BUDGET –
25 USE OF RENTS AND CHARGES.

26 The board shall annually prepare a budget for the
27 port authority. Revenues received by the port
28 authority shall be used for the general expenses of
29 the port authority and to pay interest, amortization,
30 and retirement charges on money borrowed. Except as
31 provided in section 28J.26, if there remains, at the
32 end of any fiscal year, a surplus of such funds after
33 providing for the above uses, the board shall pay such
34 surplus into the general funds of the political
35 subdivisions comprising the port authority as agreed
36 to by the subdivisions.

37 Sec. . NEW SECTION. 28J.14 SECRETARY TO
38 FURNISH BOND – DEPOSIT AND DISBURSEMENT OF FUNDS.

39 Before receiving any revenues, the secretary of a
40 port authority shall furnish a bond in such amount as
41 shall be determined by the port authority with
42 sureties satisfactory to the port authority, and all
43 funds coming into the hands of the secretary shall be
44 deposited by the secretary to the account of the port
45 authority in one or more such depositories as shall be
46 qualified to receive deposits of county funds, which
47 deposits shall be secured in the same manner as county
48 funds are required to be secured. A disbursement
49 shall not be made from such funds except in accordance
50 with policies and procedures adopted by the port

Page 16

1 authority.

2 Sec. . NEW SECTION. 28J.15 LIMITATION ON
3 CERTAIN POWERS OF POLITICAL SUBDIVISIONS.

4 A political subdivision creating or participating
5 in the creation of a port authority in accordance with

6 section 28J.2 shall not, during the time the port
 7 authority is in existence, exercise the rights and
 8 powers provided in chapters 28A, 28K, and 384 relating
 9 to the political subdivision's authority over a port,
 10 wharf, dock, harbor or other facility substantially
 11 similar to that political subdivision's authority
 12 under a port authority granted under this chapter.

13 Sec. . NEW SECTION. 28J.16 RENTALS OR CHARGES
 14 FOR USE OR SERVICES OF FACILITIES – AGREEMENTS WITH
 15 GOVERNMENTAL AGENCIES.

16 1. a. A port authority may charge, alter, and
 17 collect rental fees or other charges for the use or
 18 services of any port authority facility and contract
 19 for the use or services of a facility, and fix the
 20 terms, conditions, rental fees, or other charges for
 21 the use or services.

22 b. If the services are furnished in the
 23 jurisdiction of the port authority by a utility
 24 company or a common carrier, the port authority's
 25 charges for the services shall not be less than the
 26 charges established for the same services furnished by
 27 a utility company or common carrier in the port
 28 authority jurisdiction.

29 c. The rental fees or other charges shall not be
 30 subject to supervision or regulation by any other
 31 authority, commission, board, bureau, or governmental
 32 agency of the state and the contract may provide for
 33 acquisition of all or any part of the port authority
 34 facility for such consideration payable over the
 35 period of the contract or otherwise as the port
 36 authority determines to be appropriate, but subject to
 37 the provisions of any resolution authorizing the
 38 issuance of port authority revenue bonds or any trust
 39 agreement securing the bonds.

40 d. A governmental agency that has power to
 41 construct, operate, and maintain a port authority
 42 facility may enter into a contract or lease with a
 43 port authority for the use or services of a port
 44 authority facility as may be agreed to by the port
 45 authority and the governmental agency.

46 2. a. A governmental agency may cooperate with
 47 the port authority in the acquisition or construction
 48 of a port authority facility and shall enter into such
 49 agreements with the port authority as may be
 50 appropriate, which shall provide for contributions by

Page 17

1 the parties in a proportion as may be agreed upon and
 2 other terms as may be mutually satisfactory to the
 3 parties including the authorization of the
 4 construction of the facility by one of the parties

5 acting as agent for all of the parties and the
6 ownership and control of the facility by the port
7 authority to the extent necessary or appropriate.
8 b. A governmental agency may provide funds for the
9 payment of any contribution required under such
10 agreements by the levy of taxes or assessments if
11 otherwise authorized by the laws governing the
12 governmental agency in the construction of the type of
13 port authority facility provided for in the
14 agreements, and may pay the proceeds from the
15 collection of the taxes or assessments; or the
16 governmental agency may issue bonds or notes, if
17 authorized by law, in anticipation of the collection
18 of the taxes or assessments, and may pay the proceeds
19 of the bonds or notes to the port authority pursuant
20 to such agreements.
21 c. A governmental agency may provide the funds for
22 the payment of a contribution by the appropriation of
23 moneys or, if otherwise authorized by law, by the
24 issuance of bonds or notes and may pay the
25 appropriated moneys or the proceeds of the bonds or
26 notes to the port authority pursuant to such
27 agreements.
28 3. When the contribution of any governmental
29 agency is to be made over a period of time from the
30 proceeds of the collection of special assessments, the
31 interest accrued and to accrue before the first
32 installment of the assessments is collected, which is
33 payable by the governmental agency on the contribution
34 under the terms and provisions of the agreements,
35 shall be treated as part of the cost of the
36 improvement for which the assessments are levied, and
37 that portion of the assessments that is collected in
38 installments shall bear interest at the same rate as
39 the governmental agency is obligated to pay on the
40 contribution under the terms and provisions of the
41 agreements and for the same period of time as the
42 contribution is to be made under the agreements. If
43 the assessment or any installment thereof is not paid
44 when due, it shall bear interest until the payment
45 thereof at the same rate as the contribution and the
46 county auditor shall annually place on the tax list
47 and duplicate the interest applicable to the
48 assessment and the penalty thereon as otherwise
49 authorized by law.
50 4. A governmental agency, pursuant to a favorable

Page 18

1 vote in an election regarding issuing bonds to provide
2 funds to acquire, construct, or equip, or provide real
3 estate and interests in real estate for a port

4 authority facility, whether or not the governmental
5 agency at the time of the election had the authority
6 to pay the proceeds from the bonds or notes issued in
7 anticipation of the bonds to the port authority as
8 provided in this section, may issue such bonds or
9 notes in anticipation of the issuance of the bonds and
10 pay the proceeds of the bonds or notes to the port
11 authority in accordance with an agreement with the
12 port authority; provided, that the legislative
13 authority of the governmental agency finds and
14 determines that the port authority facility to be
15 acquired or constructed in cooperation with the
16 governmental agency will serve the same public purpose
17 and meet substantially the same public need as the
18 facility otherwise proposed to be acquired or
19 constructed by the governmental agency with the
20 proceeds of the bonds and notes.

21 Sec. __. **NEW SECTION.** 28J.17 CONTRACTS,
22 ARRANGEMENTS, AND AGREEMENTS.

23 1. a. A port authority may enter into a contract
24 or other arrangement with a person, railroad, utility
25 company, corporation, governmental agency including
26 sewerage, drainage, conservation, conservancy, or
27 other improvement districts in this or other states,
28 or the governments or agencies of foreign countries as
29 may be necessary or convenient for the exercise of the
30 powers granted by this chapter. The port authority
31 may purchase, lease, or acquire land or other property
32 in any county of this state and in adjoining states
33 for the accomplishment of authorized purposes of the
34 port authority, or for the improvement of the harbor
35 and port facilities over which the port authority may
36 have jurisdiction including development of port
37 facilities in adjoining states. The authority granted
38 in this section to enter into contracts or other
39 arrangements with the federal government includes the
40 power to enter into any contracts, arrangements, or
41 agreements that may be necessary to hold and save
42 harmless the United States from damages due to the
43 construction and maintenance by the United States of
44 work the United States undertakes.

45 b. A political subdivision that has participated
46 in the creation of a port authority, or is within, or
47 adjacent to a political subdivision that is within the
48 jurisdiction of a port authority, may enter into an
49 agreement with the port authority to accomplish any of
50 the authorized purposes of the port authority. The

Page 19

1 agreement may set forth the extent to which the port
2 authority shall act as the agent of the political

3 subdivision.

4 2. A port authority may enter into an agreement
5 with a contracting governmental agency, whereby the
6 port authority or the contracting governmental agency
7 undertakes, and is authorized by the port authority or
8 a contracting governmental agency, to exercise any
9 power, perform any function, or render any service, on
10 behalf of the port authority or a contracting
11 governmental agency, which the port authority or the
12 contracting governmental agency is authorized to
13 exercise, perform, or render.

14 Sec. . NEW SECTION. 28J.18 REVENUE BONDS ARE
15 LAWFUL INVESTMENTS.

16 Port authority revenue bonds issued pursuant to
17 this chapter are lawful investments of banks, credit
18 unions, trust companies, savings and loan
19 associations, deposit guaranty associations, insurance
20 companies, trustees, fiduciaries, trustees or other
21 officers having charge of the bond retirement funds or
22 sinking funds of port authorities and governmental
23 agencies, and taxing districts of this state, the
24 pension and annuity retirement system, the Iowa public
25 employees' retirement system, the police and fire
26 retirement systems under chapters 410 and 411, a
27 revolving fund of a governmental agency of this state,
28 and are acceptable as security for the deposit of
29 public funds under chapter 12C.

30 Sec. . NEW SECTION. 28J.19 PROPERTY TAX
31 EXEMPTION.

32 A port authority shall be exempt from and shall not
33 be required to pay taxes on real property belonging to
34 a port authority that is used exclusively for an
35 authorized purpose as provided in section 427.1,
36 subsection 34.

37 Sec. . NEW SECTION. 28J.20 LOANS FOR
38 ACQUISITION OR CONSTRUCTION OF FACILITY – SALE OF
39 FACILITY – POWER TO ENCUMBER PROPERTY.

40 1. With respect to the financing of a facility for
41 an authorized purpose, under an agreement whereby the
42 person to whom the facility is to be leased,
43 subleased, or sold, or to whom a loan is to be made
44 for the facility, is to make payments sufficient to
45 pay all of the principal of, premium, and interest on
46 the port authority revenue bonds issued for the
47 facility, the port authority, in addition to other
48 powers under this chapter, may do any of the
49 following:

- 50 a. Make loans for the acquisition or construction

2 port authority may determine or authorize including
3 secured or unsecured loans, and enter into loan
4 agreements and other agreements, accept notes and
5 other forms of obligation to evidence such
6 indebtedness and mortgages, liens, pledges,
7 assignments, or other security interests to secure
8 such indebtedness, which may be prior or subordinate
9 to or on a parity with other indebtedness,
10 obligations, mortgages, pledges, assignments, other
11 security interests, or liens or encumbrances, and take
12 actions considered appropriate to protect such
13 security and safeguard against losses, including,
14 without limitation, foreclosure and the bidding upon
15 and purchase of property upon foreclosure or other
16 sale.

17 b. Sell the facility under terms as the port
18 authority may determine, including sale by conditional
19 sale or installment sale, under which title may pass
20 prior to or after completion of the facility or
21 payment or provisions for payment of all principal of,
22 premium, and interest on the revenue bonds, or at any
23 other time provided in the agreement pertaining to the
24 sale, and including sale under an option to purchase
25 at a price which may be a nominal amount or less than
26 true value at the time of purchase.

27 c. Grant a mortgage, lien, or other encumbrance
28 on, or pledge or assignment of, or other security
29 interest with respect to, all or any part of the
30 facility, revenues, reserve funds, or other funds
31 established in connection with the bonds or with
32 respect to a lease, sublease, sale, conditional sale
33 or installment sale agreement, loan agreement, or
34 other agreement pertaining to the lease, sublease,
35 sale, or other disposition of a facility or pertaining
36 to a loan made for a facility, or a guaranty or
37 insurance agreement made with respect thereto, or an
38 interest of the port authority therein, or any other
39 interest granted, assigned, or released to secure
40 payments of the principal of, premium, or interest on
41 the bonds or to secure any other payments to be made
42 by the port authority, which mortgage, lien,
43 encumbrance, pledge, assignment, or other security
44 interest may be prior or subordinate to or on a parity
45 with any other mortgage, assignment, or other security
46 interest, or lien or encumbrance.

47 d. Contract for the acquisition or construction of
48 the facility or any part thereof and for the leasing,
49 subleasing, sale, or other disposition of the facility
50 in a manner determined by the port authority in its

Page 21

1 sole discretion, without necessity for competitive
2 bidding or performance bonds.

3 e. Make appropriate provision for adequate
4 maintenance of the facility.

5 2. With respect to a facility referred to in this
6 section, the authority granted by this section is
7 cumulative and supplementary to all other authority
8 granted in this chapter. The authority granted by
9 this section does not alter or impair a similar
10 authority granted elsewhere in this chapter for or
11 with respect to other facilities.

12 Sec. . NEW SECTION. 28J.21 ISSUANCE OF
13 REVENUE AND REFUNDING BONDS.

14 1. A port authority may issue revenue bonds and
15 pledge orders payable solely from the net revenues of
16 the port authority including the revenues generated
17 from a facility pursuant to section 28J.20. The
18 revenue bonds may be issued in such principal amounts
19 as, in the opinion of the port authority, are
20 necessary for the purpose of paying the cost of one or
21 more port authority facilities or parts thereof.

22 2. a. The resolution to issue the bonds must be
23 adopted at a regular or special meeting of the board
24 called for that purpose by a majority of the total
25 number of members of the board. The board shall fix a
26 date, time, and place of meeting at which it proposes
27 to take action, and give notice by publication in the
28 manner directed in section 331.305. The notice must
29 include a statement of the date, time, and place of
30 the meeting, the maximum amount of the proposed
31 revenue bonds, the purpose for which the revenue bonds
32 will be issued, and the net revenues to be used to pay
33 the principal and interest on the revenue bonds.

34 b. At the meeting the board shall receive oral or
35 written objections from any resident or property owner
36 within the jurisdiction of the port authority. After
37 all objections have been received and considered, the
38 board, at the meeting or a date to which it is
39 adjourned, may take additional action for the issuance
40 of the bonds or abandon the proposal to issue bonds.
41 Any resident or property owner within the jurisdiction
42 of the port authority may appeal a decision of the
43 board to take additional action in district court
44 within fifteen days after the additional action is
45 taken, but the additional action of the board is final
46 and conclusive unless the court finds that the board
47 exceeded its authority.

48 3. The board may sell revenue bonds or pledge
49 orders at public or private sale and may deliver
50 revenue bonds and pledge orders to the contractors,

Page 22

1 sellers, and other persons furnishing materials and
2 services constituting a part of the cost of the port
3 authority facility in payment therefore. The pledge of
4 any net revenues of a port authority is valid and
5 effective as to all persons including but not limited
6 to other governmental bodies when it becomes valid and
7 effective between the port authority and the holders
8 of the revenue bonds or pledge orders.

9 4. A revenue bond is valid and binding for all
10 purposes if it bears the signatures or a facsimile of
11 the signature of the officer designated by the port
12 authority. Port authority revenue bonds may bear
13 dates, bear interest at rates not exceeding those
14 permitted by chapter 74A, bear interest at a variable
15 rate or rates changing from time to time in accordance
16 with a base or formula, mature in one or more
17 installments, be in registered form, carry
18 registration and conversion privileges, be payable as
19 to principal and interest at times and places, be
20 subject to terms of redemption prior to maturity with
21 or without premium, and be in one or more
22 denominations, all as provided by the resolution of
23 the board authorizing their issuance. The resolution
24 may also prescribe additional provisions, terms,
25 conditions, and covenants which the port authority
26 deems advisable, consistent with this chapter,
27 including provisions for creating and maintaining
28 reserve funds, the issuance of additional revenue
29 bonds ranking on a parity with such revenue bonds and
30 additional revenue bonds junior and subordinate to
31 such revenue bonds, and that such revenue bonds shall
32 rank on a parity with or be junior and subordinate to
33 any revenue bonds which may be then outstanding. Port
34 authority revenue bonds are a contract between the
35 port authority and holders and the resolution is a
36 part of the contract.

37 5. The port authority may issue revenue bonds to
38 refund revenue bonds, pledge orders, and other
39 obligations which are by their terms payable from the
40 net revenues of the same port authority, at lower, the
41 same, or higher rates of interest. A port authority
42 may sell refunding revenue bonds at public or private
43 sale and apply the proceeds to the payment of the
44 obligations being refunded, and may exchange refunding
45 revenue bonds in payment and discharge of the
46 obligations being refunded. The principal amount of
47 refunding revenue bonds may exceed the principal
48 amount of the obligations being refunded to the extent
49 necessary to pay any premium due on the call of the
50 obligations being refunded and to fund interest

Page 23

1 accrued and to accrue on the obligations being
2 refunded.

3 6. The final maturity of any original issue of
4 port authority revenue bonds shall not exceed forty
5 years from the date of issue, and the final maturity
6 of port authority revenue bonds that refund
7 outstanding port authority revenue bonds shall not be
8 later than the later of forty years from the date of
9 issue of the original issue of bonds or the date by
10 which it is expected, at the time of issuance of the
11 refunding bonds, that the useful life of all of the
12 property refinanced with the proceeds of the bonds,
13 other than interests in land, will have expired. Such
14 bonds or notes shall be executed in a manner as the
15 resolution may provide.

16 7. The port authority may contract to pay an
17 amount not to exceed ninety-five percent of the
18 engineer's estimated value of the acceptable work
19 completed during the month to the contractor at the
20 end of each month for work, material, or services.
21 Payment may be made in warrants drawn on any fund from
22 which payment for the work may be made. If such funds
23 are depleted, anticipatory warrants may be issued
24 bearing a rate of interest not exceeding that
25 permitted by chapter 74A even if income from the sale
26 of bonds which have been authorized and are applicable
27 to the public improvement takes place after the fiscal
28 year in which the warrants are issued. If the port
29 authority arranges for the private sale of
30 anticipatory warrants, the warrants may be sold and
31 the proceeds used to pay the contractor. The warrants
32 may also be used to pay other persons furnishing
33 services constituting a part of the cost of the public
34 improvement.

35 8. Port authority revenue bonds, pledge orders,
36 and warrants issued under this section are negotiable
37 instruments.

38 9. The board may issue pledge orders pursuant to a
39 resolution adopted by a majority of the total number
40 of supervisors, at a regular or special meeting,
41 ordering their issuance and delivery in payment for
42 all or part of the cost of a project. Pledge orders
43 may bear interest at rates not exceeding those
44 permitted by chapter 74A.

45 10. Except as provided in section 28J.20, the
46 physical properties of the port authority shall not be
47 pledged or mortgaged to secure the payment of revenue
48 bonds, pledge orders, or refunding bonds, or the
49 interest thereon.

50 11. The members of the board of the port authority

Page 24

1 and any person executing the bonds or pledge orders
2 shall not be personally liable on the bonds or pledge
3 orders or be subject to any personal liability or
4 accountability by reason of the issuance thereof.

5 Sec. __. NEW SECTION. 28J.22 BONDS MAY BE
6 SECURED BY TRUST AGREEMENT.

7 1. In the discretion of the port authority, a port
8 authority revenue bond issued under this chapter may
9 be secured by a trust agreement between the port
10 authority and a corporate trustee that may be any
11 trust company or bank having the powers of a trust
12 company within this or any other state.

13 2. The trust agreement may pledge or assign
14 revenues of the port authority to be received for
15 payment of the revenue bonds. The trust agreement or
16 any resolution providing for the issuance of revenue
17 bonds may contain provisions for protecting and
18 enforcing the rights and remedies of the bondholders
19 as are reasonable and proper and not in violation of
20 law, including covenants setting forth the duties of
21 the port authority in relation to the acquisition of
22 property, the construction, improvement, maintenance,
23 repair, operation, and insurance of the port authority
24 facility in connection with which the bonds are
25 authorized, the rentals or other charges to be imposed
26 for the use or services of any port authority
27 facility, the custody, safeguarding, and application
28 of all moneys, and provisions for the employment of
29 consulting engineers in connection with the
30 construction or operation of any port authority
31 facility.

32 3. A bank or trust company incorporated under the
33 laws of this state, that may act as the depository of
34 the proceeds of bonds or of revenues, shall furnish
35 any indemnifying bonds or may pledge any securities
36 that are required by the port authority. The trust
37 agreement may set forth the rights and remedies of the
38 bondholders and of the trustee, and may restrict the
39 individual right of action by bondholders as is
40 customary in trust agreements or trust indentures
41 securing similar bonds. The trust agreement may
42 contain any other provisions that the port authority
43 determines reasonable and proper for the security of
44 the bondholders. All expenses incurred in carrying
45 out the provisions of the trust agreement may be
46 treated as a part of the cost of the operation of the
47 port authority facility.

48 Sec. __. NEW SECTION. 28J.23 REMEDY OF HOLDER
49 OF BOND OR COUPON - STATUTE OF LIMITATIONS.

50 1. The sole remedy for a breach or default of a

Page 25

1 term of a port authority revenue bond or pledge order
2 is a proceeding in law or in equity by suit, action,
3 or mandamus to enforce and compel performance of the
4 duties required by this chapter and of the terms of
5 the resolution authorizing the issuance of the revenue
6 bonds or pledge orders, or to obtain the appointment
7 of a receiver to take possession of and operate the
8 port authority, and to perform the duties required by
9 this chapter and the terms of the resolution
10 authorizing the issuance of the port authority revenue
11 bonds or pledge orders.

12 2. An action shall not be brought which questions
13 the legality of port authority revenue bonds or pledge
14 orders, the power of a port authority to issue revenue
15 bonds or pledge orders, or the effectiveness of any
16 proceedings relating to the authorization and issuance
17 of revenue bonds or pledge orders, from and after
18 fifteen days from the time the bonds or pledge orders
19 are ordered issued by the port authority.

20 Sec. . NEW SECTION. 28J.24 BONDS ARE PAYABLE
21 SOLELY FROM REVENUES AND FUNDS PLEDGED FOR PAYMENT.

22 Port authority revenue bonds and pledge orders
23 issued under this chapter do not constitute a debt, or
24 a pledge of the faith and credit, of the state or a
25 political subdivision of the state, and the holders or
26 owners of the bonds or pledge orders shall not have
27 taxes levied by the state or by a taxing authority of
28 a governmental agency of the state for the payment of
29 the principal of or interest on the bonds or pledge
30 orders, but the bonds and pledge orders are payable
31 solely from the revenues and funds pledged for their
32 payment as authorized by this chapter, unless the
33 notes are issued in anticipation of the issuance of
34 bonds or pledge orders or the bonds and pledge orders
35 are refunded by refunding bonds issued under this
36 chapter, which bonds, pledge orders, or refunding
37 bonds shall be payable solely from revenues and funds
38 pledged for their payment as authorized by those
39 sections. All of the bonds or pledge orders shall
40 contain a statement to the effect that the bonds or
41 pledge orders, as to both principal and interest, are
42 not debts of the state or a political subdivision of
43 the state, but are payable solely from revenues and
44 funds pledged for their payment.

45 Sec. . NEW SECTION. 28J.25 FUNDS AND PROPERTY
46 HELD IN TRUST - USE AND DEPOSIT OF FUNDS.

47 All revenues, funds, properties, and assets
48 acquired by the port authority under this chapter,
49 whether as proceeds from the sale of port authority
50 revenue bonds, pledge orders, or as revenues, shall be

Page 26

1 held in trust for the purposes of carrying out the
2 port authority's powers and duties, shall be used and
3 reused as provided in this chapter, and shall at no
4 time be part of other public funds. Such funds,
5 except as otherwise provided in a resolution
6 authorizing port authority revenue bonds or in a trust
7 agreement securing the same, or except when invested
8 pursuant to section 28J.26, shall be kept in
9 depositories selected by the port authority in the
10 manner provided in chapter 12C, and the deposits shall
11 be secured as provided in that chapter. The
12 resolution authorizing the issuance of revenue bonds
13 or pledge orders, or the trust agreement securing such
14 bonds or pledge orders shall provide that any officer
15 to whom, or any bank or trust company to which, such
16 moneys are paid shall act as trustee of such moneys
17 and hold and apply them for the purposes hereof,
18 subject to such conditions as this chapter and such
19 resolution or trust agreement provide.

20 Sec. . . . NEW SECTION. 28J.26 INVESTMENT OF
21 EXCESS FUNDS.

22 1. If a port authority has surplus funds after
23 making all deposits into all funds required by the
24 terms, covenants, conditions, and provisions of
25 outstanding revenue bonds, pledge orders, and
26 refunding bonds which are payable from the revenues of
27 the port authority and after complying with all of the
28 requirements, terms, covenants, conditions, and
29 provisions of the proceedings and resolutions pursuant
30 to which revenue bonds, pledge orders, and refunding
31 bonds are issued, the board may transfer the surplus
32 funds to any other fund of the port authority in
33 accordance with this chapter and chapter 12C, provided
34 that a transfer shall not be made if it conflicts with
35 any of the requirements, terms, covenants, conditions,
36 or provisions of a resolution authorizing the issuance
37 of revenue bonds, pledge orders, or other obligations
38 which are payable from the revenues of the port
39 authority which are then outstanding.

40 2. This section does not prohibit or prevent the
41 board from using funds derived from any other source
42 which may be properly used for such purpose, to pay a
43 part of the cost of a facility.

44 Sec. . . . NEW SECTION. 28J.27 CHANGE IN LOCATION
45 OF PUBLIC WAY, RAILROAD, OR UTILITY FACILITY -
46 VACATION OF HIGHWAY.

47 1. When a port authority changes the location of
48 any portion of any public road, railroad, or utility
49 facility in connection with the construction of a port
50 authority facility, the port authority shall

Page 27

1 reconstruct at such location as the governmental
2 agency having jurisdiction over such road, railroad,
3 or utility facility finds most favorable. The
4 construction of such road, railroad, or utility
5 facility shall be of substantially the same type and
6 in as good condition as the original road, railroad,
7 or utility facility. The cost of such reconstruction,
8 relocation, or removal and any damage incurred in
9 changing the location of any such road, railroad, or
10 utility facility shall be paid by the port authority
11 as a part of the cost of the port authority facility.

12 2. When the port authority finds it necessary that
13 a public highway or portion of a public highway be
14 vacated by reason of the acquisition or construction
15 of a port authority facility, the port authority may
16 request the director of the department of
17 transportation to vacate such highway or portion in
18 accordance with chapter 306 if the highway or portion
19 to be vacated is on the state highway system, or, if
20 the highway or portion to be vacated is under the
21 jurisdiction of a county, the port authority shall
22 petition the board of supervisors of that county, in
23 the manner provided in chapter 306, to vacate such
24 highway or portion. The port authority shall pay to
25 the county, as a part of the cost of such port
26 authority facility, any amounts required to be
27 deposited with a court in connection with proceedings
28 for the determination of compensation and damages and
29 all amounts of compensation and damages finally
30 determined to be payable as a result of such vacation.

31 3. The port authority may adopt bylaws for the
32 installation, construction, maintenance, repair,
33 renewal, relocation, and removal of railroad or
34 utility facilities in, on, over, or under any port
35 authority facility. Whenever the port authority
36 determines that it is necessary that any such facility
37 installed or constructed in, on, over, or under
38 property of the port authority pursuant to such bylaws
39 be relocated, the utility company owning or operating
40 such facility shall relocate or remove them in
41 accordance with the order of the port authority. The
42 cost and expenses of such relocation or removal,
43 including the cost of installing such facility in a
44 new location, the cost of any lands, or any rights or
45 interests in lands, and any other rights, acquired to
46 accomplish such relocation or removal, shall be paid
47 by the port authority as a part of the cost of the
48 port authority facility. In case of any such
49 relocation or removal of such facilities, the railroad
50 or utility company owning or operating them, its

1 successors, or assigns may maintain and operate such
 2 facilities, with the necessary appurtenances, in the
 3 new location in, on, over, or under the property of
 4 the port authority for as long a period and upon the
 5 same terms as the railroad or utility company had the
 6 right to maintain and operate such facilities in their
 7 former location.

8 Sec. __. NEW SECTION. 28J.28 FINAL ACTIONS TO
 9 BE RECORDED – ANNUAL REPORT – CONFIDENTIALITY OF
 10 INFORMATION.

11 1. All final actions of the port authority shall
 12 be recorded and the records of the port authority
 13 shall be open to public examination and copying
 14 pursuant to chapter 22. Not later than the first day
 15 of April every year, a port authority shall submit a
 16 report to the director of the department of economic
 17 development detailing the projects and activities of
 18 the port authority during the previous calendar year.
 19 The report shall include, but not be limited to, all
 20 aspects of those projects and activities, including
 21 the progress and status of the projects and their
 22 costs, and any other information the director
 23 determines should be included in the report.

24 2. Financial and proprietary information,
 25 including trade secrets, submitted to a port authority
 26 or the agents of a port authority, in connection with
 27 the relocation, location, expansion, improvement, or
 28 preservation of a business or nonprofit corporation is
 29 not a public record subject to chapter 22. Any other
 30 information submitted under those circumstances is not
 31 a public record subject to chapter 22 until there is a
 32 commitment in writing to proceed with the relocation,
 33 location, expansion, improvement, or preservation.

34 3. Notwithstanding chapter 21, the board of
 35 directors of a port authority, when considering
 36 information that is not a public record under this
 37 section, may close a meeting during the consideration
 38 of that information pursuant to a vote of the majority
 39 of the directors present on a motion stating that such
 40 information is to be considered. Other matters shall
 41 not be considered during the closed session.

42 Sec. __. NEW SECTION. 28J.29 PROVISIONS TO BE
 43 LIBERALLY CONSTRUED.

44 This chapter shall be liberally construed to effect
 45 the chapter's purposes.

46 Sec. __. Section 427.1, Code 2005, is amended by
 47 adding the following new subsection:

48 NEW SUBSECTION. 34. PORT AUTHORITY PROPERTY. The
 49 property of a port authority created pursuant to
 50 section 28J.2, when devoted to public use and not held

Page 29

- 1 for pecuniary profit.”
- 2 6. Page 5, line 7, by inserting after the word
- 3 “gasoline,” the following: “to issuance of revenue
- 4 bonds,”.
- 5 7. By renumbering as necessary.

HOFFMAN of Crawford

H-1709

- 1 Amend the Senate amendment, H-1703, to House File
- 2 882, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 9, line 27, by inserting after the word
- 5 "county" the following: "or the state".
- 6 2. Page 15, by inserting after line 18, the
- 7 following:
- 8 "___ Page 24, by inserting after line 17, the
- 9 following:
- 10 "Sec. ___. EFFECTIVE DATE. The section of this
- 11 division of this Act amending section 331.439 takes
- 12 effect July 1, 2006."

MILLER of Webster
GASKILL of Wapello
MERTZ of Kossuth

RESOLUTIONS ADOPTED

Resolutions adopted during the Eighty-first General Assembly, 2005 Session, not otherwise printed in the House Journal.

1 House Concurrent Resolution 4
2 By Gipp and Murphy
3 A concurrent resolution relating to Pioneer
4 Lawmakers.
5 *Whereas*, The Eighty-first General Assembly is
6 advised of a meeting of the Pioneer Lawmakers
7 Association to be held on Wednesday, March 30, 2005;
8 and
9 *Whereas*, The Pioneer Lawmakers request the
10 opportunity to meet formally with the General
11 Assembly; *Now Therefore*,
12 *Be It Resolved By The House Of Representatives, The*
13 *Senate Concurring*, That the General Assembly meet in
14 joint session in the House Chamber on Wednesday, March
15 30, 2005, at 2:00 p.m. and that the Pioneer Lawmakers
16 be invited to attend and present a program on that
17 occasion, and that the Speaker of the House of
18 Representatives and the Co-Presidents of the Senate be
19 designated to deliver the invitation to them.

HCR 4 filed January 26, 2005; House adopted March 1, 2005;
Senate adopted March 29, 2005.

1 House Concurrent Resolution 5
2 By Rants and Murphy
3 A concurrent resolution relating to a biennial
4 memorial session.
5 *Whereas*, it has been the custom to hold a biennial
6 memorial session in recognition of the public service
7 of departed members of the General Assembly; and
8 *Whereas*, both the House of Representatives and the
9 Senate desire to participate in such an observance;
10 *Now Therefore*,
11 *Be It Resolved By The House Of Representatives, The*
12 *Senate Concurring*, That an evening session of the
13 Eighty-first General Assembly be held in the House
14 Chamber on Wednesday, March 30, 2005, at 7:00 p.m.
15 BE IT FURTHER RESOLVED, That a joint committee of
16 eight members be appointed, four from the Senate to be
17 appointed jointly by the Co-Presidents of the Senate,
18 and four from the House of Representatives to be
19 appointed by the Speaker of the House, to make
20 suitable arrangements for a joint memorial session.

HCR 5 filed January 26, 2005; House Adopted March 1, 2005;
Senate adopted March 29, 2005.

1 House Concurrent Resolution 19
2 By Eichhorn, Carroll, Frevert, Heaton, And Huser
3 (Companion To LSB 3697ss By Kibbie)
4 A concurrent resolution to recognize Joe Royce,
5 the winner of the 2005 Dwight Ink Public Service
6 Award at Iowa State University.
7 *Whereas*, Joe Royce, the legal counsel to the Iowa
8 Administrative Rules Review Committee, was presented
9 the 2005 Dwight Ink Public Service Award at Iowa State
10 University; and
11 *Whereas*, Mr. Royce was presented the award on May
12 6, 2005, at the 2005 Building Excellence in Governance
13 conference sponsored by Iowa State University's Public
14 Policy and Administration Program; and
15 *Whereas*, at the presentation of the award, Kurt
16 Thurmaier, professor of political science and director
17 of the Public Policy and Administration Program,
18 praised Joe Royce, stating that "Joe Royce not only
19 has a strong command of his area of government, but
20 the manner in which he administers that role is what
21 is most striking about him. Over the years he has
22 patiently and clearly guided many a state employee
23 through the complex and often-confusing process of
24 rulemaking."; and
25 *Whereas*, Joe Royce provides legislative oversight
26 to the State of Iowa's administrative rulemaking
27 process and serves as legal counsel to the Iowa
28 General Assembly's Administrative Rules Review
29 Committee, a position he has held for the past 29
30 years; and

Page 2

1 *Whereas*, the Dwight Ink Public Service Award honors
2 Dwight Ink, an Iowa State University alumnus who
3 served every U.S. president from Eisenhower through
4 Reagan and who, throughout his public service, had
5 responsibilities for organizing federal departments
6 and agencies; *Now Therefore*,
7 *Be It Resolved By The House Of Representatives, The*
8 *Senate Concurring*, That Joe Royce is recognized for
9 his public service to the State of Iowa and for being
10 the winner of the 2005 Dwight Ink Public Service Award
11 at Iowa State University; and
12 *Be It Further Resolved*, That, upon passage, a copy
13 of this Resolution be prepared and transmitted to Mr.
14 Royce.

HCR 19 filed from the floor; House Adopted May 20, 2005; Senate adopted May 20, 2005.

1 House Resolution 5
 2 By Alons, D. Olson, Freeman, Swaim,
 3 Wessel-Kroeschell, Whitaker, Dandekar, Hunter,
 4 Thomas, Miller, Reasoner, Gaskill, Jacobs,
 5 Murphy, Kuhn, Hoffman, Baudler, Tymeson,
 6 Huseman, Watts, Granzow, Hutter, Jones,
 7 Lukan, De Boef, Tjepkes, Wilderdyke, Heaton,
 8 Chambers, Drake, Eichhorn, Sands, S. Olson,
 9 J.R. Van Fossen, J.K. Van Fossen, Elgin,
 10 Kaufmann, Boal, Lalk, Rasmussen, Rayhons,
 11 Van Engelenhoven, Kurtenbach, Horbach,
 12 Arnold, Raecker, Upmeyer, Roberts,
 13 Soderberg, May, Bell, D. Taylor, McCarthy,
 14 Frevvert, And Jenkins
 15 A resolution to honor the service of the 132nd Fighter
 16 Wing of the Iowa Air National Guard.
 17 *Whereas*, the motto of the 132nd Fighter Wing of the
 18 Iowa Air National Guard is "Excellence in All We Do";
 19 and
 20 *Whereas*, dedication to that motto has motivated the
 21 members of the 132nd Fighter Wing to devote themselves
 22 to achieving an excellent rating in their Air Combat
 23 Command Operational Readiness Inspection; and
 24 *Whereas*, that dedication has now resulted in an
 25 excellent rating in the four major areas of the
 26 Operational Readiness Inspection: initial response,
 27 employment, support, and ability to survive and
 28 operate; and
 29 *Whereas*, in 73 percent of the 154 areas rated the
 30 132nd Fighter Wing either excellent or outstanding;

Page 2

1 and
 2 *Whereas*, Major General G. Ron Dardis, Adjutant
 3 General for the Iowa National Guard, stated this was
 4 the best Operational Readiness Inspection he had ever
 5 seen at Volk Field; and
 6 *Whereas*, Lieutenant General Daniel James, III,
 7 Director of the Iowa Air National Guard, stated that
 8 the 132nd Fighter Wing has "set the standard" for the
 9 Operational Readiness Inspection; and
 10 *Whereas*, that rating demonstrates that the 132nd
 11 Fighter Wing stands ready to deploy and ready to
 12 fight, as they previously demonstrated during
 13 operational deployments between 1996 and 2002
 14 supporting Operation Provide Comfort and Operations
 15 Northern/Southern Watch over Iraq; *Now Therefore*,

16 *Be It Resolved By The House Of Representatives,*
 17 That the House of Representatives, on behalf of all
 18 Iowans, congratulates and thanks the men and women of
 19 the 132nd Fighter Wing who stand ready to place
 20 themselves in harm's way to protect the United States
 21 of America.

HR 5 filed January 27, 2005; House Adopted March 8, 2005.

1 House Resolution 9
 2 By Tymeson and Heddens
 3 A resolution to recognize the Ames, Iowa, chapter of
 4 Beta Sigma Phi Sorority and Iowa artist David
 5 Rottinghaus for their work honoring Iowa's heroes
 6 in the war on terrorism.
 7 *Whereas*, the Iowa artist David Rottinghaus, working
 8 out of his studio near Nora Springs, Iowa, has created
 9 the painting "Honoring Iowa's Heroes"; and
 10 *Whereas*, the Ames chapter – Nu Lambda – of Beta
 11 Sigma Phi Sorority coordinated a statewide project
 12 "Honoring Iowa's Heroes in the War on Terrorism" to
 13 show that Americans truly do recognize the sacrifice
 14 of our soldiers and their families, especially the
 15 fallen; and
 16 *Whereas*, Beta Sigma Phi is a nonacademic sorority
 17 with 200,000 members in chapters around the world; and
 18 *Whereas*, Beta Sigma Phi Sorority was founded for
 19 the social, cultural, and civic enrichment of its
 20 members, Beta Sigma Phis have a long-standing history
 21 of helping others, with Beta Sigma Phi members working
 22 together during World War II to raise \$22 million in
 23 war bonds; and
 24 *Whereas*, the Nu Lambda chapter of Ames, Iowa, with
 25 the help and support from other chapters across the
 26 state, offered recognition to Iowa heroes through
 27 events scheduled on November 26-27, 2004; and
 28 *Whereas*, the events honored the fallen and
 29 recognized those who have been injured in the
 30 conflict, those who served, and those who continue to

Page 2

1 serve for freedom and security worldwide; and
 2 *Whereas*, an original work of art depicting Iowa's
 3 role in the war on terrorism was unveiled and gifted
 4 to the state, and framed limited edition prints have
 5 been given to the families of the fallen; and
 6 *Whereas*, the event of November 26 brought together
 7 the families of the fallen, dignitaries, military,
 8 representatives of business and industry, sponsors,
 9 the media, and other caring Iowans in a nonpartisan
 10 celebration to honor Iowa heroes; and

11 *Whereas*, these heroes and their families were also
 12 honored on November 27 at the Iowa State vs. Missouri
 13 football game with military flyovers and recognition
 14 at the game's halftime; *Now Therefore*,
 15 *Be It Resolved By The House Of Representatives*,
 16 That the House of Representatives recognizes both the
 17 Beta Sigma Phi Sorority and David Rottinghaus, for
 18 their outstanding efforts in making the statewide
 19 project "Honoring Iowa's Heroes in the War on
 20 Terrorism" a great success, and for demonstrating
 21 Iowa's commitment to honoring and supporting our
 22 soldiers who now stand in harm's way.

HR 9 filed January 7, 2005; House Adopted February 21, 2005.

1 House Resolution 12
 2 By Murphy, Jochum, Zirkelbach,
 3 Schueller and Lukan
 4 A resolution congratulating Dubuque Main Street
 5 Limited.
 6 *Whereas*, Dubuque Main Street Limited has been
 7 dedicated to the development, redevelopment, and
 8 ongoing support of a vibrant downtown since June 24,
 9 1985; and
 10 *Whereas*, Dubuque Main Street Limited currently
 11 serves seven downtown districts in Dubuque, including
 12 Cable Car Square, Ice Harbor, Old Main, Town Clock
 13 Plaza, Upper Main/Farmers' Market, Jackson Park, and
 14 Couler; and
 15 *Whereas*, Dubuque Main Street Limited works as a
 16 partnership between the public and private sectors to
 17 systematically bring about economic growth and a
 18 spirit of vitality to the city center; and
 19 *Whereas*, Dubuque Main Street Limited provides
 20 significant value to the citizens of Dubuque by
 21 managing and administering downtown efforts such as
 22 the Farmers' Market and Town Clock Plaza, with such
 23 community events as Dubuque . . . And All That Jazz,
 24 Historic Old Main Event, Cable Car Square Chili Cook-
 25 Off, Discover Downtown Dubuque Days, and Puttzin'
 26 Around Downtown, as well as other community events;
 27 and
 28 *Whereas*, Dubuque Main Street Limited is celebrating
 29 20 years of operation as the longest continuously
 30 operated urban Main Street Program in the United

Page 2

1 States; *Now Therefore*,
 2 *Be It Resolved By The House Of Representatives*,
 3 That Dubuque Main Street Limited is congratulated for
 4 its outstanding service to the City of Dubuque and for

5 its superior performance over the last 20 years.

HR 12 filed February 21, 2005; House Adopted March 9, 2005.

1 House Resolution 19

2 By Mascher, Foege, Jacoby, and Lensing

3 A resolution honoring the University of Iowa football
4 team and Coach Kirk Ferentz.

5 *Whereas*, an unbelievable season for the University
6 of Iowa Hawkeyes football team culminated in a
7 stunning victory over Louisiana State University in
8 the Capital One Bowl; and

9 *Whereas*, Drew Tate's 56-yard touchdown pass to
10 Warren Holloway on the last play of the last game of
11 the season ranks as one of the most dramatic moments
12 in Hawkeye football history; and

13 *Whereas*, the Capital One Bowl appearance marked the
14 third straight year that the Hawkeyes have advanced to
15 a New Year's Day bowl game; and

16 *Whereas*, the Iowa Hawkeyes have won 18 straight
17 home games and finished their regular season with a
18 record of nine wins and two losses, and seven wins and
19 one loss in the Big Ten Conference; and

20 *Whereas*, six different members of Iowa's Big Ten
21 Conference co-championship team have been named first
22 or second team All-Big Ten, including quarterback Drew
23 Tate, defensive linemen Matt Roth and Jonathan
24 Babineaux, linebackers Chad Greenway and Abdul Hodge,
25 and wide receiver Clinton Solomon, who was a second
26 team selection; and

27 *Whereas*, the Iowa Hawkeyes finished the season
28 ranked eleventh nationally; and

29 *Whereas*, Coach Kirk Ferentz was selected the Dave
30 McClain Coach of the Year and the 2004 Big Ten Coach

Page 2

1 of the Year, after leading two teams in three years to
2 a share of the Big Ten co-championship and finishing
3 with a 30-7 record in the past three years; and

4 *Whereas*, the University of Iowa's football team
5 deserves recognition for all of its accomplishments
6 during the 2004-2005 season; *Now Therefore*,

7 *Be It Resolved By The House Of Representatives*,
8 That the House of Representatives congratulates the
9 University of Iowa football team, Coach Kirk Ferentz,
10 and the coaching staff on their successful season and
11 thanks them for the honor and recognition they have
12 brought to the University of Iowa and to the State of
13 Iowa; and

14 *Be It Further Resolved*, That, upon adoption, the
15 Chief Clerk of the House shall prepare an official

16 copy of this Resolution for presentation to Coach Kirk
 17 Ferentz and the University of Iowa football team.

HR 19 filed March 15, 2005; House adopted April 27, 2005.

1 House Resolution 21
 2 By Arnold
 3 A resolution relating to Iowa's contribution to a
 4 hydrogen-powered economy.
 5 *Whereas*, hydrogen is the most abundant element in
 6 the universe and can offer an inexhaustible supply of
 7 fuel, once released from substances that contain it,
 8 such as water or biomass; and
 9 *Whereas*, a growing reliance on domestically
 10 produced hydrogen as an energy carrier promises
 11 important energy, security, economic, and
 12 environmental benefits to Iowa and the nation; and
 13 *Whereas*, Iowa's economy and citizens would benefit
 14 significantly from realizing the state's potential for
 15 producing clean hydrogen from renewable sources such
 16 as methane derived from anaerobic digestion, ethanol,
 17 ammonia, and water; and
 18 *Whereas*, in addition to using renewable energy
 19 directly, using renewable energy to produce hydrogen
 20 from water or biomass offers a method to store energy
 21 and deploy it when and where it is needed throughout
 22 the economy for transportation, buildings, and
 23 portable applications such as computer laptops and
 24 cell phones; and
 25 *Whereas*, businesses, states, and nations around the
 26 world are aggressively pursuing a hydrogen-powered
 27 economy and agree that hydrogen represents an
 28 attractive energy carrier throughout the economy,
 29 particularly when used in clean, efficient fuel cells
 30 to produce useful electricity, heating, and cooling;

Page 2

1 and
 2 *Whereas*, Iowa's world-class research institutions
 3 and universities can increase the overall investment
 4 in the state and accelerate the commercialization of
 5 hydrogen, fuel cells, and other clean energy
 6 technologies by leveraging their strengths with those
 7 of similar institutions in the region; *Now Therefore*,
 8 *Be It Resolved By The House Of Representatives*,
 9 That the House of Representatives urges both the
 10 public and private sectors in Iowa to strive to make
 11 the following the policy of this state:
 12 To develop the state's capacity to produce, store,
 13 distribute, and use hydrogen made from native
 14 resources as an increasing source of transportation

15 fuel and for electricity, heating, cooling, fertilizer
 16 production, or other new productive and benign uses;
 17 To encourage the commercialization of hydrogen,
 18 fuel cells, and other clean energy technologies that
 19 would benefit the state; and
 20 To encourage the state's research and higher
 21 education institutions to work with similar
 22 institutions in the region to identify and leverage
 23 their respective strengths, and to explore the
 24 creation of a regional energy research and education
 25 consortium that can compete effectively for public and
 26 private investment with other national centers of
 27 excellence, such as the United States Department of
 28 Energy's recently established hydrogen technology
 29 learning centers.

HR 21 filed March 17, 2005; House adopted April 19, 2005.

1 House Resolution 22
 2 By Lensing, Jochum, Shoultz, Mascher, and Winckler
 3 A resolution honoring Robert J. Osterhaus.
 4 *Whereas*, Robert J. Osterhaus has attained a
 5 lifetime of achievements over the past 50 years, which
 6 in part includes:
 7 Graduation from the University of Iowa College of
 8 Pharmacy in 1952 and serving as an adjunct faculty
 9 member in the college;
 10 Opening his own pharmacy in Maquoketa, Iowa, in
 11 1965;
 12 Serving as a member of the Iowa Board of Pharmacy
 13 Examiners from 1972 to 1977 and serving as Chairman
 14 from 1974 to 1976;
 15 Serving as President of the Iowa Pharmacists
 16 Association in 1983 and as President of the American
 17 Pharmacists Association from 1992 to 1993; and
 18 Serving as a member of the Iowa House of
 19 Representatives from 1996 through 2004; and
 20 *Whereas*, Robert Osterhaus has again added another
 21 achievement to his successful career by being named
 22 the 2005 recipient of the American Pharmacists
 23 Association Remington Honor Medal; and
 24 *Whereas*, The Remington Honor Medal, created in
 25 1918, is the profession's highest honor; *Now*
 26 *Therefore*,
 27 *Be It Resolved By The House Of Representatives*,
 28 That the House of Representatives congratulates Robert
 29 Osterhaus, first, for his most recent honor in being
 30 named the 2005 recipient of the American Pharmacists

2 lifetime of service both to the pharmacy profession
 3 and to the people of Iowa.

HR 22 filed March 17, 2005; House adopted March 29, 2005.

1 House Resolution 29
 2 By Jenkins and Petersen
 3 A resolution designating April 2005 as Financial
 4 Literacy for Youth Month in Iowa.
 5 *Whereas*, personal financial education is essential
 6 for ensuring that the youth of Iowa are prepared to
 7 manage money, investments, and credit with wisdom and
 8 responsibility; and
 9 *Whereas*, acquisition of financial literacy skills
 10 by Iowa's youth will improve the quality of their
 11 lives as adults, will provide them with skills for
 12 success, will contribute to positive changes for the
 13 communities in which they live and work, and will
 14 benefit the economy of this state; and
 15 *Whereas*, the goals of Financial Literacy for Youth
 16 Month are to increase public and educator awareness of
 17 the need to improve the personal financial literacy of
 18 Iowa's young people and to encourage young people to
 19 develop the knowledge and skills necessary for them to
 20 create wealth for both themselves and their community;
 21 and
 22 *Whereas*, this endeavor is worthy of support in
 23 order to benefit the citizens and consumers of this
 24 state and to protect the financial future of the
 25 state's youth; *Now Therefore*,
 26 *Be It Resolved By The House Of Representatives*,
 27 That the House of Representatives designates April
 28 2005 as Financial Literacy for Youth Month in Iowa and
 29 encourages parents and educators to participate in
 30 this observance with appropriate activities and

Page 2

1 exercises.

HR 29 filed March 24, 2005; House adopted April 28, 2005.

1 House Resolution 30
 2 By Boal
 3 A resolution honoring the Ankeny High School Girls'
 4 Basketball Team.
 5 *Whereas*, the Ankeny "Hawkettes" High School Girls'
 6 Basketball Team completed the 2004-2005 season with an
 7 impressive 27-0 record, ranked first in the class 4A
 8 division by the Iowa Girls High School Athletic Union;
 9 and

10 *Whereas*, even that remarkable record was topped on
 11 Saturday, March 12, 2005, when the Ankeny Hawkettes
 12 became the first Iowa high school girls' team to win
 13 four consecutive crowns since a state-sanctioned
 14 tournament began in 1926; and
 15 *Whereas*, that victory gave the Ankeny Hawkettes a
 16 sizzling record of 44 wins in consecutive games, 66 in
 17 a row against Iowa opponents; and
 18 *Whereas*, the 2005 tournament victory was preceded
 19 in December 2004 by a victory in one of the nation's
 20 most prestigious tournaments, the Kroger Holiday
 21 Classic in Pickerington, Ohio, against three out-of-
 22 state teams; and
 23 *Whereas*, the core members of the team have played
 24 together since the 3rd and 4th grades, winning 2nd
 25 place in the Great American Shootout in Minneapolis,
 26 Minnesota, after their 7th grade year; and
 27 *Whereas*, the Ankeny Hawkettes are now ranked the
 28 number 2 girls' high school basketball team in the
 29 nation in the USA Today Super 25; and
 30 *Whereas*, the Ankeny Hawkettes currently own more

Page 2

1 overall titles, nine, than any other school in Iowa,
 2 and coach Scott DeJong, can claim six of them; *Now*
 3 *Therefore*,
 4 *Be It Resolved By The House Of Representatives*,
 5 That the House of Representatives congratulates the
 6 members of the Ankeny High School Girls' Basketball
 7 Team and their coach, Scott DeJong, for a decade-long
 8 string of sports achievements and thanks them for the
 9 honor and recognition they have brought to Ankeny and
 10 to the State of Iowa; and
 11 *Be It Further Resolved*, That, upon adoption, an
 12 official copy of this Resolution be prepared for
 13 presentation to Coach DeJong and the members of the
 14 Ankeny "Hawkettes" High School Girls' Basketball Team.

HR 30 filed from the floor; House adopted March 28, 2005.

1 House Resolution 32
 2 By Rants, Wendt, and Whitead
 3 A resolution honoring the Morningside College Women's
 4 Basketball Team on their national championship.
 5 *Whereas*, Morningside College of Sioux City has, for
 6 the second consecutive time, won the women's
 7 basketball National Association of Intercollegiate
 8 Athletics (NAIA) Division II national championship in
 9 Sioux City's Tyson Events Center/Gateway Arena; and
 10 *Whereas*, in that title game the Morningside
 11 Mustangs once again were challenged by the number-

12 one-ranked Cedarville University Yellow Jackets,
13 winning by a score of 75 to 65 and snapping the Yellow
14 Jackets' 22-game winning streak; and
15 *Whereas*, this second NAIA national championship was
16 the capstone to the 2004-2005 season in which the
17 Morningside Mustangs finished with a sizzling 35-3
18 record, setting a school record for victories in a
19 season; and
20 *Whereas*, senior guard Megan Cloud, from Sioux City,
21 scored a game-high 28 points for the national
22 champions, including 18 points in the first half; and
23 *Whereas*, Megan was named the national tournament's
24 Most Valuable Player for the second year in a row and
25 was joined on the all-tournament team by teammate
26 senior guard and Sioux City native Brittany Carper,
27 who scored 12 points; and
28 *Whereas*, Megan has been named the NAIA Division II
29 Women's Basketball Player of the Year; and
30 *Whereas*, Megan has been named to headline the 2005

Page 2

1 NAIA Division II Women's Basketball All-America team
2 and Brittany has been named to the All-America second-
3 team; and
4 *Whereas*, teammates Jill Pudenz, Vanessa Hasley,
5 Jennifer Francescon, Lindsey Chettinger, and Beth
6 Watson all added points to seal the victory; and
7 *Whereas*, Morningside College coach Jamie Sale, with
8 a 93-42 record, has been named the NAIA Division II
9 National Coach of the Year for the second consecutive
10 season; *Now Therefore*,
11 *Be It Resolved By The House Of Representatives*,
12 That the House of Representatives congratulates the
13 members of the Morningside College Women's Basketball
14 Team and their coach for the truly remarkable
15 achievement of winning a second straight NAIA Division
16 II Women's Basketball National Championship and thanks
17 them for the honor and recognition they have brought
18 to Morningside College and to the State of Iowa; and
19 *Be It Further Resolved*, That, upon adoption, an
20 official copy of this Resolution be prepared for
21 presentation to Coach Jamie Sale and the members of
22 the Morningside College Women's Basketball Team.

HR 32 filed March 30, 2005; House adopted April 13, 2005.

1 House Resolution 37
2 By Kaufmann, Quirk, Alons, Anderson, Arnold,
3 Baudler, Bell, Berry, Boal, Bukta, Carroll,
4 Chambers, Cohoon, Dandekar, Davitt, De Boef,
5 Dix, Dolecheck, Drake, Eichhorn, Elgin, Fallon,

6 Foege, Freeman, Frevert, Gaskill, Gipp, Granzow,
 7 Greiner, Heaton, Heddens, Hoffman, Hogg, Horbach,
 8 Hunter, Huseman, Hutter, Jacobs, Jacoby, Jenkins,
 9 Jochum, Jones, Kressig, Kuhn, Kurtenbach, Lalk,
 10 Lensing, Lukan, Lykam, Maddox, Mascher, May,
 11 McCarthy, Mertz, Murphy, Oldson, D. Olson, R. Olson,
 12 S. Olson, Paulsen, Petersen, Pettengill, Raecker,
 13 Rants, Rasmussen, Rayhons, Reasoner, Reichert,
 14 Roberts, Sands, Schickel, Schueller, Shomshor,
 15 Shoultz, Smith, Soderberg, Struyk, T. Taylor, Thomas,
 16 Tjepkes, Tomenga, Tymeson, Upmeyer, Van Engelenhoven,
 17 J.K. Van Fossen, J.R. Van Fossen, Watts, Wendt,
 18 Wessel-Kroeschell, Whitaker, Whitead, Wilderdyke,
 19 Winckler, Wise, And Zirkelbach
 20 A resolution honoring America's Vietnam veterans.
 21 *Whereas*, from 1961 through 1973, the men and women
 22 of America's armed forces fought on behalf of the
 23 South Vietnamese people; and
 24 *Whereas*, almost 3.5 million Americans served in the
 25 Southeast Asia theater of war and more than 2.9
 26 million served in Vietnam itself; and
 27 *Whereas*, during that long conflict more than 58,000
 28 Americans gave their lives for freedom's sake and
 29 another 300,000 were wounded; and
 30 *Whereas*, Vietnam veterans today continue to be

Page 2

1 leaders in all walks of life and serve to make America
 2 a better place to live; and
 3 *Whereas*, Vietnam veterans can be proud of their
 4 legacy of devotion to the cause of freedom and service
 5 to America; *Now Therefore*,
 6 *Be It Resolved By The House Of Representatives*,
 7 That the House of Representatives, on behalf of all
 8 Iowans, humbly thanks America's Vietnam veterans for
 9 standing strong when they were needed and answering
 10 the challenge when they were called.

HR 37 filed April 12, 2005; House adopted April 18, 2005.

1 House Resolution 43
 2 By Ford and Raecker
 3 A resolution encouraging the state board of regents to
 4 establish a task force to review college student-
 5 athlete graduation rates at the universities under
 6 its control.
 7 *Whereas*, college student-athletes must balance
 8 their endeavors between academics and athletic
 9 competition, making success in both challenging; and
 10 *Whereas*, there is a significant gap between the
 11 graduation rates of African-American student-athletes

12 and white student-athletes; and
 13 *Whereas*, the national collegiate athletic
 14 association tracks student-athlete graduation rates at
 15 its member colleges and universities and promotes the
 16 long-term importance of enrolling in and competing at
 17 an institution with high student-athlete graduation
 18 rates; and
 19 *Whereas*, the state of Iowa values its student-
 20 athletes and demands excellence in both academic
 21 achievement and athletic competition; and
 22 *Whereas*, Iowa state university, the university of
 23 Iowa, and the university of northern Iowa enjoy
 24 success in recruiting student-athletes in this state
 25 and throughout the nation and have a stake in ensuring
 26 continued success; *Now Therefore*,
 27 *Be It Resolved By The House Of Representatives*,
 28 That the state board of regents is encouraged to
 29 establish a task force to review college student-
 30 athlete graduation rates at the institutions of higher

Page 2

1 education under the control of the state board of
 2 regents and make recommendations on ways to improve
 3 student-athlete graduation rates. The task force
 4 shall consider the disparities that exist in the
 5 graduation rates of the various subgroups of student-
 6 athletes. The task force is also encouraged to review
 7 the current policies and practices at the institutions
 8 to determine whether best practices are being used to
 9 promote academic excellence.
 10 *Be It Further Resolved*, That the state board of
 11 regents submit the task force's findings and
 12 recommendations in a report to the general assembly by
 13 January 15, 2006.

HR 43 filed April 14, 2005; House adopted April 27, 2005.

1 House Resolution 47
 2 By Berry, Winckler, Wendt, Lensing, Shultz, Bell,
 3 Whitead, Foege, Lykam, Jacoby, Hunter, T. Taylor,
 4 D. Olson, Wessel-Kroeschell, Freeman, D. Taylor,
 5 Tomenga, Reasoner, Oldson, Frevert, Ford, Baulder,
 6 Schueller, Heddens, Shomshor, Hutter, Swaim,
 7 Jacobs, Tjepkes, Upmeyer, Greiner, De Boef,
 8 Reichert, Schickel, Whitaker, Cohoon, Kressig,
 9 Huseman, May, Huser, Fallon, Bukta, Heaton,
 10 Granzow, Hogg, Boal, And Miller
 11 A House Resolution proclaiming April 2005 as Child
 12 Abuse Prevention Month.
 13 *Whereas*, child abuse and neglect is a community
 14 problem that depends on active involvement by people

15 throughout the community for its prevention; and
 16 *Whereas*, child abuse and neglect occurs when people
 17 encounter stressful situations without adequate
 18 community resources and cannot cope with the
 19 situations; and
 20 *Whereas*, the majority of child abuse and neglect
 21 occurrences stem from situations and conditions that
 22 can be prevented with an engaged and supportive
 23 community; and
 24 *Whereas*, the incidence of child abuse and neglect
 25 can be reduced by making sure families have the
 26 necessary support for raising children in a healthy
 27 environment; and
 28 *Whereas*, in addition to the direct harm caused by
 29 child abuse and neglect, the children harmed are more
 30 likely to later become involved in criminal behavior

Page 2

1 and substance abuse, to have health problems such as
 2 heart disease and obesity, and to engage in risky
 3 behavior such as smoking; and
 4 *Whereas*, all citizens should become involved in
 5 supporting families in raising children in a safe,
 6 nurturing, and healthy environment; and
 7 *Whereas*, effective child abuse prevention programs
 8 succeed based on the partnerships created among
 9 community agencies, medical facilities, schools, faith
 10 groups, civic organizations, law enforcement agencies,
 11 and businesses; *Now Therefore*,
 12 *Be It Resolved By The House Of Representatives*,
 13 That the House of Representatives proclaims April to
 14 be Child Abuse Prevention Month for 2005 and calls
 15 upon all Iowa citizens, community agencies, medical
 16 facilities, schools, faith groups, civic
 17 organizations, law enforcement agencies, and
 18 businesses to increase their efforts in supporting
 19 families in order to prevent child abuse and neglect
 20 and to strengthen our state's communities.

HR 47 filed April 19, 2005; House adopted April 27, 2005.

1 House Resolution 50
 2 By Paulsen
 3 A resolution requesting the establishment of an
 4 interim study committee by the legislative
 5 council to conduct a study of issues related to the
 6 costs of professional liability (malpractice)
 7 insurance for health care providers in Iowa.
 8 *Whereas*, medical liability insurance covers health
 9 care providers and health care facilities for
 10 liability claims arising from the examination, care,

11 and treatment of health care patients; and
12 *Whereas*, the cost of medical liability insurance
13 has increased, limiting access to quality health care
14 in Iowa; *Now Therefore*,
15 *Be It Resolved By The House Of Representatives*,
16 That the legislative council is requested to establish
17 a medical liability insurance interim committee. The
18 purpose of the interim committee shall be to provide
19 regulatory agencies and the general assembly with
20 possible solutions to alleviate problems regarding the
21 availability and affordability of medical liability
22 insurance in Iowa. The interim committee may
23 consider, but not be limited to considering, a broad
24 range of factors affecting the availability and
25 affordability of medical liability insurance in Iowa,
26 including medical malpractice incidents over the past
27 five years, the premium amounts charged by medical
28 liability insurers, the type of damages awarded in
29 medical liability actions, insurance regulatory
30 requirements, and applicable state and federal law.

Page 2

1 *Be It Further Resolved*, That the legislative
2 council shall select the members of the committee,
3 which shall include three members of the house of
4 representatives, two members appointed by the speaker
5 of the house and one member appointed by the minority
6 leader, four members from the senate, appointed by the
7 co-presidents of the senate, all of whom shall be
8 voting members; and representatives of medical
9 liability insurers, health care professionals and
10 health care facilities that purchase medical liability
11 insurance, attorneys that represent plaintiffs in
12 medical liability actions, attorneys that represent
13 defendants in medical liability actions, and any other
14 parties or experts as deemed appropriate by the
15 legislative council, all of whom shall be nonvoting
16 members; and

17 *Be It Further Resolved*, That the interim committee
18 shall submit a report to the general assembly on or
19 before January 15, 2006, regarding the committee's
20 findings and recommended solutions, including proposed
21 legislation, to make medical liability insurance more
22 available and more affordable in Iowa.

HR 50 filed April 25, 2005; House adopted April 26, 2005.

IN MEMORIAM**House**

A memorial adopted by the House of Representatives, 2005 Regular Session of the Eighty-first General Assembly, commemorating the life, character, and public service of the former members of the House of Representatives.

GALEN M. DAVIS..... February 6, 1951 – February 7, 2005

C. RAYMOND FISHER..... July 13, 1907 – November 14, 2004

L.W. JOE GROSSOctober 27, 1925 – August 2, 2004

KENNETH A. ROBINSON..... September 29, 1914 – April 30, 2004

GEORGE R. SWEARINGEN..... January 8, 1923 – February 3, 2005

RUSSELL L. WYCKOFFMarch 2, 1925 – September 3, 2004

DONALD R. PLATT September 9, 1923 – July 29, 2002

GALEN M. DAVIS

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Galen M. Davis begs to submit the following Memorial:

Galen M. Davis was born February 6, 1951, in Ottumwa, son of W.R. Davis and Alma E. Davis. He was a 30 year veteran police officer for the city of Ottumwa and was promoted to Police Sergeant in August 1987. He had worked as Supervisor of Investigations Division, Supervisor of Southeast Iowa Inter-Agency-Drug Task Force, Police Department Training Officer, Watch Commander and Field Sergeant of Patrol Shifts.

Mr. Davis was a member of the Wapello County Republican Central Committee, Wapello County E-911 Service Board, Iowa Associations of Chiefs of Police and Peace Officers, Ottumwa Police Association, Farm Bureau, Iowa Law Enforcement Intelligence Network, Ottumwa Police Department Methamphetamine Education Program, Wapello County Critical Incident Stress Management Team, Southeast Iowa Coalition Against Domestic Violence, Advisory Board for the Batterer's Education program, Wapello County Democratic Central Committee, Wapello County Cattlemen's Association, Wapello County Hooves and Hats Horse Club, Heartland Human Society Board of Trustees, Ottumwa Public Relations Committee, Ottumwa Crisis Center and Women's Shelter, 8th Judicial District Batterer's Education Program, Wapello County American Red Cross, 4-H Dog Project Leader, Investigator for Wapello County Medical Examiner, and Wapello County Sheriff in 1996.

A Republican, Mr. Davis was a member of the 78th General Assembly.

Galen M. Davis passed away on February 7, 2005, at the age of 54.

Now Therefore, Be It Resolved By The House Of Representatives Of The Eight-First General Assembly Of Iowa, That in the passing of the Honorable Galen M. Davis, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

MARY GASKILL
JOHN WHITAKER
RICHARD ARNOLD
Committee

C. RAYMOND FISHER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable C. Raymond Fisher begs to submit the following Memorial:

C. Raymond Fisher was born July 13, 1907, near Grand Junction. Raymond was active in farming his entire life and was a Master Farmer. He was very active in many local and state organizations. Mr. Fisher was on the Greene County R.E.C. board. He was active in the Grand Junction Presbyterian Church and was an elder. He was a member of the Masonic Lodge, Za-Ga-Zig Shrine, Lions Club, and Farm Bureau. He also served as a 4-H leader.

A Republican, C. Raymond Fisher was a member of the 58th, 59th, 60th, 60thX, 61st, 62nd, 63rd, 64th, and 65th General Assemblies.

C. Raymond Fisher passed away on November 14, 2004, at the age of 97.

Now Therefore, Be It Resolved By The House Of Representatives Of The Eighty-First General Assembly Of Iowa, That in the passing of the Honorable C. Raymond Fisher, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DAVE TJEPKES
DONOVAN OLSON
RALPH WATTS
Committee

L.W. JOE GROSS

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable L.W. Joe Gross begs to submit the following Memorial:

L.W. Joe Gross was born October 27, 1925, in Ft. Morgan, Colorado. He graduated from Arispe High School in 1943.

Soon after graduation, Joe entered the U.S. Navy, serving during WWII and served aboard the USS CAPPS (a destroyer) in the South Pacific engaging in eight major campaigns. He was awarded seven Bronze Stars and was honorably discharged from the Navy on March 16, 1946.

After returning home from WWII, Joe joined the Iowa Highway Patrol and worked for them for over 16 years with assignments in Osceola, Chariton and Mt. Ayr. After resigning from the Iowa Highway Patrol, he became an insurance agent and during this time, he also purchased and was administrator at Sunny Slope Nursing Home for ten years. He then built a new facility, Mt. Ayr Health Care Center in 1975, and was the owner and administrator until his retirement on May 1, 1999.

In 1978, Joe was elected to the Republican State Central Committee from the 5th and 3rd Congressional Districts and served the Republican Party of Iowa with honor and distinction for 18 years. Joe was active in the Iowa Health Association and served on their Board of Directors for 14 years. Governor Branstad appointed Joe to two three

year terms on the Iowa State Board of Health. During his tenure on the Board of Health he made many health policies that are in effect today, helping the people of the state of Iowa.

While Joe was still in the Navy, he returned home on a convalescence and rehabilitation leave for two weeks and married his high school sweetheart, Helen Hammans, also of Arispe, on July 20, 1945. Joe was always active in his community having served two terms on the Mt. Ayr City Council, Ringgold County Hospital Board of Trustees, and headed the committee to build the new addition onto the hospital. He was an active member of the Masonic Lodge having served as Worshipful Master of Chariton Lodge #63 in Chariton and Faith Lodge #179 in Mt. Ayr.

Joe was a District Lecture for the Grand Lodge of Iowa and he conducted over 100 Masonic Funerals for his lodge and surrounding lodges. He served as Worthy Patron in the Order of the Eastern Star. He was a Rainbow Dad and was awarded the Grand Cross of Colors for Rainbow Girls. Joe was a Cub Scout leader, and an active member of the Methodist Church, having served as a Lay Leader and Lay Speaker, served on the Administrative Board and many committees. He was also a Past Commander of the Mt. Ayr American Legion Post #172, a member of Veterans of Foreign Wars, Des Moines Consistory, Za-Ga-Zig Shrine and a past president of the South Central Shrine Club.

A Republican, Mr. Gross was a member of the 69th, 69thX, and 69thXX General Assemblies.

L.W. Joe Gross passed away on August 2, 2004, at the age of 78.

Now Therefore, Be It Resolved By The House Of Representatives Of The Eighty-First General Assembly Of Iowa, That in the passing of the Honorable L.W. Joe Gross, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

CECIL DOLECHECK
MIKE REASONER
RICHARD ANDERSON
Committee

KENNETH A. ROBINSON

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Kenneth A. Robinson begs to submit the following Memorial:

Kenneth A. Robinson was born September 29, 1914, near Panora, the son of Albert M. and Ola (Maynard) Robinson. During his junior year of high school he was stricken with polio. He graduated in 1934 from Panora High School and from Drake University in Des Moines with a degree in economics in 1938. While at Drake, he was managing

editor of the Times Delphic where he wrote primarily sports articles and also wrote for the Des Moines Register and Tribune.

In 1940 he became owner and publisher of the Bayard News and Bagley Gazette. On October 6, 1946, he married Mary Louise Moulton in Stuart. He received many state and national awards and honors. He was a recipient of the Iowa Master Editor Publisher Award and was nationally recognized with the Amos Award given to the person considered to have done the most for the newspaper industry and his own community.

Mr. Robinson served as mayor of Bayard for 24 years. He served as president of the Iowa League of Municipalities, was active in the Democratic Party, serving as county chair, district committeeman, and delegate at-large to three national conventions. He served on the Iowa Civil Rights Commission and the board of Friends of Public Television. He was the first recipient of the Easter Seals of America award to honor the disabled person in America who had provided outstanding service to his government and community.

Mr. Robinson was a 48 year Lions Club member and organized the Bayard Senior Citizens Housing Corporation that built several low income complexes and a community center, and was involved in the establishment of the nursing home.

A Democrat, Mr. Robinson was a member of the 61st General Assembly.

Kenneth A. Robinson passed away on April 30, 2004, at the age of 89.

Now Therefore, Be It Resolved By The House Of Representatives Of The Eighty-First General Assembly Of Iowa, That in the passing of the Honorable Kenneth A. Robinson, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

CLEL BAUDLER
RALPH WATTS
DONOVAN OLSON
Committee

GEORGE R. SWEARINGEN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable George R. Swearingen begs to submit the following Memorial:

George R. Swearingen was born January 8, 1923, in Winfield to George and Priscilla (Bretz) Swearingen. He graduated from Winfield High School and received his B.S. from Iowa State University, where he was a member of the Alpha Gamma Rho Fraternity. On June 18, 1949, George married Marian Smith in Maywood, Illinois.

George taught Vocational Agriculture at Sigourney Community Schools for 27 years, retiring in 1976.

He was a member of the Sigourney United Methodist Church, 50 year member of Webb Lodge #182 A.F. & A.M., where he was Past Master, 50 year member of Aspasia Chapter #198 O.E.S., where he was Past Patron, Kaaba-Shrine, Consistory and an honorary member of Alpha Zeta.

A Republican, George R. Swearingen was a member of the 68th, 69th, 69thX, 69thXX, 70th, 71st, 72nd, 72ndX, and 72ndXX General Assemblies.

George R. Swearingen passed away on February 3, 2005, at the age of 82.

Now Therefore, Be It Resolved By The House Of Representatives Of The Eighty-First General Assembly Of Iowa, That in the passing of the Honorable George R. Swearingen, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

BETTY DE BOEF
DANNY CARROLL
JOHN WHITAKER
Committee

RUSSELL L. WYCKOFF

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Russell L. Wyckoff begs to submit the following Memorial:

Russell L. Wyckoff was born March 2, 1925, on the family farm West of Urbana, the son of Charley and Neva (Rouse) Wyckoff. He attended the Urbana Schools and graduated with the class of 1942. Following graduation, "Dutch" enlisted in the U.S. Army and was stationed with the 87th Infantry Division, Company L, and participated in the Battle of the Bulge. He was awarded the Bronze Star and the Combat Infantry Badge. He received an honorable discharge at the rank of Staff Sergeant in 1945.

On September 1, 1946, he was united in marriage to Margie Ploeger at the German Reform Church in rural Schaller, Iowa. Dutch was a lifelong farmer and owned his own plumbing and heating business in Urbana during the 1950's. He served one term as a Benton County Supervisor.

Mr. Wyckoff was a member of the school board, Benton County Farm Bureau, National and County Historical Society, National Rifle Association, Life Member of the Iowa Trapshooting Association, American Legion, Lions, and Izaak Walton League.

A Democrat, Mr. Wyckoff was a member of the 64th, 65th, 66th, 67th, and 67thX General Assemblies.

Russell L. "Dutch" Wyckoff passed away on September 3, 2004, at the age of 79.

Now Therefore, Be It Resolved By The House Of Representatives Of The Eighty-First General Assembly Of Iowa, That in the passing of the Honorable Russell L. Wyckoff, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DAWN PETTENGILL
KRAIG PAULSEN
LANCE HORBACH
Committee

JOURNAL INDEX

ADDRESSED THE HOUSE—

(See also JOINT CONVENTION and/or SPECIAL PRESENTATION)

The Honorable Tom Sands—6

The Honorable Bill Schickel—6-7

The Honorable Pat Murphy, Minority Leader—7, 16-18, 2215-2218

The Honorable Christopher C. Rants, Speaker of the House—7-9, 2219-2221

The Honorable Bill Dix—11

The Honorable Jody Tymeson—11-12

The Honorable Marcella Frevert—12

The Honorable Danny Carroll, Speaker Pro Tempore—13-14

The Honorable Chuck Gipp, Majority Leader—18-19, 2218-2219

The Honorable Thomas J. Vilsack, Governor of Iowa—54-62

The Honorable Louis A. Lavorato, Chief Justice of the Iowa Supreme Court—71-76

A delegation from Malaysia—207

The Honorable Senator Chuck Larson—304

Colonel Gary R. Braddock—304

Carolyn Nicholas, Miss Iowa, sang "God Bless the USA"—400

Major General Ron Dardis, Adjutant General of the Iowa National Guard—400-405

Tracy Andrele from Beta Sigma Phi sorority—405

Artist David Rottinghaus—406

John Carty, T.D., a Fianna Fail member of the Irish Parliament—674

Doreen Hamilton, a legislator from Saskatchewan, Canada—790

Scott DeJong, coach of the Ankeny High School Girls' Basketball team—888

The Honorable Robert J. Osterhaus, former member of the House—892

The House Memorial Choir sang 'The Star-Spangled Banner' and 'My Country 'Tis of Thee'—948

Steven Rapp, Senior Prosecutor for United Nations at International Criminal Tribunal for Rwanda addressed the Pioneer Lawmakers—949-953

The Honorable John Connors, former member of the House—1061

Marie Bruns, Queen of the 2005 Pella Tulip Festival—1162

Queen Bruns and her court sang before the House—1162

John Reynders, President of Morningside College—1214

Director General Chen from Taiwan—1486

Steven Scott, Director of "Prevent Child Abuse of Iowa"—1535

ADMINISTRATION AND RULES, COMMITTEE ON—

Amendments filed—450, 1334

Amendments offered—528, 1562

Appointed—23

Recommendations—79, 449, 1159, 1331-1332

Report—117-121, 1729-1733

Resolutions filed—79, 80

Subcommittee assignments—383, 833, 834, 1185

AGRICULTURE, COMMITTEE ON—

Amendment filed—1168

Amendment offered—1612

Appointed—23

Bills introduced—197, 305, 422, 452, 475, 550, 575, 586, 624, 670, 671, 763

Recommendations—178, 205, 330, 410, 449, 458, 534-535, 557, 605-606, 617, 924, 1165
 Subcommittee assignments—181, 285, 328, 382, 409, 467, 473, 531, 545, 834, 1115

ALONS, DWAYNE—Representative Lyon-Sioux Counties

Amendments filed—701, 881, 977, 979, 980, 982, 986, 1056, 1117, 1253, 1414, 1559, 1722
 Amendments offered—957, 977, 982, 999
 Amendments withdrawn—979, 999
 Bills introduced—135, 302, 303, 367, 369, 391, 392, 413, 428, 429, 477, 553, 594
 Committee appointments—23, 24, 25, 399, 479, 948, 949
 Presented to the House Colonel Greg Schwab and the servicemen of the 132nd Fighter Wing of the Iowa Air National Guard—578
 Presided at session of the House—1132
 Resolutions filed—193, 986, 1056, 1187
 Resolution offered—578
 Subcommittee assignments—104, 181, 190, 328, 357, 358, 363, 388, 446, 468, 486, 545, 666

AMENDMENTS—

(See also **INDIVIDUAL HEADINGS**)

Amendments out of order—127, 354, 504, 856, 983, 1016, 1031, 1036, 1037, 1079, 1081, 1248, 1345, 1441, 1472, 1499, 1503, 1504, 1512, 1517, 1635, 1647, 1648, 1680, 1728, 1853, 1854, 1901, 1902, 1927
 Filed—84, 89, 94, 106, 114-115, 132, 216, 340, 346, 359, 385, 420, 450, 473, 492, 493, 548, 559, 573, 585, 613, 623, 668, 701, 762, 770, 771-772, 788-789, 836-837, 881, 886, 890-891, 925-928, 986-987, 1045-1046, 1056-1059, 1117, 1160, 1168, 1173, 1188, 1224, 1253-1254, 1263, 1333-1334, 1414, 1463-1464, 1466, 1485, 1533, 1600-1601, 1652-1655, 1739, 1745, 1765, 1865, 1955
 Filed from the floor—127, 138, 234, 354, 375, 376, 471, 504, 511, 598, 720, 794, 798, 803, 806, 815, 816, 843, 856, 858, 866, 875, 910, 919, 941, 942, 943, 944, 955, 969, 971, 977, 979, 980, 981, 982, 983, 997, 1013, 1016, 1036, 1037, 1041, 1069, 1070, 1071, 1073, 1074, 1091, 1094, 1101, 1109, 1134, 1141, 1143, 1150, 1246, 1248, 1297, 1301, 1323, 1325, 1337, 1341, 1342, 1344, 1346, 1347, 1387, 1389, 1391, 1392, 1395, 1396, 1397, 1399, 1410, 1429, 1436, 1438, 1440, 1441, 1443, 1444, 1445, 1468, 1488, 1489, 1490, 1492, 1494, 1496, 1497, 1498, 1499, 1501, 1503, 1504, 1507, 1513, 1516, 1517, 1518, 1559, 1580, 1582, 1586, 1588, 1590, 1593, 1594, 1616, 1618, 1663, 1669, 1670, 1671, 1673, 1674, 1676, 1677, 1681, 1683, 1684, 1685, 1692, 1693, 1694, 1715, 1722, 1727, 1760, 1780, 1803, 1848, 1853, 1854, 1886, 1887, 1889, 1911, 1923, 1927, 1935, 1937, 1943, 1980, 2007, 2036, 2048, 2140, 2141, 2188, 2189, 2190
 Senate amendments considered—564, 900, 1295, 1309, 1311, 1313, 1314, 1316, 1318, 1319, 1338, 1416, 1418, 1420, 1422, 1424, 1427, 1433, 1519, 1536, 1538, 1554, 1560, 1563, 1565, 1573, 1575, 1634, 1716, 1718, 1720, 1721, 1748, 1753, 1755, 1757, 1766, 1768, 1780, 1781, 1808, 1856, 1867, 1889, 1913, 1960, 2014, 2044, 2091, 2212
 Senate amendments filed—559, 668, 926, 1224, 1253, 1254, 1333, 1334, 1414, 1463, 1485, 1533, 1600, 1654, 1739, 1745, 1765, 1955
 Withdrawn—125, 127, 165, 167, 510, 598, 658, 713, 778, 780, 798, 803, 842, 854, 856, 857, 867, 910, 969, 973, 979, 982, 983, 990, 996, 999, 1016, 1031, 1036, 1062, 1077, 1079, 1081, 1085, 1106, 1122, 1143, 1148, 1150, 1151, 1215, 1244, 1246, 1248, 1321, 1325, 1337, 1345, 1346, 1347, 1350, 1395, 1396, 1438, 1445, 1496, 1499,

1504, 1507, 1510, 1518, 1580, 1594, 1626, 1635, 1646, 1658, 1662, 1663, 1664, 1684, 1692, 1853, 1854, 1887, 1889, 1923, 1927, 1942, 2048, 2141

ANDERSON, RICHARD—Representative **Fremont-Mills-Page** Counties

Amendments filed—836, 986, 987, 1333

Amendments offered—902, 990, 1336

Bills introduced—241, 302, 425

Committee appointments—24, 25, 52, 481

Resolutions filed—986, 1187

Subcommittee assignments—92, 236, 285, 467, 531, 768, 1158, 1172

APPOINTMENTS—

(See **INTERIM APPOINTMENTS**)

APPROPRIATIONS, COMMITTEE ON—

Amendment filed—1765

Amendment offered—1903

Appointed—24

Bills introduced—465, 764, 765, 790, 817, 818, 882, 888, 1096, 1225, 1255, 1460, 1595, 1602

Recommendations—385, 418, 459, 699, 761, 769, 835, 879, 890, 1116, 1165-1166, 1186, 1259, 1463, 1600, 1652, 1765

Subcommittee assignments—83, 243, 244, 357, 358, 767, 768, 833, 1115

APPROPRIATIONS SUBCOMMITTEES—

Appointments to—26-27, 110

Removal from—110

ARNOLD, RICHARD—Representative **Lucas-Mahaska-Marion-Monroe** Counties

Amendment filed—987

Bills introduced—22, 218, 302, 343, 390, 391, 393, 506

Committee appointments—25, 26, 480

Explanation of vote—1945

Leave of absence—1933

Presented to the House the North Mahaska Red Hawks Basketball Team—1311

Resolutions filed—193, 770, 1187, 1223

Resolution offered—1307

Subcommittee assignments—83, 191, 236, 327, 416, 456, 486, 531, 544, 769, 1462

ASSISTANT MAJORITY LEADERS—

Carmine Boal—Representative **Polk** County

(See **BOAL, CARMINE**—Representative **Polk** County, Assistant Majority Leader)

Cecil Dolecheck—Representative **Adams-Montgomery-Ringgold-Taylor-Union** Counties

(See **DOLECHECK, CECIL**—Representative **Adams-Montgomery-Ringgold-Taylor-Union** Counties, Assistant Majority Leader)

Libby Jacobs—Representative **Polk** County

(See **JACOBS, LIBBY**—Representative **Polk** County, Assistant Majority Leader)

Steve Olson—Representative **Clinton-Scott** Counties

(See **OLSON, STEVEN**—Representative **Clinton-Scott** Counties, Assistant Majority Leader)

Rod Roberts—Representative **Carroll-Crawford-Sac** Counties

(See ROBERTS, ROD—Representative **Carroll-Crawford-Sac** Counties, Assistant Majority Leader)

ASSISTANT MINORITY LEADERS—

- Polly Bukta—Representative **Clinton** County
(See BUKTA, POLLY—Representative **Clinton** County, Assistant Minority Leader)
- Lisa Heddens—Representative **Boone-Story** Counties
(See HEDDENS, LISA—Representative **Boone-Story** Counties, Assistant Minority Leader)
- Helen Miller—Representative **Webster** County
(See MILLER, HELEN—Representative **Webster** County, Assistant Minority Leader)
- Mike Reasoner—Representative **Clarke-Decatur-Union** Counties
(See REASONER, MIKE—Representative **Clarke-Decatur-Union** Counties, Assistant Minority Leader)
- John Whitaker—Representative **Jefferson-Van Buren-Wapello** Counties
(See WHITAKER, JOHN—Representative **Jefferson-Van Buren-Wapello** Counties, Assistant Minority Leader)

AWARDS AND GIFTS—

- Special presentation to House Pages—543, 1656
- International committee presented a gift to a delegation from Malaysia as part of Sabah, U.S. Legislative Exchange Program—207
- Tracy Andrele, of the Beta Sigma Phi Sorority and artist David Rottinghaus presented his painting to Governor Vilsack—406
- Representative Jenkins presented gifts to the Legislative Exchange Program delegation from Saskatchewan, Canada—790
- Speaker Pro Tempore Carroll and Minority Leader Murphy presented a certificate to the Honorable John Connors, former member of the House, and his wife Marge in honor of their 60th wedding anniversary—1061

BAUDLER, CLEL—Representative **Adair-Audubon-Cass-Guthrie** Counties

- Amendments filed—701, 762, 928, 987, 1117, 1414, 1533, 1559, 1927
- Amendments offered—597, 1150
- Bills introduced—51, 67, 116, 124, 135, 196, 206, 248, 293, 302, 341, 343, 369, 391, 392, 426, 428, 452, 476
- Committee appointments—23, 25, 70, 481, 686
- Leave of absence—1697
- Report—751-755
- Resolutions filed—193, 986, 1056, 1168, 1187, 1333
- Subcommittee assignments—83, 210, 211, 236, 296, 336, 358, 364, 383, 456, 468, 486, 544, 545, 666

BELL, PAUL—Representative **Jasper** County

- Amendments filed—94, 114, 115, 492, 836, 926, 927, 986, 1036, 1037, 1057, 1058, 1091, 1337, 1464, 1497, 1501, 1503, 1653, 1654, 1655
- Amendment withdrawn—1337
- Bills introduced—96, 107, 134, 197, 198, 360, 369, 426, 506, 542, 549, 553
- Committee appointments—24, 25
- Leave of absence—136
- Presented to the House veterans from his district—1261

Presented to the House a delegation from Taiwan including Director General Chen—
1486

Resolutions filed—193, 667, 1187, 1333, 1652

Subcommittee assignments—210, 243, 358, 383, 468, 544, 833

BERRY, DEBORAH L.—Representative **Black Hawk** County

Amendments filed—84, 94, 114, 115, 492, 836, 926, 927, 1036, 1037, 1045, 1057,
1058, 1091, 1414, 1464, 1497, 1499, 1501, 1503, 1533, 1654, 1655, 1848, 1853

Bills introduced—68, 96, 107, 134, 197, 241, 361, 370, 390, 391, 392, 425, 428, 453,
478, 494, 496, 506, 549, 552, 576, 589

Committee appointments—25

Presented to the House Steven Scott, Director of "Prevent Child Abuse of Iowa"—
1535

Resolutions filed—667, 1187, 1223, 1253, 1333

Resolution offered—1536

Subcommittee assignments—296, 336, 416, 486, 581, 834, 923

BILLS—

(See also action on HOUSE JOINT RESOLUTIONS, HOUSE FILES, SENATE
JOINT RESOLUTIONS and SENATE FILES in LEGISLATIVE INDEX
VOLUME)

Approved by governor—235, 473, 568, 615, 663, 697, 827, 1044, 1155, 1220, 1251,
1261-1262, 1328-1329, 1482-1483, 1596-1597, 1650-1651, 1733-1734, 1738-1739,
1742-1743, 1761, 1861-1862, 1945-1946, 2229

Approved, vetoed or item vetoed subsequent to adjournment—2233-2250

Consideration of—125, 136, 322, 349, 372, 429, 470, 500, 563, 596, 639, 681, 774,
791, 809, 839, 895, 929, 988, 1047, 1062, 1120, 1177, 1192, 1215, 1226, 1267, 1308,
1335, 1415, 1436, 1468, 1489, 1558, 1580, 1605, 1657

Deferred, retained on calendar—945, 963, 996, 1033, 1244, 1295, 1338, 1344, 1490,
1778, 1781

Introduction of—20-23, 40, 50-52, 65-68, 81-82, 86-88, 96-98, 107-110, 116-117, 124-
125, 128-129, 133-136, 179-180, 187, 194-198, 206-207, 217-220, 240-242, 248-250,
286-287, 293-294, 300-303, 304-305, 331-334, 341-344, 347, 348-349, 360-361, 367-
371, 371-372, 386, 390-394, 406-407, 412-414, 421-425, 426-429, 451-454, 463-466,
474-479, 494-497, 497-500, 505-506, 540-543, 549-554, 560-561, 562-563, 574-578,
586-592, 593-595, 614-615, 624-630, 635-638, 638-639, 669-672, 676-678, 679-681,
702-704, 710, 763, 764-765, 771, 773, 790, 808, 817-818, 861, 882, 888, 893, 996,
1036, 1051-1052, 1096, 1112, 1120-1121, 1163, 1169, 1189-1190, 1214, 1225, 1255,
1264-1265, 1316, 1335, 1408, 1460, 1486-1487, 1493-1494, 1595-1596, 1602, 1933-
1934

Item veto messages—1597-1598

Item veto messages after session—2241-2250

Passed on file—361, 579, 767, 876, 984, 1481, 1596

Placed on unfinished business calendar—1161, 1250

Referred to committees—555, 757, 785, 1113, 1155, 1191-1192, 1261

Rereferred to committees—44, 62, 98, 235, 381, 408, 472, 482, 483, 599, 615, 921,
1191-1192, 1258

Sent to governor—454, 483, 529, 579, 662-663, 786, 1053, 1169-1170, 1183, 1220,
1251, 1261, 1461, 1482, 1529, 1596, 1733, 1738, 1742, 1861, 1931, 1953, 2228

Substitutions—127, 440, 563, 640, 653, 716, 913, 914, 916, 932, 1003, 1034, 1048,
1148, 1177, 1178, 1180, 1201, 1228, 1231, 1235, 1237, 1324, 1438, 1479, 1512,
1627, 1697

Veto messages after session—2238-2240

Withdrawn—133, 381, 439, 442, 503, 514, 568, 642, 643, 645, 649, 651, 653, 654, 656, 660, 662, 690, 697, 709, 717, 719, 721, 748, 750, 775, 782, 785, 810, 813, 822, 823, 825, 853, 860, 906, 912, 914, 916, 918, 931, 933, 955, 957, 994, 1015, 1036, 1049, 1051, 1106, 1112, 1153, 1155, 1179, 1180, 1196, 1199, 1204, 1205, 1219, 1231, 1232, 1235, 1237, 1248, 1250, 1299, 1306, 1326, 1411, 1439, 1473, 1475, 1480, 1492, 1509, 1518, 1595, 1606, 1608, 1612, 1649, 1716, 1950

BILLS SENT TO GOVERNOR—

(See BILLS, subheading, Sent to Governor)

BOAL, CARMINE—Representative Polk County, Assistant Majority Leader

Amendments filed—762, 886, 927, 928, 980, 982, 986, 1056, 1057, 1653

Amendments offered—980, 1000, 1003, 1571, 1662

Bills introduced—67, 68, 241, 367, 369, 390, 391, 393, 425, 550

Committee appointments—23, 24, 25, 26

Presented to the House the Ankeny High School Girls' Basketball team and their coach Scott DeJong—888

Presented to the House veterans from her district—1261

Presided at session of the House—851

Resolutions filed—193, 986, 1187, 1333

Resolution offered—888

Subcommittee assignments—77, 78, 92, 93, 104, 111, 170, 190, 210, 243, 244, 336, 337, 364, 382, 383, 416, 445, 456, 486, 487, 544, 581, 666, 833, 834, 923, 1055, 1185

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, Assistant Minority Leader

Amendments filed—84, 94, 114, 492, 836, 926, 927, 1036, 1037, 1057, 1058, 1091, 1333, 1414, 1464, 1497, 1501, 1503, 1653, 1654, 1655, 1853

Bills introduced—96, 97, 107, 134, 197, 304, 369, 370, 371, 391, 428, 506, 549, 553, 560, 576, 593

Committee appointments—23, 24, 26

Leave of absence—1444

Presented to the House the Honorable Arthur Ollie, former member of the House—334

Resolutions filed—667, 1187, 1223, 1253, 1333, 1600

Subcommittee assignments—92, 93, 105, 130, 170, 210, 363, 383, 416, 445, 455, 456, 602, 833, 834, 1185

CALL OF THE HOUSE—

Lifted:

House File 816—1852

Requested:

House File 816—1850

CARROLL, DANNY—Representative Mahaska-Poweshiek Counties, Speaker Pro Tempore

Amendments filed—132, 762, 788, 836, 890, 1045, 1101, 1334, 1387, 1389, 1392, 1396, 1463, 1513, 1559, 1601, 1653

Amendments offered—136, 791, 916, 1350, 1387, 1389, 1392, 1621, 1628, 1657

Amendments withdrawn—854, 1350, 1396

Bill deferred, retained on calendar (as acting Speaker)—1295

Bills introduced—40, 52, 88, 342, 343, 367, 369, 370, 391, 392, 463, 496, 553

Bill passed on file (as acting Speaker)—1481

Bill placed on unfinished business calendar (as acting Speaker)—1250

Committee appointments—23, 24, 25, 26, 482

Presented to the House the Honorable John Connors, former member of the House and his wife Marge with a certificate in honor of their 60th wedding anniversary—1061

Presented to the House veterans from his district—1261

Presided at sessions of the House—194, 430, 681, 686, 704, 842, 898, 980, 1062, 1071, 1097, 1195, 1210, 1214, 1225, 1247, 1264, 1305, 1307, 1467, 1577, 1579, 1603, 1670, 1675, 1684, 1854, 2090

Remarks—13-14

Resolution filed—1187

Ruling made (as acting Speaker)—1298

Subcommittee assignments—77, 105, 209, 210, 327, 336, 363, 383, 416, 445, 455, 456, 486, 487, 545, 582, 616, 833, 834, 923, 1158, 1185

Took oath of office—12-13

CERTIFICATES OF ELECTION—

Of Representatives—2-4

CERTIFICATES OF RECOGNITION—

49, 63, 77, 83, 88, 90-92, 99-104, 110-111, 129-130, 168-169, 180-181, 188-190, 203-204, 207-209, 235-236, 242-243, 288-289, 294-296, 326-327, 335-336, 356-357, 361-363, 382, 386-387, 408-409, 415, 443-445, 454-455, 467, 483-486, 530-531, 544, 568-569, 579-581, 600-602, 616, 663-665, 698, 757-760, 767, 786-788, 828-831, 877-878, 884-885, 889-890, 921-923, 984, 1044-1045, 1053-1055, 1113-1115, 1156-1158, 1164, 1170-1172, 1183-1185, 1221, 1251-1252, 1258, 1262, 1329-1331, 1412, 1461-1462, 1483-1484, 1530-1531, 1599, 1651-1652, 1735, 1739, 1744-1745, 1762-1765, 1863-1865, 1929-1930, 1947, 1954-1955, 2229-2232

CHAMBERS, ROYD E.—Representative Clay-O'Brien-Osceola-Sioux Counties

Amendments filed—701, 881, 926, 928, 977, 979, 980, 981, 987, 1853

Amendments offered—972, 973, 979, 980

Amendment withdrawn—1853

Bills introduced—20, 87, 117, 240, 361, 368, 369, 391, 392, 425, 426, 428, 477, 553, 576, 592

Committee appointments—24, 25, 399, 1945

Explanation of vote—2228

Leave of absence—1959

Report—2192-2207

Resolutions filed—193, 986, 1056, 1187

Subcommittee assignments—170, 181, 190, 210, 244, 296, 336, 358, 363, 364, 383, 416, 446, 456, 486, 487, 581, 582, 602, 603, 665, 698, 1462

CHAPLAINS—

Committee on, appointed—15

Resolution relating to:

House Resolution 2, committee appointed to arrange for opening of sessions with prayer—15 adopted

CHIEF CLERK OF THE HOUSE, Margaret A. Thomson

Administered oath of office to temporary Speaker—1

Communications received and on file—44-49, 82, 88, 90, 99, 110, 121-122, 129, 203, 287-288, 325-326, 381-382, 385, 395, 467, 615-616, 630, 663, 698, 921, 1053, 1170, 1598, 1761-1762, 1862, 1946

Elected acting Chief Clerk—1

Elected permanent Chief Clerk—9

Reports:

Certificates of recognition—49, 63, 77, 83, 88, 90-92, 99-104, 110-111, 129-130, 168-169, 180-181, 188-190, 203-204, 207-209, 235-236, 242-243, 288-289, 294-296, 326-327, 335-336, 356-357, 361-363, 382, 386-387, 408-409, 415, 443-445, 454-455, 467, 483-486, 530-531, 544, 568-569, 579-581, 600-602, 616, 663-665, 698, 757-760, 767, 786-788, 828-831, 877-878, 884-885, 889-890, 921-923, 984, 1044-1045, 1053-1055, 1113-1115, 1156-1158, 1164, 1170-1172, 1183-1185, 1221, 1251-1252, 1258, 1262, 1329-1331, 1412, 1461-1462, 1483-1484, 1530-1531, 1599, 1651-1652, 1735, 1739, 1744-1745, 1762-1765, 1863-1865, 1929-1930, 1947, 1954-1955, 2229-2232

Certification of engrossment—187, 529, 579, 1043, 1052, 1250, 1860, 1931, 2228

Committee recommendations—79, 106, 114, 131-132, 177-178, 205, 214-215, 239, 246-247, 285, 291-292, 298-299, 330, 339-340, 346, 365-366, 385, 396, 410-411, 418-420, 448-450, 458-460, 491-492, 534-539, 547-548, 556-559, 571-573, 584-585, 605-613, 617-623, 630-634, 666-667, 699-700, 761-762, 769-770, 835, 879, 890, 924-925, 985, 1055-1056, 1116, 1159-1160, 1165-1167, 1172-1173, 1186-1187, 1222-1223, 1252-1253, 1258, 1262-1263, 1331-1332, 1463, 1466, 1531-1532, 1600, 1652, 1765, 1934

Enrolled bills—454, 483, 529, 579, 662-663, 786, 1053, 1169-1170, 1183, 1220, 1251, 1261, 1461, 1482, 1529, 1596, 1733, 1738, 1742, 1861, 1931, 1953, 2228

Resolutions relating to:

House Concurrent Resolution 3, joint rules of the Senate and House of Representatives for the 81st General Assembly—79, 216, 234, 235 adopted, as amended & msgd. — S.J. — 179, 181 adopted, 182 msgd. — H.J. — 250

House Resolution 4, permanent rules of the House for the eighty-first general assembly—80, 84, 89, 94, 114, 165, 167 adopted

Senate Concurrent Resolution 3, relating to compensation of chaplains, officers, and employees of the eighty-first general assembly—180, 181 adopted, 182 msgd. — H.J. — 250, 292, 449, 450, 528, 529 as amended, adopted & msgd. — S.J. — 391, 438 as amended, adopted, 440 msgd. — H.J. — 596

Took oath of office—1

CHIEF JUSTICE OF THE SUPREME COURT, The Honorable Louis A. Lavorato
(See SUPREME COURT OF IOWA)

CLAIMS—

(See CLAIMS FILED)

(See MANAGEMENT, DEPARTMENT OF)

(See STATE APPEAL BOARD)

CLAIMS FILED—

(See also MANAGEMENT, DEPARTMENT OF)

(See also STATE APPEAL BOARD)

Claims filed & approved—251-283

Claims filed & disapproved—200-202, 1257-1258, 1951-1953

Communications from State Appeal Board—199-202, 250-283, 1256-1258, 1951-1953

COHOON, DENNIS M.—Representative Des Moines County

Amendments filed—95, 492, 701, 836, 927, 1036, 1037, 1057, 1058, 1070, 1091, 1464,
1497, 1501, 1503, 1559, 1653, 1654, 1655

Amendment offered—1070

Bills introduced—96, 107, 116, 134, 197, 331, 428, 506, 549, 552, 576

Committee appointments—24, 26

Leave of absence—929

Resolutions filed—667, 1187, 1223, 1333

Subcommittee assignments—416, 445, 456, 487, 603, 760

COMMERCE, REGULATION & LABOR, COMMITTEE ON—

Amendment filed—420

Amendment offered—933

Appointed—24

Bills introduced—241, 341, 371, 412, 413, 475, 499, 551, 562, 563, 624, 625, 627, 629,
635, 636, 638, 671Recommendations—239, 365, 410-411, 418, 535, 570-571, 606-607, 618, 630-631,
924, 1166, 1466Subcommittee assignments—122, 170, 181, 243, 244, 336, 345, 387, 455, 486, 487,
603, 878, 923, 1462

COMMISSIONS, COMMITTEES, BOARDS AND/OR COUNCILS—

(See APPOINTMENTS and/or COMMUNICATIONS, sub-heading Reports and/or
INDIVIDUAL HEADINGS)

COMMITTEE ASSIGNMENTS—

(See HOUSE COMMITTEE ASSIGNMENTS)

COMMITTEE RECOMMENDATIONS—

Administration and Rules—79, 449, 1159, 1331-1332

Agriculture—178, 205, 330, 410, 449, 458, 534-535, 557, 605-606, 617, 924, 1165

Appropriations—385, 418, 459, 699, 761, 769, 835, 879, 890, 1116, 1165-1166, 1186,
1259, 1463, 1600, 1652, 1765Commerce, Regulation & Labor—239, 365, 410-411, 418, 535, 570-571, 606-607, 618,
630-631, 924, 1166, 1466Economic Growth—339, 385, 396, 419, 535, 547, 584, 607-608, 620, 631, 699-700,
1172

Education—106, 298, 339, 346, 419, 491-492, 571, 618-619, 924-925, 1166, 1531

Environmental Protection—339, 419, 535-536, 571-572, 608-609, 666, 1166

Ethics—214, 1262

Government Oversight—536, 761-762, 985, 1166-1167, 1463

Human Resources—205, 214, 396, 449, 459, 536, 557-558, 584, 620-622, 632, 666-
667, 1167, 1222

Judiciary—214, 291, 339, 365, 459-460, 537, 572, 609, 622-623, 667, 1186, 1252

Local Government—246, 460, 537, 572, 609-610, 985, 1167

Natural Resources—330, 419, 449-450, 537-538, 572, 584-585, 610, 632
 Public Safety—114, 132, 215, 385, 450, 547-548, 610-611, 623, 1173
 State Government—298, 340, 411, 450, 538, 558-559, 611-613, 632-634, 770, 1934
 Transportation—247, 285, 460, 538, 573, 585, 667, 1167
 Ways and Means—106, 215, 247, 292, 366, 420, 460, 492, 538-539, 762, 879, 925,
 1055-1056, 1159-1160, 1186-1187, 1222-1223, 1253, 1263, 1332, 1463, 1531-1532

COMMITTEES, COMMISSIONS, BOARDS AND/OR COUNCILS—

(See APPOINTMENTS and/or COMMUNICATIONS, sub-heading Reports and/or
 INDIVIDUAL HEADINGS)

COMMITTEES, SPECIAL—

Appointments—2, 7, 10, 13, 16, 398
 Escorted Christopher C. Rants, Speaker, to his chair—7
 Escorted Danny Carroll, Speaker Pro Tempore, to the Speaker's station—13
 Escorted Major General Ron Dardis—400
 Escorted Pioneer Lawmakers—949
 From Senate—18
 Notify and escort Governor Thomas J. Vilsack—53, 70, 399
 Notify and escort Chief Justice Louis A. Lavorato—70
 Notify the Senate—10, 52, 68, 398, 948
 Notify the Governor—10
 Reports—6-7, 14, 52, 69, 398, 948

COMMUNICATIONS FROM—

Appeal Board, State, Claims—199-202, 250-283, 1256-1258, 1951-1953
 The Governor—235, 473, 568, 615, 663, 697, 827, 1044, 1155, 1220, 1251, 1261-1262,
 1328-1329, 1482-1483, 1596-1597, 1597-1598, 1650-1651, 1733-1734, 1738-1739,
 1742-1743, 1761, 1861-1862, 1945-1946, 2229, 2233-2250

Reports:

Administrative Services, Department of—45, 82, 326, 921
 Agriculture and Land Stewardship, Department of—45
 Blind, Department for the—45, 630
 Child Advocacy Board—698
 Commerce, Department of—45, 88, 121
 Corrections, Department of—46
 Drug Control Policy, Office of—48
 Economic Development, Department of—46, 122, 203, 287
 Education, Department of—46, 99
 Elder Affairs, Department of—326
 Human Rights, Department of—46, 287-288, 395
 Human Services, Department of—46, 82, 129, 326
 Inspections and Appeals, Department of—46, 82
 Insurance, Commissioner of—45
 Iowa Communications and Network Commission—1946
 Iowa County Engineers Association Service Bureau—326
 Iowa Finance Authority—99
 Iowa Higher Education Loan Authority—288
 Iowa Public Employee's Retirement System—48
 Iowa Telecommunications and Technology Commission—48
 Iowa Veterans Home—48
 Justice, Department of—46, 82, 180, 288

Legislative Services Agency—180, 381
 Management, Department of—47
 Medical Assistance Crisis Intervention Team—48
 Municipal Fire and Police Retirement System of Iowa—48
 Natural Resources, Department of—47, 1598, 1761
 Parole, Board of—45, 48
 Public Defense, Department of—203
 Public Health, Department of—47, 288, 467, 615
 Public Safety, Department of—47
 Regents, Board of—45, 82, 88, 90, 110, 326
 Revenue, Department of—47, 1053
 State of Iowa—616, 1862
 State Library of Iowa—49
 State Public Defender, Office of—48
 Transportation, Department of—47, 1762
 Treasurer of State—49
 Vocational Rehabilitation Services, Division of—663
 Workforce Development, Department of—48, 1053, 1170

COMPANION BILLS—

(See HOUSE AND SENATE COMPANION BILLS listed in LEGISLATIVE INDEX VOLUME)

CONDITION OF THE STATE MESSAGE—

(See STATE OF THE STATE and BUDGET MESSAGE)

CONFERENCE COMMITTEE—

Appointed—686, 1945, 2013

Reports:

House File 816—2192-2207
 House File 834—2209-2210
 Senate File 169—751-755
 Senate File 200—2222-2226

Reports adopted:

House File 816—2208
 House File 834—2210
 Senate File 169—756
 Senate File 200—2226

Reports called up:

House File 816—2192
 House File 834—2209
 Senate File 169—751
 Senate File 200—2222

Reports filed:

House File 816—2192
 House File 834—2209
 Senate File 169—751
 Senate File 200—2222

CONGRESS AND/OR PRESIDENT OF THE UNITED STATES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES)

CREDENTIALS, COMMITTEE ON—

- Appointed—2
- Report—2-4
- Report adopted—5

DANDEKAR, SWATI A.—Representative **Linn** County

- Amendments filed—84, 94, 492, 890, 927, 1036, 1037, 1057, 1058, 1091, 1497, 1501, 1601, 1652, 1654, 1655, 1685
- Bills introduced—107, 109, 124, 125, 129, 197, 218, 219, 332, 333, 343, 369, 371, 424, 425, 453, 496, 542, 550
- Committee appointments—24
- Resolutions filed—193, 1187, 1223, 1333, 1652
- Subcommittee assignments—181, 236, 409, 767, 768

DAVITT, MARK—Representative **Warren** County

- Amendments filed—84, 94, 493, 573, 836, 926, 955, 1036, 1037, 1045, 1057, 1058, 1091, 1224, 1490, 1497, 1501, 1503, 1653, 1654, 1655, 1681
- Amendments offered—646, 955, 1490
- Bills introduced—96, 134, 197, 304, 426, 428, 499, 506, 541, 542, 543, 550, 553, 576
- Committee appointments—23, 25, 26
- Presented to the House veterans from his district—1260
- Resolutions filed—667, 1187, 1223, 1253
- Subcommittee assignments—77, 78, 83, 181, 244, 383, 531, 544, 545, 832, 833

DE BOEF, BETTY—Representative Iowa-**Keokuk**-Poweshiek-Tama Counties

- Amendments filed—701, 866, 881, 927, 928, 977, 1334, 1346, 1923
- Amendments offered—706, 714, 716, 866, 1346, 1923
- Amendments withdrawn—1346, 1923, 1927
- Bills introduced—135, 302, 348, 367, 390, 391, 392, 393, 414, 425, 474, 505, 553
- Committee appointments—10, 23, 24, 25, 482
- Presented to the House the 2004 Iowa Junior Miss, Andrea Roberts—562
- Resolutions filed—193, 986, 1056, 1187, 1333
- Subcommittee assignments—210, 244, 357, 416, 768, 890

DIX, BILL—Representative Bremer-**Butler** Counties

- Amendments filed—127, 701, 881, 926, 987, 1046, 1117, 1494, 1496, 1504, 1654, 1655, 1886, 1937, 2141, 2188, 2190
- Amendments offered—930, 945, 1089, 1123, 1215, 1494, 1496, 1662, 1664, 1886, 1903, 1937, 2141, 2188, 2190
- Amendments withdrawn—1496, 1887
- Bills introduced—179, 367, 369, 391, 392, 393, 426
- Committee appointments—13, 24, 1945
- Nominated the Honorable Danny Carroll for Speaker Pro Tempore—11
- Presented to the House the Honorable Pat Shey, former member of the House—692
- Remarks—11
- Report—2192-2207
- Resolutions filed—986, 1187, 1333
- Subcommittee assignments—486, 487, 767, 768, 1115

DOLECHECK, CECIL—Representative Adams-Montgomery-**Ringgold**-Taylor-Union Counties, Assistant Majority Leader

- Amendments filed—788, 789, 987, 1601

Amendment offered—1215
 Amendment withdrawn—1215
 Bills introduced—86, 248, 391, 393, 553, 554
 Committee appointments—23, 24, 25, 26, 481, 686
 Presided at sessions of the House—1052, 1315, 1344, 1504, 1619
 Report—751-755
 Resolutions filed—986, 1187
 Ruling made (as acting Speaker)—1347
 Subcommittee assignments—83, 105, 170, 181, 210, 328, 363, 364, 383, 416, 456, 487, 531, 545, 582, 602, 833, 834, 1185, 1462

DRAKE, JACK—Representative Cass-Pottawattamie-Shelby Counties

Amendments filed—1160, 1533, 1559, 1722
 Amendment offered—1722
 Bills introduced—135, 300, 302, 369, 390, 391, 392, 425, 465, 476, 505, 553
 Committee appointments—23, 24, 26
 Presided at sessions of the House—931, 943, 1007
 Resolutions filed—193, 986, 1187, 1333
 Rulings made (as acting Speaker)—1008, 1014
 Subcommittee assignments—92, 93, 112, 181, 328, 383, 445, 455, 531, 544, 769, 832, 833, 1115, 1158, 1185

ECONOMIC GROWTH, COMMITTEE ON—

Amendment filed—1173
 Amendment offered—1212
 Appointed—24
 Bills introduced—367, 412, 498, 561, 578, 591, 615, 625, 627, 629, 703, 704, 710
 Recommendations—339, 385, 396, 419, 535, 547, 584, 607-608, 620, 631, 699-700, 1172
 Subcommittee assignments—169-170, 181, 236, 296, 336, 358, 363, 364, 387, 409, 467, 890

EDUCATION, COMMITTEE ON—

Amendments filed—623, 1168, 1533
 Amendments offered—1571, 1623
 Appointed—24
 Bills introduced—341, 343, 423, 428, 497, 498, 594, 629, 636, 637
 Recommendations—106, 298, 339, 346, 419, 491-492, 571, 618-619, 924-925, 1166, 1531
 Subcommittee assignments—77, 104, 105, 170, 190, 191, 210, 244, 327, 363, 364, 383, 416, 445, 456, 486, 487, 581, 582, 602, 603, 665, 666, 698, 760, 1055, 1164, 1462

EICHHORN, GEORGE—Representative Franklin-Hamilton-Webster-Wright counties

Amendments filed—138, 770, 881, 890, 987, 1653
 Amendments offered—138, 820, 906, 916, 1662
 Bills introduced—97, 180, 302, 369, 370, 371, 391, 392, 413, 429, 474, 476
 Committee appointments—25, 26, 69
 Resolutions filed—193, 986, 1187, 1188
 Subcommittee assignments—104, 181, 190, 445, 486, 545, 760, 769, 832, 834, 985, 1045, 1331

EIGHTY-FIRST GENERAL ASSEMBLY—
(See GENERAL ASSEMBLY—HOUSE)

ELGIN, JEFF—Representative Linn County
Amendments filed—668, 762, 886, 927, 1935
Amendments offered—1014, 1935
Bills introduced—20, 88, 107, 108, 128, 219, 369, 390, 391, 393, 454, 495, 505, 550,
574, 590
Committee appointments—25, 26, 53
Resolutions filed—193, 1187
Subcommittee assignments—93, 111, 112, 243, 455

EMPLOYEES—
(See OFFICERS AND EMPLOYEES)

ENROLLED BILLS—
(See BILLS, subheading, Sent to Governor; CHIEF CLERK OF THE HOUSE,
Margaret A. Thomson, Reports; and/or SPEAKER OF THE HOUSE, Christopher
Rants, subheading, Bills signed by)

ENVIRONMENTAL PROTECTION, COMMITTEE ON—
Amendment filed—1168
Amendment offered—1475
Appointed—24
Bills introduced—344, 423, 552, 554, 586, 591, 671, 672, 679
Recommendations—339, 419, 535-536, 571-572, 608-609, 666, 1166
Subcommittee assignments—92, 93, 285, 416, 531, 879

ETHICS, COMMITTEE ON—
Appointed—24
Recommendations—214, 1262
Resolutions filed—215, 1413

EXPLANATION OF VOTE—
House Joint Resolution 1—Representative Heddens—877
House File 175—Representative T. Taylor—334
House File 190—Representative T. Taylor—334
House File 197—Representative T. Taylor—334
House File 248—Representative Gaskill—473
House File 254—Representative Foege—877
House File 277—Representative Wendt—599
House File 313—Representative Gaskill—473
House File 332—Representative Gaskill—473
House File 339—Representative Gaskill—473
House File 370—Representative T. Taylor—757
House File 370—Representative Heddens—876
House File 398—Representative T. Taylor—757
House File 398—Representative Heddens—876
House File 399—Representative Heddens—876
House File 418—Representative Wendt—599
House File 419—Representative Heddens—876
House File 423—Representative T. Taylor—757

- House File 423—Representative Heddens—876
House File 438—Representative T. Taylor—757
House File 438—Representative Heddens—876
House File 440—Representative Ford—757
House File 440—Representative Heddens—877
House File 469—Representative T. Taylor—757
House File 469—Representative Heddens—876
House File 476—Representative T. Taylor—757
House File 476—Representative Heddens—876
House File 478—Representative Ford—757
House File 478—Representative Heddens—876
House File 479—Representative T. Taylor—757
House File 479—Representative Heddens—877
House File 480—Representative T. Taylor—757
House File 480—Representative Heddens—876
House File 512—Representative Ford—757
House File 512—Representative Heddens—876
House File 529—Representative T. Taylor—757
House File 529—Representative Heddens—877
House File 532—Representative Ford—757
House File 532—Representative Heddens—876
House File 580—Representative Ford—757
House File 580—Representative Heddens—876
House File 581—Representative T. Taylor—757
House File 581—Representative Heddens—876
House File 584—Representative Heddens—876
House File 585—Representative Foege—877
House File 587—Representative Foege—877
House File 591—Representative Heddens—876
House File 602—Representative Heddens—876
House File 607—Representative T. Taylor—757
House File 607—Representative Heddens—876
House File 613—Representative Foege—877
House File 617—Representative Raecker—785
House File 617—Representative Foege—877
House File 619—Representatives Ford & Gaskill—1861
House File 624—Representative Heddens—876
House File 641—Representative Heddens—876
House File 642, H-1056—Representative T. Taylor—757
House File 642, H-1056B—Representative Heddens—877
House File 642—Representative T. Taylor—757
House File 642—Representative Heddens—877
House File 644, H-1077—Representative Heddens—877
House File 644—Representative Heddens—877
House File 645—Representative Heddens—876
House File 646—Representative Heddens—876
House File 673—Representative Heddens—877
House File 682—Representative Heddens—877
House File 682—Representative Frevert—1460
House File 683—Representative Ford—757
House File 683—Representative Heddens—877
House File 683—Representative Frevert—1460

- House File 685—Representative Heddens—877
House File 700—Representative Heddens—877
House File 710—Representative Foege—877
House File 712—Representative Foege—877
House File 716—Representative Heddens—877
House File 717—Representative Heddens—877
House File 718—Representative Foege—877
House File 722—Representative Foege—877
House File 726—Representative Foege—877
House File 738—Representative Foege—877
House File 739—Representative Foege—877
House File 740—Representative Foege—877
House File 742—Representative Foege—877
House File 742—Representative Watts—1328
House File 745—Representative Foege—877
House File 745—Representative Frevert—1460
House File 746—Representative Foege—877
House File 754—Representative Foege—877
House File 757—Representative Foege—877
House File 758—Representative Foege—877
House File 760—Representative Foege—877
House File 764—Representative Foege—877
House File 767—Representative Foege—877
House File 774—Representative Foege—877
House File 776—Representative Huser—1044
House File 786—Representative Foege—877
House File 787—Representative Foege—877
House File 801—Representative Frevert—1460
House File 807—Representative Chambers—2228
House File 811—Representative Chambers—2228
House File 825, H-1281 & H-1295A—Representative Winckler—1113
House File 825—Representative Chambers—2228
House File 828—Representative McCarthy—1861
House File 868—Representative Chambers—2228
House File 875—Representative Chambers—2228
House File 883—Representatives Arnold & Raecker—1945
House Resolution 6—Representative T. Taylor—334
House Resolution 7—Representative T. Taylor—334
Senate File 71—Representative Heddens—877
Senate File 113—Representative Gaskill—473
Senate File 114—Representative Wendt—599
Senate File 139—Representative T. Taylor—757
Senate File 139—Representative Heddens—877
Senate File 141—Representative T. Taylor—757
Senate File 141—Representative Heddens—877
Senate File 169—Representative Ford—757
Senate File 169—Representative Heddens—877
Senate File 200—Representative Chambers—2228
Senate File 283—Representative Petersen—1183
Senate File 323—Representative Frevert—1460
Senate File 330—Representative Frevert—1460
Senate File 355—Representative Frevert—1460

Senate File 370—Representative Watts—1328

Senate File 390—Representative Arnold—1945

FALLON, ED—Representative Polk County

Amendments filed—94, 114, 493, 504, 836, 986, 1074, 1414, 1464, 1497, 1501, 1600, 1601, 1653

Amendments offered—856, 1074, 1640

Amendment withdrawn—1321

Bills introduced—96, 98, 107, 197, 241, 549, 553, 614, 861

Committee appointments—24, 25

Leave of absence—1671

Resolutions filed—667, 880, 885, 1187, 1223, 1333

Subcommittee assignments—169, 364

FEDERAL AGENCIES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS and/or FEDERAL AGENCIES)

FOEGE, RO—Representative Johnson-Linn Counties

Amendments filed—84, 94, 493, 886, 927, 986, 1036, 1037, 1045, 1046, 1056, 1057, 1058, 1091, 1334, 1347, 1389, 1414, 1497, 1501, 1503, 1601, 1652, 1653, 1853, 1854, 1980

Amendments offered—1063, 1076, 1079, 1084, 1085, 1140, 1347, 1391, 1680

Amendments withdrawn—1062, 1077, 1079, 1081, 1085, 1347

Bills introduced—96, 107, 108, 134, 197, 241, 242, 249, 304, 332, 371, 414, 421, 424, 428, 451, 506, 549, 552, 553, 560, 576, 590, 1120

Committee appointments—16, 24, 25

Explanation of vote—877

Leave of absence—773, 791, 1854, 1867

Presented to the House Iowans' who participated in the World Winter Special Olympics in Nagano, Japan—1047

Resolutions filed—667, 700, 701, 1187, 1223, 1253, 1333

Resolution offered—1579

Subcommittee assignments—105, 190, 210, 336, 363, 446, 456, 581, 603, 616, 1158, 1164

FORD, WAYNE—Representative Polk County

Amendments filed—95, 114, 115, 346, 354, 493, 771, 772, 798, 803, 806, 836, 837, 843, 856, 886, 927, 979, 983, 1036, 1037, 1045, 1091, 1224, 1334, 1344, 1395, 1463, 1464, 1497, 1498, 1501, 1503, 1533, 1601, 1654, 1655, 1854, 1927

Amendments offered—353, 354, 512, 513, 798, 803, 806, 843, 979, 1246, 1344, 1498, 1587

Amendments withdrawn—780, 856, 1244, 1395, 1927

Bills introduced—107, 134, 180, 194, 195, 196, 197, 206, 207, 219, 301, 302, 303, 334, 343, 348, 349, 368, 371, 390, 393, 394, 406, 421, 422, 423, 464, 465, 466, 505, 506, 541, 542, 543, 576, 588, 589, 590, 591, 595, 614

Committee appointments—24, 25, 26

Explanation of vote—757, 1861

Requested to be added as sponsor of HF 22—294

Requested to be added as sponsor of HF 119—294

Resolutions filed—215, 340, 420, 667, 1223, 1253, 1333, 1413, 1532

Resolution offered—1578

Subcommittee assignments—210, 243, 363, 383, 445, 446, 455, 456, 531, 602, 665, 666, 769

FREEMAN, MARY LOU—Representative **Buena Vista-Sac** Counties

Amendments filed—668, 928, 980, 986, 987, 1414, 1559, 1654

Amendments offered—687, 1506

Bills introduced—341, 360, 369, 371, 391, 393, 542, 550

Committee appointments—16, 24, 25

Resolutions filed—193, 986, 1168, 1187, 1333

Subcommittee assignments—243, 336, 358, 383, 531, 569, 581

FREVERT, MARCELLA R.—Representative **Emmet-Kossuth-Palo Alto** Counties

Amendments filed—94, 492, 701, 720, 836, 926, 971, 1036, 1037, 1057, 1058, 1091, 1414, 1497, 1501, 1533, 1559, 1600, 1653, 1654, 1655, 1681, 1683, 1853, 1927

Amendments offered—719, 720, 961, 971, 1007, 1683

Amendments withdrawn—1594, 1927, 1942

Bills introduced—22, 96, 97, 135, 197, 240, 304, 341, 369, 451, 463, 477, 498, 542, 549, 552, 553, 576

Committee appointments—13, 23, 25, 26

Explanation of vote—1460

Leave of absence—1959

Presented to the House the 2005 Miss Shamrock Kayla Helget—674

Remarks—12

Resolutions filed—193, 667, 1116, 1187, 1223, 1253, 1333

Seconded the nomination of Danny Carroll for Speaker Pro Tempore—12

Subcommittee assignments—93, 170, 181, 328, 486, 531, 833, 834, 1115

GASKILL, MARY—Representative **Wapello** County

Amendments filed—84, 94, 114, 115, 492, 559, 668, 701, 881, 926, 927, 1036, 1037, 1057, 1058, 1069, 1091, 1333, 1334, 1414, 1464, 1497, 1501, 1653, 1655, 1927, 2141

Amendments offered—167, 713, 722, 1031, 1663

Amendments withdrawn—167, 1927

Bills introduced—66, 107, 116, 134, 197, 304, 341, 369, 390, 497, 498, 506, 549, 577, 590, 771

Committee appointments—24, 25, 26, 110, 480

Explanation of votes—473, 1861

Leave of absences—437, 773, 1806

Resolutions filed—193, 1168, 1187, 1253

Subcommittee assignments—92, 93, 111, 364, 455, 486, 531, 879, 923, 1462

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 1, a joint convention on Tuesday, January 11, 2005, at 10:00 a.m. for Governor Thomas J. Vilsack to deliver his condition of the state and budget message—10 adopted, 11 msgd. – S.J. – 20, 43 adopted – H.J. – 62

House Concurrent Resolution 2, a joint convention on Wednesday, January 12, 2005 at 10:00 a.m. for Chief Justice Louis A. Lavorato to deliver his condition of the

- judicial branch message—10, 11 adopted & msgd. – S.J. – 20, 43 adopted – H.J. – 62
- House Concurrent Resolution 3, joint rules of the Senate and House of Representatives for the 81st General Assembly—79, 216, 234, 235 adopted, as amended & msgd. – S.J. – 179, 181 adopted, 182 msgd. – H.J. – 250
- House Concurrent Resolution 4, relating to Pioneer Lawmakers—186, 479 adopted, 482 msgd. – S.J. – 377, 404, 517, 659 adopted & msgd. – H.J. – 894
- House Concurrent Resolution 5, relating to a biennial memorial session—186, 479 adopted, 482 msgd. – S.J. – 377, 404, 517, 659 adopted & msgd. – H.J. – 894
- House Concurrent Resolution 7, a joint convention on Monday, February 21, 2005 at 1:00 p.m. for Major General Ron Dardis to deliver his condition of the Iowa National Guard message—389, 397 adopted, 398 msgd. – S.J. – 298, 310, 298 adopted, 299 msgd. – H.J. – 407
- House Concurrent Resolution 9, designating March 2005 as Iowa Women's History Month—613
- House Concurrent Resolution 15, designate November 13 through 19, 2005 as Iowa Homeless Awareness Week—1223
- House Resolution 1, each member entitled to appointment of secretary—15 adopted
- House Resolution 2, committee appointed to arrange for opening of sessions with prayer—15 adopted
- House Resolution 3, honor all legislative branch employees who volunteered to make 2004 Annual Meeting of Midwestern Legislative Conference of Council of State Governments a successful meeting of Midwestern state and Canadian provincial legislators—49
- House Resolution 4, permanent rules of the House for the eighty-first general assembly—80, 84, 89, 94, 114, 165, 167 adopted
- House Resolution 6, relating to rules governing lobbyists in the House of Representatives—215, 309 adopted, 334
- House Resolution 7, relating to House code of ethics—215, 322 adopted, 334
- House Resolution 29, designating April 2005 Financial Literacy for Youth Month in Iowa—885, 1603 adopted
- House Resolution 47, proclaim April 2005 as Child Abuse Prevention Month—1333, 1536 adopted
- House Resolution 48, amend House code of ethics—1413, 1481 adopted
- House Resolution 52, recognize May 1, 2005 as Law Day—1600
- Senate Concurrent Resolution 3, relating to compensation of chaplains, officers, and employees of the eighty-first general assembly—180, 181 adopted, 182 msgd. – H.J. – 250, 292, 449, 450, 528, 529 as amended, adopted & msgd. – S.J. – 391, 438 as amended, adopted, 440 msgd. – H.J. – 596
- Senate Concurrent Resolution 14, designate November 13 through 19, 2005 as Iowa Homeless Awareness Week—934, 956, 980, 983 adopted & msgd. – H.J. – 1440 adopted, 1459 msgd. – S.J. – 997
- Senate Concurrent Resolution 18, provide for adjournment sine die—1232, 1233 adopted & msgd. – H.J. – 2227, 2228 adopted & msgd. – S.J. – 1236

GIFTS—

(See AWARDS AND GIFTS)

- GIPP, CHUCK—Representative Allamakee-Winneshiek Counties, Majority Leader
- Bills introduced—391, 393, 586, 1112, 1163, 1335, 1408
- Bills rereferred (as acting Speaker)—555, 1258
- Committee appointments—23

Presented to the House members of the 372nd Engineer Group of the Iowa National Guard including Senator Chuck Larson—304
 Presided at sessions of the House—86, 116, 341, 462, 549, 624, 771, 1255
 Remarks—18-19, 2218-2219
 Resolutions filed—186, 986, 1187, 1333, 1736, 1739
 Resolutions offered—10, 397, 479, 1187, 1440, 2227
 Special presentation to House pages—543, 1656
 Subcommittee assignments—383, 833, 834, 1185

GOVERNMENT OVERSIGHT, COMMITTEE ON—

Amendment filed—1463
 Amendment offered—1573
 Appointed—25
 Bills introduced—499, 773, 996, 1163
 Recommendations—536, 761-762, 985, 1166-1167, 1463
 Subcommittee assignments—666, 985, 1331

GOVERNOR VILSACK, THOMAS J.—

Addressed joint convention—54-62
 Bills signed by—235, 473, 568, 615, 663, 697, 827, 1044, 1155, 1220, 1251, 1261-1262, 1328-1329, 1482-1483, 1596-1597, 1650-1651, 1733-1734, 1738-1739, 1742-1743, 1761, 1861-1862, 1945-1946, 2229
 Bills signed by after session—2233-2237
 Committee to notify—10
 Committee to notify and escort—53
 Communication from—235, 473, 568, 615, 663, 697, 827, 1044, 1155, 1220, 1251, 1328-1329, 1482-1483, 1596-1597, 1650-1651, 1733-1734, 1738-1739, 1742-1743, 1761, 1861-1862, 1945-1946, 2229-2250
 Delivered the condition of the State and Budget Message—54-62
 Item veto messages—1597-1598
 Item veto messages after session—2241-2250
 Resolution relating to the condition of the State Message and Budget Message, House Concurrent Resolution 1, a joint convention on Tuesday, January 11, 2005 at 10:00 a.m. for Governor Thomas J. Vilsack to deliver his condition of the state and budget message—10 adopted, 11 msgd. - S.J. - 20, 43 adopted - H.J. - 62
 Resolution relating to:
 House Concurrent Resolution 1, a joint convention on Tuesday, January 11, 2005 at 10:00 a.m. for Governor Thomas J. Vilsack to deliver his condition of the state and budget message—10 adopted, 11 msgd. - S.J. - 20, 43 adopted - H.J. - 62
 Veto messages after session—2238-2240

GRANZOW, POLLY—Representative Franklin-Hardin-Marshall Counties

Amendments filed—1046, 1160
 Bills introduced—66, 125, 301, 302, 341, 390, 391, 392, 425, 549, 554
 Committee appointments—2, 24, 25
 Leave of absence—286
 Resolutions filed—193, 461, 986, 1187, 1188, 1333
 Resolution offered—1176
 Subcommittee assignments—112, 170, 210, 243, 363, 364, 383, 445, 456, 581, 665

GREINER, SANDRA H.—Representative Jefferson-Johnson-Washington Counties

Amendments filed—450, 701, 762, 927, 1037, 1056, 1600, 1601
 Amendments offered—500, 824, 942, 1108, 1475, 1612, 1626
 Amendment withdrawn—1626
 Bills introduced—135, 242, 302, 331, 369, 370, 391, 393, 428, 505
 Bills referred (as acting Speaker)—1113
 Committee appointments—23, 24, 26, 52, 479, 948, 949, 2013
 Presentation of visitors (as acting Speaker)—1113
 Presided at session of the House—1112
 Reports—2209-2210, 2222-2226
 Resolutions filed—986, 1187, 1333
 Subcommittee assignments—93, 111, 112, 181, 204, 285, 296, 364, 409, 416, 446, 531, 879, 923

HEATON, DAVID E.—Representative **Henry-lee** Counties

Amendments filed—886, 891, 927, 1045, 1046, 1056, 1057, 1059, 1074, 1224, 1334, 1340, 1342, 1346, 1389, 1533, 1601, 1653, 1889, 1980
 Amendments offered—904, 1064, 1074, 1076, 1081, 1091, 1239, 1240, 1340, 1342, 1980
 Amendment withdrawn—1345
 Bills introduced—96, 194, 219, 286, 302, 360, 371, 391, 392, 424, 425, 451, 549, 592
 Committee appointments—24, 25
 Presented to the House veterans from his district—1261
 Resolutions filed—193, 986, 1187, 1333
 Subcommittee assignments—210, 327, 336, 357, 416, 446, 455, 603, 616, 768, 1158, 1164, 1172

HEDDENS, LISA—Representative **Boone-Story** Counties, Assistant Minority Leader

Amendments filed—94, 114, 115, 493, 585, 836, 926, 927, 1036, 1037, 1057, 1058, 1059, 1069, 1073, 1091, 1188, 1414, 1464, 1497, 1501, 1513, 1533, 1652, 1653, 1654, 1655, 1848, 1853, 1854
 Amendments offered—1049, 1069, 1073, 1075
 Bills introduced—86, 87, 96, 98, 107, 197, 219, 241, 242, 304, 341, 372, 390, 392, 393, 428, 506, 543, 549, 552, 553, 560
 Committee appointments—23, 24, 25, 399
 Explanation of vote—876-877
 Leave of absence—635
 Presented to the House Tracy Andrele from Beta Sigma Phi sorority and artist David Rottinghaus—405-406
 Resolutions filed—292, 667, 880, 925, 1187, 1223, 1253, 1333
 Resolution offered—398
 Subcommittee assignments—170, 181, 209, 210, 211, 243, 327, 357, 383, 416, 833, 834, 879, 1185

HOFFMAN, CLARENCE—Representative **Crawford-Ida-Monona-Woodbury** Counties

Amendments filed—987, 1094, 1323, 1533, 1580, 1582, 1586, 1593, 1600, 1601, 2048
 Amendments offered—1094, 1323, 1580, 1582, 1586, 1593, 1636, 2048
 Amendments withdrawn—1580, 1635, 2048
 Bills introduced—219, 293, 302, 343, 369, 391, 392, 576
 Committee appointments—24, 25
 Leave of absence—1399
 Presided at session of the House—747
 Resolutions filed—193, 986, 1187

Subcommittee assignments—169, 181, 244, 296, 336, 358, 364, 387, 455, 923, 1462

HOGG, ROBERT M.—Representative **Linn County**

Amendments filed—84, 89, 94, 492, 493, 837, 927, 983, 1036, 1037, 1046, 1057, 1058, 1071, 1091, 1117, 1254, 1297, 1301, 1334, 1441, 1463, 1497, 1501, 1533, 1601, 1653, 1654, 1655, 1680, 1685, 1780, 1853, 1865, 1889

Amendments offered—867, 1071, 1297, 1301, 1441, 1714, 1780

Amendments withdrawn—165, 167, 510, 857, 1143, 1889

Bills introduced—67, 87, 107, 109, 196, 197, 218, 241, 304, 332, 343, 421, 477, 479, 496, 498, 506, 549

Committee appointments—24, 26, 2013

Report—2222-2226

Resolutions filed—1187, 1223, 1333

Subcommittee assignments—77, 104, 191, 456, 487, 581, 602, 832

HORBACH, LANCE—Representative **Grundy-Tama Counties**

Amendments filed—788, 886, 986, 987, 1117, 1188, 1485, 1760, 1911, 2036

Amendments offered—1122, 1128, 1142, 1199, 1201, 1559, 1760, 1911, 2036

Amendment withdrawn—1036

Bills introduced—194, 302, 369, 391, 393, 425, 463, 576

Committee appointments—24, 25, 482

Presented to the House veterans from his district—1261

Presided at sessions of the House—1208, 1592

Resolutions filed—193, 1187

Subcommittee assignments—83, 243, 416, 768, 833, 834, 879, 1462

HOUSE COMMITTEE ASSIGNMENTS—27-37, 110

HOUSE CONCURRED—

House File 227, H-1062—900

House File 253, H-1436—1421

House File 275, H-1397—1565

House File 277, H-1048—565

House File 374, H-1437, as amended—1553

House File 538, H-1425—1418

House File 585, H-1370—1313

House File 587, H-1376—1317

House File 614, H-1482—1574

House File 616, H-1398—1417

House File 617, H-1377—1318

House File 619, H-1628, as amended—1806

House File 645, H-1372—1338

House File 646, H-1545—1577

House File 682, H-1438—1435

House File 683, H-1358, as amended—1430

House File 710, H-1378—1320

House File 716, H-1359, as amended—1537

House File 739, H-1399—1567

House File 742, H-1373—1295

House File 745, H-1371—1425

House File 761, H-1639, as amended—1902

House File 770, H-1205—1310

House File 777, H-1374—1312
 House File 789, H-1385—1315
 House File 805, H-1535—1718
 House File 807, H-1629, as amended—1760
 House File 808, H-1678, as amended—1927
 House File 809, H-1544, as amended—1648
 House File 810, H-1670—1858
 House File 811, H-1701, as amended—2042
 House File 825, H-1702, as amended—2005
 House File 828, H-1632—1767
 House File 840, H-1543—1557
 House File 841, H-1636—1752
 House File 857, H-1541—1720
 House File 862, H-1625—1754
 House File 868, H-1633, as amended—2089
 House File 869, H-1594, as amended—1723
 House File 875, H-1679—1888
 House File 875, H-1679, as amended—2010
 House File 882, H-1703, as amended—2190
 Senate File 206, H-1536—1528
 Senate File 245, H-1596—1716
 Senate File 330, H-1422—1423
 Senate File 342, H-1715—2214
 Senate File 350, H-1469—1561
 Senate File 413, H-1631—1755

HOUSE INSISTS—

Senate File 169—686

HOUSE RECEDES—

House File 807, H-1637—2011

HOUSE REFUSED TO CONCUR—

House File 816, H-1635—1855
 House File 834, H-1626—1860
 Senate File 200, H-1630—1959

HUMAN RESOURCES, COMMITTEE ON—

Amendments filed—1168, 1224
 Amendment offered—1621
 Amendment withdrawn—1350
 Appointed—25
 Bills introduced—217, 220, 427, 475, 479, 498, 499, 551, 552, 574, 575, 625, 626, 628,
 669, 670, 671, 672, 678, 680, 681
 Recommendations—205, 214, 396, 449, 459, 536, 557-558, 584, 620-622, 632, 666-
 667, 669, 1167, 1222
 Subcommittee assignments—104, 105, 112, 190, 209, 210, 243, 327, 336, 363, 383,
 455, 468, 569, 581, 603, 616, 923, 1158, 1164

HUNTER, BRUCE L.—Representative Polk County

Amendments filed—94, 492, 771, 772, 836, 925, 926, 927, 1036, 1037, 1057, 1058,
 1091, 1346, 1414, 1497, 1498, 1501, 1503, 1533, 1653, 1654, 1655

Amendments offered—842, 843, 1346, 1498
 Amendments withdrawn—842, 1594, 1658, 1664
 Bills introduced—96, 98, 116, 134, 195, 197, 219, 294, 304, 331, 343, 428, 549, 552,
 553, 590, 591, 593
 Committee appointments—25, 26
 Resolutions filed—193, 667, 1187, 1223, 1333
 Subcommittee assignments—105, 210, 468

HUSEMAN, DANIEL A.—Representative **Cherokee**-Plymouth-Woodbury Counties

Amendments filed—701, 1499, 1503, 2007
 Amendments offered—1499, 1503, 2007
 Bills introduced—135, 302, 369, 390, 391, 392, 429, 465
 Committee appointments—23, 24, 26
 Presided at session of the House—1806
 Resolutions filed—193, 986, 1187, 1333
 Subcommittee assignments—204, 244, 531, 545, 768, 834, 879

HUSER, GERI D.—Representative **Polk** County

Amendments filed—340, 346, 701, 762, 836, 886, 1141, 1143, 1188, 1485, 1601, 1653,
 1654, 1655, 1685, 1854, 1887
 Amendments offered—354, 742, 1141, 1143, 1209, 1606
 Amendments withdrawn—1499, 1887
 Bills introduced—21, 22, 23, 51, 87, 108, 110, 124, 125, 129, 179, 197, 218, 219, 220,
 240, 241, 304, 333, 369, 371, 390, 425, 426, 453, 496, 498, 506, 790
 Committee appointments—25, 26, 2013
 Explanation of vote—1044
 Leave of absences—1176, 1232, 1854
 Report—2209-2210
 Resolutions filed—667, 1116, 1187, 1333
 Subcommittee assignments—77, 78, 83, 111, 383, 416, 445, 545, 760, 833, 1158,
 1164, 1185

HUTTER, JOE—Representative **Scott** County

Amendments filed—701, 890, 927, 928, 986, 987
 Amendment offered—956
 Bills introduced—20, 21, 65, 66, 180, 302, 369, 391, 392, 407, 476, 478, 479, 593
 Committee appointments—25, 26
 Resolutions filed—193, 548, 986, 1168, 1187, 1333
 Subcommittee assignments—92, 104, 210, 363, 387, 445, 468, 486, 487, 531, 545,
 569, 616, 769

INTERIM COMMITTEES—

(See also **LEGISLATIVE COUNCIL** and/or **STUDY COMMITTEES**)

Resolutions relating to:

House Concurrent Resolution 6, accountability and fraud study between private contractors and the state of Iowa—340

House Concurrent Resolution 10, request establishment of interim study committee by legislative council to conduct study of issues related to costs of professional liability insurance for health care providers in Iowa—700, 789, 1191

House Concurrent Resolution 12, request establishment of interim study committee by legislative council to study instant runoff voting—880

- House Concurrent Resolution 18, request legislative council establish interim study committee to consider issues relating to and recommend comprehensive policy for closure of agricultural drainage wells and establishment of related alternate drainage systems—1735
- House Resolution 14, study to review regulation of interstate natural gas pipelines and hazardous liquid pipelines—492
- House Resolution 16, study to review physical education requirements for students under state's educational standards—585
- House Resolution 46, request legislative interim study committee to review private instruction requirement for school-age children set forth in the Iowa Code—1333
- House Resolution 49, request legislative interim study committee to review adequacy of school bus and school bus operator safety requirements established in Code and administrative rules—1413
- House Resolution 50, request interim legislative council conduct study of issues related to costs of professional liability (malpractice) insurance for health care providers in Iowa—1484, 1485, 1488, 1489 adopted

IOWA NATIONAL GUARD—

Condition of the Iowa National Guard message—400-405

Joint convention—399-406

Resolutions relating to:

- House Concurrent Resolution 7, a joint convention on Monday, February 21, 2005 at 1:00 p.m. for Major General Ron Dardis to deliver his condition of the Iowa National Guard message—389, 397 adopted, 398 msgd. - S.J. - 298, 310, 298 adopted, 299 msgd. - H.J. - 407
- House Resolution 5, honor the service of 132nd Fighter Wing of the Iowa Air National Guard—193, 578 adopted

JACOBS, LIBBY—Representative Polk County, Assistant Majority Leader

Amendments filed—668, 762, 886, 891, 925, 926, 986, 1041, 1046, 1334, 1601

Amendments offered—741, 1032, 1038, 1041, 1562

Bills introduced—20, 110, 129, 248, 348, 370, 390, 391, 393, 425, 428, 429, 453, 593, 790

Committee appointments—23, 24, 26

Elected Temporary Speaker—1

Leave of absence—1866

Presided at session of the House—1

Resolutions filed—49, 193, 986, 1168, 1187, 1333, 1652

Subcommittee assignments—83, 93, 111, 170, 357, 364, 383, 486, 487, 768, 833, 834, 878, 923, 1185

Took oath of office—1

JACOBY, DAVID—Representative Johnson County

Amendments filed—94, 492, 789, 794, 836, 919, 926, 1036, 1037, 1057, 1058, 1091, 1414, 1464, 1497, 1501, 1653, 1654, 1655, 1848, 1853

Bills introduced—107, 197, 304, 332, 369, 370, 390, 425, 552, 553, 590, 593

Committee appointments—24, 25

Resolutions filed—667, 700, 701, 835, 1168, 1187, 1223, 1253, 1333

Resolution offered—1579

Subcommittee assignments—878, 923

JENKINS, WILLARD—Representative **Black Hawk** County

Amendments filed—788, 875, 926, 928, 969, 987, 1414, 1499, 1590, 1601, 1943

Amendments offered—967, 969, 1212, 1590, 1646, 1943

Amendments withdrawn—969, 1215

Bills introduced—86, 117, 134, 342, 348, 391, 393

Committee appointments—24

Presented to the House John Carty, T.D., a Fianna Fail member of the Irish Parliament—674

Presented to the House Greg Brkich, Doreen Hamilton and Randy Weekes, legislators from Saskatchewan, Canada—790

Presented to the House a delegation from Taiwan including Director General Chen—1486

Resolutions filed—193, 885, 986, 1187, 1652

Resolution offered—1603

Subcommittee assignments—336, 363, 364, 387, 768, 890, 923

JOCHUM, PAM—Representative **Dubuque** County

Amendments filed—94, 114, 492, 770, 836, 886, 919, 926, 986, 1036, 1037, 1045, 1056, 1057, 1058, 1091, 1224, 1414, 1464, 1485, 1488, 1497, 1501, 1533, 1601, 1653, 1654, 1655, 1727, 1853, 1865, 2140

Amendments offered—1017, 1029, 1030, 1138, 1488, 1583, 1727, 2140

Bills introduced—65, 66, 67, 68, 96, 97, 107, 117, 196, 197, 249, 293, 304, 331, 332, 369, 422, 424, 428, 453, 494, 496, 498, 506, 549, 550, 552, 560, 576, 578, 588, 589, 595

Committee appointments—25, 26

Leave of absence—429

Resolutions filed—411, 667, 770, 1187, 1223, 1253

Resolution offered—592

Subcommittee assignments—93, 112, 181, 244, 382, 582, 768, 832, 833

JOINT CONVENTIONS—

Condition of the Iowa National Guard—399-406

Condition of the Judicial Department Message—69-77

Condition of the State and Budget Message—53-62

Resolutions relating to:

House Concurrent Resolution 1, a joint convention on Tuesday, January 11, 2005 at 10:00 a.m. for Governor Thomas J. Vilsack to deliver his condition of the state and budget message—10 adopted, 11 msgd. — S.J. — 209, 43 adopted — H.J. — 62

House Concurrent Resolution 2, a joint convention on Wednesday, January 12, 2005 at 10:00 a.m. for Chief Justice Louis A. Lavarato to deliver his condition of the judicial branch message—10, 11 adopted & msgd. — S.J. — 20, 43 adopted — H.J. — 62

House Concurrent Resolution 4, relating to Pioneer Lawmakers—186, 479 adopted, 482 msgd. — S.J. — 377, 404, 517, 659 adopted & msgd. — H.J. — 894

House Concurrent Resolution 7, a joint convention on Monday, February 21, 2005 at 1:00 p.m. for Major General Ron Dardis to deliver his condition of the Iowa National Guard message—389, 397 adopted, 398 msgd. — S.J. — 298, 310, 298 adopted, 299 msgd. — H.J. — 407

To honor Pioneer Lawmakers—948

JOINT RULES—

Resolutions relating to:

House Concurrent Resolution 3, joint rules of the Senate and House of Representatives for the 81st General Assembly—79, 216, 234, 235 adopted, as amended & msgd. — S.J. — 179, 181 adopted, 182 msgd. — H.J. — 250

JONES, GERALD D.—Representative **Mills-Pottawattamie Counties**

Amendment filed—1559

Bills introduced—82, 97, 302, 369, 390, 391, 392, 425, 589

Committee appointments—10, 25, 26

Resolutions filed—193, 986, 1187

Subcommittee assignments—92, 111, 112, 204, 244, 296, 336, 364, 415, 416, 446, 455, 544, 545, 879

JUDICIARY, COMMITTEE ON—

Amendment filed—1254

Amendment offered—1336

Appointed—25

Bills introduced—217, 300, 341, 342, 372, 452, 475, 551, 554, 561, 591, 593, 594, 626, 637, 670, 676, 677, 704

Recommendations—214, 291, 339-340, 365, 459-460, 537, 572, 609, 622-623, 667, 1186, 1252

Resolution filed—700

Subcommittee assignments—104, 327, 336, 337, 363, 387, 388, 416, 445, 446, 486, 487, 545, 582, 616, 768, 769, 1045, 1158, 1172

KAUFFMAN, JEFF—Representative **Cedar-Johnson-Muscatine Counties**

Amendments filed—701, 815, 927, 928, 980, 987, 1489, 1490, 1518, 1559, 1889

Amendments offered—718, 815

Bills introduced—109, 135, 391, 393, 422, 426, 429, 475, 476, 594, 615

Committee appointments—23, 24, 25, 26, 70

Presented to the House veterans from his district—1260

Resolutions filed—193, 1187

Subcommittee assignments—77, 181, 190, 210, 327, 336, 337, 382, 409, 416, 445, 446, 456, 467, 487, 531, 582, 666, 769, 832, 833, 834, 1158, 1164, 1185

KRESSIG, BOB—Representative **Black Hawk County**

Amendments filed—94, 492, 836, 926, 927, 1036, 1037, 1036, 1037, 1045, 1057, 1058, 1091, 1224, 1414, 1464, 1497, 1499, 1501, 1503, 1533, 1653, 1654, 1655, 1677, 1848, 1853

Amendments offered—1501, 1848

Amendment withdrawn—1853

Bills introduced—107, 197, 218, 241, 304, 370, 371, 391, 424, 452, 506, 549, 553

Committee appointments—10, 24, 25

Resolutions filed—667, 1168, 1187, 1223, 1253, 1333

Subcommittee assignments—181, 327, 486, 531, 879

KUHN, MARK—Representative **Cerro Gordo-Floyd-Howard-Mitchell Counties**

Amendments filed—94, 114, 492, 623, 836, 837, 926, 1036, 1037, 1057, 1058, 1091, 1333, 1397, 1414, 1497, 1501, 1616, 1654, 1655, 1677, 1683

Amendments offered—656, 657, 1397, 1616, 1677

Amendments withdrawn—658, 856

Bills introduced—22, 96, 107, 116, 135, 197, 240, 241, 304, 506, 542, 549, 553, 576, 589

Committee appointments—23, 24

Resolutions filed—193, 879, 1187, 1188, 1223, 1253

Subcommittee assignments—83, 92, 181, 467, 545, 768

KURTENBACH, JAMES M.—Representative Hamilton-Story Counties

Amendments filed—701, 762, 770, 837, 886, 926, 927, 928, 969, 986, 1013, 1046, 1414, 1588, 1601, 1653

Amendments offered—783, 1008, 1013, 1097, 1106, 1193, 1588

Amendments withdrawn—1106, 1662

Bills introduced—108, 371, 391, 393, 425, 426, 429, 496, 554, 1036

Committee appointments—24, 25, 26, 2013

Leave of absence—1852

Report—2222-2226

Resolutions filed—193, 880, 925, 1187, 1188

Subcommittee assignments—92, 190, 285, 363, 383, 445, 569, 832, 833, 1164, 1185

LALK, DAVID—Representative Black Hawk-Bremer-Fayette Counties

Amendment filed—701

Bills introduced—302, 390, 391, 393, 429, 465

Committee appointments—23, 24, 26

Resolutions filed—193, 986, 1187

Subcommittee assignments—181, 364, 383, 473, 544, 545, 832, 833, 834, 1115

LEAVE OF ABSENCE—136, 286, 429, 437, 469, 563, 635, 639, 702, 773, 791, 929, 988, 1076, 1169, 1176, 1226, 1232, 1399, 1444, 1671, 1697, 1806, 1849, 1852, 1854, 1866, 1867, 1933, 1959

LEGISLATIVE COUNCIL—

Appointments to—283

Resolutions relating to:

House Concurrent Resolution 6—340

House Concurrent Resolution 10—700

House Concurrent Resolution 12—880

House Concurrent Resolution 18—1735

House Resolution 14—492

House Resolution 16—585

House Resolution 46—1333

House Resolution 49—1413

House Resolution 50—1484, 1485, 1488, 1489

Senate Concurrent Resolution 9—1327, 1413, 1414, 1601

LEGISLATIVE COUNCIL COMMITTEES—

Appointments to—283-284

LEGISLATIVE EMPLOYEES—

(See OFFICERS AND EMPLOYEES)

LENSING, VICKI—Representative **Johnson** County

Amendments filed—84, 95, 114, 492, 836, 837, 926, 927, 986, 1036, 1037, 1045, 1056, 1057, 1058, 1091, 1109, 1224, 1414, 1464, 1497, 1501, 1503, 1533, 1653, 1654, 1655, 1663, 1677, 1848, 1853, 1887

Amendments offered—1109, 1663, 1887

Bills introduced—96, 107, 116, 134, 197, 390, 424, 453, 474, 494, 496, 506, 552, 553, 560, 576, 590

Committee appointments—25, 26

Presented to the House the Honorable Robert J. Osterhaus, former member of the House—892

Resolutions filed—667, 700, 701, 770, 1187, 1223, 1253, 1333

Resolutions offered—892, 1579

Subcommittee assignments—104, 111, 112, 170, 337, 363, 416, 769

LOBBYISTS—

(See **ETHICS, COMMITTEE ON**)

LOCAL GOVERNMENT, COMMITTEE ON—

Appointed—25

Bills introduced—293, 495, 499, 592, 626, 637

Recommendations—246, 460, 537, 572, 609-610, 985, 1167

Subcommittee assignments—83, 111, 244, 296, 327, 336, 364, 416, 486, 544, 545, 879, 1462

LUKAN, STEVEN F.—Representative Delaware-**Dubuque** Counties

Amendments filed—927, 987, 1168, 1499, 1559, 1887

Bills introduced—109, 124, 125, 302, 343, 369, 372, 390, 391, 392, 413, 414, 425, 427, 429, 478, 497, 542, 550, 590

Committee appointments—24, 25, 399

Presented to the House members of the Sherrill Fire and Rescue—855

Presented to the House the Honorable Dan Boddicker, former member of the House—1237

Presented to the House the Honorable Joe Ertl, former member of the House—1250

Resolutions filed—193, 411, 492, 986, 1168, 1187, 1333

Resolution offered—592

Subcommittee assignments—112, 169, 210, 243, 456, 569, 581, 768

LYKAM, JIM—Representative **Scott** County

Amendments filed—95, 493, 836, 926, 927, 1036, 1037, 1057, 1058, 1091, 1464, 1501, 1533, 1654, 1655

Amendment withdrawn—996

Bills introduced—96, 134, 197, 331, 426, 428, 506

Committee appointments—25, 26, 110, 686

Report—751-755

Resolutions filed—667, 1187, 1223, 1253, 1333

Subcommittee assignments—204, 243, 244, 415, 456

MADDOX, O. GENE—Representative **Polk** County

Amendment filed—1429

Amendment offered—1429

Bills introduced—51, 197, 218, 219, 369, 370, 371, 390, 391, 393, 425

Committee appointments—24, 25

Leave of absence—1849, 1933

Presented to the House winners of the "Write Women Back Into History" essay contest—766-767

Resolutions filed—613, 1187

Resolution offered—766

Subcommittee assignments—327, 387

MAJORITY LEADER, Chuck Gipp—Representative Allamakee-**Winneshiek** Counties, Majority Leader

(See **GIPP, CHUCK**—Representative Allamakee-**Winneshiek** Counties, Majority Leader)

MANAGEMENT, DEPARTMENT OF—

Communication from—47

MASCHER, MARY—Representative **Johnson** County

Amendments filed—84, 95, 114, 115, 493, 770, 788, 836, 926, 927, 979, 981, 986, 1036, 1037, 1045, 1046, 1056, 1057, 1058, 1091, 1173, 1224, 1263, 1334, 1414, 1464, 1485, 1497, 1503, 1653, 1654, 1655, 1674, 1677, 1848, 1853, 1865

Amendments offered—981, 1086, 1129, 1131, 1346, 1674

Amendments withdrawn—979, 1594

Bills introduced—96, 107, 116, 134, 197, 248, 249, 287, 301, 302, 303, 333, 334, 342, 343, 344, 347, 368, 369, 392, 393, 424, 428, 453, 454, 494, 495, 496, 541, 542, 543, 552, 553, 560, 576, 577, 590, 615, 678, 679, 1214

Committee appointments—2, 24, 479, 948, 949, 1945

Leave of absence—469

Report—2192-2207

Resolutions filed—299, 340, 585, 700, 701, 770, 1187, 1223, 1253, 1333

Resolution offered—1579

Subcommittee assignments—244, 327, 357, 364, 416, 456, 487, 582, 767

MAY, MIKE—Representative Clay-**Dickinson** Counties

Amendments filed—926, 928, 1507, 1559, 1654

Amendments offered—1507, 1726

Bills introduced—108, 195, 302, 390, 391, 393, 464, 496, 497

Committee appointments—2, 24, 25

Presented to the House Alex Waters, former Page who was injured in a boating accident—1611

Resolutions filed—193, 986, 1168, 1187, 1333

Subcommittee assignments—93, 169, 170, 243, 244, 345, 768, 878, 890, 1115

MCCARTHY, KEVIN—Representative **Polk** County

Amendments filed—84, 95, 493, 1036, 1037, 1057, 1058, 1091, 1414, 1501

Bills introduced—67, 116, 197, 206, 390, 407, 452, 498, 550

Committee appointments—24, 25, 26, 686

Explanation of vote—1861

Report—751-755

Resolutions filed—193, 1187, 1253

Subcommittee assignments—88, 181, 211, 243, 445, 456, 832, 833

MEMORIALS—

Committees appointed—479-482

In Memoriam List—964-966

Joint Memorial Service—963-966

Resolution relating to:

House Concurrent Resolution 5, relating to a biennial memorial session—186, 479
adopted, 482 msgd. — S.J. — 377, 404, 517, 659 adopted & msgd. — H.J. — 894

MERTZ, DOLORES M.—Representative Humboldt-Kossuth-Pocahontas-Webster Counties

Amendments filed—95, 114, 115, 492, 836, 926, 927, 1036, 1037, 1057, 1058, 1091,
1464, 1497, 1501, 1503, 1533, 1559, 1654, 1655, 1685, 1927, 2141

Amendments offered—865, 1927

Amendments withdrawn—867, 1927

Bills introduced—96, 107, 124, 125, 134, 135, 197, 300, 304, 341, 367, 369, 371, 426,
428, 452, 464, 477, 494, 498, 505, 506, 542, 549, 553

Bill passed on file (as acting Speaker)—767

Committee appointments—23, 24, 26, 479, 948, 949, 2013

Leave of absence—1226

Presented to the House veterans from her district—1260

Presided at sessions of the House—764

Report—2222-2226

Resolutions filed—771, 1168, 1187, 1223, 1253, 1333, 1735

Subcommittee assignments—181, 204, 244, 328, 531, 545, 834, 1115

MESSAGES—

(See also COMMUNICATIONS)

From Senate—62, 98, 198-199, 250, 344-345, 394-395, 407, 462-463, 554-555, 595-
596, 630, 650-651, 655, 660-662, 682-683, 704-705, 712, 721-722, 765, 807-808,
808-809, 838, 855-856, 860, 864, 887, 893-894, 898, 915-916, 1060-1061, 1118-
1119, 1145, 1162, 1174-1176, 1190-1191, 1229-1231, 1233-1234, 1237, 1248, 1256,
1265-1267, 1306, 1326-1327, 1340, 1348, 1398-1399, 1432, 1459-1460, 1465, 1467-
1468, 1487, 1505, 1534-1535, 1602-1603, 1603-1604, 1649, 1650, 1737-1738, 1740-
1741, 1741-1742, 1746-1747, 1855-1856, 1866-1867, 1944, 1950, 2006, 2013, 2043-
2044, 2191, 2209, 2221-2222, 2227

From Governor—235, 473, 568, 615, 663, 697, 827, 1044, 1155, 1220, 1251, 1261-
1262, 1328-1329, 1482-1483, 1596-1598, 1650-1651, 1733-1734, 1738-1739, 1742-
1743, 1761, 1861-1862, 1945-1946, 2229, 2238-2250

Immediate messages—11, 128, 139, 235, 325, 355, 378, 380, 381, 398, 434, 435, 437,
441, 443, 471, 472, 482, 506, 510, 515, 529, 567, 599, 647, 656, 662, 676, 685, 686,
692, 697, 708, 709, 719, 747, 750, 757, 766, 778, 783, 785, 794, 807, 812, 826, 827,
845, 846, 849, 855, 861, 864, 871, 876, 901, 907, 918, 921, 935, 946, 953, 955, 957,
984, 995, 998, 1000, 1007, 1015, 1036, 1038, 1043, 1052, 1095, 1112, 1123, 1144,
1153, 1154, 1181, 1182, 1196, 1208, 1213, 1219, 1232, 1235, 1237, 1248, 1249,
1296, 1297, 1299, 1301, 1307, 1316, 1322-1323, 1326, 1339, 1348, 1398, 1411,
1422, 1431, 1433, 1436, 1439, 1459, 1481, 1492, 1493, 1508, 1509, 1518, 1519,
1529, 1558, 1568, 1572, 1578-1579, 1595, 1610, 1623, 1634, 1649, 1695, 1696,
1724, 1729, 1768, 1807, 1855, 1860, 1903, 1929, 1936, 1959, 2006, 2011, 2012,
2043, 2090, 2191, 2209, 2211, 2212, 2215, 2227, 2228

Item veto messages—1597-1598

Item veto messages after session—2241-2250

Senate messages considered—110, 199, 347-348, 407, 443, 466, 469, 555, 561, 596,
672-674, 678-679, 711-712, 763-764, 818, 838, 882-884, 887-888, 894, 901, 1096,

1119-1120, 1153, 1164, 1176, 1307, 1314, 1415, 1460, 1465, 1494, 1604, 1741,
1747, 1748

Veto messages after session—2238-2240

MILEAGE, COMMITTEE ON—

Appointments to—16

MILLER, HELEN—Representative **Webster** County, Assistant Minority Leader

Amendments filed—84, 95, 492, 836, 927, 1036, 1037, 1057, 1058, 1091, 1414, 1464,
1497, 1501, 1533, 1600, 1601, 1654, 1655, 2141

Amendments offered—973, 1593, 1635

Amendments withdrawn—1646, 2141

Bills introduced—97, 107, 116, 135, 197, 304, 390, 422, 428, 498, 506, 541, 542, 549,
553, 576

Committee appointments—23, 24

Leave of absence—1169

Resolutions filed—193, 667, 1168, 1223, 1333, 1652

Subcommittee assignments—181, 383, 833, 834, 1185

MINORITY LEADER, Patrick J. Murphy—Representative **Dubuque** County

(See MURPHY, PATRICK J.—Representative **Dubuque** County, Minority Leader)

MOTION TO ADJOURN—

Amend adjournment to Tuesday, May 17, 2005—Minority Leader Murphy—1947

MOTIONS TO RECONSIDER—

Filed:

House File 810—1860

House File 875—1929

Senate File 390—1945

Prevailed:

House File 875—2007

Motions to reconsider (filed from the floor):

House File 875—2007

House File 882—2189

Senate File 350, H-1368—1248

Lost (filed from the floor):

Senate File 350, H-1368—1248

Withdrawn:

House File 810—2211

House File 875—2007

Senate File 390—2212

MURPHY, PATRICK J.—Representative **Dubuque** County, Minority Leader

Amendments filed—84, 94, 493, 836, 837, 858, 926, 982, 1036, 1037, 1045, 1057,
1058, 1091, 1101, 1224, 1248, 1395, 1464, 1497, 1503, 1516, 1517, 1653, 1654,
1655, 1683, 1693

Amendments offered—165, 858, 1091, 1132, 1133, 1136, 1238, 1395, 1516, 1683,
1693

Amendments withdrawn—165, 982

Bills introduced—66, 116, 134, 197, 218, 303, 304, 361, 422, 428, 506, 540, 541, 549,
576, 586, 1112, 1163, 1335, 1408

Committee appointments—7, 23

Presented to the House a delegation from Malaysia as part of Sabah, U.S. Legislative Exchange Program—207

Presented to the House the Honorable John Connors, former member of the House and his wife Marge and presented a certificate to them in honor of their 60th wedding anniversary—1061

Presented to the House the Honorable Greg Stevens, former member of the House—1096

Remarks—7, 16-18, 2215-2218

Requested to be added as a sponsor of HF 46—121

Requested to be added as a sponsor of HF 89—121

Requested to be added as a sponsor of HR 18—697

Resolutions filed—10, 186, 193, 389, 411, 1187, 1223, 1253

Resolution offered—592

Seconded the nomination of Christopher C. Rants for Speaker of the House—7

Special presentation to House pages—543, 1656

Subcommittee assignments—383, 833, 834, 1185

NATURAL RESOURCES, COMMITTEE ON—

Appointed—25

Bills introduced—342, 427, 466, 552, 578, 592, 628, 638, 670

Recommendations—330, 419, 449-450, 537-538, 572, 584-585, 610, 632

Subcommittee assignments—83, 93, 170, 191, 236, 143, 244, 289, 296, 337, 358, 383, 416, 456, 486, 487, 531, 545, 666, 769

NOMINATIONS—

For Acting Chief Clerk—1

For Permanent Chief Clerk—9

For Speaker of the House—6-7

For Speaker Pro Tempore—11-12

For Temporary Speaker—1

OATH OF OFFICE—

By Acting Chief Clerk—1

By members—5-6

By Speaker of the House, Christopher Rants—7

By Speaker Pro Tempore, Danny Carroll—13

By Temporary Speaker—1

OBJECTIONS—

Raised—127, 869, 1139, 1298, 1779

OFFICERS AND EMPLOYEES—

Elected—7, 9

Employees of the House—40-44

House employees classification, grades and steps—118-121, 1729-1733

Pages (groups I & II)—43-44

Resignations—121

Resolutions relating to:

House Concurrent Resolution 3—79, 216, 234, 235 adopted, as amended & msgd. — S.J. — 179, 181 adopted, 182 msgd. — H.J. — 250

House Resolution 1—15 adopted
 House Resolution 2—15 adopted
 House Resolution 4—80, 84, 89, 94, 114, 165, 167 adopted
 House Resolution 6—215, 309 adopted, 334
 House Resolution 7—215, 322 adopted, 334
 House Resolution 48—1413, 1481 adopted
 Senate Concurrent Resolution 3—180, 181 adopted, 182 msgd. — H.J. — 250, 292, 449, 450, 528, 529 as amended, adopted & msgd. — S.J. — 391, 438 as amended, adopted, 440 msgd. — H.J. — 596
 Special presentation to House Pages—543, 1656
 Took oath of office—1, 5-6, 7, 13

OLDSON, JO—Representative **Polk** County

Amendments filed—95, 114, 115, 492, 836, 926, 927, 1036, 1037, 1057, 1058, 1091, 1464, 1497, 1501, 1503, 1654, 1655, 1677, 1681, 1854
 Amendment offered—958
 Amendment withdrawn—1664
 Bills introduced—197, 304, 390, 394, 407, 424, 552, 553, 554, 560, 576
 Committee appointments—24, 1945
 Report—2192-2207
 Resolutions filed—1187, 1223, 1333
 Subcommittee assignments—105, 244, 446, 455, 1462

OLSON, DONOVAN—Representative **Boone**-Dallas Counties

Amendments filed—84, 95, 114, 115, 492, 762, 836, 926, 1036, 1037, 1057, 1058, 1091, 1263, 1497, 1501, 1503, 1601, 1654, 1655, 1685, 1849, 1853, 1923
 Amendment withdrawn—778
 Bills introduced—96, 97, 116, 134, 197, 241, 368, 370, 371, 391, 495, 496, 497, 553, 554, 560, 577
 Committee appointments—24, 25, 480, 481
 Resolutions filed—193, 667, 880, 925, 1187, 1223, 1333
 Subcommittee assignments—93, 336, 544, 1462

OLSON, RICK—Representative **Polk** County

Amendments filed—85, 95, 114, 115, 492, 836, 926, 986, 1057, 1058, 1333, 1414, 1497, 1501, 1503, 1653, 1654, 1655
 Amendment withdrawn—1122
 Bills introduced—96, 107, 116, 197, 390, 426, 494, 496, 506, 549, 588, 589
 Committee appointments—25, 70
 Leave of absence—1959
 Presented to the House a recording of the winning catch by Warren Holloway of the Iowa Hawkeyes during the Capital One Bowl—1579
 Resolutions filed—667, 1187, 1223, 1253
 Subcommittee assignments—83, 190, 289, 388, 445, 486, 487, 545, 769, 890, 1158, 1172

OLSON, STEVEN N.—Representative **Clinton**-Scott Counties, Assistant Majority Leader

Amendments filed—1334, 1559
 Bills introduced—109, 124, 302, 369, 390, 391, 393, 424, 425, 463, 576, 710
 Committee appointments—23, 24, 26
 Presided at session of the House—870

Resolutions filed—193, 986, 1187

Subcommittee assignments—93, 181, 244, 383, 416, 467, 833, 834, 1185

PAGES—

Appointment of—43-44

Resolution relating to:

Senate Concurrent Resolution 3, relating to compensation of chaplains, officers, and employees of the eighty-first general assembly—180, 181 adopted, 182 msgd. - H.J. - 250, 292, 449, 450, 528, 529 as amended, adopted & msgd. - S.J. - 391, 438 as amended, adopted, 440 msgd. - H.J. - 596

Special presentation to—543, 1656

PAULSEN, KRAIG—Representative **Linn** County

Amendments filed—106, 385, 668, 701, 762, 881, 926, 927, 928, 941, 942, 943, 987, 1334, 1414, 1440, 1443, 1444, 1466, 1489, 1518, 1533, 1803

Amendments offered—432, 705, 935, 939, 941, 942, 943, 1033, 1034, 1440, 1443, 1444, 1536, 1552, 1803

Amendments withdrawn—125, 127

Bills introduced—179, 301, 333, 391, 393, 406, 452, 505, 629, 630

Bill referred and rereferred (as acting Speaker)—785

Committee appointments—24, 25, 26, 70, 482

Presentation of visitors (as acting Speaker)—1220-1221

Presided at sessions of the House—780, 988, 1214, 1488, 1628, 1849

Resolutions filed—1187, 1333, 1484, 1600

Subcommittee assignments—77, 92, 93, 112, 130, 170, 190, 191, 204, 210, 243, 296, 363, 382, 383, 445, 446, 456, 487, 581, 582, 602, 698, 760, 768, 769, 832, 833, 878, 1158, 1185

PERFORMANCES PRIOR TO CONVENING—

Miss Iowa, Carolyn Nicholas of Clear Lake sang—397

David Earll played the bagpipes—669

Representative Fallon and an Irish band entertained the House while Representative Mertz danced the traditional "Irish jig"—674

Erin Hopp, House Page, played the piano—929

The House Memorial Choir sang three songs—988

Bob Connors sang before the House—1060

"The Pump Town Band" entertained the House—1260

Keith Huhn from Nevada sang a song—1260

Joni Carroll sang a song—1260

PERMANENT RULES—

House Resolution 4—80, 84, 89, 94, 114, 165, 167 adopted

PERSONNEL COMMITTEE

(See ADMINISTRATION AND RULES, COMMITTEE ON)

PETERSEN, JANET—Representative **Polk** County

Amendments filed—85, 95, 492, 511, 836, 881, 886, 890, 926, 1036, 1037, 1045, 1046, 1057, 1058, 1073, 1091, 1168, 1263, 1325, 1334, 1464, 1497, 1501, 1652, 1654, 1685, 1865, 1889

Amendments offered—510, 511, 1073, 1078, 1238

Amendment withdrawn—1325

Bills introduced—21, 22, 23, 81, 86, 87, 125, 129, 197, 218, 219, 333, 371, 390, 421, 425, 453, 496, 498, 542, 550, 553, 554
 Committee appointments—24, 25
 Explanation of vote—1183
 Leave of absence—1176
 Resolutions filed—667, 885, 1187, 1223
 Subcommittee assignments—170, 209, 210, 336, 486, 487, 603, 768, 1115

PETTENGILL, DAWN—Representative **Benton**-Iowa Counties

Amendments filed—85, 95, 492, 836, 927, 1036, 1037, 1057, 1058, 1091, 1334, 1414, 1464, 1497, 1501, 1503, 1654, 1655, 1673, 1854
 Amendments offered—1497, 1673
 Bills introduced—107, 197, 332, 370, 371, 391, 407, 424, 425, 428, 497, 506, 549
 Committee appointments—24, 25, 70, 482
 Resolutions filed—667, 1187, 1223, 1253
 Subcommittee assignments—244, 296, 416, 486, 923

PIONEER LAWMAKERS ASSOCIATION OF IOWA—

Address by Steven Rapp, Senior Prosecutor for the United Nations at the International Criminal Tribunal for Rwanda—949-953

Resolution relating to:

House Concurrent Resolution 4, relating to Pioneer Lawmakers—186, 479 adopted, 482 msgd. - S.J. - 377, 404, 517, 659 adopted & msgd. - H.J. - 894

PLEDGE OF ALLEGIANCE—1, 50, 65, 81, 90, 96, 107, 124, 133, 179, 187, 194, 206, 217, 240, 286, 293, 300, 331, 347, 360, 367, 386, 397, 412, 421, 451, 469, 474, 494, 540, 560, 574, 586, 614, 635, 669, 702, 763, 773, 790, 838, 882, 887, 892, 929, 988, 1047, 1060, 1118, 1161, 1169, 1174, 1189, 1225, 1260, 1264, 1335, 1415, 1467, 1486, 1534, 1602, 1656, 1746, 1766, 1866, 1933, 1956

Led by special guest:

Boy Scout Troop #29—124

Marshalltown Miller Middle School students—194

Woodbine High School Show Choir—347

Christopher Gingerich—367

Waldorf Chamber Choir—560

Devon Desmore—887

Brooke Miller—892

Eighth grade students from Marshalltown Anson School—1260

The Fourth grade class from St. Augustin's Catholic School—1467

POINTS OF ORDER RAISED—

House File 419, H-1049—Representative Rasmussen—713

House File 466, H-1042—Representative Huseman—512

House File 466, H-1044—Representative Huseman—513

House File 537, H-1095, as amended—Representative Schickel—1194

House File 642, H-1054—Representative Greiner—657

House File 729, H-1149—Representative Elgin—1008

House File 729, H-1262, as amended—Representative Mascher—1013

House File 808, H-1156—Representative De Boef—869

House File 809, H-1562—Representative Lukan—1646

House File 811, H-1138—Representative Horbach—1139

House File 811, H-1246, as amended—Representative Horbach—1141

House File 816, H-1173—Representative Murphy—958
 House File 816, H-1254—Representative Murphy—978
 House File 825, H-1296—Representative Heaton—1083
 House File 844, H-1396—Representative Boal—1298
 House File 847, H-1467, as amended—Representative J.K. Van Fossen—1444
 House File 861, H-1593—Representative Kurtenbach—1727
 House File 862, H-1445—Representative Hogg—1347
 House File 866, H-1485, request fiscal note—Representative Mascher—1489
 House File 882, H-1614—Representative Dix—1683
 House File 882, H-1622—Representative Dix—1694
 Senate File 330, H-1190—Representative Mascher—917
 Senate File 390, H-1699—Representative Smith—1942

PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES—

Resolutions relating to:

House Concurrent Resolution 8, urging United States Congress appropriate funding for Historic Barn Preservation Act—461
 House Concurrent Resolution 11, request United States government take actions securing integrity of nation's meat supply by restricting importation of ruminants and ruminant products from Canada—879, 880
 House Resolution 11, request Iowa's Congressional delegation work to secure adequate funding for federal No Child Left Behind Act of 2001—340
 House Resolution 18, urge Iowa congressional delegation to oppose restructuring Social Security Trust Fund to create private accounts that reduce guaranteed benefits—667, 668
 House Resolution 33, urge United States Senators from Iowa support President Bush's Nominees to the federal courts and the United States Supreme Court—986
 House Resolution 34, urge passage of federal Citizens' Self-Defense Act of 2005—1056
 House Resolution 41, protest proposed reduction in federal Community Development Block Grant program—1223
 House Resolution 45, urge Iowa congressional delegation make every effort to grant Iowa and other states necessary time and resources to implement requirements of federal Individuals With Disabilities Education Act relating to highly qualified special education teachers—1253
 House Resolution 51, urge Congress take action to renew certain portions of Voting Rights Act of 1965—1532
 Senate Concurrent Resolution 5, urging United States Congress appropriate funding for the Historic Barn Preservation Act—382, 386, 515, 544 adopted, 545 msgd. - H.J. - 721, 762, 1176 adopted, 1180 msgd. - S.J. - 830

PROOF OF PUBLICATION—

House Study Bill 305—1934

PUBLIC SAFETY, COMMITTEE ON—

Amendments filed—548, 1173

Amendment offered—597

Appointed—25

Bills introduced—129, 217, 305, 386, 453, 575, 594, 626, 628, 678

Recommendations—114, 132, 215, 385, 450, 547-548, 610, 611, 623, 1173

Subcommittee assignments—83, 88, 170, 181, 190, 210, 211, 296, 336, 357, 358, 364, 383, 456, 468, 486, 544, 545, 834, 890

QUIRK, BRIAN—Representative **Chickasaw-Howard-Winneshiek Counties**
 Amendments filed—85, 95, 493, 836, 926, 1036, 1037, 1057, 1058, 1091, 1466; 1559, 1654, 1655
 Bills introduced—197, 219, 241, 242, 331, 369, 426, 498, 542, 553, 576
 Committee appointments—24, 26, 398
 Leave of absence—639
 Resolutions filed—613, 1168, 1187
 Resolution offered—1260
 Subcommittee assignments—92, 112, 204, 210, 243, 296, 445, 446, 455, 531, 769, 878

QUORUM CALLS—681, 774, 808, 839, 942, 968, 1062, 1214, 1307, 1344, 1392, 1438, 1467, 1488, 1535, 1579, 1603, 1748, 1766, 1806, 1849, 1850-1851, 1851-1852, 1867, 1889, 1934, 1959; 2091

RAECKER, J. SCOTT—Representative **Polk County**
 Amendments filed—493, 668, 701, 762, 772, 788, 816, 837, 881, 886, 910, 919, 980, 982, 986, 997, 1069, 1224, 1263, 1594, 1601, 1653
 Amendments offered—504, 694, 708, 816, 909, 910, 989, 996, 997, 1069, 1573, 1594, 1623, 1624
 Amendments withdrawn—910, 1507, 1662
 Bills introduced—20, 50, 68, 81, 86, 88, 108, 110, 134, 218, 219, 220, 301, 302, 303, 305, 360, 370, 371, 390, 391, 392, 426, 464, 540, 550, 594
 Committee appointments—24, 25, 26, 53
 Explanation of votes—785, 1945
 Leave of absences—286, 1933
 Presented to the House the Honorable Bob Anderson, former Lieutenant Governor of Iowa—414
 Resolutions filed—193, 215, 986, 1187, 1253, 1652
 Resolutions offered—305, 309, 1480, 1578
 Subcommittee assignments—92, 93, 104, 111, 112, 130, 170, 181, 190, 210, 244, 363, 387, 446, 455, 486, 487, 581, 602, 666, 985, 1331, 1462

RANTS, CHRISTOPER C.—Representative **Woodbury County**, Speaker of the House
 (See **SPEAKER OF THE HOUSE**—Christopher C. Rants, Representative **Woodbury County**)

RASMUSSEN, DAN—Representative **Black Hawk-Buchanan-Fayette Counties**
 Amendment filed—987
 Bills introduced—218, 302, 332, 390, 391, 393, 426
 Committee appointments—25, 26, 2013
 Presented to the House veterans from his district—1260
 Report—2222-2226
 Resolutions filed—193, 986, 1187
 Subcommittee assignments—83, 191, 243, 244, 289, 337, 415, 416, 486, 544, 769, 1462

RAYHONS, HENRY—Representative **Hancock-Winnebago-Worth Counties**
 Amendments filed—473, 668, 886, 986, 1045, 1046, 1117, 1333, 1533, 1559
 Amendments offered—690, 691, 1145, 1148, 1150, 1151, 1478, 1559

Amendment withdrawn—1151

Bills introduced—135, 249, 302, 370, 371, 391, 393, 465

Committee appointments—2, 23, 25, 26

Leave of absence—1959

Resolutions filed—193, 986, 1187

Subcommittee assignments—83, 92, 93, 181, 210, 296, 382, 383, 415, 416, 473, 531, 545

REASONER, MICHAEL J.—Representative Clarke-Decatur-Union Counties, Assistant Minority Leader

Amendments filed—85, 95, 493, 701, 836, 926, 1036, 1037, 1057, 1058, 1091, 1414, 1497, 1501, 1653, 1654, 1655

Bills introduced—20, 22, 86, 96, 107, 134, 197, 304, 370, 371, 391, 426, 498, 576

Committee appointments—23, 25, 26, 481

Resolutions filed—193, 1187, 1333

Subcommittee assignments—83, 383, 832, 833, 834, 1185

REICHERT, NATHAN—Representative Muscatine County

Amendments filed—85, 95, 473, 493, 836, 926, 927, 1036, 1037, 1046, 1057, 1058, 1414, 1464, 1496, 1497, 1501, 1507, 1533, 1601, 1654, 1655, 1685, 1927

Amendments offered—1085, 1496

Amendments withdrawn—1507, 1594, 1927

Bills introduced—96, 107, 109, 134, 197, 304, 369, 414, 424, 428, 541, 553, 560, 678

Committee appointments—24, 25, 53

Resolutions filed—667, 1168, 1187, 1223, 1253, 1333

Subcommittee assignments—169, 296, 337, 416, 467

REPORTS—

(See COMMUNICATIONS and/or INDIVIDUAL HEADINGS)

RESIGNATIONS—

(See OFFICERS AND EMPLOYEES)

RESOLUTIONS—

(See also LEGISLATIVE INDEX VOLUME)

Adopted:

House Concurrent Resolution 1—10

House Concurrent Resolution 2—11

House Concurrent Resolution 3, as amended—235

House Concurrent Resolution 4—479

House Concurrent Resolution 5—479

House Concurrent Resolution 7—397

House Concurrent Resolution 19—2191

House Resolution 1—15

House Resolution 2—15

House Resolution 4—167

House Resolution 5—578

House Resolution 6—309

House Resolution 7—322

House Resolution 9—398

House Resolution 12—592

House Resolution 19—1579
House Resolution 21—1307
House Resolution 22—892
House Resolution 29—1603
House Resolution 30—888
House Resolution 32—1214
House Resolution 37—1260
House Resolution 43—1578
House Resolution 47—1536
House Resolution 48—1481
House Resolution 50, as amended—1489
Senate Concurrent Resolution 3—529
Senate Concurrent Resolution 5—1176
Senate Concurrent Resolution 6—766
Senate Concurrent Resolution 13—1578
Senate Concurrent Resolution 14—1440
Senate Concurrent Resolution 18—2228

Filed:

House Concurrent Resolution 3—79
House Concurrent Resolution 4—186
House Concurrent Resolution 5—186
House Concurrent Resolution 6—340
House Concurrent Resolution 7—389
House Concurrent Resolution 8—461
House Concurrent Resolution 9—613
House Concurrent Resolution 10—700
House Concurrent Resolution 11—879
House Concurrent Resolution 12—880
House Concurrent Resolution 13—885
House Concurrent Resolution 14—925
House Concurrent Resolution 15—1223
House Concurrent Resolution 16—1333
House Concurrent Resolution 17—1652
House Concurrent Resolution 18—1735
House Resolution 3—49
House Resolution 4—80
House Resolution 5—193
House Resolution 6—215
House Resolution 7—215
House Resolution 8—215
House Resolution 9—292
House Resolution 10—299
House Resolution 11—340
House Resolution 12—411
House Resolution 13—420
House Resolution 14—492
House Resolution 15—548
House Resolution 16—585
House Resolution 17—613
House Resolution 18—667
House Resolution 19—700
House Resolution 20—701

- House Resolution 21—770
- House Resolution 22—770
- House Resolution 23—771
- House Resolution 24—835
- House Resolution 25—880
- House Resolution 26—880
- House Resolution 27—880
- House Resolution 28—880
- House Resolution 29—885
- House Resolution 31—925
- House Resolution 32—985
- House Resolution 33—986
- House Resolution 34—1056
- House Resolution 35—1116
- House Resolution 36—1168
- House Resolution 37—1188
- House Resolution 38—1188
- House Resolution 39—1188
- House Resolution 40—1223
- House Resolution 41—1223
- House Resolution 42—1224
- House Resolution 43—1253
- House Resolution 44—1253
- House Resolution 45—1253
- House Resolution 46—1333
- House Resolution 47—1333
- House Resolution 48—1413
- House Resolution 49—1413
- House Resolution 50—1484
- House Resolution 51—1532
- House Resolution 52—1600
- House Resolution 53—1600
- House Resolution 54—1735
- House Resolution 55—1736
- House Resolution 56—1739
- Senate Concurrent Resolution 3—292
- Senate Concurrent Resolution 5—762
- Senate Concurrent Resolution 9—1413
- Senate Concurrent Resolution 11—1413
- Senate Concurrent Resolution 13—1413
- Senate Concurrent Resolution 16—1745
- Laid over under Rule 25:
 - House Concurrent Resolution 4—186
 - House Concurrent Resolution 5—186
 - House Concurrent Resolution 6—340
 - House Concurrent Resolution 7—389
 - House Concurrent Resolution 8—461
 - House Concurrent Resolution 9—613
 - House Concurrent Resolution 11—880
 - House Concurrent Resolution 12—880
 - House Concurrent Resolution 13—885
 - House Concurrent Resolution 14—925

House Concurrent Resolution 15—1223
House Concurrent Resolution 16—1333
House Concurrent Resolution 17—1652
House Concurrent Resolution 18—1735
House Resolution 3—49
House Resolution 5—193
House Resolution 8—215
House Resolution 9—292
House Resolution 10—299
House Resolution 11—340
House Resolution 12—411
House Resolution 13—420
House Resolution 14—492
House Resolution 15—548
House Resolution 16—585
House Resolution 17—613
House Resolution 18—668
House Resolution 19—700
House Resolution 20—701
House Resolution 21—770
House Resolution 22—770
House Resolution 23—771
House Resolution 24—835
House Resolution 25—880
House Resolution 26—880
House Resolution 27—880
House Resolution 28—880
House Resolution 29—885
House Resolution 31—925
House Resolution 32—985
House Resolution 33—986
House Resolution 34—1056
House Resolution 35—1116
House Resolution 36—1168
House Resolution 37—1188
House Resolution 38—1188
House Resolution 39—1188
House Resolution 40—1223
House Resolution 41—1223
House Resolution 42—1224
House Resolution 43—1253
House Resolution 44—1253
House Resolution 45—1253
House Resolution 46—1333
House Resolution 47—1333
House Resolution 49—1413
House Resolution 50—1485
House Resolution 51—1532
House Resolution 52—1600
House Resolution 53—1600
House Resolution 54—1735
House Resolution 55—1736

House Resolution 56—1739
 Senate Concurrent Resolution 5—762
 Senate Concurrent Resolution 9—1413
 Senate Concurrent Resolution 11—1413
 Senate Concurrent Resolution 13—1413
 Senate Concurrent Resolution 16—1745

Placed on calendar:

House Concurrent Resolution 3—79
 House Concurrent Resolution 10—700
 House Resolution 4—80
 House Resolution 6—215
 House Resolution 7—215
 House Resolution 48—1413

Referred to committee:

Senate Concurrent Resolution 3—292

Unanimous consent:

House Concurrent Resolution 1—10
 House Concurrent Resolution 2—11
 House Concurrent Resolution 19—2191
 House Resolution 1—15
 House Resolution 2—15
 House Resolution 30—888
 Senate Concurrent Resolution 6—766
 Senate Concurrent Resolution 14—1440
 Senate Concurrent Resolution 18—2227

ROBERTS, ROD—Representative **Carroll**-Crawford-Sac Counties, Assistant Majority Leader

Amendments filed—216, 234, 770, 837, 890, 919, 980, 982, 987, 1559
 Amendments offered—233, 234, 528, 846, 854, 918, 919
 Bills deferred, retained on calendar (as acting Speaker)—1244, 1338, 1490
 Bills introduced—81, 110, 135, 302, 369, 371, 390, 391, 393, 426, 553
 Bill passed on file (as acting Speaker)—876
 Committee appointments—23, 24, 25, 26, 398
 Presentation of visitors (as acting Speaker)—877
 Presided at sessions of the House—426, 638, 689, 773, 808, 813, 871, 893, 958, 979, 1062, 1152, 1181, 1225, 1232, 1305, 1336, 1440, 1486, 1488, 1534, 1535, 1602, 1612, 1748, 1866
 Resolutions filed—15, 193, 986, 1168, 1187
 Resolutions offered—15, 139, 220
 Ruling made (as acting Speaker)—657
 Subcommittee assignments—92, 93, 105, 112, 130, 170, 181, 190, 210, 244, 296, 327, 363, 383, 445, 446, 455, 456, 486, 581, 602, 768, 833, 834, 1055, 1115, 1185

RULES INVOKED—

Rule 75 (duty of voting):

House File 729, H-1262, as amended—1014
 House File 807, H-1327—1121
 House File 808, H-1164—866
 House File 808, H-1156—869
 House File 809, H-1150—857
 House File 811, H-1123—1130

House File 816, H-1215—960
 House File 816, H-1209—971
 House File 816, H-1254—978
 House File 816, quorum call—1849
 House File 825, H-1279—1063
 House File 853, H-1402—1304
 House File 862, H-1429A—1343
 House File 862, H-1446—1347
 House File 868, H-1475—1589
 House File 882, H-1581—1685
 House File 882, H-1605—1670
 House File 882, H-1609—1674
 House File 882, H-1610—1692
 House File 882, H-1615—1678
 House File 882, H-1616—1676
 Rule 76 (conflict of interest):
 House File 841, H-1455—1396
 Rule 78 (Call of the House):
 House File 816—1850

RULES—MOTIONS TO SUSPEND—

House File 808, H-1156—869
 House File 811, H-1138—1139
 House File 811, H-1246, as amended—1141
 House File 816, H-1254—978
 House File 825, H-1296—1083
 Senate File 342—1779
 Failed:
 House File 808, H-1156—870
 House File 811, H-1138—1139
 House File 811, H-1246, as amended—1142
 House File 825, H-1296—1084
 Senate File 342—1779

Prevailed:

House File 816, H-1254—978
 Rule 31.8 (first reading, commitment and amendment):
 House File 277, H-1029—376
 House File 312, H-1045—504
 House File 420, H-1034—471
 House File 740, H-1133—815
 House File 826, H-1268—1037
 Senate File 36, H-1015—127

RULES—SUSPENDED—

House File 873—1623
 House File 876—1623
 House File 877—1623
 House File 879—1610
 House File 880—1604
 House File 881—1695
 House File 882—1657
 Senate File 341—1610

Senate File 342—1778

Senate File 342—1903

Senate File 343—1610

Senate File 389—1604

Senate File 404—1604

Rule 39 (consideration of bills):

Senate Concurrent Resolution 6—765

Rule 57 (committee notice and agenda):

Committee on administration and rules for 1/10/05—23

Committee on appropriations for 5/9/05—1747

Committee on state government for 5/16/05—1933

RULES—UNDER PROVISIONS OF & PURSUANT TO—

Pursuant to Rule 31.7 (commitment of bills):

House File 50—340

House File 123—132

House File 139—346

House File 162—205

House File 216—285

House File 311—385

House File 369—419

House File 387—449

House File 439—460

House File 513—538

House File 534—537

House File 639—584

House File 640—585

House File 670—608

House File 671—609

House File 698—620

House File 709—632

House File 714—634

House File 715—634

House File 721—631

House File 725—632

House File 731—631

House File 733—631

House File 841—1222

House File 841—1253

Senate File 75—298

Pursuant to Rule 42 (certification of engrossment):

House File 102—187

House File 216—529

House File 227—1052

House File 312—529

House File 810—2228

House File 828—1931

House File 859—1860

House Resolution 5—579

House Resolution 37—1250

Senate File 246, H-1247—1043

Pursuant to Rule 45 (status of bills following first regular session):
1191-1192

SANDS, THOMAS R.—Representative Des Moines-**Louisa**-Muscatine Counties

Amendments filed—420, 701, 836, 837, 890, 1334, 1468, 1559
Amendments offered—842, 843, 933, 934, 1102, 1103, 1468
Bills introduced—124, 302, 369, 391, 393, 464, 476
Committee appointments—7, 24, 25, 686
Leave of absence—1866
Nominated the Honorable Christopher C. Rants for Speaker of the House—6
Remarks—6
Report—751-755
Resolutions filed—193, 986, 1187
Subcommittee assignments—243, 244, 387, 455, 544, 768, 834, 878

SCHICKEL, BILL—Representative **Cerro Gordo** County

Amendment filed—762
Amendment offered—778
Bills introduced—22, 86, 87, 249, 332, 391, 424, 425, 498
Committee appointments—24, 25, 26
Presented to the House Tracy Andrele from Beta Sigma Phi sorority and artist David Rottinghaus—405-406
Remarks—6-7
Resolutions filed—1168, 1187, 1333
Seconded the nomination of Christopher C. Rants for Speaker of the House—6-7
Subcommittee assignments—104, 105, 111, 204, 296, 336, 409, 416; 445, 545, 879, 1462

SCHUELLER, TOM—Representative Clinton-Dubuque-**Jackson** Counties

Amendments filed—95, 114, 115, 492, 836, 926, 1036, 1037, 1045, 1057, 1058, 1091, 1224, 1334, 1464, 1497, 1501, 1533, 1601, 1654, 1655
Amendment offered—1588
Bills introduced—107, 116, 197, 302, 304, 422, 428, 549, 553, 576
Committee appointments—10, 24, 25, 26
Presented to the House veterans from his district—1260
Resolutions filed—411, 667, 1187, 1223, 1253, 1333
Resolution offered—592
Subcommittee assignments—181, 336, 364, 383, 387, 544, 832, 833, 890, 1462

SEATS—

Assignments of, to members—38-40
Special order—38-40

SECRETARY OF STATE, Chester J. Culver

Certificate of election—2-4
Communications from—2-4

SHOMSHOR, PAUL JR.—Representative **Pottawattamie** County

Amendments filed—85, 95, 492, 836, 927, 1036, 1037, 1057, 1058, 1091, 1464, 1497, 1501, 1503, 1559, 1601, 1653, 1654, 1655, 1673
Bills introduced—107, 134, 197, 369, 370, 371, 391, 426, 428, 464, 576, 595
Committee appointments—24, 26

Leave of absence—1959

Presented to the House veterans from his district—1261

Resolutions filed—1187, 1223, 1333, 1735

Subcommittee assignments—768, 832, 878, 1115, 1185

SHOULTZ, DON—Representative **Black Hawk County**

Amendments filed—85, 95, 114, 115, 493, 836, 837, 1036, 1037, 1045, 1168, 1334, 1410, 1414, 1445, 1464, 1499, 1501, 1503, 1653, 1654, 1655, 1670, 1692, 1715, 1848, 1853, 1865

Amendments offered—1410, 1445, 1499, 1670, 1715

Amendment withdrawn—1692

Bills introduced—51, 52, 96, 107, 116, 134, 179, 196, 197, 198, 241, 249, 303, 304, 331, 370, 371, 390, 392, 393, 428, 477, 478

Committee appointments—24, 25, 26, 2013

Leave of absence—929

Presented to the House the Honorable Bill Witt, former member of the House—1181

Report—2209-2210

Resolutions filed—770, 1187, 1333

Subcommittee assignments—77, 78, 285, 358, 364, 383, 416, 531, 545, 833

SMITH, MARK—Representative **Marshall County**

Amendments filed—95, 613, 771, 788, 836, 837, 886, 890, 925, 926, 986, 1036, 1037, 1045, 1046, 1057, 1058, 1071, 1091, 1224, 1263, 1334, 1389, 1391, 1399, 1464, 1497, 1501, 1559, 1601, 1653, 1654, 1655, 1694, 1865, 1980

Amendments offered—809, 992, 993, 1071, 1079, 1080, 1081, 1085, 1094, 1345, 1391, 1694

Amendments withdrawn—990, 1085

Bills introduced—51, 66, 67, 96, 107, 128, 197, 304, 333, 370, 371, 390, 391, 428, 478, 506, 543, 549, 576, 539, 590

Committee appointments—24, 25

Resolutions filed—667, 1168, 1187, 1223, 1253, 1333

Subcommittee assignments—104, 190, 243, 327, 363, 446, 487, 569, 767, 768, 1115, 1158

SODERBERG, CHUCK—Representative **Plymouth-Sioux Counties**

Amendments filed—359, 1492, 1559

Amendments offered—375, 1492

Bills introduced—136, 369, 391, 393, 424, 425, 429, 477, 497, 554

Committee appointments—24, 26, 70

Presented to the House the Honorable Ralph Klemme, former member of the House—562

Resolutions filed—193, 986, 1187, 1652

Subcommittee assignments—77, 78, 105, 169, 170, 296, 336, 358, 363, 364, 387, 409, 446, 487, 582, 602, 832, 833, 878, 1115, 1164, 1185

SPEAKER OF THE HOUSE—Christopher C. Rants—Representative **Woodbury County**

Amendments file—927, 928

Bills deferred, retained on calendar—1344, 1778, 1781

Bills introduced—241, 465

Bills passed on file—361, 579, 984, 1596

Bills placed on unfinished business calendar—1161

- Bills referred and rereferred to committees—44, 62, 98, 235, 381, 408, 482, 483, 599, 615, 757, 921, 1155, 1191-1192, 1261
- Bills signed by—454, 483, 529, 579, 662-663, 786, 1053, 1169-1170, 1183, 1220, 1251, 1261, 1461, 1482, 1529, 1596, 1733, 1738, 1742, 1861, 1931, 1953, 2228
- Committees appointed by—23-26
- Committee appointments—10, 13, 16, 23, 52, 68, 110, 283-284, 398, 479, 480, 481, 482, 686, 1945-2013
- Elected—7
- Final adjournment—2232
- Presentation of visitors—242, 287, 483, 984, 1044, 1156, 1170, 1329, 1598, 1734-1735
- Presented to the House the Honorable Thomas J. Vilsack, Governor—1061
- Presented to the House John Reynders, President of Morningside College—1214
- Presided at sessions of the House—7, 23, 50, 52, 65, 68, 81, 90, 96, 107, 124, 125, 133, 136, 179, 187, 206, 217, 240, 286, 293, 300, 303, 304, 331, 347, 348, 349, 360, 367, 371, 386, 397, 406, 412, 421, 451, 469, 470, 474, 494, 497, 500, 540, 560, 562, 563, 574, 586, 593, 596, 614, 635, 669, 674, 679, 685, 702, 710, 747, 751, 763, 773, 790, 808, 838, 839, 856, 870, 882, 887, 888, 892, 914, 929, 935, 942, 944, 953, 957, 967, 983, 988, 994, 995, 1035, 1047, 1060, 1062, 1075, 1118, 1119, 1120, 1137, 1153, 1161, 1169, 1174, 1189, 1260, 1326, 1335, 1340, 1350, 1392, 1415, 1433, 1436, 1441, 1444, 1467, 1486, 1534, 1579, 1592, 1634, 1650, 1656, 1673, 1678, 1685, 1737, 1740, 1746, 1756, 1766, 1778, 1780, 1806, 1849, 1850, 1853, 1854, 1856, 1867, 1889, 1912, 1931, 1933, 1944, 1945, 1950, 1951, 1956, 1959, 2012, 2043, 2209, 2212, 2222
- Remarks by—7-9, 2219-2221
- Resolutions filed—10, 186, 389, 985, 1116, 1187
- Resolution offered—1214
- Resolutions relating to:
- House Concurrent Resolution 1, a joint convention on Tuesday, January 11, 2005 at 10:00 a.m. for Governor Thomas J. Vilsack to deliver his condition of the state and budget message—10 adopted, 11 msgd. - S.J. - 209, 43 adopted - H.J. - 62
 - House Concurrent Resolution 2, a joint convention on Wednesday, January 12, 2005 at 10:00 a.m. for Chief Justice Louis A. LAVORATO to deliver his condition of the judicial branch message—10, 11 adopted & msgd. - S.J. - 20, 43 adopted - H.J. - 62
 - House Concurrent Resolution 4, relating to Pioneer Lawmakers—186, 479 adopted, 482 msgd. - S.J. - 377, 404, 517, 659 adopted & msgd. - H.J. - 894
 - House Concurrent Resolution 5, relating to a biennial memorial session—186, 479 adopted, 482 msgd. - S.J. - 377, 404, 517, 659 adopted & msgd. - H.J. - 894
 - House Concurrent Resolution 7, a joint convention on Monday, February 21, 2005 at 1:00 p.m. for Major General Ron Dardis to deliver his condition of the Iowa National Guard message—389, 397 adopted, 398 msgd. - S.J. - 298, 310, 298 adopted, 299 msgd. - H.J. - 407
 - Senate Concurrent Resolution 3, relating to compensation of chaplains, officers, and employees of the eighty-first general assembly—180, 181 adopted, 182 msgd. - H.J. - 250, 292, 449, 450, 528, 529 as amended, adopted & msgd. - S.J. - 391, 438 as amended, adopted, 440 msgd. - H.J. - 596
- Rulings made—512, 513, 713, 869, 917, 958, 978, 1083, 1139, 1141, 1194, 1444, 1646, 1683, 1694, 1727, 1942
- Special presentation to House Pages—543, 1656
- Subcommittees—383, 833, 834, 1185
- Took oath of office—7

SPEAKER PRO TEMPORE,—Danny Carroll—Representative Mahaska-**Poweshiek** Counties
 (See **CARROLL, DANNY**—Representative Mahaska-**Poweshiek** Counties, Speaker Pro Tempore)

SPECIAL COMMITTEES—
 (See **COMMITTEES, SPECIAL**)

SPECIAL ORDER—
 Assignments of seats—15, 38-40

SPECIAL PRESENTATION—
 Representative Murphy presented to the House a delegation from Malaysia as part of Sabah, U.S. Legislative Exchange Program—207
 Representative Gipp presented to the House members of the 372nd Engineer Group of the Iowa National Guard including Senator Chuck Larson—304
 Representative Bukta presented to the House the Honorable Arthur Ollie, former member of the House—334
 Representative Upmeyer presented to the House students from the Iowa Nurses Association—386
 Senator Lamberti presented to the House Miss Iowa, Carolyn Nicholas, whom sang “God Bless America”—400
 Representatives Tymeson, Heddens and Schickel presented to the House Tracy Andrele from Beta Sigma Phi Sorority and artist David Rottinghaus—405-406
 Representative Raecker presented to the House the Honorable Bob Anderson, former Lieutenant Governor of Iowa—414
 Representatives Rants, Gipp and Murphy presented certificates of excellence to House Pages—543, 1656
 Representative De Boef presented to the House the 2004 Iowa Junior Miss, Andrea Roberts—562
 Representative Soderberg presented to the House the Honorable Ralph Klemme, former member of the House—562
 Representative Alons presented to the House Colonel Greg Schwab and the servicemen of the 132nd Fighter Wing of the Iowa Air National Guard—578
 Representative Jenkins presented to the House John Carty, T.D., a Fianna Fail member of the Irish Parliament—674
 Representative Frevert presented to the House the 2005 Miss Shamrock Kayla Helget—674
 Representative Dix presented to the House the Honorable Pat Shey, former member of the House—692
 Representatives Maddox and Winckler presented winners of the “Write Women Back Into History” essay contest—766-767
 Representative Jenkins presented to the House Greg Brkich, Doreen Hamilton and Randy Weekes, legislators from Saskatchewan, Canada—790
 Representative Lukan presented to the House members of the Sherrill Fire and Rescue—855
 Representative Boal presented to the House the Ankeny High School Girls’ Basketball team and their coach Scott DeJong—888
 Representative Lensing presented to the House the Honorable Robert J. Osterhaus, former member of the House—892
 The House Memorial Choir sang before the House—948

- Representative Foege presented to the House Iowans' who participated in the World Winter Special Olympics in Nagano, Japan—1047
- Representative Rants presented the Honorable Thomas J. Vilsack, Governor, to the House—1061
- Representatives Carroll and Murphy presented to the House the Honorable John Connors, former member of the House and his wife Marge—1061
- Representative Murphy presented to the House the Honorable Greg Stevens, former member of the House—1096
- Representative Van Engelenhoven presented to the House Marie Bruns, Queen of the 2005 Pellá Tulip Festival and her court—1162
- Representative Shoultz presented to the House the Honorable Bill Witt, former member of the House—1181
- Representative Wessel-Kroeschell presented to the House the Honorable Jane Greimann, former member of the House—1181
- Representative Rants presented to the House John Reynders, President of Morningside College—1214
- Representative Lukan presented to the House the Honorable Dan Boddicker, former member of the House—1237
- Representative Lukan presented to the House the Honorable Joe Ertl, former member of the House—1250
- Representatives Kaufmann, Tymeson, Schueller, Rasmussen, Davitt, Mertz, J.K. Van Fossen, Heaton, Zirkelbach, Bell, Shomshor, Boal, Horbach and Carroll presented to the House veterans from their districts—1260-1261
- Representative Arnold presented to the House the North Mahaska Red Hawks Basketball Team—1311
- Representatives Bell and Jenkins presented a delegation from Taiwan including Director General Chen—1486
- Representative Berry presented to the House Steven Scott, Director of "Prevent Child Abuse in Iowa"—1535
- Representative R. Olson presented to the House a recording of the catch by Warren Holloway of the Iowa Hawkeyes during the Capital One Bowl—1579
- Representative Swaim presented to the House John Talbot, a veteran and war hero from Battle of Midway during WWII—1603
- Representative May presented to the House Alex Waters, former Page who was injured in a boating accident—1611

SPONSOR—

Added:

- House File 12—Representative Swaim—129
- House File 20—Representative Swaim—129
- House File 22—Representative Swaim—129
- House File 22—Representative Ford—294
- House File 46—Representative Murphy—121
- House File 89—Representative Murphy—121
- House File 119—Representative Ford—294
- House Resolution 18—Representative Murphy—697

ST. PATRICK'S DAY OBSERVATION—674

STANDING COMMITTEES—

Appointed—23-26

Appropriations subcommittees—26-27
 Committee assignments—27-37

STATE APPEAL BOARD—

(Richard D. Johnson, Chairman)

Claims approved—251-283

Claims disapproved—200-202, 1257-1258, 1951-1953

Communications from, stating claims filed with—199-202, 250-283, 1256-1258, 1951-1953

STATE GOVERNMENT, COMMITTEE ON—

Amendment filed—770

Appointed—26

Bills introduced—304, 305, 368, 413, 466, 498, 578, 587, 588, 626, 628, 629, 638, 639, 669, 676, 677, 681, 702, 1933

Recommendations—298-299, 340, 411, 450, 538, 558-559, 611-613, 632-634, 770, 1934

Subcommittee assignments—92, 93, 111, 112, 130, 170, 181, 190, 204, 210, 243, 244, 296, 363, 364, 387, 445, 446, 455, 486, 487, 531, 581, 769, 923

STATE OF THE STATE AND BUDGET MESSAGE—

Delivered by Governor Thomas J. Vilsack—54-62

Resolution relating to the condition of the State Message and Budget Message, House Concurrent Resolution 1, a joint convention on Tuesday, January 11, 2005 at 10:00 a.m. for Governor Thomas J. Vilsack to deliver his condition of the state and budget message—10 adopted, 11 msgd. — S.J. — 209, 43 adopted — H.J. — 62

STRUYK, DOUG—Representative Pottawattamie County

Amendments filed—770, 836, 875, 987, 1117, 1168, 1224, 1246, 1254, 1464, 1559, 1580, 1653

Amendments offered—861, 871, 875, 1179, 1244, 1245, 1246, 1267, 1292, 1294, 1300, 1612, 1725

Amendments withdrawn—1246, 1248

Bills introduced—87, 109, 116, 117, 124, 125, 219, 333, 343, 371, 425, 426, 428, 429, 475, 496, 497, 506, 540, 542, 1036

Committee appointments—10, 23, 24, 26, 2013

Leave of absence—286

Presided at sessions of the House—1049, 1854

Report—2209-2210

Resolutions filed—986, 1187

Subcommittee assignments—77, 78, 122, 169, 170, 181, 236, 285, 336, 383, 387, 467, 486, 545, 603, 760, 832, 833, 834, 1115, 1185

STUDY BILL COMMITTEE ASSIGNMENTS—

Administration & Rules—63

Agriculture—78, 177, 409, 490, 533, 604

Appropriations—359, 556, 604, 605, 760, 1186, 1222, 1412

Commerce, Regulation & Labor—84, 122, 172, 185, 186, 191, 212, 245, 246, 329, 345, 388, 389, 457, 458, 489, 490, 583, 604

Economic Growth—172, 185, 246, 290, 338, 458, 533, 583

Education—94, 113, 213, 447, 448, 488, 489, 533, 604

Environmental Protection—131, 329, 384, 570, 604
 Ethics—63, 1252
 Government Oversight—213, 338, 532, 583, 834, 1331
 Human Resources—64, 105, 192, 193, 212, 214, 328, 329, 338, 365, 388, 417, 458, 468, 489, 532, 534, 546, 584
 Judiciary—78-79, 84, 113, 176, 177, 205, 211, 212, 213, 290, 345, 365, 388, 417-418, 447, 448, 457, 488, 490, 491, 534, 570, 583, 605, 699
 Local Government—113, 177, 297, 359, 365, 388
 Natural Resources—191, 297, 359, 534, 546, 570, 583
 Public Safety—63, 105, 170, 171, 172, 192, 291, 364, 365
 State Government—84, 94, 113, 123, 131, 171, 173, 174, 175, 176, 211, 245, 246, 290, 291, 337, 338, 409, 468, 533, 546, 570, 583, 1932
 Transportation—172, 185, 239, 328, 468, 473
 Ways and Means—78, 94, 131, 177, 211, 244, 384, 389, 448, 699, 769, 788, 834, 885, 985, 1158, 1165, 1222, 1252, 1412

STUDY BILL SUBCOMMITTEE ASSIGNMENTS—

Assigned—78, 83-84, 89, 93-94, 105, 112, 122, 130-131, 170, 181-185, 191, 204, 211, 236-238, 244, 285, 289-290, 296-297, 328, 337, 345, 358, 364, 383-384, 388, 395-396, 409, 417, 446-447, 456-457, 468, 487-488, 531-532, 545-546, 556, 569, 582, 603-604, 616-617, 760, 834, 879, 924, 1045, 1116, 1165, 1252, 1331, 1412, 1947
 Reassigned—244, 545, 582

STUDY COMMITTEES—

(See also LEGISLATIVE COUNCIL)

Resolutions relating to:

House Concurrent Resolution 6—340
 House Concurrent Resolution 10—700
 House Concurrent Resolution 12—880
 House Concurrent Resolution 18—1735
 House Resolution 14—492
 House Resolution 16—585
 House Resolution 46—1333
 House Resolution 49—1413
 House Resolution 50—1484, 1485, 1488, 1489
 Senate Concurrent Resolution 9—1327, 1413, 1414, 1601

SUBCOMMITTEE ASSIGNMENTS—

Assigned—77-78, 83, 88, 92-93, 104-105, 111-112, 122, 130, 169-170, 181, 190-191, 204, 209-211, 236, 243-244, 285, 289, 296, 327-328, 336-337, 345, 357-358, 363-364, 382-383, 387-388, 409, 415-416, 445-446, 455-456, 467-468, 473, 486-487, 531, 544-545, 569, 581-582, 602-603, 616, 665-666, 698, 760, 767-769, 832-834, 878-879, 890, 923, 985, 1045, 1055, 1115, 1158, 1164, 1185, 1331, 1462
 Reassigned—581, 1172

SUPREME COURT OF IOWA—

(Chief Justice Louis A. Lavarato)

Delivered the Condition of the Judicial Department's Message—69-77

Resolution relating to:

House Concurrent Resolution 2, a joint convention on Wednesday, January 12, 2005 at 10:00 a.m. for Chief Justice Louis A. Lavarato to deliver his condition of

the judicial branch message—10, 11 adopted & msgd. – S.J. – 20, 43 adopted – H.J. – 62

SWAIM, KURT—Representative Appanoose-Davis-Wayne Counties

Amendments filed—95, 114, 115, 492, 668, 789, 836, 881, 926, 986, 1036, 1037, 1057, 1058, 1091, 1101, 1488, 1497, 1501, 1654, 1655, 1923
 Amendments offered—689, 850, 1101, 1488
 Amendment withdrawn—1923
 Bills introduced—107, 116, 125, 134, 135, 179, 197, 206, 240, 241, 332, 341, 371, 428, 451, 465, 478, 498, 549, 576, 614, 710
 Committee appointments—23, 25
 Presented to the House John Talbot, a veteran and war hero from Battle of Midway from WWII—603
 Requested to be added as a sponsor of HF 12—129
 Requested to be added as a sponsor of HF 20—129
 Requested to be added as a sponsor of HF 22—129
 Resolutions filed—193, 667, 1168, 1223, 1224, 1253, 1333, 1600
 Subcommittee assignments—336, 387, 473, 486, 616, 768

TAYLOR, DICK—Representative Linn County

Amendments filed—95, 114, 115, 493, 836, 926, 927, 1037, 1057, 1058, 1414, 1497, 1501, 1503, 1653, 1654, 1655
 Bills introduced—96, 107, 116, 134, 197, 332, 341, 390, 428, 542, 550, 576
 Committee appointments—24, 25
 Leave of absence—702
 Resolutions filed—193, 667, 1223, 1253, 1333
 Subcommittee assignments—122, 236, 456, 603

TAYLOR, TODD—Representative Linn County

Amendments filed—85, 95, 701, 762, 788, 836, 926, 927, 944, 1057, 1058, 1092, 1117, 1134, 1414, 1464, 1497, 1501, 1503, 1653, 1654, 1655, 2189
 Amendments offered—944, 1121, 1134, 2189
 Amendment withdrawn—1215
 Bills introduced—197, 331, 332, 370, 371, 390, 391, 422, 424, 427, 428, 452, 506, 553, 560, 576, 808
 Committee appointments—24, 26
 Explanation of votes—334, 757
 Leave of absences—635, 988
 Resolutions filed—667, 1187, 1223, 1253, 1333
 Subcommittee assignments—92, 93, 111, 130, 170, 190, 345, 363, 364, 581, 923

TEMPORARY OFFICERS—

Elected—1
 Took oath of office—1

TEMPORARY RULES—

Adopted—16

THOMAS, ROGER—Representative Clayton-Delaware-Fayette Counties

Amendments filed—95, 114, 115, 492, 836, 926, 927, 1037, 1057, 1058, 1092, 1333, 1497, 1501, 1533, 1559, 1601, 1654, 1655, 1676, 1684, 1853, 1854, 1927
 Amendments offered—1082, 1590, 1676

Amendments withdrawn—713, 1663, 1684, 1927
 Bills introduced—66, 67, 96, 107, 109, 134, 197, 198, 302, 343, 422, 465, 506, 542,
 553, 577, 589, 614
 Committee appointments—23, 24, 25
 Resolutions filed—193, 461, 1187, 1223
 Subcommittee assignments—169, 170, 285, 296, 336, 358, 364, 382, 387, 409, 467,
 768

TIME CERTAIN—

House File 816, H-1635—1851
 Prevailed:
 House File 816, H-1635—1852

TJEPKES, DAVID A.—Representative Calhoun-Greene-**Webster** Counties

Amendments filed—385, 890, 1263, 1653
 Amendments offered—430, 1321
 Bills introduced—67, 124, 249, 343, 390, 391, 392, 425, 428
 Committee appointments—25, 26, 398, 480
 Resolutions filed—193, 986, 1187, 1333
 Resolution offered—480
 Subcommittee assignments—88, 243, 244, 364, 456, 487, 531

TOMENGA, WALT—Representative **Polk** County

Amendments filed—701, 788, 881, 986, 1224, 1263, 1399, 1513
 Amendments offered—839, 1048, 1234, 1399, 1511, 1513
 Bills introduced—249, 390, 391, 393, 429
 Committee appointments—10, 24, 25, 26
 Leave of absence—1866
 Resolutions filed—1187, 1333
 Subcommittee assignments—93, 105, 112, 170, 181, 190, 210, 243, 244, 363, 383,
 445, 455, 456, 487, 531, 544, 581, 602, 603, 760, 768, 769, 832, 833, 878, 923, 1115

TRANSPORTATION, COMMITTEE ON—

Appointed—26
 Bills introduced—250, 495, 552, 592, 594, 627, 670
 Recommendations—247, 285, 460, 538, 573, 585, 667, 1167
 Subcommittee assignments—92, 204, 243, 244, 415, 416

TYMESON, JODI—Representative Dallas-**Madison**-Warren Counties

Amendments filed—492, 701, 886, 895, 896, 925, 926, 1334, 1346, 1466, 1489, 1518,
 1854, 1889
 Amendments offered—566, 813, 895, 896, 1489, 1889
 Amendments withdrawn—983, 1518
 Bills introduced—20, 21, 50, 108, 136, 369, 390, 391, 392, 428, 592
 Committee appointments—24, 25, 26, 399, 1945, 2013
 Presented to the House Tracy Andrele from Beta Sigma Phi sorority and artist David
 Rottinghaus—405-406
 Presented to the House veterans from her district—1260
 Presided at sessions of the House—390, 1162, 1465, 1854
 Remarks—11-12
 Reports—2192-2207, 2209-2210
 Resolutions filed—193, 292, 1188, 1253, 1333

Seconded the nomination of Danny Carroll for Speaker Pro Tempore—11-12
 Subcommittee assignments—77, 78, 104, 105, 190, 191, 244, 336, 363, 383, 387, 388,
 416, 446, 456, 468, 486, 487, 582, 602, 603, 768, 1462

UNANIMOUS CONSENT—10, 15, 766, 888, 1440, 1604, 1610, 1623, 1657, 1695, 1778,
 1903, 1935, 1936, 2191, 2227

UNFINISHED BUSINESS CALENDAR—
 Bills placed on—1161, 1250

UPMEYER, LINDA L.—Representative Cerro Gordo-Franklin-**Hancock** Counties
 Amendments filed—701, 789, 794, 886, 1045, 1168, 1334, 1337, 1346, 1389, 1399,
 1436, 1438, 1489, 1518, 1559, 1601, 1618, 1653, 1889, 1980
 Amendments offered—794, 799, 804, 1388, 1399, 1436, 1438, 1618
 Amendments withdrawn—798, 803, 1337, 1438
 Bills introduced—129, 391, 392, 429, 453, 463, 505, 592
 Committee appointments—25, 26
 Presented to the House students from the Iowa Nurses Association—386
 Resolutions filed—193, 986, 1188, 1333
 Resolution offered—1578
 Subcommittee assignments—92, 93, 111, 190, 236, 243, 358, 364, 455, 603, 832, 833,
 923, 1158, 1164, 1185

VAN ENGELSHOVEN, JIM—Representative Jasper-**Marion** Counties
 Amendments filed—762, 987, 1559
 Bills introduced—133, 135, 198, 218, 302, 305, 361, 368, 390, 391, 393, 427
 Committee appointments—16, 25
 Presented to the House Marie Bruns, Queen of the 2005 Pella Tulip Festival and her
 court—1162
 Resolutions filed—193, 1188
 Subcommittee assignments—83, 170, 244, 416, 486, 834, 1462

VAN FOSSEN, JAMES (J.K.)—Representative **Scott** County
 Amendments filed—927, 928, 1334, 1601, 1652, 1654
 Amendments offered—1658, 1661, 1697, 1713
 Bills introduced—20, 50, 135, 302, 368, 369, 371, 630
 Committee appointments—24, 25, 26
 Presented to the House veterans from his district—1261
 Resolutions filed—193, 986, 1168, 1188
 Subcommittee assignment—832

VAN FOSSEN, JIM (J.R.)—Representative **Scott** County
 Amendments filed—927, 928, 986
 Amendment offered—943
 Bills introduced—116, 136, 194, 218, 302, 343, 369, 391, 393, 407, 452, 506, 549, 576
 Committee appointments—25, 69
 Resolutions filed—193, 1168, 1188
 Subcommittee assignments—88, 104, 289, 337, 446, 487, 545, 616, 769, 890, 1045

VETERANS—
 Resolutions relating to:

House Resolution 5, honor the service of 132nd Fighter Wing of the Iowa Air National Guard—193, 578 adopted

House Resolution 37, honor American's Vietnam veterans—1187, 1188, 1260 adopted

House Resolution 42, recognize and honor Johnny Talbot of Centerville for his service as navy fighter pilot in Battle of Midway—1224

House Resolution 44, recognize Dennis Clark and his associates for their service to wounded veterans of the Iraq war—1253

VISITORS—

Presentation of—242, 287, 483, 877, 984, 1044, 1113, 1156, 1170, 1220-1221, 1329, 1598, 1734-1735

VOTES—

Non-record—167, 842, 970, 981, 1013, 1014, 1042, 1138, 1150, 1243, 1246, 1345, 1346, 1444, 1498, 1561, 1685, 1852, 1886

Record—126, 166, 659, 745-746, 857, 866-867, 869-870, 959, 960, 961-962, 962-963, 972, 978-979, 1063-1064, 1070-1071, 1072, 1075, 1077, 1078-1079, 1083-1084, 1086, 1088-1089, 1092-1093, 1093-1094, 1121-1122, 1127-1128, 1129, 1130, 1131-1132, 1132-1133, 1133-1134, 1135-1136, 1136-1137, 1139-1140, 1142, 1304-1305, 1343, 1348, 1497-1498, 1502-1503, 1527-1528, 1589-1590, 1591-1592, 1592, 1647, 1670-1671, 1672, 1673-1674, 1675, 1676-1677, 1678-1679, 1679, 1680-1681, 1682, 1692, 1693, 1779, 1849-1850, 1850-1851, 1851-1852, 1855, 1947-1948, 1948-1949

Quorum call—681, 774, 808, 839, 942, 968, 1062, 1214, 1307, 1344, 1392, 1438, 1467, 1488, 1535, 1579, 1603, 1748, 1766, 1806, 1849, 1867, 1889, 1934, 1959, 2091

WATTS, RALPH—Representative Boone-Dallas Counties

Amendments filed—359, 376, 598, 701, 1045, 1943

Amendments offered—374, 376

Amendment withdrawn—598

Bills introduced—249, 390, 391, 392, 394, 426, 429

Committee appointments—24, 25, 480, 481

Explanation of vote—1328

Presided at session of the House—248

Resolutions filed—193, 986, 1188

Subcommittee assignments—83, 93, 243, 296, 327, 345, 416, 486, 531, 767, 768, 1115

WAYS AND MEANS, COMMITTEE ON—

Amendment filed—1254

Amendment withdrawn—1350

Appointed—26

Bills introduced—109, 219, 367, 368, 423, 463, 464, 494, 552, 560, 561, 710, 771, 861, 893, 1051, 1052, 1112, 1120, 1121, 1163, 1169, 1189-1190, 1225, 1255, 1264-1265, 1316, 1335, 1460, 1486, 1487, 1493

Recommendations—106, 215, 247, 292, 366, 420, 460, 492, 538-539, 762, 879, 925, 1055-1056, 1159-1160, 1186-1187, 1222-1223, 1253, 1263, 1332, 1463, 1531-1532

Subcommittee assignments—77, 78, 181, 382, 383, 387, 445, 544, 760, 768, 832, 833, 878, 1115, 1158, 1164, 1185

WENDT, ROGER F.—Representative Woodbury County

Amendments filed—95, 114, 492, 668, 701, 788, 836, 926, 927, 983, 1037, 1057, 1058, 1070, 1092, 1414, 1464, 1497, 1501, 1503, 1533, 1601, 1653, 1654, 1655, 1669, 1671, 1677, 1681, 1853, 1854

Amendments offered—126, 959, 1669, 1671
 Amendments withdrawn—125, 127, 973, 1031, 1658
 Bills introduced—96, 97, 107, 116, 134, 135, 197, 248, 249, 304, 341, 370, 371, 391,
 394, 407, 424, 478, 498, 506, 550, 553, 560, 576, 624
 Committee appointments—24, 25, 26
 Explanation of vote—599
 Leave of absence—563
 Resolutions filed—667, 985, 1188, 1223, 1333
 Subcommittee assignments—77, 92, 93, 111, 112, 170, 190, 210, 363, 364, 383, 387,
 446, 455, 456, 486, 487, 569, 581, 603, 698, 923, 1055, 1164, 1462

WESSEL-KROESCHELL, BETH—Representative Story County

Amendments filed—85, 95, 114, 115, 471, 492, 836, 926, 927, 986, 1037, 1045, 1057,
 1058, 1092, 1117, 1188, 1224, 1414, 1441, 1464, 1497, 1501, 1533, 1601, 1653,
 1654, 1655, 1677, 1848, 1853
 Amendments offered—471, 962
 Bills introduced—96, 107, 116, 134, 197, 241, 249, 304, 341, 424, 427, 428, 453, 494,
 496, 497, 506, 549, 552, 553, 560
 Committee appointments—24, 25, 52
 Presented to the House the Honorable Jane Greimann, former member of the
 House—1181
 Resolutions filed—193, 667, 880, 925, 1168, 1188, 1223, 1333
 Subcommittee assignment—1045

**WHITAKER, JOHN—Representative Jefferson-Van Buren-Wapello Counties,
 Assistant Minority Leader**

Amendments filed—95, 375, 492, 668, 836, 881, 890, 926, 986, 1037, 1045, 1046,
 1057, 1058, 1092, 1224, 1414, 1464, 1497, 1501, 1559, 1653, 1654, 1655, 1685,
 1927
 Amendments offered—375, 903, 1137
 Amendments withdrawn—1151, 1927
 Bills introduced—22, 65, 66, 98, 107, 116, 187, 195, 197, 303, 304, 341, 369, 370, 371,
 391, 428, 451, 454, 477, 495, 497, 506, 542, 591, 614, 635, 1214
 Committee appointments—23, 25, 26, 480, 482
 Resolutions filed—193, 667, 879, 1188, 1223, 1253, 1333
 Subcommittee assignments—83, 92, 191, 236, 383, 415, 531, 666, 769, 833, 834, 1185

WHITEAD, WESLEY—Representative Woodbury County

Amendments filed—95, 114, 115, 493, 836, 927, 1037, 1057, 1058, 1092, 1414, 1464,
 1497, 1501, 1503, 1653, 1654, 1655
 Bills introduced—21, 107, 134, 197, 331, 343, 428, 498, 506, 553
 Committee appointments—25, 26
 Resolutions filed—667, 985, 1188, 1223, 1253, 1333
 Subcommittee assignments—92, 112, 170, 204, 210, 244, 296, 364, 544, 666

WILDERDYKE, PAUL A.—Representative Harrison-Monona-Pottawattamie counties

Amendments filed—770, 788, 1045, 1533, 1559
 Amendment offered—953
 Bills introduced—107, 302, 368, 390, 391, 392, 426, 428, 550, 577
 Committee appointments—24, 25
 Resolutions filed—193, 986, 1188
 Subcommittee assignments—122, 169, 170, 209, 210, 363, 364, 383, 467, 603, 666

WINCKLER, CINDY—Representative Scott County

Amendments filed—95, 114, 836, 926, 927, 986, 1037, 1045, 1057, 1058, 1092, 1224, 1414, 1464, 1485, 1497, 1501, 1503, 1533, 1601, 1653, 1654, 1655, 1677, 1681, 1684, 1853, 1854, 1865, 1887
Amendments offered—841, 1681, 1684
Amendments withdrawn—1510, 1854
Bills introduced—96, 97, 107, 134, 194, 197, 390, 424, 428, 453, 494, 496, 552, 553, 560
Committee appointments—2, 24, 25, 26
Explanation of vote—1113
Leave of absences—469, 1076
Presented to the House winners of the “Write Women Back Into History” essay contest—766-767
Resolutions filed—613, 667, 770, 1188, 1253, 1333
Subcommittee assignments—77, 104, 190, 336, 383, 456, 487, 545, 832, 833, 985, 1185, 1331, 1462

WISE, PHILIP—Representative Lee County

Amendments filed—85, 95, 359, 492, 701, 836, 858, 926, 1037, 1057, 1058, 1168, 1188, 1445, 1464, 1501, 1504, 1580, 1601, 1652, 1654, 1655, 1685
Amendments offered—1197, 1685
Amendments withdrawn—1445, 1504, 1658
Bills introduced—20, 22, 51, 81, 197, 218, 219, 286, 302, 332, 343, 360, 369, 393, 428, 476, 496, 505, 506, 553, 576, 577
Committee appointments—24
Resolutions filed—1188, 1223
Subcommittee assignments—244, 363, 383, 387, 467, 487, 602

ZIRKELBACH, RAY—Representative Dubuque-Jones Counties

Amendments filed—85, 95, 492, 836, 926, 927, 1016, 1037, 1057, 1058, 1092, 1150, 1464, 1497, 1501, 1533, 1601, 1653, 1654, 1655, 1853, 1927
Amendment offered—1088
Amendments withdrawn—1016, 1150, 1594, 1927
Bills introduced—52, 107, 134, 198, 304, 333, 369, 422, 428, 506, 542, 549, 552, 553, 577, 678
Committee appointments—23, 24, 69, 399
Presented to the House veterans from his district—1261
Resolutions filed—411, 667, 1168, 1188
Resolution offered—592
Subcommittee assignments—358, 363, 531